



Department of Public Works

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buttecounty.net/publicworks

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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 set forth 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 set forth in the California Streets and Highways Code. Following is the 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 a written response to your request indicating either support or opposition and requesting that you provide 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 they 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 (map) 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) placed on page 1 and original signatures and address information of ten free holders (owners of 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. Complete the attached Department of Development Services forms DPL-01 "Project Information Form" and DPL-04 "Project Setting Description Form" and submit with your other materials and fees.
 - e. Applications are processed on an hourly billing. You will need to provide an initial application processing deposit in the current amount. The application processing deposit on the date of this letter is \$4119.17, \$1,200.00 of which is for processing by the Public Works Department and \$2919.17 is for processing the by the Development Services Department.
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. Once Public Works determines that the application is complete we will file a report with the Development Services Department that includes 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 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.

Attachment

PETITION FOR VACATION OF PUBLIC HIGHWAY

N0.20 ----- 262-_____:

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF BUTTE

DATE: _____, 20____

Dear Board Members:

The undersigned, being ten or more freeholders, at least two of whom are residents of the Road District in which some part of the highway affected is situated; and who are taxable therein for highway purposes, do hereby petition your Honorable Board of Supervisors in writing, in accordance with provisions of Section 8321 of the Streets and Highways Code of the State of California, to VACATE the following-described COUNTY HIGHWAY of the COUNTY OF BUTTE:

Insert Legal Description Here

PETITION FOR VACATION OF PUBLIC HIGHWAY

N0.20 ----- 262-_____:

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

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Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Signature _____ Address _____

Print Name _____ City _____ State ___ Zip _____ Date _____

Butte County Department of Development Services

PAULA DANELUK, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR

7 County Center Drive
 Oroville, CA 95965
 530.552.3700 Telephone
 530.538.7785 Facsimile



PROJECT INFORMATION

Project # (Staff Use Only)

APPLICANT'S NAME: (If applicant is different from owner an affidavit is required.)	ASSESSOR'S PARCEL NUMBER: - -
ADDRESS: STREET, CITY, STATE, & ZIP CODE	TELEPHONE: () -
E-MAIL:	FAX: () -
OWNER'S NAME:	TELEPHONE: () -
ADDRESS: STREET, CITY, STATE, & ZIP CODE:	

PROPERTY INFORMATION

NAME OF PROPOSED PROJECT (if any)	SITE SIZE (in square feet or acres)		
LOCATION OF PROJECT (major cross streets and address, if any)			
ZONE	GENERAL PLAN	EXISTING LAND USE	PROPOSED LAND USE
EXISTING STRUCTURES (square feet)		PROPOSED STRUCTURES (square feet)	UNDER WILLIAMSON ACT CONTRACT <input type="checkbox"/> Yes <input type="checkbox"/> No
(Check One)		(Check One)	
<input type="checkbox"/> PROPERTY IS OR PROPOSED TO BE SEWERED		<input type="checkbox"/> PROPERTY IS OR PROPOSED TO BE ON PUBLIC WATER	
<input type="checkbox"/> PROPERTY IS OR PROPOSED TO BE ON SEPTIC		<input type="checkbox"/> PROPERTY IS OR PROPOSED TO BE ON WELL WATER	

APPLICATION TYPE

<input type="checkbox"/> ADMINISTRATIVE PERMIT <input type="checkbox"/> LEGAL LOT DETERMINATION <input type="checkbox"/> CONDITIONAL USE PERMIT <input type="checkbox"/> MINOR USE PERMIT <input type="checkbox"/> COMMUNICATIONS FACILITY UP/MUP <input type="checkbox"/> VARIANCE <input type="checkbox"/> MINOR VARIANCE <input type="checkbox"/> LOT LINE ADJUSTMENT <input type="checkbox"/> CERTIFICATE OF MERGER	<input type="checkbox"/> TENTATIVE SUBDIVISION MAP <input type="checkbox"/> TENTATIVE PARCEL MAP <input type="checkbox"/> WAIVER OF PARCEL MAP <input type="checkbox"/> CERTIFICATE OF CORRECTION <input type="checkbox"/> REZONE <input type="checkbox"/> GENERAL PLAN AMENDMENT <input type="checkbox"/> MINING AND RECLAMATION PLAN <input type="checkbox"/> DEVELOPMENT AGREEMENT <input type="checkbox"/> OTHER _____
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PROJECT DESCRIPTION

FULL DESCRIPTION OF PROPOSED PROJECT (Attach necessary sheets. If this application is for a land division, describe the number and size of parcels.)

OWNER CERTIFICATION

I CERTIFY THAT I AM PRESENTLY THE LEGAL OWNER OR THE AUTHORIZED AGENT OF THE OWNER OF THE ABOVE DESCRIBED PROPERTY. FURTHER, I ACKNOWLEDGE THE FILING OF THIS APPLICATION AND CERTIFY THAT ALL OF THE ABOVE INFORMATION IS TRUE AND ACCURATE. (If an agent is to be authorized, execute an affidavit of authorization and include the affidavit with this application.)

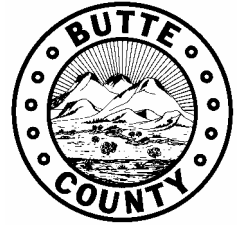
DATE: _____ SIGNATURE: _____

Please contact Planning Division Staff with any questions.

Butte County Department of Development Services

TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR

7 County Center Drive
Oroville, CA 95965
(530) 538-7601 Telephone
(530) 538-7785 Facsimile



PROJECT SETTING DESCRIPTION INSTRUCTIONS

Applicant Name: _____ Project Number: _____

Please address the following in the space provided. Attach a separate sheet of paper, if needed:

1. Identify any applicable proposed development schedule, including anticipated, incremental, or phased development and all associate projects.
2. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies.
3. Describe the site as it exists before the project, including information on topography, soil stability, plants, animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site and the use of the structures.
4. Describe the surrounding properties, including information on plants, animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.).
5. Include any special studies prepared for the project site including, but not limited to traffic, biology, wetlands delineation, archaeology, etc.

Please contact Planning Division Staff with any questions.