

**PROWERS
COUNTY**

**SUBDIVISION
REGULATIONS**

Adopted February 16, 2006

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SUBDIVISION REGULATIONS

Prowers County, Colorado

SECTION I TITLE, AUTHORITY, JURISDICTION, AND PURPOSES

I-1 Title and Short Title

- A Title - A resolution establishing rules, regulations and standards governing the subdivision of land within the unincorporated area of the County, setting forth the procedure to be followed by the Board of County Commissioners and the Planning Commission in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by the State of Colorado.
- B Short Title - These Regulations shall be known and may be cited as "The Prowers County Subdivision Regulations."

I-2 Authority, Jurisdiction, Enforcement, and Penalty

- A The County is authorized by law to control the subdivision of all of the unincorporated land within the county limits by virtue of Chapter 28 of Title 30 Colorado Revised Statutes.
- B Colorado Revised Statutes 30-28-101-127-The authority is more specifically defined as follows:

Every county in the State which does not have a county planning commission on July 1, 1971, shall create a county planning commission in accordance with the provisions of Section 30-28-103. Every county planning commission in the State shall develop, and the county commissioners shall adopt and enforce subdivision regulations for all land within the unincorporated areas of the county in accordance with this Section not later than September 1, 1972.

Any person, partnership, or corporation intending to subdivide land as defined in SECTION II of these regulations shall submit plans and plats as required by and specified in these regulations to the Board of County Commissioners for review and approval, as follows:

All plans of streets or highways for public use, and all plans, plats, plots, and re-plots of land laid out in subdivision or building lots, and the streets, highways, alleys, or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Board of County Commissioners for review and subsequent approval, conditional approval, or disapproval. It shall not be lawful to record any such plan or plat in any public office unless the same shall bear thereon, by endorsement or otherwise the approval of the Board of County

Commissioners and after review by the appropriate Planning Commission.

I-3 Statement of Purposes

- A To assist orderly, efficient and integrated development of the county.
- B To promote the health, safety, and general welfare of the residents of the county.
- C To ensure conformance of land subdivision plans with the public improvement plans of the county and its various municipalities.
- D To ensure coordination of inter-municipal public improvement plans and programs.
- E To encourage well-planned subdivisions by establishing adequate standards for design and improvement.
- F To improve land survey monuments and records by establishing standards for surveys and plats.
- G To safeguard the interests of the public, the homeowner, and the subdivider.
- H To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- I To prevent loss and injury from fire in wooded and/or vegetated terrain.
- J To preserve natural vegetation and cover and promote the natural beauty of the country.
- K To prevent and control erosion, sedimentation and other pollution of surface and subsurface water.
- L To prevent flood damage to persons and properties and minimize expenditure for flood relief and flood control projects.
- M To restrict building on flood lands, shore lands, areas covered by poor soils, or in areas poorly suited for building or construction.
- N To prevent loss and injury from land slides, mud flows and other geologic hazards.
- O To provide adequate space for future development of schools and parks to serve the population.
- P To assure the planning for and provision of an adequate and safe source of water and means of sewage disposal.

- Q To ensure that valuable mineral resources whose anticipated value to the citizens, county, state and nation exceeds the value of the proposed development are protected. Mineral resources shall be protected to allow extraction or exploration of minerals unless extraction and/or exploration would cause significant danger to the public health and safety.

SECTION II DEFINITIONS

II-1 Board

The Board of County Commissioners of Prowers County.

II-2 Conservation Standards

Guidelines and including those specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Prowers County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets the landowner's needs in developing the landowner's soil and water conservation plan.

II-3 Comprehensive Plan

A comprehensive plan for the future growth, protection, and development of the county, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, and general welfare of its population.

II-4 Crosswalk or Walkway

A right-of-way dedicated to public use to facilitate pedestrian access through a subdivision block.

II-5 Disposition

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

II-6 Dwelling Unit

Any structure or part thereof designed to be occupied as the living quarters of a single family or housekeeping unit.

II-7 Easement

A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

II-8 Evidence

Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

II-9 Health Department

The Prowers County Public Health Nursing Service and/or Southeastern Land & Environment.

II-10 Lateral Sewer

A sewer which discharges into another sewer and has only building sewers tributary to it.

II-11 Multi-Family Dwelling

A building providing separate dwelling units for two or more families.

II-12 Municipality

An incorporated city or town.

II-13 National Cooperative Soil Survey

The soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

II-14 Off-Street Parking Space

The space required to park one passenger vehicle which space shall be not less than two hundred (200) square feet in area, exclusive of access drives.

II-15 Permanent Monument

Any structure of masonry and or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

II-16 Planned Unit Development (PUD)

An area of land improved as a development in which normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access planning aesthetics, and other considerations deemed important by the local approving agency.

II-17 Planning Commission

The County Planning Commission.

II-18 Plat

A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

II-19 Preliminary Plan

The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

II-20 Resubdivision

The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder, including lot line adjustments and correction plats.

II-21 Double Frontage Lots

Lots which front on one public street and back on another.

II-22 Roadway

That portion of the street right-of-way designed for vehicular traffic.

II-23 Sketch Plan

A map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early stage in the planning.

II-24 Street

Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way.

II-25 Street Right-of-Way

That portion of land dedicated to public use for street and utility purposes.

II-26 Subdivider or Developer

Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

II-27 Subdivision

- A "Subdivision" or "subdivided land" means the division of any land or interest in land into more than one lot, parcel, tract or interest, including any parcel of land in the state which is to be used for condominiums, apartments, or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of these regulations with substantially the same density, or which is divided into two or more parcels, separate interest, or interests in common, unless exempted under paragraph "B," "C," or "D" of this Section II-27. As used in this Section, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests.
- B The terms "subdivision" and "subdivided land," as defined in paragraph "A" above, shall not apply to any division of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.
- C Unless the method of disposition is adopted for the purpose of evading these regulations, the terms "subdivision" and "subdivided land," as defined in paragraph "A" above, shall not apply to any division of land:
- (1) Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;
 - (2) Which is created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners of Prowers County in which the property is situated is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of these regulations prior to entry of the court order; and, if the Board does not file an appropriate pleading within twenty days after receipt of such notice by the court, then such action may proceed before the court;
 - (3) Which is created by a lien, mortgage, deed of trust, or any other security instrument;
 - (4) Which is created by a security or unit of interest in any investment trust regulated under the laws of the State of Colorado or any other interest in an investment entity;
 - (5) Which created cemetery lots;

- (6) Which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property;
- (7) Which is created by the 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 interest shall be deemed for purposes of this subsection as only one interest;
- (8) Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subsection;
- (9) Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to these regulations and any applicable county regulations, the land which the purchaser is to acquire pursuant to the contract.

D The Board of County Commissioners may, pursuant to resolution, exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines that such division is not within the purposes of Part 1, Article 28 of Title 30, C.R.S. or these regulations. The Board, in making such determination, may impose conditions and/or requirements as it deems necessary to protect the public health, safety, and welfare and to ensure consistency with this subsection "D". Such requirements and/or conditions may include, but shall not be limited to:

- (1) Submission of a Subdivision Exemption Plat that is prepared to the standards of a Land Survey Plat.
- (2) Submission of a title search not more than 30 days old, including consent by any lien holder and including mineral ownership.
- (3) Public improvements and additional public rights-of-way as deemed necessary by the Board.
- (4) Payment of applicable Impact Fees (e.g., fire protection, school site, park site).
- (5) Technical reports (e.g., drainage study, waste disposal, access and utilities) as deemed necessary by the Board.
- (6) Recording of the Subdivision Exemption Plat in the office of the Prowers County Clerk and Recorder.

(7) The County Treasurer's certifications that all prior years taxes have been paid shall be submitted a minimum of fifteen (15) days prior to consideration by the Board of County Commissioners (refer to Section VIII-6).

(8) Global Positioning System (refer to Section VII-4).

E The term "subdivision" includes resubdivision, and where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

II-28 Subdivision Improvements Agreement

One or more security arrangements which may be accepted by the County to secure the construction of such public improvements as are required by these subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements. All collateral is subject to the review and approval of the Board of County Commissioners. Any collateral may be rejected for any reason. Assignments of receivables and liens on property are not a favored form of collateral.

SECTION III SKETCH PLAN PROCEDURES AND REQUIREMENTS

III-1 Submission

Subdividers shall submit a sketch plan to the Land Use Administrator for review and discussion of the site plan, and general scope and conditions.

III-2 Review Process

The Land Use Administrator shall review the sketch plan and turn all sketch plan materials over to the Planning Commission.

The Planning Commission shall review the sketch plan and shall offer its comments and suggestions regarding the plan within 35 days after receipt of the sketch plan materials from the Land Use Administrator.

III-3 Contents of Sketch Plan Applications

A sketch plan shall include the following items (submit eleven copies):

- (1) The name of the subdivision. No subdivision in the County shall bear the same name as another subdivision unless adjoining and using consecutive filing numbers.
- (2) The name and address of the owner(s) and of the subdivider(s).
- (3) A map or maps (drawn to an appropriate scale) showing the general location of the subdivision, the property boundaries of the subdivision area, true north, and significant natural and man-made features on the site and within one-half mile of any portion of the site.
- (4) A map or maps drawn to a scale of 1" = 100' (See SECTION III-4) showing:
 - (a) A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
 - (b) Existing topographic contours at ten (10) foot intervals drawn from available data, such as United States Geological Survey (USGS) maps.
 - (c) The acreage of the entire tract and the area, to the nearest half (1/2) acre, and percent of total area to be devoted to streets and to each other type of use.
- (5) A map or maps drawn to a scale of 1" = 100' (See SECTION III-4) showing:
 - (a) A lot and street layout indicating general scaled dimensions of lots to the nearest foot.

- (b) Soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. (Requests for these maps and tables are to be made to the local Soil Conservation District; the subdivision does not need to be in a soil conservation district to obtain the map and table or have them prepared.)
- (6) Reports concerning:
 - (a) Type of water system proposed; also documentation of water rights and of historic water use;
 - (b) Type of sewage disposal system proposed;
 - (c) Streams, lakes, topography, and vegetation;
 - (d) Geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision; and
 - (e) In areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.
 - (f) Flood prone areas, which could significantly affect the land use and determine the impact of such characteristics on the proposed subdivision.
 - (g) Any important mineral resource area which could significantly affect or be affected by the proposed subdivision.

III-4 Drawing Requirements

- A The scale of the sketch plan shall be not less than one inch (1") equals one hundred (100') feet.* Some variation from this will be acceptable in the case of large subdivisions, provided the plans and design are clearly legible. Maps shall include the true north points, name of the subdivision, name of the county, township, range, principal meridian, section, quarter section, and block and lot numbers. In the case of a large subdivision requiring more than two sheets at such a scale, a total area plan showing the total area on a single sheet at an appropriate scale shall also be submitted.
- B The dimensions of each and every map submitted shall be twenty-four (24) inches by thirty-six (36) inches. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.

III-5 Provision of the Procedures and Standards for Evaluation of Sewer and Water Systems

At the time of sketch plan submission, the subdivider will be given materials and information relating to procedures and standards by which the suitability of proposed sewer and water systems may be determined and evaluated, and in the case of on-lot sewer or water facilities, forms to be completed by a professional engineer, licensed in the State of Colorado, for submission with the Preliminary Plan.

*Note: A different scale can be used if approved in advance by the Land Use Department.

SECTION IV PRELIMINARY PLAN PROCESS

IV-1 Submission

Subdividers shall submit required Preliminary Plan application materials and supporting documents (specified below) to the Land Use Administrator.

IV-2 Review Process

Land Use Administrator / Reviewing Entities: The Land Use Administrator shall review the Preliminary Plan materials, and distribute the application materials to the following entities for their comments, suggestions and recommendations:

- (1) To the appropriate school district;
- (2) To each county or municipality within a two-mile radius of any portion of the proposed subdivision;
- (3) To any utility, local improvement and service district, or ditch company when applicable;
- (4) To the Colorado State Forest Service, when applicable;
- (5) To other planning commissions with jurisdiction over the area;
- (6) To the local soil conservation district board or boards within the County for explicit review and recommendations regarding soil suitability and flooding problems. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district;
- (7) When applicable, to the Department of Health, for their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report of the water quality of the proposed water supply to serve the subdivision;
- (8) When applicable, to the State Engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence. The State Engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells;
- (9) To the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land;
- (10) To any other and all other agencies or persons who may, in the opinion of the Land Use Administrator, be affected by the proposed subdivision.

All reviewing entities shall make best efforts to submit their comments to the Land Use Administrator within thirty (30) days from receipt of the Land Use Administrator's request.

The Land Use Administrator shall forward the application materials and comments from reviewing entities with a report to the Planning Commission.

Upon receipt of response by the agencies, or default by them, the Planning Commission shall review and study as it deems necessary, and shall hold a public hearing to make an informed and reasoned judgment on the Preliminary Plan.

Planning Commission: The Planning Commission shall consider the Preliminary Plan at a public hearing, and deliver comments, suggestions and recommendations regarding the Preliminary Plan to the Board, the subdivider and the Land Use Administrator.

If any of the reviewing entities listed above responds after the consideration of the Preliminary Plan at such a public hearing, the Planning Commission shall notify the Board of such response and shall review the response and shall immediately transmit its comments concerning the review to the Board.

The Planning Commission shall only recommend for approval those Preliminary Plans which it finds to be developed in accordance with the intent, standards, and criteria specified in these regulations, including the subdivision's relationship to the following considerations:

- (1) Consistency with the Prowers County Master Plan and adopted sub-area plans.
- (2) Compliance with all applicable use, development, and design standards set forth in this Code that have not otherwise been modified or waived.
- (3) Whether the subdivision will result in significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- (4) Whether the subdivision will result in significant adverse impacts on adjacent properties or such impacts will be negatively mitigated.
- (5) Whether the proposed public facilities and services will be adequate, consistent with the County's utility planning and capable of being provided in a timely and efficient manner.

IV-3 Board of County Commissioners

Within thirty-five (35) days of transmittal of the application and the Planning Commission's recommendation, the Board shall consider the application, recommendation, and criteria listed above, and shall act to approve, approve with conditions, or deny the proposed Preliminary Plan.

Approval of the Preliminary Plan shall be effective for eighteen (18) months; thereafter, approval of the Preliminary Plan will have expired unless a Final Plat has been submitted to the Board within that eighteen (18) months, or a mutually agreed-upon extension has been granted by the Board. Whenever a Final Plat is submitted for less than the entire area covered by the Preliminary Plan, approval of the Preliminary Plan for the remaining unplatted area shall be extended for an additional eighteen (18) months.

SECTION V PRELIMINARY PLAN REQUIREMENTS

V-1 Required Contents of Preliminary Plan Application

- A Two (2) copies of an Application for Approval of a Preliminary Plan;
- B The name of the subdivision;
- C The name and address of the owner(s) and subdivider(s) and name of the designer of the Preliminary Plan;
- D If the proposed subdivision is to include more than twenty (20) lots, proof of a developer's license held by the subdivider;
- E The legal description of the area to be subdivided and its acreage;
- F A minimum of seven (7) copies of a map of the proposed subdivision except in cases where, due to certain characteristics of the proposal, the Board or the Planning Commission requires that additional copies are necessary for adequate referral and review. Such maps shall show the following:
 - (1) A location and vicinity map, drawn at an appropriate scale, showing the following:
 - (a) Related existing and planned streets and highway systems;
 - (b) Zoning districts, taxing districts, and other special districts, if any;
 - (c) Significant vegetation patterns.
 - (2) A map or maps, drawn at an appropriate scale, showing:
 - (a) Perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a one-half (1/2) mile distance of the perimeter of the proposed plat;
 - (b) Abutting property lines.
 - (3) A traverse map, drawn at an appropriate scale, of the monumented perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one (1) part in ten thousand (10,000). A survey tie into the state grid or other permanent marker established by the county surveyor is required if practical. Monuments shall conform to the requirements of Colorado Revised Statutes 136-1-1 et seq.

- (4) A map or maps showing the following at the scale of 1" = 100':
- (a) Lot and street layout including:
 - Dimensions of all lots to the nearest foot (which may be scaled values);
 - Lots and blocks numbered consecutively;
 - Location and identification of all existing and proposed public and private easements;
 - Existing and proposed street names;
 - Sites to be reserved or dedicated for parks, playgrounds, schools, or other public uses;
 - Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings;
 - Location of common open space not reserved or dedicated to the public;
 - The area, to the nearest half (1/2) acre and percent of the total area of the subdivision devoted to streets and to each other type of use.
 - (b) Existing buildings, other easements, telephone lines, gas lines, power lines and other features located on the subdivision and within two hundred (200) feet of its boundaries.
 - (c) A composite utilities easement plan showing location, size, and proposed use of all easements. (Subsequently, all utilities must be constructed within approved easements.)
 - (d) The minimum setback from an irrigation ditch (excluding a field lateral ditch) will be 100 feet from the center line of the irrigation ditch, unless written consent is received from the owner of the ditch.
- (5) A map or maps showing the following at the scale of 1" = 100':
- (a) Lot and street layout as in (4)(a) above;
 - (b) Soil types and their boundaries based on the National Cooperative Soil Survey, U.S. Department of Agriculture, Soil Conservation Service, and a table of interpretations for the soil types shown on the soil map;
 - (c) Significant geologic features;

- (d) General location in the subdivision area of trees over six (6) inches in diameter, measured at six (6) feet above the ground. In cases of heavily wooded areas, indicate the outline of wooded area and location of trees which are to remain. It is the intent of the requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying of the exact tree location.
- (6) A map or maps showing the following at the scale of 1" = 100':
- (a) Lot and street layout as in (4)(a) above;
 - (b) The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade and five (5) foot contours for predominant ground slopes within the tract over five (5) percent grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominately level topography throughout a subdivision, one (1) foot interval contours are required;
 - (c) A generalized grading plan identifying areas of cut and fill and street gradients. Intended contours shall be shown as solid lines at the same interval as required for existing contours, which shall be shown as dashed lines;
 - (d) The approximate boundaries of areas subject to inundation or stormwater overflows of an intensity estimated to occur with a return frequency of once every one hundred years;
 - (e) Water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas and swamps. The drainage system shall be documented by an accompanying Preliminary Drainage Report developed in accordance with the General Engineering Specifications for Drainage as set forth in Section GES-I of these regulations. (Note: Detailed design of drainage structures not required for preliminary report.)
- G The Planning Commission shall determine from a review of the Preliminary Plan whether the soil slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth-moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the Commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a registered professional engineer, or the U. S. Soil Conservation Service, using the county conservation standards or the soil and water conservation plan.

In the event that soil erosion and sediment control plans are required, the Preliminary Plan submission shall not be considered complete until

such plans have been submitted to the Board, or its designated agent, who shall furnish the subdivider with a receipt and transmit the plans to the Planning Commission for review of the Preliminary Plan.

H If the proposed subdivision lies in an identified flood-hazard-prone area, or in the absence of maps, is suspected by the Planning Commission to lie in a flood-hazard-prone area, the developer shall also submit a plan certified by a professional engineer locating the proposed development with respect to:

- (1) The boundaries of the intermediate regional flood;
- (2) Building floor elevations;
- (3) Proposed flood-proofing measures;
- (4) Specifications for building construction and materials, filling, dredging, grading, channel changes, storage of materials, water supply systems and sanitary facilities.

I If the proposed subdivision lies in an identified geologic-hazard-prone area, or in the absence of maps, is suspected by the Planning Commission to lie in a geologic-hazard-prone area, the developer shall submit the following reports and data prepared by or under the directions of a professional engineer:

- (1) An evaluation and prediction of impact of such geologic or hazardous conditions on the proposed land use changes and developments;
- (2) A recommended mitigating procedure to be employed in meeting the purposes of these regulations.

J If the proposed subdivision lies in an identified mineral resource area or in the absence of maps, is suspected by the Planning Commission to lie in a mineral resource area, the developer shall also submit the following reports or data either prepared by or under the direction of a professional geologist:

- (1) Ownership of mineral rights affected;
- (2) Type and location of mineral resources under the property;
- (3) An analysis of the commercial feasibility of extracting the mineral resource;
- (4) Evidence that the development will present no obstacle to extraction of the mineral resource on or under the subject property or evidence that the proposed development will be of greater economic value than the minerals present;

V-2 Drawing Requirements

- A The prints of the map shall be black on white or blue on white, and reproduction shall be clear and crisp.
- B The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor, licensed to do such work in the State of Colorado. A workmanlike execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection.

The plan shall be drawn to a scale not less than 1" = 100', and shall indicate the basis of bearings, astronomic north arrow, name of subdivision, name of municipality, township, range, principal meridian, section and quarter section, and block and lot number (of the property under consideration).

V-3 Text

An identical number of copies of textual materials shall be submitted as follows:

- (1) Total acreage of entire proposed subdivision;
- (2) Function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use;
- (3) Sewage disposal report where on-lot sewage treatment is proposed;
- (4) The substance of all covenants, grants of easements or restrictions to be imposed upon the use of land, buildings, and structures;
- (5) Geologic investigation reports regarding the area's suitability for the proposed development including any geologic characteristics of the area significantly affecting the land use, such as landslides, mudflows, rock falls, snow avalanches, possible mine or ground subsidence, unstable slopes, seismic effects, expansive soils and rocks, shallow water table, open quarries, mineral resources, flood plains, debris fans, possible wildfires, radioactivity, and polluted or non-potable water supply;
- (6) Tables of soil type interpretations, as prepared for the Sketch Plan submission, based on the National Cooperative Soils Survey, U. S. Department of Agriculture, Soil Conservation Service, provided by the Soil Conservation District, where such tables were incomplete in the Sketch Plan submission;
- (7) Copies of all monument records required pursuant to Colorado Revised Statutes 38-53-103. In addition, survey notes of the subdivision perimeter survey may be required by the Land Use Department;

- (8) An abstract of title for the property, or evidence of a title insurance policy for the land to be subdivided, and related supporting materials as needed;
- (9) Total number of proposed dwelling units;
- (10) Total number of square feet of proposed non-residential floor space;
- (11) Total number of proposed off-street parking spaces, excluding those associated with single-family residential development;
- (12) Estimated total number of gallons per day of water system requirements;
- (13) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed;
- (14) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the developer by the County;
- (15) Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:
 - (a) Evidence of ownership or right of acquisition of or use of existing and proposed water rights;
 - (b) Historic use and estimated yield of claimed water rights;
 - (c) Amenability of existing rights to a change in use;
 - (d) Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;
 - (e) Evidence concerning the potability of the proposed water supply for the subdivision.
- (16) Where individual on-lot water supply systems are proposed, a geologic report shall be submitted and shall contain a specific section on groundwater geology prepared by a qualified groundwater geologist, which indicates:
 - (a) The probability of success of wells or on-site supply systems throughout the proposed subdivision;

- (b) The expected long-term yield of such wells or systems;
 - (c) The expected depth to usable water;
 - (d) The expected quality of the anticipated water;
 - (e) Any expected significant problems of long-term supply, pollution, or long-term maintenance of such wells or systems.
- (17) Evidence that public or private sewage treatment facilities can and will provide adequate sewage treatment for the proposed subdivision if such service is to be provided by an existing district;

*Note: A different scale can be used if approved in advance by the Land Use Department.

SECTION VI PROCEDURES FOR SUBMISSION, REVIEW, AND RECORDING OF FINAL PLAT

VI-1 Submission

Subdividers shall submit required Final Plat materials and supporting documents (specified below) to the Land Use Administrator.

- A The Final Plat may only be submitted for all or a portion of an area within an approved Preliminary Plan to which it must conform. The Final Plat shall be submitted by the subdivider to the Land Use Administrator.
- B Final Plats shall be submitted for approval within eighteen (18) months of the date a Preliminary Plan has been approved by the Board of County Commissioners. No Final Plat submission will be accepted which has exceeded this time period; however, an extension of time may be granted by the Board upon written request of the subdivider.

VI-2 Land Use Administrator Review

- A The Land Use Administrator shall review the Final Plat submission for completeness pursuant to the requirements of SECTION V and for conformity to the approved Preliminary Plan and any conditions upon which such approval may have been made.
- B The Land Use Administrator shall deliver the Administrator's comments, suggestions and recommendations regarding the Final Plat to the subdivider.

VI-3 Commission and Board Review

- A Upon satisfactory compliance with the Land Use Administrator's recommendations by the subdivider, the Land Use Administrator shall submit the Final Plat to the Planning Commission and to the Board of County Commissioners for approval.
- B If the Commission and the Board determine that the Final Plat submission complies with the applicable requirements of these regulations, they shall endorse on the plat with the Commissioner Certificate shown in Appendix 1 at the end of these regulations.

SECTION VII FINAL PLAT REQUIREMENTS

VII-1 Conformance with Preliminary Plan

- A A Final Plat may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases submission shall include six (6) copies of a map, indicating the sections designated for the entire tract, and each sheet numbered accordingly, and including title legend, matchlines, and other appropriate information.
- B The Final Plat submission shall conform in all major respects to the Preliminary Plan as previously reviewed and approved by the Commission and shall incorporate all modifications required in its review. The Commission, however, may approve a Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plan review and approval.
- C Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.

VII-2 Revision of a Final Plat

If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

VII-3 Final Plat Information

The Final Plat shall show the following at the scale of 1" = 100':

- A All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, or excepted parcels;
- B The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise;
- C On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:
 - (1) Radius of curve
 - (2) Central angle
 - (3) Tangent

- (4) Arc length
- (5) Notation of non-tangent curves
- D Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc;
- E All dimensions of irregularly shaped lots shall be indicated in each lot;
- F Bearings and lengths shall be given for all lot lines except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines;
- G All easements shall be designated as such and bearings and dimensions given;
- H All blocks, and all lots within each block, shall be consecutively numbered;
- I Excepted parcels shall be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the boundary completely indicated by bearings and distances;
- J All streets, walkways, and alleys shall be designated as such and streets shall be named; bearings and dimensions must be given;
- K The information on the plat shall also include:
 - (1) Name of subdivision, astronomic north arrow, basis of bearings, and date;
 - (2) Name and address of owner or owners of record;
 - (3) Total acreage of subdivision, acreage of each lot to the nearest one-thousandth of an acre, and the total number of lots;
 - (4) The number of acres, to the nearest one-half (1/2) acre, and the percent of total area of the subdivision in streets and each other type of use proposed for the subdivision;
 - (5) Township, range, principal meridian, section, quarter section, and block and lot number;
 - (6) Graphic scale.
- L Monuments
 - (1) All subdivision boundary monuments, block corners and lot corners shall be established pursuant to Colorado Revised Statutes, 38-51-101. In addition, the following monuments shall be required:

- (a) At least one vertical benchmark per subdivision may be required by the Land Use Department. Where practical, U.S.G.S. datum shall be used. In the event it is not practical to use U.S.G.S datum, the datum used shall be subject to the approval of the Land Use Department.
- (b) If the subdivision results in dedication of new roads, monuments shall be established on the centerline of all such roads at all beginning and ending points of curves, angle points, and points of intersection with other proposed or existing roads. The physical monument marking the locations shall conform to the following minimum standards:
1. Monument - 5/8" rebar, 36" in length with a 1-1/2" metal cap. Said monuments shall be placed six (6) inches below the final grade of the driving surface.
 2. Monument Boxes - All such monuments referred to in this Section (b) shall be placed within a monument box whenever the driving surface is asphalt or concrete pavement. Boxes shall comply with Colorado Department of Highways' requirements for roadway installation of Type 1A, 2A or 3A monuments. The monument, monument box and installation shall be included in the Subdivision Improvements Agreement or other guarantee of improvements.
- (2) Any monuments set or found, including control corners, shall be clearly described on the plat. The description shall include size, material, and any markings which appear thereon, including the Professional Land Surveyor's registration number if so marked.

M Global Positioning System.

VII-4 Global Positioning System (GPS)

- A Plats for the following subdivision matters which are approved by Prowers County and where the property is located within the area described in VII-4 B shall be based on a land survey which is tied to the Global Positioning System (GPS).
- Subdivision Final Plat;
 - Subdivision Exemption Plat;
 - Corrected Subdivision Plat; and
 - Lot Line Rearrangement (a/k/a Minor Rearrangement of Lot Lines).
- B If any portion of the property is located within unincorporated Prowers County, then the plat shall be subject to GPS (see following pages).
- C The plat shall contain at a minimum the following GPS information:
- (1) Distances shall be expressed on the plat drawing and in the legal description of the new lots or parcels, should the surveyor choose to

write legal descriptions for said new lots or parcels as ground. In addition, grid distances may be shown informationally if clearly noted as grid distances.

The legal description referenced above does not refer to that description of the property which is set forth in the dedication section of the plat. The property described in the dedication section is commonly the deed description or derivative thereof in order to maintain the chain-of-title to the greatest extent possible.

- (2) The plat drawing shall show the two (2) GPS stations used for control and for the basis of bearings, and the bearing ground distance tying one of the subdivision's boundary corners to one GPS station.
- (3) The combination factor to convert ground distance to grid distance shall be referenced on the plat with the following note:

NOTE: Distances shown hereon, except as noted, are ground distances. The combination factor for this plat is _____. The ground distance when divided by the combination factor will provide the grid distance and the ground coordinates when divided by the combination factor will provide the grid coordinates based on the Colorado State Plane Coordinate System of 1983 South Zone on the North American Datum of 1992.

- (4) The plat drawing shall show the ground coordinates for the two (2) GPS stations used for control AND a ground coordinate shall be shown on the boundary corner used to tie into one of the GPS corners. The ground coordinates shall be designated as such on the plat.

VII-5 Drawing Requirements

The Final Plat drawing shall comply with the following standards:

- A The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Colorado. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.
- B The plat shall be delineated in drawing ink, at a scale of 1" = 100', on waterproof tracing cloth or mylar, in the following size:

Twenty-four (24) inches high by thirty-six (36) inches wide.
- C The surveyor making a plat shall certify on the plat that it conforms to these regulations and to all applicable state laws and that the monuments described in it have been placed as described. The surveyor shall affix his name and seal.

VII-6 Supporting Documents

The following documents shall be submitted with the Final Plat drawing and be considered a part of the Final Plat submission:

- A Two (2) copies of an application form for review of a Final Plat and six (6) copies of all supporting documents, except that the Board or the Planning Commission may, at any time up to approval by the Board, require additional copies;
- B Drawings showing layout, profile, and detailed design of the following:
 - (1) All utilities, easements, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to the development;
 - (2) Plan, profile and typical cross-section drawings of roads, bridges, culverts, and other drainage structures. The drawings shall comply with the requirements of the Prowers County Road & Bridge Department;
 - (3) Grading and drainage plan. The proposed grading plan shall be indicated by solid line contours superimposed on dashed line contours of existing topography for the area of the Final Plat. Such contours shall be at two (2)-foot intervals for predominant ground slopes within the tract over five (5) percent grade. In case of predominantly level topography throughout a subdivision, one (1)-foot contour intervals may be required;
 - (4) Erosion control plan, when required for Preliminary Plan review (SECTION III) or required as a result of such review.
- C A guarantee of public improvements (see SECTION VIII-6);
- D A title insurance commitment or a title policy issued by a title insurance company, or any attorney's title opinion, certified to a date not more than thirty (30) days prior to the submittal of the Final Plat to the Land Use Department, showing the names of the owner(s) of the land and all other persons who have an interest in, or an encumbrance on, the property described on the Final Plat. Upon request of the Planning Commission, the subdivider shall cause to be joined on said Final Plat those parties necessary to give unencumbered fee simple title to all public rights-of-way dedicated therein, and the consent of any mortgage holder. As an alternative, such other parties who have an interest in the property may subordinate their interest to the dedication of public rights-of-way by a written and acknowledged agreement.

Where dedication of land for school or park sites is required, a partial release of interest shall be obtained from all lienholders and said releases shall accompany any deed to the School District or the Board.

Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Board must be submitted;

- E Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the Board stating that the Board will accept the lands to be dedicated subject to applicable improvement standards and agreements by the appropriate public agencies;
- F When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted;
- G Copies of deed restriction, including those required by the Board, to govern the future use of each lot and any common land with regard to the future construction of water or sewer systems, resubdivision, and other potential changes which might significantly alter the subdivision as approved by the Board with regard to the criteria and standards of these regulations;
- H Monument record for required benchmark;
- I The drawings, described in VII-6-B (1), (2), (3) and (4) shall be prepared by either a registered professional engineer or registered land surveyor, as required by the laws of the State of Colorado, who is licensed to do such work in the State of Colorado;
- J The County Treasurer's certification that all prior years taxes have been paid shall be submitted a minimum of fifteen (15) days prior to consideration by the Board of County Commissioners (refer to Section VIII);
- K Closure sheets reflecting mathematical closure, relative error of closure, and area for the subdivision boundary and each lot.

SECTION VIII RELATED PROCEDURES

VIII-1 Resubdivision Procedures

- A Resubdivision of land or changes to an approved or recorded plat shall be considered a subdivision, except as otherwise provided in this Section and shall be subject to the provisions of the Prowers County Subdivision Regulations.

- B *Correction Plat* - If it is discovered that there is a minor survey or drafting error in a recorded Final Plat, the subdivider shall be required to file with the Board for its approval a corrected Final Plat with an affidavit regarding the revisions, certified by a Colorado licensed land surveyors. If, however, the correction of the error results in major alterations, the Board may require full compliance with the County subdivision regulations.

- C *Minor Rearrangement of Lot Lines* - Minor rearrangement of lot lines or alterations may be made to a recorded plat subject to approval of the Planning Commission provided such minor rearrangement or alteration will not:
 - (1) Involve more than five lots;
 - (2) Result in any lot, parcel, or portion of the subdivision becoming insufficient in size, area, or location to meet the minimum requirements of the zone district within which the property is located;
 - (3) Alter any dedicated easement or area reserved for public use;
 - (4) Alter any street or right-of-way alignment or reduce their dimensions;
 - (5) Necessitate new, or the modification of, public improvements; or
 - (6) Adversely affect the character of the recorded plat.

(a) SUBMITTAL REQUIREMENTS: Minor Rearrangement of Lot Lines

Plat prepared by a Colorado Professional Land Surveyor adhering to the Colorado Revised Statutes for Land Survey Plats, and containing, at a minimum, the following:

1. Title shall be: LOT LINE REARRANGEMENT NO. _____ (number to be assigned by staff upon submittal); Subtitle shall be: A Vacation and Replat of (section, township range, quarter section, principal meridian, and lot and block number) of (name of recorded subdivision).
2. Drawing portion:

AS PLATTED

Lot 1
Lot 2

The bearings and distances according to the recorded plat are required to be placed around each lot. Place acreage for each lot, if available, under the lot number.

AS REARRANGED

Parcel A 0.00 acres	Parcel B 0.00 acres
------------------------	------------------------

The bearings and distances will be required to be placed around Parcels A and B. Lot closures are required for Parcels A and B, to be submitted to staff. Corners found and/or set shall be noted.

3. Surveyor's Certification shall read as follows:

I, (surveyor's name), a Professional Land Surveyor registered in the State of Colorado, hereby certify to (owner(s) name), that a survey of the above described premises was performed by me or under my responsible charge, on (date of survey); that this plat of Lot Line Rearrangement No. ___ complies with the minimum standards for Land Surveys and Plats as set forth in Section 38-51-106 et. seq., C.R.S. 1994.

PROFESSIONAL LAND SURVEYOR NO. 00000 DATE

4. The source of research for recorded rights-of-way and easements is (name of Title Company, type of title document with number, and effective date).

5. Planning Commission Certification shall read as follows:

This is to certify that this vacation of a lot line is approved by the Planning Commission, County of Prowers.

(name of director), Chair

DATE

6. Owner(s) statement with notary statement shall read as follows:

KNOW ALL MEN BY THESE PRESENTS: that (owner(s) name) being the owner(s) of the following described property:

(legal description)

Hereby request a rearrangement of lot lines as shown hereon into Parcels A and B.

(Owner Name) Date

(Owner Name) Date

STATE OF COLORADO

)SS

COUNTY OF PROWERS

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by (owner(s) name).

Witness my hand and official seal.

My commission expires:

Notary Public

- 7. North arrow;
- 8. Written and graphic scale;
- 9. Name, address, and phone number of the person, firm, or organization preparing the plat;

10. Easements and building setback lines, if any, as shown on the original platted subdivision affecting the rearranged lots;
 11. Tie to Global Positioning System (GPS), if applicable. (See Section VII-4 of this Code for GPS requirements.);
 12. Certificate of Taxes Due (treasurer's certifications) from the County Treasurer's Office that all ad valorem taxes for each lot have been paid in full (original copy);
 13. Supplemental Drawing (to scale) depicting existing improvements with ties to proposed and existing lot lines;
 14. Title information no more than 30 days old from date of submittal, by one (1) of the following:
 - Title Insurance Policy;
 - Commitment for Title Insurance Policy;
 - Endorsement to Title Insurance Policy/Commitment when submitted with the prior policy/commitment; or
 - Title opinion from an attorney.
 15. Recorded deeds showing ownership;
 16. Boundary and lot closure sheets;
 17. Five (5) copies of the Lot Line Rearrangement plat folded no larger than 12" x 9";
 18. One (1) copy of plat reduced to 8 1/2" x 11" paper;
 19. Cross deeds, if applicable, with recording fees;
 20. If the properties to be rearranged are portions of larger lots the applicant must submit proof by deeds, that the subject properties' current configurations and/or legal descriptions pre-date the August 30, 1972 adoption of Subdivision Regulations.
- NOTE: Properties less than 35 acres in size subdivided after August 30, 1972 not complying with Subdivision Regulations cannot be eligible for a lot line rearrangement without first bringing the properties into compliance with the Subdivision Regulations.
21. Application fee .
 22. Recording fee for plat (check made payable to Prowers County Clerk and Recorder).

D Vacation of Interior Platted Lot Lines

Interior lot lines within a recorded plat may be vacated subject to approval of the Planning Commission under the following guidelines:

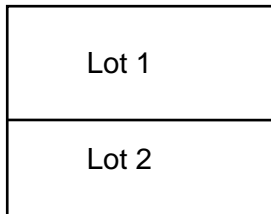
- (1) Involves five (5) lots or less;
- (2) Interior lot lines only; no exterior boundary lines of a subdivision;
- (3) Lots within a recorded subdivision; the year of recordation is not a factor;
- (4) No easements or rights-of-way will be vacated, and no publicly owned land will be adversely affected.

SUBMITTAL REQUIREMENTS: Vacation of Interior Platted Lot Lines

(a) Drawing prepared by a Colorado Professional Land Surveyor containing, at a minimum, the following:

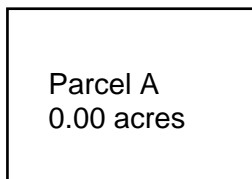
- 1. Title shall be: LOT LINE VACATION NO. _____ (number to be assigned by staff upon submittal);
- 2. Drawing:

AS PLATTED



The bearings and distances according to the recorded plat are required to be placed around each lot. Place acreage for each lot, if available, under the lot number.

AS VACATED



The bearings and distances will be required to be placed around Parcel A. Basis for acreage calculation for Parcel A will be submitted to staff.

(b) Surveyor's Certification shall read as follows:

I, (surveyor's name), a Professional Land Surveyor registered in the State of Colorado, hereby certify to (owner(s) name), that this Lot Line Vacation is not based upon an actual field survey conducted by me or under my responsible charge, but was prepared using information shown on the plat of (name of subdivision) recorded in Book _____ at Page _____ of the records of the Prowers County Clerk and Recorder. The property within this Lot Line Vacation may or may not be presently monumented, and if it is monumented, I have not confirmed the property pins are accurately located.

PROFESSIONAL LAND SURVEYOR NO. 000000 DATE

NOTE: If the Professional Land Surveyor actually surveys the property, the appropriate certification is required.

(c) Note: A search for recorded rights-of-way and easements was not done.

(d) Planning Commission Certification shall read as follows:

This is to certify that this vacation of a lot line is approved by the Planning Commission, County of Prowers.

(name of director), Chair DATE

(e) Owner(s) statement with notary statement shall read as follows:

KNOW ALL MEN BY THESE PRESENTS: that (owner name) being the sole owner of the following described property:

(legal description)

Hereby requests a vacation of a lot line into one (1) parcel of land as shown hereon as Parcel A.

(owner name) DATE

State of Colorado

)SS

County of Prowers

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by (owner name).

Witness my hand and official seal.

My Commission expires:

Notary Public

- f) North arrow;
 - g) Written and graphic scale;
 - h) Name, address, and phone number of the person, firm, or organization preparing the drawing;
 - i) Easements and building setback lines, if any, as shown on the original platted subdivision affecting the lots;
3. GPS Tie - If the recorded plat is tied to GPS or to the Colorado Coordinate System, put that statement as shown on the recorded plat pertaining to that System on the Lot Line Vacation plat. The survey work to tie to one of the Systems is **NOT** required;
 4. NO title search is required;
 5. Certificate of Taxes Due (treasurer's certifications) from the County Treasurer's Office that all ad valorem taxes for each lot have been paid in full (original copy);
 6. Applicant shall provide proof of ownership of each lot by recorded deed(s);

7. If the properties involved in the vacation are portions of larger lots the applicant must submit proof by deeds, that the subject properties' current configurations and/or legal descriptions pre-date the August 30, 1972 adoption of Subdivision Regulations.

NOTE: Properties less than 35 acres in size subdivided after August 30, 1972 not complying with Subdivision Regulations cannot be eligible for a Lot Line Vacation without bringing the properties into compliance with the Subdivision Regulations.

8. Five (5) copies of the drawing folded no larger than 12" x 9";
9. Application fee .
10. Recording fee (check made payable to Prowers County Clerk and Recorder);

If the vacation of interior lot lines is for more than five (5) lots without the need to vacate rights-of-way and/or easement or publicly owned land, the Lot Line Vacation must be approved by the Board of County Commissioners.

If the vacation of interior lot lines is requested WITH the need to vacate rights-of-way and/or easement or publicly owned land, the appropriate procedure is by Vacation Plat approved by the Board of County Commissioners;

- E Upon the approval of the Board or the Planning Commission the revised plat shall be recorded with the County Clerk and Recorder, at the applicant's expense;
- F The County or its appointed representative shall not issue a Zoning permit for any building site created or modified by an action under this Section until the revised plat is recorded;
- G The County shall maintain an adequate numbered filing system for all subdivisions, including copies of all maps, data, and County actions
- H Plats prepared pursuant to this Section may be subject to the Global Positioning System (refer to Section VII).

VIII-2 Minor Subdivision

- A *Definition* - A Minor Subdivision shall consist of five (5) or less lots of less than thirty-five (35) acres each which do not require improvements at County expense (sewer, water works, roads, etc.).
- B *Purpose* - To provide a relatively simple procedure for dividing small tracts of land for development where such development and use have only minor impacts to other lands in the vicinity.

C *Application* - The applicant will make application to the County Land Use Administrator on a form provided by the County. The application will be accompanied by:

- (1) A non-refundable processing fee in the amount set by the Board of County Commissioners and on file in the office of said Board. The fee will include a flat fee for each application plus an additional fee for each parcel;
- (2) A preliminary plat of the property, showing proposed property division lines, size of resulting parcels, location of existing structures (if any) and including existing and proposed roads;
- (3) A brief summary of proposal to include information that will aid in clarifying the various facets of the proposal and that are not included on the application form;
- (4) A list of owners of properties located within three hundred (300) feet, along with the current addresses of all such owners as listed with the County Assessor;
- (5) A statement of compatibility with the Master Plan;
- (6) Notification of Fire Districts for suggestions on a fire mitigation plan and review of ingress and egress;
- (7) If in a flood plain, a detailed flood plain map as well as how the development will affect the flood plain.

D Processing of Application

- (1) The application will be referred to the Planning Commission, where the commission will then:
 - a. Hold a public hearing at least thirty (30) days after receipt of the application with a written notice of said public hearing sent by first class mail with a certificate of mailing, at least fifteen (15) days prior to the hearing date, to the property owners listed in C.,5., of this Section;
 - b. Review the proposal to determine its conformance with County regulations and the Master Plan as well as to identify any other desirable and undesirable effects of the proposal;
 - c. Suggest changes that are determined to be desirable and obtain additional information needed to make a recommendation;
 - d. Make recommendation for or against approval of the application to the Board of County Commissioners, stating conditions (if any) upon which the recommendation is based. The recommendation will also be made available to the applicant. If the Final Plat is approved by the County Planning Commission, the original shall

be held by the County Land Use Administrator until such time as all required conditions related to final processing of the plat are satisfactorily completed;

- e. Once all of the required supplemental conditions are met (such as dedicating certain land to public use, etc.) the original of the Final Plat shall be presented by the County Land Use Administrator to the Board of County Commissioners for their review and action.
- (2) After receiving a recommendation from the Planning Commission, the Board of County Commissioners will hold a public meeting. The Board of County Commissioners will make a decision to approve, modify or deny the application within thirty (30) days after a recommendation has been received from the Planning Commission, unless further time is mutually agreed upon by the applicant and the Board or after the public hearing;
 - (3) Upon approval by the Board of County Commissioners, the applicant will have a Final Plat prepared to include:
 - a. Appropriate heading to include title, date, scale, north designation, name of subdivider and registered surveyor;
 - b. Outside boundary of the whole area proposed for subdivision, showing ties to the local land survey and including a legal or metes and bounds description of the land;
 - c. Exact location of the proposed property division (tract) lines, including length and bearings of such lines and acreages of resulting tracts;
 - d. Tract or lot designations by name, number or letter;
 - e. Location of roads, easements, existing structures;
 - f. Location of ditches and streams;
 - g. If in a flood plain, a detailed flood plain map as to how said development will affect the flood plain.
 - (4) The Board of County Commissioners, upon Final Plat approval, shall sign a Resolution which will be sent to the subdivider and the Planning Commission. The Final Plat shall be signed by the Board of County Commissioners upon approval of the completion of all required improvements (streets, water and sewer systems, etc.) including survey monumentation of the subdivision, following the procedure in Section VII.
 - (5) A copy of the signed Final Plat prepared according to the regulations in Section VII, together with a copy of the covenants, shall be recorded not more than six (6) days after the Final Plat is signed by

the Board of County Commissioners, in the office of the County Clerk. The recording fee shall be paid by the subdivider and shall be submitted at the time application is made.

E Criteria for Approval of Minor Subdivision:

- (1) Completed Preliminary Plan Application and Checklist.
- (2) Does not seriously conflict with the policy and guidelines of the Master Plan;
- (3) Adequate, suitable water must be available for the use intended (water well permit or certificate);
- (4) Site must be suitable and plans adequate to assure proper disposal of sewage and other wastes;
- (5) All lots must have legal access to a public road;
- (6) The proposed use of the lots must conform with the Zoning Regulations for the district in which the minor subdivision is located;
- (7) Determine if the area should be included with adjacent lands to form a properly planned larger subdivision to prevent piecemeal area planning;
- (8) The area or land has no other significant physical limitations affecting the use proposed;
- (9) Adequate erosion control measures planned.

VIII-3 Cluster Subdivision

A *Definition* - A Cluster Subdivision is any division of land that creates parcels containing less than 35 acres each, for single-family residential purposes only, where the tract is being divided pursuant to the procedures set forth in this Section. This exemption from the standard subdivision procedure is authorized pursuant to C.R.S. Section 30-28-101(10)(c)(X) and 30-28-401, et seq. C.R.S.

- (1) To be eligible for review and approval as a Cluster Subdivision pursuant to this Section, the proposed subdivision must:
 - (a) Be created for single-family residential purposes only;
 - (b) Reserve at least two-thirds (2/3) of the total area of the tract for the preservation of contiguous open space;
 - (c) Contain residential density not in excess of two (2) residential dwelling units for each thirty-five (35)-acre increment, or an average residential density of no greater than one (1) dwelling unit per 17.5 acres.

- B Review Procedure for Cluster Subdivision:
- (1) The applicant shall submit a site plan and Subdivision Plat containing the information required by Section VIII-2.
 - (2) The application shall be reviewed by the Planning Commission at a public hearing in the manner set forth at Section VIII-2.
 - (3) The Board of County Commissioners shall review the application at a public hearing in the manner set forth at Section VIII-2.
 - (4) After the hearing, the Board of County Commissioners shall act to approve, approve with conditions, or deny the application. In the event the application is approved, with or without conditions, the Cluster Subdivision Plat, when executed, shall be filed for record with the County Clerk and Recorder in the same manner as a Final Subdivision Plat.
- C *Standards for Review of Cluster Subdivisions* - The Planning Commission and Board of County Commissioners shall be guided by the following criteria in reviewing cluster development subdivision applications:
- (1) The application meets all of the minimum requirements of this Section;
 - (2) The application fulfills the goals of the county to preserve open space, protect wildlife habitat and critical areas, and enhance and maintain the rural character of lands with contiguity to agricultural lands suitable for long-range farming and ranching operations;
 - (3) The application preserves common open space;
 - (4) The application reduces the extension of roads and utilities to serve the proposed development;
 - (5) The application permits landowners to implement smart growth on land that is otherwise exempt from subdivision regulation;
 - (6) Approval of the application would preserve existing agricultural uses;
 - (7) Approval of the application would protect existing view sheds of benefit to present and future residents and visitors to the County;
 - (8) A water court-approved plan for augmentation shall be required and shall accompany any approved Cluster Subdivision development when water usage in the development would exceed an annual withdrawal rate of one (1) acre-foot for each thirty-five (35) acres within the development, provided, however, that this requirement shall not apply in the event the development will be served by the

use of treated domestic water provided by any public or private entity.

D *Permitted Incentives for Application and Approval of Cluster Subdivisions* - The Planning Commission may recommend, and the Board of County Commissioners may consider, the following incentives which may be spent in connection with approval of the application:

- (1) Density bonuses, not to exceed a total built density of one (1) unit for each one hundred (100)-acre increment;
- (2) Transfer of development rights, to the extent permitted by the County.

E *Conditions of Approval* - The Planning Commission may recommend, and the Board of County Commissioners may impose, any or all of the following conditions upon the approval of a Cluster Subdivision:

- (1) That the Cluster Subdivision development plan set aside land to preserve open space, wildlife habitat or critical areas;
- (2) That Cluster Subdivision development plan not permit development of any open land for not less than forty (40) years from the date the plan is approved.

VIII-4 Withdrawal of Approval

The Board may withdraw any recommendation by the Planning Commission or approval by the Board of a plan or plat if and when it is determined that information provided by the subdivider, upon which such decision was based, is false or inaccurate. Prior to withdrawing approval, the Board shall hold a public hearing at which the owner of the subject property has the right to appear. The Board shall cause written notice of a public hearing on any proposed withdrawal of approval to be sent to the owner(s) of the subject property. Such notice shall be sent by first class mail with postage prepaid not less than fifteen (15) days prior to the public hearing. Notice shall also be given by one (1) publication in a newspaper of general circulation in the county not less than fifteen (15) days prior to the public hearing.

VIII-5 Notification to the Land Use Commission

Each month the Board, or its appointed representative, shall transmit to the Colorado Land Use Commission copies of the notice of filing and a summary of information of each subdivision preliminary plan and plat submitted to them together with a report of each exemption granted by the Board pursuant to Section 30-28-101(10)(d), Colorado Revised Statutes, and these regulations on such form as may be prescribed by the Land Use Commission.

VIII-6 Vacation of Plats

- A Any plat or any part of any plat that has been duly recorded and approved by the Board may be vacated by the owner of the premises by submitting to the Land Use Administrator a written application containing the following:
- (1) The applicant's name, address, and the name and address of any person, firm, or corporation represented by such applicant in the application;
 - (2) The interest of the applicant and the interest of the person, firm or corporation represented by the applicant, be it legal, sales, development, operation, or other interest;
 - (3) A statement of facts which the applicant believes justifies the vacation, including, but not limited to, a general description of the area surrounding the proposed vacation which will be thereby affected. Such description shall address the environmental, economic, and traffic effect of the proposed vacation;
 - (4) A vacation plat prepared by and carrying the seal of a Colorado licensed land surveyor. The vacation plat shall, where applicable, show existing and proposed structures, uses, open spaces, facilities for parking and loading, and arrangement for pedestrian and vehicular circulation;
 - (5) A letter from the fire department, school district, and all applicable utility companies and special districts which serve the area in and around the property whose vacation is being sought, the County Road & Bridge Supervisor, the Land Use Administrator, and the County Sheriff. Such letter shall state the respective authorities' position concerning the proposed vacation;
 - (6) A title insurance commitment or a title policy issued by a title insurance company, or an attorney's title opinion, certified to a date not more than thirty (30) days prior to the submittal of the plat vacation to the Land Use Department, showing the names of the owners of the land and all other persons who have an interest in or an encumbrance on the property described on the vacation plat;
 - (7) The County Treasurer's certification that all prior years taxes have been paid shall be submitted a minimum of fifteen (15) days prior to consideration by the Board of County Commissioners (refer to Section VIII).
- B The plat vacation application shall be reviewed by the Commission in like manner as plats of subdivisions. The Commission shall cause written notice of a public hearing on any proposed plat vacation to be sent to owners of real property contained in the subdivision or whose property is within 300 feet of the exterior boundaries of the subdivision.

Such notice shall be sent by first class mail with postage prepaid not less than fifteen (15) days prior to the public hearing. Notice shall also be given by one (1) publication in a newspaper of general circulation in the County not less than fifteen (15) days prior to the public hearing. Notice of the hearing shall also be posted in a conspicuous place in the subdivision. Such posted notice shall be not less than eighteen (18) inches by twenty-four (24) inches with letters not less than one (1) inch in height. The Commission shall forward to the Board its recommendation within thirty (30) days after the hearing is concluded.

The plat vacation application shall then be submitted to the Board for its review and approval, conditional approval, or denial, after notice in like manner as final subdivision plats.

- C The vacation plat, if approved, shall be filed and recorded in the County Clerk and Recorder's Office by the Land Use Administrator at the applicant's expense. The vacation plat shall divest all public rights in the streets, alleys, and public ways, and in all dedications laid out or described in the subdivision plat except where reservation is made therefrom.
- D Before any action on the application shall be taken as provided herein, the applicant proposing the vacation shall deposit with the County Land Use Office a nonrefundable application fee as set forth by the Board by Resolution.

VIII-7 Treasurer's Certification of Taxes Paid

- A No plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.
- B The ad valorem taxes referenced in the above paragraph shall include:
 - Real property taxes on the land and improvements;
 - Mobile home taxes;
 - Mineral rights taxes; and
 - Special assessments.
- C Treasurer's certifications shall be required for Final Plats of subdivisions, Resubdivisions, Subdivision Variances, Subdivision Exemptions, Subdivision Vacations, Lot Line Rearrangements (Minor Rearrangements of Lot Lines) and Correction Plats.
- D Treasurer's certifications shall be submitted a minimum of fifteen (15) days in advance of the Board of County Commissioners' meeting at which the plat is to be considered. The only exceptions shall be for plats scheduled to be considered by the Board between January 1 and January 15. Treasurer's certifications for plats scheduled during this time period shall be submitted prior to the Board's approval.

- E Treasurer's certifications for plats of Lot Line Rearrangements (Minor Rearrangement of Lot Lines) shall be provided with the submittal of the application.

VIII-8 Acceptance and Vacation of Streets and Alleys

- A *Acceptance of Street and Other Public Land Dedication* - Approval of a subdivision shall not constitute an acceptance by the county of the roads, streets, alleys, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by specific action of the Board.

- B Application for Vacation of a Public Street, Alley, Easement or Public Way

- (1) Any person, public or private entity desiring the vacation of any public street, alley, easement, or public way shall submit to the County Land Use Office a completed application form and the following:

- (a) A letter of request stating the interest of the applicant, the interest of the person, firm or corporation representing the applicant, and the reasons for the vacation;

- (b) Letters from the County Director of Public Works, the County Sheriff and all applicable fire departments, school districts, utility companies and special districts which serve the area in or around the property where the vacation is sought. Such letters shall state the position of the respective authorities concerning the proposed vacation;

- (c) An accurate drawing suitable for recording prepared by a Colorado licensed land surveyor depicting and legally describing the public street, alley, easement or public way to be vacated. The drawing shall also note all reservations, if any;

- (d) Verified documentation that requested vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established road;

- (e) A nonrefundable application fee as set by resolution of the Board of County Commissioners.

- (2) The Prowers County Planning Commission shall review all applications for the vacation of a public street, alley, easement or public way during a public meeting. The Commission shall send its recommendation and findings to the Board of County Commissioners;

- (3) The Board shall hear all applications to vacate a public street, alley, easement or public way. After receiving a vacation application, the Board shall set a time and a place for a public hearing and shall cause notice of the hearing to be sent to property owners whose property abuts or is within three hundred feet (300 ft.) of the exterior boundaries of the public street, alley, easement or other public way proposed to be vacated. Such notice shall be sent by first class mail with postage prepaid at least fifteen (15) days before the public hearing;
- (4) Notice shall also be posted in conspicuous places at each end of the public street, alley, easement or public way proposed to be vacated. Such notice shall be posted at least fifteen (15) days before the hearing;
- (5) Notice shall also be published in a newspaper of general circulation in the County at least fifteen (15) days before the public hearing;
- (6) Before granting the vacation of a public street, alley or public way, the Board of County Commissioners shall find that the following conditions (a) through (f) exist:
 - (a) The public street, alley or public way to be vacated was created by plat or deed or exists by right of usage if unplatted or undefined;
 - (b) The requested vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established public road;
 - (c) The requested vacation will not adversely affect the transportation needs of Prowers County;
 - (d) The requested vacation is completely within the boundaries of Prowers County and is not within the limit of any incorporated city or town;
 - (e) The requested vacation is not a boundary with any other county or incorporated city or town, or if it is a boundary, the vacation is approved by joint action of the Board and the duly constituted authority of the other county, city or town;
 - (f) The requested easement vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.
- (7) If the vacation is approved, the Board of County Commissioners may reserve rights-of-way or easements for the continued and/or future

use of sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances;

- (8) Upon approval of the vacation, the affected property owners shall prepare deeds to incorporate the applicable portion of the vacation into their property's description. The deeds shall be submitted to the County Land Use Office for recordation with the drawing;
- (9) Upon approval of the vacation and satisfaction of all conditions imposed on the approval, the accurate drawing and the required deeds shall be recorded with the Prowers County Clerk and Recorder at the applicant's expense.

VIII-9 Summary of Procedure Approvals

A summary of subdivision regulation procedure approvals is shown in Table 1.

TABLE 1

Approval Requested	Staff	Sketch		Preliminary		Final	
		<u>PC</u>	<u>BOCC</u>	<u>PC</u>	<u>BOCC</u>	<u>PC</u>	<u>BOCC</u>
Major Subdivision	A	X		H	X	X	X
Minor Subdivision	A					H	X
Resubdivision	A	X		H	X	X	X
Cluster Subdivision	A					H	H
Correction Plat (minor alterations)	A						X
Minor Rearrangement of Lot Lines	A					X	
Vacation of Interior Platted Lot Lines (less than 5 lots)	A					X	
Vacation of Interior Platted Lot Lines (more than 5 lots without ROW/easement/public land vacation)	A						X
Vacation of Interior Platted Lot Lines (more than 5 lots with ROW/easement/public land vacation) (Vacation Plat)	A						X
Vacation of Plats	A					H	X
Vacation of a Public Street, Alley, Easement or Public ROW	A					X	H
Withdrawal of Approval							H

Key: PC Planning Commission
 BOCC Board of County Commissioners
 A Application Required
 X Meeting Required
 H Hearing Required
 ROW Right-of-Way

VIII-10 Summary of Notice Requirements

A summary of notice requirements associated with subdivision regulations are shown in Table 2.

TABLE 2

Approval Requested	Publish			Post	APO Distance/ Mail
	BOA	PC	BOCC		
Minor Subdivision					300 ft/ 15 days
Withdrawal of Approval			15 days		Property Owner/ 15 days
Vacation of Plats		15 days		15 days	300 feet/ 15 days
Vacation of a Public Street, Alley, Easement or Public ROW			15 days	15 days	300 feet/ 15 days

Key: PC Planning Commission
 BOCC Board of County Commissioners
 BOA Board of Adjustment
 APO Adjacent Property Owner
 ROW Right-of-Way

SECTION IX CONFORMANCE WITH EXISTING LAWS

IX-1 Plan Conformance

Land being subdivided shall conform with the comprehensive plan, zoning resolution, and other resolutions and regulations in effect in the County.

IX-2 Notice of Inspection

An inspection by the Prowers County Road & Bridge Supervisor must be requested by the subdivider or the subdivider's designated agent in accordance with the requirements of the Prowers County Roadway Design and Construction Standards. Inspections during construction shall be made by the County Road & Bridge Department to insure that work is progressing in compliance with the Subdivision Regulations. Deviation from these regulations and their requirements will be sufficient reason to issue stop and desist orders by the County until such time as proper corrections or adjustments have been made to the satisfaction of the County Road & Bridge Supervisor. Upon completion of all work, a final inspection shall be made, and if it is determined by the County Road & Bridge Supervisor that the roads have been built according to County specifications and the approved construction plans, the subdivider may then apply for release of the collateral provided under the terms of the subdivision improvements agreement. Request may also then be made to the Board of County Commissioners to accept the subdivision's roads by resolution for maintenance.

SECTION X DESIGN STANDARDS

All subdivisions approved by the Board must comply with the following standards:

X-1 General Standards

- A The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and trees.
- B Land subject to hazardous conditions such as landslides, mudflows, rock falls, snow avalanches, possible mine or ground subsidence, unstable slopes, seismic effects, expansive soils and rocks, shallow water table, open quarries, mineral resources, flood plains, debris fans, possible wildfires, radioactivity, and polluted or nonpotable water supply shall be identified and shall not be subdivided until: 1) the hazards have been eliminated or will be eliminated by subdivision and construction plans, and 2) a permit under Chapter 1, "Prowers County Regulations for Areas and Activities of State and Local Interest" has been issued.
- C Lots:
 - (1) No single lot shall be divided by a municipal or county boundary line;
 - (2) A lot shall not be divided by a road, alley, or other lot;
 - (3) *Wedge-Shaped Lots* - In the case of wedge-shaped lots, no lot shall be less than zone provisions in which lot is located;
 - (4) *Lot Lines* - Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated;
 - (5) *Front on Public Street* - All residential lots in subdivisions shall front on a public street, in accordance with other local regulations.

X-2 Streets

The design and construction of all new roads and streets shall be in accordance with Prowers County Roadway Design and Construction Standards.

- A *Street Names* - Streets shall have the names of existing streets which are in alignment in the County or in an adjoining county or municipality. There shall be no duplication of street names within the area.
- B *Frontage on Major Highways* - Where a residential subdivision abuts a major highway, service roads may be required.

X-3 Sidewalks and Curb and Gutter

Requirements for sidewalk and curb and gutter shall be pursuant to the Prowers County Roadway Design and Construction Standards.

X-4 Block Standards and Walks

A *Block Standards* - Block lengths shall be reasonable in length and the total design shall provide for convenient access and circulation for emergency vehicles.

B *Pedestrian Walks* - Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way of not less than ten (10) feet in width shall be provided through blocks where needed for adequate pedestrian circulation. Improved walks of not less than five (5) feet in width shall be placed within the rights-of-way.

X-5 Easement Standards

Easements, where deemed necessary and requested by appropriate entities such as utility companies, Prowers County Road & Bridge Department, Colorado Department of Transportation, ditch companies, and other public and quasi-public entities, shall be a minimum of 10 feet in width or such greater width as may be requested in writing by one or more of the aforementioned entities.

X-6 Driveways

Driveways shall be permitted to have direct access to major highways, as approved by local State Division of Highways.

X-7 Sanitary Sewage Disposal

A *General Requirements* - In all new subdivisions all lots or parcels which cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of, or use of buildings constructed hereon. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields, will be submitted along with the results of percolation tests. The results of these data will be reviewed by the Board and by the Department of Health, to determine the general suitability of the soil for on-lot disposal systems.

(1) Lands made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems;

- (2) Each lot shall have fifty (50) percent of its minimum required lot area or twenty thousand (20,000) square feet, whichever is less, in slopes of less than fifteen (15) percent;
- (3) Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a minimum depth of eight (8) feet from the surface of the ground to the groundwater surface (based on annual high-water level).

Each site must also be at least one hundred (100) feet from any water supply well, at least fifty (50) feet from any stream or water course, and at least ten (10) feet from any dwelling or property line;

- (4) Soils having a percolation rate slower than sixty (60) minutes per inch shall not be divided into building sites to be served by soil absorption sewage disposal systems;
- (5) Land rated as having severe limitations for septic tank absorption fields as defined by the county soil survey prepared by the U. S. Department of Agriculture, Soil Conservation Service, shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless such building sites contain not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system;
- (6) An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the Preliminary Plan Review, shall: Have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet the Health Department regulations. In addition, the Sanitary Inspector shall find that the proposed corrective measures have overcome the severe soil limitations;
- (7) Other applicable standards adopted by the Board or the Health Department: An applicant desiring to install soil absorption sewage disposal facilities on soils having severe limitations shall have an opportunity to present evidence contesting such classification and analysis, if the applicant so desires. Thereafter, the Board may affirm, modify, or change the classification.

B *Sanitary Sewer Mains, Laterals and House Connections* - Where local, county, and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Board may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems. Responsibility for the design and supervision of installation of all capped sewers, laterals,

and house connections shall be that of the county involved. Whenever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities, or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

- C *Test Procedures* - Test procedures shall be conducted in accordance with U.S. Public Health Service Publication Number 526, 1963 Edition, and other County requirements.
- D *Public Sewer* - C.R.S. 30-20-416 requires that a landowner not install an individual sewage disposal system if the premises to be served by the system is within 400 feet of a public sewer. Pursuant to the authority of these regulations and C.R.S. 30-28-133(4)(c) and 30-28-133(6)(b), Prowers County requires that a landowner must connect to a public sewer if the premises to be served is within 400 feet of a public sewer.

X-8 Water Supply

The subdivider shall construct or cause to be constructed a complete water distribution system (unless such subdivider proposes individual on-lot water supply system) in accordance with the specifications of the local health authority who shall enforce the regulations of the State of Colorado health authority, and such water distribution system shall include and provide for the installation of fire hydrants, pursuant to the "Fire Protection" requirements of these Subdivision Regulations.

X-9 Storm Drainage and Flood Plains

- A Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each section shall be indicated.
- B The drainage and flood plain systems shall be designed:
 - (1) To permit the unimpeded flow of natural water courses;
 - (2) To ensure adequate drainage of all low points;
 - (3) To ensure the applications of the following regulations regarding development in designated flood plains:

- (a) Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred (100)-year storm;
 - (b) Building construction may occur in that portion of the designated flood plain where the return frequency is between a one hundred (100)-year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level;
 - (c) Where floodway velocities are generally determined to be under five (5) feet per second and maximum floor depth will not exceed three (3) feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities, and accessory parking may be permitted;
 - (d) Any use of land is prohibited where flooding would create a public health problem. This includes shallow wells, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation;
 - (e) Trailer parks, mobile homes and similar uses shall not be permitted in any designated floodway;
 - (f) Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before it is undertaken. Any construction, dumping, and filling operations in a designated floodway constitutes an encroachment;
 - (g) All lots containing land which is less than two (2) feet above the elevation of the one hundred (100)-year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of record, must have adequate building sites documented with consideration to the location of the building and, where applicable, of wells and septic tanks.
- C The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.
- D All proposed surface-drainage structures shall be indicated.
- E All appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

X-10 Subdividing or Planning of Parcel

Where an entire parcel is not subdivided, the subdivider must indicate the subdivider's intended plans for disposition of the remainder of the parcel.

X-11 Public Sites and Open Spaces

A *Dedication of Park Sites and School Sites* - The requirements of this Section shall not apply to subdivisions which are completely nonresidential. In the event of subsequent application for a change of zoning or other regulations, which change shall permit the use of all or a portion of such subdivision for residential purposes, then the approval of such change, if granted, shall be made contingent upon the applicant satisfying the requirements of this Section for residential subdivisions.

Each subdivision for residential purposes in the County of Prowers shall pay a fee-in-lieu of conveyance or shall convey land for the purpose of providing park sites to serve the future residents of the subdivision. The conveyance of land may occur upon the recommendation of the County Planning Commission.

- (1) The County, in formulating the appropriate combination of the options set forth above, shall take into consideration the following criteria:
 - (a) The size of the proposed development;
 - (b) The projected additional population associated with the proposed development;
 - (c) The projected need generated by the development for municipal services and facilities, particularly recreational, educational and protective, the provision of which is not covered by other requirements herein;
 - (d) The impact of the proposed development on the implementation of the Master Plan and its component parts, including transportation and parks and recreation.
- (2) All moneys collected by the County under this Section shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account, or fund shall be accounted for separately. Any interest or other income earned on such moneys shall be credited to the account;
- (3) All land to be dedicated as required by this Section and these regulations, shall be designated on the final approved plat as outlots, and these outlots shall not be building lots. Such outlots shall be deeded to the County at the time of recording of the Final Plat. Title insurance acceptable to the County provided by a title insurance

company authorized to do business in the State of Colorado and a certificate of representations and warranties concerning title and usability of the property shall be required at the time of recording of the Final Plat. Disposition of the outlots shall be shown on the Final Plat.

B *Criteria for Park Dedications* - In determining which land areas are appropriate for dedication as parks, the Board shall consider the following criteria:

- (1) The placement of park lands in such a manner as to assist in enhancing the environment, and in preserving community integrity in the most practical, attractive manner possible;
- (2) The assurance of the continuity of open space links, trails, and other major components of the recreation system;
- (3) The assurance that areas set aside for parks lands have been examined for compliance with all regional plans and particularly the Master Plan statement, if any, for park and open spaces;
- (4) The assessment of the suitability of proposed land dedications for park, recreation and open space needs;
- (5) The examination of the size, shape, topography, geology, presence and condition of ground cover and timber, condition of soil, drainage, location, access and availability of water to lands proposed for park, recreation and open space uses;
- (6) The assurance of the protection of natural and historical features, scenic vistas, watersheds, timber and wildlife;
- (7) Park lands that are intended to be used for trail rights-of-way, (linear parks for pedestrian, equestrian or bicycle use) shall conform to the following criteria:
 - (a) The land may either be set aside as a dedicated easement or as a deeded outlot;
 - (b) The minimum width for such trail easement or outlot shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage, but in no instance shall be less than twelve (12) feet in width and in all cases the easement shall be of adequate width to handle the proposed uses;
 - (c) There shall be adequate provisions for public access to the trail easement within the subject property;

- (d) The trail easement may overlap and include other property previously included in other easements such as a ditch, canal, or utility, public open space or other easement provided no easement compromises the functional use of any other easement;
- (e) Park land may be considered as part of the land set aside for open space or preservation as provided for in PUD's;
- (f) Land with a slope of 12% or more shall usually not be considered for acceptance to provide park, open space and trails.

C *Cash in-Lieu* - In those cases where the dedications of land are in such locations, configurations or sizes that the property required to be dedicated is unacceptable to the Board, the applicant, at the option of the Board, may be required to pay cash-in-lieu of land dedication. Such payment shall be based on the anticipated market value, based on completion of proposed platting of the entire property as it may exist when all required infrastructure is completed and functioning. A proportionate amount of this value shall be assigned to any parcels or properties requested by the County for public use. If required, property values shall be established by appraisal, provided in the first instance by the applicant, and accepted by the Board. Minimum payment for cash-in-lieu of land dedication shall be one thousand dollars (\$1,000) for any required dedication.

D *Combination of Dedication and Cash-in-Lieu* - In those cases where portions of the sites and land areas to be dedicated are in such locations, configurations or sizes to render dedication of those portions of the sites and land areas unacceptable to the Board, the applicant, at the option of the Board, shall be required to dedicate to the County those sites and land areas which will meet the needs of the County, or cash-in-lieu, for the dedication of the unacceptable portions of the sites and land areas. Such dedication will require acceptance by specific action of the Board.

X-12 Fire Protection

A *Applicability* - These fire protection standards shall be applied to subdivisions and subdivision variances within fire service areas, and may be applied to resubdivisions and subdivision exemptions within fire service areas when necessary for the promotion of the public health, safety, and welfare.

Fire service areas are properties afforded fire protection by any of the following:

- Fire Protection District;
- Metropolitan District authorized to provide fire protection;

- Contract for fire protection;
- Extraterritorial Fire Service Agreement Area; or
- Water District.

B *Standards* - Subdivisions shall, and Resubdivisions and Subdivision Exemptions may, be required to include and provide fire hydrants, the maximum separation between which as measured along the road right-of-way shall be:

<u>Zone District</u>	<u>Separation (Max.)</u>
Agricultural and Residential	750'
Office, Business, and Industrial	500'

Nothing herein shall preclude the Board from requiring that fire hydrants be separated by less distance when so warranted by the existing or proposed land use type, intensity, or density.

Subdivision Variances shall, and Resubdivision and Subdivision Exemptions may, pay a fire protection impact fee. This fee shall be paid whether or not fire hydrants exist at or near the subdivision's property.

SECTION XI RESERVED

SECTION XII UTILITIES AND IMPROVEMENTS

XII-1 General Requirements

A The following improvements shall be constructed at the expense of the subdivider as stipulated in the Subdivision Improvement Agreement in a manner approved by the Board which is consistent with sound construction and local practice. Where specific requirements are spelled out in other Sections of these regulations, they shall apply:

- (1) Road, grading and surfacing;
- (2) Curbs, if required;
- (3) Sidewalks, if required;
- (4) Sanitary sewer laterals and mains where required;
- (5) Storm sewers or storm drainage system, as required;
- (6) Water distribution system, where applicable;
- (7) Street signs at all street intersections;
- (8) Permanent reference monuments and monument boxes;
- (9) Other facilities as may be specified or required in these regulations by the Planning Commission;
- (10) All utilities, except major power transmission lines, shall be underground, unless specifically exempted by the Board, which shall grant such exemption only in cases of extreme difficulty.

SECTION XIII GUARANTEE OF PUBLIC IMPROVEMENTS

XIII-1 Guarantees

No Final Plat shall be approved or recorded until the subdivider has submitted, and the Board has approved, one or a combination of, the following:

- A Concurrently with approval of the final plan, the subdivider shall furnish the County with, at the County's option, one (1) of the following:
 - (1) Cash, certified funds, a certificate evidencing good and sufficient performance and payment bond or letter of credit to secure the performance and completion of the public improvements to be dedicated to the County, in an amount equal to one hundred fifty percent (150%) of the estimated cost of said improvements;
 - (2) No letter of credit or performance bond drawn upon a company, bank or financial institution having any relationship to the developer or any principal, director, officer or shareholder of the developer (other than the relationship of depositor or checking account holder), shall be acceptable. The County may reject any security for any reason.
- B From time to time, as work to be performed and improvements to be constructed progress to completion, the County may, upon its inspection of and satisfaction with the completion of improvements or work, cause or request that so much of the security required hereunder be released as corresponds to the completed improvements or work. Consent to release of funds or security shall not constitute acceptance by the County of such improvements or work for maintenance purposes.
- C Within thirty (30) days after final plan approval, the developer shall enter into a written Site Improvements Agreement with the County in a form acceptable to the Land Use Administrator.
- D Prior to any site development, the developer shall provide the County with a written warranty of work in a form acceptable to the Land Use Administrator (which warranty may be part of the Site Improvements Agreement) with respect to the improvements to be constructed, warranting that the work will be free of all defects in design, materials and construction, and will remain serviceable for a period of two (2) years after completion.
- E Except as may be provided in any Site Improvements Agreement, the County shall not accept responsibility for the operation or maintenance of any improvements until completion of the improvements and final acceptance thereof by the County. Upon written application by the developer for a Certificate of Completion, and provided that all payments and other performances herein agreed to be made and performed by the developer have been made and completed, the County shall issue a Certificate of Completion. Except for defects appearing within two (2) years after the date of the certificate, the County will release the

developer from all further liability as to the completed improvements. Upon issuance of a Certificate of Completion, all improvements specified in the Certificate shall be deemed approved and accepted by the County whereupon the specified improvements shall be owned, operated and maintained by the County.

- F No Certificate of Occupancy shall be issued for any improvements within the development if such agreement is in default or until the remaining development improvements have been installed to serve the properties for which a Certificate of Occupancy is sought, unless funds or a performance bond sufficient to guarantee completion and satisfactory to the County have been provided by the developer. In the event such funds are insufficient to complete the improvements, the County, in addition to any other remedy, may revoke any or all Certificates of Occupancy relating to the development. No site development may be further processed which is owned, in whole or in part, by a developer who is in default of any site improvements agreement for any site development within the County, or who is in default of any agreement with the County for the payment of any fee or charge.

XIII-2 Use of Guarantees, Return Thereof

As improvements are completed, the subdivider may apply to the Board for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

XIII-3 Engineer's Certification ("As Built")

A certification signed by a Registered Professional Engineer that all improvements have been built in accordance with the Final Plat (or noting modifications) shall be required before the subdivider's obligations are fulfilled and the Improvements Guarantee is released. Any such noted modifications shall be approved by the Board, or their designee prior to any release of funds or obligation. The subdivider may phase improvements and request a release from an appropriate portion of the obligations and Improvements Guarantee as such improvements are built, provided a Certification is submitted for such improvements. The Certification shall be in the following format:

"As Built" Engineer's Certification

I, (Engineer's Name), a Registered Professional Engineer in the State of Colorado, have reviewed the Final Plat of (Subdivision's Name) and related relevant drainage plans, street plans and profiles, design and construction plans, and other improvement plans. I do hereby certify that I have made an inspection of those improvements described herein and find same to be built in accordance with the Final Plat except for the modifications specifically noted. I have attached hereto reasons for the modifications and relevant "as built" plans detailing the modifications. (List improvements certified, noting modifications.)

Dated the _____ day of _____, 20____.

(Signature)

P.E. No.: _____
(SEAL)

SECTION XIV VALIDITY

If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision hereof, other than the part so adjudged to be invalid or unconstitutional. If a Court of competent jurisdiction finds that any term or provision herein is invalid, the Court shall, if possible, nevertheless enforce said section to the greatest extent as originally written. Venue for any Court proceeding concerning these regulations shall be exclusively in the District Court or County Court of Prowers County, Colorado.

Prowers County shall have no liability to any person concerning these regulations. Prowers County reserves all rights of governmental immunity as provided by law. These regulations shall not create any private cause of action in favor of any person against Prowers County.

SECTION XV VIOLATIONS AND PENALTIES

- A *Application* - It shall be unlawful to subdivide or to use any land in violation of the provisions of these regulations, or any amendment thereof. Any person, firm, or corporation, either as owner, lessee, occupant, or otherwise, who violates any of the provisions of these regulations or any amendment thereof shall be guilty of a misdemeanor.

- B *Penalties* - The violation of any provision of these Subdivision Regulations shall be punishable as provided by law. Each day or portion thereof that any violation of any provision of these regulations shall continue shall constitute a separate offense. Prowers County may also recover any costs associated with such enforcement, including expert witness fees, attorney fees, court costs and county staff fees calculated at the hourly rate set forth in the current fee schedule.

- C *Enforcement* - In the event a State statute is more restrictive than any term or provision of these regulations, the more restrictive requirements of the State statute will be applicable. Also, in the event a County regulation is more restrictive than any term or provision of a State statute, the more restrictive requirements of the County regulations will be applicable.

SECTION XVI FEES

To defray a portion of the expense of subdivision review and notice, each application shall be accompanied by a fee as set forth by the Board by Resolution. Fees are to be made payable to the County of Prowers. Under no circumstances shall such sum or any part thereof be refunded.

TABLE 3

Southeastern Land & Environment, an Agency of Prowers County, Colorado		
I Prowers County Zoning Resolution		
A Zoning		
1 Application for Zoning Change	\$100.00	
2 Site Review	\$150.00	plus \$40.00 per hour in excess of 2 hours
3 Public Hearing	\$100.00*	
Supplemental Hearing	\$100.00*	
B Variance		
1 Application	\$100.00	
2 Site Review	\$150.00	plus \$40.00 per hour in excess of 2 hours
3 Public Hearing	\$100.00*	
Supplemental Hearing	\$100.00*	
C Special Use Permit		
1 Application	\$100.00	
2 Site Review	\$150.00	plus \$40.00 per hour in excess of 2 hours
3 Public Hearing	\$100.00*	
Supplemental Hearing	\$100.00*	
D Zoning Permit, Verification or Other Certification, not included in A, B or C		
	\$ 50.00	
II Prowers County Subdivision Regulation		
A Major, Minor & Cluster Subdivision		
1 Application	\$100.00	
2 Preliminary Plat	\$100.00	plus \$50.00 per lot for 1-10 plus \$40.00 per lot for 11+ plus \$50.00 per lot
3 Final Plat **	\$100.00	
B Variance **	\$100.00	plus \$50.00 per lot
C Amendment to Recorded Plat **	\$100.00	
D Exemption ** Certificate of Nonconformance	\$100.00 \$ 50.00	

E Vacation **			
1	Alley	\$100.00	
	Easement	\$100.00	
	Road	\$100.00	
	Subdivision	\$100.00	
2	Site Review	\$150.00	plus \$40.00 per hour in excess of 2 hours
3	Public Hearing	\$100.00*	
	Supplemental Hearing	\$100.00*	
III Amendment to Zoning or Subdivision Regulation			
1	Application	\$250.00	
2	Public Hearing	\$100.00*	
	Supplemental Hearing	\$100.00*	
If amendment is proposed by the Planning Commission, Board of County Commissioners or Southeastern Land & Environment, the fee will be waived.			
IV Flood Hazard Area Permit			
1	Determination	Oral--N/C	Written--\$50.00
2	Permit	\$100.00	
3	Appeal	\$150.00	
V Other Services			
	Septic Permit	\$115.00	
	Percolation Test	\$250.00	
	Misc. Services	\$ 40.00	per hour
	Map Copies	\$ 5.00	
	Other Copies		
	Letter size	\$ 0.25	
	Legal size	\$ 0.50	
	11X17	\$ 1.00	
	Food Services Fees, per State Regulation		

* Applicant is also responsible for Publication and the Certified Mailing of the Public Hearing Notice and all related expense.

** Instruments relating to this action, if approved, are required to be recorded with the County Clerk and Recorder's Office. The above schedule does not include the cost of the recording fee.

Please note--these are application fees only. They do not include the costs of construction of any public improvements (e.g. streets, drainage facilities), or impact fees for parks, schools or fire protection, nor the Colorado Geological Survey's technical review fee. Also a public improvement agreement may be required.

- Southeastern Land and Environment is an agency of Prowers County, Colorado.

- Fees are set by resolution of the Prowers County Board of County Commissioners.

APPENDIX 1

COMMISSIONERS CERTIFICATE

This plat is approved and dedications accepted this ____ day of (month), 20____, A.D. by the Board of County Commissioners of Prowers County, Colorado. This approval does not guarantee that the size, soil conditions, subsurface geology, ground water conditions, or flooding conditions of any specific lot shown hereon are such that a well permit or sewage disposal permit will be issued. This approval is subject to the requirement that all expenses involving required improvements as set forth in the Subdivision Improvements Agreement as recorded at Reception No_____ in the Prowers County Clerk and Recorder's Office shall be the responsibility of the subdivider and not the County of Prowers.

ATTEST: _____
CLERK OF BOARD

CHAIRMAN

(SEAL)

Every Final Plat shall contain the following applicable certificates and notices which may be modified to suit special circumstances: Where the type of road or other conditions warrant, the "certification," "dedication," and "notice" statements shall be modified accordingly and shall be subject to approval by the County. Final Plats may be subject to a plat note related to the Global Positioning System.

APPENDIX 2

PLANNING COMMISSION CERTIFICATE

Reviewed the ____ day of (month), 20__ , County Planning Commission, Prowers County, Colorado.

(signature) _____
CHAIRPERSON

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO

)ss

COUNTY OF PROWERS

I hereby certify that this instrument was filed for record at _____ o'clock __.M.
_____, 20__, and duly recorded at reception number _____.

Recorder

By _____
Deputy

Fee _____

APPENDIX 3

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That (name) _____ is the owner of that real property situated in Prowers County, Colorado, and lying within the exterior boundary of (subdivision name). That said owner it has caused said real property to be laid out and surveyed as (subdivision name), a subdivision in the County of Prowers, State of Colorado does hereby accept the responsibility for the completion of required improvements, does hereby dedicate, set apart all of the roads and other public improvements, places as shown on the accompanying plat to the use of the public forever, does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements for the purpose shown hereon, and does hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

In witness whereof, (said owner) _____ has signed this dedication, this _____ day of (month), A.D. 20____.

ATTEST: _____
OWNER

APPENDIX 4
PLAT STATEMENT

FOR VALUE RECEIVED, the undersigned lienholder consents to the subdivision of the land shown on this _____ Plat, joins in the dedication of all streets, easement, rights of way and access restrictions shown hereon, and subordinates its interest in the property described in this _____ Plat to any Subdivision Improvements Agreement between the Subdivider and the County of Prowers executed in conjunction therewith.

Signed the ____ day of _____, 20____.

Name Title

Name of Institution with Interest

STATE OF COLORADO

)ss

COUNTY OF PROWERS

The foregoing instrument was acknowledged before me by _____ this ____ day of _____, 20____. My Commission expires: _____

Notary Public

*insert subdivision's name (e.g., Porcupine Estates, 2nd Filing), variance number (e.g., Subdivision Variance No. 400), exemption number (e.g., Subdivision Exemption No. 87-10), or lot line rearrangement and number (e.g., Lot Line Rearrangement No. 88).

STATE OF COLORADO

) ss

COUNTY OF PROWERS

The foregoing instrument was acknowledged before me this ____ day of (month), A.D. 20__, by (president's name) as President and (secretary's name) as Secretary of (corporation name), a Colorado Corporation.

Witness my hand and official seal.

My commission expires: _____
(notary's name)
NOTARY PUBLIC

APPENDIX 5

NOTICE

Notice is hereby given that acceptance of this platted subdivision by the County of Prowers does not constitute an acceptance of the roads and other improvements for maintenance by Prowers County. Until such roads and other improvements meet Prowers County requirements, and are specifically accepted by Resolution of the Board of County Commissioners and such Resolution is recorded with the Prowers County Clerk and Recorder, the maintenance, construction, and all other matters pertaining to or affecting said roads and other improvements and rights-of-way are the sole responsibility of the owner of the land within this subdivision.

APPENDIX 6

SURVEYOR'S CERTIFICATE

I, (surveyor's name), a professional land surveyor registered in the State of Colorado, hereby certify to the Board of County Commissioners of the County of Prowers and to (subdivider's name) that a survey of the above-described premises was performed by me or under my direct responsibility, supervision, and checking on _____, 20__; that this plat of (subdivision name) complies with the minimum standards for Land Surveys and Plats as set forth in Section 38-51-101 et seq., C.R.S. 1973 (as amended).

(surveyor's signature) _____
Professional Land Surveyor

(surveyor's name) _____
Professional Land Surveyor

Lic. # _____

(surveyor's seal shall appear with
this certificate)