

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 21-08**

AN ORDINANCE AMENDING CHAPTER 142 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE VACATION OF PUBLIC PROPERTY, BY AMENDING SECTIONS 142-6, CONCERNING THE VALUATION OF VACATED PROPERTY; and 142-13, CONCERNING THE VESTING OF TITLE UPON VACATION.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, this ordinance is adopted pursuant to the Town's home rule authority and the Town's authority under Colorado Revised Statutes Section 31-23-301; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 142-6 of the Code of Ordinances of the Town of Frisco (the "Code"), concerning the valuation of vacated property, is hereby amended to read as follows:

§ 142-6 Valuation of Vacated Property.

Prior to the submission of a request for vacation to the planning commission or town council for consideration, ~~If the town council adopts on first reading a vacation ordinance vacating a roadway or access easement,~~ the town manager or his/her designee will cause an appraisal to be made at the expense of the applicant(s), unless the town manager or town council waives such appraisal. An appraisal is not required for the vacation of an easement, other than an access easement, unless specially requested by the town manager or town council. The appraisal will include the following information:

- A. Valuation of the property being vacated;
- B. Valuation of any property that may be benefitted by the vacation, valued prior to vacation;
- C. Valuation of any property that may be benefitted by the vacation, valued after vacation; and
- D. Any other determinations requested by the town council.

Section 2. Section 142-13 of the Code, concerning the vesting of title upon vacation, is hereby amended to read as follows:

§ 142-13 Vesting of Title and Zoning Upon Vacation.

Any ordinance effecting a vacation under this article shall state to whom title to the vacated land shall vest upon vacation. Except as otherwise provided in the ordinance effecting a vacation, Title to the lands included within a roadway or so much thereof as may be vacated shall vest in accordance with the provisions of C.R.S. § 43-2-302 or its successor statute. Whenever any roadway shall be vacated, such roadway or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches without further action on the part of the Town.

Section 3. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING
ORDERED ON THE 22nd DAY OF JUNE, 2021.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED
THIS 13th DAY OF JULY, 2021.

TOWN OF FRISCO, COLORADO:

Mayor Hunter Mortensen

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk