

EXPLANATION OF VACATION PROCEEDINGS

The processing of a request to vacate a public easement such as street, alley, walk or other public easements within the City of Los Angeles are governed by the provisions of the State Streets and Highways Code and the Los Angeles City Administrative Code. It is a legislative act of the City Council terminating any stipulated public rights within the area proposed to be vacated.

WHAT PURPOSE DOES A VACATION SERVE?

Vacation means the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement. The area vacated would then revert to the owner of the underlying fee interest for their own use. Included under vacation proceedings are the following types of public rights-of-way:

- A. Public street, alley or walk
- B. Future street, alley or easement
 - 1. Dedicated by a subdivision tract or parcel map that recorded LESS THAN 25 years previously.
 - 2. Offered for dedication by a separate instrument.
- C. Other public easements [Note: Water Line and Public Utility Easements are quitclaimed by the Department of Water and Power and are not included in the vacation process]

Usually, the City of Los Angeles is only an easement holder of the rights-of-way of public streets, alleys or walks and the adjoining property owners have the underlying fee interest. However, it is advisable for the petitioner to contact a title company to perform a title search of the underlying fee interest of the proposed vacation area prior to submission of the application to confirm their fee interest. In addition, in some instances, the City of Los Angeles owns the underlying fee interest. In these situations, a request may be processed of the City owned property through the appropriate City Agency.

Note: Occasionally a vacation is filed in conjunction with a development project. In order to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare, the street vacation request in conjunction with a major development project might not be accepted. The applicant will be directed to process a subdivision map through the City Planning Department to achieve the result of abandoning and terminating the public right-of-way while adequate reviews of the project impacts will be performed.

If you think your vacation request would fall into this category, please contact the Land Development/Right-of-Way Section of Permit Case Management Division via the Customer Service Request system at <https://dcsr.lacity.org/> for a preliminary evaluation. You may also request an in-person or virtual meetings via BuildLA at <https://appointments.lacity.org/>

WHAT ARE THE COSTS? (FEES AND OTHER COSTS)

In accordance with the Los Angeles City Administrative Code (LAAC), Sections 7.42 and 7.44, the cost of the vacation is the actual cost (time charges) of the work performed, the payment of a **\$14,980 fee deposit** with the application will be required to process a vacation request regardless of the type of vacation. Additional deposits may be required, and unused deposits will be returned when the work is completed. Also, if an Environmental Determination or a Coastal Development Permit are required, additional fees must be deposited.

Government agencies are ***not*** exempt from fees for vacations per City Ordinance No. 181,001, effective January 12, 2010. It is recommended that government agencies pay a fee deposit for the entire cost of the vacation process in the full estimated amount upon submitting the application to avoid any delays in processing due to repeated funding requests.

This deposit is only an estimate and any deficit will be billed at a later date, prior to the recordation of the Resolution to Vacate.

The total required deposit will be assessed by Land Development staff and the petitioner will be sent an electronic invoice via email and/or text message. The invoice may be completed via means including:

- ACH/e-Check
- Credit Card (subject to a 2.7% processing fee)

Some city agencies may require additional fees to be deposited to cover costs during the referral and investigation process, for example, LADOT review fees.

Conditions of the vacation approval may require that the **applicant** dedicate additional easements adjoining his/her ownership for public street or alley purposes and/or construct necessary improvements such as concrete curbs and gutters, sidewalks, sewer and/or storm drain facilities, streetlights, street trees, etc. All costs incurred for the processing of any required dedications, the construction of required public works facilities, and the relocation or protection of any affected public utilities or any other such facilities located within the vacation area, are to be borne by the **applicant**.

REFUNDS: Upon completion of the vacation request, the remaining balance of the deposits would be refunded to the petitioner. In the event the petition for vacation is withdrawn by petitioner or is denied by the City Council, petitioner shall be entitled to a refund of any unused deposits paid. Used deposits are non-refundable.

HOW MUCH TIME IS REQUIRED?

The Bureau of Engineering will review the vacation application and transmit it to other City departments, public agencies, and affected public utilities for their comments and recommendations. The average time to prepare a report to the City Council to either recommend conditional approval or denial of the vacation request varies with the complexity of the request. In average, the processing time to complete a vacation request is between 2 ½ to 3 years. Additionally, if an Environmental Determination or a Coastal Development Permit are required, the time to prepare a report can increase and additional time is required to complete the processing of the vacation request. The actual time varies with the scope and complexity of the vacation request and requires the **applicant** to comply as expeditiously as possible with the conditions of the vacation.

If the City Council fails to act on the vacation initiation within 2 years, the vacation request will expire per Council policy, Council file No. 05-0553.

Vacation proceedings in which the conditions of approval have not been completed by the applicant within 2 years of the date the City Council adopted conditional approval of the vacation request shall be deemed expired per Section 7.48 of the LAAC and will be closed.

WHAT IS THE SEQUENCE OF EVENTS? (SEE ATTACHED FLOW CHART)

INVESTIGATIONS, REFERRALS, RECOMMENDATIONS AND REPORT: As the public street system belongs to the general public, there are many agencies (City of Los Angeles and other public utilities) who may be utilizing or have an interest in the public right-of-way proposed to be vacated. City agencies such as the Bureau of Engineering, Planning Department, Department of Transportation, Fire Department, Department of Water and Power and others, along with affected public utility companies such as the Gas Company and AT&T, will be sent referrals for their comments and recommendations on the proposed vacation. Upon receipt of their responses, a report will be prepared by the Bureau of Engineering and submitted to the City Council through the Public Works Committee for their consideration. In order to provide maximum efficiency, BOE will process the vacation application before the City Council approval of the vacation initiation, unless an applicant requests not to do so.

ENVIRONMENTAL DETERMINATION: The processing of vacation applications is subject to the California Environmental Quality Act (CEQA) and the City's Environmental Quality Act Guidelines. The **applicant** will be required to complete an Environmental Assessment Form as part of the vacation process. If the vacation is not deemed as being categorically exempt from the CEQA Guidelines, it will be forwarded to the Bureau of Engineering Environmental Management Group for review. An appropriate level of CEQA documentation will be determined by the Environmental Management Group. This will extend the required processing time for the vacation beyond that which is discussed in this handout and/or shown on the flow chart. If the vacation is part of a project for which CEQA compliance has already been provided by an existing document adopted by another agency, the applicant is advised to contact the Land Development/Right-of-Way Section to determine if the same documentation can be used for the vacation.

COASTAL DEVELOPMENT PERMIT: If a vacation is located within a Coastal Development Zone, it will be forwarded to the Bureau of Engineering Environmental Management Group for review. This will extend the required processing time for the vacation proceedings significantly beyond that which is discussed in this handout and/or shown on the flow chart. The Bureau of Engineering's decision regarding the Coastal Development Permit is subject to Board of Public Works approval, and subject to California Coastal Commission approval, prior to the vacation being considered by the City Council. If the vacation is part of a project for which a Coastal Development Permit has already been processed by another agency, the applicant is advised to contact the Permit Case Management Division to determine if the same permit may be used for the vacation.

PUBLIC WORKS COMMITTEE AND CITY COUNCIL ACTION: A public hearing will be scheduled for the Public Works Committee to hear the BOE recommendations for the request. Based on the recommendation of the Public Works Committee, the City Council makes its findings for conditional approval or for denial of the vacation request for final determination on the vacation request.

RESOLUTION TO VACATE: After all the required conditions have been complied with by the applicant and any deficit processing costs have been paid, a Resolution to Vacate will be submitted to the City Council for consideration along with the City Engineer's report. Upon adoption of the Recommendation, the Resolution to Vacate will be delivered and recorded in the Office of the Los Angeles County Recorder. The vacation proceedings will then be completed, and the **applicant** and adjoining owners will be mailed a copy of the recorded Resolution.

APPLICANT RESPONSIBILITIES

PUBLIC WORKS IMPROVEMENTS: The conditional approval of vacation applications requires conformance to the City's General Plan and to the street improvement policies for private developments, in conformance to City standards of the General Plan. The **applicant** will be responsible for the costs of constructing any required street, sewer and storm drain improvements including the planting of street trees and the installation of streetlights and fire hydrants.

PUBLIC UTILITIES: All costs in connection with the relocation or protection of any affected public utilities or any other such facilities located within the vacation area are to be borne by the **applicant**.

RIGHTS OF OTHER PROPERTY OWNERS: The City of Los Angeles requires the consents and waivers of damages of all property owners adjoining the public right-of-way proposed to be vacated. In addition, the consents and waivers of other property owners may be required as determined by the City Engineer or City Council.

REVERSIONARY RIGHTS: It is the **applicant's** responsibility to determine the ownership of the underlying fee interest of the public right-of-way proposed to be vacated. The public right-of-way is a City easement for public street, alley, walk, or other purposes and the vacation proceedings removes this easement. A current preliminary title report from a Title Company is required to be provided to identify the underlying fee interest owner.

HOW TO BEGIN VACATION PROCEEDINGS

- A. Fill out the attached application **completely**. If possible, the signatures and/or consents of all property owners abutting the public right-of-way proposed to be vacated and of those who make use thereof for ingress and egress to their property should be included. **Applicants** may obtain information necessary to complete items 2a, 2b, and 2c on the attached application by submitting an inquiry to Land Development/Right of Way Section, via the Customer Service Request system at <https://dscsr.lacity.org/>:
- B. Fill out the attached Environmental Assessment Form.
- C. Include, in the completed application, an annotated print of a cadastral map (8 1/2" x 14" is adequate) showing the following: (See sample attached)
1. The public right-of-way proposed to be vacated
 2. The properties owned by the **applicant** (or the owners being represented by the applicant)
 3. Any other owners whose properties adjoin the area proposed to be vacated

NOTE: **Applicants** may obtain digital prints of the cadastral map from NavigateLA at: <https://navigatela.lacity.org/>

- D. Initial fee deposit payment of \$14,980. If applicable, additional fee deposit of \$32,100 is required for Environmental Review. And if Coastal Development Permit review is also required, then another additional fee deposit of \$32,100 is required. Please contact the Land Development/Right of Way Section to confirm the final deposit amount.

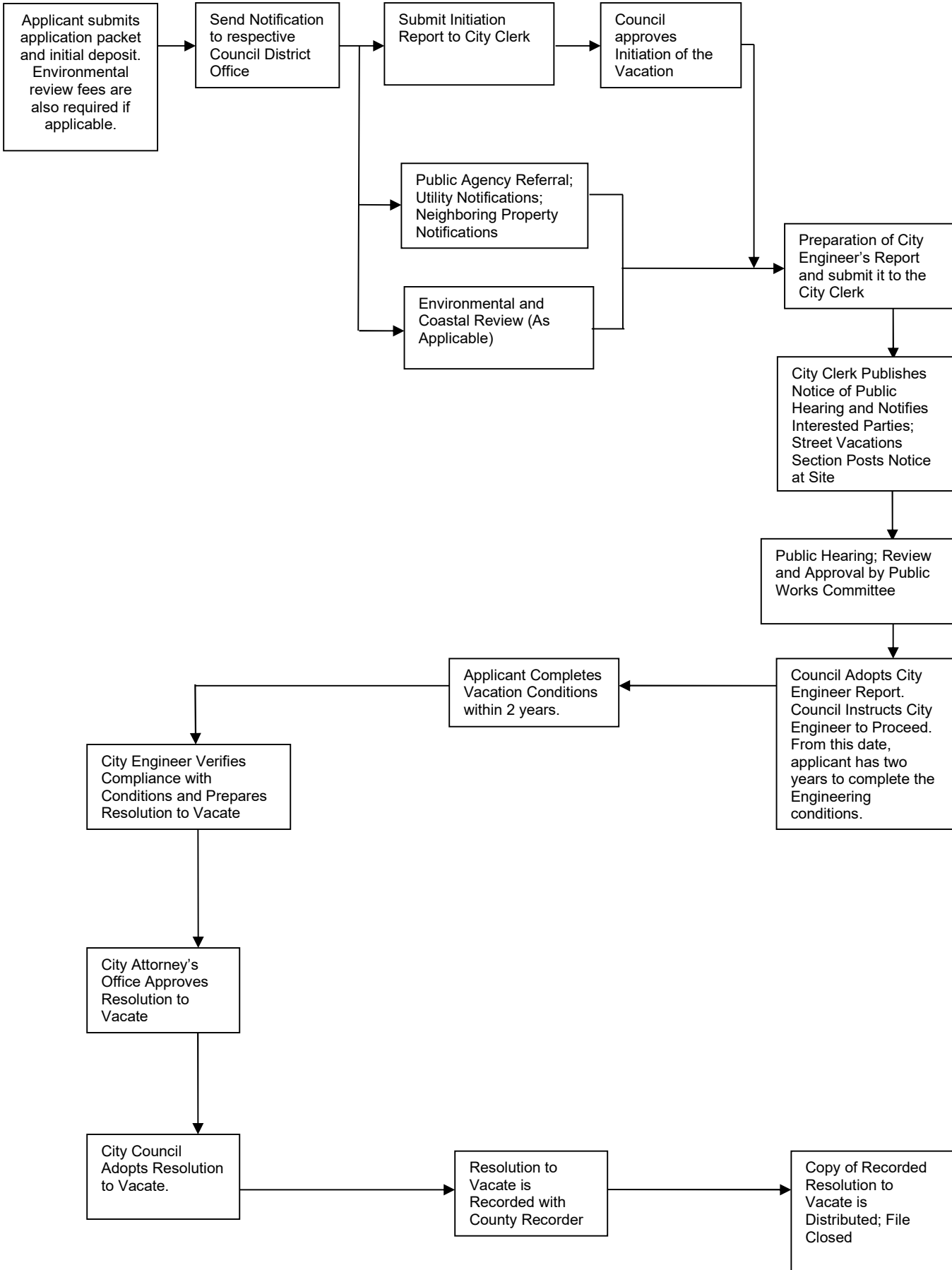
Upon receipt of the street vacation application, an invoice will be sent to the email address provided. This invoice will allow for electronic payment. The payment may be made with credit card or ACH/e-check.

Note: Credit card transactions are assessed a 2.75% service fee. This will appear as a second charge on your credit card statement.

- E. Supporting documentation of the proposed project if the vacation is in conjunction with a development project, including but not limited to plot plan, site plan, determination letter, etc.
- F. Return the fully completed application and map at <https://dscsr.lacity.org/>
Alternatively, the fully completed application and map may be submitted in-person during a scheduled BuildLA appointment at:

Bureau of Engineering
Permit Case Management Division
Attn: Land Development Group
201 N. Figueroa Street, Suite 290
Los Angeles, CA 90012

Street Vacation Proceedings



APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY

ORIGINAL – (No copies or faxes)

DATE: _____

PROJECT LOCATION AND DESCRIPTION:

- (1) Area proposed to be vacated is: _____
(Street/Avenue/Boulevard/alley/walk: N/S/E/W of)
and is located between:
_____ and _____
(Street, Avenue, Boulevard or other limit) (Street, Avenue, Boulevard or other limit)
- (2) The vacation area lies within or is shown on:
- (a) Engineering District: (check appropriately)
 Central Harbor Valley West Los Angeles
- (b) Council District No. _____
- (c) District Map No. _____
- (3) Area (in sq. ft.) of the proposed vacation area is approx. _____ sq. ft. If over 10,000 sq. ft. of buildable area, the vacation is not categorically exempt from the California Environmental Quality Act Guidelines and will require a higher level of environmental review. Contact Land Development/Right-of-Way Section to discuss the effect of this on the processing of your application prior to submittal. If the applicant is required to have an environmental determination performed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$32,100 fee deposit. This will also increase the processing time by approximately 6 months.
- If the vacation is located within a Coastal Development Zone, a Coastal Development Permit will be required for the project. The applicant should be aware that vacations within a Coastal Development Zone will take longer to process and will be considerably more expensive. If the applicant is required to have a Coastal Development Permit processed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$32,100 fee deposit.
 - Some city agencies, including LADOT, may require additional fees to be deposited to cover costs during the referral and investigation process. The applicant is responsible for paying the fees to the agency directly. Referral fees paid to other city agencies are separate from the Bureau of Engineering processing fees.
- (4) Purpose of vacation (future use of vacation area) is: _____

- (5) Vacation is in conjunction with: (Check appropriately)
 Revocable Permit Tract Map Parcel Map Zone Change
 Other _____

PETITIONER / APPLICANT:

(6) Petitioner(s): _____
Print Name(s) of Petitioner(s) in full – Name or Company Name

Signature(s): _____
If Company, Name and Title

(7) Mailing Address: _____
(Address, City, State, Zip Code)

(8) Daytime phone number of petitioner is: _____
FAX number: _____
E-mail: _____

(9) Petitioner is: (check appropriately) () Owner **OR** () Representative of Owner

OWNERSHIPS:

(10) Name(s) and address of the Owner(s) applying for vacation is/are:

Print Name(s) and Address of Owner(s) in Full
(If Owner is Petitioner, Indicate “Same as above”)

Signature(s)

(11) Petitioner is owner or representative of owner of: (check appropriately)

() The property described in attached copy of Grant Deed **OR**
() _____

(Lot, Tract No.) (Parcel, Parcel Map L.A. No.) (Other)

- (12) The following are the available signatures of other property owners who also own properties adjoining the area proposed to be vacated and whose ownerships are indicated on the attached map by use of "circled letters". **(1)** Print Name(s), **(2)** Provide mailing addresses, **(3)** Indicate Lots owned and **(4)** Obtain signatures. (See Example Ownership List)

Ownership Information may be obtained from:

Los Angeles City Clerk or for the most
 Property and Land Ownership Current
 200 North Spring Street information
 Room 360
 Los Angeles, CA 90012
 Phone: (213) 482-0060

Los Angeles County Assessor
 Ownership Information
 500 West Temple Street
 Los Angeles, CA 90012
 Phone: (213) 974-3211

Provide the **information** as indicated:

	Print Names(s) of Property Owner(s) Here	Signature(s) Here
A	----- Print Mailing Address Here	----- Owner of: Lot or Parcel Here
B	-----	-----
C	-----	-----
D	-----	-----
E	-----	-----
F	-----	-----
G	-----	-----
H	-----	-----
I	-----	-----
J	-----	-----
K	-----	-----

Add extra sheet(s) if necessary.