

Eldora's Undeveloped Platted Streets and Alleys

Back around the turn of the 20th century when Eldora was a settlement comprised of miners with dreams of gold and entrepreneurs who made money off of those dreamers, Eldora became large and bustling enough for the founders to apply for township. As was true with many Colorado mining settlements, part of this process included designating on paper where the public rights of way (ROWs) would eventually be developed in the town. Many of them were never developed for access or transportation as originally planned.

Whether or not these undeveloped platted streets and alleys still exist as public ROWs has been a controversial issue over the years since Eldora's disincorporation as a town. After disincorporation occurred in 1973, a Boulder District Court ruled that all of Eldora's streets and alleys would be vacated, i.e. be absorbed under the titles of the adjacent property owners. But later in 1985 the Colorado Supreme Court overturned the earlier District Court decision, saying that Eldora's ROWs needed to be preserved for reasons of access. The question of whether the undeveloped ROWs should remain in the public domain or revert to adjacent landowners continues to this day, and will be undertaken over the next year or two as part of Boulder County's Special Character Area review of Eldora.

Boulder County owns Eldora's ROWs. This determination was made in October, 2007 by Boulder County lawyers after months of extensive research and study. Up until then there had been no official determination regarding this issue. The controversy was based on the assertion that when Eldora was disincorporated in 1973, Boulder County did not formally recognize its undeveloped platted streets and alleys. Did this mean that Boulder County did NOT have jurisdiction over the ROWs? Boulder County Commissioners had de facto recognized the undeveloped streets and alleys over the years since 1973. Since disincorporation at least 35 cases had been brought before the Commissioners by property owners requesting to "vacate" one or more adjacent streets or alleys, taking the public ROW out of the public domain and making it part of the applicant's property. Most of these requests for street or alley vacations have been granted, sometimes with conditions such as continued pedestrian access or the prohibition of new building occurring in the former right of way.

Eldorans have mixed opinions as to the fate of Eldora's undeveloped platted streets and alleys. Some Eldorans agree with the original District Court ruling, saying that all undeveloped streets and alleys should be abandoned and added to the title of adjacent property owners. They say that these ROWs exist only on paper, frequently bisect private land, and at times even run right through existing structures. They feel that letting the ROWs remain in the public domain violates private property rights.

On the other hand, some Eldorans feel that the undeveloped ROWs should remain in the public domain and be protected from development. They point to the important unexpected role that many of these undeveloped ROWs play. For example, since new buildings must be set back a certain distance from

ROWs, leaving the ROWs in the public domain helps control housing size and density. The ROWs also provide green habitat for wildlife, wildflowers, and pedestrians, making Eldora a richer environment to live in. These Eldorans feel that at least some key undeveloped ROWs should remain in the public domain, especially those that currently allow access to the creek, run along the riparian corridor, or provide a key throughfare between natural habitats. When title problems or privacy issues are involved, as happens when a ROW runs through a house or bisects a piece of private property, land exchanges could occur so that the ROW would be moved to the periphery of the property.

In any case, what the County decides to do with Eldora's undeveloped streets and alleys remains to be seen until the Boulder County Comprehensive Plan and the zoning designation of Eldora under its Special Character Area designation are completed. The outcome depends heavily upon input provided by Eldora citizens. Ultimately a consistent policy will be established for vacating streets and alleys in Eldora.

If you have comments, suggestions or questions about the fate of Eldora's undeveloped streets and alleys contact Graham Billingsley in Land Use at gbillingsley@co.boulder.co.us or any one of the County Commissioners: Will Toor at wtoor@co.boulder.co.us, Ben Pearlman at bpearlman@co.boulder.co.us (it's really better to call him at 303-441-3500), or Cindy Domenico at cdomenico@co.boulder.co.us, or any of them at 303-441-3500.