

Request for Easement Agreement

Summary

An Easement Agreement is a contract between the City of Durango and another public or private entity to allow access across, through or over city owned property. Easement Agreements must be approved by the City Council through an ordinance, describing the terms of the easement. City staff will review Requests for Easements and present them to City Council. Before submitting an application, applicants must first schedule a pre-application meeting with a Planner to discuss timeline, application requirements, and the possibility of additional fees. To schedule an appointment or talk to a planner, call the Community Development Department at (970) 375-4850. *The process for obtaining an Easement Agreement can take up to a couple months and can be expensive. Before considering an easement over city property, ensure that there is no alternative.*

Fees and Required Materials

The application fee for a Request for Easement Application is \$550.

Additional fees may be required—this will be determined at the pre-application meeting.

Required Materials for Application include:

1. A completed, signed application
2. A narrative describing requested easement, its use and purpose, other benefited parties, timeline of work, benefits to city, safety plan if easement goes through a park, and assertion that there is no alternative to using city property
3. Initial survey with legal description of easement
4. A scaled site plan showing existing contours, proposed site contours, utilities, structures and existing vegetation as well as the extent of the grading and excavation activity
5. Engineering study, as relevant

Additional materials will be required after easement is granted, before construction of utility line(s) can begin. These include:

1. Excavation Permit
2. Restoration Plan
3. Bond/Insurance from owner
4. Traffic Control Plan, as relevant
5. After Construction: "As-Built" Survey

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Process

Step 1: Schedule a pre-application meeting with a Planner. Call the Community Development Department at (970) 375-4850.

Step 2: Submit application with all required materials.

Step 3: Planner will review application and send feedback for revisions.

Step 4: Make any necessary revisions and send back to Planner. Step 3 and 4 will be repeated until Planner deems application complete.

Step 5: Planner will request a Public Hearing at a City Council Meeting.

Step 6: City Council will set a Public Hearing, usually for next City Council Meeting.

Step 7: Planner will present Easement Request at Public Hearing.

Step 8: If Easement Request is granted, the City Attorney will create an ordinance describing the Easement.

Step 9: First reading of ordinance describing the Easement occurs at next City Council Meeting.

Step 10: Second reading occurs at the following City Council Meeting.

Step 11: Ordinance is published on the Saturday after the second reading, and ordinance goes into effect ten days after it is published.

Step 12: Applicant and City sign final Easement Agreement document.

Step 13: Applicant works with Engineering staff to obtain construction permits, submitting necessary plans and documents as required by Engineering.

Step 14: Applicant can begin construction of utility line(s) within granted easement.

Step 15: Applicant submits "As Built" Survey within 60 days of completing construction. Bond will not be released until "As Built" is submitted and necessary restoration is complete. Note: Applicant must restore disturbed property to a condition that is the same or better than the condition of the property prior to the commencement of construction within 60 days of completing construction.

*Note: If the work in the easement will involve excavation or ground disturbance, additional stormwater and/or excavation permitting may be required prior to commencement of the work. Please contact city engineering at (970) 375-4850 for more information.