

LAND SUBDIVISION APPLICATION FORM

Planning Department

Civic Center North
470 South Allison Parkway
Lakewood, CO 80226-3127
Voice: 303-987-7505
Fax: 303-987-7990
Email: pod@lakewood.org
<http://www.lakewood.org/planning>

PROPERTY INFORMATION

Property Address: 1515 Whippoorwill Drive, Lakewood
Project Description: Subdivision (Reverse) Combining parcels 49-052-00-027 and 37-323-23-001
Existing Use: Vacant Land
Existing Zone District: M-R-S if a PD, give ODP Name: _____
Legal Description: Subdivision: (See parcel IDs above) Lot: _____ Block: _____
Property Size: 2.41 Acres Jefferson County Assessor ID No.(s): _____

ACTION REQUESTED

Subdivision Preliminary Plat Major Minor _____ existing lots _____ proposed lots
 Final Plat Major Minor _____ existing lots _____ proposed lots
Proposed Subdivision Name: Williams Pointe
 Lot Line Adjustment Error Correction Major Minor Subdivision Appeal
 Vacation of Easement Right-of-Way

APPLICANT / CONSULTANT INFORMATION

Name: Jonna Helm, et all (see attached list) Phone: 561-847-5670
Firm: _____ E-Mail: jonna.helm@gmail.com Fax: _____
Address: 12760 W 15TH PL City: Lakewood State: CO Zip: 80215
Consultant Contact Person's Name: Patricia A. Mellen, Esq. Phone: 720-593-3593
Consultant Firm: Pat Mellen Law, LLC E-Mail: pat@patmellenlaw.com Fax: _____
Address: 3900 E. Mexico Ave., Suite 300 City: Denver, State: CO Zip: 80210

PROPERTY OWNER INFORMATION

List legal name and address of all persons and/or entities holding any sort of interest in the property, which is the subject of the land development application. Attach additional sheets if necessary. Please see reverse side of this application for ownership documents to be submitted along with application.

Ownership

Name: Housing Authority of the City of Lakewood E-Mail: aarhay@mwhs.org Phone: 303-987-7594 Fax: _____
Address: 480 S ALLISON PKWY City: Lakewood State: CO Zip: 80226

If Corporate or Partnership, please complete the following:

Name of Corporation/Partnership: HOUSING AUTHORITY OF THE CITY OF LAKEWOOD, COLORADO, A PUBLIC BODY CORPORATE
Registered Address: 575 Union Blvd., Ste. 100, LAKEWOOD, CO 80228, Colorado, United States
State of Registration: Colorado Phone: (303) 987-7580
Name of Officers/Partners/Members
Name: Tami J. Fischer - CEO Title (e.g. President, Member, Partner, etc.): Other
Name: _____ Title (e.g. President, Member, Partner, etc.): Partner

CERTIFICATION: I hereby certify that to the best of my knowledge and belief, all information supplied with this application is true and accurate and that consent of the property owner listed above, without which the requested action cannot lawfully be accomplished, has been granted. Permission is also hereby granted to the City of Lakewood staff to physically enter upon and inspect the subject property and take photographs as necessary for preparation of the case.

YES Please enter 'YES' in the box to affirm the above statement.

DOCUMENT SUBMITTAL REQUIREMENTS

The number of paper copies and types of plans that are required for your project submittal are determined and provided as part of the pre-planning response letter. **You must submit both a digital copy and a paper copy of each of the required items.** In the spaces below, fill in the number of each of the items that are included in your submittal.

- Vesting Deed
- Deed(s) of Trust
- Letter of Authorization from Property Owner

- Title Commitment including recorded copies of all documents referenced within the Title Commitment by Book and Page or Reception Number. The Title Commitment must have an "Effective Date" no earlier than 30 days prior to the date of the Land Development Application.
- If the owner or lender is a corporation, a joint venture, or a partnership, an authorization or signatures (official verification that the signatures are authorized to sign on behalf of the corporation, joint venture, or partnership) will be required in the form of:
 - A copy of the Articles of Incorporation and/or Corporate Bylaws, or a copy of the Partnership or Operating Agreement, which identifies by proper name and title those authorized to sign on behalf of the corporation, joint venture, or partnership, or
 - A certified corporate resolution by the Board of Directors specifically identifying and authorizing the signatories.
- Written description of the request
- Preliminary Plat (folded to 9" x 12")
- Final Plat (folded to 9" x 12")
- Lot Line Adjustment Plat (folded to 9" x 12")
- Survey of the property showing the property dimensions, existing structures, adjacent roadways, etc. (folded to 9" x 12")
- 1 Appeal summary, citing the particular sections of the code
- Traverse Closure Sheet(s), which include the external boundary and all internal lots and street centerlines
- Preliminary Drainage Report (folded to 9" x 12")
- Final Drainage Report (folded to 9" x 12")
- Preliminary Geological Report
- Final Geological Report
- Traffic Study
- Final Grading and Erosion Control Plan (folded to 9" x 12")
- Preliminary Street Construction Plans for Public Improvements (folded to 9" x 12")
- Final Street Construction Plans for Public Improvements (folded to 9" x 12")
- Quantities Estimates for Public Improvements including an 8 1/2" x 11" written legal description from a registered land surveyor
- Public Improvement Agreement Signature Information Sheet
- Storm Water Management Plan (SWMP) (folded to 9" x 12")
- A written legal description prepared by a registered land surveyor
- Digital legal description and survey of property including all properties within 125 feet from property line (CAD .DWG file)
- 1 A check in the amount of the total application fee, payable to the City of Lakewood
- Other (please describe): _____

All information, both paper and electronic submittals (including fee) must be submitted by Thursday to be considered a complete application. For Planning documents larger than 5 Mb, please use our dropbox at <https://lakewood.sharefile.com/r-r5a6ece2cd4049ccb> or call us at 303-987-7505 for further instructions. Please email engineering at engsubmittals@lakewood.org to receive the link for engineering files. For questions regarding Engineering documents, please call 303-987-7945.

Please click the SUBMIT button to send an e-mail using your client program (e.g. Outlook, Apple Mail, Lotus Notes). Remember to attach all other required additional documents. If you are using a web based e-mail program (e.g. Hotmail, Yahoo, Gmail, Comcast.net) please save using the SAVE FORM button below and continue by using your web browser to create an e-mail and attach this form and all other required electronic documents. Please address e-mail to: PlanningForms@lakewood.org. If this form or e-mail fails for any reason, please contact Diana Brown-Evens at 303-987-7505.

Please ONLY use Adobe Acrobat Reader or Adobe Acrobat Pro as third party applications do not work correctly.

I agree to provide all of the above required items, paper and electronic, to be considered for the next staff review date by entering "YES" in the box below. Delays or the inability to accept the case may occur if any items are not provided by the deadline.

Yes

Applicant Name: Jonna Helm Signature: *Jonna Helm* Date: 07/10/2024
Jonna Helm (Jul 9, 2024 22:18 EDT)

For Staff to Complete			
Case No.:	Case Address:		
Project Name:			
Project Description:			
Staff Initials/Project Managers			
Planning:	/	Engineering:	/
Property Management:	/	Permits:	
Neighborhood, Corridor, and Special Area Plans?:			
Pre-Planning Case Number: ZP-	PIN:	Zoning:	

Pat Mellen Law LLC

www.patmellenlaw.com

BY ELECTRONIC MAIL AND HAND DELIVERY

July 10, 2024

Jamie Medina
Secretary to the Planning Commission
City of Lakewood, Colorado
Civic Center North
470 South Allison Parkway
Lakewood, CO 80226-3127

RE: Appeal Brief Summary – Final Plat Case FI24-0005, postmarked June 27, 2024

Ms. Medina,

Pursuant to Section 16-4-13(3)(b) of the Lakewood Subdivision Ordinance – Appeals, this memo provides “a brief summary of the grounds for the appeal” filed by Jonna Helm on behalf of herself and the attached list of “owners of any property within 500 feet of the subdivision.” (16-14-13(1)(C)). Please advise if the City requires actual signatures of the additional 38 individuals who support this appeal, and they will be provided as a supplement to it. The grounds for this appeal are as follows:

1. **The Subdivision Ordinance does not provide legal support for the Director’s decision.**
The Planning Director’s decision on this project has been mischaracterized as supported by the “Subdivision Ordinance,” Title 16 of the Lakewood Municipal Code, when under Colorado law the action requested by the applicant was a “merger” of contiguous properties under C.R.S. § 30-29-139 and not a **division** of land.
 - a. The City’s asserted jurisdiction under C.R.S. 31-23-212 is facially inaccurate for this application, which is a merger and not a subdivision of land.
 - b. The Subdivision Ordinance, Title 16, and in fact the entire Lakewood Municipal Code, is silent as to merger actions, and provides no legal support that a merger of contiguous properties can be evaluated or approved based on its provisions. (See Attached – Section 20 of the Jefferson County Land Development Regulations and Jefferson County Property Merger or Termination/Amendment Application)
 - c. Subdivision is defined at Section 16-2-2(42) as “A division of land into two or more lots,” which by its plain language is facially distinguishable from the applicant’s request to merge two contiguous properties from two previously recorded plats.
 - d. Because this application is for a merger not a division of land, the Planning Director has no authority to make the appealed decision because it is not within his authority under Section 16-4-8(1), where the definition of “Minor Subdivision” as stated in

Section 16-4-2 of the Subdivision Code – “The purpose of a minor subdivision is to provide a process for the division of land that is not a Major Subdivision.”

- e. “A municipality, like an administrative agency, must comply strictly with its enabling legislation, such as a charter or code. If a municipality's officers or agents act outside the scope of their authority, their actions are void and can be collaterally attacked at any time.” See *Flavell v. Kruse v. Town of Castle Rock*, 192 P.3d 591, 596 (Colo. App. 2008)(internal citations omitted.)

2. Even if the approved application could be evaluated under the Subdivision Ordinance it is an invalid and improper segmentation of the proposed project.

In the 1970s the Colorado Legislature enacted statutes, C.R.S. 30-28-133 et seq, that require developers to provide a substantial amount of empirical data to support a request for approval of a subdivision to eliminate the practice of subdividing land without enforceable infrastructure agreements.

- a. The Applicant’s proposal for its use of “1515 Whippoorwill Dr., Lakewood CO 80215,” also known as Williams Pointe, was improperly segmented by the City of Lakewood planner into two applications, a subdivision and a “site plan,” in violation of C.R.S. 30-28-133 and without support cited in any section of the Lakewood Municipal Code.
- b. The City’s vague, imprecise and constantly evolving “type” descriptions of these applications in public-facing information systems is an intentional effort to create ambiguity in its review and approval processes.
- c. The isolation of this application to simply “a subdivision” eliminates the evidence required for its evaluation, which is now segregated into the major site plan review.
- d. As an example, the proposed plat, Applewood Heights Filing No. 2” approved by the Director and appealed here, improperly and invalidly eliminates plat-level covenants that run with the land recorded on one of the original plats, Youngfield Heights at reception #56663796, without a factual basis and legal grounds.
- e. “A record lacking any competent evidence means that the ultimate decision of the administrative body is so devoid of evidentiary support that it can only be explained as an arbitrary and capricious exercise of authority.” *Kruse v. Town of Castle Rock* at 601 (internal citations omitted).

3. The Director’s decision is arbitrary and capricious based on the information available for evaluation at this time.

The Director’s decision was made without evidentiary support required to ensure that the decision is legally supported and aligns with the Purpose and Intent of the Subdivision Ordinance, as stated at Section 16-1-3(1) of the Lakewood Municipal Code.

- a. The plain language of Section 16-1-3(1) states that

The purpose and intent of this Subdivision Ordinance is to provide for the health, safety, and welfare of the public, and to provide adequate and effective transportation and public utility systems. The City further desires to provide for the proper design and construction

of the transportation system as indicated by the adopted Major Street Plan.

- b. One example of the lack of evidence to support the Director's decision is that the Staff Report is silent as to and no viable plan has been offered, reviewed or supported that the transportation plan for this proposed merged parcel as it is intended to be used, specifically the intended ingress and egress from Youngfield Street, will promote "the health, safety and welfare of the public or that it would result in an "adequate and effective transportation" system.
- c. Another example of the lack of evidence to support the Director's decision is that the Staff Report contradicts information provided directly to appellant that the Northwest Lakewood Sanitation District is still studying the planned sewage infrastructure for this proposed merged parcel as it is intended to be used and any "no objection" means that it will promote "the health, safety and welfare of the public or that it would result in an "adequate and effective" public utility system is either premature or disingenuous.
- d. The supporting staff report openly admits that the referral sent to Jefferson County for its comments has not received a response and therefore Jefferson County's position has not been considered when the land across Youngfield Street that will be impacted at a minimum by the transportation needs of the proposed merged parcel is unincorporated Jefferson County land.
- e. There are a host of other examples of information derived from the intended use of this proposed merged parcel that are inconsistent with ordinances and subdivision standards that will be provided during the appeal process.

The Appellant, Jonna Helm, reserves the right to amend and supplement this Appeal Brief Summary as conditions merit.

Best regards,



Patricia A. Mellen
Attorney-at-Law

Cc: Paul Rice

Section 20 – Property Merger

(orig. 7-17-18)

A. Intent and Purpose

This process was created to allow contiguous properties to be merged or combined, pursuant to Section 30-28-139, C.R.S. The process outlines time frames and expectations that should provide the applicant with a clear understanding of the steps involved prior to final determination by the Director of Planning and Zoning or a hearing before the Board of County Commissioners. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. Nothing in this Section shall be construed to abrogate or otherwise diminish or expand any rights a landowner may have under article 68 of title 24, C.R.S., pertaining to vested property rights. (orig. 7-17-18)

B. Requirements

1. A Property Merger can be processed by Planning and Zoning when a property owner: (orig. 7-17-18)
 - a. Requests in writing that parcels be merged and each owner of the parcels executes a Property Merger Agreement, as approved by the County Attorney's Office; or (orig. 7-17-18)
 - b. Requests a hearing before the Board of County Commissioners to merge parcels, pursuant to Section 30-28-139(1) and (2), C.R.S. (orig. 7-17-18)
2. All Property Mergers must comply with the following: (orig. 7-17-18)
 - a. The exterior boundary of any lot or parcel after the merger is complete must be a proper division of land. (orig. 7-17-18)
 - b. All lots or parcels proposed to be merged must have the same ownership, including tenancy. (orig. 7-17-18)
 - c. All lots or parcels proposed to be merged must have the same zoning. (orig. 7-17-18)
 - d. The lots or parcels proposed to be merged must have at least 20 feet of contiguity. (orig. 7-17-18)
 - e. The owners of all affected parcels must consent in writing to the merger. (orig. 7-17-18)
 - f. The lots or parcels proposed to be merged must be current on taxes and have no back taxes owed. (orig. 7-17-18)
 - g. If one or more easements are located between the parcels being merged, all property owners of the parcels being merged must execute an Affidavit of Understanding acknowledging that the merger will not extinguish the easements. (orig. 7-17-18)
3. A nonrefundable processing fee in the amount established by the Board of County Commissioners is required for this process. (orig. 7-17-18)
4. Termination (or amendment) of a Property Merger: (orig. 12-17-19)
 - a. Property Mergers that cannot be terminated or amended: (orig. 12-17-19)
 - (1) If a Property Merger was required for the issuance of any permit or pursuant to a court order, then the merged parcel cannot be separated into its original configuration without being subdivided through the appropriate County subdivision process. Examples of when a subdivision process would be required include, but are not limited to, the following:
 - (a) When the Property Merger was required to meet the minimum lot size requirement for an Onsite Wastewater Treatment System. (orig. 12.17.19)
 - (b) When the Property Merger was required to meet the minimum lot size requirement for the applicable zone district. (orig. 12-17-19)
 - (c) When the Property Merger was required for a structure to meet the setback requirements of the underlying zone district. (orig. 12-17-19)
 - b. Property Mergers that can be terminated or amended:
 - (1) If a Property Merger was required in order to maintain legal access to the subject parcels as a result of Vacation of Right-of-Way process, then the Director of Planning and Zoning may reverse or terminate or amend the Property Merger if another means of legal access has been established for the parcel(s). (orig. 12-17-19)

- (2) If a Property Merger was completed because it was the desire of the property owner to merge the properties and the merger was not required for the issuance of any permits by the County, then the Director of Planning and Zoning may terminate or amend the Property Merger. (orig. 12-17-19)
- c. The termination or amendment of a Property Merger does not change the disposition of the original parcels, thus the un-merged parcels must meet all other regulatory requirements to be considered buildable. (orig. 12-17-19)

C. Procedure:

The following is an example of the typical processing steps and timeframes for a Property Merger and a Termination (or Amendment) to a Property Merger. If the applicant complies with all given time frames, submits a complete application and complies with all requirements of this Regulation, the estimated time to reach the determination phase of the process is 45 calendar days from the date of first referral. (orig. 7-17-18; am. 12-17-19)

Process Steps		Processing Time Frames	
Steps prior to 1st Referral			
Formal Application/Sufficiency Review or Deficiency Response	5 calendar days		
Process from 1st Referral to Determination			
Staff Draft of Agreement and 1 st Referral with Staff Response	21 calendar days (7 days to draft Agreement, 7 days for referral, 7 days for Staff response)	45 days to determination if processing time frames are met.	
Applicant's Response to 1 st Referral	Varies, 14 calendar days used for example timeframe		
Execution of Documents	7 calendar days		
Determination Preparation	3 calendar days		
Determination			
Determination and Recording			

Steps Prior to Staff Draft of Agreement and 1st Referral

1. Sufficiency Review:

The applicant shall electronically submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (orig. 7-17-18)

The Case Manager shall have 5 calendar days to review the submittal and either accept the application or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not move forward in the process. (orig. 7-17-18; am. 12-17-19)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and accept the application or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18; am. 12-17-19)

If the application and sufficiency review are complete Staff will begin preparation of the agreement. (orig. 7-17-18; am. 12-17-19)

Process from Drafting the Agreement to Determination

2. Drafting the Agreement, 1st Referral and Staff Response:

Staff will have 7 days to draft the Property Merger Agreement or the Termination (or Amendment) of Property Merger Agreement and send out the agreement on 1st Referral. (orig. 12-17-19)

Once drafted and sent on referral, the referral agencies shall have 7 calendar days to respond in writing to the application. An extension of no more than 30 days may be agreed to by the applicant. (orig. 7-17-18; am. 12-17-19)

The Case Manager shall have 7 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. (orig. 7-17-18; am. 12-17-19)

3. Applicant's Response to 1st Referral:

Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments and resubmit, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of

Planning and Zoning may extend this 180-calendar day maximum response deadline for one additional 180 calendar day period if, in his/her opinion, the delay in response is for good cause. (orig. 7-17-18)

4. Execution of Property Merger Agreement:

The Case Manager will mail (e-mail if possible) the reviewed Property Merger Agreement or Termination (or Amendment) of Property Merger Agreement and the Affidavit of Understanding, as applicable, to the applicant. For the purpose of the example timeframe, the applicant will have 7 calendar days to return the fully executed documents. The documents must be signed by all property owners and be notarized, and the original documents returned to the Case Manager. (orig. 7-17-18; am. 12-17-19)

The applicant shall have a maximum of 180 calendar days to resubmit the executed documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180-calendar day maximum response deadline for one additional 180 calendar day period if, in his/her opinion, the delay in response is for good cause. (orig. 12-17-19)

5. Determination Preparation:

Upon receipt of the fully executed original documents, the Case Manager shall have 3 calendar days to review the documents for completeness and prepare them for Determination. (orig. 7-17-18; am. 12-17-19x)

Determination and Recording

6. The Director of Planning and Zoning shall review the request and, if acceptable sign the Property Merger Agreement or the Termination (or Amendment) of Property Merger Agreement. Upon signature of the agreement, the Case Manager shall file the approved agreement with the Clerk and Recorder. (orig. 7-17-18; am. 12-17-19)

D. Procedure – Board of County Commissioners Hearing:

If the applicant requests a hearing before the Board of County Commissioners to appeal a determination on a Property Merger Agreement or the Termination (or Amendment) of Property Merger Agreement, the timeframes, notice requirements, and pre-hearing and hearing procedures shall be pursuant to Section 30-28-139(1) and (2), C.R.S. The appeal must be submitted in writing to the Case Manager within 30 days of the determination. (orig. 7-17-18; am. 12-17-19)

F. Format

The format of the Property Merger Agreement shall be as approved by the County Attorney's Office. (orig. 7-17-18)

Property Merger or
Termination/Amendment
Application



100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning.jeffco.us
pzpermits@jeffco.us

Permit Number (for Jeffco employee use only): _____ MA

To qualify for a property merger all lots or properties being merged must be:

- Legal parcels
- Same ownership, including tenancy
- Adjacent lots, contiguous by at least 20 feet
- Same zoning
- Current on taxes and no back taxes owed

To qualify for a Termination or Amendment of a property merger, see [Land Development Regulation, Section 20 Requirements, B4](#).

Fees can be found [on our website](#). Make checks payable to Jefferson County Treasurer.

Submit this permit and all supporting documents to pzpermits@jeffco.us

Is there a building permit or vacation in conjunction with this property merger? Yes No

If yes: BP Number: _____ Case Number: _____

A completed Property Merger Agreement shall be submitted prior to the Certificate of Occupancy or the Final Inspection of your building permit.

Address or Parcel ID# of the subject property _____ City _____ State _____ Zip _____

Applicant Details

Staff will send the property owner(s) an agreement to their mailing address.

Property Owner _____ Phone Number _____

Owner's Mailing Address _____ City _____ State _____ Zip _____

This application is being submitted by a Representative:

Representative _____ Phone Number _____

Representative's Mailing Address _____ City _____ State _____ Zip _____

Request to Merge, Terminate, or Amend

Reason for Property Merger Request:

Example: Lots 1,2,3, of Block 2 in Joe Subdivision OR Parcel ID# for Metes and bounds descriptions, as described in my current deed at Reception #

If approved by Planning and Zoning, the Owner authorizes and hereby requests the County Assessor to combine the contiguous parcels described onto one schedule number for purposes of assessment and taxation, if such combination is deemed appropriate by the County Assessor. The Owner further acknowledges that the Assessor's Office will combine tax parcels into one tax bill to the extent possible, but such action may not be permissible in all cases and the Owner may continue to receive multiple tax bills for the parcels described herein. (sign on page 2)

Property Merger or Termination/Amendment Application

Request to Merge, Terminate, or Amend (continued)

Permit Number: _____ MA

Owner's Signature _____

Date _____

Owner's Signature _____

Date _____

Planner _____

Process

1. Staff will review the application/submittal materials and advise of any errors or omissions.
2. The owner will be mailed a Merger Agreement to review, sign, notarize and return to Jefferson County Planning and Zoning.
3. Once the completed agreement is returned, the Planning Director will review/sign and staff will record the document (and any affidavits) with the Jefferson County Clerk and Recorder's Office. The original agreement will become part of the formal property record.

Yes, I would like a copy of the recorded agreement emailed to me at: _____

To be Completed by Front Counter Planner

Submit the following supporting documents to the Planning & Zoning Department. Not all supporting documents may be necessary.

- Current, recorded Warranty Deed(s), Quit Claim Deed(s), etc. for all land involved in the request. For land not platted (metes and bounds or portions of lots), a deed recorded prior to May 5, 1972 is required in addition to the current Warranty deed. (The appropriate deeds can be obtained from the Clerk & Recorder's office (second floor).)
- Operating Agreement if the owner on the deed is a LLC (Limited Liability Company).
- Proof of Certificate of Trust if ownership is within a Trust.
- Platted easements, (RESERVED), not building over**
 1. Utility companies request to be notified of a proposed merger. Use our utility contact list to notify all affected utility services. Then provide Planning and Zoning their response, typically referred to as a Letter of No Objection. Some utilities may request a copy of the plat, see the Clerk and Recorder (second floor).
 2. Affidavit of Understanding. This will be mailed with your Merger Agreement after you submit this application.

Platted Easements

Platted easements, (DEDICATED), not building over

1. Utility companies request to be notified of a proposed merger. Use our utility contact list to notify all affected utility services. Then provide Planning and Zoning their response, typically referred to as a Letter of No Objection. Some utilities may request a copy of the plat, see the Clerk and Recorder (second floor).

Platted easements, (DEDICATED), building over

If there is an existing structure or if it is desired that a structure be built over a platted easement that is dedicated to the County, this easement needs to be vacated by a Commissioner's deed, in conjunction with the Property Merger process. The Commissioner's deed will remove the County's interest in the easement. Please provide the following to have the easement vacated:

1. Letters of No Objection from utility companies, stating they have no objection to vacating the easement.
2. A site plan or ILC to scale, showing the platted easement and structure.

Note: This will go to a public hearing for approval and you will get a copy of the final, recorded Commissioner's deed in the mail.

Platted easements, (RESERVED), building over

1. Quiet Title – This is our 1st recommendation and is the best process when working with reserved easements. This is a court action that removes claim of title by another party. The owners will need to consult an attorney with experience in land law.

OR

1. Release of easement documents, Quit Claim deeds, or Letters of No Objection, provided by all of the appropriate utility companies. Use our utility contact list to notify all affected utility services. Some utilities may request a copy of the plat, see the Clerk and Recorder (second floor).
2. Affidavit of Understanding. This will be mailed with your Merger Agreement after you submit this application.

Note: The property owner should use discretion when determining which utility companies have an interest in the reserved easements on their property. Utility service areas may change or new companies may develop posing risk to property owners with reserved easements even after Release of Easements, Quit Claim Deeds or Letters of No Objection are obtained.

Utility Contact Information



100 Jefferson County Parkway
Suite 3550
Golden CO, 80419
303-271-8700
planning@jeffco.us
pzpermits@jeffco.us

Easement/Right-Of-Way

To obtain information on letters of no objection, release of easements, vacation and encroachment upon utility easements, contact the following:

Century Link

Century Link Network Real Estate Department
nre.easement@centurylink.com

TDS Telecommunications

Randal Lopez
ROW@tdstelecom.com
(435) 319-4596

Comcast Construction Supervisors

Scott Moore
scott_moore@cable.comcast.com
(720) 531-2585

CORE Electric Cooperative

Brooks Kaufman
bkaufman@core.coop
5496 US-85, Sedalia, CO 80135
Main: (800) 332-9540
Direct: (720) 733-5493
Mobile: (303) 912-0765

[CORE Electric Easement/Right-of-Way Inquiry Form \(PDF\)](#)
or a hard copy can be provided if not viewing online

United Power

Steve Barwick, ROW Specialist
sbarwick@unitedpower.com
500 Cooperative Way, Brighton, CO 80603
(303) 637-1234, Cell: (307) 351-3787

Xcel Energy Right-of-Way & Permits

Public Service Co. of Colorado - Operating Entity

Main Office

Robyn Martinez, ROW & Permits
robyn.m.martinez@xcelenergy.com
10001 W. Hampden Ave., Lakewood, CO 80227
(303) 716-2043

North of Colfax Ave.

Brett McGrath, ROW & Permits
brett.p.mcgrath@xcelenergy.com
5460 West 60th Ave., Arvada, CO 80003
(303) 425-3874

South of Colfax Ave.

Robyn Martinez, ROW & Permits
robyn.m.martinez@xcelenergy.com
10001 W. Hampden Ave., Lakewood, CO 80227
(303) 716-2043

Evergreen Area

Kelli Fries, Front Range Region
kelli.fries@xcelenergy.com
P.O. Box 640, Evergreen, CO 80437
(303) 445-4540
Fax: (303) 445-4572

Well & Septic

To obtain information on septic systems, wells and addresses, contact the following:

Septic Permit

Jefferson County Public Health
645 Parfet Street
Lakewood, Colorado
publichealth@landuse@co.jefferson.co.us
(303) 232-6301

Well Permit

Colorado Division of Water Resources
1313 Sherman Street
Denver, Colorado
<https://dwr.colorado.gov/>
(303) 866-3581

Addressing Information

Jefferson County Planning and Zoning
100 Jefferson County Pkwy., Suite 3550
Golden, CO 80419
<https://planning.jeffco.us>
(303) 271-8700

Please contact your serving Water & Sanitation District for both vacation and encroachment of easements.