

# Public Right-of-Way Vacation Application Requirements

<b>Authority:</b>	Under the authority of the City and County of Denver (City, Denver, or CCD) Charter, Section 2.3.3 and Department of Transportation & Infrastructure (DOTI) Engineering Policy Statement <a href="#">PWEP-005.0 Street and Alley Vacations</a> dated November 15, 2006. DOTI Division of Right-of-Way Services (ROWS), Engineering & Regulatory section (ER) is the assigned City and County of Denver authority to administer and regulate the Public Right-of-Way Vacation process.
<b>Purpose:</b>	The purpose of this document is to provide guidance and procedures to applicants who request to vacate Public Right-of-Way (ROW) in the City and County of Denver. If it is determined there is no longer a need for the ROW, a ROW Vacation may be processed, and the vacated land will vest in accordance with Colorado Revised Statutes (CRS). ROW Vacations are only executed by City Council Ordinance. This document identifies the process, associated fees, guidelines, and requirements for application submittals.
<b>Document Date:</b>	January 1, 2024
<b>Application Contact:</b>	<a href="#">DOTI ROWS Engineering &amp; Regulatory</a> Webpage: <a href="http://www.denvergov.org/ROWPlanReview">www.denvergov.org/ROWPlanReview</a> Email: <a href="mailto:DOTI.ER@denvergov.org">DOTI.ER@denvergov.org</a> Phone: (720) 865-3003
<b>Application Submittal Requirements:</b>	<p>The adjacent property owner or their representative must submit the following application materials by email to <a href="mailto:DOTI.ER@denvergov.org">DOTI.ER@denvergov.org</a>.</p> <p><b>The application submittal must include the following:</b></p> <ol style="list-style-type: none"> <li>1. <b>ROW Vacation Application</b> (completed and signed)</li> <li>2. <b>ROW Vacation Submittal Checklist</b> (completed and signed)</li> <li>3. <b>Site plan</b> <ol style="list-style-type: none"> <li>a. Clearly define, label, and dimension existing ROW, ROW vacation area(s), and pending ROW dedication area(s).</li> <li>b. Label: vacation/dedication area(s) in square feet, street names, property addresses, north arrow.</li> <li>c. Color code vacation and dedication areas and provide legend.</li> <li>d. Show all existing and proposed improvements in ROW.</li> <li>e. <u>Show all existing utilities</u> in ROW and identify utility owner and utility status (e.g. to-be abandoned, to-be relocated, to remain).               <ol style="list-style-type: none"> <li>i. A utility easement will be reserved over the vacated land for any utilities remaining within the ROW vacation area.</li> </ol> </li> </ol> </li> <li>4. <b>Land description for the ROW area to be vacated</b> prepared by a Professional Land Surveyor licensed in the State of Colorado and in accordance with <a href="#">Survey Land Description Requirements</a>.</li> </ol>

City and County of Denver Department of Transportation & Infrastructure  
 Right of Way Services | Engineering & Regulatory  
 201 W. Colfax Ave, Dept. 507 | Denver, CO 80202  
[www.denvergov.org/ROWPlanReview](http://www.denvergov.org/ROWPlanReview)  
[DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org)  
 (720) 865-3003

## ROW Vacation Process:

ROW Vacation applications are processed by Engineering & Regulatory (ER) on behalf of the Executive Director of DOTI. [This process also applies to City-initiated ROW Vacations.](#)

### Typical process for review and approval:

1. Applicant submits a completed application package to [DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org).
2. ER confirms the application materials have minimum information to send out for review.
  - a. ER will contact the applicant at any point in the process if additional or missing information is required.
3. ER distributes the application package to City departments, agencies, and utility companies for review. Review period = 3 weeks. Reviewers may include, and are not limited to:
  - a. City Asset Management
  - b. City Building Department
  - c. City Office of Disability Rights
  - d. City Forester
  - e. City Office of Emergency Management
  - f. City Councilperson
  - g. City Fire Department
  - h. City Development Services Project Coordinator
  - i. City Office of Telecommunications
  - j. City Department of Parks and Recreation
  - k. City Landmark
  - l. DOTI Development Engineering Services Transportation and Wastewater
  - m. DOTI ER Transportation and Wastewater
  - n. DOTI ROW Construction Engineering
  - o. DOTI Policy and Planning
  - p. DOTI Signing and Striping
  - q. DOTI Street Maintenance
  - r. DOTI Survey
  - s. DOTI Bridges
  - t. DOTI Transportation and Mobility
  - u. DOTI Solid Waste
  - v. Denver Water
  - w. Metro Water Recovery
  - x. CenturyLink/Lumens
  - y. Xcel Energy
  - z. Regional Transportation District (RTD)
  - aa. Comcast Corporation
  - bb. CDOT
4. ER will provide the applicant an invoice for the application fees and the applicant must pay the invoice in-full via online or in-person.
5. After the review period concludes and all invoiced fees are paid, ER will compile and send a Comment Report to the applicant.
6. The applicant must work directly with reviewers to resolve all reviewer comments and review statuses of “Approved with Conditions” or “Denied”. Reviewers must change their review status to “Approved” in the City system to be considered resolved. ER does not accept “Approved” statuses via email or phone.

**ROW Vacation  
Process  
Continued:**

7. After all comments, conditions, and denials are resolved, Public Notification may be scheduled.
8. Public Notification
  - a. The public shall be notified of the Application for ROW Vacation for a period no less than 20 calendar days.
  - b. The applicant will execute Public Notification requirements in accordance with ER's instructions.
    - i. Applicant will make Public Notification signs in the quantity and in accordance with the sign specifications provided by ER.
    - ii. Applicant will post signs on the date scheduled by ER.
    - iii. Applicant will post signs in accordance with the location map provided by ER.
    - iv. Applicant will provide proof of posting to ER before noon on the day of posting.
    - v. The 20-day Public Notification period commences on the day signs are posted.
    - vi. ER will mail Public Notification letters to property owners and Registered Neighborhood Associations (RNOs) within a 200-foot radius of the vacation area on the day of posting.
    - vii. Public Notification signs and letters will inform the public that the City is receiving comments on the subject ROW vacation application and how the public can submit comments to ER.
      1. For an alley ROW vacation, DOTI solid waste may require trash/recycle/compost pick-up to be relocated from the alley to the street. This will also be communicated with impacted property owners and RNOs.
    - viii. Failure to meet Public Notifications requirements will delay the Public Notification process and may require new Public Notification.
  - c. ER will send all public comments received to the applicant at the conclusion of the Public Notification period.
  - d. The applicant must address all public comments in writing to the satisfaction of DOTI.
9. ER will consider all reviewer comments, public comments, applicant comment response, how comments can or should be addressed, and any other relevant impacts to affected areas.
  - a. ER will determine if improvements, ROW dedication, or changes to proposed ROW vacation area are necessary to address impacts resulting from the proposed vacation, of which may require separate application and/or review.
  - b. Improvements are subject to all DOTI construction and permitting requirements.
  - c. The applicant may be required to replace, install, or remove traffic control devices, such as signage, in accordance with DOTI standards and Manual of Uniform Traffic Control Devices (MUTCD) to indicate changes to ROW because of the vacation.

**ROW Vacation Process Continued:**

10. ER will determine when all reviewer comments, public comments, related impacts, required ROW dedications, and required improvements are addressed to the satisfactory of DOTI and whether the application may proceed to City Council process.
  - a. If determined the application may not proceed, ER will notify the applicant the application is denied and cannot proceed as submitted.
  - b. ROW vacations dependent on ROW dedications may not proceed to City Council action until after ROW dedication is complete.
11. If determined the application may proceed, ER will provide the applicant an invoice for Ordinance fees and the applicant must pay the invoice in-full via online or in-person to continue the process.
12. ER will prepare the Ordinance Request for ROW vacation in accordance with the application and submit to City Council process for City Council action.
13. ER will update the applicant on project status with estimated schedule.
14. ER will update the applicant of final action taken by City Council and provide a copy of applicable documentation for the applicant's records. This will conclude the City's ROW Vacation process. Colorado Revised Statutes continue to apply.

**Easement Reservation:**

**A utility easement will be reserved, and the following easement language will be inserted into the ROW Vacation Ordinance, for existing utilities remaining within the vacated land.** The easement language is not subject to modifications.

**Standard Easement Language:**

*A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, without limitation, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire Easement Area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the Easement Area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver. The property owner shall be liable for all damages to such utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not be liable for any damage to property owner's property due to use of this reserved easement.*

If the applicant does not want a utility easement reserved with the ROW Vacation Ordinance, the applicant must relocate, abandon, or remove the utilities within the ROW vacation area prior to the review period to ensure utility owners do not require an easement.

If an easement is reserved in the ROW Vacation Ordinance and the property owner later relocates, abandons, or removes the utilities within the easement, the property owner can apply for an Easement Relinquishment later.

<p><b>After the City's ROW Vacation Ordinance Passes:</b></p>	<p>After the ROW Vacation Ordinance is passed by City Council and filed with the Clerk and Recorder:</p> <ul style="list-style-type: none"> <li>• The ROW vacation is in effect and <b>the land is no longer Public Right-of-Way.</b></li> <li>• Title to the vacated land vests pursuant to CRS Section 43-2-300 et seq.</li> <li>• The City cannot direct who gets the title to or deed the vacated land.</li> <li>• The ROW Vacation Ordinance is automatically recorded in the Denver County Real Property Records.</li> <li>• If you are an adjacent property owner, contact your title company for further assistance with the title.</li> </ul>
<p><b>Application Fees:</b></p>	<p>ROW Vacation Application Fees are subject to change by authority of the Executive Director of DOTI.</p> <p><b>ROW Vacation Application Fees:</b></p> <ul style="list-style-type: none"> <li>\$1,000.00 Initial Processing Fee per ROW Vacation Application</li> <li>\$500.00 Survey Land Description Review Fee</li> <li>\$300.00 Ordinance Fee</li> </ul> <p><b>All paid fees are non-refundable.</b> The Initial Processing and Survey Land Description Review Fees must be paid prior to release of the comment report. The Ordinance Fee must be paid prior to preparing and submitting the Ordinance Request to City Council.</p> <p><b>Payment Methods:</b> Do not pay fees without an invoice. Prior to making a payment, ER must login the application and email an invoice to the applicant. Paid fees are not refundable.</p> <p><b>Online via E-Permits:</b> Submit payments online at <a href="https://www.denvergov.org/AccelaCitizenAccess/Login.aspx">https://www.denvergov.org/AccelaCitizenAccess/Login.aspx</a>. You must first set-up account prior to submitting payment.</p> <p><b>In-person:</b> To submit payments in-person, visit the Wellington Webb Building at 201 W. Colfax Ave., 2nd Floor Cashier, Denver, CO 80202 during business hours. Phone: 720-865-2780</p> <p>Accepted Payment Methods: Cash, Check, Money Order, Discover, Master Card, and Visa <b>Make Checks or Money Orders payable to: Manager of Finance</b></p>