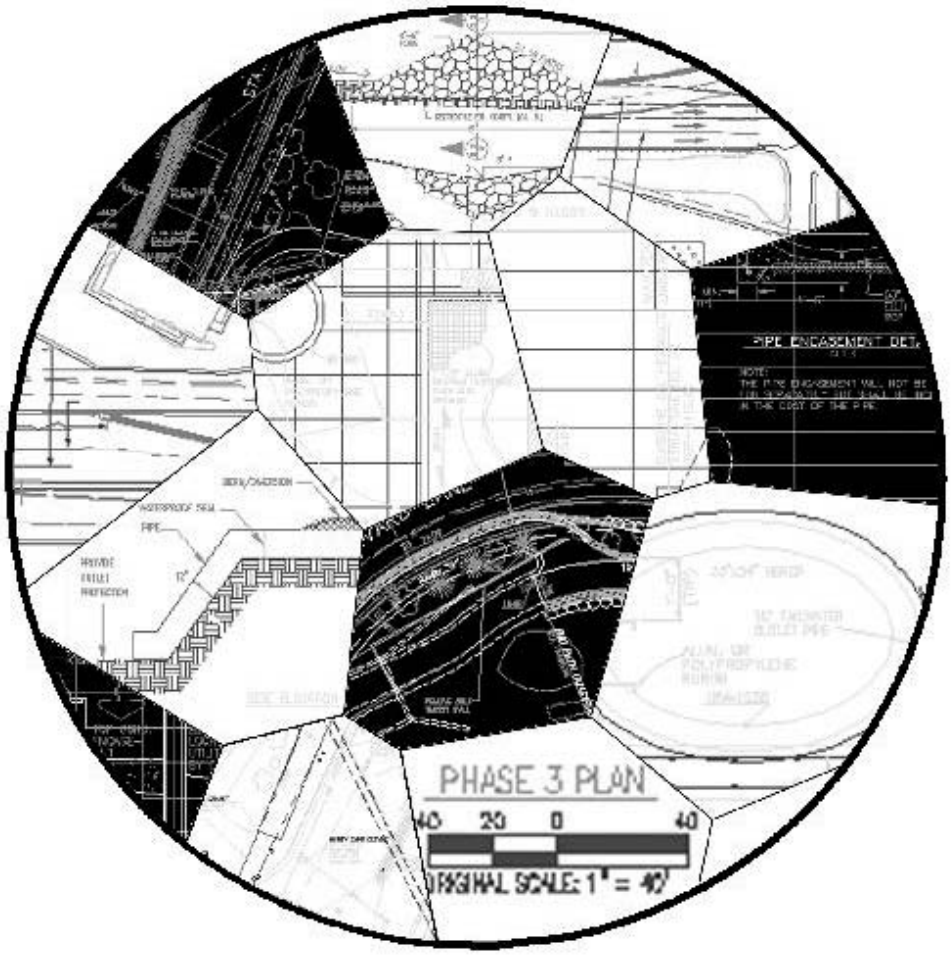
RIGHT-OF-WAY AND EASEMENT DEDICATIONS

Attachment to
Technical Document Review Application Form



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RIGHT-OF-WAY AND EASEMENT DEDICATIONS

Right-of-Way

Dedication of right-of-way may be required where existing, proposed or planned public improvements impact a property. Right-of-way is dedicated to the city by deed and becomes the property of the city. The purpose of public right-of-way is as follows:

1. To ensure public access to all lots and parcels of land for the provision of fire, police and emergency services, mail delivery, garbage collection and recycling services, and public and quasi-public utility services.

2. To promote and create an interconnected city through acquisition of right-of-way that allows for transportation systems that provide the integrated and multi-modal movement of all modes of transportation including, but without limitation to, pedestrians, bicycles and motor vehicles.

3. To create an interconnected transportation system that will enhance safe, convenient and efficient movement of all modes of transportation.

4. To provide for the installation or placement of utility services including, but without limitation to, water, sewer, electricity, gas, drainage, telephone and cable television services for properties abutting city streets and alleys.

Easements

In some cases, the city does not require fee ownership of an area containing public improvements and an easement may be granted in lieu of right-of-way dedication. An easement provides the grantor and grantee with certain rights and privileges, which vary depending on the specific dedication language. Each easement is unique, and by signing it, the applicant is agreeing to the terms included therein. In general, easements accomplish the following:

1. The city and/or the public are given the right to access a piece of property for the purposes described in the dedication language. Easements generally give the city the right to construct or maintain improvements within the easement area and may give the general public access rights.

2. Property owners are not permitted to locate any permanent structures within the easement. The property owner is also not permitted to modify or obstruct the easement area in a manner contrary to the intent of the easement. If the easement is for subsurface utility purposes, the owner typically retains maintenance responsibility for surface improvements.

Right-of-Way / Easement Dedication Application Requirements

[ ] 2 copies of a **legal description** of the property

[ ] 4 copies of a **legal description of the right-of-way or easement dedication area** prepared and stamped by a licensed surveyor. Label the easement description with a header “Exhibit A” and include a subheading that says "Page 1 of X".

[ ] 4 copies of an 8½” x 11" scaled exhibit map, prepared and stamped by a licensed surveyor, that shows the subject property and the right-of-way or easement area to be dedicated. Label the map with a header “Exhibit A” and include a subheading that says "Page X of X".

[ ] 2 copies of a **current title insurance commitment** dated within **30** days or an attorney memorandum based on an abstract of a title commitment.

[ ] **Proof of authorization** to bind the property owner and/or applicant in a legal agreement, including, where applicable, articles of incorporation, partnership agreements**,** operating agreements**,** unanimous consent of authorization, power of attorney, and/ or statement of authority etc.

[ ] For right-of-way dedications, the applicant is responsible for payment of **property taxes** for the portion of the year prior to the conveyance. Property taxes should be paid directly to Boulder County.