

REVOCABLE RIGHT-OF-WAY LICENSE AGREEMENT

A revocable right-of-way license agreement may be used to allow for the encroachment of private structures into public property, right-of-way, or public easements.

OVERVIEW

- The City is not obligated to execute a Revocable Right-of-Way License Agreement, even if the approval criteria of the LDC is met, and may deny or condition an approval of a Revocable Right-of-Way License Agreement in the lawful exercise of its discretion with respect to the management and control of City property.

The submittal requirements and checklist below are intended to assist in the preparation of the application. They are minimum typical items required to demonstrate conformance with the LDC. Additional sheets or items may be necessary, which will be identified by the city planner at a pre-application meeting.

SUBMITTAL REQUIREMENTS

Checkbox	Items	Description
	Project Overview Letter	One-page narrative summary with reference image. The summary must discuss the proposed use(s), the zone district, comprehensive plan designation, and construction activities that will occur as a part of the project. An image that represents the project must also be included on a separate page. This must be the first two pages of the application.
	Exhibit	A detailed drawing showing the extent of the right-of-way being impacted based on the legal description and following City exhibit standards.
	Concept Plan	A site plan detailing any existing structures in or out of the right-of-way and associated with the project that wishes to expand into the right -of-way.

DECISION MAKING TRACK

A revocable right-of-way license agreement application follows Track 4.

LDC Table 8-2-2-2A: Decision-Making Tracks					
TRACK	DECISION MAKER	PUBLIC HEARING	PUBLIC OUTREACH		ADMINISTRATIVE APPEAL TO
			<i>Neighborhood Mtg</i>	<i>Notice</i>	
Track 1	Director ¹	No	No ³	Yes ⁴	Planning Commission or City Council (See §8-2-5-2)
Track 2	Director ²	Planning Commission	Yes	Yes	City Council
Track 3	Planning Commission	Planning Commission	Yes	Yes	City Council
Track 4	City Council	City Council	No	Yes	-
Track 5	City Council	Planning Commission; City Council	Yes	Yes	-
Track 6	Floodplain Administrator	Floodplain Administrator	No	Yes	Floodplain Hearing Officer
Track 7	Floodplain Hearing Officer	Floodplain Hearing Officer	No	Yes	-
Track 8	Board of Adjustment	Board of Adjustment	No	Yes	-
Track 9	Informational only to Planning Commission and City Council	No	No	No	-
<ol style="list-style-type: none"> 1. For Public Improvements Construction Drawings for private development, and is not appealable to the Planning Commission; for Floodplain Development Permits, the decision is by the Floodplain Administrator, and is appealable to the Floodplain Hearing Officer. 2. Planning Commission fact-finding is not advisory. Director must issue a decision on facts found by the Planning Commission as to the application's compliance with the applicable standards of this LDC. 3. At the discretion of the Director, a neighborhood meeting may be required to inform residents of the proposed development in their neighborhood. 4. Notice required for Track 1 reviews only as required by Section 8-2-3-8, Notice of Administrative Application. 					

APPROVAL CRITERIA

Revocable Right-of-Way License Agreements are reviewed for compliance with the following criteria found in LDC §8-3-5-8:

1. The applicant agrees to the terms of a Revocable Right-of-Way License Agreement in a form approved by the City Attorney, including any insurance provisions and provisions that indemnify and hold the City harmless from future damages or liability claims;
2. The proposed sign, structure, or use complies with all applicable use, development, and design standards set forth in the LDC and the City of Arvada Municipal Code, that have not otherwise been modified or waived; and
3. The proposed sign, structure, or use shall not interfere with street intersection visibility, materially impede access to utilities or other facilities, or in any other way adversely affect the public health, safety, or welfare.