

FACT SHEET: UNDEVELOPED PUBLIC RIGHT-OF-WAY (ROWS)

SUMMARY OF STATE STATUTE & TOPL MUNICIPAL CODE REQUIREMENTS REGARDING PUBLIC ROW:

- *A lot that wants to develop and does not have an improved platted public street fronting it must improve the street to Town standards. You cannot build a private road or private driveway within the platted public ROW to use as lot access from another improved public street.*
- **CRS 31-23-214.1** All buildable lots must have access to a public street for both traffic and emergency services..
- **CRS 43-2-147** No driveways or roads shall be allowed to access a public highway without an Access Permit from the Colorado Department of Transportation (CDOT)
- **TOPL 16.40.040** Access to all subdivisions shall be from a public street system. Driveways shall not be permitted to have direct access to arterials or CDOT state highways (principal arterials). See *additional standards regarding curb cuts and driveway width.*

'PAPER PLATTED' STREETS: The Town is aware of many platted streets that have not been developed. There are also paper-plated streets that are not improved to the required Town standards. Many of these paper-platted streets were platted in the 1880s. Many of the streets that appear on the Town's Official Map are located on very steep slopes.

- Definition: A Paper Platted street is a roadway that appears on a recorded subdivision, often in the late 1880' to early 1900's.
- The ROW was legally dedicated to public use on paper but was never physically built. (often no grading, paving, or public use).
- The street legally exists unless it was formally vacated. Vacation of right-of-way is addressed in the State Statute.
- Non- use for 100+ years does not automatically extinguish it, and adjacent owners generally cannot claim adverse possession.
- In Colorado, the cost to improve the paper-platted ROW is almost always at the owner's cost. The Town has no obligation to pay for improvements that it did not initiate.
- It is only with acceptance by the municipality that creates a maintenance responsibility by the Town.
- The Town can only require ROW improvements if they are required as a condition of approval (required access per Statute and Town Code, fire, and drainage).

C.R.S. § 31-15-702

- Authorizes municipalities to grade, pave, or otherwise improve streets.
- Grants municipalities the authority to **assess costs against adjacent properties.**
- Does **not impose a standalone obligation** on property owners to initiate or perform improvements.

C.R.S. § 31-15-703

- Allows municipalities to **order public improvements** and levy assessments after following statutory procedures.
- Any obligation to pay arises **only after municipal action and due process.**