



CITY OF WILLITS

COMMUNITY DEVELOPMENT DEPARTMENT

111 E COMMERCIAL STREET, WILLITS CA 95490

PHONE: 707-459-7112 FAX: 707-459-1562

Office Use Only

APP. NO.

DATE FILED:

FEE

RECEIPT NO.

RECEIVED BY:

RIGHT-OF-WAY ABANDONMENT APPLICATION

Prior to submittal of Right-of-Way Abandonment Application, please read the Abandonment Process and Submission Instructions included in this application package. All application fields must be typed or printed legibly. Use additional pages if more space is required. *INCOMPLETE APPLICATION PACKAGES WILL NOT BE ACCEPTED.*

PROJECT DESCRIPTION

Project Name

APN

Project Address

City

State

Zip

APN (All Parcels)

APPLICANT INFORMATION

Applicant's Name

Applicant's Address

City

State

Zip

Applicant's Phone

Email Address

Mailing Address if different than address listed above

CONSULTANT INFORMATION

Consultant Firm Name

Address

City

State

Zip

Phone

Email Address

Mailing Address if different than Address listed above

Completed applications can be submitted electronically to the Community Development Department via email at Aojeda@citofwillits.org or by mail at:

ATTN: COMMUNITY DEVELOPMENT DEPARTMENT

111 E. COMMERCIAL STREET

WILLITS, CA 95490



APPLICATION PACKAGE SUBMITTAL CHECKLIST

See “Right-of-Way Abandonment Process” and “Application Submittal Instructions” for more information on these application items.

Applicant City Staff

1. Application Forms
2. Letter of Request for Abandonment
3. Existing Conditions Map (prepared by surveyor)
4. Exhibit Map/Plat (prepared by surveyor)
5. Legal Description (prepared by surveyor)
6. Completed/Returned Adjoining Property Owner Forms
7. Letter of Agency
8. Copy of related recorded documents (easements, dedications, etc.)
9. Deposit Fee (\$2,500)
10. Completed Agency/Utility Clearance Letters

Clearance Letter Agencies (applicant’s responsibility)

Mendocino Transit Authority
PG&E
Comcast

Solid Waste of Willits
AT&T/SBC
Other (check with City)

City Review Agencies/Departments (City will solicit input from these entities)

- | | |
|---------------------------|--------------------------|
| ▪ Planning | ▪ Building Department |
| ▪ Wastewater | ▪ Water Department |
| ▪ Maintenance | ▪ Engineering Department |
| ▪ Willits Fire Department | ▪ Police Department |

HOLD HARMLESS AND INDEMNIFICATION:

Applicant agrees to and shall defend, indemnify and hold the City of Willits, its officials, employees, agents and volunteers harmless from and against any and all losses, liability, and damage, including reasonable attorney’s fees and/or court costs arising out of the Right-of-Way Abandonment Application process.

The undersigned hereby acknowledges being the applicant(s) of the property contained within the project and hereby consents to the processing and recording of the Abandonment; and further acknowledges that they understand the “Right-of-Way Abandonment Process” and “Submission Instructions” included with this application.

Applicant’s Name (printed) _____

Applicant’s Signature _____ Date _____



RIGHT-OF-WAY ABANDONMENT PROCESS

The process for abandonment is generally as follows:

1. Applicant shall complete the Right-of-Way Abandonment Application and all submittals. The completed submittals and fees must be submitted to the City of Willits Community Development Department, 111 East Commercial Street Willits, CA 95490. **Agency Clearance Letters and Adjoining Property Owner Contract 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 the State and local ordinances, and a determination of the type of abandonment is made. If the application is not complete, it will be returned to the applicant for completion.
3. A preliminary assessment of the environmental impacts of the proposed abandonment is made. If the abandonment is determined to be unusual or controversial, an environmental document (CEQA) may be required.
4. The Community Development Department will review the proposed abandonment to determine its consistency with the City's General Plan, or any other adopted plan or policy. These findings are then included in the staff report presented to City Council at the Abandonment Hearing.
5. The property owners and tenants within a 500-foot radius of a proposed abandonment are notified by mail of the City Council Abandonment Hearing. A Notice of Public Hearing is also published in the newspaper of general circulation and as part of the City Council agenda.
6. The applicant must meet all conditions that are adopted by Council before the abandonment is recorded. The conditions will be derived from the comments received from City departments and other clearance agencies.
7. The applicant will submit documents or proof that all conditions have been met. The conditions must be met within two (2) years of the Abandonment Hearing date or the abandonment is void. If needed, a time extension may be requested of the City Council.
8. The Resolution to Abandon is then recorded with the County Recorder by the City of Willits, Community Development Department.

Please see the attached flow chart of the above Right-of-Way Abandonment Process for more information.

If the proposed abandonment accompanies an entitlement application (subdivision, use permit, etc.), contact City staff about incorporating the abandonment with the entitlement request.



APPLICATION PACKAGE SUBMITTAL INSTRUCTIONS

1. The applicant shall submit a Letter of Request for abandonment. Prepare a letter to the City of Willits, Community Development Department requesting the abandonment of a road, street, alley, or easement. A sample letter is included with the application package, and should contain at least the following information:
 - The request for abandonment.
 - Description of the area to be abandoned.
 - Proposed use of the abandoned area (include plan/drawing)
 - Indicate if the abandonment is part of a Planning Entitlement.
 - Indicate if utilities are to be abandoned, re-routed, or retained.
2. The Applicant shall submit an Existing Conditions Map of the area to be abandoned, prepared and stamped by a licensed land surveyor or qualified registered Civil Engineer. The Existing Conditions Map shall include existing boundary lines, rights-of-way, utilities, easements, and development within the right-of-way to be abandoned, including all areas twenty (20) feet beyond the existing right-of-way.
3. The Applicant shall submit a legal description of the area to be abandoned, prepared and stamped by a licensed land surveyor or a qualified registered Civil Engineer. Provide the original and one copy labeled as Exhibit "A". The legal description shall be prepared on an 8½ x 11 inch paper. Provide closure computation.
4. The applicant shall submit an exhibit drawing/plat of the area to be abandoned, prepared and stamped by a licensed land surveyor or a qualified registered Civil Engineer. Provide the original and one copy labeled as Exhibit "B". The exhibit drawing/plat shall be prepared on an 8½ x 11 inch paper.
5. The applicant shall send the Adjoining Property Contact Form, together with the Existing Conditions Map and the exhibit drawing/plat of the area to be abandoned, to each of the property owners immediately adjacent to the area to be abandoned. 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 original signed Adjoining Property Owner Contact Forms.
6. The applicant shall send Abandonment Clearance Letters and a self-addressed (applicant's address) stamped envelopes with the Existing Conditions Map and exhibit drawing/plat of the area to be abandoned to any affected agency or utility company. The applicant shall obtain the completed Abandonment Clearance Letter Form from the affected agencies and utility companies (contact information provided in application package), and these forms shall be submitted together with application package submittal to the City. Provide the original Abandonment Clearance Letter Forms. The City will distribute and seek comments from internal City Departments after the application is received and fees are paid.

NOTE: The applicant should determine if other utilities or interested entities are in or near the proposed area for abandonment, and obtain an Abandonment Clearance Letter from these parties. The City may require clearance letters from additional entities at its discretion. These may include North Coast Railroad Authority, Caltrans, etc.

If an agency or a utility company requires a certain condition be met that does not appear feasible, the applicant should resolve this with the agency or utility company prior to submission of the application submittal package.

City staff will not accept applications if any of the agencies or 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. Agency and utility company contacts are updated as information of changes is received. To ensure proper routing of Abandonment Clearance Letter Form to the correct contact person(s), it is recommended that the applicant contact the agencies before sending the form.

7. The applicant shall submit initial deposit fees in the amount of \$2,500, payable to the City of Willits. A check or money order will be accepted; cash will not be accepted. Any costs in excess of the deposit shall be belled to the applicant and must be paid prior to the City Council hearing.
8. Provide a Letter of Agency if an agent or representative is filling the application for the owner.

SAMPLE ABANDONMENT LETTER OF REQUEST

January 1, 2023

City of Willits
Community Development Dept.
111 E. Commercial Street
Willits, CA 95490

Subject: [Project Address] – Abandonment Application Letter of Request

Mr. Dusty Duley,

We request the approval of an abandonment for a right-of-way at [project location]. The area to be abandoned is the southernly 8 feet of the 16-foot-wide alleyway between Lot 100 and Lot 101, as shown on the plat, recorded in Book 1 of Maps, Map No. 1 filed in the office of the Recorder at the County Clerk Records Office. The area will be later used to extend property boundaries into the right-of-way. The existing public utilities are proposed to be retained by easement.

Sincerely,

John Smith, P.E.
Project Engineer
[Company]



LETTER OF AGENCY

A Letter of Agency from the owner of the owners authorized representative must be submitted if the applicant is not the owner. The Letter of Agency grants the applicant permission to make application for the requested abandonment.

Date: _____

TO: City of Willits
Community Development Department
111 E. Commercial Street
Willits CA, 95490

I, the undersigned legal owner of record, hereby grant permission to:

Applicant: _____ Phone: _____

Applicant's Address: _____

To apply for abandonment of: _____

Assessor's Parcel Number: _____

(Signature of Owner of Record (MUST BE ORIGINAL))

(Print Name of Owner of Record)

(Address of Owner of Record)

(Phone Number)

Application Number: _____



ABANDONMENT CLEARANCE LETTER

TO: Agency Name: _____

Agency Address: _____

FROM: _____

Phone: _____ Email: _____

1) Location of Abandonment:

2) Proposed use of abandoned area:

3) Are the utilities and "Public Service Easements" proposed to be retained (circle one)? YES / NO

4) Is there entitlement request associated with the abandonment (circle one)? YES / NO

If YES, Planning Project/Case Number: _____

This abandonment is being requested of the City. Please check the appropriate box below. Type or print your comments, if applicable, and **return this document to the applicant within two weeks.**

☐

No objection to the proposed abandonment.

☐

No objection to the proposed abandonment provided the following conditions are met.

☐

Not approved.

Comments: _____

Agency Signature: _____ Name and Title: _____



ADJOINING PROPERTY OWNER CONTACT FORM

TO:

Adjoining Property Owner's Name and Phone Number

Adjoining Property Address

Adjoining Property Owner's Mailing Address

FROM:

Applicant's Name and Phone Number

Applicant's Address

1. REGARDING ABANDONMENT OF:

(attach more pages if necessary)

2. PROPOSED USE OF ABANDONED AREA:

(attach more pages if necessary)

The applicant is requesting the City of Willits abandon the:

Public right-of-way

Public service easement within the property described above

As an adjoining property owner to the property, your comments are requested. Please check the appropriate box below and print or type your comments. **Return the completed form to the applicant at the address above.**

I support the proposed abandonment described above.

I object to the proposed abandonment described above.

COMMENTS:

(attach more pages if necessary)

(Signature)

(Print Name)

(Date)

(Signature)

(Print Name)

(Date)