



VERIFYING LEGAL ACCESS – POLICY

This policy outlines the procedures to be undertaken by applicants to verify legal access to proposed developments when such access is not clearly demonstrated from a public right-of-way, public ingress/egress easement, or other form of accessway which clearly meets the standards of the Zoning Ordinance and the Subdivision Ordinance. Such verification shall also demonstrate that the applicant has the legal right to complete any/all improvements, dedications, or any other modifications to said accessway as may be required by the Planning & Development Department (P&D).

The applicant may choose from the following three options in order to demonstrate to P&D that a proposed development has/will have legal access prior to submittal of the Preliminary Site Plan package:

- 1) The applicant may provide a recorded plat map showing dedication of right-of-way or an easement for access.
- 2) The applicant may provide a recorded document showing the existence of an easement which gives their development legal access.
- 3) The applicant may provide a legal opinion from a licensed attorney stating that an equitable easement exists for the use and enjoyment of the proposed development. ***If this option is chosen***, P&D staff will forward the legal opinion to the Law Department for review and input.

NOTE: All other development requirements, codes, ordinances, etc. shall apply *in addition* to the legal access requirement as outlined above.