

CHAPTER 17 Subdivision Regulations

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CHAPTER 17 Subdivision Regulations¹

ARTICLE I General Provisions

Sec. 17-1-10. Title.

Title 17 of the Blue River Municipal Code shall be referred to as the "Town of Blue River Subdivision Regulations" or "Subdivision Regulations."

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

¹Editor's note(s)—Ord. No. 2020-01, § 1(Att.), adopted May 19, 2020, repealed Ch. 17, §§ 17-1-10—17-1-60 and 17-2-10—17-2-200, and enacted a new Ch. 17, as set out herein. The former chapter pertained to similar subject matter and derived from Ord. No. 15-04, § 1, adopted March 17, 2015; and Ord. No. 19-01, §§ 1, 4, adopted June 18, 2019.

Sec. 17-1-20. Authority.

The Town of Blue River Subdivision Regulations are enacted in accordance with the authority conferred by Articles 16 and 23 of Title 31, Article 20 of Title 29, and Article 67 of Title 24, C.R.S., as amended.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-30. Purpose.

- (a) Intent and goals. These regulations are generally intended to:
 - (1) Protect the environment;
 - (2) To ensure efficient traffic circulation, adequate improvements, sufficient open space and to assist the orderly, efficient and integrated development of the Town;
 - (3) Provide for the proper arrangement of streets and ensure proper distribution of population;
 - (4) Coordinate the need for public services with governmental improvements and programs;
 - (5) Ensure adequate and convenient utilities, emergency access, drainage, recreation and light and air;
 - (6) Safeguard the interests of the public and subdivider and provide consumer protection for the purchaser; and to
 - (7) Regulate other matters as the Town may deem necessary in order to protect the best interests of the public.
- (b) Special character considered. These subdivision regulations were prepared with reasonable consideration, among other things, of the largely residential and environmentally sensitive characteristics of the Town and with a regard for the preservation of these characteristics when authorizing and permitting the subdivision and use of property.
- (c) Specific purposes. These regulations are further intended to serve the following specific purposes:
 - (1) To inform each subdivider of the standards and criteria by which development proposals will be evaluated, and to provide information as to the type and extent of improvements required.
 - (2) To provide for the subdivision of property in the future without conflict with development on adjacent land.
 - (3) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements on the land.
 - (4) To ensure that subdivision of property is in compliance with the Town's zoning ordinances, to achieve a harmonious, convenient, workable relationship among land uses, consistent with town development objectives.
 - (5) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities and generally to provide that public facilities will have sufficient capacity to serve the proposed subdivision.
 - (6) To provide for accurate legal descriptions of newly subdivided land and to establish reasonable and desirable construction design standards and procedures.
 - (7) To prevent the pollution of air, streams and ponds, to assure adequacy of drainage facilities, to safeguard the water table and to encourage the wise use and management of natural resources

throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-30.1. Temporary suspension of subdivisions that create new lots.

- (a) Temporary suspension of subdivision that create new lot(s). Upon the effective date of these subdivision regulations and until the date of any future repeal of this Section 17-1-30-1, no previously subdivided tract, parcel, or lot (see definition of "subdivision" at Section 17-1-50) that is described in any form of plat or map recorded and effective with the Summit County Clerk and Recorder's Office may be further subdivided to create a new lot or new lots notwithstanding any provision of this Chapter 17 or any declared minimum lot size for any zone district recognized by Chapter 16. The Town Manager shall decline to accept applications for subdivision that propose to create a new lot or lots.
- (b) Limited exemption. Applications for new subdivision deemed complete and submitted to the Town on or prior to April 15, 2020, shall be exempt from the temporary suspension of subdivisions provided by subsection (a) above. It is the intent of this limited exemption to recognize that one (1) or more applicants were informed prior to April 15, 2020, that applications would be accepted and processed under both the then-existing and any new subdivision regulations and such applicants relied on such information in the preparation of applications. Applicants entitled to an exemption may choose to process their completed application in accordance with the subdivision regulations approved by Ordinance 15-04 or in accordance with these subdivision regulations.
- (c) Other subdivision applications accepted. Lawfully recognized tracts, parcels, and lots described in a plat or map recorded and effective with the Summit County Clerk and Recorder's Office may be amended or consolidated (see Article V), and the subdivision vacated or corrected (see Articles VI and IX) provided that such amendment, consolidation, vacation, or correction does not increase the number of tracts, parcels, or lots within the subdivision.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-40. Applicability, exemptions, limitations, and repeal.

- (a) Applicability. These regulations are applicable to the following described property:
 - (1) Property located within the legal boundaries of the Town of Blue River;
 - (2) Property proposed for annexation to the Town of Blue River except to the extent specifically provided by any annexation agreement enacted by ordinance; and
 - (3) Property located outside of the legal boundaries of the Town of Blue River and described in a Town-adopted intergovernmental agreement that requires application of these subdivision regulations to the subdivision of property.
- (b) Exemptions. These subdivision regulations shall not apply to the following:
 - (1) A division of land to heirs through an estate proceeding conducted in accordance with law provided that any resulting division of the property shall be subject to minimum lot size and other limitations imposed by Chapter 16 which may render all or a portion of the divided property undevelopable;
 - (2) A division of land by virtue of the foreclosure of a deed of trust in accordance with law provided that any resulting division of the property shall be subject to minimum lot size and other limitations imposed by Chapter 16 which may render all or a portion of the divided property undevelopable;

- (3) The division of land which creates an interest or interests in oil, gas or minerals which are presently or hereafter severed from the surface ownership of real property.
 - (4) Any property owned by or leased to the Town of Blue River where the Town is an applicant for subdivision approval, unless the Board of Trustees voluntarily elects to subdivide the property in accordance with all or any portion of this Chapter; and
 - (5) A division of land solely for purposes of enabling right-of-way dedication or the creation of a public trail to be owned or controlled by the Town.
- (c) Limitations. This Chapter is not intended to modify, abrogate, amend or annul the following:
- (1) Any currently valid subdivision approvals or permits related to the use of land issued by the Town of Blue River prior to the effective date of these subdivision regulations;
 - (2) Any currently valid subdivision approvals or permits related to the use of land issued by Summit County while the property was subject to the County's subdivision jurisdiction;
 - (3) Any lawfully created easement;
 - (4) Any rights granted to an owner or person by a privately imposed covenant, condition, or restriction on the use of property; or
 - (5) Any vested property right lawfully established in accordance with federal or state law prior to the effective date of these subdivision regulations subject to the terms and conditions of any agreement or approval pertaining to such vested right.
- (d) Repeal. The subdivision regulations enacted by Town of Blue River Ordinance No. 15-04 shall remain effective for the limited and sole purpose of processing pending subdivision applications submitted in accordance with Section 17-1-30.1(b). Upon the completion of processing of all exempted applications, Ordinance No. 15-04 shall be deemed repealed in its entirety.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-50. Interpretation.

In the interpretation and application of the provisions of these regulations, the following criteria shall govern:

- (1) The interpretation and application of the provisions of these Subdivision Regulations shall be regarded as minimum requirements for the protection of the public health, safety and welfare.
- (2) The use of "may" or "should" means permissive, recommended or advised but is not mandatory; the use of "shall," "must," or "will" means compliance is mandatory and not voluntary or permissive.
- (3) If a term or phrase is subject to more than one (1) reasonable interpretation, the more stringent or restrictive interpretation is intended.
- (4) If two (2) or more provisions of these subdivision regulations or other applicable law conflict, the more stringent or restrictive provision shall govern or control.
- (5) Words in the present tense include the future, unless the context clearly indicates the future tense.
- (6) Words used in the singular number include the plural and words using the plural number include the singular unless the context clearly indicates the contrary.

- (7) Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules regulations or ordinances, the more restrictive, or that imposing the higher standard, shall govern.
- (8) If any section, subsection, paragraph, clause, phrase or provision of this Chapter shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-60. Administrative interpretations.

- (a) In consultation with the Planning Commission and Town Attorney, the Town Manager is authorized to issue written administrative interpretations applicable to one (1) or more properties or similarly situated properties concerning the requirements and application of these subdivision regulations. An administrative interpretation shall not grant any form of subdivision approval and shall not modify, waive, or amend a non-ambiguous provision of these subdivision regulations. Such interpretation shall be limited to clarifying, restating, or assisting in identifying the proper application of these subdivision regulations in order to enable an applicant or applicants to conform to the requirements of these regulations. All general administrative interpretations shall be collected and retained by the Town Manager and made available for public inspection. Following issuance of an administrative interpretation, the Town Manager shall provide a copy of the interpretation to both the Planning Commission and the Town Board of Trustees.
- (b) Any person aggrieved by a written administrative interpretation of the Town Manager may appeal such interpretation to the Board of Trustees. Prior to scheduling an appeal before the Board, the aggrieved party shall contact the Town Manager to schedule an opportunity to appear before the Planning Commission and present argument and evidence as to why the Manager's administrative interpretation fails to reasonably conform with the purpose, language, or intent of these subdivision regulations. The Town Manager shall also provide to the Planning Commission argument and evidence supporting the Manager's interpretation. The Planning Commission shall render a decision based solely upon the argument and evidence presented whether the interpretation reasonably conforms with the purpose, language, or intent of these subdivision regulations. The Planning Commission's decision shall be presented to the Board of Trustees, together with the record made before the Planning Commission, and the Board shall administratively consider and render a decision to uphold, amend, or nullify the Town Manager's administrative interpretation. All actions to appeal an administrative decision shall be administrative in nature and decisions of the Board of Trustees shall be final and not subject to further appeal.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-70. Violation and enforcement.

- (a) General violation. It is unlawful for any person to subdivide land in violation of this Chapter.
- (b) False information. It is unlawful for any person to intentionally or knowingly submit a false statement as part of any application authorized by this Chapter.
- (c) Unlawful sale of land. Pursuant to Section 31-23-216, C.R.S., no owner or agent of the owner of any land located within a subdivision may transfer or sell, agree to sell or negotiate to sell any land by reference to or exhibition of or by use of a plat of a subdivision before said plat has been approved as a final plat by the Town and recorded or filed in the office of the Summit County Clerk and Recorder. Any violation of this restriction shall be accompanied by a penalty of one hundred dollars (\$100.00) or such other greater amount as may be permitted by law, payable to the Town for each lot or parcel so transferred or sold, or agreed or

negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not except the transaction from such penalties or from the remedies provided in this Chapter. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

- (d) Prohibited construction. No structure shall be constructed, and no building permit issued for a structure, on any parcel of land except where such structure is to be constructed upon a parcel which meets the requirements of this Chapter.
- (e) Violation of express condition of subdivision approval. It shall be unlawful and a violation of these subdivision regulations for any person to fail to substantially satisfy or to breach a condition or requirement expressly imposed upon any approval of any application pursuant to this chapter.
- (f) Violation of subdivision agreement. It shall be unlawful and a violation of these subdivision regulations for any person to fail to substantially satisfy or to breach a condition or requirement expressly imposed upon any approval by any written contract or agreement associated with a subdivision between the Town and the person.
- (g) Continuing offense. A violation of these subdivision regulations shall be deemed a violation for each and every day or portion thereof during which any violation of the provisions of this Chapter are committed, continued, or permitted.
- (h) Enforcement. The provisions of these subdivision regulations may be enforced at the direction of the Town Manager or Board of Trustees by use of any of the following methods either individually or in combination:
 - (1) Judicial proceeding including, but not limited to, actions for declaratory judgment, abatement, damages;
 - (2) Withholding of construction or building permit(s) for all or any improvement within the subdivision or improvement proposed to serve the subdivision;
 - (3) Refuse to accept, continue to process, or to approve, any application pertaining to the property subject to an enforcement action;
 - (4) Withholding or revoking certificate(s) of occupancy for any structure within the subdivision;
 - (5) To the greatest extent permitted by law, revocation or suspension of any license, permit, or certificate issued to any property or applicant;
 - (6) Inspection and ordering the removal or abatement of violations;
 - (7) Issuance of a stop work order mandating the temporary suspension of any development activity within or associated with the subdivision;
 - (8) Assessment of costs and expenses (including, but not limited to, costs and expenses for administrative actions, publication, attorneys fees and court costs) incurred by the Town in enforcement of these subdivision regulations and the imposition of a lien for such costs and expenses against all or any portion of the property within the subdivision; and
 - (9) Demand for payment and the receipt and use of funds held by any person or financial institution which were deposited to secure the performance of the obligation or duty imposed by these subdivision regulations or a written contract or an agreement associated with a subdivision between the Town and the person.
- (i) Entry upon property for enforcement authorized. Whenever necessary to perform an inspection to enforce any provision contained within this Chapter or any condition or requirement of a permit or other land use

approval issued pursuant to this Chapter, or whenever there is reasonable cause to believe that a violation of this Chapter or any permit or any other land use approval issued pursuant to this Chapter exists in any building or upon any real property within the jurisdiction of the Town, the Town Manager or designee, or a police officer may, upon presentation of proper credentials, enter such building or real property at all reasonable times to inspect the same or to perform any duty imposed upon him or her by the Blue River Municipal Code; provided, that if such building or real property is unoccupied, the authorized official shall first make a reasonable effort to locate the owner or other persons who have charge or control of the building or of the real property and request entry. If the entry is refused, or the owner cannot be located, the Town Manager, the Manager's designee, or any police officer, is authorized to obtain a search warrant pursuant to the Colorado Municipal Court Rules of Procedure in order to conduct and complete the inspection.

- (j) Costs and fees. The Town is authorized to collect its costs or fees and enforcement of this Chapter against any person violating any provision of this Chapter. Assessment of costs or fees shall be made by notice and demand letter signed by the Town Manager which letter shall identify the reasons for the assessment, the amount of such costs and fees, and a demand to pay the costs and fees by a date certain not less than ten (10) days following the person's receipt of the letter. In the event the costs or fees are not timely paid, the Town may certify such costs and fees to the County Treasurer for collection against the property subject to the Chapter in the same manner as taxes under Sections 31-20-105 and 106, C.R.S.
- (k) Remedies not exclusive. The remedies provided by this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-80. Severability and savings clause.

- (a) Severability. If any section or Article of these subdivision regulations is found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, only such unconstitutional, illegal or invalid section or Article will cease to be effective and any such finding shall have no bearing on the effectiveness of the remaining portions of these subdivision regulations.
- (b) Savings clause. The amendment or repeal of any ordinance or part thereof by these subdivision regulations shall not release, extinguish or modify in whole or in part, any penalty or liability or any right of the Town, incurred or obtained under the amended or repealed ordinance or part thereof. These subdivision regulations, so amended or repealed, shall be treated and held as remaining in force or effect for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of any penalty, liability or any right of the Town, for the purpose of sustaining any judgment, decree or order which may be rendered in such proceedings, actions, acts, decisions, hearings and appeals pending before the Town, its Town Board, Planning Commission, any other decision-making body or officer, and any court

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-90. Major activity notice.

Pursuant to Section 31-23-225, C.R.S., as amended, when a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the Town shall send notice to the Colorado Land Use Commission, the state geologist and the Summit County Board of County Commissioners of the proposal prior to approval of any zoning change, subdivision or building permit application associated with such proposed activity.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-100. Approval required for recordation.

All plats of a subdivision of land within the Town shall be filed and recorded only after having been approved and signed by the authorized official or representative of the Town. Any plat purporting to subdivide property, including any plat lot line adjustment, lot consolidation, subdivision vacation, which is recorded without approval of the Board shall be unlawful and deemed void.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-110. Application and consultant review fees.

- (a) Application fees. Application fees for Town administrative staff's processing of the application, including, but not limited to, providing required notices, setting public hearing(s), coordination with consultants, shall be paid directly to the Town in amounts set forth by resolution in a fee schedule adopted by the Town Board.
- (b) Consultant review fees. In addition to an application fee, an applicant shall pay one hundred (100) percent of the costs of review incurred by the Town's consultants that are directly related to the review, inspection, drafting of documents, and consideration of the application. Consultants retained by the Town may include planning, engineering, legal, water and other land use professionals.
- (c) Procedure for payment of consultant review fees. At the time a subdivision application is first submitted to the Town, and prior to any review by the Town staff, the applicant shall pay to the Town both the application fee required by subsection (a) of this section and an initial deposit ("initial deposit") to be applied to the Town's consultant review fees in an amount set forth in the Town's fee schedule. As consultant review fees are incurred and billed to the Town, the Town shall draw upon the initial deposit for payments to the appropriate consultants. At such time that the fees charged against the initial deposit exceed eighty (80) percent or more of the initial deposit, and within ten (10) days of the applicant's receipt of notice by the Town, the applicant shall supplement the initial deposit by making an additional deposit with the Town of an amount equal to at least fifty (50) percent of the amount of the initial deposit.
- (d) Authority to modify payment of fees. The Town Manager may alter the timing of payment or deposit of any fees, reduce the amount of fees or deposit, or may waive fees and the applicant's deposit when either: (i) instructed by the Mayor or Town Board to advance policies and objective of the Town; or (ii) upon a determination by the Town Manager that the estimated or anticipated additional costs of review can be reasonably paid prior to final consideration of the application or that the fees will not likely exceed the remaining balance held in the initial deposit. Upon the Town's final determination of the application, the Town shall refund any unused deposit amount.
- (e) Full payment a condition for approval. Notwithstanding the absence of any express condition of approval of an application for subdivision approval, the payment in full of all fees and charges associated with an application shall be a standard condition for the effectiveness of any subdivision application.
- (f) Application termination. The Town shall terminate review and processing of an application when any required fees are unpaid or when the initial deposit falls below the required minimum deposit amount. The Town will recommence processing and review only upon receipt of the required additional fee amounts.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-120. Private covenants and subdivision regulations.

The application and applicability of these subdivision regulations shall not be affected or altered in any way by privately imposed covenants or contracts that may seek to govern or control the use of property. Rights afforded to private parties by private covenants and contracts shall remain private rights subject to enforcement by the parties to the covenants or contracts according to their terms.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-1-130. Reserved.

Sec. 17-1-140. Reserved.

Sec. 17-1-150. Definitions.

The definitions contained in Section 16-1-10 of Zoning are hereby adopted by reference. The following additional definitions apply to the application of these subdivision regulations:

Accepted, roads and streets, when used in regard to roads and streets, means written acceptance of the road or street by the Town.

Adjacent, when used with respect to a lot or property ownership, means all properties with a common point or line to the subject property and the property which would have a common point or line with the subject property if a public vehicular right-of-way separating the properties were not there.

Applicant means a person, partnership, joint venture, association, corporation, person in a representative or agent capacity, or other legal entity or legal representative seeking approval of an application submitted to the Town in accordance with these subdivision regulations. An "applicant" is synonymous with "subdivider" and may include the owner, subdivider, developer, builder, or other person or entity engaged in the subdivision or development of property.

As built plan means the final development plan that reflects the constructed subdivision.

Bike path means a corridor for use by bicycles and pedestrians, prohibited for use by motorized vehicles.

Block means an area of land within a subdivision which is entirely bounded by streets, highways, natural boundaries or the exterior boundary or boundaries of the subdivision.

Board means the Board of Trustees of the Town of Blue River, Colorado.

Building means any structure having a roof supported by columns or walls, or any other enclosed structure, for the housing or enclosure of persons, animals or property.

Bylaws shall refer to the bylaws of the unit owners' association or corporation.

Contractor means the individual, partnership, corporation, joint venture, or other legal entity performing the work. In the case of work being performed under permit issued by the Town, the permittee shall be construed to be the contractor.

Culvert means a ditch, drain or conduit, not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way, or other type of overhead structure.

Days means consecutive calendar days, unless otherwise specified.

Dedication means a grant by the owner of a right to use land to the public in general, involving a legally recorded transfer of property rights, and an acceptance of the dedicated property by the Town.

Documentation of ownership, liens, and encumbrances means documentary evidence acceptable to the Town reasonably establishing: (1) that the applicant(s) is/are either the fee owner(s) of the entire property proposed for subdivision or that the applicant possesses the legal authority to subdivide the property on behalf of the fee owner(s); and (2) the full names and mailing addresses of all other interest holders in the property. Documentation of ownership, liens and encumbrances shall include all of the following:

- (1) A written ownership and encumbrances report or title commitment prepared by a title company and dated not more than sixty (60) days from the date of the application submission to the Town;
- (2) Written authorization by the owner, acceptable to the Town Attorney, that establishes the applicant's full authority to perform all actions required by these subdivision regulations and to subdivide the property on behalf of an owner;
- (3) A listing of the owners of any surface, subsurface, or above surface rights, easements or other interests in the land including the names and addresses of such owners, together with the book or film, page and reception number of each owner as recorded in the Office of the County Clerk and Recorder; and
- (4) A listing of all liens and encumbrances against the subject property with the book or film, page and reception number of each lien or encumbrance as recorded in the office of the Summit County Clerk and Recorder including the names and addresses of all such lienholders.

Drainage means surface water runoff or the removal of surface water or ground water from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

Easement means a grant of land by the owner for the specified use of the land.

Final approval means approval by the Board or Planning Commission of the final plat.

Inspector means an authorized representative of the Town, assigned by the Town Manager to make any or all necessary inspections of materials furnished and work performed by the contractor.

Lot means a described and identifiable unit of land illustrated or depicted on a subdivision plat for the purpose of transfer of ownership or for building development. Lot may also mean parcel, site, property, or any similar term. A lot is not an outlet.

Manager or Town Manager means the Town Manager of the Town of Blue River or the Manager's designee identified in writing.

Outlot means a described and identified unit of land illustrated or depicted as an "outlot" on a Town-approved plat. Except to the extent expressly and specifically stated on the plat, an outlet is not a lot or building site, is not approved for any use whatsoever by the plat. Use and development of an outlet requires approval of a minor subdivision plat, final plat, or plat amendment, as applicable.

Owner means a person holding or vested with ownership of a fee simple interest in real property and, by virtue of such ownership, possesses the legal right to convey, grant or dedicate such property, or to otherwise bind future owners of such property through execution of a subdivision plat or other instrument affecting the property. Such term shall include a person acting on behalf of the owner by virtue of a fully executed and effective written power-of-attorney or other Town-approved authorization.

Person means any individual, partnership, corporation, joint stock association, trustee, receiver, assignee, any other recognized entity, or personal representative thereof. Person also includes any municipality, or state, special district, or any political subdivision thereof to the extent that the Town of Blue River has jurisdiction over their activities that are within the scope of these subdivision regulations.

Planning Commission means the officially appointed Planning and Zoning Commission for the Town of Blue River.

Plans means the drawings, profiles, cross sections, working drawings, and supplemental drawings, or reproductions thereof, approved by the Town or building official, which show the location, character, dimensions, or details of the work.

Plat, final means a map, drawing or chart upon which the subdivider presents proposals for the physical development of subdivision, and which he/she submits for approval and intends to record in final form.

Preliminary plan means the preliminary drawings described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Board for approval.

Project documents [is] defined in accordance with the statutes of the State.

Right-of-way means the width between property lines of a street.

Service connection means all or any portion of the conduit, cable, or duct, including meter, between a utility distribution line and an individual consumer.

Sewer means any conduit intended for the reception and transmission of sewage and fluid industrial waste.

Soil stability analysis means a study conducted to determine the status of the soil on a property.

Special provisions means any written provisions, which supplement or modify these specifications.

Specifications means standard specifications, reference specifications, special provisions, and specifications in supplemental agreements between the contractor and the Town.

Standard plans mean details of standard structures, devices, or instructions referred to on the plans or in specifications by title or number.

Storm sewer means any conduit and appurtenances intended for the reception and transfer of stormwater.

Street, private means any street maintained by the town for purposes of vehicular or pedestrian use.

Street, public means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Subdivider means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a "subdivision" as defined herein, including any agent of the subdivider.

Subdivision or subdivided land means:

- (1) A tract of land which is or was divided into two (2) or more lots, tracts, parcels, sites, separate interests, or other division for the purpose, whether immediate or future, of transfer of ownership, or for building or other development, and is referenced by a subdivision plat or map recorded with the Summit County Clerk and Recorder's Office; or
- (2) A tract of land including land to be used for condominiums; or
- (3) A house, condominium, apartment or other dwelling unit which is divided into two (2) or more separate interests through division of the fee or title thereto, whether by conveyance, license, lease, contract for sale or any other method of disposition.

Supervision, where used to indicate supervision by the Town, means the performance of obligations, and the exercise of rights, specifically imposed upon and granted to the Town in becoming a party to the contract except as specifically stated herein, supervision by the Town shall not mean active and direct superintendence of details of the work.

Surety means any individual, firm or corporation, bound with and for the contractor for the acceptable performance, execution, and completion of the work, and for the satisfaction of all obligations incurred.

Town means the Town of Blue River, County of Summit, State of Colorado.

Utility means tracks, overhead or underground wires, pipelines, conduits, ditches, ducts or structures, sewers or storm drains owned, operated, or maintained in or across a public right-of-way or private easement.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE II Subdivision Processes

Sec. 17-2-10. Forms of subdivision approvals.

The Town of Blue River authorizes the following forms of subdivision approvals:

- Minor Subdivision (Article III)
- Major Subdivision (Article IV)
- Plat Amendment (Article V)
- Plat Vacation (Article VI)
- Plat Correction (Article IX)

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE III Minor Subdivision

Sec. 17-3-10. Definition of minor subdivision.

Minor subdivision means the division of land including replat, that:

- (1) Results in no more than five (5) lots or outlots;
- (2) Does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard including, but not limited to, lot area, minimum frontage, building height, setback(s), street or private drive width, parking or access; and
- (3) Does not propose a major subdivision, plat amendment, or plat vacation as defined by these subdivision regulations.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-3-20. Minor subdivision review procedures.

The procedures applicable to the processing of an application of a minor subdivision are provided in the table of subdivision processes set forth in Section 17-10-20 of these subdivision regulations.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-3-30. Sufficiency of application.

All plans, reports, maps and other information required for any plan or plat must be complete, legible, and must be submitted by the deadlines established by these subdivision regulations or deadlines established during the review process. A failure of the application to meet the requirements of these subdivision regulations or any applicable deadline shall delay the processing of the application until the application is sufficient and complete. The Town shall not process or schedule the processing of any application which is found to be incomplete.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-3-40. Contents of minor plat application.

All minor plat applications shall meet all submittals, materials, and information requirements of a final plat contained in Section 17-4-70(b), except that the applicant shall provide or satisfy the following:

- (1) The title of the subdivision plat shall prominently identify the proposed name of the subdivision together with the phrase "minor plat."
- (2) Documentation of ownership, liens and encumbrances or, in the alternative where no dedication of property to the public is proposed by the plat, all of the following:
 - a. A copy of a recorded deed for all of the property described in the application evidencing that the applicant is the fee owner of the property;
 - b. A written, executed, and notarized statement of the applicant representing to the Town that he or she is the fee owner of the property; and
 - c. A certified copy of documentation from the Summit County Assessor or Clerk and Recorder evidencing that the applicant is the owner of record of the property.
- (3) List of all mineral owners and lessees of mineral owners for all the property described in the application; and evidence of notice to such mineral owners and lessees of the public hearing to consider such plat.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-3-50. Number of copies of plat application materials.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty (20) copies of all application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8½ x 11) inches where necessary to provide sufficient documentation for unanticipated referrals.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-3-60. Standard for approval.

Recommendation of approval or conditional approval of any minor plat by the Planning Commission, and any approval or conditional approval by the Town Board shall require a finding that the applicant and the evidence presented to the commission or the Town established the following by competent and sufficient evidence:

- (1) The proposed subdivision meets or satisfies all applicable requirements of these subdivision regulations;
- (2) The proposed subdivision conforms to all applicable requirements for the zone district(s) in which the property is located, including, but not limited to, requirements for setbacks, height, floor and lot areas, and minimum lot sizes;
- (3) The proposed subdivision substantially conforms to all other applicable requirements of this Code, ordinances, and resolutions of the Town of Blue River;
- (4) The proposed subdivision substantially conforms to the goals and policies of the Blue River Comprehensive Plan to the extent that such goals and policies do not conflict with provisions or requirements of the Municipal Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that such application or subdivision meets or fails to meet such goal or policy; and

- (5) The proposed subdivision (both during and following construction and development) will not result in an unreasonable increase in the peak rate of discharge, or result in a decrease in the quality of discharge, or result in any significant change in the direction or location of the point of discharge, of storm water or surface water flows upon any adjacent or neighboring property.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-3-70. Conditions for approval.

The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this Code, or which are necessary to protect the health, safety, and welfare of the Town and its residents. Any proposed condition for approval shall be reviewed and approved by the Town Attorney.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-3-80. Effect of approval of minor plat.

- (a) Recording of final plat. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original minor plat in material and form suitable for recordation with the Summit County Clerk and Recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the minor plat and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents in the office of the Summit County Clerk and Recorder at the applicant's expense.
- (b) No approval or conditional approval of a minor plat and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the minor plat is recorded with the County Clerk and Recorder.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE IV Major Subdivision

Sec. 17-4-10. Definition of major subdivision.

A "major subdivision" is any division of land that is not defined as a "minor subdivision," a "plat amendment," a "plat vacation," or a "plat correction" as these phrases are defined by these subdivision regulations.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-20. Major subdivision process generally.

A major subdivision requires the processing and approval of two (2) separate plans or plats: preliminary plan and final plat. Full processing and approval by the Town Board of all three (3) phases in accordance with this title constitutes approval of a "major subdivision."

- (1) Preliminary plan. The preliminary plan is the first step of the two-step major subdivision approval process. Preliminary plan approval requires public hearings held before the Planning Commission and the Town Board. The preliminary plan process will review the feasibility and design characteristics of the proposal based on the standards set forth in these subdivision regulations, the Zoning Ordinance, and this Municipal Code. The preliminary plan process will also evaluate preliminary engineering design. The applicant must receive preliminary plan approval or conditional approval in order to proceed with the final plat application.

- (2) Final plat. The final plat is the last step in the two-step subdivision approval process. An applicant must have received preliminary plan approval or conditional approval and the approval must be valid at the time of submission of the final plat application in order to proceed with the final plat process. Final plat review requires public hearings before both the Planning Commission and the Town Board. No major subdivision shall be deemed finally approved until the Town Board approves or conditionally approves the final plat and the final plat is properly recorded in the office of the Summit County Clerk and Recorder. The final plat process will review the final engineering plans, the development agreement, homeowners' association covenants, the final plat itself, and any other documents, reports or studies as may be necessary to ensure conformance with these subdivision regulations, the Zoning Ordinance, and the Municipal Code.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-30. Major subdivision review procedures.

The procedures applicable to the processing of an application of a major subdivision are provided in Article X of these subdivision regulations.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-40. Sufficiency of applications.

All plans, reports, maps and other information required for any plan or plat must be complete, legible, and submitted by the deadlines established by these subdivision regulations or deadlines established during the review process. A failure of the application to meet the requirements of these subdivision regulations or any applicable deadline shall delay the processing of the application until the application is sufficient and complete. The Town shall not process or schedule the processing of any application which is found to be incomplete.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-50. Reserved.

Sec. 17-4-60. Preliminary plan—Contents of application.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty-five (25) copies of all preliminary plan application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8½ x 11) inches where necessary to provide sufficient documentation for unanticipated referrals. The following submittals, materials, and information shall comprise a complete application for preliminary plan review:

- (1) A completed application in the form approved by the Town;
- (2) Payment of all required application fees and any review fee deposit;
- (3) Documentation of ownership, liens and encumbrances;
- (4) A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;
- (5) A list of the names and mailing addresses, as this information appears of record with the Summit County Assessor's Office, of all owners of adjacent property to the property proposed for subdivision; and
- (6) Preliminary plan. The preliminary plan shall be prepared at a scale of one inch equals twenty (20) feet and shall be prepared, drawn, signed and stamped by a currently registered Colorado land surveyor.

The size of the map sheet shall be twenty-four by thirty-six (24 x 36) inches. Other scales may be authorized in writing by the Town Manager for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. Where the required data cannot be clearly shown on one (1) plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines. The preliminary plan shall include or illustrate:

- a. A general vicinity map of the subdivision illustrating the subdivision's location within the Town and showing major streets;
- b. A title that prominently identifies the proposed name of the subdivision together with the phrase "preliminary plan;"
- c. Topography at vertical intervals of five (5) feet where the average cross-slope of the subdivision is more than ten (10) percent and at vertical intervals of two (2) feet where the average cross-slope of the subdivision is less than ten (10) percent. Elevation data shall be based on current United States Geological Survey datum and, the benchmarks used shall be identified on the plan;
- d. Date of preparation, map scale, north arrow and revision box;
- e. Name, address and telephone number of the applicant, land owner(s), planner, engineer and surveyor;
- f. Subdivision names and lot owners' names for property within any adjacent subdivision(s), unsubdivided tracts with owner's names, and all public lands with the agency name. The approximate location of lot lines within adjacent subdivision for lots adjacent to the proposed subdivision;
- g. Zoning classifications of property adjacent to the property proposed for subdivision;
- h. Proposed names of any new streets;
- i. Location and principal dimensions of all existing streets, pedestrian ways, alleys, easements, irrigation ditches and laterals, both of record and apparent from inspection of the property within or adjacent to the proposed subdivision;
- j. Location and size of existing utilities within or adjacent to the tract to be subdivided, including water, sewer, electric, gas and phone lines (utilities may be illustrated on a separate map at a matching scale as used for the preliminary plan);
- k. Locations of streams, ditches, ponds, and other water features, including direction of flow, high water elevations, and the location and extent of those areas subject to inundation by the one hundred-year frequency storm;
- l. Location and description of significant existing and proposed vegetation and landscaping;
- m. Location and dimensions of all proposed lots, blocks, and outlots. Lots and blocks shall be numbered. All outlots shall be lettered in alphabetical order;
- n. Location, dimensions, and areas expressed in acres and as a percent of the total project area of all proposed streets, off-street parking areas, pedestrian ways, bike paths and equestrian ways, alleys, easements and other public ways, and building setback lines;
- o. Location and dimensions in acreage and as a percent of the total of all property proposed to be set aside for park and/or open space purposes, or other private reservations;
- p. Location and types of any existing structures;

- q. Location, alignment, profiles, and cut and fill slope intercepts for streets and driveways for subdivisions with any slope area(s) of ten (10) percent or greater; and
 - r. Location of proposed or required exterior lighting (streetlights, parking lots) and signs, including subdivision monument or entry signs.
- (7) Written statement. A written statement addressing the following:
- a. Any additional or supplemental information necessary to meet the content requirements of the preliminary plan in subsection (g) of this section that is not thoroughly shown on the preliminary plan;
 - b. A description of the overall development concept, purpose and function of the proposed subdivision. If the property is or will be residentially zoned, the description shall include representations concerning the proposed quality and styles of residential structures, anticipated sales price ranges, and amenities;
 - c. Environmental considerations, including, but not limited to, unstable slopes/rockfall zones, related geologic factors, floodplains and wetlands, and alignment of structures and improvements to take into consideration climatic conditions and high groundwater areas;
 - d. Unique site characteristics not common to other properties, including any natural and man-made features and/or hazards that may affect the development;
 - e. A phasing plan and development schedule for the construction and/or installation of streets, utilities, buildings and landscaping;
 - f. A supplement to the drainage plan describing how the applicant proposes to mitigate potential drainage, erosion and water retention or storage problems that may result from development;
 - g. Statements explaining the nature of all easements and reservations, if any;
 - h. A parks and open space plan documenting types of space (public, private, common areas), proposed uses, development in sequence with the phasing plan, and administrative and maintenance responsibilities;
 - i. A general description of the purpose and nature of covenants, homeowners' association, or other contemplated private or contractual restrictions on the use, character and maintenance of the subdivision;
 - j. If the subdivision will permit commercial, business, or industrial use, a description of the nature of the use, the trade area, and anticipated employment base shall be submitted in sufficient detail to demonstrate the economic viability of the proposed use.
- (8) Reports and studies. The following preliminary reports and studies shall be prepared by a qualified professional at the applicant's cost and submitted with the application:
- a. Preliminary drainage report and grading plan. The drainage plan shall include a contour map marked to show existing drainage basins, flow patterns, concentration points, approximate runoff quantities and velocities and all existing natural and man-made features affecting site drainage and location of on-site and off-site surface water detention facilities and any easements for conveyance of surface water;
 - b. Preliminary soils report;
 - c. Preliminary utility plan for delivery of water, sewer and electric services to and throughout the property;

- d. Preliminary traffic impact analysis including an evaluation of the vehicular and pedestrian traffic patterns, together with estimated trips per day, for roads within the subdivision and for all routes leading from the subdivision and connecting to highway and arterial roads.
- e. Additional information. The applicant shall provide other information requested by the Planning Commission or Town Board that may be necessary to adequately review the proposal for conformance with the applicable requirements.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-70. Final plat—Contents of application.

- (a) Contents of application. Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty-five (25) copies of all final plat application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8½ x 11) inches where necessary to provide sufficient documentation for unanticipated referrals. A final plat application may be submitted for all or any logical portion of property described in an approved and valid preliminary plan. The following submittals, materials and information shall comprise a complete application for final plat review:
 - (1) A completed application in the form approved by the Town;
 - (2) Payment of all required application fees and any review fee deposit;
 - (3) Documentation of ownership, liens and encumbrances;
 - (4) A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;
 - (5) A list of the names and mailing addresses, as this information appears of record with the Summit County Assessor's Office, of all owners of adjacent property to the property proposed for subdivision;
 - (6) A list of the names and mailing addresses of all mineral owners and lessees of mineral owners as this information appears of record with the Summit County Clerk and Recorder and Assessor's Office.
- (b) Final plat. The final plat shall be drafted at a scale of one (1) inch to twenty (20) feet by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four by thirty-six (24 x 36) inches. Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet. Other scales may be authorized in writing by the Town Manager for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. Where the required data cannot be clearly shown on one (1) plan sheet, additional plan sheets of the same size with easily identifiable match lines may be used.
 - (1) A title that prominently identifies the proposed name of the subdivision together with the phrase "final plat;"
 - (2) Date of preparation, map scale and north arrow;
 - (3) Name, address and telephone number of the applicant, land owner(s), planner, engineer and surveyor;
 - (4) Total acreage and surveyed description of the area;
 - (5) Primary boundary survey control points with monument descriptions; all parcel lines dimensioned with lengths; curve data including chord lengths and bearings; basis of bearings and relation to true meridian;

- (6) Tract boundary lines, road right-of-way lines, easements and other sites with accurate bearings and dimensions including chord lengths and bearings, central angles, arc lengths and radii of all curves;
 - (7) Name and right-of-way width of each street. Right-of-way widths are to be shown at each leg of an intersection, at point of curvature and point of tangent, at dead-ends, and at angle points;
 - (8) Locations, dimensions and purposes of all easements;
 - (9) Number or letter to identify each lot, outlot and block. Lots and blocks shall be numbered. All outlots shall be lettered in alphabetical order;
 - (10) An identification of the streets, alleys, easements, parks, open space, and any other public facilities shown on the plat to be dedicated to public use. No areas within the plat may be designated as areas of conditional, planned or future public acquisition. Dedications of public property not made on the final plat shall be made only by general warranty deed unless otherwise approved by the Town Board;
 - (11) Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such;
 - (12) Signature and seal of the registered land surveyor;
 - (13) A delineation of the extent of the one hundred-year floodplain; and
 - (14) All final plat approval certifications, plat language, and recording information in forms approved by the Town. See Article XIII.
- (c) The following final studies and reports, as may be required by the Town, shall be prepared by a qualified professional at the applicant's cost and submitted with the application:
- (1) Final drainage report and grading plan;
 - (2) Final soils and geology report;
 - (3) Final utility plan for delivery of water, sewer and electric services to and throughout the property;
 - (4) Final traffic impact analysis including an evaluation of the vehicular and pedestrian traffic patterns, together with estimated trips per day, for roads within the subdivision and for all routes leading from the subdivision and connecting to highway and arterial roads.
- (d) Additional information required:
- (1) One (1) copy of any agreements, conveyances, restrictions, or private covenants that will govern the use and maintenance of the subdivision and any common private open space or private subdivision amenity; and
 - (2) Complete engineering plans and specifications sufficient to commence construction for all public facilities and improvements to be installed, including, but not limited to:
 - a. Water and sewer improvements, including all sewer lift stations;
 - b. Streets and related improvements;
 - c. Bridges; and
 - d. Storm drainage, detention and erosion control improvements;
 - (3) One (1) copy of any agreement affecting the subdivision and public or private improvements made with ditch companies, railroad companies, utility providers, and state, county, or local governmental or quasi-governmental agencies;

- (4) Written description of arrangements and financial institution commitments for providing financial guarantees and sureties for the timely completion of all public improvements;
- (5) A preliminary or draft subdivision improvements agreement in the form required by these subdivision regulations and generally acceptable to both the subdivider and the Town Attorney and which is capable of finalizing upon the conclusion of the public hearing and approval or conditional approval of the final plat by the Town Board.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-80. Standards for approval of a major subdivision.

Recommendation of approval or conditional approval of any stage of a major plat by the Planning Commission, and any approval or conditional approval by the Town Board, shall require a finding that the applicant and the evidence presented to the Planning Commission or the Town Board established the following by competent and sufficient evidence:

- (1) For a final plat, a finding must be made that a preliminary plan for the subdivision was approved or conditionally approved by the Town Board not more than twelve (12) months prior to the date of submission of an application for final plat approval or that the preliminary plan is currently valid and effective as the result of the approval of an extension of the effective date of the preliminary plan.
- (2) The proposed subdivision and development conforms to all applicable requirements for the zone district(s) in which the property is located, including, but not limited to, requirements for use, setbacks, height, floor and lot areas, and minimum lot sizes.
- (3) The proposed subdivision and development substantially conforms to all other applicable requirements of the Town's Municipal Code, ordinances, and resolutions.
- (4) The proposed subdivision and development substantially conforms to the goals and policies of the Blue River comprehensive plan to the extent that such goals and policies do not conflict with provisions or requirements of this Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that such application or subdivision meets or fails to meet such goal or policy.
- (5) The application:
 - a. For preliminary plan approval, meets or satisfies all applicable requirements of the subdivision regulations; or
 - b. For final plat approval, is in substantial conformance with the approved preliminary plan and the final plat meets or satisfies all applicable requirements of the subdivision regulations;
- (6) Adequate capacity of water and wastewater utilities are currently available for the entire subdivision and development.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-90. Conditions for approval.

The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this Code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-100. Reserved.

Sec. 17-4-110. Effect of approval of preliminary plan.

Approval or conditional approval of a preliminary plan shall be valid for twelve (12) months following the date of approval or conditional approval by the Town Board. Such period may be extended by the Town Board for not more than six (6) additional months upon written request of an applicant only where the applicant establishes to the satisfaction of the Board that the applicant is reasonably pursuing completion of a final plat.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-4-120. Effect of approval of final plat.

- (a) Recording of final plat. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original final plat in material and form suitable for recordation with the Summit County Clerk and Recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the final plat and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents in the office of the Summit County Clerk and Recorder at the applicant's expense.
- (b) No approval or conditional approval of a final plat and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the final plat is recorded with the County Clerk and Recorder.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE V Plat Amendment

Sec. 17-5-10. Definition of plat amendment.

A "plat amendment" is any form of amendment or modification of an approved and recorded minor plat or a final plat (other than a plat vacation) that:

- (1) Does not create any additional lot(s) or outlot(s);
- (2) Does not create or result in the creation of a lot or outlot that would violate or fail to conform to any applicable zoning or other standard, including, but not limited to, lot area, minimum frontage, building height, setback(s), street or private drive width, parking, or access;
- (3) Does not reduce the amount of any dedicated or publicly owned land, and in the opinion of the Town Manager does not significantly alter or affect the subdivision's access, parking, or traffic circulation system;
 - a. Eliminates one (1) or more lot lines within the subdivision (a lot consolidation);
 - b. Relocates or reconfigures one (1) or more lot lines within the subdivision; and/or
 - c. Modifies, amends, adds, or deletes a restriction, limitation, condition, or other obligation, right, or duty stated on the minor plat or final plat; and
- (4) Is initiated by the owners of record of all lots and outlots within the area directly affected by the proposed amendment. The "area directly affected by the proposed amendment" means:
 - a. The properties that would be physically affected by an amendment to eliminate or relocate of one (1) or more lot lines within the subdivision. Where a single lot line is eliminated or relocated,

the "area directly affected by the proposed amendment" would customarily include the lots on each side of the lot line subject to elimination or relocation; and

- b. All properties which are directly benefited by the restriction, limitation, condition, or other obligation, right, or duty stated on the minor plat or final plat. In many instances, all properties within the subdivision are affected by a restriction, limitation, condition, or other obligation, right, or duty stated on the minor plat or final plat.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-5-20. Plat amendment review procedures.

The procedures applicable to the processing of an application of a plat amendment are provided in the table of subdivision processes set forth in Section 17-10-20 of this Chapter.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-5-30. Contents of plat amendment application.

The following submittal, materials, and information shall comprise a complete application for a plat amendment:

- (1) A completed application in the form approved by the Town;
- (2) Payment of all required application fees and any review fee deposit;
- (3) Documentation of ownership, liens and encumbrances;
- (4) A legal description of the property proposed for plat amendment prepared by a licensed registered Colorado land surveyor;
- (5) A list of the names and mailing addresses, as this information appears of record with the Summit County Assessor's Office, of all owners of adjacent property to the area directly affected by the proposed amendment.
- (6) For a plat amendment that relocates one (1) or more lot lines within a previously approved subdivision or consolidates lots by the elimination of lot line(s), an amended plat shall be submitted with the application.
 - a. The amended plat shall be drafted at a scale of one (1) inch to twenty (20) feet by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four by thirty-six (24 x 36) inches. Other scales may be authorized in writing by the Town Manager for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. Where the required data cannot be clearly shown on one (1) plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines.
 - b. A title that prominently identifies the name of the recorded subdivision together with the phrase "plat amendment" or "lot consolidation" as appropriate for the particular application;
 - c. Date of preparation, map scale and north arrow;
 - d. Name, address and telephone number of the applicant, land owner(s), planner, engineer and surveyor;
 - e. Total acreage and surveyed description of the lots and area subject to the proposed amendment; and

- f. A clear illustration or description of the amendment proposed, using shading, crosshatching, highlighting, or other techniques to accurately illustrate the proposed amendment.
- (7) For a plat amendment that modifies, amends, adds or deletes a restriction, limitation, condition, or other obligation, right, or duty stated on the recorded plat, a written description clearly stating the proposed amendment in a form suitable for recordation with the office of the Summit County Clerk and Recorder. The written description shall be subject to approval of the Town Attorney and, at a minimum, the written amendment shall include:
- a. A title that prominently identifies the name of the recorded subdivision together with the phrase "plat amendment;"
 - b. The county recording information (book and page or recordation number, as applicable) of the original subdivision plat, and the recording information and titles of any other prior amendments of the original plat; and
 - c. Date of preparation, name, address, and telephone number of the applicant, land owner(s), and any professionals (planners, engineers, surveyors) assisting in the plat amendment.
- (8) For a consolidation of one (1) or more lots, a written agreement in a form approved by the Town Attorney that includes the owner's contractual commitment to not apply for or otherwise seek further subdivision of the consolidated lot(s). Such contractual commitment shall at a minimum: (1) run with the land and bind future owners of the consolidated lot(s); (2) include a provision granting the Town the authority to unilaterally release or void the contractual commitment upon a finding by the Town Board that both: (i) Section 17-1-40(a) of these subdivision regulations is repealed thereby authorizing subdivisions within the Town; and (ii) the subdivision of the consolidated lot(s) in accordance with the then-effective subdivision regulations will be in the best interests of the Town and advance the Town's policies concerning new lot creation and increase in density.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-5-40. Number of copies of plat application materials.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty (20) copies of all application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8½ x 11) inches where necessary to provide sufficient documentation for unanticipated referrals.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-5-50. Standards for approval of plat amendment.

Recommendation of approval or conditional approval of any stage of a plat amendment by the Planning Commission, and any approval or conditional approval by the Town Board, shall require a finding that the applicant and the evidence presented to the commission or the council established the following by competent and sufficient evidence:

- (1) The proposed amendment meets or satisfies all applicable requirements of this title.
- (2) The proposed amendment conforms to all applicable requirements for the zone district(s) in which the property is located, including, but not limited to, requirements for setbacks, height, floor and lot areas, and minimum lot sizes.
- (3) The proposed amendment substantially conforms to all other applicable requirements of the Code and all regulations promulgated by the Town.

- (4) The proposed subdivision substantially conforms to the goals and policies of the Blue River comprehensive plan, to the extent that such goals and policies do not conflict with provisions or requirements of the Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that such subdivision meets or fails to meet such goal or policy.
- (5) The proposed amendment would not cause significant hardship or inconvenience for adjacent or neighboring landowners or tenants.
- (6) The proposed amendment would not be likely to prove detrimental to the public health, safety or welfare of Town residents.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-5-60. Conditions for approval.

The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this Code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-5-70. Effect of approval of plat amendment.

- (a) Recording of plat amendment. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original plat in material and form suitable for recordation with the Summit County Clerk and Recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the plat amendment and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents necessary for recording in the office of the Summit County Clerk and Recorder at the applicant's expense.
- (b) No approval or conditional approval of a plat amendment and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the final plat is recorded with the County Clerk and Recorder.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE VI Plat Vacation

Sec. 17-6-10. Definition of plat vacation.

A "plat vacation" is any termination, elimination and vacation of a previously approved and recorded minor plat or final plat so as to return all of the previously platted property to an unplatted and unsubdivided condition. A plat vacation is not a vacation of a public street or right-of-way (For vacation of streets and rights-of-way, see Section 43-2-301, et seq., C.R.S.)

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-6-20. Authority to seek vacation of plat.

An application for plat vacation may be initiated by:

- (1) The Town Board, with or without a recommendation by the Planning Commission; or

- (2) All owners of record or duly authorized agent of any owner of record of all lots and outlots within the approved and recorded subdivision plat.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-6-30. Plat vacation review procedures.

The procedures applicable to the processing of an application of a plat vacation are provided in [Section] 17-10-20 of these subdivision regulations.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-6-40. Contents of plat vacation application.

All plat vacation applications shall meet the following submittal, materials, and information requirements:

- (1) Application in the form approved by the Town;
- (2) Payment of all required application fees and any review fee deposit;
- (3) Documentation of ownership, liens and encumbrances;
- (4) A legal description of the property proposed for plat vacation prepared by a licensed registered Colorado land surveyor;
- (5) A list of the names and mailing addresses, as this information appears on record with the Summit County Assessor's Office, of all owners of property within the original subdivision plat that is subject to the proposed vacation, including all owners or beneficiaries of easements;
- (6) Notice of plat vacation. A written description unconditionally stating that the recorded subdivision plat is vacated and voided. The written description shall be in a form suitable for recordation with the office of the Summit County Clerk and Recorder if the vacation is approved by the Town. The written description shall be subject to approval of the Town Attorney and, at a minimum, the written description shall include:
 - a. A title that prominently identifies the name of the recorded subdivision together with the phrase "plat vacation and termination;"
 - b. The county recording information (book and page or recordation number as applicable) of the original subdivision plat, and the recording information and titles of any other prior amendments of the original plat;
 - c. Date of preparation, name, address, and telephone number of the applicant, land owner(s), and any professionals (planners, engineers, surveyors) assisting in the plat vacation application.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-6-50. Number of copies of plat application materials.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty (20) copies of all application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8½ x 11) inches where necessary to provide sufficient documentation for unanticipated referrals.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-6-60. Standards for approval of plat vacation.

Approval or conditional approval of any plat vacation by either the Planning Commission or the Town Board shall require a finding that the applicant and the evidence presented to the commission or the Town Board established the following:

- (1) Development of the property in accordance with the recorded subdivision plat will not permit efficient use of the platted property.
- (2) Development of the property in accordance with the recorded subdivision plat will not advance the goals and objectives of this Code or the Blue River comprehensive plan.
- (3) The proposed plat vacation would neither interfere with nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements.
- (4) The proposed plat vacation would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant and that it would not be detrimental to the public health, safety or welfare of Town residents.
- (5) The proposed vacation substantially conforms to the goals and policies of the Blue River comprehensive plan to the extent that such goals and policies do not conflict with provisions or requirements of this Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that such subdivision meets or fails to meet such goal or policy.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-6-70. Conditions for approval.

The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this Code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-6-80. Effect of approval of plat vacation.

- (a) Recording of plat vacation. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original plat vacation in material and form suitable for recordation with the Summit County Clerk and Recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the final plat and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents in the office of the Summit County Clerk and Recorder at the applicant's expense.
- (b) No approval or conditional approval of a final plat and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the final plat is recorded with the County Clerk and Recorder.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE VII Reserved

ARTICLE VIII Reserved

ARTICLE IX Plat Correction

Sec. 17-9-10. Purpose.

The purpose of this Article is to establish an administrative subdivision process applicable to proposals to correct an error in a previously approved subdivision plat. This Article is intended to provide for the efficient processing of corrections without the need to undertake a formal public hearing process provided that all requirements of this Article are satisfied.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-20. Definition of plat correction.

A "plat correction" is any proposal and application that is determined by the Town Manager to meet all of the following criteria:

- (1) The proposal seeks to correct an evident or obvious error in an approved and recorded plat (a plat associated with a minor subdivision, major subdivision, plat amendment, or plat vacation) and, by way of examples only, the correction would revise a typographical or grammatical error in plat language, correct an error in a property legal description, delete or add language in a note or other text of a plat to bring the plat into conformance with these subdivision regulations or into conformance with a condition of subdivision approval;
- (2) The proposed correction does not relocate or move an existing lot line;
- (3) The proposed correction does not create one (1) or more additional lots, outlots, parcels, or tracts; or
- (4) The proposed correction does not alter, amend, or change any public or private easement or any right, obligation, intent, or requirement associated with the plat.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-30. Contents of plat correction application.

A plat correction application shall be in a form of one (1) of the following:

- (1) An eight and one-half by eleven (8½ x 11) inch document suitable for recordation which clearly and concisely explains or details the correction, references the recordation information of the approved and recorded plat to be corrected together with a title of "plat correction to [name of plat to be recorded]" and bearing the signature (and stamp, if appropriate) of the individual or business entity that prepared and signed the original plat; or
- (2) A reprint of the previously approved and recorded plat which reprinted plat contains the correction together with a new title "plat correction to [name of plat to be recorded]." The reprint shall be created by the same individual or business entity that prepared the original plat and all original plat certificates shall be re-signed and re-dated by the appropriate parties. Where parties are unavailable due to passage of time or sale of property within the subdivision, a plat amendment shall be the appropriate form of application to evidence a correction to a recorded subdivision plat.

- (3) Documentation of ownership, liens and encumbrances or, in the alternative, all of the following:
- a. A copy of a recorded deed for all of the property described in the application evidencing that the applicant is the fee owner of the property;
 - b. A written, executed, and notarized statement of the applicant representing to the Town of Blue River that he or she is, or they are, the fee owner of all property within the plat to be corrected; and
 - c. A certified copy of documentation from the Summit County Assessor or Clerk and Recorder evidencing that the applicant(s) is the owner of record of the property.
- (4) The following certificate of approval shall be substituted for and replace the certificate of approval of the Town Board on any plat or upon any plat correction document submitted with the application:
- APPROVED by the Town of Blue River Planning Commission and approved for recordation with the Summit County Clerk and Recorder's Office pursuant to the Blue River Municipal Code this ____ day of _____, ____.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-40. Number of copies of application materials.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town Manager fifteen (15) copies of all application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8½ x 11) inches where necessary to provide sufficient documentation for unanticipated referrals.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-50. Sufficiency of application.

All plans, reports, maps and other information required for any plan or plat must be complete, legible, and must be submitted by the deadlines established by these subdivision regulations or deadlines established during the review process. A failure of the application to meet the requirements of these subdivision regulations or any applicable deadline shall delay the processing of the application until the application is sufficient and complete. The Town shall not process or schedule the processing of any application which is found to be incomplete.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-60. Plat correction review procedures.

All applications for plat correction shall be administratively reviewed by the Town Manager and the Planning Commission without notice or a public hearing and may be finally approved by the Planning Commission in accordance with this Article. Following submission of a plat correction application and supporting documents, the Town Manager shall determine whether the application and plat are complete as required by these subdivision regulations. Following a determination that the application and supporting documents are complete, the Town Manager shall endeavor to reach a decision concerning the application's and plat's compliance with the subdivision regulations within thirty (30) days of the date of submission of the completed application and plat correction unless such deadline is waived by the applicant. Following review and decision by the Town Manager, the Manager shall present the Manager's decision to the Planning Commission for administrative review and final approval in accordance with this Article.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-70. Standards for approval.

An application and plat correction shall be administratively reviewed by both the Town Manager and by the Planning Commission for compliance with the following standards:

- (1) The proposed subdivision meets the definition of a "plat correction" contained in this Article;
- (2) The proposed plat correction meets all content requirements of these subdivision regulations, the Zoning Ordinance, and the Municipal Code; and
- (3) The plat correction does not, in the opinion of the Planning Commission, substantially and adversely affect adjacent lots or raise significant issues of policy which are not addressed by the Blue River comprehensive plan or the Blue River Municipal Code.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-80. Planning Commission decision and appeal to Town Board.

The Planning Commission shall approve a plat correction application upon a finding that the application meets the requirements of Section 17-8-70 of this Article. The Planning Commission shall deny a plat correction application for failure to meet the requirements of Section 17-8-70 of this Article. Any decision to deny an application shall be made in writing stating the specific reasons for denial and the decision shall be promptly mailed or hand delivered to the applicant.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-90. Appeal to Town Board.

The applicant may appeal a denial by the Planning Commission to the Town Board by requesting an appeal in writing delivered to the Town Manager not more than twenty (20) days following the date of the applicant's receipt of the written notice of denial. The Town Board shall administratively consider an applicant's timely request for an appeal at a regular or special meeting. Following consideration of the application and plat, the Town Board Commission may affirm the Planning Commission's decision or, upon a finding that the application meets all the applicable standards set forth in Section 17-8-70 of this Article, the Town Board may reverse the Planning Commission's decision and order the Planning Commission to approve the plat correction and execute the documents or plat, as applicable, in a manner suitable for recordation. In the event that the Town Board orders the Planning Commission to approve the application and plat, the Town Manager shall process and record the plat correction documents in accordance with Section 17-9-110.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-100. Conditions for approval.

The Planning Commission or Town Board, as applicable, may impose reasonable conditions upon any approval of a plat correction that are necessary to ensure continued conformance with the standards of approval or the Blue River Municipal Code or these subdivision regulations. Any proposed condition for approval shall be reviewed and approved by the Town Attorney.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-9-110. Effect of approval of plat correction.

- (a) Recording of plat correction. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original plat correction in material and form suitable for recordation

with the Summit County Clerk and Recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the plat correction and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents in the office of the Summit County Clerk and Recorder at the applicant's expense.

- (b) No approval or conditional approval of a plat correction and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the plat correction is recorded with the County Clerk and Recorder.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE X Application Review Procedures

Sec. 17-10-10. Applicability and purpose.

This Article applies to each of the following subdivision processes described in this title and is entitled "table of subdivision processes."

- Minor Subdivision (Article III)
- Major Subdivision (Article IV)
- Plat Amendment (Article V)
- Plat Vacation (Article VI)
- Plat Correction (Article IX)

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-10-20. Table of subdivision processes.

R = Required	O = Optional at Subdivider's Request	N/A = Not Applicable
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	Pre-App Meeting	Application Contents	Application Completeness Determination	Referral Agencies	Notice of Hearing	Planning Commission/ Town Board
						Public Hearing
	See Section 17-10-40		See Section 17-10-50	See Section 17-10-70	See Section 17-10-80	
Minor Subdivision	R	See Section 17-3-40	R	Local Agencies	R Publication Mailing	R
Major Subdivision						
Preliminary Plan	R	See Section 17-4-60	R	Local Agencies	R Publication Mailing	R
Final Plat	O	See Section 17-4-70	R	All Agencies	R Publication Mailing	R
Plat Amendment	R	See Section 17-5-30	R	Local Agencies	R Publication Mailing	R
						Public Hearing
	See Section		See Section	See Section	See Section	

CHAPTER 17 Subdivision Regulations

	17-10-40		17-10-50	17-10-70	17-10-80	
Plat Vacation	R	See Section 17-6-40	R	Local Agencies	R Publication Mailing	R
Plat Correction	R	See Section 17-9-30	R	N/A	N/A	N/A Administrative review Applicant may appeal to Town Board
Variance	O	See Section 17-10-110	N/A	N/A	N/A	N/A Administrative review Applicant may appeal to Town Board

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-10-30. Reserved.

Sec. 17-10-40. Pre-application meeting.

Where an application requires a pre-application meeting in accordance with Section 17-10-20, the following process shall apply:

- (1) Prior to the formal submission of the application, the subdivider shall contact the Town Manager in writing to schedule and request an informal meeting. Following receipt of a request, the pre-application meeting shall be set for a date within fifteen (15) days of the date of the applicant's written request. The Town Manager shall advise the applicant of the date and time of the pre-application meeting.
- (2) The applicant shall attend the meeting at the designated date and time. The applicant shall be prepared to discuss the proposed application and the proposed development with the Town Manager. The applicant shall be encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.
- (3) The purpose of the pre-application meeting shall be to assist the subdivider in understanding the Town's subdivision processes and to permit the Town Manager to determine the applicable process and regulations for the proposed application. Upon request of the subdivider, the Town Manager shall provide to the subdivider a written determination concerning the appropriate procedure for the processing of the applicant's proposed application.
- (4) Where a pre-application meeting is required, no application shall be accepted or processed by the Town unless and until the pre-application meeting is held.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-10-50. Completeness determination.

Where an application requires a completeness determination in accordance with Section 17-10-20, the following process shall apply:

- (1) Within twenty (20) days following receipt of an application, the Town Manager shall administratively review the application and determine whether the application complies with the applicable application content requirements and that all required application fees, consultant review fees, and other applicable charges are paid or deposited in accordance with these subdivision regulations.
- (2) All plans, reports, maps and other information required for any plan or plat must be complete and legible. A failure of the application to meet the requirements of these subdivision regulations or any applicable deadline shall delay the processing of the application until the application is sufficient and complete. The Town shall not process or schedule the processing of any application which is found to be incomplete.
- (3) In the event that the Town Manager determines that the application complies with the applicable requirements, the Town Manager shall schedule the application for review in accordance with Section 17-10-20 of this Article.
- (4) In the event the Town Manager determines that the application is incomplete, the Town Manager shall inform the applicant in writing of the deficiencies in the application. No further processing of an incomplete application shall be undertaken until the Town Manager determines that the applicant has remedied the application's deficiencies.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-10-60. Reserved.

Sec. 17-10-70. Agency referrals.

Where an application requires agency referral in accordance with Section 17-10-20, the following process shall apply:

- (1) For purposes of any required agency referral to "local agencies" as required by Section 17-10-20, the phrase "local agencies" shall include:
 - a. Fire district;
 - b. Town Police Department;
 - c. Town Engineer;
 - d. Town Attorney;
 - e. Any applicable water and sanitation district;
 - f. Electricity provider to the area;
 - g. School district;
 - h. Telephone service provider;
 - i. Any other county, regional, state or federal agencies that may be deemed by the Town Manager as specially affected or interested; and
 - j. For any subdivision action affecting five (5) or more acres of land, notice will also be provided to the Colorado Land Use Commission as required by Section 31-23-225, C.R.S.
- (2) For purposes of any required agency referral to "all agencies" as required by Section 17-10-20, the phrase "all agencies" shall include:
 - a. All agencies identified as a "local agency" in subsection (a) of this section;

- b. Summit County Land Use Department;
 - c. Colorado State Department of Transportation; and
 - d. Any other county, regional, state or federal agency that may be deemed by the Town Manager as specially affected or interested including, but not limited to, the Colorado State Engineer, Soil Conservation Service, Colorado Geological Service, Denver Regional Council of Governments, Colorado State Forest Service, and the Colorado Water Conservation Board.
- (3) A copy of each application shall be referred by Town staff to the appropriate agencies following a determination of application completeness by the Town Manager. The purpose of all referrals is to define any conflict that the agencies or individuals may have with the proposal, and to allow for the possible resolution of conflicts through the processing of the application. Such agencies shall be expected to make recommendations and comments within twenty-one (21) days from the date of receipt of notification that the preliminary plan is available for review.
- (4) The lack of response from a referral agency to a request for referral comment shall be interpreted as "no comment" concerning the proposal and shall not be deemed a finding of acceptance or "no conflict." The absence of a timely agency comment shall not preclude the Planning Commission or Town Board from later seeking agency comment on a specific issue raised during the review process or any hearing. Recommendations or comments made after the twenty-one-day period may, at the reviewing body's discretion, be considered in the review of the application.
- (5) Failure to forward a referral of an application to an agency as required by Section 17-10-20 shall not constitute a material deviation from the subdivision application review process and shall not void or invalidate any action taken by the Planning Commission or Town Board. The requirement of agency referral shall be considered as a preferred, but discretionary, action by the Town.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-10-80. Notice requirements.

All public notices of hearings required by these subdivision regulations shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate by the Town Clerk to apprise the public of the general nature of the action proposed. Notice shall be made when required in accordance with the requirements of Section 17-10-20 and may include notice by publication or mailing, or a combination of these methods. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably mislead or misinformed the public as to the date, time, place or purpose of the hearing. Notice by mailing shall be deemed a courtesy to owners and a supplementary means of advising the public of the pendency of an application but shall not be deemed a legal requirement for the processing of an application or the conduct of a hearing if notice by publication was properly completed.

- (1) Notice by publication. Where notice by publication is required for any public hearing by Section 17-10-20, notice of the hearing shall be published in the Summit County Daily Newspaper (or other official newspaper designated for publication of the Town of Blue River) at least fifteen (15) days before the date of the hearing. A single notice may combine the notice of the hearing dates of the Planning Commission and the Town Board.
- (2) Notice by mailing.
 - a. Where notice by mailing is required for any public hearing by Section 17-10-20, notice shall be deposited in the United States Mail first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or

delivery by another comparable service shall be made at least seven (7) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing.

- b. Where notice by mailing is required for any public hearing, mailed notice shall be sent by the applicant addressed to owners of property within three hundred (300) feet of the property described in the application as their names appear in the real property records of the Summit County Assessor. For purposes of determining addressees for mailed notice, the applicant may rely upon the ownership information provided by the Summit County Clerk and Recorder's Office.
- c. The applicant shall deliver to the Town prior to each public hearing a signed, written certification addressed to the Town stating that the applicant or the applicant's representative has provided notice by mailing in accordance with this Section. Failure to provide such mailing or such certification may result in a denial of the application or a continuation of the public hearing in order to ensure that proper mailed notice was completed.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-10-90. Public hearings.

Where an application requires a public hearing before the Planning Commission or the Town Board (the "reviewing body") in accordance with Section 17-10-20, the following process shall apply:

- (1) The Town Clerk shall set the date and time of a public hearing to be held by the Planning Commission and the Town Board. Notice of the public hearing shall be issued in accordance with Sections 17-10-20 and 17-10-80.
- (2) At the public hearing, the reviewing body shall review the application for conformance with the subdivision regulations and the applicable review standards for the application.
- (3) Any public hearing or other action of the reviewing body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body.
- (4) Following the conclusion of the public hearing, the Planning Commission shall decide that the application be recommended for approval, conditionally approved or denied. For any preliminary plan or final plat, the date upon which the plat shall be deemed submitted to the Planning Commission for purposes of Section 31-23-215(1), C.R.S. shall be the date at which the public hearing is concluded.
- (5) Within ten (10) days of taking its action, the Planning Commission shall forward its recommendation to Town Board. Town Board shall conduct a public hearing and shall, at the conclusion of the hearing, approve, approve with conditions, deny the application, or continue the matter to a date certain.
- (6) Notwithstanding the imposition by the reviewing body of an express of specific condition of approval, all approvals shall be conditioned upon the applicant's execution of the plat and any applicable agreement accompanying the plat, and payment in full of all fees and charges for the processing and recordation of the plat and agreement(s).
- (7) The applicant for any subdivision approval shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by these subdivision regulations. Any decision by the reviewing body to recommend approval, approve or conditionally approve a subdivision plan, plat or other application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-10-100. Recording of plat and supporting documentation.

Where the final decision by the Town Board to approve or conditionally approve any subdivision application must be evidenced by the recordation of a plat or other documentation in accordance with these regulations, the following process shall apply:

- (1) Following approval or conditional approval of the application by the Town Board, the applicant shall cause the fully executed plat or other documentation intended for recordation as part of the application approval to be delivered to the Town Clerk in a form acceptable for recordation by the Summit County Clerk and Recorder.
- (2) The Town Clerk shall review the form of the plat or documentation for completeness of all required signatures and notarizations. Where the plat or other documentation is determined by the Town Clerk to be complete and in the proper form for recordation, the Town Clerk shall cause the plat or other documentation to be recorded in the office of the Summit County Clerk and Recorder.
- (3) All costs of recordation shall be paid in advance by the applicant.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-10-110. Variances.

- (a) An applicant or owner of property may request a variance or waiver of any standard or requirement imposed by these subdivision regulations for the owner's lot or property. The Town Board may grant a variance where the owner establishes each of the following:
 - (1) Literal enforcement of the standard or requirement would place an unnecessary and unreasonable hardship upon the owner for the lot or property;
 - (2) The granting of the variance will not be materially detrimental to the public welfare or injurious to other property in the neighborhood and surrounding area; and
 - (3) The proposed variance or waiver will not be adverse to the goals and policies of the Blue River comprehensive plan, to the extent that such goals and policies do not conflict with provisions or requirements of the Municipal Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that the application meets or fails to meet such goal or policy.
- (b) Owners seeking a variance or waiver for any standard or requirement shall submit a written request to the Town Manager together with an explanation of justification to support the request. The Town Manager shall review the request and supporting materials and provide a written opinion to the owner that the request will, or will not, be supported by the Town Manager and the reasons for the Manager's opinion. The owner may amend or revise the request and supporting materials within ten (10) days of the Town Manager's opinion. The Town Manager shall forward the request to the Planning Commission for administrative review and the Commission shall render a written recommendation to the Town Board to approve, approve with conditions, or reject the request. The Commission's recommendation shall be forwarded to the Town Board for the Board's administrative review and final administrative determination.
- (c) The Town Board may impose reasonable conditions upon any approval of a variance necessary to ensure continued conformance with these subdivision regulations, the Municipal Code, or necessary to protect the health, safety and welfare of the Town and its residents.

- (d) Variances shall be approved only by written resolution of the Town Board in a form approved by the Town Attorney.
- (e) Variances approved by resolution of the Board shall remain effective for three (3) years from the date of resolution approval or such other time as the Board may specify in the approving resolution. Extensions of the expiration of a variance may be requested by an owner and administratively approved by the Board (without Town Manager or Planning Commission review) upon a finding by the Board of just cause.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE XI Subdivision Improvements and Subdivision Agreements

Sec. 17-11-10. Assurance of completion and maintenance of improvements.

- (a) Improvements and performance guarantees.
 - (1) Completion of improvements. All subdividers shall be required to complete all the street and other improvements as specified in the subdivision plan or as required by this Chapter, Town adopted ordinance, resolution, policy, or standard and to dedicate all public improvements to the Town or other applicable public agencies, free and clear of all liens and encumbrances. The subdivider shall submit a certificate of title prior to conveying any land to the Town indicating all title restrictions.
 - (2) Subdivision improvements agreement. Subsequent to preliminary plan approval, but prior to recording a final plat, the subdivider shall either install all required improvements or enter into an agreement with the Town which shall obligate the subdivider to install and construct all public (hereafter also includes quasi-public) improvements within and adjacent to the proposed subdivision as may be required under the provisions of this Chapter. If the subdivider chooses to enter into an agreement, it shall specify the following at a minimum:
 - a. A description of all public improvements required.
 - b. An estimate of the cost of installing all public improvements.
 - c. The timing of public improvements in relation to the development of individual sites.
 - d. A description of all private improvements required by this Chapter, conditions of approval, or other pertinent Town regulations.
 - e. A performance guarantee that the improvements will be installed in accordance with the approved plans.
- (b) Performance guarantees.
 - (1) If the street and other improvements as specified in the subdivision plan or as required in this Chapter are not installed prior to filing of the plat, the subdivider shall post a performance guarantee consisting of either a surety bond, cash bond or an acceptable irrevocable letter of credit drawn upon a Colorado bank. The performance guarantee shall be posted with the Town prior to the time of recording the plat and shall be in an amount equal to one hundred twenty (120) percent of the estimated costs of all remaining public improvements not already installed or paid for.
 - (2) The performance guarantee described in this Section, shall be subject to review by and found satisfactory to the Town Attorney. The period within which required improvements must be completed shall be incorporated in the guarantee. Said guarantee shall remain in full force and effect until released by the Town.

- (3) The performance guarantee shall remain in effect and shall be renewed by the subdivider from time to time as necessary to assure continuous coverage until the performance guarantee is released by the Town.
 - (4) Failure to complete subdivision. Where a performance guarantee has been posted and a subdivision improvements agreement signed, and all improvements required by the Town have not been installed as required by such agreement, the Town may thereupon declare the agreement to be in default and may utilize the funds available from the performance guarantee to complete the improvements required for the subdivision.
- (c) Release or reduction of performance guarantees.
- (1) The Town will not accept the required improvements and will not release a performance guarantee until the Town has indicated that all required improvements have been satisfactorily completed and until the subdivider's engineer has certified to the Town, through submission of detailed as built plans of the subdivision, that all improvements are in accordance with the approved construction plans for the subdivision and are ready for dedication to the Town.
 - (2) A performance guarantee may be reduced by the Town upon actual completion of public improvements and then only in the ratio that the public improvements completed bears to the total public improvements of the plan. In no event shall a performance guarantee be reduced below twenty (20) percent of the principal amount until all improvements have been completed and accepted by the Town.
- (d) Maintenance of improvements and maintenance bonds.
- (1) The subdivider shall be required to maintain public improvements in the subdivision and to provide for snow removal, street cleaning, drainage, and general maintenance on streets and sidewalks prior to acceptance by the Town. In the event the subdivider fails to comply, the Town is authorized to perform the necessary work, without incurring any liability, and charge such work to the subdivider. Any such charges shall become a first and prior lien on the subdivision.
 - (2) The subdivider shall be required to file a maintenance bond with the Town in a form acceptable to the Town Attorney, prior to acceptance of any public improvements, in an amount equal to twenty (20) percent of the original cost of the public improvements, in order to assure the satisfactory maintenance of the required improvements for a period of two (2) years after the date of their acceptance by the Town. Such bond shall guarantee all public improvements constructed by the subdivider shall remain free from defect for the required two-year period.
- (e) Issuance of permits.
- (1) Prior to the issuance of a building permit for any lot within the subdivision, the extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire and any other emergency equipment. At a minimum, the street shall be improved with a base course up to that portion of the street that provides direct access onto the lot for which a building permit is requested.
 - (2) Prior to the issuance of a certificate of occupancy for any structure all public improvements required by the subdivision plan shall be completed. The Town may waive the requirements of this Section if in the opinion of the Town Manager the issuance of a certificate of occupancy will not create significant adverse impacts to the community, and the improvements remaining are satisfactorily guaranteed to be completed in a timely manner.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-11-20. As built plans.

Finished plans of all public improvements as installed will be required before the Town will accept the improvements.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-11-30. Failure to install improvements; rights relinquished.

If one (1) or more improvements required by this Chapter as a condition of subdivision approval are not installed within three (3) years of the date of Town subdivision approval, the plat shall be deemed void without further or additional action by the Town. All right to improve or develop the property on the part of the owner or subdivider shall thereby be relinquished. The Town Manager may, at the Manager's discretion, file with the Summit County Clerk and Recorder such document(s) as may be necessary to alert the public of the invalidity of the plat.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-11-40. Plans and specifications.

- (a) Plans and specifications are to be prepared based on appropriate traffic studies, soils reports, planning criteria, applicable standards, and requirements. All design work is to be prepared and signed by a professional engineer registered in the State. Plans are to be completed in sufficient detail to facilitate review.
- (b) All preliminary plans and final plats, where applicable, shall be designed in accordance with Chapter 11, Streets, Sidewalks and Public Property of the Municipal Code.
- (c) Where no standard exists, the Town may require adherence to professionally accepted standards such as standards and guidance provided by the American Association of State Highway and Transportation Officials (AASHTO).

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-11-50. Open space, trails, and other requirements.

New subdivisions may be required to provide open space areas, parks, trails, sidewalks, roadway improvements, and other improvements which are reasonably related and proportionate to the impacts of the proposed subdivision and necessary to mitigate those impacts. It is anticipated that such requirements will be included or previously negotiated during the zoning or rezoning process for the property. The Town may require and rely upon studies and reports to determine the extent of the mitigation necessary to address the impacts.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

Sec. 17-11-60. Failure to install improvements; rights relinquished.

If any improvement as outlined in this Chapter, required by subdivision approval, or required by a subdivision improvement agreement is not fully completed within three (3) years of the date of Town approval, of the subdivision, the subdivision approval and any associated plat shall be deemed void and invalidated without further action by the Town. In such case, the Town may file documentation with the Summit County Clerk and Recorder evidencing the invalidation of the subdivision plat. All right to improve or develop the previously subdivided property shall thereby be relinquished.

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)

ARTICLE XII RESERVED

ARTICLE XIII Plat Certificates

Sec. 17-13-10. Plat certificates.

The following certificates and notices, properly executed and in substantially the following form, shall be shown on the face of each final subdivision plat before it is recorded with the Summit County Clerk and Recorder. Any substantive variation from the text of the certificates as shown must be approved by the Town Attorney. Any other certificates or notices that are deemed necessary for the purposes of the particular plat shall also be included at the time of its submission.

Note: The following plat notes must be customized to fit the facts of the particular plat (i.e., if the owner is not an entity, but are two (2) individuals, the reference to the type of the business entity must be deleted; "has laid out" must be changed to "have laid out;" and so forth).

- (1) The title format as required on all plats is as follows:

[Name of Type of Plat]
SUBDIVISION NAME, FILING OR PHASE NUMBER LOT, BLOCK, TRACT
Town of Blue River, County of Summit, State of Colorado

- (2) Certificates shall be as follows:

CERTIFICATION OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that being sole owner(s) in fee simple of all that real property situated at *(insert property location)* in the Town of Blue River, Summit County, Colorado, described as follows: containing *(insert number here)* acres, more or less: have by these presents laid out, platted and subdivided the same into *(insert number here)* lots and *(insert number here)* blocks as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; and does hereby accept the responsibility for the completion of required improvements; and does hereby dedicate and set apart all of the public roads and other public improvements and places as shown on the accompanying plat to the use of the public forever; and does hereby dedicate those portions of said real property which are indicated as easement on the accompanying plat as easements for the purpose shown hereon; and does hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

Executed this day of (insert date), 20__.

Owner (if individual owner to sign): _____

Corporation name (if corporation to sign): _____

Address: _____

By (signature): _____
(type individual's name)

Title (if applicable): _____

[Insert Notary Certificate Here as Approved by Town]

CERTIFICATION OF DEDICATION FOR MORTGAGE HOLDER OR DEED OF TRUST HOLDER

KNOW ALL MEN BY THESE PRESENTS that being the holder of a mortgage or deed of trust on the real property situated at *(insert property location)* in the Town of Blue River, Summit County, Colorado, described as follows:

containing (insert number here) acres, more or less; as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; agrees to the dedication and setting apart all of the public roads and other public improvements and places to the Town of Blue River as shown on the accompanying plat to the use of the public forever; and does hereby agree to the dedication of these portions of said real property which are indicated as easement on the accompanying plat as easements for the purpose shown hereon; and does hereby agree to the granting of the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

Holder: (if individual owner to sign): _____

Corporation name (if corporation to sign): _____

Address: _____

By (signature): _____
(type individual's name)

Title (if applicable): _____

[Insert Notary Certificate Here as Approved by Town]

SURVEYOR'S CERTIFICATE

(For all plats except condominium maps)

I do hereby certify that I am a registered Land Surveyor licensed under the laws of the State of Colorado, that this plat is true, correct and complete as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

In witness thereof I have set my hand and seal this day of (insert date here), 20__.

Name: _____

COLORADO LAND SURVEYOR NO. _____

Corporation name (If corporation): _____

Address: _____

By (signature): _____
(type individual's name)

Title (if applicable): _____

TITLE CERTIFICATE

(Name of title company) does hereby certify that the title to all lands shown upon this plat have been examined and is vested in and that title to such lands is free and clear of all liens and encumbrances, except as follows:
(Insert text here)

Dated this day of *(insert date here)*, 20__.

Title Company or Attorney's Name Address: _____

By: (Signature) _____
(printed name and title of officer or attorney)

CLERK AND RECORDER CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder on this day of (insert date), 20____, at (insert number) o'clock (insert A.M. or P.M.). Recorded under Reception No. (insert number) in Book (insert text) at Page (insert number).

Clerk and Recorder

Summit County, Colorado

By: (Signature) _____
(printed name)

Title (if applicable): _____

BOARD OF TRUSTEES CERTIFICATE

This plat approved by the Board of Trustees of the Town of Blue River, Colorado this day of (insert date here), 20____, for filing with the Clerk and Recorder of Summit County, Colorado and for the conveyance to and acceptance by the Town of Blue River of the public dedications shown hereon; subject to the provision that approval in no way obligates the Town of Blue River for maintenance of roads dedicated to the public until construction of improvements thereon shall have been completed in accordance with Town of Blue River specifications, and the Board of Trustees of the Town of Blue River has by a subsequent resolution agreed to undertake maintenance of the same. This approval does not guarantee that soil conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit or any other required permit will be issued. This approval is with the understanding that all expenses involving all improvements required shall be the responsibility of the subdivider and not the Town of Blue River.

Mayor, Town of Blue River

[Print name here]

ATTEST:

Town Clerk

PLANNING AND ZONING COMMISSION CERTIFICATE

This plat was recommended for approval by the Town of Blue River Planning and Zoning Commission this day of (insert date here), 20____.

Chairperson

[Print name here]
Blue River Planning & Zoning Commission

ATTEST:

Town Clerk

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes due and payable as of the day of _____, 20____ upon all parcels of real estate described on this plat are paid in full.

Dated this day of (insert date here), 20____.

Treasurer of Summit County

CERTIFICATION OF OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that being sole owner(s) in fee simple of all that real property situated in the Town of Blue River, Summit County, Colorado, described as follows: containing (insert number) acres, more or less: have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; and does hereby accept the responsibility for the completion of required improvements.

Executed this day of (insert date), 20__.

Owner (if individual owner to sign): _____

Corporation name (if corporation to sign): _____

Address: _____

By (signature): _____
(type individual's name)

Title (if applicable): _____

[Insert Notary Certificate Here as Approved by Town]

(Ord. No. 2020-01, § 1(Att.), 5-19-2020)