Department of Public Works
County of Butte

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LAND DEVELOPMENT DIVISION
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VACATION (ABANDONMENT) PROCEDURE

Abandonment has historically been used to describe the process used to vacate public interest in an existing road right of way or utility easement. The vacation process, as setforth in the California Streets and Highways Code, is used to abandon or vacate portions of public rights of way (roads, public utility easements, public service easements, drainage easements, etc.) which are no longer necessary for public purposes. The process Butte County uses is pursuant to the requirements setforth in the California Streets and Highways Code. Following is the recommended process for requesting vacation of a public right of way:

1. Contact the Department of Public Works, 7 County Center Drive, Oroville, CA 95965, with a written request for vacation. The request must include a map or plat clearly showing the area proposed for vacation.

2. The Department of Public Works will provide written response to your request indicating either support or opposition and requesting the following information should you choose to pursue your request:

   a. Letters from the utility companies (Pacific Gas and Electric, Telephone, Water, Sewer, Cable) stating they either do not object to the vacation or the will not object if an easement is reserved for their use. In order to speed up their response, a map detailing exactly what you propose to vacate should accompany your written request to each of the utilities.

   b. A legal description and plat of the proposed area to be vacated, which conforms to the map submitted to the utilities. Plats shall be drawn at a legible scale on an 8 ½"X11" sheet, suitable for recording.

   c. The attached "PETITION FOR VACATION OF PUBLIC HIGHWAY" or "PETITION FOR VACATION OF PUBLIC UTILITY EASEMENT" with a copy of the legal description (per item b above) on page 1 and original signatures and address information of ten free holders (owners 10 different properties) on page 2 for vacation of a public highway or five free holders (owners of 5 different properties) for easement vacation. Pursuant to Streets and Highways Code §8321: in order to vacate a public highway at least two of the required ten petitioners (free holders) shall be residents of the road district in which some part of the street or highway proposed to be vacated is situated and shall be taxable therein for street or highway purposes; in order to vacate a public utility or public service

easement at least one of the required five petitioners (free holders) shall be a resident of the township in which the public service easement proposed to be vacated is situated.

d. Applications are processed on an hourly billing. Provide an initial Application processing deposit in the current amount. The application processing deposit on the date of this letter is $2,667.00 plus either $243.69 (without Ag review) or $339.94 (with Ag review).

3. Once all of the requested information has been received by the Department of Public Works, we will, within 30 days, review it for completeness and confirm the signatures on the petition are property owners within the County and the petition complies with Streets and Highways Code §8321. For complete applications, Department of Public Works will file a report with recommendations to be reviewed and considered by the Planning Commission.

4. If the Planning Commission recommends approval, the results of the Planning Commission Hearing, file information and Public Works recommendations will be sent to the Board of Supervisors with a Resolution of Intent to take an action setting a hearing date of not less than 15 days after the adoption of this Resolution. The public hearing on your request will commence on the date established by the adopted Resolution of Intent. At the conclusion of the hearing, if approval is recommended, the Board of Supervisors will adopt a Resolution of Vacating the street, highway or easement and cause it to be recorded. Typically the public hearing process through the Planning Commission and Board of Supervisors is completed within 90 to 120 days after your application is deemed complete.

If you should have any questions concerning this matter, please contact the Land Development Division of this office Monday through Friday, 8:00 a.m. to 4:30 p.m. at (530) 538-7266.

Attachments