



SUBMITTAL REQUIREMENTS: VACATION OF RIGHT-OF-WAY OR PROPERTY APPLICATION

General Explanation:

The general policy of the Town of Frisco is to prohibit the vacation or divesting of any right, title, or interest of the town in and to any land, including any roadway or easement. A vacation of property may be granted only when the Town Council finds an overriding public interest favors the vacation.

Requests are reviewed on a first come, first served basis. Staff will check the application for completeness. Once the application is considered complete, Staff will review the application, prepare a staff report and proposed ordinance, and schedule the public hearings. Vacations of roadways and access easements must be referred to the Planning Commission for a public hearing and recommendation to the Town Council. The Community Development Department may also refer the vacation of other easements to the Planning Commission.

After a public hearing, the Planning Commission may continue the matter for further information and study or forward its recommendation to approve, disapprove, or conditionally approve the application to the Town Council. The Town Council will consider the proposed vacation ordinance (two public hearings) and make a final decision to adopt or deny the ordinance. If the Town Council adopts the first reading of the vacation ordinance, the Town Manager may cause an appraisal of the subject property to be made at the expense of the applicant(s).

HOW TO APPLY FOR PERMIT:

1. **Request your [CommunityCore](#) login:** Email TOFPermits@townoffrisco.com with your name, email, phone number, and address. Community Development staff will send you an activation link that must be clicked within 5 days to set up your account. Once your account is set up, you can submit your planning application (see step 2).
2. **Submit your planning permit application through [CommunityCore](#) and upload all pertinent documents in PDF format.**

Community development staff will email you when fees are assessed.

Review the below submittal requirements for applicable plans and documents which shall be submitted online with the Vacation of Right-of-Way or Property application. Before submitting online, ensure you have all of the below information. Review Frisco Town Code, Chapter 142, Vacation of Property.

1. **General Application Information.** An application submitted by multiple applicants shall designate one person from among them to serve as the primary applicant.
 - ☐ Property Legal Description
 - ☐ Zoning District
 - ☐ Applicant Name/Address
 - ☐ Surveyor Name/Address
2. **Property Owner Consent:** If the applicant is not the owner of the property, a statement by the owner consenting to this application must be submitted.
3. **Application Fee:**
 - \$2000.00 non-refundable application fee; and
 - Development review account (DRA) for technical review with an initial deposit of:
 - \$1,500 DRA (see Section 2.3.2.D)
4. **Written Materials**
 - Accurate legal description of the roadway or easement to be vacated.
 - A survey, prepared by a surveyor or engineer licensed in the State of Colorado, showing the roadway or easement to be vacated and abutting properties.
 - Names and addresses of all record owners of property adjacent to that portion of the roadway or easement to be

vacated. If possible, all such record owners should sign the application for vacation.

- Reasons for the requested vacation demonstrating a public benefit.
 - Certification by the applicant(s) that the following statements are true:
 1. That no land adjoining any roadway to be vacated is left without an established public road connecting said land with another established public road.
 2. That the roadway or easement to be vacated is no longer necessary for present or prospective public use or convenience.
- 5. Public Notice:** The applicant shall be responsible for providing accurate mailing labels as part of the complete project application and for posting the notice of the public hearing on the subject property, and shall bear all costs incurred in connection with giving notice of the public hearing. The Community Development Department shall be responsible for writing the content of notices and mailing. Please refer to Section 2.3.5 for additional information.

DEVELOPMENT REVIEW ACCOUNT (DRA) INFORMATION

A Development Review Account (DRA) is an account established for Planning Division applications that may incur legal, engineering or other similar technical fees for review and consultation incurred by the Town.

A DRA must be established at the time an application is filed. The initial payment to set-up a DRA is not a guarantee of the final cost for legal and/or technical fees; it is only the minimum amount required to establish a DRA. The Town will notify the applicant of any deficiency in the DRA account balance as often as applicable. No plan approval will be given if the applicant does not have the minimum DRA balance, and no application shall be scheduled on an agenda or reviewed until such payment has been made.

Once costs have been incurred, there will be approximately four months from the date of the review activity for the Town records to reflect the actual costs. Descriptions of all review activities are available upon request.

After final approval of an application, including all associated conditions that may require site inspections and/or other follow-up review, or upon a request for return of DRA funds, the Town will determine the balance remaining in the account. This amount can only be calculated after all bills associated with the application are submitted to the Town. All funds in the account over the costs incurred by the Town will be returned to the applicant.