

VACATION (Abandonment) PROCESS & REQUIREMENTS

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 a 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(S&HC), 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. City Planning Agency 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 Department of Public Works—Development Engineering Division, 300 Richards Blvd 3rd Floor, Sacramento, CA 95811. **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.

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4. The Department of Public Works – 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 non-summary 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 Department of Public Works – Development Engineering 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 Department of Public Works.

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 Department of Public Works– Development Engineering 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 for approval.
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, a vacation time extension may be requested of the City Council.
6. Recordation of the vacation and issuance of building permit are done concurrently.

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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 Department of Public Works – Development Engineering 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 and approved, new Clearance Letters and Contact Forms will not 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 complete Vacation(Abandonment) application and fees to the Vacation Project Manager in Development Engineering.
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, a 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 **Department of Public Works – Development Engineering Division, 300 Richards Blvd. 3rd Floor, Sacramento CA 95811 by email to DE@cityofsacramento.org** to start the abandonment process.

Note: Conditions by any department or agency will not allow the summary vacation process per Streets and Highways Code(S&HC).

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Application Package Submittal Instruction

1. The applicant shall submit a Letter of Request for vacation/abandonment.

Prepare a letter to the City of Sacramento, Department of Public Works – Engineering Services 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 an electronic copy labeled as Exhibit “A”. The legal description shall be prepared and submitted as a PDF document with closure calculations.

3. The applicant shall submit an electronic exhibit drawing/plat of the area to be vacated, prepared and stamped by a licensed land surveyor or a qualified registered Civil Engineer. Provide a electronic copy labeled as Exhibit “B”. The exhibit drawing/plat shall be prepared and submitted as a PDF document.

4. The applicant shall send the Adjoining Property Contact Form, together with the hard copy 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 Signed Adjoining Property Owner Contact Forms With the Electronic Application Submittal.**

5. The applicant shall email Vacation/Abandonment Clearance Letters, 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 electronically together with application package submittal to the City.

Email application and all signed Clearance Letters to the Development Engineering, Engineering Services Division at DE@cityofsacramento.org.

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

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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 have 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 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.

- 7. Email entire application package to DE@cityofsacramento.org and staff will review your application for completeness and will respond within one business day with an invoice and instructions to pay the application fees. Fees can be paid online with a Credit Card or eCheck; payments can also be paid with a check or cash at the CDD counter at 300 Richards Boulevard 3rd floor cashier.**

NOTE: If the application is incomplete it will be rejected.