

ARTICLE XI Subdivision Of Land In The Town Of Empire

1. Purpose

- 1.1 The subdivision of land is the first step in the process of urban development. The arrangement of land parcels for residential, commercial, industrial, recreational, utility, and other public purpose will determine to a large degree the qualities of health, safety, convenience, environment and general welfare of the Town.
- 1.2 These regulations are designed, intended and should be administered in a manner to:
- 1.2.1 Implement the Town's Master Plan.
 - 1.2.2 Establish a adequate and accurate records of land subdivision.
 - 1.2.3 Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of appropriate adjoining tracts.
 - 1.2.4 Provide for a adequate, safe and efficient public utilities and improvements; and to provide for other general community facilities and public places.
 - 1.2.5 Provide for light, air, parks and other spaces for public use.
 - 1.2.6 Provide for protection from fire, flood and other dangers; and to provide for proper design of storm water drainage and streets.
 - 1.2.7 Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners/developers of the tract.

2. General Procedures

- 2.1 The Subdivision of land within the Town shall be accomplished by the combined actions of the subdividers, the Town staff, the Planning Commission and the Board of Trustees. Only the Board has the authority to accept a plat for filing, thereby permitting the subdivision.
- 2.2 **Pre-Application Conference**
- The applicant shall request and the Chairman of the Planning Commission shall schedule a conference between the Chairman of the Planning Commission and other staff (including any referral agencies deemed appropriate, and any other members of the Planning Commission as they may be available) and the applicant, prior to submission of an application for approval of a plat. The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the substantive and procedural requirements of this Ordinance and the Town zoning ordinance and to identify policies which create opportunities and pose significant constraints for the proposed subdivision.
- 2.2.1 Topics to be Discussed - The pre-application conference shall concern, but not be limited to, the following:

- (a) The subject parcel: Its size, location and accessibility;

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- (b) The proposed development: The type of development proposed and the configuration of lots, blocks, streets, utilities, and other improvements on the subject parcel;
- (c) Proposed intensity of the use of the subject parcel: Type and amount of public facilities likely to be required by the development, method of providing the same;
- (d) The location, type and method of maintenance of open space, public improvements, common areas and facilities;
- (e) Proposed contouring and landscaping;
- (f) Proposed internal circulation system and parking areas;
- (g) Policy considerations: The Town of Empire Master plan, relevant policies, and constraints and opportunities involved in the use of the subject property, the permit process set forth in this ordinance, evidentiary requirements, and other applicable provisions of the Master plan, applicable county regulations, and state law.

2.3 After the pre-application conference the subdivider shall submit a sketch plan, as outlined in Section 4 of this article. The Planning Commission shall review the submittal and advise the subdivider of whatever comments or recommendations it deems appropriate. The Planning Commission will determine whether the subdivision meets the criteria for a minor subdivision or a major subdivision

2.3.1 A minor subdivision is defined as a subdivision in which all of the following occur:

- (a) The proposed plat or subdivision contains five or fewer lots of at least 4800 sq. ft each;
- (b) All lots abut a dedicated and accepted Town street;
- (c) The proposed plat or subdivision meets all the minimum requirements of these regulations, the Town zoning ordinance, the master plan and other applicable Town ordinances and resolutions; and
- (d) There are no requests for waiver of any of the requirements of the Town ordinances, regulations and/or resolutions

STOP! Please read 2.3.2 and 2.3.3 carefully.

2.3.2 After submittal of the sketch plan, Minor subdivisions shall proceed as required by Section 7 of this article,.

2.3.3 All other subdivisions are Major subdivisions and shall proceed as follows and as required by Sections 5, and 6 of the Article:

2.4 The next step is for the subdivider to submit the preliminary plat and plan to the Town (see Section 5 and Section 8) The preliminary plat and plan, the required fees, and all required information must be submitted to the Town Clerk thirty (30) calendar days prior to the regularly scheduled meeting of the Planning Commission at which the subdivider wishes the plat and plan to be considered. The Planning Commission will review the preliminary plat and plan, all supporting documentation and make a full record of its findings.

2.5 When the subdivision appears to be complete and in compliance with the ordinance, the Town Clerk shall schedule the proposed plat and plan for a joint public hearing before the Board of Trustees and the Planning Commission. The purpose of the hearing will be a presentation by the subdivider and comment by the public. Said hearing shall be not

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sooner than thirty (30) calendar days after proper submittal and request for such hearing. Once scheduled, the subdivider shall be given notice of the hearing date by the Town at least twenty five (25) days in advance of the meeting. Proper public notice of the hearing shall be given as outlined in Article III, Section 7.

2.6 The Commission shall then advise the Board of its recommendations for approval, conditional approval, or disapproval, within 30 days. The Board of Trustees shall then act to approve, conditionally approve or disapprove the plat and plan, within 15 days of the Planning Commission's recommendation. Approval shall be valid for a period no longer than twelve (12) months.

2.7 The last step is for the subdivider to submit the final plat and plan to the Town (see Section 5 and Section 8). The final plat and plan must correspond in every significant respect with the preliminary plat and plan as previously approved. The Commission shall review the final plat and plan and advise the Board of its recommendations, within 30 days of submission. The Board shall approve or disapprove the final plat and plan by action taken at a public meeting within 45 days from the submission of the plat and plan.

2.8 Upon approval and prior to the development of the subdivision, the developer shall meet the criteria outlined Article V, Section 10 - Development Permit.

3. Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicant of the subdivision. The fee schedule will be adopted periodically by the Town Board by resolution and is available from the Town office.

4. Sketch Plat and Plan (required for both minor and major subdivisions)

Prior to preparing a preliminary plat and plan, the subdivider shall make known his/her intentions to the Town by presenting a sketch plan of the proposed project to the Planning Commission who shall schedule it for consideration at a regular or special meeting of the Planning Commission. The purpose of this requirement is to eliminate potential problems and make known any additional or unusual requirements that may affect the proposed development.

4.1 The sketch plan will be a graphic conceptual representation of the proposed development with supporting documentation prepared at a map scale large enough for effective public presentations but generally no smaller than 1"=200'. Graphics are to be used in a manner that truly represents the salient aspects of the proposal without misleading exaggeration of scale or emphasis. The sketch plan shall, where applicable, include the following:

- (a) Proposed name of subdivision
- (b) Name and address of:
 - Subdivider
 - Owners

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- Land Planner
 - Land Surveyor registered in the state of Colorado
- (c) North arrow, date of preparation
 - (d) Scale-written and graphic
 - (e) Statement or tabulation reflecting the total acreage of the subdivision and the breakdown as to land uses, such as building lots, streets, deeded public areas.
 - (f) Significant topographic features: Hillsides, lakes outcropping, etc.
 - (g) Schematic and narrative representations of the proposed land use including: general location and type of housing units; total number of square feet of proposed floor space by type and general location; sewage and water facilities; utilities; parks and open space; off-street parking provisions; recreation areas; drainage way; ponds; landscaping; proposed school and other public facility sites.
 - (h) The basic internal road and pedestrian access scheme and the surrounding road system (existing and future) providing access to the site. The typical geometric cross-sections of the roads are to be shown and proposed roads are to be designated as either private or public.
 - (i) Legal Description, Plat, Book and Page Number
 - (j) All recorded easements, encroachments, or right of ways which could affect the proposed development.
 - (k) All existing structures, utilities or other physical features which could affect the proposed development.
 - (l) Boundary lines of the subdivision in a heavy solid line
 - (m) Indication of existing zoning.
 - (n) Any other data essential to the evaluation as may be requested by the Town to enable an adequate conceptual evaluation of the proposed subdivision

4.2 A location map shall be submitted along with the sketch plan. This map shall identify the adjacent properties and the physical relationship of the subdivision to the Town.

4.3 The subdivider shall submit two copies of the sketch plat and plan.

4.4 The subdivider shall be the owner of the property being subdivided, or the legal representative.

4.5 The Commission shall review the sketch plan submittal to determine if it is consistent with the standards set forth in this Ordinance, the Town Master Plan, and other development regulations, and will suggest to the subdivider whatever changes, if any, are recommended in the plat and plan. All sketch plans shall be submitted to the Planning Commission and will be scheduled for review by the Commission not sooner than seven (7) days nor later than forty five (45) after submission.

5. Preliminary Plat and Plan (major subdivisions only)

After the subdivider has reached preliminary and basic conclusions concerning the feasibility and design of the proposed subdivision according to the review of the sketch plan he may cause the preparation of a preliminary plat and plan.

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5.1 Submission of the Preliminary Plat and Plan.

- 5.1.1 The subdivider shall submit to the Planning Commission a preliminary plat and plan prepared by a land surveyor registered in the State of Colorado, reflecting such information and in the form required by Article XI, Section 8. The plat and plan shall comply with the principles, standards and criteria of this ordinance.
- 5.1.2 The preliminary plat and plan shall include all information presented in the sketch plan.
- 5.1.3 The subdivider shall submit, at least in summary or outline form, any information available relating to improvements and dedications.
- 5.1.4 The subdivider shall furnish documentary evidence, of at least a preliminary nature, indicating the manner in which the following essential items will be provided to the subdivision and a preliminary plat and plan showing how the utility systems will be laid out within the subdivision.
- (a) Water Supply
 - (b) Sewage Disposal
 - (c) Electricity
 - (d) Natural Gas
 - (e) Storm Water Drainage
 - (f) Telephone
 - (g) Street Lighting
 - (h) Cable
- 5.1.5 Proposal Summary
- A synopsis of the development proposal shall cover at least the following:
- (a) Total proposed subdivision development area in acres with a breakdown in percentages and amounts devoted to specific land uses.
 - (b) Total number and type of proposed units
 - (c) Zoning district (s) in which the proposed subdivision is located.
 - (d) Description of any natural or man-made hazards on the proposed subdivision site, with proposed solution, and significant impacts of the proposed subdivision on local transportation, schools, surface or ground water quality, potential flooding or drainage, and other site factors.
 - (e) The estimated time of completion of the development and/or development phases.
- 5.1.6 Development Report
- A report to be submitted with required supporting materials which is to include the item (s) listed below, and is otherwise to include evidence to establish that the proposal conforms with the Town Master Plan. The subdivider may request the Planning Commission to waive any requirements deemed excessive or unreasonable. The amount of detail required for each of the following factors will depend on the significance and sensitivity of the particular factor and its impact on the surrounding area.

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- (a) Site Characteristics - Streams, lakes, significant topographic features, slopes, outcroppings, etc.
- (b) Soils - A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land. Additional data may be required by the Town if warranted due to unusual site conditions.
- (c) Geology - A report on the geologic characteristics of the area including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, a determination of what effect such factors would have, and proposed corrective or protective measures.
- (d) Water Supply- Demographic data relating the proposed subdivision and future additions thereto and other developments that may have to be served by extensions of the proposed water system with the resulting domestic, irrigation, and fire demands, all expressed in terms of gallons of water needed on an average day and at peak time. A statement about the quantity, quality and availability of any water that is attached to the land.
- (e) Sanitation - Demographic data relating to the proposed subdivision and future additions thereto and other developments that may have to be served by the proposed system with the resulting amounts of sewage to be treated in gallons per day and the proposed method of storage and disposal of solid wastes.
- (f) Radiation Hazard - An evaluation of any potential radiation hazards that may be identified by the State and the County Health Departments and proposed methods to reduce hazards to State standards.
- (g) Anticipated Development - A discussion by the applicant of each of the following as it may relate to his proposal; needed storm drainage and flood control approaches and/or improvements; fire control; road improvements; impact of the proposed change in land use; available service facilities (i.e. phone, mail, transportation, schools, commercial, and recreational); needed preventive or remedial measures (such as erosion and sediment controls) to counteract any natural or man-made hazards; a preliminary estimate of the cost of all required improvements and a description of proposed method (s) of financing; tentative scheduling; proposed maintenance and performance guarantees; and any other factors essential for a complete evaluation of the proposal.
- (h) Flood Plain - If appropriate, a report on the location of the 100 year flood plain on the property being subdivided. If any portion of a 100 year flood plain is located on the property, the applicant shall also identify the 100 year floodway and the 100 year floodway fringe area.
- (i) Storm Drainage - A storm drainage analysis consisting of the following:
 - A preliminary layout map showing the method of moving storm sewer water through the subdivision will be needed. This map should also show runoff concentrations in acres of drainage area on each street entering each intersection. (This may be combined with the topographic map). Flow arrows should clearly show the complete runoff flow pattern at each intersection.
 - Demonstrate the adequacy of drainage outlet by plat and plan, cross-section and/or notes and explain plat and plan for handling diverted storm water after it leaves the subdivision.
- (j) Street profiles and typical roadway sections.
- (k) A set of road design computations.
- (l) Lots shall be shown with approved addresses.

5.1.7 The subdivision shall furnish a letter addressing any land dedication agreements.

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5.1.8 The subdivider shall submit to the Town Clerk five copies of the preliminary plat and plan for distribution. The Town Clerk shall date all preliminary plats and plans and minor plats upon receipt from the subdivider. The Town Clerk shall transmit copies of said plat and plan to the appropriate agencies for review and recommendations for compliance with their requirements.

Copies may be transmitted, but not limited to:

- Town Chief of Police
- Fire Department
- Clear Creek County
- Gas Company
- Telephone Company
- School District
- State Highway Department (where land abuts a State Highway)
- Health Department
- Town Engineer
- Town Attorney
- Colorado Land Use Commission

5.1.9 The preliminary plat and plan, the required fees and all required information must be submitted to the Town Clerk before the plat and plan will be scheduled for a hearing.

5.2 Action on Preliminary Plat and Plan (major subdivisions)

5.2.1 As set forth in Article XI, Section 5.1.8, the Town Clerk shall refer the preliminary plat and plan to other agencies for comment.

5.2.2 The Planning Commission will review the preliminary plat and plan and all supporting documentation and make a full record of its findings. After receiving the preliminary plat and plan, the required fees and all required information, and if the subdivision appears to be complete and in compliance with the ordinance, as determined by the Planning Commission, the Town Clerk shall schedule the proposed plat and plan for a joint public hearing before the Board of Trustees and the Planning Commission. The purpose of the hearing will be a presentation by the subdivider and comment by the public. Said hearing shall be not sooner than thirty (30) calendar days after the Planning Commission has determined a hearing is appropriate. Once scheduled, the subdivider shall be given notice of the hearing date by the Town at least twenty five (25) days in advance of the meeting. Proper public notice of the hearing shall be given as outlined in Article III, Section 7.

5.2.3 The Commission shall take formal action to recommend approval, conditional approval or disapproval of the preliminary plat and plan within thirty (30) days after the hearing. This recommendation shall be submitted to the Board at the next regular meeting of the Board. The Board shall take formal action (approval, conditional approval, or disapproval) on the preliminary plat and plan within 45 days after the hearing.

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- 5.2.4 Approval of the preliminary plat and plan shall be effective for a period of twelve (12) consecutive months. A six (6) month extension may be granted by the Planning Commission, if requested in writing by the subdivider, and if said plat and plan is still in conformance with the Town Master plan. If a preliminary plat and plan extension is not granted, or one year has passed since the original approval, a new preliminary plat and plan must again be submitted before actions may be taken on the final plat. Any fees that have previously been paid are forfeited.

6 Final Plat and Plan (major subdivisions)

After the subdivider has received approval of the preliminary plat and plan, the final plat and plan may be submitted.

6.1 Submission of Final Plat and Plan

The subdivider shall submit to the Commission through the Town Clerk a final plat and plan of the proposed subdivision prepared by a registered land surveyor reflecting such information and in the form required by Section 8 and consistent in every significant respect with the preliminary plat and plan as approved or conditionally approved.

6.1.1 The subdivider shall submit **specific** plats and plans for:

- (a) The site and at least 100 feet adjacent thereto reflecting existing and proposed lot and property boundaries, streets, utility lines, drainage structures with easements and dedications, all significant dimensions to nearest foot with the square footage or acreage within each lot shown.
- (b) Utility systems showing the location and sizing of all existing and proposed utilities.
- (c) Exact locations, fully surveyed, showing all boundaries, streets, lots and blocks, recreational easements, utility easements, public areas and any other proposed division. Every lot should close mathematically within one one-hundredth (.001) of a foot and that field measurements should be accurate within a limit of one foot to ten thousand feet (1' to 10,000'). The boundary of the subdivision shall be clearly indicated on the Final Plat by a solid heavy line. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "NOT A PART OF THIS SUBDIVISION". Adjacent subdivisions shall be identified by official names.

6.1.2 The Final Plat shall show all survey and mathematical information and data necessary to locate all survey monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon including bearings or angles, continued with distances and deflection angles for all circular curves. Final Plat shall show location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.

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6.1.3 The final plat and plan shall provide detailed descriptions of:

- (a) Dedications -All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries, and courses clearly shown and defined in every case. Parcels offered for dedication, other than for streets and easements, shall be designated by letter or number which shall be explained on the map. Sufficient linear, angular and curve data shall be shown to determine bearing and length of the boundary lines of every block, lot and parcel which is part thereof. All lots and, wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. All lots and blocks shall be numbered systematically.
- (b) Drainage - Three (3) copies of the area grading and drainage plan showing final elevations of lot corners, sewer invert elevations, and overall project drainage, and peripheral drainage.
- (c) Streets- The plat shall show the right-of-way lines and names of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths, locations and names of adjacent streets and other public properties within fifty feet (50') of the subdivisions shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the conformity or the amount of nonconformity of such street, to such existing streets shall be accurately shown. Whenever the center line of a street has been established or recorded, the data shall be shown on the Final Plat.
- (d) Easements - The sidelines of all easements including easements for utilities and drainage shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the sidelines of lots which are cut by easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision must be shown. All easements must be clearly labeled and identified. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication and dedicated to the Town. If an easement shown on the plat is already of record, its recorded reference must be given.
- (e) Detailed and Final Utility Systems Plat and plans.
- (f) Covenants

6.1.4 The Subdivider shall also submit the following when requested by the Town:

- (a) Proof of ownership in the form of a warranty deed or other acceptable documentation.
- (b) Treasurer's Certificate of Taxes, reflecting that taxes are not delinquent.
- (c) A warranty deed which deeds to the Town or other appropriate public agencies all lands other than streets which are to be held for or used for public purposes.

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(e) Proof satisfactory to the Town that all essential services as specified in Section 5.1.4 will be provided to the subdivision.

6.1.5 The final plat shall include all certificates as written in Section 9.

6.1.6 Subdivision Improvements Agreement

- (a) Prior to the approval of the final plat the Town will require from the subdivider a written agreement to construct all required public improvements shown in the final plat documents as well as repairs occasioned by such improvements. Such agreement shall reflect an estimate of the cost, including inflation, of the various improvements and repairs. It shall include a time schedule for their completion as well as an estimate from a designated representative, of the town, of the cost to inspect said public improvements. Such agreement shall also include a provision to add an additional negotiated sum to the cost estimate to be paid to the Town if the Town ends up completing the required improvements.
- (b) The subdivider shall deposit with the Town a performance and payment bond, maintenance bond, an irrevocable letter of credit, cash, and/or other acceptable means which is sufficient in the judgment of the Board of Trustees to assure financial capability for the completion of the improvements or repairs required.
- (c) As improvements are completed and as "as built drawings" are submitted, the subdivider may apply to the Town for a release of part or all of the collateral deposited with the Town. Upon inspection and approval, the Board shall release said collateral. If the Town 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 substantial compliance. If the Town determines that the subdivider has not constructed any or all of the improvements in a timely manner and in accordance with all of the specifications, the Town 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.

6.1.7 The subdivider shall submit two originals and three copies of the final plat and plan.

6.2 Action on Final Plat and Plan

- 6.2.1 The Planning Commission may seek such comments on the final plat and plan submittal from such other governmental units, utilities, service companies or consultants, as it deems appropriate. The Commission shall obtain from the Town Attorney and Town Engineer their opinions as to the respective legal and engineering sufficiency of the final plat submittal.
- 6.2.2 After proper submittal of all required documents, the Town Clerk shall schedule the proposed final plat and plan for consideration at a meeting of the Planning Commission. This meeting shall be held not sooner than 7 days nor more than 30 days after receipt of the documents. The Planning Commission shall then review the final plat and plan submittal from the standpoint of whatever information is

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obtained pursuant to the preceding paragraph, the requirements of these regulations and the approved preliminary plat and plan. The Planning Commission shall take action on the plat and plan within 30 days of the meeting at which the plat was presented. After action by the Commission the final plat and plan shall be submitted to the Board.

6.2.3 The final plat and plan submittal, along with the recommendations of the Planning Commission, shall be presented at a public meeting of the Board of Trustees. The Board shall take action on final plat and plan at their next regularly scheduled meeting, within 45 days of the meeting at which the plat was presented, and notify the subdivider of their decision.

6.2.4 Following the approval of the final plat and plan by the Board of Trustees the plat and plan shall be signed by the Mayor and Chairman of the Planning Commission and attested by the Town Clerk. The Town Clerk shall then record the final plat in the office of the Clear Creek County Clerk and Recorder.

7 Minor Plats and Plans (minor subdivisions)

In the interest of the public convenience, applications for minor subdivisions as defined herein, which meet the criteria set forth in this Section 7.1, shall be processed according to the procedures set forth in this Section.

7.1 Minor Subdivision Defined

A minor subdivision is defined as a subdivision in which all of the following occur:

- (a) The proposed plat or subdivision contains five or fewer lots, of at least 4800 sq. ft. each; and
- (b) All lots abut a dedicated and accepted town street; and
- (c) The proposed plat or subdivision meets all the minimum requirements of these regulations, the town zoning ordinance, the master plan and other applicable town ordinances and resolutions; and
- (d) There are no requests for waiver of any of the requirements of the town ordinances, regulations and/or resolutions.

7.1.1 It will be determined at the submittal of the sketch plat and plan (as outlined in Section 2) whether the subdivision meets the requirements for a minor or major subdivision.

7.2 Submission of Minor Subdivision Plat and Plan

Subsequent to the submittal of the sketch plan the subdivider shall submit to the Planning Commission, through the Town Clerk, the following:

7.2.1 A preliminary plat and plan prepared by a land surveyor registered in the State of Colorado, reflecting such information and in the form required by Article XI, Section 8 and Section 9. The plat and plan shall comply with the principles, standards and criteria of this article.

7.2.2 The preliminary plat and plan shall include all information presented in the sketch plan.

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7.2.3 Documentary evidence, of at least a preliminary nature, indicating the manner in which the following essential items will be provided to the subdivision and a preliminary plat and plan showing how the utility systems will be laid out within the subdivision.

- (a) Water Supply
- (b) Sewage Disposal
- (c) Electricity
- (d) Natural Gas
- (e) Storm Water Drainage
- (f) Telephone
- (g) Street Lighting
- (h) Cable

7.2.4 Proposal Summary

A synopsis of the development proposal shall cover at least the following:

- (a) Total proposed subdivision development area in acres with a breakdown in percentages and amounts devoted to specific land uses.
- (b) Total number and type of proposed residential units
- (c) Zoning district (s) in which the proposed subdivision is located

7.2.5 The subdivider shall submit **specific** plats and plans for:

- (a) The site and at least 100 feet adjacent thereto reflecting existing and proposed lot and property boundaries, streets, utility lines, drainage structures with easements and dedications, all significant dimensions to nearest foot with the square footage or acreage within each lot shown.
- (b) Utility systems showing the location and sizing of all existing and proposed utilities.
- (c) Exact locations, fully surveyed, showing all boundaries, streets, lots and blocks, recreational easements, utility easements, public areas and any other proposed division. Every lot should close mathematically within one one-hundredth (.001) of a foot and that field measurements should be accurate within a limit of one foot to ten thousand feet (1' to 10,000'). The boundary of the subdivision shall be clearly indicated on the Final Plat by a solid heavy line. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "NOT A PART OF THIS SUBDIVISION". Adjacent subdivisions shall be identified by official names.

7.2.6 The plat shall show all survey and mathematical information and data necessary to locate all survey monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon including bearings or angles, continued with distances and deflection angles for all circular curves. The plat shall show location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.

7.2.7 The plat and plan shall provide detailed descriptions of:

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(a) Dedications -All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries, and courses clearly shown and defined in every case. Parcels offered for dedication, other than for streets and easements, shall be designated by letter or number with shall be explained on the map. Sufficient linear, angular and curve data shall be shown to determine bearing and length of the boundary lines of every block, lot and parcel which is part thereof. All lots and, wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. All lots and blocks shall be numbered systematically.

(a) Streets- The plat shall show the right-of-way lines and names of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths, locations and names of adjacent streets and other public properties within fifty feet (50') of the subdivisions shall be shown.

(c) Covenants

7.2.8 The Subdivider shall also submit the following where appropriate:

(a) Proof of ownership in the form of a warranty deed or other acceptable documentation

(b) Treasurer's Certificate of Taxes, reflecting that taxes are not delinquent.

(c) A warranty deed which deeds to the Town or other appropriate public agencies all lands other than streets which are to be held for or used for public purposes.

(d) Proof satisfactory to the Town that all essential services as specified in Section 7.3.3 will be provided to the subdivision.

7.2.9 The final plat shall include all certificates as written in Section 9.

7.2.10 Minor subdivision submissions may include a request to waive the public hearing requirements only when accompanied by petition or letter signed by one hundred percent (100%) of the adjacent property owners.

7.2.11 The preliminary final plat and plan, the required fees and all required information must be submitted to the Town Clerk thirty (30) calendar days prior to the regularly scheduled meeting of the Planning Commission at which the subdivider wishes the plat to be considered.

7.2.12 Two originals and three copies of the preliminary plat and plan.

7.3 Action on Minor Subdivisions

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- 7.3.1 The Planning Commission will review the plat and plan and all supporting documentation and make a full record of its findings. After receiving the preliminary plat and plan, the required fees and all required information, and if the subdivision appears to be complete and in compliance with the ordinance, as determined by the Planning Commission, the Town Clerk shall schedule the proposed plat and plan for a joint public hearing before the Board of Trustees and the Planning Commission. The purpose of the hearing will be a presentation by the subdivider and comment by the public. Said hearing shall be not sooner than thirty (30) calendar days after the Planning Commission has determined a hearing is appropriate. Once scheduled, the subdivider shall be given notice of the hearing date by the Town at least twenty five (25) days in advance of the meeting. Proper public notice of the hearing shall be given as outlined in Article III, Section 7.
- 7.3.2 The Commission shall take formal action to recommend approval, conditional approval or disapproval of the plat and plan within thirty (30) days after the hearing. This recommendation shall be submitted to the Board at the next regular meeting of the Board. The Board shall take formal action (approval, conditional approval, or disapproval) on the plat and plan at their next regularly scheduled meeting, within 45 days after the hearing.
- 7.3.3 Upon approval by the Town Board, the plat and plan will become the final plat and plan. The final plat and plan shall be signed by the Mayor and the Chairman of the Commission and attested by the Town Clerk. The Town Clerk shall then record the final plat in the office of the Clear Creek County Clerk and Recorder.

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8. Table of Requirements

The plat and plans submitted shall conform to the following,

	<u>SKETCH</u>	<u>PRELIMINARY</u>	<u>FINAL</u>	<u>MINOR PLAT</u>
1. Plat Map, Number Required	2	5	5	5

ARTICLE XI Subdivision Of Land In The Town Of Empire

2. Proposed name of Subdivision	X	X	X	X
3. Name and address of:				
a. Subdivider	X	X	X	X
b. Owners	X	X	X	X
c. Land Planner		X	X	
d. Land Surveyor registered in the State of Colorado		X	X	X
4. North arrow, date of preparation	X	X	X	X
5. Scale-written and graphic	X	X	X	X
6. A key or index shall be on the first page if the plat consists of more than one page.	X	X	X	X
7. Statement or tabulation reflecting the total acreage of the subdivision and the breakdown as to land uses, such as building lots, streets, deeded public areas. (4.1(a))	X	X	X	X
8. Significant topographic features (4.1 (b)).	X	X	X	X
9. Schematic and narrative representations of the proposed land use. (4.1(c))	X	X		
10. The basic internal road and pedestrian access scheme and the surrounding road system (existing and future) providing access to the site. (4.1 (d))	X	X	X	X
11. Legal description, Plat, Page and Book Number, of subdivision (4.1(e))	X	X	X	X
12. All recorded easements, encroachments, or rights of way which could affect the proposed development. (4.1(f))	X	X	X	X
13. All existing structures, utilities or other physical features which could affect the proposed development. (4.1(g))	X	X	X	X
14. Boundary lines of the subdivision in a heavy solid line (4.1(h))	X	X	X	X
15. Any other data essential to the evaluation as may be requested by the Town to enable an adequate conceptual evaluation of the proposed subdivision. (4.1 (i))	X	X	X	X
16. Indication of existing zoning. (4.1(j))	X	X	X	X
	<u>SKETCH</u>	<u>PRELIMINARY</u>	<u>FINAL</u>	<u>MINOR PLAT</u>
17. Preliminary plans showing how the following will be provided to the subdivision and a preliminary plat and plan showing how the utility and street systems will be laid out within the subdivision. (5.1.4), (7.2.3) (a) Water Supply (b) Sewage Disposal		X		X

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(c) Electricity (d) Natural Gas (e) Storm Water Drainage (f) Telephone (g) Street Lighting (h) Cable				
18. Proposal Summary (5.1.5), (7.2.4)		X	X	X
20. Specific plat and plans for : (6.1.1),(7.2.5)				
(a) The site and at least 100 feet adjacent thereto, (6.1.1(a))			X	X
(b) Utility systems, (6.1.1(b))			X	X
(c) Exact boundaries, street locations, etc. (6.1.1(c))			X	X

ARTICLE XI Subdivision Of Land In The Town Of Empire

	<u>SKETCH</u>	<u>PRELIMINARY</u>	<u>FINAL</u>	<u>MINOR PLAT</u>
21. The Final Plat shall show all survey and mathematical information and data necessary to locate all survey markers and to locate and retrace any and all interior and exterior boundary lines appearing thereon including bearings or angles, continued with distances and deflection angles for all circular curves. The Final Plat shall show location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced. (6.1.2),(7.3.6)			X	X
22. Detailed descriptions of: (6.1.3), (7.3.7)				
(a) Dedications			X	X
(b) Drainage			X	
(c) Streets			X	X
(d) Easements			X	
(e) Detailed and Final Utility Systems Plat and plans.			X	
(f) Covenants			X	X
23. A commitment for title insurance showing the ownership to the property in the proposed subdivision. (6.1.4 (a)), (7.3.8 (a))			X	X
24. Treasurer's Certificate of Taxes, reflecting that taxes are not delinquent. (6.1.4 (b)), (7.3.8 (b))			X	X
25. A warranty deed which deeds to the Town or other appropriate public agencies all lands other than streets which are to be held for or used for public purposes. (6.1.4 (c)), (7.3.8 (c))			X	X
26. Proof satisfactory to the Town that all essential services as specified in Section 5.1.4 and 7.3.3 will be provided to the subdivision. (6.1.4 (d)), (7.3.8 (d))			X	X
27. Certificates (Section 9)			X	X
(a) Certification of Dedication and Ownership				
(b) Street maintenance agreement, if applicable				
(c) Surveyor's Certificate of Survey, signed with his seal, and the date of the survey				
(d) Title Certificate				
(e) Certificate of Planning Commission approval				
(f) Certificate of Board of Trustees approval				
(g) County Clerk and Recorders Certificate				
28. Subdivision Improvements Agreement (6.1.6)			X	

9 Certificates

ARTICLE XI Subdivision Of Land In The Town Of Empire

Certificates required to appear on the Final Plat of a subdivision shall be in form substantially as set forth herein:

(a) CERTIFICATION OF DEDICATION AND OWNERSHIP

Know all men by these present, that the undersigned, being all of the Owner(s), Mortgagee(s), and Lienholder(s) of certain land in the Town of Empire, Clear Creek County, State of Colorado, described as follows:

_____ etc., containing _____ a cnes, more or less,
(legal description) (size)

have by these present laid out, platted and subdivided the same into tracts, as shown on this plat, under the name and style of _____, and do hereby dedicate to the Town of Empire as public
(name of subdivision)

roads, the streets and roads as shown on said plat, these being _____. The
(names of streets)

undersigned hereby further dedicate to the public all utility easements.

The undersigned hereby further dedicate to the public utilities the right to install, maintain and operate mains, transmission lines, service lines and appurtenances to provide such utility services within this subdivision or property contiguous thereto, under, along and across public roads as shown on this plat and also under, along and across utility easements as shown hereon.

The lands comprising this subdivision are subject to certain covenants which are recorded in Book ___ at Page ___ of the records of Clear Creek County, Colorado.

Executed this _____ day of _____, 20 _____.

Owner (s)

Mortgagee (s) and Lienholder (s)

STATE OF COLORADO)

) ss

County of Clear Creek)

The foregoing dedication was acknowledged before me this _____ day of _____, 20 _____, by _____.

Witness my hand and Seal.

My commission expires: _____

ARTICLE XI Subdivision Of Land In The Town Of Empire

Notary Public

(b) STREET MAINTENANCE

Public notice is hereby given that the dedicated public roads shown on this plat will not be maintained by the Town of Empire until and unless the subdivider constructs the streets and roads in accordance with the subdivision agreement, if any, and the subdivision regulations in effect the date of the recording of this plat and approval of the Town has been issued to that effect. When the Town approves a street for maintenance the street becomes a public street in all senses of the word and the subdivider has no further obligations in regards to that particular street.

(c) SURVEYORS CERTIFICATE

I, _____, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision and the monuments shown thereon actually exist and this plat precisely represents said survey.

Registered Land Surveyor

(d) TITLE CERTIFICATE

I, _____, an attorney at law duly licensed to practice before the Courts of Record in the State of Colorado, certify that I have examined title to the property described herein and that in my opinion title to the above described real property is in the above referred to dedicators.

Signed this ____ day of _____, 20 ____.

Attorney at Law

(e) PLANNING COMMISSION APPROVAL

This plat approved by the Town of Empire Planning Commission this ____ day of _____, 20 ____.

Chairman

(f) BOARD OF TRUSTEES APPROVAL

ARTICLE XI Subdivision Of Land In The Town Of Empire

This plat is approved for filing and the Town hereby accepts the dedication of the streets and roads shown hereon subject to the provisions in "street maintenance" set forth above, and further accepts the dedication of the easements shown hereon.

Signed this _____ day of _____, 20 _____.

TOWN OF EMPIRE

Mayor

(g) RECORDER'S CERIFICATE

This plat was filed for record in the office of the County Clerk and Recorder of Clear Creek County at _____
.M. on the _____ day of _____, 20 _____, Page _____,
Map _____, Reception No. _____.

County Clerk and Recorder

By:

Deputy