

TO: Tentative Applicants

HERE ARE THE REQUIRED STEPS TO BEGIN THE VACATION PROCESS OF A COUNTY STREET AND/OR COUNTY STREET-APPURTENANT PUBLIC SERVICE EASEMENT

When requesting the vacation of a public easement such as a County street, roadway, highway, alley, walkway, slope, or other street-appurtenant public service easement, including the termination of rights and restrictions, please use the following procedure:

1. Address a request letter to:

County of Los Angeles Department of Public Works
Survey/Mapping & Property Management Division
Right-of-Way Engineering Section, Unit 5
P.O. Box 1460
Alhambra, CA 91802-1460

2. Please include the following information with your letter:

- a. A sketch showing and identifying the public street or easement area to be vacated. You may use the applicable Assessor's map(s) found at <https://portal.assessor.lacounty.gov/> or other maps found at <https://pw.lacounty.gov/smpm/landrecords/>.
- b. A copy of the site plan and/or street improvement plan, if available.
- c. The reasons for requesting the vacation.
- d. If possible, the signatures of all property owners abutting the public street or easement to be considered for vacation and those who use it for ingress and egress to their property.
- e. Your full name, a telephone number where you can be reached during our business hours of Monday through Thursday, 7:00 a.m. to 5 p.m., and, as an option, your email address.
- f. If you are acting as the representative for the property owner, please provide Items 'a' through 'd', include your contact information as described in Item 'e', and clearly state your role as acting on behalf of the property owner.

After receiving and reviewing your letter and included information, the County of Los Angeles' Department of Public Works will advise you of the fee required to process the initial phase of the vacation.

Enclosed is an explanation of the vacation proceedings. If you require additional information or want to set up an appointment to discuss the vacation procedure further, please contact Mr. Nathan Salazar of the Right of Way Engineering Section at (626) 458-7039 or at nsalazar@pw.lacounty.gov.

Enclosures.

EXPLANATION OF VACATION PROCEEDINGS

DEFINITION:

A vacation is the complete or partial abandonment or termination of the public right to use a street, highway, or street-appurtenant public service easement.

The vacation of a street or street-appurtenant public service easement held by the County is a legislative action performed by the Board of Supervisors (Board) to terminate the County's stipulated public rights within the easement area. The Board's action does not affect, convey, or transfer the ownership of the affected property to anyone. It only removes the County's specific interest.

LEGAL BACKGROUND:

The State law provisions authorizing and guiding the vacation process are available in the California Streets and Highways Code, Section 8320, et seq., and accessible on the California Legislative Information website at:

<https://leginfo.legislature.ca.gov/faces/codes.xhtml>.

PROCESSING FEE:

The County requires the payment of a non-refundable fee to process a vacation. The non-refundable fee is divided into two installments: (1) for the initial investigation; and (2) for submittal to the Board for consideration, to complete the public hearing process (if required), and for recording the adopted vacation resolution (if approved). The square-footage of the vacation area and the type of legislative method required to file the Resolution with the Board determines the amount of the non-refundable fee. If during the initial investigation, it is determined that the vacation is not recommended, the vacation proceedings will be terminated and the 2nd installment of the non-refundable fee will not be required. If the various reviewing Departments and Agencies have no objections to the vacation, the County will notify the applicant of the results, explain the details of the conditions (if any) required for approval of the vacation, and request the payment of the second installment of the non-refundable fee. The fees are not refundable at any stage of the process. The additional processing fees charged by other County Departments and Agencies (e.g. Fire Department) to review the vacation may be required, must be payable to them, and will be non-refundable.

INITIAL INVESTIGATION PHASE:

The Department of Public Works will review the requested vacation and circulate it to the other County departments, public agencies, and affected public utility companies for their recommendations.

ENVIRONMENTAL DETERMINATION:

The applicant may be required to complete an Environmental Assessment as part of the vacation process.

PUBLIC IMPROVEMENTS:

The conditions of the vacation may require the applicant to construct and/or relocate

various street improvements, such as, curb and gutter, pavement, drainage structures, storm drains, street lights, trees, and fire hydrants. The cost to satisfy these conditions shall be the responsibility of the applicant and shall be completed before finalizing the vacation.

PUBLIC UTILITIES:

Where a public utility exists within the vacation area, an easement must be reserved in the vacation area in favor of the public utility's owner. If the applicant wants to clear the area of the utility, it is the responsibility of the applicant to coordinate with the public utility company for the utility's relocation prior to completion of the vacation. All costs in connection with the relocation of the utility shall be the responsibility of the applicant.

OTHER PROPERTY OWNERS:

The consent and approval of all affected property owners may be required.

REVERSION:

It is the applicant's responsibility to determine the ownership of the underlying fee title interest of the public street to be vacated. Normally, the County holds an easement for street, alley, walk, or other street-appurtenant public service purposes allowing the County to exercise the vacation process to remove the easement. The vacation proceeding does not identify the underlying fee title interest holder and does not convey or transfer the fee title interest to anyone. In certain cases where the County is the underlying fee title interest holder, the applicant will be notified of the County's interest. The County's fee title interest must be sold at the appraised fair market value to a legally qualified adjacent purchaser before the vacation proceedings are finalized.

PUBLIC HEARING:

In compliance with California Streets and Highways Code, Sections 8320 through 8325, inclusive, (<https://leginfo.legislature.ca.gov/faces/codes.xhtml>), before considering a vacation, except in certain situations, the Board shall adopt a resolution. This resolution shall declare the Board's intent to vacate a street or street-appurtenant public service easement and announce the date for a public hearing. A notice of the public hearing is published in a publicly available local newspaper of general circulation and is posted on physical signs at the location of the vacation. The owners abutting the vacation area receive a letter delivered through the United States Postal Service notifying them of the hearing and offering all concerned parties the opportunity to appear before the Board to speak in favor or opposition. The Board may approve or disapprove the vacation at the public hearing or defer their final action to a later date.

SUMMARY VACATION:

By meeting specific provisions of the California Streets and Highways Code, Sections 8330 through 8334.5, inclusive, (<https://leginfo.legislature.ca.gov/faces/codes.xhtml>), the vacation of streets or highways may proceed without a public hearing. The major conditions that must be met to avoid a public hearing are: the street has not been used by the public for at least 5 years; no utilities are constructed within the street; and only one property ownership is affected. In these cases, the Board considers the vacation and

may act without the public hearing. During the initial investigation, the County will determine if the vacation may be processed through a public hearing or if it meets the criteria to be considered for summary vacation by the Board. The applicant will be notified of this determination at the completion of the initial investigation.

TIME:

The time required to investigate the feasibility of the vacation and to complete the vacation proceedings is approximately 12 to 18 months, depending upon the scope and complexity of the vacation and the applicant's timely compliance with the requirements. If the vacation is disapproved in the initial investigation phase, the applicant will be informed in about 3 to 4 months.

CONDITIONAL VACATION:

Where conditions have been required for the vacation, the vacation may have its approval but will not become effective until all conditions have been satisfied, such as, the construction of certain improvements by the property owners. In these cases, the County will notify the applicant of the outstanding conditions and give a reasonable time (normally a year) to comply with the conditions. If the conditions are not satisfied within the specified period, the vacation will become null and void and the proceedings are terminated. A new fee will be required if the vacation is reactivated.