

## Section VIII – Plats/Easements/Right-of-Way

### **Plat/Amended Plat**

Subdivision platting is the process of creating legally described lots that can then be sold to separate property owners. See Plat Procedures and Administration ([Chapter 16.04](#)). The final product resulting from this process is a subdivision “plat”, which is signed by all owners and mortgagees, the Town official, and then recorded at the Douglas County Clerk and Recorder’s office. Lots cannot be conveyed to another party until the plat is recorded. Please contact the Development Services Department for platting, easement, and right of way vacation applications.

A site is eligible for platting if it has an approved Planned Development Plan or Preliminary Planned Development (which are recognized as being equivalent). For properties zoned for commercial, industrial and mixed-use development, subdivision platting can either occur prior to or after a Site Development Plan for either an individual lot or assemblage of lots is approved. Properties zoned for residential development must have an approved Site Development Plan prior to subdivision platting.

A subdivision plat depicts the boundary of a subdivision through legal description and reference to the Section, Township and Range. The plat shows configuration of blocks, lots, streets and tracts; the plat also dedicates public right-of-way, easements and land dedications. (*Note: Amendments to a previously approved Preliminary Plat are processed as a [Site Development Plan Amendment](#).*) The plat or amended plat are reviewed and approved administratively. Signed mylars are recorded at the Douglas County Clerk and Recorder’s office and lots are then reflected in the County Assessor’s records.

A plat or amended plat may be required to be accompanied by an Improvement Agreement to guarantee the completion of public infrastructure improvements ([Section 15.50.030](#)). An Improvement Agreement is a legally binding contract between the land owner(s) and the Town which generally establishes the land owner’s commitments to provide public improvements for the plat (see [Improvement Agreement template](#)). The Improvement Agreement is recorded at the Douglas County Clerk and Recorder’s office and the requirements of the Improvement Agreement pass to any subsequent land owners.

#### Submittal Requirements for Plat/Amended Plat:

- [Application](#) and fee (see [Development Services Fee Schedule](#))
- Title commitment, current within 180 days
- Plat
- Closure calculations for plat
- A Letter of Map Revision (LOMR) application for any proposed modifications to the FEMA-designated one-hundred-year floodplain.
- Construction plans and cost estimate for all public improvements, including plan review fees (See [Construction Documents](#))
- Updated Traffic Impact Analysis (unnecessary if analysis was submitted/approved previously with site plan)
- Phase III Drainage Report (with Construction Document submittal)
- Final Utility Report (with Construction Document submittal)
- Applicant suggested Subdivision Improvement Agreement (SIA) provisions (if applicable)

#### Review Process for Plat:

1. Applicant submits plat application and fees
2. Town sends out external referrals to appropriate jurisdictions, districts, agencies, and utilities
3. Staff reviews submittal documents and the Development Agreement for the property (if applicable) and issues comments and redlines, including any external comments that may be received. Staff also issues a draft of the Improvement Agreement for the applicant to review.
4. Applicant revises and resubmits (typically one or two times)
5. Staff issues approval or denial. *(Note: Staff denials may be appealed to Town Council)*
6. If the Plat is approved, then mylars can be prepared, signed and submitted to the Town for recording, along with recording fee check.
7. Applicant submits signed Improvement Agreement (and any payments that may be due with the recording of the plat, either by Improvement Agreement or Development Agreement obligations) along with recording fees.

#### Recording

8. Town records Plat, SIA, and water rights deed (if applicable) at the Douglas County Clerk and Recorder.
9. Following plat recordation, the site is eligible for Site Development Plan. If the Site Development Plan is already approved, the applicant can proceed with Construction/GESC Drawings, Construction/GESC Permits and Building Permits.
10. Plats must be recorded within 180 days of staff approval, unless a one-time extension is applied for and approved.

#### **Addressing**

Proposed street names and addresses must be submitted to Development Services for review and approval. Street names and address must comply with the Town of Castle Rock-Policy for Street Naming and Property Addressing as well as the Douglas County Addressing and Street Naming Manual. The Town will refer the proposed addressing scheme to the Town and County GIS Divisions, as well as Emergency Service providers for input during the review process. Final street and address assignments will be made at the time of plat recordation.

#### **Plat Modification**

Plat modification means the consolidation of two or more lots for purposes of creating a single development lot, where all individual lots are held in common ownership; a minor adjustment or elimination of a lot line; or changes due to minor errors or omissions. A plat modification is processed administratively by staff and generally does not require an Improvement Agreement, Construction Drawings, or technical reports.

#### Submittal Requirements for Plat Modifications:

- Application and fee (see Development Services Fee Schedule)
- Ownership and Encumbrance Report, current within 180 days
- Plat Modification Form

#### Review Process for Plat:

1. Applicant submits plat modification application and fees

2. Town sends out external referrals to appropriate jurisdictions, districts, agencies, and utilities (when applicable)
3. Staff reviews and issues approval or denial. *(Note: Staff denials may be appealed to Town Council.)*
4. If the plat modification is approved, then plat modification form can be prepared, signed and submitted to the Town for recording, along with recording fee check.

Recording:

5. Town records plat modification at the Douglas County Clerk and Recorder.

### **Easement Abandonment/Reconfiguration**

Easement abandonments and reconfigurations where improvements have been constructed must be approved by Town Council in a public hearing. All other easement abandonments and reconfigurations previously accepted by the Town by plat dedication or separate instrument may be approved administratively by Town staff, and the intent to abandon such property interests may be designated on the face of the subdivision plat or replat.

Submittal Requirements for Easement Abandonment / Reconfiguration:

- o Application and fee (see Development Services Fee Schedule)
- o Legal description and exhibit for requested easement abandonment or plat.

Review Process for Easement Abandonment/Reconfiguration:

1. Applicant submits easement abandonment application, fee, legal description, and exhibit.
2. Town sends out external referrals to appropriate jurisdictions, districts, agencies, and utilities (when applicable).
3. Staff reviews submittal package documents and issues response comments and redlines.
4. Applicant revises and resubmits.
5. Administrative review and approval; denials may be appealed to Town Council.

Additional steps for Town Council approval of easement abandonments:

6. Town Council reviews the requested abandonment in a public hearing and after two readings, either approves or denies the request.

Recording:

7. Recordation of replat and/or quitclaim deed. Applicant pays recording fees.

### **Right of Way Vacation**

Requests to vacate public right-of-way must demonstrate that adjoining properties have an alternative means of ingress and egress and that public and private utilities and/or appurtenances located within the right-of-way to be vacated, shall retain easements for their continued use.

Only the Town Council is authorized to vacate dedicated streets and other public right-of-ways that have been improved and opened for public use. Such requests must be approved by ordinance, which requires two readings. All other right-of-way vacations previously accepted by the Town by plat dedication or separate instrument may be approved administratively by Town staff, and the intent to abandon such property interests may be designated on the face of the subdivision plat or replat.

Submittal Requirements for Right-of Way-Vacation:

- Application and fee (see Development Services Fee Schedule)
- Legal description and exhibit prepared by a Registered Land Surveyor for requested right-of-way vacation

Review Process for Right-of-Way Vacations:

1. Applicant submits right-of-way application, fee, and legal description/exhibit.
2. Town sends out external referrals to appropriate jurisdictions, districts, agencies and utilities (when applicable).
3. Staff reviews submittal documents and issues response comments and redlines.
4. Applicant revises and resubmits.
5. Administrative review and approval; denials may be appealed to Town Council.

Additional steps for Town Council approval of right-of-way vacations:

6. Town Council reviews the requested vacation in public hearings and on second reading, either approves or denies right-of way vacation.

Recording:

7. Recordation of replat and/or right-of-way vacation ordinance. Applicant pays recording fees.

**Right-of-Way Encroachment**

Submittal Requirements for a Right-of-Way Encroachment:

- Application and fee (see Development Services Fee Schedule)
- Diagram showing encroachment.
- Proof of liability insurance naming the “Town of Castle Rock” as an additional insured party.

Review Process for Right of Way Encroachment:

1. Staff review and approval.