

**TOWN OF MORRISON, COLORADO  
BOARD OF TRUSTEES**

**ORDINANCE NO. 498**

**AN ORDINANCE AMENDING THE MORRISON SUBDIVISION REGULATIONS AND  
APPENDIX A THERETO**

WHEREAS, the Town of Morrison is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Board of Trustees; and

WHEREAS, the Board of Trustees has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, the Board of Trustees has previously amended its Subdivision Regulations in Ordinance No. 394 and desires to make certain additional amendments thereto.

**NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Morrison, Colorado, that:**

**Section 1.** Section 10-2-1 (SUBDIVISION REGULATIONS) of the Morrison Code is amended as follows:

**10-2-1: SUBDIVISION REGULATIONS:**

A. Regulations Approved: The Subdivision Regulations of the Town of Morrison adopted by the Planning Commission by Resolutions 97-1 AND 2003-1, AND AS AMENDED FROM TIME TO TIME BY ORDINANCES OF THE BOARD OF TRUSTEES, are hereby approved and shall be the Subdivision Regulations of the Town of Morrison. ~~upon the effective date of this Ordinance.~~

**Section 2.** The Town of Morrison Subdivision Regulations are amended as shown in Exhibit A, attached hereto and incorporated herein by reference.

**Section 3.** Appendix A of the Morrison Subdivision Regulations, entitled “Engineering Design Standards and Specifications” is hereby amended as shown in Exhibit B, attached hereto and incorporated herein by reference.

**Section 4. Applicability to Pending Subdivisions.** The revisions to the Subdivision Regulations and the Engineering Design Standards and Specifications shall be applicable to all development within the Town for which preliminary plat approval has not been granted, or for which a public improvements or subdivision improvement agreement has not been fully executed by the Town, as of the date of adoption of this ordinance.

**Section 5. Severability.** If any article, section, paragraph, sentence, clause or phrase of this ordinance, or the standards adopted herein is held to be unconstitutional or invalid for any reason, such decision will 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 hereof irrespective of the fact that any one part or parts are declared unconstitutional or invalid.

**Section 6. Effective Date.** This ordinance shall take effect fifteen (15) days after adoption, and publication as provided by Section 3.14 of the Home Rule Charter.

**INTRODUCED, READ, PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_, 2020, by a vote of \_\_ ayes and \_\_\_\_nays.

**TOWN OF MORRISON:**

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Sean K. Forey, Mayor

**ATTEST:**

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Lyndsey Paavilainen, Town Clerk

EXHIBIT A

AMENDMENTS to TOWN OF MORRISON

SUBDIVISION REGULATIONS

1. In Article I, Section 1, *Title*, **delete** reference to A. Appendix A and B. Appendix B and **replace** with **A. Appendix A, Engineering Design Standards and Specifications** and delete Section 4. *Authority and Jurisdiction*.

2. In Article II, Subsection 2.2, *Preliminary Plat Requirements*. **delete** paragraphs E.6. and E.7. and **replace** with the following:

**6. All parcels of land proposed for fee dedication to the Town of Morrison for its use or the use of the public, together with any restrictions or conditions on said use. For proposed streets and alleys this shall include the names, locations, widths and total lineal footage of said streets and alleys. For proposed parks, open space, or other public land dedications, include the locations, dimensions, and proposed names. Also, show any parcels of land reserved by the subdivision's owner intended for future grant, by deed or otherwise, to the subdivision's subsequent property owners or home owners' association together with the purposes and conditions of such reservations.**

**7. Locations and dimensions of all easements proposed for dedication to the Town of Morrison for water mains, sanitary sewers, storm sewers, stormwater detention areas, and for such other utility purposes as the town may permit, as well as easements for pedestrians, bikeways, and emergency or fire access lanes. Also, the locations, dimensions, and recording information, if recorded, for any and all existing easements and/or ditches located within the proposed subdivision and within one hundred feet (100') immediately adjacent thereto.**

3. In Article II, Subsection 2.2, *Preliminary Plat Requirements*. **add** a new paragraph E.18 as follows:

**18. Any previously platted easement, or portion thereof, dedicated to the Town that is intended to be vacated on the final plat shall be shown with cross-hatching.**

4. In Article II, Subsection 3.2, *Final Plat Submittal Requirements*., **delete** paragraph F.15. and **replace** with the following:

**15. Dedication Certificate. A certificate shall be shown on the face of the plat, subscribed and acknowledged by the property owner(s), offering for dedication to the Town of Morrison those lands shown on the final plat intended for public dedication in fee, as well as any and all easements intended to be dedicated to the Town for its use, in dedicatory language substantially as follows:**

**“THE UNDERSIGNED OWNER(S) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND DO HEREBY LAY OUT, PLAT, AND SUBDIVIDE THIS PROPERTY AND HEREBY**

**DEDICATE, IN FEE, TO THE TOWN OF MORRISON THOSE PARCELS OF LAND SHOWN HEREON AS STREETS, ALLEYS, PARKS, OPEN SPACE, AND OTHER PUBLIC LANDS SHOWN HEREON FOR THE USE OF THE PUBLIC AND DOES FURTHER DEDICATE TO THE TOWN OF MORRISON THOSE EASEMENTS SHOWN HEREON FOR WATER MAINS, SANITARY SEWERS, STORM SEWERS, STORMWATER DETENTION AREAS, AND FOR SUCH OTHER UTILITY PURPOSES AS THE TOWN MAY PERMIT.**

**The certificate shall be signed by the property owners and any mortgages or holders of deeds of trust. No dedication, nor any attempt to dedicate an interest in land, to any entity other than the Town of Morrison shall be made on the plat.**

5. In Article III, Section 1, Amend as follows:

***Section 1. Exemptions.***

**A. ~~Criteria~~ Standard Exemptions**

There shall be exempt from the platting requirements of this Resolution the following divisions of land or interests in land unless the creation of such divisions or interests are for the purpose of evading the terms of this Resolution:

1. A division which creates parcels of land, such that the land area of each of the parcels is at least thirty five acres.
2. Acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common and any such interests shall be deemed for purposes of this Resolution as only one interest. Partition of such interest shall be subject to the platting requirements of this Resolution unless otherwise exempted.
3. A division created by the foreclosure of a deed of trust.
4. A division for purposes of creating cemetery lots.
5. **A division to enable conveyance of real property to or from the Town of Morrison, which conveyance is approved by the Board of Trustees.**

Relocate prior paragraph A.5. to Section B below as new subparagraph #1 and renumber remaining sentences in Section B, as follows:

~~A.5. The Planning Commission may, pursuant to rules and regulations or by Resolution, exempt from the platting requirements of this Resolution a division of land, with appropriate conditions or otherwise, if the commission finds and determines that application of these regulations to such division would not serve the purposes of this Resolution.~~

**B. Procedure Additional Exemptions Approved by the Planning Commission & Board of Trustees**

1. **The Town may, pursuant to rules and regulations or by Resolution, exempt from the platting requirements of this Resolution a division of land, with appropriate conditions or otherwise, if the Planning Commission and Board of Trustees find and determine that application of these regulations to such division would not serve the purposes of this Resolution.**
  2. A request for a **an Additional** Subdivision Exemption shall be made by submitting a Land Development Approval Application, as survey and supporting material, as specified in the Administrative Procedures manual, to the Town Clerk who shall schedule the request for a regular meeting of the Planning Commission.
  3. The Planning Commission, upon determination that the exemption request meets the criteria for an exemption, may by Resolution exempt the land from the provisions of this Resolution. The Planning Commission may include special notes or conditions, including a prohibition on the issuance of the building permits, in the approval Resolution.
  4. The Town Clerk shall place the exemption Resolution of the Planning Commission on the agenda of the next regular meeting of the Board of Trustees. The Board of Trustees may approve the action of the Planning Commission and the Mayor shall sign the resolution, or, the Board may set aside the action of the Planning Commission in which case the exemption shall be deemed denied.
  5. The exemption shall become effective upon filing of the survey and resolution with the County Recorder.
6. In Article III, Section 4. *Vacations*, **delete** Subsection 4.2, *Vacation of Streets, Rights-of-Way and Easements* and **replace** with the following:

**4.2 *Vacation of Streets, Rights-of-Way, other Public Roadways and Easements***

**4.2.1. *Vacation of Streets, Public Rights-of-Way and other Public Roadways***

**(A) Public streets, roadways and rights-of-way for public access shall be vacated by ordinance, and title to said vacated property shall vest in accordance with the requirements of applicable state statutes. As used in this section, the terms "roadway" and "rights-of-way for public access" include any platted, dedicated, or designated public street, alley, lane, avenue, road, sidewalk or other public way for travel, whether or not it has been used as such.**

**(B) Any applicant requesting a vacation of a street, public roadway or public access right-of-way, or portion thereof, shall:**

1. **Submit 5 copies of a letter of intent. The letter should include the names and address of all applicants and information, if available, indicating whether any public moneys have been spent on the portion of the roadway requested for vacation;**
2. **Include a written legal description and map of the property to be vacated, prepared by a land surveyor certified by the State of Colorado, which also shows**

**all properties adjoining the portion of roadway to be vacated along with the names and mailing addresses of the owners of such properties;**

- 3. Include all relevant documents pertaining to the original dedication;**
- 4. Include a written statement explaining why the roadway or right-of-way for public access is no longer needed for the public purpose for which it was originally required; and**
- 5. Pay the required application fee and deposit, if applicable.**

**(C) Prior to the scheduling of the proposed vacation ordinance, the Town Manager or the Manager's designee, as applicable, shall:**

- 1. Post the property with a public notice identifying the area affected by the requested vacation and listing a contact phone number for additional information;**
- 2. Notify all Town departments and such public agencies and utilities as staff may reasonably determine to have a legal interest in the vacation request;**
- 3. Make a reasonable effort to obtain input from adjoining property owners and other members of the public as may be deemed necessary to formulate a recommendation to Board of Trustees;**
- 4. Make a preliminary finding that no present or future public access need exists for the area requested for vacation;**
- 5. Make a preliminary finding that the vacation request, if approved, will not leave any land adjoining said roadway without an established public road or a private-access easement connecting said land with another established public road; and**
- 6. Make a preliminary finding whether or not an easement should be reserved by the Town for the present or future use of any utilities, including, but not limited to, sewer, gas, water, electric, telecommunications or similar pipes or lines and appurtenances, or ditches or canals.**
- 7. Refer its preliminary findings on the vacation request to the Town Planning Commission for its recommendation on the proposed ordinance to the Board of Trustees.**

**(D) If the vacation ordinance is adopted, the applicant shall pay Jefferson County's recording fees and the Town shall record the vacation ordinance in the office of the Jefferson County Clerk and Recorder.**

#### **4.2.2 *Vacation of Town Easements***

**(A) Easements may be vacated in accordance with the procedures established by the Town Manager and the requirements of the Town Code. Nothing in this section shall be construed to require the vacation of an easement. Vacation of easements, except public access easements, may occur:**

- 1. Through the Town's subdivision or platting process; or**

**2. a. By approval of the Town Manager. Notwithstanding the provisions of Subsection 4.5, below, the Town Manager may approve easement vacation requests where the vacation is no more than one acre in size.**

**b. By approval of the Town Board of Trustees. All other easement vacation requests not occurring under 1. or 2.a., above, shall be subject to approval by motion of the Town Board of Trustees.**

**(B) Any landowner requesting vacation of an easement burdening the owner's property shall:**

**1. Submit 5 copies of a letter of intent. The letter should include the names and address of all applicants and information, if available, indicating whether any public moneys have been spent on the portion of the easement requested for vacation;**

**2. Unless the vacation will occur through the subdivision or platting process, include a legal description and map of the easement to be vacated, prepared by a land surveyor certified by the State of Colorado, which shows any properties that directly abut the portion of the easement to be vacated along with the names and mailing addresses of the owners of such properties;**

**3. Include all relevant documents pertaining to the original dedication; and**

**4. Include a written statement explaining why the easement is no longer needed for the purpose for which it was originally; and**

**5. Pay the required application fee and deposit, if applicable.**

**(C) Prior to approving or recommending approval of any proposed easement vacation to the Town Manager or the Board of Trustees, as appropriate, the Town Manager's designee shall:**

**1. Notify all Town departments and such public agencies and utilities that staff may reasonably determine to have a legal interest in the vacation request;**

**2. Make a reasonable effort to obtain input from adjoining property owners and other members of the public as may be deemed necessary to determine if any present or future need exists for the easement requested for vacation; and**

**3. Determine the present value of the easement.**

**(D) If an easement vacation is approved as part of the subdivision or platting process, such vacation shall be called out in a separate note on the plat and the vacated area shall be delineated clearly on the final plat. Except where the vacation occurs through the subdivision or platting process, the Town Manager is authorized to sign and deliver a quit claim deed to the owner of the property burdened by the easement after recording the same, upon payment by the owner of the Jefferson County recording fees. In either case, the Town Manager is authorized to**

**determine if the approval of the easement vacation will be conditioned upon the owner's payment of the present value of the easement to the Town.**

7. In Article III, **amend** Subsection 4.3 *Procedure* as follows:

4.3 *Procedure*

A request for a vacation shall be processed as stated **herein and** in the Administrative Procedures Manual **and, for streets and other public roadways, in accordance with sections 43-2-301, et seq., C.R.S.** Subsection 4.4 shall not apply to easement vacation requests considered under Subsection 4.2.2.(A)1. or 2.a., above.

8. In Article III, **amend** Subsection 4.5 *Approval* as follows:

4.5 *Approval*

After hearing testimony at a public hearing, the Board of Trustees may:

1. Approve **a request for an easement**the vacation by **motion Resolution or approve a request for a street or roadway vacation by Ordinance**
  2. Deny the vacation
  3. Continue the hearing to a date certain.
9. In Article IV, Subsection 1.A. **delete** the sentence reading: “*The amount of land on which the dedication is based shall be exclusive of public rights of way for public streets, drainage easements, and utility easements.*” And **replace** with the following:

**The amount of land dedicated on the plat to the Town for streets, alleys, drainage easements, emergency access easements, utility easements and pedestrian/bike easements, if any, shall not be included in the calculation of the required public land dedication.**

10. In article IV, add new Section 5, to read:

***Section 5. Title Policy.***

**Prior to recording of the Final Plat, a title commitment for all those portions of the Property, as well as any other interests in real property, if any, (easements, etc.) to be reserved for public purposes or dedicated to the Town or to public utilities or special districts shall be provided to the Town. The title commitment shall show that all such property is or shall be, subsequent to the execution and recording of this Agreement, free and clear of all liens and encumbrances (other than real estate taxes which are not yet due and payable) which would make the dedication or reservation unacceptable as the Town determines in its reasonable discretion. The title policy evidenced by the title commitment shall be provided within thirty (30) days after the recording of this Agreement, in an amount equal to the fair market value of the property so dedicated or reserved.**



## EXHIBIT B

### AMENDMENTS to TOWN OF MORRISON Engineering Design Standards and Specifications

1. Part II, Section 1. *Streets*, subsections B and BB., are amended as follows:
  - B. Design. Street, alley and **emergency, pedestrian and bikeway** easement right-of-way widths, curves, grades, site distances and minimum design speeds shall be as specified in Manual.
  - BB. Bikeways. Bikeways shall be required on all arterial streets and may be required on collector streets and in parks and open space. As directed by the Town, bikeways will:
    1. Be completely separated from vehicular traffic and contained within an independent **street** right-of-way **or bikeway easement**.
    2. Consist of bicycle lanes within the roadway adjacent to both outside motor vehicle lanes.
    3. Be shared with normal pedestrian traffic on a sidewalk having a minimum width of eight feet (8').
    4. Other design features of bikeways must be approved by the Town.
2. Part II, Section 2. *Drainage*, at subsection B., entitled "Easements and Right-of-Way", is amended as follows:
  - B. Easement and right of way: The sub-divider shall dedicate **to the Town** adequate easements for the purpose of operation, repair, alteration and maintenance of the storm drainage system. These easements shall cover the storm water pipelines, detention area including outlet structure and berm, water quality features, and other parts of the storm drainage system. The Town will determine the classification of each system (public or private) on a case-by-case basis. **Private systems may require separate documents conveying the ownership of the system to a third party, although the ownership of the underlying easement is the Town.** All lots upon which drainage easements are located shall, when conveyed, include covenants running with the land stating that no buildings, fills, excavations, structures, fences, trees, or other situations ~~that~~ **which** could interfere with the flow of water or **the** operation, repair and maintenance **of the storm drainage system** shall be constructed within said easement, without the express written consent of the Town.
3. Part II, Section 3. *Water Mains*, at subsection E. is amended as follows:
  - E. Location of Water Mains. As a rule, mains should be installed in public **street or alley** rights-of-way.

1. Placement in Public **Street or Alley** Right-of-Way
  - a. Water lines shall be placed ten feet (10') north of the center line in east/west streets and ten feet (10') west of the center line in north/south streets.
  - b. No water main center line may be placed closer than eight feet (8') to the face of an existing or future curb.
  - c. All dead-end lines must have a fire hydrant at their end. Dead-end lines shall not exceed six hundred feet (600') in length and shall be avoided if possible.
  - d. Water main must be extended to the far edge of the property to be serviced, regardless of where the tap is made, or to edge of the platted subdivision, which is greater. A variance may be granted only by the Town.
  - e. If it is impossible to place utilities in the public **street or alley** right-of-way, **water line** easements will be required.

2. Easements

- a. When practical, new **exclusive** easements should be ~~mutually granted exclusive to the~~ ~~for~~ Town of Morrison ~~public~~ **for its** utilities, including water, sanitary sewer, and storm sewer. If **exclusive easements to the Town are impractical**~~unpractical~~, provisions for the protection of the **water** utility must be included in ~~the~~ **a separate easement** document, **which easement must be approved by the Town's attorney.**
- b. All easements must be a minimum of twenty-five feet (25') wide.
- c. The entire easement shall be placed on one side of a property line.
- d. No vegetative landscaping other than grass may be placed in the easement.
- e. No permanent structure may be place in the easement.
- f. The easement agreement must state that when maintenance or replacement activities require the removal of any temporary structures (including paving and fencing) placed in the easement, the owner will be responsible for the cost of removal and replacement of such structures, and shall hold the Town of Morrison harmless for any responsibility associated with the structures.

4. Part II, Section 4, *Sanitary Sewer*, at subsection D. is amended as follows:

A. Location of Sanitary Sewers. As a general rule, sanitary sewers should be installed in public **street or alley** rights-of way.

1. Placement in Public **Street or Alley** Right-of-Way.

- a. Sewer lines ~~placed in the public right-of-way~~ must be placed five feet (5') south of the center line in east/west streets and five feet (5') east of the center line in north/south streets.
- b. No sanitary sewer center line may be placed closer than eight feet (8') to the face of an existing or future curb.
- c. If impossible to place utilities in the public **street or alley** right-of-

way, **sewer** easements will be required.

2. Placement outside Public Right-of-Way. Sanitary sewers must be extended to the far edge of the property to be serviced, regardless of where the tap is made, or to edge of the platted subdivision, whichever is greater. Exceptions may be granted only by the Town and only if development of adjacent property is not contemplated within five years as determined by the Town. All sewer manholes must be accessible by sewer maintenance vehicles. Access must be via asphalt or concrete pavement or turf blocking.
3. Easements.
  - a. When practical, new **exclusive** easements should be ~~mutually granted~~ **exclusive to the** ~~for~~ **Town for its** public utilities, including water, sanitary sewer, and storm sewer. **If exclusive easements to the Town are impractical unpractical,** provisions for the protection of the **sewer** utility must be included in ~~the~~ **a separate** easement document, **which easement must be approved by the Town's attorney.**
  - b. All sanitary sewer easements must be a minimum of 25 feet wide. For sewer that is greater than ten feet (10') in depth, the easement shall increase symmetrically a minimum of one foot (1') in each direction for every additional foot in depth over ten feet (10').
  - c. The entire easement shall be placed on only one side of a property line.
  - d. No vegetative landscaping other than grass may be placed in the easement.
  - e. No permanent structure may be place in the easement.
  - f. The easement agreement must state that when maintenance or replacement activities require the removal of any temporary structures (including paving and fencing) placed in the easement, the owner will be responsible for the cost of removal and replacement of such structures, and shall hold the Town harmless for any responsibility associated with the structures.
  - g. Sewer main installation in easements between single family residential lots will only be allowed for the purpose of continuing a sewer main which otherwise would dead-end at the end of a cul-de-sac.
  - h. Sewer mains placed in easements shall be located ten feet (10') from the southern edge of east/west easements and ten feet (10') from the eastern edge of north/south easements.

5. Part IV, **SUPPORTING DOCUMENTS SPECIFICATIONS**, Section D. is amended as follows:

- D. Utility Report and Plan. The report and plan shall include, if applicable, but not be limited to, the following:
  1. A statement concerning the availability of and provision for electric, gas, lighting, communications, and cable television services.
  2. A Utility Plan that includes, if applicable, but not belimited to, the following:
    - a. Contracts or agreements that the developer/**subdivider** has or

will enter with the serving utility companies.

- b. The entity/entities that will implement the plan, construct required improvements, and will be responsible for the maintenance of the improvements and appropriate easements, if any. **Owner/subdivider shall grant no easements to a public utility company, telecommunications company or cable company without first receiving Town review and approval of the easement document.**