

**TOWN OF SUPERIOR  
ORDINANCE NO. 0-18  
SERIES 2022**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR AMENDING CHAPTER 16, ARTICLE IX OF THE SUPERIOR  
MUNICIPAL CODE CONCERNING THE VACATION OF A PLAT,  
STREET, RIGHT-OF-WAY OR EASEMENT**

**WHEREAS**, the Town desires to amend its processes for vacating a plat, street, right-of-way, or easement.

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:**

**Section 1.** Section 16-9-10 of the Superior Municipal Code is hereby amended to read as follows:

**Sec. 16-9-10. – General.**

(a) Submittal requirements. An application for vacation of a plat, street, right-of-way, easement or portion thereof shall include a certified boundary survey, monumented with a legal description in addition to the standard submittal materials required the Superior Development Application Standards.

(b) Process.

(1) Preapplication conference. For all applications for a vacation, the applicant shall attend a preapplication conference with Town staff to discuss the submittal requirements and review process.

(2) Plats, Streets, Alleys and Rights-of-Way. The Board of Trustees shall hold a properly-noticed public hearing on the application and shall approve, approve with conditions or deny the application. Notice shall be by mailing and posting, as set forth in Section 16-2-60. The Board of Trustees shall consider the criteria as set forth below in subsection (c) hereof.

(3) Easements. The Manager shall review the application, considering the criteria set forth in subsection (c) hereof, and shall approve, approve with conditions or deny the application, based on written findings.

(c) Criteria.

(1) Whether the vacation will interfere with the development of or deny access via a public thoroughfare to existing lots or parcel of adjoining property, utility services, or other improvements; and

(2) Whether the vacation is consistent with the Comprehensive Plan.

**Section 2.** The Land Use Approval List located in Section 16-2-10 of the Superior Municipal Code is hereby amended to read as follows:

Street/Alley Vacation	R & C		D (hearing)	Pub, M, Post
Easement Vacation	D	-	-	-

**Section 3. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

**Section 4. Safety.** This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 12<sup>th</sup> day of December, 2022.**

Mark Lacis, Mayor

**ATTEST:**

Lydia Yecke, Town Clerk

