



# COMMUNITY DEVELOPMENT SERVICES

## DEPARTMENT OF TRANSPORTATION

<http://www.edcgov.us/DOT/>

---

### PLACERVILLE OFFICES:

#### MAIN OFFICE:

2850 Fairlane Court, Placerville, CA 95667  
(530) 621-5900 / (530) 626-0387 Fax

#### CONSTRUCTION & MAINTENANCE:

2441 Headington Road, Placerville, CA 95667  
(530) 642-4909 / (530) 642-0508 Fax

### LAKE TAHOE OFFICES:

#### ENGINEERING:

924 B Emerald Bay Road, South Lake Tahoe, CA 96150  
(530) 573-7900 / (530) 541-7049 Fax

#### MAINTENANCE:

1121 Shakori Drive, South Lake Tahoe, CA 96150  
(530) 573-3180 / (530) 577-8402 Fax

## GENERAL VACATION OF A PUBLIC STREET, HIGHWAY OR PUBLIC SERVICE EASEMENT

This process is necessary when affected property owners wish to have an existing public street, highway or public service easement vacated by the County.

The authority to invoke the process of vacating (abandoning) an existing public street, highway (fee title) or public service easement (non-fee title) over, under and/or across property situated in the unincorporated area on El Dorado County, by the County is established and procedures stated under Sections 8320, 8321, 8322, 8323, 8324, 8325, 8335, 8340, 8341, 8348, 8350, 8351, 8353 and 8356 of the California Streets and Highways Code, which authorizes the Board of Supervisors, at their discretion, to vacate a public street, highway, or public service easement. As stated under Section 8321, (a) *Ten (10) or more freeholders may petition the Board of Supervisors to vacate a street or highway under this chapter. At least **two of the petitioners 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;*** (b) Five or more freeholders may petition the Board of Supervisors to vacate a public service easement under this chapter. At least one of the petitioners shall be a resident of the township in which the public service easement proposed to be vacated is situated; (c) The residence address of each petitioner shall be set forth in the petition.

### PROCESS:

1. The applicant submits a completed General Vacation Application to the Department of Transportation (DOT) for review. Please see the section titled "Required Materials" for a complete list of attachments to the application.
2. Submit a completed Agreement for Payment of Processing Fees, also known as a Financially Responsible Party (FRP) form and DOT will determine an appropriate deposit amount. The FRP can be obtained from DOT's website under Applications, Forms and More.
3. Various departments within the County review the proposed General Vacation.
4. Once a completed General Vacation Application "Required Materials" and the applicable deposit are submitted, DOT will verify that all the necessary documents have been received and are completed accurately. If the General Vacation Application is in order, DOT will forward it to Community Development Services, Planning and Building Department (Planning).
5. A General Vacation of a public roadway or highway requires a finding of consistency with the General Plan. Upon receipt of the completed General Vacation Application from DOT, the Planning reviews the application to make a determination if the proposed vacation is consistent with the General Plan. A staff report is then prepared by Planning for the Planning Commission. The Planning Commission hears the item, and votes to either make a positive or negative recommendation of the proposed General Vacation to the Board of Supervisors.

6. After the item has been heard by the Planning Commission, a Resolution of Intention to Vacate, setting the date, time and place of the General Vacation hearing, is prepared by DOT and submitted to County Counsel for review and approval. Once the package is approved, the item is scheduled for the next available Board of Supervisors meeting.

7. Notice must be published in the Mountain Democrat and the local community publication, if any, for at least 2 (two) successive weeks and at least 3 (three) notices must be physically posted in the area of the proposed vacation.

8. At least 30 (thirty) days must be allowed from the date the Board adopts the Resolution of Intention to the date the General Vacation hearing is scheduled. This time period allows the County to send requests of approval to and receive written comment from emergency service providers, and other parties that may have an interest in the right to travel the subject roadway.

9. A Resolution of Vacation package is prepared and a General Vacation hearing is scheduled by DOT and conducted by the Board of Supervisors. Interested parties, in support of or objecting to the proposed vacation, will be heard. If, after testimony is heard, the Board votes to approve the proposed General Vacation, the Resolution of Vacation is adopted and signed by the Chairman. In addition, the Chairman of the Board of Supervisors signs a Quitclaim Deed conveying the roadway or highway to the abutting property owners. The recording of the Resolution of Vacation and the Quitclaim Deed removes the public's interest and the General Vacation is complete.

### **SERVICES:**

The County provides the following services:

1. The review and approval of the proposed vacation by various units within the Department of Transportation. Traffic circulation for proposed future development will be taken into account when DOT provides its recommendation to the Board of Supervisors.

2. The review and approval of the proposed vacation by Planning, together with the Finding of Consistency with the General Plan and the preparation of a staff report to the Planning Commission recommending approval or disapproval.

3. The review and approval of the proposed vacation will be held by the Planning Commission at a public hearing and will provide the resulting recommendation to the Board of Supervisors to approve or disapprove the request. The recommendation is based on the Planning Commission's findings and whether or not the vacation is in the public's best interest and is consistent to the General Plan.

4. The preparation of the Board of Supervisors Agenda Transmittals, Recommendation Letters, the Resolution of Intent, the Resolution of Vacation and the Quitclaim Deed(s) to be acted upon as well as the required public noticing and posting of notices, prepared by the Right of Way Unit.

5. The processing and recordation of the Resolutions and Quitclaim Deed(s).

### **REQUIRED MATERIALS:**

1. A completed application for the proposed vacation.

2. A completed Agreement for Payment of Processing Fees, also known as a Financially Responsible Party (FRP) form which can be obtained from DOT's website under Applications, Forms and More.

3. Included with the application: Anyone having an easement on or along the public street, highway or public service easement area must provide letters stating they have no objection to the proposed vacation. Petitioners must sign a petition requesting the vacation of the street, highway or public service easement. (If a Homeowners Association is petitioning the County, the process must be approved by the Association according to that Association's by-laws and/or Charter /Covenants, Codes/Restrictions, which should also be provided as a part of this application.)

4. An original wet-signed and stamped legal description of the street, highway or public service easement to be vacated on an 8 ½" X 11" sheet of paper labeled "Exhibit A." A plat map or depiction of same on a 8 ½" X 11" sheet of paper labeled "Exhibit B." **The "Exhibits" must be prepared by and bear the stamp Professional Land Surveyor licensed by the State of California.**
5. Original letters from the utility companies having an actual OR POTENTIAL interest in the public street, highway or public service easement, stating their approval or conditional approval of the proposed vacation. The statement must be on the public utility letterhead, contain original signatures, and refer to copies of the legal description and plat attached (Exhibits "A" and "B").
6. A letter from the Fire District when access is an issue, stating that they have no objection to the proposed vacation as to fire safety regulations.
7. Letters from other public service providers potentially affected by this proposed vacation. (Examples: Law Enforcement, Ambulance, Postal Service, etc.)

DOT will begin processing upon receipt of a completed General Vacation Application, presuming all required materials are in order. There is no guarantee that the proposed vacation will be approved.

**THIS DOCUMENT IS SUBJECT TO REVISION. DOT MAY REQUIRE ADDITIONAL INFORMATION OR MATERIALS NOT STATED IN THIS DOCUMENT.**

**GENERAL VACATION OF A PUBLIC STREET, HIGHWAY  
OR PUBLIC SERVICE EASEMENT APPLICATION**

We hereby petition the El Dorado County Board of Supervisors to initiate proceedings to vacate the following Public Street, highway, or public service easement:

---

---

Main Applicant's Name and Contact Information:

---

Address	City & State	Zip Code	Telephone
---------	--------------	----------	-----------

Additional Representative's Name and Contact Information:

---

Address	City & State	Zip Code	Telephone
---------	--------------	----------	-----------

Please describe in detail the reason for the proposed vacation (attach a separate sheet, if necessary):

---

---

---

What other County departments and contact person(s) are working on aspects of this request? Please list the department(s) and contact person(s):

---

---

The following questions are to be answered by someone knowledgeable of the creation and use/non-use of the roadway or highway and/or public utilities easement.

1. Is this a non-exclusive road and public utilities easement? YES NO
2. Is the date of dedication to the County or acquisition less than five (5) years and more than one (1) year immediately preceding the proposed vacation? YES NO
3. Will any resident or property owner be adversely affected by this vacation? YES NO

**SIGNATURES OF APPLICANT(S): \***

---

\* Attach a signed petition with printed names and addresses of properties owned, along with mailing addresses, if different.

**Petition to the County of El Dorado to  
Vacate a Public Street, Highway  
Or Public Service Easement**

1. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)
  
2. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)
  
3. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)
  
4. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)
  
5. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)

**Petition to the County of El Dorado to  
Vacate a Public Street, Highway  
Or Public Service Easement**

6. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)

7. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)

8. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)

9. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)

10. \_\_\_\_\_  
Printed Name Phone Number  
\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Property Address  
\_\_\_\_\_  
Mailing Address (if different)