

**WELD COUNTY
CODE ORDINANCE 2022-09**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2
ADMINISTRATION, AND CHAPTER 24 SUBDIVISIONS, 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Commissioners of the County of Weld, State of Colorado, that Chapter 24 of the Weld County Code be, and hereby is, repealed and re-enacted, with amendments, to read as follows.

**CHAPTER 2
ADMINISTRATION**

Amend Sec. 2-1-30. Consent agenda.

A. through E. – No change.

F. Pursuant to Section 24-11-50, if a request for a complete or partial vacation of a Recorded Exemption or Subdivision Exemption is listed on the Consent Agenda, the Chair shall ask those present in the Board's meeting room if there is anyone who desires to speak in opposition to the vacation request. The Board shall remove the vacation request from the Consent Agenda, if a person present expresses such a desire, and place the vacation request on the Board's Regular Agenda for consideration.

**CHAPTER 24
SUBDIVISIONS**

Repeal and Re-enact Sec. 24-11-50. Complete or partial vacation of recorded exemption or subdivision exemption, in its entirety, to read as follows:

A. A *lot* or *lots* may be removed from an exemption plat, or an exemption plat may be completely vacated, in accordance with this Section 24-11-50.

PAGE 1

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Carly Koppes, Clerk and Recorder, Weld County, CO



CC:CTB(EG/CH),CA(ALL),
FI(RR/CP/Jo),ACT(CD),
PL(TP/MN)
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- B. A complete or partial vacation of an exemption plat results in one (1) *lot* with a metes and bounds or *aliquot* legal description. No internal *lot* lines shall be shown on the vacation plat.
- C. Complete vacations shall include all *lots* created by the same exemption plat, excluding any *lot(s)* further subdivided by subsequent plat.
- D. A partial vacation may remove any *lot* of at least thirty-five (35) acres from an exemption plat. No *lot* smaller than thirty-five (35) acres shall be included in a partial vacation.
- E. *Lots* created by a plat approved by the County pursuant to Article X of this Chapter 24, Lot Line Adjustments, may be eligible for vacation if they were originally created by exemption plat.
- F. The vacation shall not be approved if it would cause any property to be left without access to a public road *right-of-way* as a result of the vacation.
- G. In the event any *easement* is to be vacated by the vacation, the *Planner* may require the *applicant* to provide evidence that the interests of the *easement* beneficiaries are protected. Such evidence may include, but is not limited to, signed and notarized consent of all beneficiaries of the *easement* to be vacated. Existing easements are not affected by a complete or partial vacation of an exemption plat except as indicated on the vacation plat. Any easement created by dedication on the original exemption plat and not vacated shall be rededicated on the exemption vacation plat in the signed Property Owner's Certificate. Road rights-of-way are not affected by a complete or partial vacation of an exemption plat.
- H. Submittal requirements. The *applicant* shall submit the following items electronically to the Department of Planning Services:
 - 1. Application form.
 - 2. Authorization form, if applicable.
 - 3. Articles of organization or incorporation documents if the owner is a corporate entity, and a statement/delegation of authority for the person authorized to sign on the corporation's behalf, or trustee documents if the owner is a trust.
 - 4. Deed identifying the surface estate ownership in the property.
 - 5. A County Treasurer statement from the current tax year showing no delinquent property taxes for the subject property.
 - 6. A draft exemption vacation plat meeting the following requirements:
 - a. The *Planner* shall provide the *applicant* or their surveyor the title to include on the vacation plat.



- b. The vacation plat shall be prepared by a registered professional land surveyor in the State of Colorado and contain a complete and accurate metes and bounds or *aliquot* legal description of the *lot(s)* to be vacated.
 - c. The vacated *lot(s)* shall be labeled, "VACATED ON [DATE] BY RESOLUTION [#] OF THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY".
 - d. In the case of a partial vacation, non-vacated *lots* shall be labeled "NOT A PART" along with their legal description.
 - e. The vacation plat shall include the certificates found in Appendix 24-G of the Weld County Code.
 - f. The scale of the vacation plat shall be one (1) inch equals one hundred (100) feet (1" = 100') or at other suitable scale when approved by the Department of Planning Services.
 - g. Existing easements not vacated shall be shown and labeled with recording information of the creating document. An easement created by dedication on the original exemption plat and not vacated shall be rededicated on the vacation plat in the signed Property Owner's Certificate.
 - h. The plat shall include the recording information for the original exemption plat.
- 7. Any other item(s) deemed necessary by the Department of Planning Services.
 - 8. Application fee.
- I. Process.
 - 1. Once the *Planner* has determined the application is complete and in compliance with this Section 24-11-50, the Clerk to the Board shall draft a Board Resolution approving the vacation and place the resolution on the Board's Consent Agenda in accordance with Section 2-1-30 of this Code. For partial vacations, the Clerk to the Board shall notify, via certified mail, the owner of any *lot* that is a part of the original exemption plat but not included in the vacation. Such notice shall state that the item will be on the Consent Agenda and no public testimony shall be heard unless it is removed from the Consent Agenda and placed on the regular agenda by action of the Board.
 - 2. If the application is determined to be not in compliance with this Section 24-11-50 and the *applicant* has not corrected the deficiencies within sixty (60) days of being notified of the deficiencies by the *Planner*, the Clerk to the Board shall draft a Board resolution denying the vacation and request that the resolution be placed on the Board's regular agenda. The *Planner* shall notify the *applicant* at least ten (10) days prior to the hearing.

3. Upon approval, the *applicant* shall submit a plat for recording, along with any other documentation required as conditions of approval, the recording fee, and a draft deed conveying the vacated property to the *applicant*. Such deed shall contain the metes and bounds or *aliquot* legal description from the plat. The plat shall be delineated in nonfading permanent black ink on Mylar measuring thirty-six (36) inches wide by twenty-four (24) inches high with original signatures and seals in permanent black ink. The plat shall be prepared, signed, and stamped by a registered professional land surveyor in the State of Colorado and signed by all owners of *lots* to be vacated. Upon completion of all conditions of approval, the plat shall be recorded in the office of the County Clerk and Recorder by the Department of Planning Services. The plat shall be recorded within ninety (90) days from the date of the Resolution, or the Planner shall schedule a public hearing before the Board of County Commissioners and request the applicant to appear and present evidence substantiating that the application has not been abandoned and that the *applicant* possesses the willingness and ability to record the plat. The Board may extend the date for recording the plat, or revoke the approval and deny the application. The vacation is not effective until the vacation plat has been recorded in the office of the County Clerk and Recorder by the Department of Planning Services.

AMEND APPENDIX 24-G - ATTACHED.

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.

The above and foregoing Ordinance Number 2022-09 was, on motion duly made and seconded, adopted by the following vote on the 12th day of December, A.D., 2022.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: Eather G. Leisick

Weld County Clerk to the Board

Scott K. James

Scott K. James, Chair

Mike Freeman

Mike Freeman, Pro-Tem

BY: Marvin N. King Jr.
Deputy Clerk to the Board

Perry L. Buck
Perry L. Buck

APPROVED AS TO FORM

Steve Moreno
County Attorney

Steve Moreno
Steve Moreno

Lori Saine
Lori Saine

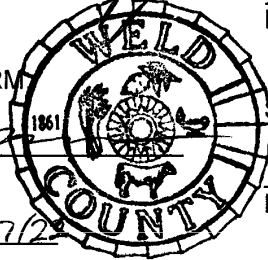
Date of signature: 12/27/22

First Reading: November 7, 2022
Publication: November 12, 2022, in the Greeley Tribune

Second Reading: November 23, 2022
Publication: November 30, 2022, in the Greeley Tribune

Final Reading: December 12, 2022
Publication: December 16, 2022, in the Greeley Tribune

Effective: December 21, 2022



APPENDIX 24-G Vacation Plat Certificates

A. PROPERTY OWNER'S CERTIFICATE:

I (We), the undersigned, being the sole owner(s) in fee of the property described and shown hereon, by and through the vacation action taken by the Board of County Commissioners of Weld County to now be recognized as an unplatted tract of land, do hereby acknowledge and understand that any existing easements are not affected by the vacation unless indicated as "vacated by this plat" hereon. Any easement created by the original land division plat that is now shown as vacated on the accompanying map hereon is hereby rededicated as shown hereon. Road rights-of-way are not affected by this vacation.

(Signature)
Typed or printed name

(Signature)
Typed or printed name

(All signatures must be notarized in accordance with the Revised Uniform Law on Notarial Acts, C.R.S. §24-21-501 et seq.)

B. BOARD OF COUNTY COMMISSIONERS CERTIFICATE OF APPROVAL:

This vacation plat is approved by the Board of County Commissioners of Weld County, State of Colorado. Witness my hand and the corporate seal of Weld County this _____ day of _____, 20____.

CHAIR, BOARD OF COUNTY COMMISSIONERS

ATTEST: _____
Weld County Clerk to the Board

By: _____
Deputy Clerk to the Board Date

Add C. SURVEYOR'S CERTIFICATE:

I, _____, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by the plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat comply with all applicable rules, regulations, and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

By: _____
Date Registered Land Surveyor