



VESTED RIGHTS

**Community Development Department
8101 Ralston Road
Arvada, Colorado 80002**

January, 2006

VESTED RIGHTS

Except with respect to an Early Vested Right, a Vested Right (to undertake and complete development and use of real property) shall be attached only to an approved Site Specific Development Plan. A "Site Specific Development Plan" shall mean final approval, including the Applicant's acceptance of any terms and conditions of approval, or any of the following types of applications where the Applicant has requested a Vested Right:

1. PUD Final Development Plans;
2. Final Subdivision Plats and
3. Site Plans

No minor plat or amendment to any plat, where the plat was approved prior to January 1, 1988, shall constitute a Site Specific Development Plan.

APPLICATION

A request for a Vested Right is made in writing as part of an application for a Preliminary Development Plan or Preliminary Subdivision Plat or Site plan. A request for a Vested Property Right shall comply with all other submittal requirements, as applicable, including any required fees.

CITY COUNCIL NOTICE AND HEARING PUD PDP's: Written notice and public hearing requirements for vested rights, under circumstances in which the final development plan constitutes the Site Specific Development Plan, are satisfied by the notice and public hearing before City Council to consider the PUD Preliminary Development Plan. The City Council shall indicate that such vested right shall only be created upon approval of the required PUD Final Development Plan by the Community Development Director.

Final Plats: Written notice and public hearing requirements for vested rights, where a final plat constitutes the Site Specific Development Plan, are satisfied by the notice and public hearing before City Council to consider the Preliminary Subdivision Plat. The City Council shall indicate that such vested right shall only be created upon approval the required Final Subdivision Plat by the Community Development Director.

Site Plans: Site Plans are approved by the Community Development Director. Approval of a Vested Right application will require written notice and public hearing requirements before City Council following the Community Development Director's decision on the Site Plan. The Applicant shall request a Vested Right hearing within thirty (30) days following the approval of the Site Plan, or the right to request such a hearing shall be waived.

The City Council's decision to approve a request for Vested Rights shall be based on a determination that the grant of vested rights is reasonable given the proposed development's benefits to the surround properties, surrounding community, or to the city in general.

Effective Date of Approval

The effective date of a Site Specific Development Plan approval shall be the date of publication, in a newspaper of general circulation within the City of Arvada, of a notice advising the general public of the Site Specific Development Plan approval and creation of a Vested Right pursuant to this Section and Colorado law. Such publication shall occur no later than fourteen (14) days following approval of the PUD Final Development Plan or Final Subdivision Plat, or no later than fourteen days following the City Council's decision to grant a Vested Right for a Site Plan, as applicable.

Effect of Approval/Duration

Approval of a Site Specific Development shall create a Vested Right to undertake and complete development and use of real property pursuant to C.R.S. §24-68-103, but only as to those terms and conditions contained in the approved Site Specific Development Plan.

The grant of a Vested Right in an approved Site Specific Development Plan shall not prevent the City, in subsequent actions, from applying any of the following the subject property:

- New ordinances, rules, regulations, and policies that do not conflict with those rules, regulations, and policies in effect as of the Site Specific Development Plan's effective date of approval;
- New Ordinances, rules, regulations, and policies that are specifically anticipated and provided for in the terms or conditions of the approved Site Specific Development Plan;
- New ordinances, rules, regulations, and policies that are necessary for the immediate preservation of the public health and safety; or
- New ordinances, rules, regulations, and policies when the City finds that the Site Specific Development Plan is based on substantially inaccurate information supplied by the Applicant.

A Vested Right shall remain vested for a period of three (3) years from the Site Specific Development Plan's effective date of approval, unless a longer term is agreed to by the City in a Development Agreement (see §3.12). An amendment to any Site Specific Development Plan shall not extend the period of vested rights, unless otherwise authorized by agreement approved by City Council.

Plat or Plan Language Required

Each Site Specific Development Plan shall contain the following language:

“Approval of this [plan/plat] creates a vested property right subject to all conditions of approval pursuant to Colorado revised Statutes §24-68-103. The effective date shall be that date specified in Section 3.23.5 of the Arvada Land Development Code.”

Waiver

A landowner may waive a Vested Right by separate agreement, which shall be recorded in the county where the property is located. Unless otherwise agreed to by the City and landowner requesting annexation to the City shall waive in writing any pre-existing Vested Rights as a condition of such annexation.

Note: A listing of the applicable sections of the Land Development Code is provided for your review. Please refer to these sections for more details: *Section 3.23 Vested Rights (including 3.23.11, pertaining to Early Vested Rights), Section 3.7.3 Preliminary Development Plan & Rezoning, Section 3.8.3 Final Subdivision Plat Review, Section 3.15 Site Plan, Section 3.12 Development Agreements, Section 3.1.6 Neighborhood Meetings, Section 3.3 General Notice & Public Hearing Requirements.*

**CITY OF ARVADA
WAIVER OF VESTED PROPERTY RIGHT
PURSUANT TO SEC. 25-77 OF THE ARVADA CITY CODE**

(NAME OF DEVELOPMENT)

The undersigned, with full knowledge of all rights hereunder, expressly waives all such right whatsoever to which the undersigned is entitled by Article 68 of Title 24, Colorado Revised Statutes, which provide for a vested property right upon approval by the local government (City of Arvada) of a site specific development plan that would provide the undersigned with the right to undertake and complete the development and use of the property described in Exhibit A, which is attached hereto, under the terms and conditions of such site specific development plan.

Further, the undersigned expressly waives all vested property rights granted prior to the date of this document to the undersigned by any local government pursuant to Article 68 of Title 24, Colorado Revised Statutes.

Date: _____, 200__.

OWNER

Name

Title

STATE OF COLORADO)
) ss
COUNTY OF)

Subscribed and sworn to before me this _____ day of _____,
200__, by _____.

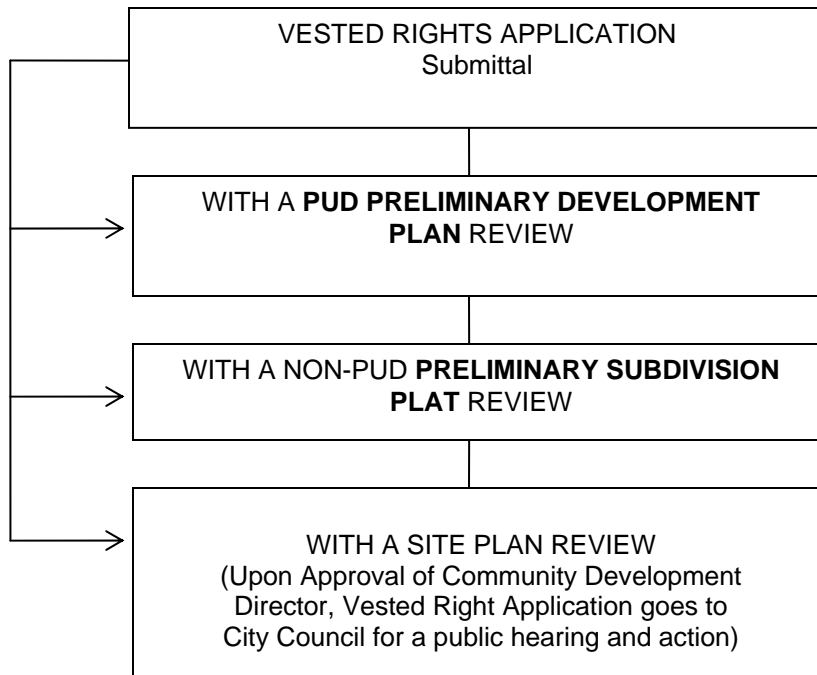
Notary Public

(SEAL)

My Commission expires:

VESTED RIGHTS

APPLIES TO FOLLOWING APPROVED
SITE SPECIFIC DEVELOPMENT PLAN AS APPLICABLE:
1. PUD FINAL DEVELOPMENT PLANS
2. FINAL SUBDIVISION PLATS (NON-PUD)
3. SITE PLANS



The effective date of a vested right approval shall be the date of publication, in a newspaper within the City of Arvada and such publication shall occur no later than 14 days following approval of the applicable PUD Final Development Plan, Final subdivision Plat or Site Plan.