

HOW TO VACATE UTILITY EASEMENTS

As the name implies, *utility easements* are generally placed on subdivision plat maps along all property boundaries for the purpose of the installation of utility lines and equipment. These easements grant perpetual legal access for all utility companies in the community. Just like all easements, the only way to remove or vacate them is to have the owners of the easements (in this case all of the utility companies) release them via a quit-claim deed (QCD) or letter that is then recorded with the County Clerk and Recorder to make it official. In some cases, you will simply receive a reply or letter that indicates no objection.

Typically, easement vacations are only granted along the location of a deleted property line between lots that have been consolidated through a *Subdivision Plat Amendment* or an *Administrative Lot Consolidation*. But there are other circumstances where the easements may be releasable. You must have these easements vacated before you build any structures (other than fences) on the former property lines. Removing the property line through consolidation does NOT remove the utility easement. In general, the steps to complete are as follows:

1. Consolidate Lots
2. Request Vacated Easements from All Utility Providers
3. Receive Release, Deed, or Letter of No Objection from Each Provider
4. Record All Documents with Archuleta County Clerk and Recorder
5. Submit Recorded Documents from All Utility Providers to Building Department with Permit Application

If you decide you wish to pursue the vacation of the utility easements on property you own, you will need to work with each utility company independently to seek the release. Each provider has slightly different procedures and requirements for this process. Some have fees, some don't, some want a copy of approved consolidation resolution, some don't. This guide sets out to explain, how to request the vacation of utility easements from each provider. Do not forget, you will have to receive a release of the easement from each one of the companies listed, even if they don't currently provide service to your property or your area.

Below is a list of the utility companies that provide services in our county. Each one must provide the vacation of easements before Building Permits can be issued. The process outlined for each may be somewhat unique for each company. Typically, once you submit your request for vacated utility easements to a provider, you need to wait at least thirty (30) calendar days for a response. Remember, you are not their only customer requesting this service. Most of the time, you will hear back in that timeframe, but there may be instances where it takes longer for one or two of them to respond. If you wait beyond forty-five (45) calendar days for any one of these responders, you may contact the Archuleta County Planning Department for assistance at (970) 264-1390.

UTILITY EASEMENT VACATIONS MUST BE RECEIVED FROM ALL PROVIDERS EVEN IF YOU THINK THEY WILL NEVER PROVIDE SERVICE TO YOUR PROPERTY.

To begin, prepare a memo with the subject: "Utility Easement Vacation Request: PROPERTY ADDRESS," which includes all of the following information:

- a. Legal Description of lots that were consolidated, including subdivision name, block number (if applicable), old lot numbers, and new consolidated lot number (found in resolution of consolidation);
- b. Physical Addresses of property before and after consolidation;
- c. Property Owner Name(s) and Applicant Name(s) (if other than owner);
- d. Owner's and Applicant Mailing Address(es), email address(es), and phone number(s);
- e. Proof of Consolidation (also attach a copy of this proof document);
 1. Recorded Consolidation Resolution Reception # and Date OR
 2. Recorded Plat Amendment Reception # and Date
- f. Narrative of request.

This memo can be submitted to the various providers as outlined on the next page. If there is a phone number provided, you should contact them first in that way to confirm the preferred submission method. If there is an email address provided, you can most likely submit that way, as well. Please retain copies of sent emails showing the date you submitted for your reference, and just in case you have to seek assistance from the Planning Department. Contact information for all utility companies in the area is on the next page.

UTILITY COMPANIES

CENTURYLINK OF COLORADO, INC.

nre.easement@centurylink.com

platreview@lumen.com

ZITO MEDIA

Dennis Fish

dennis.fish@zitomedia.com

PAGOSA AREA WATER & SANITATION DISTRICT (PAWSD)

100 Lyn Ave

Pagosa Springs, CO 81147

info@pawsd.org

(970) 731-2691

BLACK HILLS ENERGY (BHE)

PO Box 505

Pagosa Springs, CO 81147

scott.hunter@blackhillscorp.com

(970) 615-8075

LA PLATA ELECTRIC ASSOCIATION (LPEA)

Travis Fischer

tfischer@lpea.coop

After you receive the Easement Vacation Documents (Quit-Claim Deed, Release Letter, Letter of No Objection), they must be recorded with the Archuleta County Clerk and Recorder's Office. You can visit them at 449 San Juan Street in downtown Pagosa Springs, or call them at (970) 264-8350 for more information on how to do that. Be sure to get a copy of the Recorded document as it will need to be submitted with your building permit application.

Hopefully this document provides some information to help you get through this process. The Building and Planning Departments are available to answer your questions if any of this is unclear.

Good Luck!

Attachments:

- Sample Quit Claim Deed for Utility Easement Vacation

