PROPER NOTICE TO NEIGHBORS

The Department of Transportation insists upon standard notice to all owners non applicant owners that might be affected by a proposed vacation.

The Department of Transportation asks that all owners adjacent to an area to be vacated participate in the vacation process in some form. This may be as either an applicant (with them receiving a portion of the vacation), or as the grantor on a quit claim of their interests to the applicant. A quit claim typically involves either an exchange of funds, or the development of a side agreement between the parties. Arrangements with involved neighbors should occur PRIOR to application for vacation to the Department of Transportation.

CDOT will require proof of due diligence regarding any assertion by an applicant, of non-responsiveness by any neighbor adjacent to the area to be vacated. A series of three formal letters must be sent, each meeting the following criteria precisely. Proof of delivery by a professional delivery/messenger service, along with signature acknowledgement or receipt, and delivery date are required for each letter to be considered proper notification.* All correspondence should be on dated letterhead to the title holder; or their legal counsel with the owner copied.

Letter 1
1) State the proposal to vacate and provide map of the vacation location w/ neighbor’s location cited
2) Detail the options for participation (co-application, negotiation for a quit claim, and access easement)
3) Provide your CDOT contact name and phone so the neighbor can call to discuss
4) Request owners written disposition in 3 weeks/21 calendar days

Letter 2 (If no written response by deadline, send another letter including)
1) Attach copy of prior correspondence. Restate proposal to vacate.
2) Restate options of co-application, quit claim and access easement
3) Request owner’s written disposition within 2 weeks/14 calendar days.

Letter 3 (If no response by deadline….send another letter including)
1) Attach copies of past correspondence.
2) Request owners final disposition within 2 weeks/14 calendar days
3) State the applicant’s intention to proceed with the vacation. Also state the intention to grant a perpetual access easement, if no response is received by the deadline.
4) Commit to sending the neighbor a copy of the recorded ordin/plat memorializing the access easement, upon completion of the vacation, for their records and convenience.

* Proof of ownership for that property is part of the normal process and should be consistent with the entity to whom the letters are addressed.