

**WELD COUNTY
CODE ORDINANCE 2021-11**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 8
PUBLIC WORKS, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
WELD, STATE OF COLORADO:**

WHEREAS, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

WHEREAS, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Weld, State of Colorado, that Chapter 8 of the Weld County Code be, and hereby is, repealed and re-enacted, with amendments, to read as follows.

CHAPTER 8

PUBLIC WORKS

ARTICLE XVI - Vacation of Road Right-of-Way by Board of County Commissioners

Amend Sec. 8-16-20. Vacation procedures.

The Board of County Commissioners may vacate a public road right-of-way by Resolution, if the Board determines it to be in the County's best interest, or upon application of an interested landowner submitted to the Department of Public Works; however, if the proposed vacation of public road right-of-way is within a historic townsite or subdivision, an application shall be submitted to the Department of Planning Services for a Resubdivision, pursuant to Chapter 24, Article IX, of the Weld County Code.

Amend Sec. 8-16-30. Vacations of public road rights-of-way not within historic townsites or subdivisions.

- A. Complete petitions for vacation of public road rights-of-way not within historic townsites or subdivisions accepted by the Department of Public Works shall include:
1. A complete Petition Application signed by the petitioner with an accurate legal description of the right-of-way requested to be vacated.



2. If an authorized agent is representing the petitioner, an Authorized Agent Form must be submitted with the application.
 3. Affidavit of Interest Owners Form has been completed and signed by petitioner, authorized agent, and all interested property owners (if applicable).
 4. A list of all adjacent property owners within 500 feet or landowners who are not directly adjacent, but may be affected due to usage of the right-of-way.
 5. Provide evidence of existing utility information.
- B. Within two (2) weeks of receiving completed petition, the Department of Public Works, in collaboration with the Clerk to the Board's Office, will send referral requests to the Department of Planning Services, Department of Public Health and Environment, Sheriff's Office, the fire district, the ambulance service, emergency responders, neighboring municipalities, and utility companies. The respective departments and agencies have a minimum of three (3) weeks to review the petition and submit comments.
- C. Within six (6) weeks of the petition being received, and at least ten (10) days prior to the meeting at which the Board of County Commissioners is to consider vacating any public road right-of-way, the Clerk to the Board shall mail notice of the meeting to all persons owning land adjacent to the roadway to be vacated, including any landowner who the Department of Public Works reasonably determines may use the right-of-way proposed to be vacated to access their property. This notice shall not be required if the public road right-of-way has not been used as a roadway for at least twenty-one (21) years or since it was established. Inadvertent errors by the Department of Public Works in determining who should receive such notice, or by the Clerk to the Board's Office in sending such notice, shall not create a jurisdictional defect in the process, even if such error results in the failure of a property owner to receive such notification.
- D. The Resolution vacating the public road right-of-way shall be recorded with the County Clerk and Recorder.
- E. Upon vacation of the public road right-of-way, title to the land shall vest in the adjacent landowners pursuant to the provisions of C.R.S. § 43-2-302.

Amend Sec. 8-16-40. Requirements.


- A. Petitioner shall pay an application fee, pursuant to Article VII, Permits and Fees – Appendix 5-M Department of Public Works Permit Application Fees.
- B. The Board of County Commissioners may approve or deny any request to vacate public road right-of-way as it determines to be in the best interests of the County. The Board may consider any information or evidence it determines appropriate, including, but not limited to, the following, to be provided by the Department of Public Works:
1. Existing and future access, and
 2. Whether the right-of-way is a maintained or non-maintained public road, and
 3. What the road classification is as identified on the County's current Functional Classification Map, and



4. Whether there is enough information to determine if the public needs this right-of-way in the future for items such as utility easements, etc. A title commitment or land survey plat may be required.
- C. No public road right-of-way that borders another county or the boundaries of an incorporated municipality may be vacated without the Resolution of the Board of County Commissioners and the consent of the governing body of the other county or municipality.
- D. No public road right-of-way may be vacated if any adjoining property would be without access (landlocked) by either public road or private easement.
- E. The Resolution vacating the public road right-of-way shall reserve rights-of-way or easements for existing sewer, gas, water or similar appurtenances, for ditches or canals and appurtenances and for electric, telephone and similar lines and appurtenances.

BE IT FURTHER ORDAINED by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

BE IT FURTHER ORDAINED by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

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07/12/2021 11:00 AM R Fee:\$0.00
Carly Koppes, Clerk and Recorder, Weld County, CO


The above and foregoing Ordinance Number 2021-11 was, on motion duly made and seconded, adopted by the following vote on the 7th day of July, A.D., 2021.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: Esther G. Leisick

Weld County Clerk to the Board

Steve Moreno
Steve Moreno, Chair

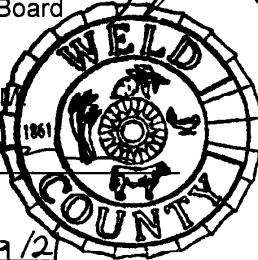
BY: Marion N. Ulin
Deputy Clerk to the Board

Scott K. James, Pro-Tem

Perry L. Buck
Perry L. Buck

APPROVED AS TO FORM

[Signature]
County Attorney



Mike Freeman
Mike Freeman

Lori Saine
Lori Saine

Date of signature: 07/09/21

First Reading: May 26, 2021
Publication: May 30, 2021, in the Greeley Tribune

Second Reading: June 14, 2021
Publication: June 20, 2021, in the Greeley Tribune

Final Reading: July 7, 2021
Publication: July 11, 2021, in the Greeley Tribune

Effective: July 16, 2021

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Carly Koppes, Clerk and Recorder, Weld County, CO