



## **CITY OF ANAHEIM STREET RIGHT-OF-WAY AND EASEMENT ABANDONMENT INFORMATION**

This information sheet explains how your application requesting the abandonment of a street or easement will be processed, what fees you must pay, and what information you must submit. This application is for street rights-of-way and easements (e.g. public utility, drainage, recreational) that have been dedicated to the City of Anaheim or for which the City of Anaheim has an interest. This publication is intended to be an informal means of informing the public about a City process. The sheet is not intended to create any sort of legal obligation on the City's part. The actual process is governed by City ordinances, regulations and procedures, and the reader should make specific inquiry to the City for specific cases.

If you have any questions after you have read this information, please contact the Real Property Division at 714-765-5176.

### **APPROVAL AUTHORITY**

Public service easements and/or street right-of-ways can be abandoned in two ways. First, the City can, and currently does, follow the general vacation procedure set forth in Streets and Highways Code §§8320 *et seq.* This abandonment process may only be initiated by the City Council at a public meeting. Thereafter, a duly noticed public hearing (notice to be by publication and posting at least two weeks prior to the public meeting) must be held by the City Council, thus requiring the matter to go to the City Council twice. After a public hearing, the Council may adopt a resolution of abandonment. This process usually takes (8) eight to (10) weeks to complete after the application is received.

Second, under certain limited circumstances, the City can utilize the summary abandonment procedure set forth in Streets and Highway Code §§8335 *et seq.* A summary abandonment must still be approved by City Council resolution, but without the need for a noticed public hearing. This process usually takes (4) four to (6) six weeks after the application is received.

The Real Property Division will assist in determining which procedure is appropriate for your situation.

### **HOW YOUR APPLICATION WILL BE PROCESSED**

The steps involved in reviewing your abandonment application are summarized below:

1. Usually within five days after submittal of the application, information and fee deposit, the Real Property Division will review the submittal for completeness. If the submittal is complete, the application is formally accepted for processing and continues through the review process. If the application submittal is incomplete and additional information or clarification is required, you will be notified in writing. Until the application is deemed complete, it will not proceed through the process.

2. After the application is complete, the Real Property Division will route the plans and materials to City Departments and other agencies for review and comment. At this stage of the review process, the Real Property Division will analyze the agency comments and the project to determine if the findings for approving the abandonment can be made. If additional information is needed, the applicant will be notified in writing within 30 days. If additional information is not needed, the Real Property Division will continue with the review of the abandonment and schedule it for consideration by the City Council. The Real Property Division will then complete the staff report that includes a staff recommendation on the approval or denial of the abandonment and any recommended conditions of approval.
3. At the City Council meeting, the City Council will consider the staff report and all written and verbal input submitted on the project by the applicant and any other interested party. The City Council will take action to approve, conditionally approve, or deny the abandonment application. If the City Council approves the abandonment by resolution, the resolution will be certified by the City Clerk and recorded with the Orange County Recorder's Office. Upon receipt of the recorded resolution, the Real Property Division will forward a copy to the applicant and the abandonment will be deemed complete.

## **FEES**

The cost of processing this application is charged according to the hours spent by staff in reviewing and analyzing the project. The total cost varies according to the size of the project and the complexity of the issues involved. An hourly rate will be charged, as opposed to a flat rate, and a Minimum Initial Deposit with the City, the sum specified in the Public Works Fee Schedule for Abandonments, is required.

[http://www.anaheim.net/depts\\_servc/pub\\_works/dev\\_svc/fee\\_sched.html](http://www.anaheim.net/depts_servc/pub_works/dev_svc/fee_sched.html)

If at any time the minimum balance is insufficient to cover the cost of the remaining charges, the applicant will be immediately notified and the additional amount required by the applicant to continue the processing of the application will be required. If the amount of the Additional Deposit is not received by the City within fifteen (15) working days after the due date, the processing of the application will be terminated until payment is received. Any remaining DTF funds will be sent to the applicant when the project is finalized or the applicant submits a written request to discontinue the application.

## **SUBMITTAL REQUIREMENTS**

The items listed in the Abandonment Application must be submitted as part of the application package in order for the application to be considered complete for processing. Your application will not be accepted if all of the items listed are not submitted.

## **CITY OF ANAHEIM COUNCIL POLICY 5.5**

It is the policy of the City Council that any applicant requesting the abandonment or vacation of any easement, street right-of-way or other property interest, as a condition of approval of any such abandonment or vacation, be required to compensate the City in an amount equal to the fair market value of such property interest. The requirements of this policy shall not apply to (1) the Summary Vacation of unused easements, (2) to property interest with a fair market value of less than \$1,000.00, or (3) when the property owner dedicates equivalent easements or rights-of-way on the property to replace the abandoned or vacated easements or rights-of-way.

# City of Anaheim

## COUNCIL POLICY

**Subject: The Abandonment or Vacation  
of Public Easements or Rights-  
Of-Way**

**Policy # 5.5  
Adopted Date: 01/31/89  
Amended: 06/05/07  
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It is the policy of the City Council that any applicant requesting the abandonment or vacation of any easement, right-of-way or other property interest (collectively referred to herein as “property interest”) by the City shall, as a condition of approval of any such abandonment or vacation, be required to compensate the City in an amount equal to the fair market value of such property interest.

The Real Property Section of the City Engineer’s Office (“Senior Real Property Agent”) shall be responsible for recommending the fair market value of any such property interest and shall provide such information to the City Council and the applicant prior to any decision by the City council to vacate or abandon any such property interest. Final determination of fair market value shall be made by the City Council except where otherwise provided by law. If the Senior Real Property Agent, at his or her sole discretion, determines that an independent appraisal is advisable, or in any case where the Senior Real Property Agent finds that the fair market value of such property interest may exceed One Hundred Thousand Dollars (\$100,000.00), he or she shall order an independent M.A.I. appraisal of such property interest. The cost of any such appraisal shall be borne by the applicant and shall be deemed an obligation of the applicant due and owing to the City.

The requirements of this policy shall not apply (1) to the Summary Vacation of unused easements, (2) to property interests with a fair market value of less than One Thousand Dollars (\$1,000.00), or (3) when the property owner dedicates equivalent easements or rights-of-way on the property to replace the abandoned or vacated easements or rights-of-way.

Nothing contained in this policy shall prohibit the City Council from waiving all or any portion of the compensation payable to City hereunder, for good cause shown, to the extent otherwise permitted by law.

**Reference: [Previous Council Policy 216](#)**



DEPARTMENT OF PUBLIC WORKS
APPLICATION FOR ABANDONMENT

Date: \_\_\_\_\_

APPLICANT INFORMATION

Name: \_\_\_\_\_ Company: \_\_\_\_\_
Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_
Phone No. \_\_\_\_\_ Alternate Phone: \_\_\_\_\_
Fax No. \_\_\_\_\_ Email: \_\_\_\_\_

PROPERTY OWNER'S INFORMATION (IF DIFFERENT FROM ABOVE)

Name: \_\_\_\_\_ Company: \_\_\_\_\_
Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_
Phone No. \_\_\_\_\_ Alternate Phone: \_\_\_\_\_
Fax No. \_\_\_\_\_ Email: \_\_\_\_\_

LOCATION OF ABANDONMENT AREA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PURPOSE OF ABANDONMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPOSED USE OF ABANDONMENT AREA

\_\_\_\_\_  
\_\_\_\_\_

SUBMITTAL CHECKLIST

- Legible copy of the recorded easement(s).
8 1/2 x 11 sketch or plot with dimensions of area(s) to be abandoned. Note: The drawing and/or legal description must bear the signature and stamp if prepared by a Civil Engineer or Licensed Surveyor.
A copy of the owners Grant Deed or Title Report.
A check made payable to the City of Anaheim for the processing of the Abandonment Application. The sum required for the Abandonment Application is specified in the Public Works Fee Schedule.

http://www.anaheim.net/depts\_servc/pub\_works/dev\_svc/fee\_sched.html

- Completed application.

I certify that I am the owner or agent of the property owner for the above property. I understand that the cost of processing this application is charged according to the hours spent by staff in reviewing and analyzing the project. The total cost varies according to the size of the project and the complexity of the issues involved. The applicant understands that there is an hourly rate being charged, as opposed to a flat rate, and a Minimum Initial Deposit with the City, the sum specified in the Public Works Fee Schedule for Abandonments, is required.

If at any time the minimum balance is insufficient to cover the cost of the remaining charges, the applicant will be immediately notified and the additional amount required by the applicant to continue the processing of this application will be required. If the amount of the Additional Deposit is not received by the City within fifteen (15) working days after the due date, the processing of this application will be terminated until payment is received. Any remaining DTF funds will be sent to the applicant when the project is finalized or the applicant submits a written request to discontinue the application.

It is further understood and agreed that this application for abandonment may require the applicant to compensate the City in an amount equal to the fair market value of such property interest, per City Council Policy No. 5.5, as amended June 5, 2007 pursuant to Resolution 2007-078.

If you should have any questions please contact the Real Property Department at (714) 765-5176.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	
Real Property File No:	_____
Associated Project No.:	_____
Existing DTF Account No.:	_____
Date Application Received:	_____