



2023 EASEMENT RELEASE Application Packet

Per Aurora City Code, no portion of any structure* can encroach into an easement or fire lane. However, an owner of a parcel may wish to do an improvement within an easement. Also, an easement may no longer be needed or an easement configuration may need to be changed. In these cases, the owner of the parcel needs to contact Land Development Review Services to discuss their particular situation. Contact Andy Niquette at 303-739-7300 with any initial questions. If it is determined that the easement must be released, this packet explains that process.

An exception to the above Code requirement may be made if the parcel owner obtains a Revocable License, License Agreement, and the proper permits (if required). Allowable encroachments are for movable items such as retaining walls, fences, monument signs, sheds, etc. If it is determined that a License is needed, there are other packets available from Land Development Review or [click here for the Land Development Review webpage](#) which explain those items.

In all of these instances above, it is up to the owner of the property to contact Land Development Review Services to obtain an easement release, License Agreement, or Revocable License prior to applying for a building permit or starting construction. Building permits can be obtained from the Building Division.

If the owner is required to release an easement they must submit an application to Land Development Review Services. Apply by submitting the application material to (releaseeasements@auroragov.org). If a **Right-Of-Way street vacation** is needed, a separate application is to be processed by contacting the Planning department. This packet contains the processing steps, Application Form, contact people, Exhibit examples to include an illustration and legal description, and a sample Quit Claim Deed.

*The City considers structures, more permanent in nature, to be such items as homes, garages, office buildings, canopies, pools, covered decks and/or patios, covered porches, etc. It includes all portions of the structure including the foundations, footings, eaves, roof overhangs, bay windows, chimneys, etc.

REQUIRED ITEMS for Easement Release submittals (submit to releaseeasements@auroragov.org):

- **A completed Application Form with the signature page for Easement Release with Utility approvals. Owner verification needed (Deed and/or Statement of Authority).**
 - **A legal description (prepared to Property Description Specifications)**
 - **An illustration no larger than 8 1/2" x 11" (prepared to Property Description Specifications)*NOTE: New margin changes on exhibits**
 - **A closure sheet for the description where applicable**
 - **The fee of \$155.00 according to the Fee table. Issued by means of Invoice** (paid online with Credit; or by cash or check made out to: City of Aurora and delivered to the City Cashier)
 - **With Five (5) or more descriptions submitted** – an overall AutoCAD drawing and a computer disk with all easements and/or parcels of land represented
- All the required items above must be submitted at the same time (except for the fee).**

Steps for the Applicant to obtain an Easement Release:

1. You will need to hire a professional land surveyor registered in Colorado to prepare the legal description and illustration. The surveyor must use the Property Description Specifications (attached) to prepare these items. We suggest you check with City departments, Public Service Company (aka Xcel), CenturyLink, and Comcast prior to hiring your surveyor so you can determine ahead of time if the easement can be released.
2. The owner must completely and accurately fill out the Application Form (attached) and sign it. E-mail using the contacts provided in this packet the Application Form, legal description and illustration to : Lumen (formerly CenturyLink), Public Service Company (aka Xcel), and Comcast (also known as the outside agencies). The outside agencies have a franchise to use plat dedicated utility easements and street rights-of-way so they must give their approval. *THESE OUTSIDE AGENCIES SHOULD RETURN THE SIGNED APPLICATION FORM TO YOU, NOT TO THE CITY.* A sheet is included in this packet showing locations, phone numbers, etc. for these outside agencies. These outside agencies must approve your application as they have rights to use certain easements within the City also.
3. When the Application Form, legal description, illustration are complete and you have all the signatures from the outside agencies, email the files to releaseeasements@auroragov.org. Paper submittals are accepted by mail or in person by delivery to: Public Works Department, Land Development Review Services, Aurora Municipal Center, 15151 E. Alameda Parkway, Suite 3200, Aurora, CO 80012-1555. For each application, please be sure to ask for the invoice for the **\$155.00** processing fee(s). This fee is nonrefundable.

Submitting Exhibits will be subject to the defined Fee structure for 2023, as each type of easement up to five Exhibits per type as illustrated in the Sample Table:

Submittal	Number of Types	Fee	Note
Ex 1. (DE, UE, FL)	3	$\$155 \times 3 = \475	
Ex. 2 (UE, UE, UE)	1	$\$155 \times 1 = \155	
Ex. 3 (DE, SW, SW)	2	$\$155 \times 2 = \310	
Ex 4 (UE, UE, UE, UE, UE, UE)	1	$\$155 \times 2 = \310	Every 5 Exhibits requires a new Fee.

4. Land Development Review will review your application and if complete, will accept it for processing. A legal document known as a Quitclaim Deed (see attached Sample B) will be prepared by Land Development Review. The documents your surveyor prepared will be reviewed for accuracy and compliance with our specifications. If there are corrections that must be made, the legal description and illustration will be returned to the surveyor by email. This part of the process continues until the legal description and illustration are acceptable to the City.
5. Once all documents are acceptable, Land Development Review will begin routing the Quitclaim Deed, legal description, and illustration to interested City departments for their review. If the release is approved, the Quitclaim Deed will deed the City's interest in this easement back to the owner of the property and the easement described in the legal description will no longer exist. The review and routing process takes approximately **4-6 weeks** to complete (steps 4, 5 & 6).

6. When everyone involved has approved the request, Land Development Review will forward the Quitclaim Deed to the Mayor and City Clerk to sign and notarize, it will then be sent to the appropriate county to be recorded.
7. When the Quitclaim Deed is ready to record, Land Development Review will give the owner an unrecorded copy and they may apply for their building permit (if a permit is required). DO NOT BEGIN INSTALLATION OF YOUR IMPROVEMENT UNTIL THE QUIT CLAIM DEED IS FULLY APPROVED BY THE CITY AND PERMITS OBTAINED.

If you have any questions regarding this process, please contact Andy Niquette [in Land Development Review Services at 303-739-7300.](#)

PLEASE NOTE: ***An application that has no activity, after City notification, for a period of **six months** is subject to **expiration** and will be withdrawn from City records. A new application will be needed to begin again.***

**EASEMENT RELEASE APPLICATION**Land Development Review • 15151 E. Alameda Parkway, Ste. 3200 • Aurora, CO 80012 •
303.739.7325 Email: releaseeasements@auroragov.org**If the application is incomplete or required documents are missing, we will not be able to process your application submittal.****Due Diligence checklist AND application for an Easement Release.**

In order for Real Property to assist you in a timely and efficient manner please provide the following information:

Has the Development Application been approved?

Yes



No



N/A

(DA#)

DA-1387-04Who is the Planning Case Manager for this project? JEANNINE RUSTAD**Have the Civil plans been approved by the City of Aurora?**

Yes



No



N/A

Civil Plan number (CP#) 222237**Have the Site Plans been approved?**

Yes



No



N/A

The Site Plan had been approved with one condition.

Site Plan # _____

Is this a City Project?

Yes



No

(Permit cannot be obtained until License and Civils are approved.)

*****To obtain information on any of the above please contact the Engineer on duty at 303.739.7335*****

Property Owner and Registration (State and Type) <u>BLVD KINGSTON LLC</u>	Contact Name <u>AARON FOY</u>
Owner Contact	Contact Business Name
Address <u>600 GRANT ST SUITE 404</u>	Address
City, State, Zip <u>DENVER, CO 80203</u>	City, State, Zip
Phone <u>(303)200-0742</u>	Phone
Email <u>MARK@BLVDBUILDERS.COM</u>	Email
Job address and/or location (Plat name if available) <u>KINGSTON</u>	
Scope of Work (Size and Type of Easements – ie. 4' water easement, 23' fire lane, etc) (NOTE: One type per application) <u>26' fire lane easement</u>	
Purpose of release of easement(s) <input type="checkbox"/> Proposing a new structure in the easement <input checked="" type="checkbox"/> The easement is no longer needed <input type="checkbox"/> The easement configuration is being changed	NOTE: Street Vacation applications are to be submitted through the Planning department. FEES are to be paid upon receipt of invoice

FOR OFFICE USE ONLY:

CHECK LIST

1. Completed Application Page ☐ YES ☐ NO
2. Utility Company approvals ☐ YES ☐ NO

3. Exhibit(s)-Legal and Illustration(s) ☐ YES ☐ NO
4. Vesting Deed (or Title Commitment) ☐ YES ☐ NO
5. Closure Sheet ☐ YES ☐ NO

Additional items for submittals with 5 exhibits:

- Overview map ☐ YES ☐ NO
CAD (dwg file) ☐ YES ☐ NO

APPROVALS (*owner must obtain signatures from these entities, facsimile signatures are acceptable)

On behalf of the company listed below, I hereby agree to the release of the above-defined easement. If denied, put the word "denied" on the signature line.

***Public Service Company (aka Xcel)**

Underground Electric Division

By: Russ McClung

Date _____

Overhead Electric Division

By: Russ McClung

Date _____

***Lumen (formerly CenturyLink)**

By: _____

Date _____

***Comcast**

By: _____

Date _____

Easement type and Legal Description Fire lane easement. Lot 1, Block 1, Kingston Place Subdivision Filing No. 1

(Lot, Block, Tract, Subdivision Filing No. or ¼ Section No., Township and Range)

fill out

City of Aurora departments will review the easement application. These may include any or all of the following:
Land Development Review, Engineering, Traffic, Life Safety, Legal, Water

Comments: _____

OWNER'S AGREEMENT

As owner of the property described herein: I hereby agree, as partial consideration for an easement release, to fully indemnify said utility agencies and pay for any relocation of any utility service necessitated by this application, if said utility services exist within this parcel of land.

By: Ag, Manager BLVD Kingston, LLC
(Must be owner of the property)

Email address Aaron @ BLVD Builders.com

Return this application form, legal description and illustration, ownership information sheet, and **\$155.00** fee to:

City of Aurora
Permit Center
15151 E. Alameda Parkway, Suite 2400
Aurora, CO 80012-1555

OR

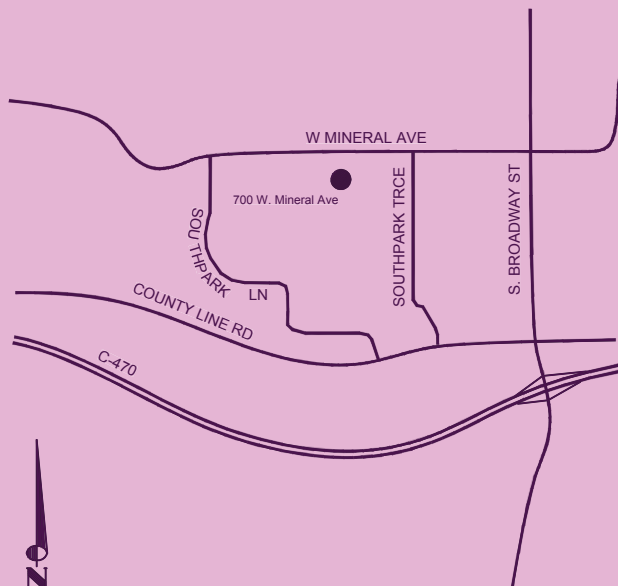
e-mail to: releaseeasements@auroragov.org

CONTACT INFORMATION FOR OUTSIDE AGENCIES



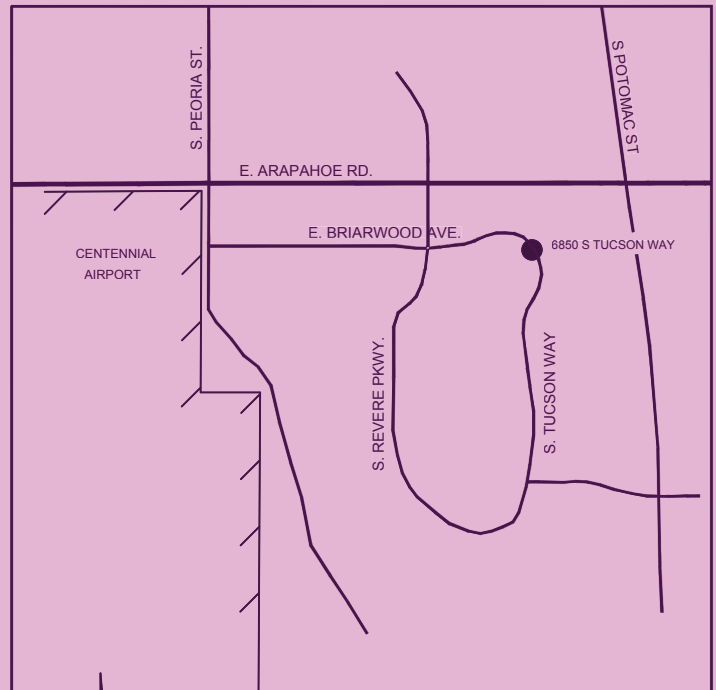
PUBLIC SERVICE COMPANY (A.K.A. XCEL ENERGIES, INC.)

Land Rights Agent: Russ McClung
2070 S. Valenia St.
Denver, Colorado 80231
Fax: (303) 671-3813
Phone: (303) 671-3932
Email: Russell.W.McClung@xcelenergy.com



CENTURYLINK

NRE.Easement@centurylink.com
Subject: CenturyLink Network Real Estate Department
700 W. Mineral Ave.
Littleton, CO 80120



COMCAST

COMCAST - Call 8:00 to 5:00 Mon. thru Fri.
6850 S. Tucson Way
Englewood, Colorado 80112
Joe Lowe: (303) 603-5661
Email: Thomas_Lowe@cable.comcast.com
Butch Buster: (303) 603-5682
Email: Butch_Buster@cable.comcast.com

PROPERTY DESCRIPTION SPECIFICATIONS (See Example of Legal Description)

Descriptions submitted to the Land Development Review Services Division will not be accepted unless prepared by a professional land surveyor registered in the State of Colorado, and shall conform to the following required criteria:

1. Submit an original typewritten legal description on letter size plain white paper (8-1/2" x 11"). **Electronic submittals of PDF's are acceptable.** No layout with company logos will be accepted.
2. Each description must have an introduction which states the existing use of the property described, the location of the property, (Section, Township, Range, P.M.), and the subdivision name and filing number, if applicable. Samples are provided in this packet.
3. The body of the description must contain sufficient information to avoid any ambiguities or the necessity for assumptions.
4. The description must close mathematically with a ratio of closure of at least 1": 10,000". **Distances should be represented in "U.S. Survey Feet."**
5. The point of beginning must be tied to an established land corner or to a point identifiable on a recorded subdivision plat.
6. A Basis of Bearing should be used and described.
7. Metes and bounds descriptions are preferred whenever possible.

Centerline descriptions will be accepted only when:

- A. The point of beginning and the point of terminus are described in the text and are tied to independent control points.
 - B. The land described is uniform in width (from the described centerline) throughout its entire length.
 - C. The sidelines of the land described are at all points parallel with the described centerline.
 - D. Land (or easement) descriptions that deviate from any of the foregoing conditions must be written in a metes and bounds format.
8. The area shall be expressed in square feet and acres.
 9. Each description shall be signed and sealed in accordance with C.R.S. 12-25-217(2) which presently states:

"All documents, plats, and reports resulting from the practice of land surveying shall be identified with and bear the seal or exact copy thereof, signature, and date of signature of the land surveyor in responsible charge."
 10. Each description shall have a heading similar to 'Exhibit A'. With the subsequent descriptions to be consecutively lettered Exhibits. (Example: Exhibit A, Exhibit B, Exhibit C, etc.)

ILLUSTRATION SPECIFICATIONS (See Illustration for Exhibit A)

An illustration shall accompany each property description conforming to the following format:

1. A paper drawing in ink or computer generated and plotted representation done according to the example.
2. Lettering to be "AutoCAD," Leroy or professional grade lettering.
3. Size is to be 8-1/2" x 11". **Please note the new margin changes**
4. The following disclaimer statement must appear on each exhibit:

**"THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION."**

5. The heading at the top of the sheet should read "Illustration for Exhibit ____" (insert letter).
6. A City of Aurora title block should be at the bottom of each illustration (see example).

CITY OF AURORA, COLORADO			A FIRE LANE, ACCESS AND UTILITY EASEMENT BEING A PART OF LOT 4, BLOCK 1 GATEWAY PARK IV EAST SUBDIVISION FILING NO. 9 CITY OF AURORA, COUNTY OF ADAMS STATE OF COLORADO
<small>DRAWN BY: MDW</small>	<small>SCALE: 1"=30'</small>	<small>R-O-W FILE NO.</small>	
<small>CHECKED BY: JRW</small>	<small>DATE: 05-07-2018</small>	<small>JOB NO. 48117-43</small>	

For the AutoCAD – COA Title Block Drawing, “Double Click” on the PDF attachment folder for a Blank Illustration

7. Bearings, distances, and curve data should be shown on the illustration and should match the legal description.
8. Show a bar and ratio scale and north arrow.
9. Label all street names and alleys.
10. Name and address of owner.
11. Label the lot and block numbers and the subdivision plat names and filing numbers.
12. Each illustration shall be signed and sealed in accordance with C.R.S. 12-25-217(2) which presently states:

"All documents, plats, and reports resulting from the practice of land surveying shall be identified with and bear the seal or facsimile and signature of the land surveyor in responsible charge."

EXAMPLE OF LEGAL DESCRIPTION

Exhibit A

INTRODUCTORY PARAGRAPH SAMPLE

For easement releases, each legal description will have an introductory paragraph similar to: **A 23' fire lane and utility easement dedicated to the City of Aurora by the XYZ Subdivision Filing No. 1, a subdivision plat recorded in the offices of the Arapahoe County Clerk and Recorder at Reception No. A0349586**, situated in the NW 1/4 of Section 12, T4S, R67W of the 6th P.M., Arapahoe County, Colorado, more particularly described as follows:

A **(use similar wording as shown underlined in the above paragraph)** situated in the SW 1/4 of Section 31, T3S, R66W of the 6th P.M., Adams County, Colorado, more particularly described as follows:

Beginning at the SE corner of Lot 6, Block 1, ABC Subdivision Filing No. 1, as recorded in Adams County, Colorado;

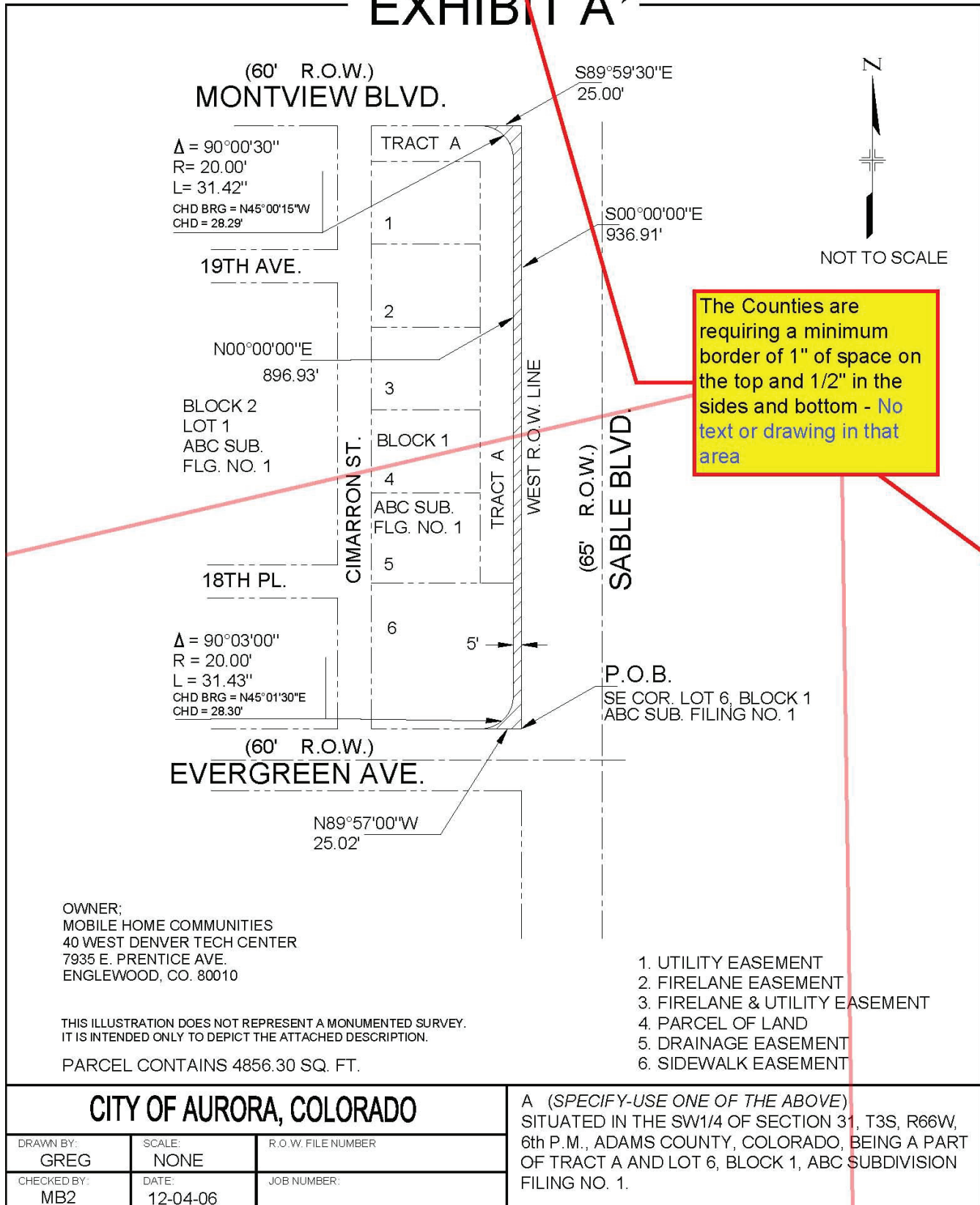
thence N 89°57'00" W along the north right-of-way line of Evergreen Avenue, a distance of 25.02 feet to a point of curve to the left;
thence along said curve (whose chord bears N 45°01'30" E, a distance of 28.30 feet) having a radius of 20.00 feet, a central angle of 90°03'00", an arc distance of 31.43 feet to a point of tangent;
thence N 00°00'00" E along a line 5.00 feet westerly of and parallel with the west right-of-way line of Sable Boulevard as platted by said ABC Subdivision Filing No. 1, a distance of 896.93 feet to a point of curve to the left;
thence along said curve (whose chord bears N 45°00'15" W, a distance of 28.29 feet) having a radius of 20.00 feet, a central angle of 90°00'30", an arc distance of 31.42 feet to a point of tangent, said point also being a point on the south right-of-way line of Montview Boulevard;
thence S 89°59'30" E along said south right-of-way line, a distance of 25.00 feet to a point on the west right-of-way line of Sable Boulevard;
thence S 00°00'00" E along said right-of-way line, a distance of 936.91 feet to the Point of Beginning.

Containing 4,856.30 square feet (0.112 acres) more or less.

All lineal distances are represented in U.S. Survey Feet.

Surveyor's Name,
Address, Seal, Date Signed
and Signature

(Sample only, may not be an accurate description)

EXHIBIT A

NOT TO SCALE

The Counties are
requiring a minimum
border of 1" of space on
the top and 1/2" in the
sides and bottom - No
text or drawing in that
area

:IPWD\MB2\SAMPLE3

Legal Description and Illustration Check List (FOR SURVEYOR'S USE)

1. General Format:

- a. 8½" x 11" size plain white paper: **New page margin changes** ☐
- b. Original document ☐
- c. Exhibit ____ (insert letter) at top of the page margin ☐
- d. No company logo or title blocks on document ☐

2. Introduction or Preamble:

- a. Intended use (i.e. type of easement, parcel of land, etc.) ☐
- b. Section, Township, Range designations ☐
- c. Lot, block numbers and subdivision plat name and filing number (if applicable) ☐
- d. Related books and pages noted ☐

3. Body:

a. Metes and Bounds Descriptions ☐

- 1. Tied out (i.e. subdivision plat or section corner) ☐
- 2. Fits other related documents (i.e. plats or recorded separate document dedications) ☐
- 3. Coordinate configuration with the affected departments ☐
- 4. Use passing calls to clarify points ☐
(**Example: Thence N 45° 15' 36" E a distance of 154.89 feet to a point on the southerly line of that utility easement recorded in Adams County, Colorado in Book 2642 at Page 269.**)
- 5. Point of Commencement identified ☐
- 6. Point of Beginning identified ☐
- 7. Closure check to (1': 10,000' ratio) ☐
- 8. Distances represented in U.S. Survey Feet ☐
- 9. Area stated (square footage and acreage) ☐

b. Centerline Descriptions

- 1. Point of Commencement identified ☐
- 2. Point of Beginning identified and tied to independent control point ☐
- 3. Point of Terminus identified and tied to independent control point ☐
- 4. Fits other related documents ☐
- 5. Area stated (square footage and acreage) ☐

c. Would you like to add a Basis of Bearing Statement? ☐

d. Seal of Surveyor ☐

- 1. Signature and Date through the seal

Illustration for the Exhibit

- 1 8½" x 11" size plain paper: **New page margin changes** ☐
- 2 Title: "Illustration for Exhibit ____ (insert exhibit letter)" ☐
- 3 Disclaimer Statement: "This illustration does not represent..." ☐
- 4 City of Aurora Title Block ☐
- 5 All bearings and distances with areas agrees with description ☐
- 6 Scale correct ☐
- 7 North arrow ☐
- 8 Names of lots, blocks and subdivision plats affected ☐
- 9 Street names correct ☐
- 10 Name(s) & Address(es) of the owner(s) of the property ☐

"Double Click" on the attachment folder for the AutoCAD Drawing for the Blank Illustration – COA Title Block

SAMPLE B

Quit Claim Deed

THIS DEED, made this _____ day of _____, 20____, between the City of Aurora, Colorado, 15151 E. Alameda Parkway, Aurora, CO 80012-1555, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Colorado, of the first part, and duly organized and existing under and by virtue of the laws of the State of _____, of the second part, whose legal addresses is:

WITNESS, That the said party of the first part, for and in consideration of the sum of one dollar and no/100 (\$1.00), the receipt and sufficiency of which is hereby acknowledged, have remised, released, sold and QUITCLAIMED, and by these presents do remise, release, sell and QUITCLAIM unto the Grantee(s), their heirs, successors and assigns forever, all the right, title, interest, claim and demand which the Grantor(s) have in and to the real property, together with improvements, if any, situate, lying and being in the County of Arapahoe and State of Colorado, described as follows:

See Exhibit A wherein the description is more fully set forth. Said Exhibit A is attached hereto and incorporated herein by reference.

Also known by street and number as: vacant land/ no site address (Arapahoe County)

Assessor's schedule or parcel number: _____

TO HAVE AND TO HOLD the same together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor(s), either in law or equity, to the only proper use, benefit and behoove of the Grantee(s) their heirs and assigns forever.

IN WITNESS WHEREOF The said party of the first part has caused its corporate name to be hereunto subscribed by its Mayor and its corporate seal to be hereunto affixed, attested by its City Clerk, the day and year first above written.

ATTEST

CITY OF AURORA, COLORADO

Attest:

By:

City Clerk

Mayor

CORPORATE SEAL

State of Colorado)

) SS

County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____ as Mayor and _____ as City Clerk, for the City
of Aurora, Colorado, a municipal corporation.

NOTARY SEAL

My commission expires: