



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL
FROM: BILL GIBSON, COMMUNITY DEVELOPMENT ASSISTANT DIRECTOR
RE: ORDINANCE 21-08, AMENDING TOWN CODE CHAPTER 142, VACATION OF PROPERTY
DATE: JULY 13, 2021

Summary and Background: This is the second reading of Ordinance 21-08, an ordinance amending Chapter 142, Vacation of Property. This chapter of the Town of Frisco Code of Ordinances establishes policies, procedures, and standards for the vacation or divestment of the Town's right, title, or interest in or to any land, including street right-of-ways and easements. Staff is recommending the following amendments to this chapter:

- 1) Amend Section 142-6 to cause appraisals to be made earlier in the review process
- 2) Amend Section 142-13 to clarify to whom vacated property is vested

On June 22, 2021, the Town Council approved the first reading of this ordinance by a unanimous vote. There have been no changes to the proposed ordinance since the first reading.

Analysis: Pursuant to Section 142-6, if the Town Council adopts on first reading an ordinance vacating a roadway or access easement, the Town Manager (or his/her designee) may cause an appraisal to be made of the property being vacated at the applicant's expense. Under this procedure, the Planning Commission and Town Council have each held public hearings on the proposed vacation without knowing the appraised value of the land being vacated. This timing diminishes the ability of Town Staff, the Planning Commission, and the public to make informed recommendations to the Town Council. This timing also diminishes the Town Council's ability to find "that an overriding public interest favors the vacation" when considering the first reading of a vacation ordinance. Staff recommends amending this section of the code such that appraisals, when required, are made prior to presenting the vacation application to the Planning Commission or Town Council. Staff believes obtaining an appraisal earlier in the review process will allow for better informed decision making.

Pursuant to Section 142-12, a vacation ordinance shall specify to whom title to the vacated land is vested. The next sentence in this section states that title to land included in a roadway shall be vested in accordance with Colorado Revised Statute §43-2-302. The phrasing of these two

statements creates an opportunity for ambiguity and inconsistency in the interpretation and implementation of the Town's vacation regulations. Staff recommends rewording this section of the code to clarify that C.R.S §43-2-302 is the default policy position for vesting title unless the Town Council chooses to specify otherwise in the vacation ordinance.

Financial Impact: Adoption of the attached ordinance will have no financial impact to the budget.

Alignment with Strategic Plan: The attached ordinance aligns with the Town Council's 2020-2021 Quality Core Services Strategic Priority.

Environmental Sustainability: Adoption of the attached ordinance will have no impact to the environment.

Staff Recommendation: It is recommended the Town Council pass a motion approving Ordinance 21-08.

Approved By:

Jeff Durbin, Interim Town Manager
Bonnie Moinet, Finance Director
Don Reimer, Community Development Director

Attachments:

Attachment 1 – Ordinance 21-08