

City of Alturas ~ Planning Application Package

PUBLIC ROAD OR SERVICE EASEMENT VACATION

PURPOSE: The purpose of an Easement Vacation (VAC) is to remove a public road (such as a street, alley or walkway) or service easement (such as a utility line or street light easement) from private property. There are two types of Vacations that are covered in this procedure: STANDARD and SUMMARY. See the definitions below for each vacation to determine which type of Vacation applies.

AUTHORITY: Streets and Highways Code, Sections 892 and 8300 et seq., Government Code Section 65402, and Civil Code Section 831.

WHEN TO USE: Use this application for either a complete or partial abandonment or termination of the public right to use a street or public service easement. Only a property owner whose land includes or abuts said easement may request a Vacation.

SUMMARY VACATION: VAC applications will be processed as a SUMMARY VACATION if the easement to be vacated has not been used for the purpose for which it was dedicated or acquired for at least five consecutive years immediately preceding the proposed vacation, AND the easement has been either superseded by relocation or determined not to be needed by the easement holder.

STANDARD VACATION: Any VAC application that cannot be processed as a SUMMARY VACATION shall be processed as a STANDARD VACATION.

REVERSIONARY RIGHTS: It is the applicant's responsibility to determine the ownership of the underlying fee interest of the easement proposed for Vacation. In the majority of cases, the City holds a public easement for street, alley, walkway, or other purposes. When the Vacation removes this easement the underlying fee interest automatically reverts to the owner of the underlying fee interest for their own use. The underlying fee interest can best be determined by a title search from a Title Company.

HOW TO PROCEED: Property owners interested in a VAC should call the City Clerk at (530) 233-2512 to arrange a consultation with the City Planner before submitting the Required Documents and Fees. Please note that all VACs require the services of a title company and licensed surveyor (or civil engineer) to ensure the VAC is recorded properly and the legal description is accurate.

REQUIRED DOCUMENTS AND FEES

✓	Item	Description
1	Application Intake Form	<i>-Completed by the City Planner-</i>
2	General Information Form (attached)	Provides general property description, as well as ownership and contact information. <i>This form must include the Assessor Parcel Numbers and property owner contact information for ALL property upon which the easement to be vacated exists.</i>

✓	Item	Description
3	Fees:	<p>SUMMARY VACATION \$ 650 Fee <u>\$ 300</u> Deposit for Public Works Review* \$ 950 Total</p> <p>STANDARD VACATION \$1,600 Fee <u>\$ 600</u> Deposit for Public Works Review* \$2,200 Total</p> <p>*This is a deposit based on the estimated time required for Public Works to review the application (charged at \$75/hour). Any unused funds shall be refunded to the applicant. If additional funds are required, the applicant will be billed for the balance due. Any balance due must be paid before the vacation can be recorded.</p>
4	Preliminary Title Report	<p>A description of title for each legal lot upon which the easement is located. This must be issued by a title company within the past 30 days. The City requires the title search to confirm underlying fee ownership and identify any easements that might be affected by the Vacation for notification purposes.</p>
5	A Legal Description and Plat (Map) of the Easement to be Vacated	<p>A precise description and Plat of the portion of the street or public service easement to be vacated, signed and sealed by a Licensed Surveyor or Registered Engineer. Plats should be drawn at a legible scale on an 8 ½ x 11" sheet, suitable for recording and include all properties (identified with their APN) contiguous to the area proposed to be vacated. All streets and alleys in the near vicinity should also be included and labeled for identification.</p> <p><i>The Legal Description should be marked "Exhibit A" and Plat should be marked "Exhibit B"</i></p>
6	Letters of Support (optional)	<p>Since easements are granted in favor of someone other than the land owner, the Vacation is unlikely to be granted if it is opposed by a majority of the easement's beneficiaries. So, if the proposal is expected to be controversial, the applicant should contact community members who might have an interest in the easement and secure their support prior to submitting the VAC application. <i>Letters of support should include the Assessor Parcel Number of the supporter if they are a land owner.</i></p>

DESCRIPTION OF APPLICATION PROCESSING:

STANDARD VACATIONS are subject to public notice and a public hearing (pursuant to Street and Highways Code Section 8320).

SUMMARY VACATIONS may be acted upon without issuing a public notice or holding a public hearing (pursuant to the procedures outlined in Street and Highways Code Section 8335).

In all cases, the proposed vacation shall be scheduled for Planning Commission review and recommendation before being forwarded to the City Council for final action.

If approved, the City Council’s “Resolution to Vacate” will be forwarded for recordation once all required conditions of approval have been met and any deficit processing costs have been paid. Recordation concludes vacation proceedings.

Please note that incomplete applications cannot be processed, so be sure the application submitted includes all the material requested above. Once the application is complete, the City Planner and Public Works staff can usually return a preliminary decision within 14 calendar days, and will then issue a public notice (if required) and schedule the Vacation for the next available Planning Commission and City Council meetings.
