

Categories of Street Vacation Process

Section 8309 of the *Streets & Highway Code* defines VACATION as “The complete or partial abandonment or termination of the public right to use a street, highway, or public service easement.”

The street vacation process can be separated into two categories, REGULAR and SUMMARY. Each process is specified by the Government Code, State of California, Streets & Highways Code, Section 8300.

REGULAR – The Regular process may take approximately 10 to 12 weeks between the acceptance of the vacation application and the final City Council hearing deciding the approval of the vacation. The process requires both a City Council resolution Noticing the public of its intent to vacate the easement, and a subsequent City Council hearing accepting the vacation, which must occur at least 15 days after the resolution noticing the intent to vacate. The street or easement may then be deemed vacated upon the recordation of the City Council resolution. If the City holds a fee interest in the property under the street or easement vacated, then it may take several months to negotiate the sale of the property.

SUMMARY – The Summary process can take approximately 6 weeks from the date of acceptance of the vacation application. Summary vacations also require approval of the City Council.

Instructions

When submitting a Vacation application, include the following:

- 1) **Applicant’s Information** – include the name, address, daytime phone number of the Applicant or his/her designated legal entity.
- 2) **Provide a Description of Adjacent Property** – Include a description of the property adjacent to the street or easement proposed for vacation.
- 3) **Specify Vacated Area** – public street, public utility, or other type of easement.
- 4) **Application Fee** – Please see the fee schedule for the current fee amount.
- 5) **Documents** – The following documents are to be submitted with the application:
 - Applicant and property information.
 - **Letters of review and approval** from all Utility companies that may have interest in the street or easement to be vacated. These letters must be signed by the utility company and indicate their approval of the vacation. (See the attached examples)
 - A copy of the **County Assessor’s Parcel Map** showing the property to be vacated.
 - A copy of the **Tract or Parcel Map, or the recorded document** by which the street or easement was created (if applicable).
 - A current **Title Report** addressing the underlying fee title of the easement area proposed for vacation. The Title Report must be specific to the area proposed for vacation.
 - A **plat map and legal description** of the street or easement to be vacated. If this area is a public street or easement which affects fee interest, the plat and legal description must be prepared by a Licensed Land Surveyor or a qualified Registered Civil Engineer.

APPROVAL OF VACATION BY UTILITY COMPANIES

Please verify with all of the utility companies that may have an interest in the street or easement proposed for vacation.

Below is a list of contacts for the different utility companies. To expedite their review, please include a copy of the plat map showing the area proposed for vacation, a letter requesting their review, as well as a pre-typed letter addressed to the City of Cupertino that they can use for indicating their response to the proposed vacation. Examples of both letters are included.

Utility Company Contacts:

Phil Reynolds, Right of Way Manager
AT&T of California
870 N. McCarthy Blvd., Suite 100
Milpitas, CA 95035

Pacific Gas and Electric Company
Land and Environmental Management
6111 Bollinger Canyon Rd., 3rd Floor
San Ramon, CA 94583

COMCAST
1900 S. 10th Street
San Jose, CA 95112

Depending on the location of the street or easement proposed for vacation, please contact one of the following water and sewer companies and Valley Water if applicable. Staff can assist to determine the appropriate companies.

San Jose Water Company
1265 South Bascom Avenue
San Jose, CA 95128

California Water Service
949 B St.
Los Altos, CA 94024

Cupertino Sanitary District
20863 Stevens Creek Blvd., Suite 100
Cupertino, CA 95014

Sunnyvale Sanitary District
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94086

Valley Water (if the property is adjacent to a creek)
5750 Almaden Expressway
San Jose, CA 95118

SAMPLE LETTER TO UTILITY COMPANY FROM APPLICANT

Bold indicates information specific to your request

Utility Company Name & Address

Date

SUBJECT: REQUEST FOR UTILITY APPROVAL OF THE VACATION OF:
Description of Street or Easement proposed for vacation.

Dear **Contact Name**:

As the property owner, developer or owner's agent of the property located at **property location** I/We are applying to the City of Cupertino for the vacation of the **Description of Street or Easement proposed for vacation** adjacent to or across our property.

One of the requirements of the City's application is the consent of your company to the vacation, or consent to vacate with the retention of an easement that meets your needs and requirements.

Attached for your convenience are copies of the following: (check applicable boxes)

- Assessor's Parcel Map for APN **Assessor Parcel Number**
- Final Map of Tract Number **Tract Number, or Recorded Document**
- Plat of the property showing the easement / right-of-way to be vacated
- Property description and/or description of the easement
- Explanation of the proposed disposition of the easement or right-of-way, and an anticipated date by which the information is needed.

If you have any questions regarding this request please contact me at **phone number**.

Name
Address

SAMPLE LETTER UTILITY COMPANY PREPARES FOR RESPONDING TO THE CITY

Bold indicates information specific to your request

ENDORSEMENT APPROVAL

Chad Mosley, City Engineer
City of Cupertino
10300 Torre Ave
Cupertino, CA 95014

Dear Mr. Mosley

SUBJECT: VACATION OF: Description of Street or Easement proposed for vacation.

Utility Company Name has reviewed the attached application for the vacation of **Description of Street or Easement proposed for vacation** and has the following response:

No objection to the vacation and there are no existing utilities within the vacated area.

No objection to the vacation, but with the following reservation: _____

Objection to the proposed vacation for the following reasons: _____

A plat map is attached for you information.

Utility Contact Name
Utility Company Name
Utility Company Address