

CITY OF CRAIG

ORDINANCE NO. 1168 (2025)

AN ORDINANCE OF THE CITY OF CRAIG VACATING A PORTION OF A CITY OF CRAIG ALLEY RIGHT OF WAY IN BLOCK 31 OF THE CRAIG VIEW ADDITION.

WHEREAS: The City of Craig Planning Commission has reviewed the request, and recommends City Council to approve as presented;

AND WHEREAS: City of Craig staff and all applicable public utility companies have reviewed the request and recommend approving the request as presented;

AND WHEREAS: The vacated portion of the alley has not been used as or anticipated to be used as a roadway or a location for public utilities;

AND WHEREAS: This will correct a previous survey error that led to the home at 455 E 7th Street being built partially on this portion of city alley.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG AS FOLLOWS:

Section 1. The following portion of a 30ft wide city alley right of way located directly west of Lot 42, Block 31, Craig View Subdivision, Moffat County, Colorado, being more particularly described as follows, is hereby vacated:

A 30'x 104' Alley located in Block 31 of Craig View Addition according to the Amended plat thereof, filed August 13, 1924 as Misc. #611, Moffat County, State of Colorado and being more particularly described as follows:

Beginning at the S.W. Corner of Lot 42 of said Block 31; thence N89°41'34"W, 30.00 feet to the S.W. Corner of the Alley; thence N00°08'00"E, 104.00 to the N.W. Corner of the Alley; thence S89°41'34"E, 30.00 feet to the N.W. Corner said Lot 42; thence S00°08'00"W, 104.00 feet to the point of beginning. Containing 0.072 AC. More or less.

Section 2. This Ordinance shall take effect immediately upon the expiration of ten (10) days from and after the final date of publication, as provided by Charter.

Section 3. The City Council of the City of Craig hereby finds, declares, and determines that this Ordinance is necessary for the preservation of the public peace, health, and safety.

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section 5. The City Council deems it appropriate to publish the title of this Ordinance, together with a summary of the Ordinance and with a statement that the text is available for public inspection and acquisition in the office of the City Clerk.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF SEPTEMBER 2025, BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Chris Nichols, Mayor

ATTEST:

Katie Carmody, City Clerk

Votes in favor: _____

Votes opposed: _____

Votes abstained: _____

**PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF
SEPTEMBER 2025, BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.**

Chris Nichols, Mayor

ATTEST:

Katie Carmody, City Clerk

Votes in favor: _____

Votes opposed: _____

Votes abstained: _____

MEMO

September 1, 2025

To: Peter Brixius and Craig City Council

From: Marlin Eckhoff, Building Official

Subject: City alley vacation application submitted by Bertha and Diego Garcia for a 30' x 104' alley vacation on the east side of 455 E 7TH Street, Craig CO, 81625.

BACKGROUND / DISCUSSION

Bertha and Diego Garcia have applied for an alley vacation for a 30ft x 104ft section of city alley that abuts the west property line at 455 E 7TH Street. Their property consists of Lots 37 – 42 of the Craig view Addition Subdivision. The alley they are requesting to vacate sits just north of East 7th Street near the entrance to the Sherwood Forrest area. They have owned the home since 2017, and it was built in 1979. They recently went to sell the home and found out by means of a survey that the current driveway, shed, and a few feet of the house was actually built outside of their west property line and into the city alley ROW.

I have included an Alley Vacation Plat by Baker & Associates designating the area to be vacated. This plat also shows the portion of the house and existing driveway that is located in the alley area, along with a new 15ft easement along the south side of the property.

In order to apply for a ROW vacation, the following items must be submitted.

1. The applicant must circulate and get signatures from the owners of adjacent properties.
2. The applicant must submit signatures from all utility companies indicating that there are no conflicts with the proposed vacation.

Public Works Director Danny Paul, Water/Wastewater Director Carl Ray, and Road & Bridge Director Shane Baker have reviewed this request and have no objection to the vacation.

However, we have had the applicant add a 15ft wide front yard easement to Lots 37 – 42 and the proposed vacated portion of alley as well. This allows us more room to access a sewer main that runs east and west just outside of their south property line. It will also allow us more room in case we have to repair, replace or enlarge the bridge across Fortification Creek.

The applicant has submitted letters from Yampa Valley Electric, Luminate Broadband, and ATMOS Energy indicating they are fine with vacating the alley.

Typically, alley vacations would require that one half of the alley goes to the property owners on each side of the alley. However, the city owns the land on the other three sides of the vacated portion of the alley. So, no other property owners have land that abuts this area.

In order to approve a ROW vacation, the applicant at minimum must meet the following conditions:

- The property (road, street, easement etc.) must not be in use.
- The property must not be anticipated to be in use.
- The property must not be “developable”.
- The applicant must prove “hardship” if the vacation is not granted.

Due to the circumstances, I believe the request meets these conditions.

Note: This vacation would not affect public access to Sherwood Forrest, there will still be ample access to this area.

I have included the following for your review:

1. A copy of the “Application for vacation of Roads, Streets, and Highways.” Signed by adjacent property owners, the Public Works, Road and Bridge, and Water/Wastewater Departments.
2. Letters from Yampa Valley Electric, Atmos Energy, and Luminate Broadband approving the vacation request.
3. The Alley Vacation Plat from Baker & Associates.
4. A satellite image of the property with the approximate location of the vacated area outlined in red, and a view from East 7th Street with the approximate location of the vacated area outlined in red.
5. Ordinance draft which will be recorded if approved.
6. Minutes from the August 18, 2025, Planning Commission meeting.

A public notice was published in the paper, and the property was posted with a description of the vacation request and the meeting dates per our vacation application requirements.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed this vacation request on August 18, 2025. The commission voted unanimously “To recommend to City Council to approve the Alley Vacation Plat as presented.”

STAFF RECOMMENDATION

To approve the Alley Vacation Plat and Ordinance as presented.



APPLICATION FOR VACATION OF ROADS, STREETS, AND HIGHWAYS

Planning Department / City of Craig
300 West 4th Street, Craig, CO 81625
970-826-2013 / 970-824-6539 (fax)

Application Fee: \$150.00

Please see complete instructions. Please Print.

APPLICANT (IF NOT PROPERTY OWNER, SUBMIT APPROVAL DOCUMENTATION FROM OWNER)		DATE
Bertha Garcia - Diego Garcia		05/19/2005
ADDRESS		TELEPHONE
673 Dunn Dr Craig CO 81625		970-629-8954
DESCRIPTION OF PROPERTY TO BE VACATED		
455 E 7th St Craig CO		
LOCATION	EXISTING ZONE	
Subd: Craig View Lot: 37-42 Block: 31		
LEGAL DESCRIPTION		

TYPE OF VACATION. PLEASE CHECK WHICH OF THE FOLLOWING APPLIES:

- ☐ Vacation of roadway ☐ Vacation of right-of-way ☐ Other: _____
☐ Vacation of utility easement ☒ Vacation of the alley

EXPLAIN IN DETAIL

JUSTIFICATION FOR VACATION. PLEASE CHECK WHICH OF THE FOLLOWING APPLIES:

- ☐ Area conditions creating nuisance ☐ In order to conform to the Comprehensive Plan for the area ☐ Other: _____
☐ An error in the original zoning ☐ The peculiar suitability of the site for a particular use

EXPLAIN IN DETAIL

EXPLAIN THE EFFECT THAT THE VACATION WOULD HAVE ON ADJACENT USES AND/OR USERS

CONSENT FOR PROPERTY VACATION BY ADJACENT OWNERS OR OCCUPANTS

We, the undersigned, petition the Planning and Zoning Commission and the City Council of Craig, Colorado, to authorize the vacation described on this Application. We believe the proposed vacation will be in harmony with the general area, and believe the Application for Vacation of Roads, Streets, and Highways should be granted.

Name (Please Print)	Signature	Address
NOEL Alonso		517 Eng Seventh St

Applicant further affirms that this petition was circulated to the above-named person who signed this petition in the Applicant's presence and of their own free will and choice.

Signature of Applicant	Date	
Bertha Garcia &	07/22/25	
Applicant's signature subscribed and affirmed, or sworn to, before me in the County of	Moffat	
State of Colorado, this 29 day of July, 2025		
Notary Public Signature	Commission Expiration Date	
	03/18/2026	



APPLICATION FOR VACATION OF ROADS, STREETS, AND HIGHWAYS

Planning Department / City of Craig
300 West 4th Street, Craig, CO 81625
970-826-2013 / 970-824-6539 (fax)

Application Fee: \$150.00
Please see complete instructions. Please Print.

APPLICANT (IF NOT PROPERTY OWENER, SUBMIT APPROVAL DOCUMENTATION FROM OWENER)		DATE
Bertha Courcia - Diego Courcia		05/19/2005
ADDRESS		TELEPHONE
1613 Dunn Dr Craig CO 81625		970-429-8954
DESCRIPTION OF PROPERTY TO BE VACATED		
455 E 7th St Craig CO		
LOCATION		EXISTING ZONE
Subd: Craig View Lot: 37-42 Block: 31		
LEGAL DESCRIPTION		

TYPE OF VACATION. PLEASE CHECK WHICH OF THE FOLLOWING APPLIES:

- ☐ Vacation of roadway ☐ Vacation of right-of-way ☐ Other: _____
☐ Vacation of utility easement ☒ Vacation of the alley

EXPLAIN IN DETAIL

JUSTIFICATION FOR VACATION. PLEASE CHECK WHICH OF THE FOLLOWING APPLIES:

- ☐ Area conditions creating nuisance ☐ In order to conform to the Comprehensive Plan for the area ☒ Other: See below
☐ An error in the original zoning ☐ The peculiar suitability of the site for a particular use

EXPLAIN IN DETAIL: Remedy existing condition of home encroaching into City right-of-way. Application is to vacate 30' x 104' section as highlighted in the attached Survey.

EXPLAIN THE EFFECT THAT THE VACATION WOULD HAVE ON ADJACENT USES AND/OR USERS

None to our knowledge.

CONSENT FOR PROPERTY VACATION BY ADJACENT OWNERS OR OCCUPANTS

We, the undersigned, petition the Planning and Zoning Commission and the City Council of Craig, Colorado, to authorize the vacation described on this Application. We believe the proposed vacation will be in harmony with the general area, and believe the Application for Vacation of Roads, Streets, and Highways should be granted.

Name (Please Print)	Signature	Address
Noel Alonso		517 East Seventh St
Jessica Hogue		443 E 7th St

Applicant further affirms that this petition was circulated to the above-named person who signed this petition in the Applicant's presence and of their own free will and choice.

Signature of Applicant	Date
Applicant's signature subscribed and affirmed, or sworn to, before me in the County of _____	
State of Colorado, this _____ day of _____, _____.	
Notary Public Signature	Commission Expiration Date

INSTRUCTIONS FOR COMPLETING THE VACATION OF ROADS, STREETS, AND HIGHWAYS

COMPLETE THE APPLICATION IN FULL.

Provide drawing of the property to be vacated. Indicate the boundaries of the area(s) and zoning of all adjacent properties. Indicate building or uses affected if the vacation is granted. Include a WRITTEN description of the land, building, easements, and uses within 500 feet of the boundary of the area. Indicate north and provide a scale (e.g. 1 inch = 1 foot). Drawings may be submitted on separate paper, but must be of standard size. Include attachments as necessary.

UTILITY COMPANY APPROVAL

The Applicant may use the format below for obtaining approvals from the utility companies and the City of Craig or may instead use the Notice of Application for Land Use Change, available from the Planning Department at City Hall. It is important that each agency has the opportunity to comment on the Application and the Planning Department MUST have proof that the agencies have been notified.

CITY OF CRAIG SIGN OFFS

I have no objections to this proposal. (Special conditions or objections should be submitted separately.)

PUBLIC WORKS DEPARTMENT

PRINTED NAME

Danny Paul

, PUBLIC WORKS DIRECTOR

SIGNATURE

Danny Paul

DATE

8/11/25

ROAD AND BRIDGE DEPARTMENT

PRINTED NAME

Shane Baker

, ROAD & BRIDGE / REFUSE DIRECTOR

SIGNATURE

Shane Baker

DATE

8/11/25

WATER/WASTEWATER DEPARTMENT

PRINTED NAME

Carl R. Ray

Carl

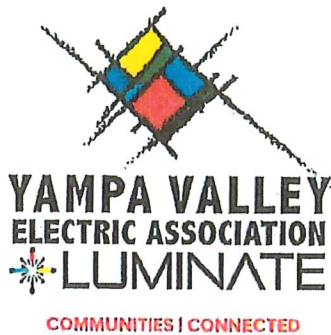
, WATER/WASTEWATER DIRECTOR

SIGNATURE

Carl R. Ray

DATE

08/11/25



Steamboat Springs Office:

Local Phone: 970-879-1160 Toll

Free: 1-888-873-9832 Fax:

970-879-7270

2211 Elk River Road

Steamboat Springs, CO 80487

info@yvea.com

Craig Office:

Local Phone: 970-824-6593

Fax: 970-824-7134

3715 East US HWY 40

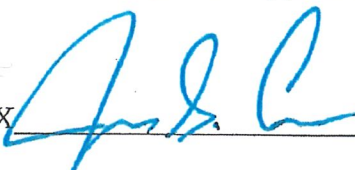
Craig, CO 81626

info@yvea.com

June 6, 2025

To Whom it my concern:

Yampa Valley Electric Association does hereby approve the Vacation of easement located at 455 E. 7th Street Craig, CO. as shown on the attached application for vacation.

X 
James S. Cross, Engineering Manager

June 13, 2025

To Whom it May Concern:

Luminate Broadband does hereby approve the Vacation of Easement located at 455 E. 7th Street, Craig, CO 81625, as shown on the attached application for vacation.


Chet Johnson
Technical Director



Luminate

970.870.4320
luminatebroadband.com

2211 Elk River Road
Steamboat Springs, CO 80487

3715 East US Hwy 40
Craig, CO 81626



6/27/2025

Good afternoon, Dorina

After reviewing the documentation that was provided. Atmos Energy would have no problem signing off on the 30'X104' vacation. There is currently no gas on or in the vicinity of your proposal.

Thanks,

A handwritten signature in black ink that reads "Nathan Campbell".

June 27, 2025

Nathan Campbell

Operations Supervisor

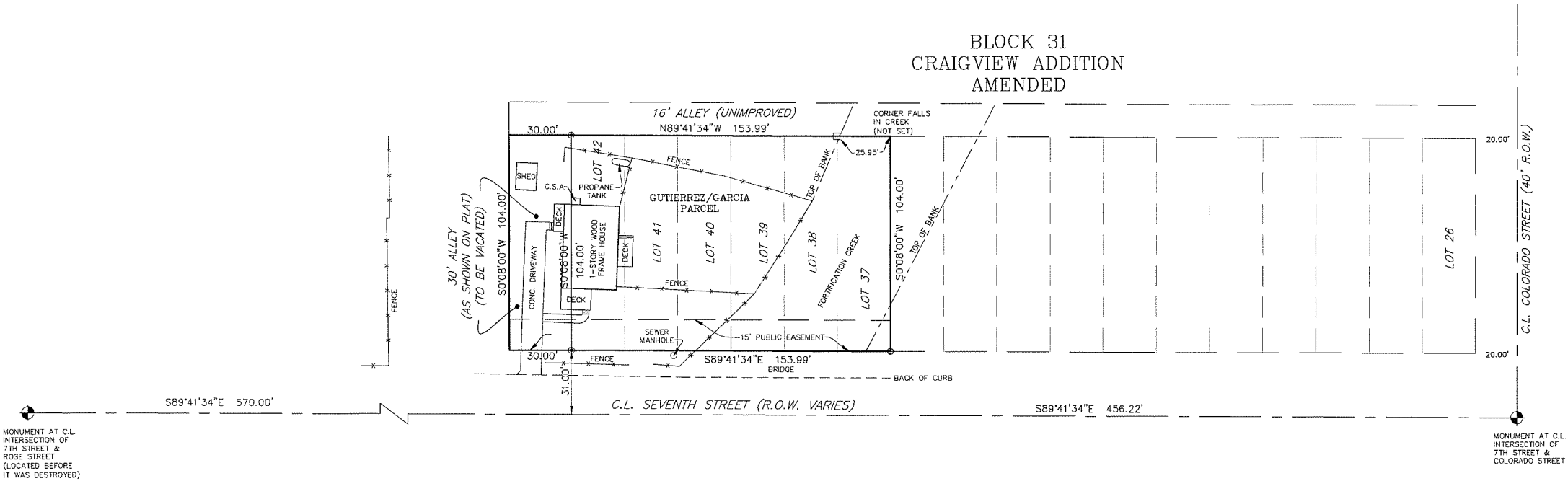
COKS Division

(970)819-0988 Work Mobile

Nathan.campbell@atmosenergy.com

CITY OF CRAIG ALLEY VACATION PLAT
SECTION 31, T7N, R90W, OF THE 6th P.M.
CITY OF CRAIG, MOFFAT COUNTY, COLORADO

BLOCK 31
CRAIGVIEW ADDITION
AMENDED



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the owners thereof has laid out, platted and subdivided as shown on this plat the land described as follows:

Lots 37, 38, 39, 40, 41 and 42 in Block 31 of CRAIG VIEW ADDITION, according to the Amended Plat thereof, filed August 13, 1924 as Misc. #611, Moffat County, State of Colorado.

Containing 0.368 acres more or less, under the name and style of the "CITY OF CRAIG ALLEY VACATION PLAT" and by these presents, do hereby dedicate to the public all easements, and other public places shown hereon and not already otherwise dedicated for public use.

BY: Diego G. Gutierrez
455 E 7th Street
Craig, CO 81625

BY: Bertha Garcia
455 E 7th Street
Craig, CO 81625

NOTARIAL CERTIFICATE

STATE OF _____ }
COUNTY OF _____ } SS
The above and foregoing instrument was acknowledged before me this ____ day of _____ A.D., 202__, By Diego G. Gutierrez and Bertha Garcia.

Witness my hand and seal _____
NOTARY PUBLIC

My commission expires _____

CITY COUNCIL CERTIFICATE

This plat is hereby certified for approval by the City of Craig of Moffat County, Colorado this ____ day of _____ A.D., 202__.

MAYOR _____ Chris Nichols

ATTEST _____
CITY CLERK

CITY PLANNING COMMISSION CERTIFICATE

This plat is hereby certified for approval by the City of Craig Planning Commission of Moffat County, Colorado this ____ day of _____ A.D., 202__.

CHAIRMAN _____ Randy Kloos

UTILITY PROVIDER'S CERTIFICATE

Approved this ____ day of _____, 202__, by CITY OF CRAIG WATER/WASTEWATER.

CITY OF CRAIG WATER/WASTEWATER REPRESENTATIVE

CLERK & RECORDER'S CERTIFICATE

State of Colorado }
County of Moffat } SS

I hereby certify that the original of this instrument was filed for record in my office at ____ o'clock, ____ M. this ____ day of _____ A.D., 202__.

Reception No. _____

Moffat County Clerk & Recorder

By _____

SURVEYOR'S CERTIFICATE

I, Lloyd W. Powers being a duly registered Professional Land Surveyor do hereby certify that this survey was made by me or under my direct supervision and is based upon my professional knowledge, information and belief and conforms with the applicable standards of practice in the State of Colorado. This certificate does not constitute a guaranty or warranty, either expressed or implied.

Lloyd W. Powers, PLS
Colorado Reg. No. 13901

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

NOTE: The word "certify" or "certification" as used herein is understood to be an expression of professional opinion by the surveyor, based upon his best knowledge, information and belief. As such it does not constitute a guarantee, nor warranty, expressed or implied.

NOTES:

- 1) DATE OF SURVEY - MAY, 2025 TO PRESENT
- 2) SET #4 REBAR & CAP (PLS#13901).
- 3) FOUND #4 REBAR & CAP (PLS#13901) BENT OVER.
- 4) FOUND MONUMENT IN MONUMENT BOX (C.L. STREET INTERSECTIONS) UNLESS SHOWN OTHERWISE.
- 5) SET LATH FOR POINT ON PROPERTY LINE AS SHOWN.
- 6) BASIS OF BEARING - N89°41'34"W BETWEEN THE C.L. MONUMENTS OF SEVENTH STREET (BOTH ARE IN MONUMENT BOXES AS SHOWN).
- 7) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH FOR OWNERSHIP, RIGHT-OF-WAYS OR EASEMENTS OF RECORD. FOR OWNERSHIP, RIGHT-OF-WAYS AND EASEMENTS OF RECORD, BAKER & ASSOCIATES RELIED UPON ALPINE TITLE OF MOFFAT COUNTY, LLC COMMITMENT NO. PCC0202504005176N.
- 8) THE PURPOSE OF THIS VACATION PLAT IS TO VACATE THE ALLEY AND ADD IT TO THE GUTIERREZ/GARCIA PARCEL AS SHOWN, ALSO TO CREATE A 15' UTILITY EASEMENT IN LOTS 40-42 AND THE VACATED ALLEY AS SHOWN.





CRAIG PLANNING & ZONING COMMISSION MINUTES

August 18, 2025

The Craig Planning and Zoning Commission of the City of Craig, County of Moffat, State of Colorado, met in the City Council Chambers, 300 West 4th Street, Craig Colorado, 81625, at the hour of 6:00 p.m. There being present the following Commissioners: Randy Kloos, Mike Tucci, Tom Gilchrist, Justin Jenison, and Mason Updike. City Staff present were Building Official Marlin Eckhoff, Assistant Sierra Arellano, City Manager Peter Brixius, Economic Development Manager Shannon Scott, and Public Works Director Danny Paul. City Councilmen present were Derek Duran and Chris Nichols.

Chairman Kloos called the meeting to order at 6:00 PM and began with Commission roll call. Those present were Commission members Randy Kloos, Mike Tucci, Tom Gilchrist, Justin Jenison, and Mason Updike. Commission alternate member Savana Crow was absent, excused. City Councilmen Derek Duran and Chris Nichols were present.

Commissioner Tucci made a motion, seconded by Commissioner Gilchrist, to approve the minutes from April 21, 2025. Ayes: 5. Nays: 0. Motion carried.

Chairman Kloos gave the rules for public comment as follows “During Agenda items 4A and 4B, public comment will be held after the presentation for each agenda item has been given, and prior to any motion or vote for that particular item. Any member of the public that wants to comment must come up to the podium and state their name. Each speaker is allocated three (3) minutes to speak on the agenda item that is currently being discussed. Speakers may not cede their time to another.”

Official Eckhoff presented the Commission with an application for a 30'x104' alley vacation submitted by Bertha and Diego Garcia on the east side of 455 E 7th Street. Official Eckhoff noted that the current driveway, shed, and a few feet of the house were actually built outside of their west property line and into the city alley right of way. This was discovered when the Garcias were in the process of selling their home and obtained a survey. The home was built in 1979 and purchased by the Garcias in 2017. The Public Works Department reviewed the request and has no objections but has asked for an additional 15ft wide front yard easement to Lots 37-42 and the proposed vacated portion of alley as well which allows the City more room to access a sewer main that runs east and west just outside of their south property line and room to repair, replace, or enlarge the bridge across Fortification Creek. Official Eckhoff stressed that vacating this portion of the alley will not cut off access to Sherwood Forest. Bertha Garcia expressed that they are not wanting to take any additional land but rather make the situation correct. The Commission noted they did not have any questions. No public comment was given. Commissioner Tucci made a motion, seconded by Commissioner Updike, to recommend City Council to approve the alley vacation on the east side of 455 E 7th Street as presented. Ayes: 5. Nays: 0. Motion carried.