
STREET VACATION APPLICATION PROCESS

APPLICABILITY

The authority for the city to act on the vacating of a street or alley is granted under Part 3, Division 9, §8300 of the California Streets & Highways Code. The City's Engineering, Planning and Public Works Departments, as well as the Ferndale Police Dept. and Volunteer Fire Dept. are involved in the process. There are two procedures shown below in which the vacation of a specific city alley, street or easement can be processed: The "Summary Vacation Procedures" and the "General Vacation Procedures". This policy became effective May 15, 2001.

QUICK CHECK LIST FOR SUBMITTAL

- Standard Application Form
- Letter stating reason for request
- Preliminary Title Report, or Lot Book Guarantee
- Map showing area of vacation & properties within 100'
- Fee Deposit

PURPOSE

This process is applicable whenever a specific City Alley, Street or Easement vacation is either requested by the public, or initiated by the City.

PROCESS

GENERAL VACATION PROCEDURES

1. All applications from the public for the vacation of a specific City street, alley or easement shall be submitted in writing, with supportive justification or reasoning, and shall be directed to the City Manager or City Planner, and shall be accompanied by the following required application materials:
 - a. Map showing the city street, alley or easement being considered for vacation and the surrounding affected properties within a 100 foot range
 - b. Preliminary Title Report or Lot Book Guarantee for the entire area proposed for vacation;
 - c. Fee per adopted City Fee Schedule, or as set by the City Council for each individual request.
2. Upon receipt of a complete application for a vacation, the application will be forwarded to both the City Engineering Department and the City Planning Department for their preliminary review. The purpose of this preliminary review is to:
 - a. Determine if the application is complete
 - b. Determine the feasibility of the proposed vacation;
 - c. Determine if the application is to be processed as a General Vacation or Summary Vacation
 - d. Determine applicable conditions to be imposed including
 - Any public improvements and cost estimates as determined by the City Engineer

- The Reservation of needed easements
- e. Request or have required legal description(s) prepared and checked.
3. Once the above review process has been concluded, and the legal description(s) prepared, and the application is accepted for filing, the Planning Department shall set the matter for Public Hearing before the Planning Commission. Public notice shall be sent to all property owners within 100' of the vacation boundary. A Project Report will be prepared and submitted to the Commission. The purpose of the Planning Commission's action is to recommend to the City Council what action to take on the vacation request.
 4. Once the Planning Commission has acted, the matter will be scheduled before the City Council. If the Council finds from all evidence and testimony submitted, that the street, alley, or easement is unnecessary for present or prospective public use, the Council may adopt a Resolution of Intention. The purpose of this Resolution will be to:
 - a. Declare the Council's intention to "Order the Vacation."
 - b. Establish conditions and reservations if any
 - c. Set the matter for a Public Hearing before the City Council to "Order the Vacation"
 - d. Direct the City Clerk to publish the Resolution of Intention and direct staff to post the site in accordance with the law and
 - e. Direct that security in the form of a cash deposit, bond or other surety is deposited for any required public improvements prior to the hearing ordering vacation.

It is important that the date the City Council sets for the hearing to "Order the Vacation" gives all the parties involved time to send and post the required 15 day notices as well as allowing ample time to deposit the security as applicable.

5. Once acted upon the Clerk shall send a copy of the Resolution of Intention to
 - a. The applicant
 - b. Engineering, Planning and Public Works Departments
 - c. Any affected Public Utility Companies and
 - d. Property owners within 100' of the vacation boundary.
6. At the scheduled Public Hearing, the City Council will again take testimony and review the evidence on record to date and if the Council still finds that the street, alley, or easement is unnecessary for present or prospective public use, the Council shall "Order the vacation" by Resolution. Once acted upon, the City Clerk shall cause the Resolution to be Recorded.

SUMMARY VACATION PROCEDURES:

1. The Summary Vacation process is much simpler than that required for a General Vacation and should be used whenever possible. The City Council

- may summarily vacate a city street, alley, right of way, or public service easement if the city can find that:
- a. The street, alley or easement has not been used or been passable for a period of at least five (5) consecutive years;
 - b. No public money was expended for maintenance of the street, alley, or easement;
 - c. As far as public service easements, the easement has been relocated, as no public facilities are located within the easement.
2. Citizen applications for the vacation of a specific City street, alley or easement shall be submitted in writing, with supportive justification or reasoning, and shall be directed to the City Manager or City Planner, and shall be accompanied by the following required application materials:
 - a. Map showing the city street, alley or easement being considered for vacation and the surrounding affected properties within a 100 foot range
 - b. Preliminary Title Report or Lot Book Guarantee for the entire area proposed for vacation;
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SUBMITTAL REQUIREMENTS

A complete application consists of required forms, plans, and other materials, and the required fees and deposits, as described below. The application shall be filed with the City Planner.

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TIME REQUIRED FOR PROCESSING

Following are processing time limits established by state law:

- Maximum time to determine application completeness: 30 days
- Maximum time to either approve or deny application: 105 days (Negative Declaration)
- Maximum time to either approve or deny application: 1 year (Environmental Impact Report)

Note: The preceding time limits are the maximum allowable as specified by state law, unless waived in writing by the applicant. In most instances, applications will be processed in less time than described above. In all instances, applications will be processed as quickly as possible.

FEES

City of Ferndale processing fees are intended to cover all costs typically incurred by the City in processing of applications. Fees are based on estimates of the City's administrative costs. A cash deposit is required to cover City consultant staff time which will be billed to the applicant at prevailing hourly labor rates. Applicants may be required to make additional deposits in instances where processing costs exceed initial deposit amounts.

ADDITIONAL INFORMATION

For additional information concerning planning application requirements and procedures, contact Ferndale City Hall at 707.786.4224 or cityplanner@ci.ferndale.ca.us