





City of Riverside Administrative Manual

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Policy Owner(s): Community and Economic
Development

Approved:



Department



Al Zelinka
City Manager

SUBJECT:

Street, Alley and Walkway Vacation Procedures

PURPOSE:

To establish procedures for vacating unneeded rights-of-way for streets, alleys and pedestrian walkways.

POLICY:

The City shall vacate unneeded rights-of-way for streets, alleys and pedestrian walkways and dispose of the property in accordance with the provisions of the Public Streets, Highways, and Services Easements Vacation Law (commencing with Section 8300 of the Streets and Highways Code of the State of California) and the related policies of the City Council.

"Vacation" means the complete or partial abandonment or termination of the public right to use such street, alley or pedestrian walkway.

A "summary vacation" may occur when: (1) the street has been superseded by relocation, unless such vacation would either cut off all access to a person's property which, prior to relocation, adjoined the street, or terminate a public service easement unless the easement meets the criteria for summary vacation of a public street; (2) the street has been impassable for vehicular travel for five years and no public money has been expended for maintenance during such period; (3) excess right-of-way is not required for street purposes; or (4) a portion of a street lies within property under one ownership and does not continue through such ownership or end touching the property of another. Summary vacation procedures are not available if there are in-place public utility facilities that are in use that would be affected by the vacation. However, if such exists, resolution can reserve those facilities in place.

PROCEDURE:

Responsibility	Action
Community and Economic Development, Planning Division	1. Receives the application, environmental information form, plat map, fees*, property owner notification information, hazardous site review and hazardous materials questionnaire and petitions signed by 60% of the adjacent property owners requesting the vacation.

PROCEDURE:

Responsibility	Action
Standard Vacation	
Community and Economic Development, Planning Division	<ol style="list-style-type: none">2. Determines whether to process as a standard or summary vacation. A determination that vacation is to be summary shall be made only in consultation with the Public Works Department, Public Utilities, and City Attorney's Office.3. The proposed street vacation is assigned to a Case Planner and scheduled for review by the Development Review Committee (DRC). The proposed street vacation is reviewed and a determination of application completeness is provided pursuant to the established Planning case review procedure.4. Upon determination of application completeness, the Case Planner prepares a Staff Report, presentation and required public notices and schedules the proposed vacation for a public hearing by the Planning Commission.
Planning Commission	<ol style="list-style-type: none">5. Holds public hearing; makes environmental finding; makes finding as to conformity of the vacation with the City's General Plan; and approves or denies vacation. If denied, Applicant is notified of right to appeal within 10 calendar days of hearing date. If not appealed, denial is final.
City Council	<ol style="list-style-type: none">6. If denial by Planning Commission is appealed, the matter is scheduled for Council determination. If appeal is denied, denial of Planning Commission is final.
Planning Division	<ol style="list-style-type: none">7. If vacation case is approved by Planning Commission or appealed, Case Planner identifies prospective City Council meeting dates for consideration of both the resolution of intention, setting the date and time for the public hearing; and the public hearing and consideration of the resolution of vacation. NOTE: The resolution of intention must specify the date and time of the public hearing at which the resolution of vacation will be considered; thus, the Case Planner should identify both dates at the same time. The public hearing must also not take place fewer than 14 days following adoption of the resolution of intention, which is an important consideration when identifying prospective Council dates.8. Case Planner sends a request to the City Attorney to prepare a resolution of intention to set a date and time for a public hearing before the City Council to consider the proposed vacation.9. Case Planner sends a request to the City Attorney to prepare a resolution of vacation to be adopted by the City Council should the proposed vacation be approved at the hearing set by the resolution of intention.10. Case Planner prepares and sends a Request for Council form for the consideration of the resolution of intention.
City Clerk	<ol style="list-style-type: none">11. Places the resolution of intention setting the public hearing date on a regular Council agenda.

PROCEDURE:

Responsibility	Action
City Council	12. Adopts the resolution of intention setting the public hearing date and time.
City Clerk	13. Prepares and mails Notices and forwards Notices for publication. Electronically forwards the Notice to the Street Services Division of the Public Works Department for posting along with a blank Affidavit of Posting form.
City Attorney	14. Prepares resolution of vacation and forwards to Planning Division for review.
Planning Division	15. Verifies, in consultation with Survey Division, the reservation of any necessary easements are included in the resolution of vacation and supporting exhibits (legal description, plat map, etc.), and notifies City Attorney.
Street Services	16. Posts the required Notice(s) of the public hearing conspicuously along the line of the street or public services easement proposed to be vacated at least two weeks before the public hearing, which Notices shall not be posted more than 300 feet apart, but at least three such Notices shall be posted. Upon completion of such posting, mails or hand-delivers the original executed Affidavit of Posting to the City Clerk along with the plat map with markings to show posting locations.
City Clerk	17. Publishes notice of the date, time and place of hearing in local newspaper for at least two successive weeks prior to the hearing. 18. Sends notice of hearing date to Applicant and residents within 300 feet of the proposed vacation as well as to affected City departments and utility companies. 19. Places the public hearing on Council agenda for the date and time set forth in the resolution of intention.
City Attorney	20. Forwards final resolution of vacation to City Clerk prior to Council public hearing date.
Planning Division	21. Forwards report, findings and recommendation on the proposed vacation to the City Clerk for transmittal to the City Council according to the established Council agenda item review procedures.
City Council	22. Holds public hearing and makes environmental finding, approves or denies vacation. If denied, no further action is taken. 23. If vacation approved, adopts resolution of vacation and, if appropriate, orders resolution not to be recorded until all of the conditions of approval are met. 24. Authorizes execution of any required quitclaim deeds to convey vacated property owned in fee. Authorizes the execution and recordation of any necessary Certificate of Compliance.

PROCEDURE:

Responsibility	Action
City Clerk	25. Notifies Applicants as to City Council action and advises them to contact the Planning Division and Survey Section to fulfill the conditions of approval, if any.
Applicant	26. Contacts the Survey Section of the Public Works Department to determine what conditions, if any, need to be satisfied, or advises that all conditions have been completed.
Public Works Department	27. Assists the Applicant in completing conditions of approval by preparing necessary documents, checking plans, coordinating with other departments whose approval or opinions are required, and inspecting construction of any physical closure improvements. 28. When all conditions of approval have been satisfied, sends memorandum to the City Clerk, with a copy to the Planning Division, authorizing the recordation of Vacation Resolution.
City Clerk	29. Forwards executed Vacation Resolution to County Recorder's Office for recordation. 30. Notifies Public Works Department of the recording information.
Public Works Department	31. Prepares any required quitclaim deeds; ensures that City has consent of property owners to recordation of any quitclaim deeds by City on owner's behalf; and forwards quitclaim deeds to the City Clerk for execution.
City Clerk	32. Obtains authorized signatures on quitclaim deeds. 33. Forwards executed quitclaim deeds to Real Property Services Division for recordation.
Real Property Services Division	34. Records quitclaim deeds in the County Recorder's Office. 35. Notifies Public Works Department of the recording information.
Public Works Department	36. Prepares and has executed any necessary Certificates of Compliance. Forwards Certificates of Compliance to Real Property Services Division for recordation.
Real Property Services Division	37. Records Certificates of Compliance in County Recorder's Office. 38. Notifies Public Works Department of the recording information.
Public Works Department	39. Closes out file and notifies Planning Division that case is completed. 40. Makes required changes to property records and CADME/GIS.

PROCEDURE:

Responsibility	Action
Summary Vacation	
Community and Economic Development, Planning Division	41. Refer to Steps 1 – 3 above.
	42. Upon determination of application completeness, the Case Planner forwards the legal description and plat map to the Survey Section of the Public Works Department for approval.
	43. Case Planner sends a request to the City Attorney to prepare a resolution of vacation to be adopted by the City Council should the proposed vacation be approved at the hearing set by the resolution of intention.
Public Works Department	44. Reviews and provides and comments or corrections to the legal description and plat map. If accepted, City Surveyor stamps and signs legal description approved and returns to Case Planner.
Planning Division	45. Forwards the stamped approved and signed legal description and plat map to the City Attorney to attach to the resolution of vacation.
City Attorney	46. Prepares resolution of vacation and returns to Planning Division for review. Forwards final resolution of vacation to City Clerk prior to Council hearing date.
Planning Division	47. Case Planner prepares and sends a Request for Council form, draft Council memorandum and resolution of vacation for the consideration of the proposed vacation to the City Clerk for the next available City Council Consent Calendar Agenda.
City Clerk	48. Places the resolution of vacation on a regular Council Consent Calendar agenda.
City Council	49. If summary vacation approved, adopts Vacation Resolution. If denied, no further action is taken. 50. Authorizes execution of any required quitclaim deeds to convey vacated property owned in fee. Authorizes the execution and recordation of any necessary Certificate of Compliance.
City Clerk	51. Forwards executed Vacation Resolution to County Recorder's Office for recordation. 52. Notifies Public Works Department of the recording information.
Public Works Department	53. Prepares any required quitclaim deeds; ensures that City has consent of property owners to recordation of any quitclaim deeds by City on owner's behalf; and forwards quitclaim deeds to the City Clerk for execution.
City Clerk	54. Obtains authorized signatures on quitclaim deeds.

PROCEDURE:

Responsibility	Action
	55. Forwards executed quitclaim deeds to Real Property Services Division for recordation.
Real Property Services Division	56. Records quitclaim deeds in the County Recorder's Office. 57. Notifies Public Works Department of the recording information.
Public Works Department	58. Prepares and has executed any necessary Certificates of Compliance. Forwards Certificates of Compliance to Real Property Services Division for recordation.
Real Property Services Division	59. Records Certificates of Compliance in County Recorder's Office. 60. Notifies Public Works Department of the recording information.
Public Works Department	61. Closes out file and notifies Planning Division that case is complete. 62. Makes required changes to property records and CADME.

Distribution: Regular