

**TOWN OF PITKIN**  
**PROCEDURE: PETITION TO VACATE STREET OR ALLEY**

- A. Definition**
- B. Petition by owners**
- C. Petition — Filing fee**
- D. Survey, vicinity map, plat map, and legal description**
- E. Staff report**
- F. Public hearing**
- G. Standard for vacation**
- H. Action by council**
- I. Vacation by ordinance/deed**

A. Definition

A street or alley “vacation” means that the public is letting go of, or “vacating,” the public interest in a property. After a street or an alley is vacated, the public no longer has a right to use the property for access.

B. Petition by owners

The town council will accept a petition to vacate a street or alley signed by owners representing two-thirds of an interest in any real property abutting upon any street or alley. The petition shall be filed with the town clerk.

C. Petition—filing fee

Every petition for the vacation of any street or alley, or any part thereof, shall be accompanied by a fee in an amount established *by resolution of the town* to defray the administrative costs incurred in processing the petition. The petitioner shall be responsible for any additional costs incurred by the town regardless of the outcome of the petition.

D. Survey, vicinity map, plat map and legal description:

Every petition shall be accompanied by:

1. A survey, containing an exact legal description of the portion of right-of-way to be vacated, prepared and sealed by a professional land surveyor licensed in the State of Colorado. *Flagging which indicates the boundaries of the street or alley shall be installed when the survey is conducted.*)
2. A vicinity map showing the general area of the proposed vacation and all pertinent land features.
3. A plat map prepared and sealed by a professional land surveyor, licensed in the state of Colorado, indicating the specific parcels abutting the proposed street or alley to be vacated;
4. The name and address of all property owners for properties that lie adjacent to the street or alley to be vacated;

E. Staff report

Upon receipt of the petition, the fee and all required documents, the town clerk shall *verify that it contains two-thirds of the required signatures*. The town clerk shall then forward the petition and

required documents to the *Zoning Board of Adjustments* for further review and recommendation. The Zoning Board of Adjustments shall consider the following criteria and make a recommendation that the town council approve, approve with conditions, or deny the application, or shall remand it to the petitioner with instructions for modification or additional information or action.

1. Will the vacation be a benefit to the public interest?
2. Will the vacation result in any parcel of land being denied direct access?
3. Does the subject street or alley or part thereof abut any body of water?
4. Will the vacation result in the alleviation of a hardship for the petitioner ?
5. Would the vacation be detrimental to future land development opportunities, traffic circulation, recreational access, emergency services, utility facilities, or other similar right-of-way purposes?

F. Public hearing

Upon receipt of the recommendation of the Zoning Board of Adjustments the town council will fix a time for hearing the proposal for vacation. The town clerk shall give written notice by mail to all petitioners at the address on the petition and all owners of property abutting the street or alley proposed to be vacated, as shown on the records of the Gunnison County assessor.

G. Standard for vacation

Petitions will be evaluated on the basis of the information provided, statutory requirements for municipalities, *agreement with the Town of Pitkin 1889 Charter*, and testimony and evidence presented through public comments. The town may retain certain rights or utility easements to the vacated area. All petition materials are public information. Processing time from determining sufficiency of signatures to consideration for approval: 90 days.

H. Action by Council

The town council shall consider the recommendations of the Zoning Board of Adjustments at a public meeting. The council shall approve, approve with conditions, or deny the proposed vacation or shall remand it to the applicant with instructions for modification or additional information or action.

I. Ordinance and quit claim deed to vacate

When the town council determines to grant a petition to vacate, or any part thereof, the area to be vacated shall be appraised at the cost of the petitioner by an appraiser licensed in the state of Colorado. *(set a minimum appraisal value? Alternatively there could be an appraisal fee in C and the town could have the appraisal done)* The town shall have authority to vacate such street or alley, or any part thereof, by ordinance. The ordinance shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, have compensated the town in a sum equal to the appraised value of the area vacated. Once the payment is processed the town shall provide abutting land owners with a quit claim deed for the vacated portions. Each abutting land owner shall be deeded that portion of the vacated right-of-way to which the owner's land is nearest in proximity.