



ENGINEERING DIVISION

**STREET / ALLEY VACATION (ABANDONMENT)
PLANCHECK SUBMITTAL APPLICATION, CHECKLIST AND
GUIDELINES**

130 SOUTH MAIN STREET, LAKE ELSINORE, CA 92530

P: 951.674-3124, F: 951.674-8761

Fill in the requested information and submit with the required documents and fees to initiate Plan Check. Incomplete submittals will not be processed for plan check.

I hereby request that the City Council of the City of Lake Elsinore undertake proceedings to abandon:

from _____ to _____
as shown on the legal description and plat provided.

STATE REASON FOR VACATION. (use space provided or attach separate sheet)

APPLICANT: _____

STREET ADDRESS/CITY/ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

CIVIL ENGINEER / LAND
SURVEYOR: _____ COMPANY: _____

STREET ADDRESS/CITY/ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

DO NOT WRITE IN THE BOX BELOW

Field Investigation	_____
Office Investigation	_____
City Engineer	_____
Director of Public Works	_____
City Attorney	_____
City Manager	_____
City Council	_____

DISTRIBUTION: Orig-File / Copy-Planchecker, Planning

SUBMITTAL CHECKLIST & GUIDELINES

NEW - A digital copy (CD/DVD/Thumb Drive) of **all submittal documents** is required for in person submittals. Online submittal using the City's Customer Self Service Portal (CSSP) at www.lake-elsinore.org is encouraged to save you time and money.

VACATION / ABANDONMENT SUBMITTAL

QTY	DESCRIPTION OF REQUIRED DOCUMENTS
1	APPLICATION - Completed, stating reason for abandonment
10	LEGAL DESCRIPTION of area to be abandoned, using metes and bounds by survey - formatted to 8 1/2" X 11 "
10	PLAT EXHIBIT - of area to be abandoned depicting legal description - formatted to 8 1/2" x 11"
1	LOT BOOK REPORT or TITLE REPORT - dated within the last three months showing reversion rights
10	MAPS - drawn to scale showing boundaries of property, footprint of all structures within 100 feet of the proposed abandonment and a vicinity map showing major cross streets and distances to nearest cross streets. - Drawn to 8 1/2" x 11" maximum
	INFORMATION TO SUPPORT COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
1	A. <u>Determination by the Planning Division that the project is categorically exempt.</u>
1	B. <u>Completed Environmental Assessment Form and substantiating documentation of support preparation of a Negative Declaration along with appropriate fees.</u>
1	C. <u>Draft Environmental Impact Report prepared under the direction of the Planning Division.</u>
\$3,140.00	PLAN CHECK FEES*

REQUIRED FOR PUBLIC NOTICING / HEARINGS:

ADDRESS LABELS (typed, gummed) Containing the book, block, parcel number, name and address of the owner for all parcels within a 300 foot radius of the exterior boundaries of the subject right of way. A copy of the Assessor's Parcel Map illustrating the 300 foot radius and an affidavit certifying that this information was completed from the latest available assessment roll (specify the year) shall accompany these labels.

NOTICING FEES

RECORDING FEES

GENERAL GUIDELINES

Applicable Codes: Street and Highways Code Sections 2381, 8300-8363 and Government Code Section 65402(a).

Definition: A street vacation is the closing up or abandonment of public right-of-way associated with streets, roads, alleys and highways. This requires City Council action, except for re-subdivision as covered below. These street vacation procedures do not apply to the quitclaim or vacation of a "public service easement" as defined in Streets and Highways Code Section 8306.

Upon filing of a re-subdivision map of the properties underlying the public streets, roads, etc. the vacation(s) can be accomplished on the map by their omission, (Subdivision Map Act – Sec. 66499.20 1/2). An appropriate certification that vacation is the intent is usually required to be on the map. These procedures do not cover such vacations, although some of the same principals apply, such as:

A street vacation cannot take place if it would effectively cut off all access to a property.

Only public streets, roads, alleys, highways and walkways are vacated.

Easements for other purposes and other types of land grants are quitclaimed

In general, the proposed area to be vacated should not be necessary for existing or future use by adjacent property owners or by the City of Lake Elsinore. The City can reserve from the vacation an easement for all public utility purposes, an easement for non-vehicular or vehicular (bicycle) trails for use by the public or an easement for a future street.

The alignment or width of the street has changes such that excess right-of-way exists.

Appropriation of right-of-way should not be assumed to revert to one side or the other, in whole or in part. The City makes no conveyance of property or determination of ownership, by the act of vacation. The holder of the underlying fee title is the owner of the vacated property. The City can only vacate the interest it has, which is an easement for street purposes. The tax assessor will make a determination of ownership for tax purposes. This is typically along centerline and projections of lot lines. The conveyance of property held by the City in fee title is by a separate action of sale or exchange.

There are two types of vacations authorized by the Streets and Highways Code: *summary vacation* and *general vacation*. The summary vacation procedure is a short form process.

1. A **summary vacation** is possible under all the following conditions:

If the street has been superseded by relocation.

If the street has excess right-of-way not required for street purposes.

If the street has been impassable for vehicular travel for a period of five consecutive years and not public money was expended for maintenance of the street during that time.

A summary vacation cannot take place if it would cut off all access of a property to the street or if it terminates a "public service easement" as defined in Streets and Highways Code Section 8306 (unless the requirements of Streets and Highways Code Section 8333 are met).

A summary vacation **may be** possible under the following condition:

If a portion of a street lies within property under one ownership and does not continue through that property or touch other property.

2. A **general vacation** is required under all other circumstances.

Exhibit "A"
Vacation of _____
(Legal Descriptions)

Exhibit "B"
Vacation of _____
(Plat Map)

Scale:
Date Exhibit Prepared:

