

**To:** Applicants Requesting the Vacation of a County Street or County Easement

## **HERE ARE THE REQUIRED STEPS TO BEGIN THE VACATION PROCESS**

When requesting the vacation of a public street or other road appurtenant public easements such as a pedestrian walkway, road drainage, or slope, including the termination of rights and restrictions, please follow the procedures below:

### **1. Mail a request letter to:**

Los Angeles County 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. A copy of your grant deed(s).
- E. Either:
  - a. A copy of your Title Insurance Policy not older than 6 months from date of transmittal, OR
  - b. A copy of your Title Insurance Policy older than 6 months together with a Preliminary Title Report not older than 6 months.
- F. Copies of all recorded deeds listed in Schedule B of the Title Policy and the Preliminary Title Report and referenced in the grant deed(s).
- G. If possible, the signatures of all property owners abutting the public street or easement to be considered for vacation and those persons who use it for ingress and egress to their property.
- H. 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.
- I. If you are acting as the representative for the property owner, please provide Items 'A' through 'H', clearly state your role as acting on behalf of the property owner, and provide the name and address of the property owner that you are representing.

After receiving and reviewing your letter and included information, a Public Works Right of Way Engineer 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 Los Angeles County Public Works at (626) 458-7039 or by email at [NSalazar@pw.lacounty.gov](mailto:NSalazar@pw.lacounty.gov).

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## **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 public service easement.

The vacation of a County street or public service easement 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 convey, transfer, or affect the ownership of the easement area. It only removes and terminates the County's specified interest.

### **LEGAL BACKGROUND:**

The State laws 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 Los Angeles County Department of Public Works (Public Works) 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, Public Works 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 will be required, must be payable directly to them, and are also non-refundable.

### **INITIAL INVESTIGATION PHASE:**

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. If the applicant chooses to clear the area of the utility, it is the responsibility of the applicant to coordinate with the 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. In most cases, the County holds an easement for road, alley, walk, or other 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 may be finalized.

**PUBLIC HEARING:**

Before considering a vacation, except in certain situations, the law requires the Board to adopt a resolution declaring its intent to vacate a street or easement and announcing the date for a public hearing. A notice of the public hearing is published in a publicly available local newspaper of general circulation and posted 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 road has not been used by the public for at least 5 years; no utilities are constructed within the road; 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, Public Works will determine if the vacation may be processed through a public hearing or if it meets the criteria to be considered summarily 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 of the details to determine if the disapproval may be mitigated by additional actions performed by the applicant.

**CONDITIONAL VACATION:**

When a vacation is subject to conditions, it may be approved by the Board but not become effective until all conditions have been met, such as the construction of certain improvements by the property owners. In these cases, Public Works will notify the applicant and give a reasonable time period to comply with the conditions. If the conditions are not met within the specified time period, the vacation will become null and void and the proceedings will be terminated. A new fee will be required if the vacation is reactivated.