



# City of Riverside Administrative Manual

Effective Date: 01/2014  
Review Date: 01/2017  
Prepared by: Community Development

Approved:

Department  
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A "summary vacation" may occur when: (1) the street has been superseded by relocation, unless such vacation would either cut off all access to a person's property which, prior to relocation, adjoined the street, or terminate a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 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. *A 50% refund of

**PROCEDURE:**

<b>Responsibility</b>	<b>Action</b>
	required fees is possible if the vacation is in the community's overriding interest.
	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 and City Attorney's Office.
<b>Standard Vacation</b>	
Utility Company and/or City Department	3. Sends copy of plat provided by applicant to each affected City Department or utility company for comments. 4. Notifies Planning Department as to what easements it wishes to retain and any recommended conditions, and submits comments for or against vacation.
Community Development, Planning Division	5. Compiles all information supplied by each utility company and City department, and provides copy of each to the Public Works Department. Requests preparation of legal description from Public Works. 6. Prepares staff report and initial study. 7. Sends request to prepare resolution of intention to set a public hearing and vacation resolution to City Attorney's Office. 8. Initiates Notice of Public Hearing. Schedules vacation on Planning Commission agenda for public hearing.
Public Works Department	9. Prepares necessary legal description and plats and forwards to the City Attorney's Office and Planning Division.
Planning Commission	10. 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 notified of right to appeal within 10 calendar days of hearing date. If not appealed, denial is final.
City Council	11. If denial by Planning Commission is appealed, sets matter for Council determination. If appeal denied, denial of Planning Commission is final.
City Attorney	12. If vacation case is approved by Planning Commission or appealed, prepares resolution of intention setting the public hearing and forwards to City Clerk.
City Clerk	13. Places the resolution of intention setting the public hearing date on the next regular Council agenda.
City Council	14. Adopts the resolution of intention setting the public hearing date and time.
City Clerk	15. 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	16. Prepares resolution of vacation and forwards to Planning Division for review and inclusion of reservation of any necessary easements not already reserved.

**PROCEDURE:**

<b>Responsibility</b>	<b>Action</b>
Street Services	17. 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	18. Publishes notice of the date, time and place of hearing in local newspaper for at least two successive weeks prior to the hearing. 19. 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. 20. Places the public hearing on Council agenda for the date and time set forth in the resolution of intention.
City Attorney	21. Forwards final resolution of vacation to City Clerk prior to Council public hearing date.
Community Development, Planning Division	22. Forwards report and recommendation to the City Clerk for transmittal to the City Council.
City Council	23. Holds public hearing and makes environmental finding, grants or denies vacation. If denied, no further action is taken. 24. If vacation approved, adopts Vacation Resolution and, if appropriate, orders resolution not to be recorded until all of the conditions of approval are met. 25. 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	26. Notifies applicants as to City Council action and advises them to contact the Survey Section of the Public Works Department to fulfill the conditions of approval, if any.
Applicant	27. 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	28. 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. 29. When all conditions of approval have been satisfied, sends memorandum to the City Clerk, with copy to the Planning Division, authorizing the recordation of Vacation Resolution.
City Clerk	30. Forwards executed Vacation Resolution to County Recorder's Office for recordation.
Public Works Department	31. Notifies Public Works Department of the recording information. 32. 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	33. Obtains authorized signatures on quitclaim deeds. 34. Forwards executed quitclaim deeds to Property Services Division for recordation.

**PROCEDURE:**

<b>Responsibility</b>	<b>Action</b>
Property Services Division	35. Records quitclaim deeds in the County Recorder's Office.
Public Works Department	36. Notifies Public Works Department of the recording information. 37. Prepares and has executed any necessary Certificates of Compliances. Forwards Certificates of Compliance to Property Services Division for recordation.
Property Services Division	38. Records Certificates of Compliance in County Recorder's Office.
Public Works Department	39. Notifies Public Works Department of the recording information. 40. Closes out file and notifies Planning Division that case is completed. 41. Makes required changes to property records and CADME.
<b>Summary Vacations</b> Community Development, Planning Division	42. Sends copy of plat provided by applicant to each affected City Department or utility company.
Utility Company and/or City Department	43. Notifies Planning Division as to any comments for or against the summary vacation.
Community Development, Planning Division	44. Compiles all information supplied by each utility company and City Department and provides copy of each to the Public Works Department. 45. Prepares staff report. 46. Requests Public Works Department to prepare necessary legal description and plats.
Public Works Department Community Development, Planning Division	47. Prepares necessary legal description and plats, and forwards to Planning Division. 48. Forwards copy of staff report, legal description and plat to City Attorney's Office with request to prepare resolution of vacation.
City Attorney	49. Prepares resolution of vacation and submits to Planning Division for review. Forwards final resolution of vacation to City Clerk prior to Council hearing date.
Community Development, Planning Division City Council	50. Submits staff report to City Clerk for placement on City Council agenda. 51. If summary vacation approved, adopts Vacation Resolution. If denied, no further action is taken. 52. 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	53. Forwards executed Vacation Resolution to County Recorder's Office for recordation.
Public Works Department	54. Notifies Public Works Department of the recording information. 55. 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.

**PROCEDURE:**

<b>Responsibility</b>	<b>Action</b>
City Clerk	56. Obtains authorized signatures on quitclaim deeds. 57. Forwards executed quitclaim deeds to Property Services Division for recordation.
Property Services Division	58. Records quitclaim deeds in the County Recorder's Office.
Public Works Department	59. Notifies Public Works Department of the recording information. 60. Prepares and has executed any necessary Certificates of Compliance. Forwards Certificates of Compliance to Property Services for recordation.
Property Services Division	61. Records Certificates of Compliance in County Recorder's Office.
Public Works Department	62. Notifies Public Works Department of the recording information. 63. Closes out file and notifies Planning Department that case is complete.
	64. Makes required changes to property records and CADME.

Distribution: Regular