



DEVELOPMENT SERVICES DEPARTMENT DEVELOPMENT ENGINEERING AND FINANCE DIVISION

VACATION (ABANDONMENT) APPLICATION PACKAGE



Vacation of "C" Street to facilitate a safer and secure work area for Blue Diamond Almond Growers.

Vacation of Capitol Avenue and two Alleys for the construction of the East End Office Project.



Background

The City Council has the authority to vacate public right-of-ways (including road, streets, alleys, public utility easements and public service easements). City policy, Resolution No. 96-176, provides list of review guidelines that the City of Sacramento City Council and staff will consider in evaluating the merits of a proposed vacation. Vacation shall provide substantial benefit to the community, vacation shall not inhibit access to other properties, and vacation shall be supported by a majority of the adjoining property owners.

Vacation of public right-of-ways is processed under the California Streets and Highways Code, California Subdivision Map Act, and Sacramento City Code. City staff shall determine the appropriate category of vacation for each application. All vacations require City Council action. Vacation must comply with these state laws and local ordinances. Once the vacation is completed, the title to the underlying property shall be cleared off any public right-of-ways and/or public service easements.

Only complete vacation application packages shall be accepted for processing. If a vacation is being prepared for a property that is also requesting a Planning Entitlements, the vacation and entitlement shall be process simultaneously. Planning Commission reviews all vacations for their consistency with the City's adopted general plan.

Once the City Council approves the Resolution of Vacation, and the conditions of vacation are met, the City Clerk's Office shall cause a certified copy of the Resolution of Vacation, attested by the City Clerks under seal, to be recorded. The vacation shall be effective when the City Clerk's Office records this resolution with the County Recorder.

The process for each category of vacation is generally as follows:

A. S&HC Vacation/Summary Vacation Process - No Entitlements

1. Applicant shall complete the Vacation (Abandonment) Application Submittals. The completed submittals and fees are delivered to the Development Services Department – Development Engineering and Finance Division, 915 I Street, Room 300. **Vacation (Abandonment) Clearance Letters and Adjoining Property Owner Contact Forms are good for up to one year prior to City Council approval of abandonment.**
2. The application is reviewed for completeness, accuracy and conformity with State law and local ordinance and a determination of the type of vacation is made. If the application is not complete, it will be returned to the applicant for completion.
3. A preliminary environmental assessment of the proposed vacation is made. If the vacation is determined to be unusual or controversial, an environmental document may be required.
4. The Development Services Department – Planning Division reviews the proposed vacation to determine the vacation's consistency with the City General Plan and the local Community Plan (see Attachment Government Code, Section 65402). Their findings are then included in the staff report presented to City Council at the vacation hearing.

5. Conditions, which must be met by the applicant prior to the vacation being recorded, are developed. These conditions are generally derived from the comments received from City departments and utility companies.
6. The property owners and tenants within a 500-foot radius of a proposed vacation are notified by mail of the said proposed vacation, and the hearing date before the City Council. The Intent to vacate is also posted along the area to be vacated and noticed in a newspaper of general circulation and as part of the City Council agenda.
7. The applicant provides the Development Services Department – Development Engineering and Finance Division with proof that the conditions of vacation have been met. The conditions must be met within two (2) years of the vacation hearing date or the vacation is void. If needed, a vacation time extension may be requested of the City Council.
8. The “Resolution to vacate” is then recorded with the County Recorder by the Public Works Department.

For your information, flow charts of the above Vacation and Summary Vacation process are provided in this application package.

B. S&HC Vacation/Summary Vacation Process - Non-Map Entitlements

1. All of the steps listed in Section A above apply, except where modified below.
2. Early in the entitlement process, and at least six weeks prior to City Planning Commission, the application and fees for the vacation are submitted to the Development Services Department – Development Engineering and Finance Division, Vacation Coordinator.
3. Prior to the vacation being heard at City Council, the non-map entitlements are sent to City Planning Commission for approval. If the City Planning Commission does not approve the non-map entitlements, then the vacation is not heard at City Council (unless the denial of the entitlement is appealed).

Exception: If any City department recommends denial of the vacation, then the vacation is heard at Council prior to the non-map entitlements being heard at City Planning Commission. (This may delay the City Planning Commission hearing date.)

4. The vacation is heard at City Council.
5. Applicant satisfies vacation conditions. The conditions must be met prior to the expiration of the Non-Map Entitlement or the vacation is void. If needed, an vacation time extension may be requested of the City Council.
6. Recordation of the vacation and issuance of building permit are done concurrently.

C. Vacation/Summary Vacation under the Subdivision Map Act

1. The Tentative Map is submitted with the applicant's proposed easements/streets to be vacated shown on the map. On the map, provide written reference to the recording date creating these public streets or public easements.
2. The Development Services Department – Development Engineering and Finance Division, Project Manager will evaluate the request to do the vacation on the map. If the Project Manager determines that it is not appropriate for the vacation to be done on the map, then a Streets and Highways Code vacation will be required (see Section D).
3. At least three weeks prior to Subdivision Review Committee, submit the Vacation/Abandonment Clearance Letters and the Adjoining Property Owner Contact Forms to the Project Manager. Clearance Letters and Contact Forms are good for up to one year prior to Planning Commission/City Council approval of the tentative map. There is no additional fee deposit required.
4. If a Tentative Map Time Extension is requested, new Clearance Letters and Contact Forms will be required.
5. The vacation is effective upon recordation of Final Map or as noted on the Final Map.

D. S&HC Vacation/Summary Vacation Process - Map Entitlements

1. The Tentative Map is submitted with the proposed easements/streets to be vacated shown on map. On the map, provide written reference to the recording date creating these public streets or public easements.
2. If the Project Manager determines that a Streets and Highways Code vacation is required, then all of the steps listed in Section A apply, except where modified below.
3. At least three weeks prior to Subdivision Review Committee, submit the Abandonment Application Submittals and fees to the Vacation Coordinator.
4. Prior to the vacation being heard by City Council, the tentative map is sent to City Planning Commission for approval. If the tentative map is not approved by City Planning Commission, then the vacation is not heard at City Council unless the tentative map is appealed.

Exception: If any City department recommends denial of the vacation, then the vacation is heard at City Council prior to the tentative map being heard at City Planning Commission. (This may delay the City Planning Commission hearing date.)

5. The vacation is heard at City Council.
6. Applicant satisfies vacation conditions. The conditions must be met prior to the expiration of the tentative map or the vacation is void. If needed, an vacation time extension may be requested of the City Council.
7. Recordation of the vacation and the Final Map are done concurrently.

Attached are the Vacation (Abandonment) Application Submittals required for a Vacation or Summary Vacation. Provide all the information requested and return it to the Development Services Department – Development Engineering and Finance Division, 915 I Street, Room 300, Sacramento, CA 95814 to start the abandonment process.

	Page
Attachments: Introduction and the Vacation (Abandonment) Process	1-4
Instructions For Vacation Application Submittals	6-8
Vacation (Abandonment) Clearance Address/Phone Number List	9
Sample Property Ownership Map	10
City Council Resolution 96-176	11-12
Section 65402, Government Code	13
Flow Chart For Vacation	14
Flow Chart For Summary Vacation	15

Application Package Submittal Instruction

1. The applicant shall submit a Letter of Request for vacation/abandonment. Prepare a letter to the City of Sacramento, Development Services Department – Development Engineering and Finance Division, requesting the vacation of road, street, alley and easement. The Letter shall include:

- a. The request for vacation.
- b. Description of the area to be vacated.
- c. Proposed used of the vacated area (include plan/drawing)
- d. Indicate if the vacation is part of a Planning Entitlements.
- e. Indicate if utilities are to be vacated, re-routed or retained.

2. The Applicant shall submit a legal description of the area to be vacated, prepared and stamped by a licensed land surveyor or a qualified registered Civil Engineer. Provide the original and one copy. Labeled as Exhibit “A”. The legal description shall be prepared in an 8 and 1/2 paper and provide 1-1/2 inch clear space at the bottom of the paper.

3. The applicant shall submit a exhibit drawing/plat of the area to be vacated, prepared and stamped by a licensed land surveyor or a qualified registered Civil Engineer. Provide the original and one copy. Labeled as Exhibit “B”. The exhibit drawing/plat shall be prepared in an 8 and 1/2 paper and provide 1-1/2 inch clear space at the bottom of the paper.

4. The applicant shall submit an ownership map, prepared in an 8 and 1/2 inch by 11-inch paper. The map shall clearly show:

- a. The area to be vacated.
- b. A radius of properties within the applicable 500'.
- c. All lots or parcels, streets and alleys within the 500' radius.
- d. A Key Number (the number you assign to the property) for each of the parcels within the radius, beginning with the number 1 (which must be the subject property).

5. The applicant shall submit mailing labels and mailing label list of all the property owners within a 500' radius of the area to be vacated. (Also, if available, provide electronic copy of the mailing list in CD or 3.5” Diskette). The mailing labels and mailing label list shall show:

- a. Key number (the number you assign to the property).
- b. Assessor's Parcel Number.
- c. Name/s of property owner/s
- d. Address.

NOTE: Name/s of the property owner/s and address/es may be obtained at the County Assessor's office at 700 H Street, Sacramento.

SAMPLE MAILING LABEL

1. APN: 000-0000-000 Property Owner 222 Front Street Sacramento, CA 95831	3. APN: 023-0333-012 Jay D. Bird 4449 92 nd Street Sacramento, CA 95818	5. APN: 266-0099-009 Henry Q. Smith 85 Fifth Avenue Sacramento, CA 95816
2. APN: 123-0466-078 Paula L. Andres 1600 Stoddard Avenue Sacramento, CA 95801	4. APN 910-0110-080 Any Name 1206 59 th Street Sacramento, CA 95816	6. APN: 423-0654-022 Sam Somebody 102 9 th Avenue Sacramento, CA 95819

7. Applicant 1000 I Street Sacramento, CA 95814	8. Applicant 1000 I Street Sacramento, CA 95814	
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6. The applicant shall send the Adjoining Property Contact Form, together with the exhibit drawing/plat of the area to be vacated, to each of the property owners immediately adjacent to the area to be vacated. The applicant shall obtain back the completed contact forms from the property owners, and the form shall be submitted together with application package submittal to the City. **Provide the original NOTARIZED Adjoining Property Owner Contact Forms.**

7. The applicant shall send Vacation/Abandonment Clearance Letter and a self-addressed (applicant's address) stamped envelope, together with the exhibit drawing/plat of the area to be vacated, to each of the affected City Departments and utility companies. The applicant shall obtain back the completed Vacation/Abandonment Clearance Letter Form from the affected City Departments and utility companies, and these forms shall be submitted together with application package submittal to the City. **Provide the original Abandonment Clearance Letter Forms.**

NOTE: The applicant should determine if other utilities or interested entities are in or near the proposed area for vacation - and if so, obtain a vacation/abandonment clearance letter from them also. The City may require clearance letters from additional entities at its discretion. These may include Union Pacific Railroad Company, Caltrans, etc.

If a City Department or a utility company requires a certain condition be met that does not appear feasible, the applicant should resolve this with the City Department or utility company prior to submission of the application submittal package.

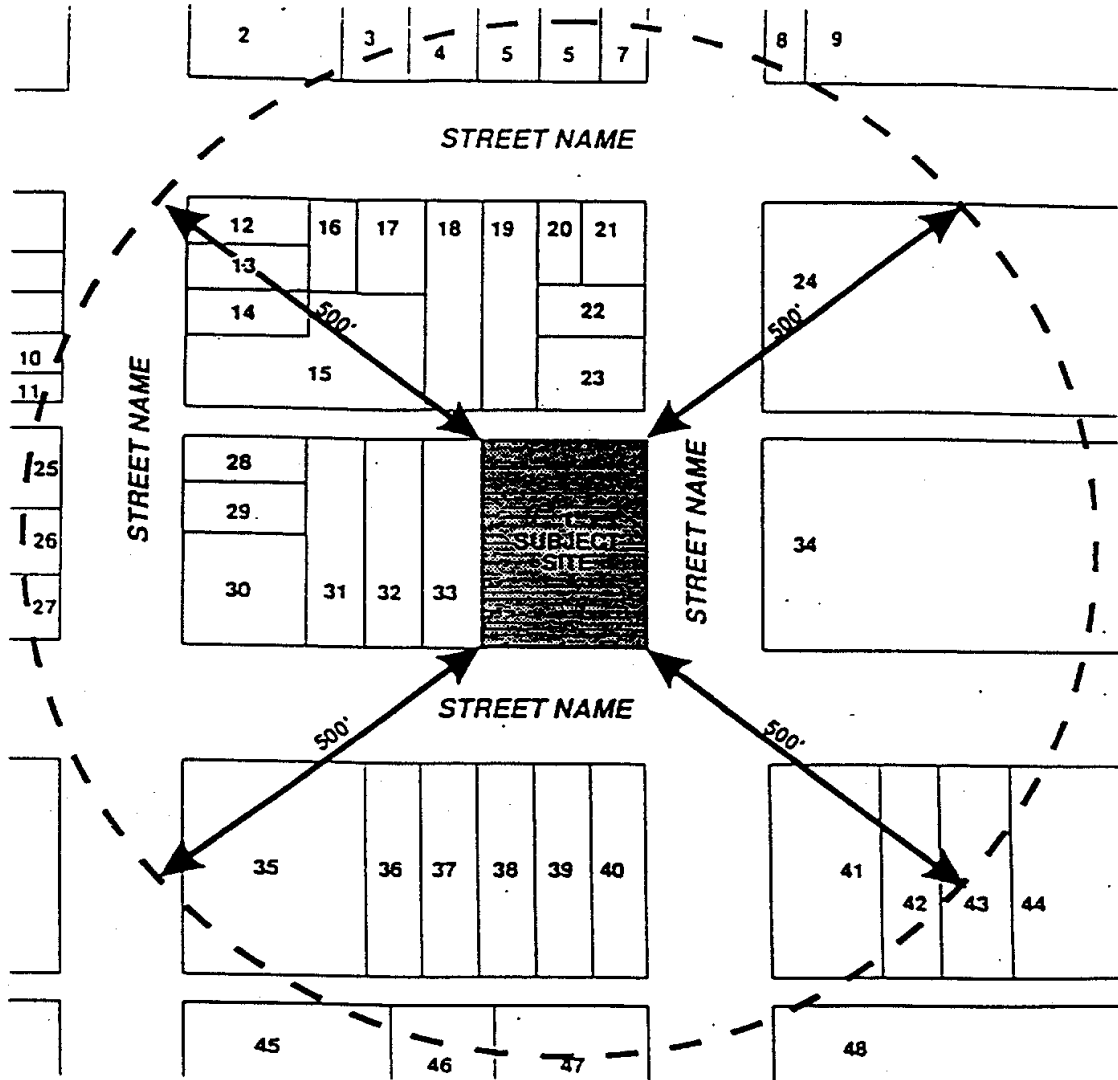
City staff will not accept application package submittal if any of the City Departments and utility companies expressed objection to the abandonment. **Clearance Letters and Contact Forms are good for up to one year from the date of the signature.**

City Departments and Utility Companies contacts are updated every 3 months or as information of changes are received. To ensure proper routing of Vacation/Abandonment Clearance Letter Form to the correct contact person/s, we recommend the applicant to contact the agencies before sending the forms.

8. Provide initial deposit fees in the amount of \$500, payable to the City of Sacramento. A check or money order will be accepted; cash will not be accepted.

NOTE: Any processing costs in excess of the deposit shall be billed to the applicant and must be paid prior to the City Council hearing and/or recordation.

9. Provide a Letter of Agency, if an agent or representative is filing the application for the owner.



SCALE 1/2" = 100'

PLEASE SEE MATRIX FOR NOTIFICATION REQUIREMENTS

RESOLUTION NO. 96-176

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 7 1996

REVIEW GUIDELINES FOR STREET AND ALLEY CLOSURES

Whereas, the following listing represents review guidelines which the City of Sacramento City Council and staff will consider in evaluating the merits of a proposed street or alley closure;

Whereas, the term "closure" may be used synonymously with "abandonment" and "vacation";

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sacramento that the following review guidelines will be applicable to all street and alley closure proposals within the City of Sacramento, except for streets and alleys that qualify for "summary vacation" under the Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code, Sections 8300 et.seq.:

- 1) Designated major and minor street should not be the subject of a proposed street closure.
- 2) Local streets which provide a through connection between two adjacent, intersecting major or minor streets should not be closed. (Evaluated on

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RESOLUTION NO.: 96-176
DATE ADOPTED: MAY 7 1996

a block-by-block basis.)

- 3) Local streets should not be closed merely to provide additional acreage for building development.
- 4) Approval of local street and alley closures should be dependent upon a finding of substantial benefit for the community planning area affected.
- 5) The closure of a local street should be supported by a majority of the property owners and tenants of the uses located along the affected block and within 500 feet from the street being closed.
- 6) The closure of an alley should be supported by a majority of the property owners adjoining or gaining access through the alley being closed.
- 7) When considering local street and alley closures, consideration should be given to the impacts on the following areas:
 - (a) Elimination of public or private (garages, etc.) access for the land uses located along the affected block.
 - (b) Disruption to land use along parallel or intersecting adjacent streets.
 - (c) Elimination or modification of existing bus or other public transit route patterns.
 - (d) Significant increases in emergency response times for uses along the affected street as well as in the surrounding area.
 - (e) Reduction of the ability to provide fire protection to the affected block(s) and surrounding area.
 - (f) Increases or decreases in the level of on-street parking along adjacent residential streets.
 - (g) Disruption to the nature or character of a predominately residential area, which may adversely impact the sustainability of the community.
- 8) Except as provided otherwise by State Law or the City Code, local street and alley closures within predominately residential areas should only occur for purposes of creating new landscaped, open space or park facilities.

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DATE ADOPTED: MAY 7 1996

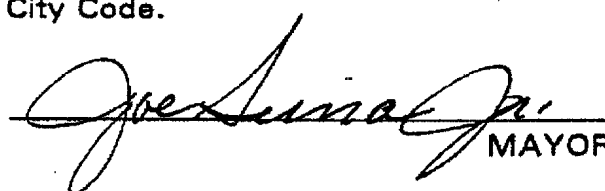
- 9) Local street and alley closures for parking purposes should be considered only if viable alternatives, including administrative remedies, for providing needed parking supplies are unavailable.
- 10) If local street or alley closures for parking purposes are approved, the design of the closed street or alley should incorporate measures to enhance pedestrian and bicycle access and should be landscaped to significantly improve and modify the appearance of the closed street or alley where appropriate.
- 11) If a local street or alley closure is approved, the City should consider, where appropriate, requesting the project proponent to construct in a timely manner public or private improvements reasonably related to community needs created by the street or alley closure. Such improvement project may include utility relocations, construction of a new parallel street, curbs, gutters, sidewalks, street lighting, landscaping, pedestrian amenities, fencing or other facilities.
- 12) Street and alley closures shall comply with the Public Streets, Highways and Service Easements Vacation Law, or with other applicable provisions of the California Vehicle Code or City Code.

ATTEST:

Assistant

CITY CLERK

ESP1-01.B
02.2396.1


MAYOR

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RESOLUTION NO.: 96-176

DATE ADOPTED: MAY 7 1996

GOVERNMENT CODE

65402. **Restrictions on acquisition and disposal of real property**

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report adopted general plan or part thereof within forth (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

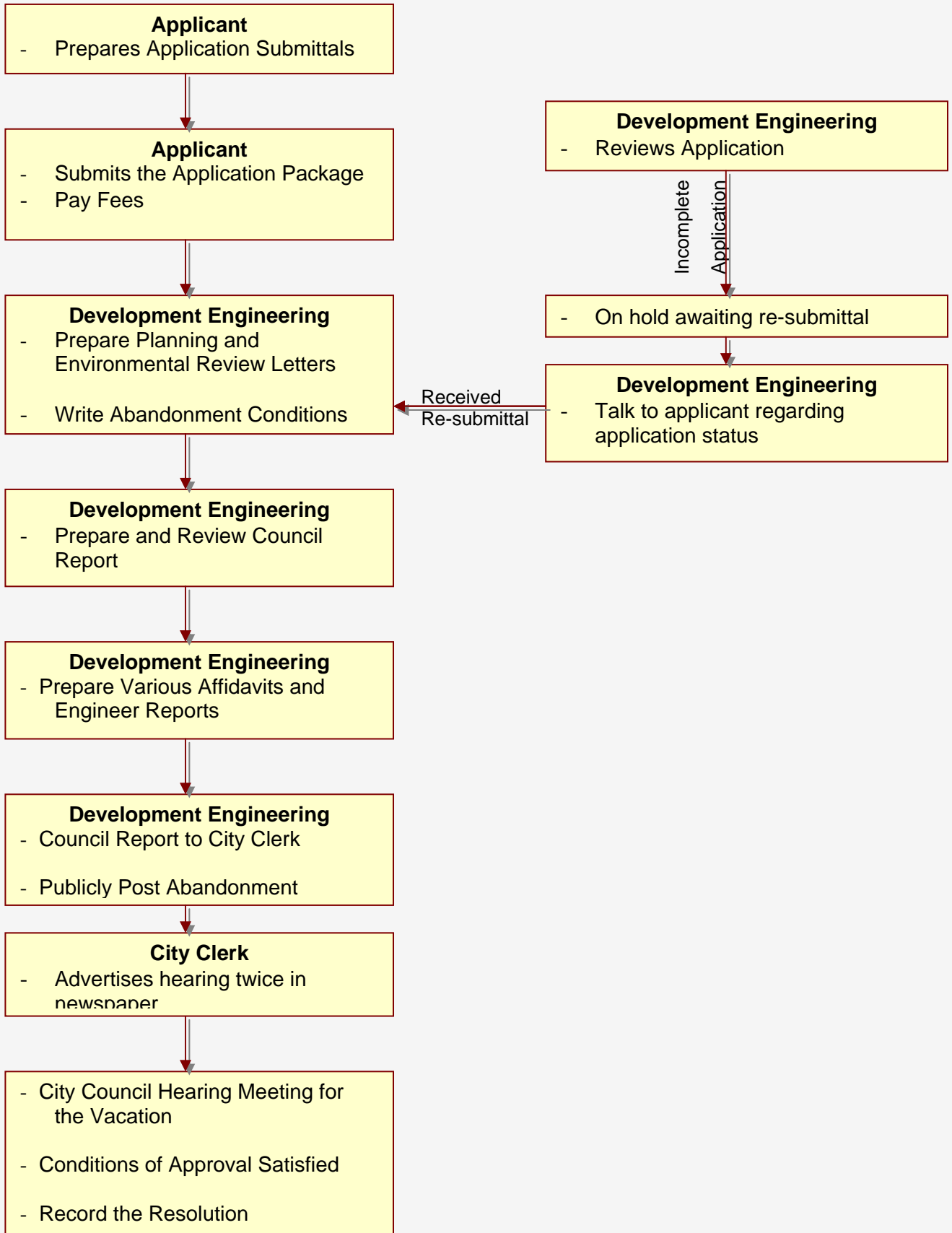
If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

Development Engineering Vacation Process



Development Engineering Summary Vacation Process

