CITY OF CAMPBELL

Public Works Department

VACATION OF EXCESS RIGHT-OF-WAY OR EASEMENT ABANDONMENT APPLICATIONS

ENGINEERING APPLICATION CHECKLIST

(Download at https://www.campbellca.gov/DocumentCenter/View/424)

This Engineering Application Checklist ("Checklist") is intended to facilitate the submittal of a Vacation application to the City of Campbell Engineering Division. Vacation applications are typically submitted to implement a Condition of Approval from a Planning or Building permit, or after a detailed discussion with Engineering staff to ensure the proposal is feasible. If you need additional assistance, please contact the Engineering Division at (408) 866-2150.

APPLICATION TYPES

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 process of vacation or abandonment of public service easements or rights-of-way is governed by State and municipal codes that require that certain information and findings be considered before public easements/rights-of-way can be vacated to private use.

The following are examples of public rights-of-way that require formal action by the City Council to approve their vacation / abandonment:

APPLICATION TYPES	
APPLICATIONS	**DESCRIPTION**
■ **Abandonment of Light & Air Easement (Building Setback Line)**	■ Setback easements typically created on older Tract Maps that limit the placement of a structure as measured from the front property line, and side property line for corner lots.
■ **Abandonment of Public Utility Easement or Public Service Easement**	■ Utility easements that benefit both the City of Campbell, as well utility companies such as PG&E, San Jose Water Company, AT&T, Comcast, West Valley Sanitation District, etc.
■ **Abandonment of City Specific Easement (Sidewalk, Storm drain, etc.)**	■ Easements that are only for the benefit of the City of Campbell – does not require consent letters from the attached list of utility companies.
■ **Vacation of Excess Right-of-Way**	■ Right-of-Way not currently used by the public.
■ **Vacation of Existing Right-of-Way (Existing Street)**	■ Right-of-Way that is currently used by the public, but is proposed to be vacated for a specific reason such as relocation by a proposed project.
Note: If there are any questions, please contact the Public Works Land Development team at (408) 866-2150.	

DIGITAL SUBMISSION REQUIRED

The City of Campbell utilizes an online permit system called MyGovernmentOnline ("MGO"). **All applications must be electronically submitted through the MGO system,** accessible at https://campbellca.gov/pwmgo. Before you submit an application for the first time, you must create a user account. For more information, please visit the City's Application Center at https://www.campbellca.gov/1050/. MGO also offers a customer service support line at (866) 957-3764 if you need assistance in creating a user account and/or navigating the system. Questions related to the application submittal requirements specified by this Checklist should be directed to the Engineering Division at (408) 866-2150 or publicworks@campbellca.gov. If you require accommodation, there is a public kiosk in City Hall that you may use to submit an application through the MGO system and/or create a user account. However, as noted further in the Checklist, all application materials must be provided electronically; if you wish to use the public kiosk you must bring your application materials on a USB flash drive. For security reasons, application materials may not be downloaded or emailed to the kiosk computer.

When applying in MGO, please select the Application Type: "Map Review – Street/Easement Vacation"

ENGINEERING REVIEW PROCESS

If you are considering an application for Vacation, please contact the Engineering and Planning Divisions to ensure your proposal is feasible and can be supported. The instructions in this handout assume that the proposed Vacation / Abandonment can be implemented using the "Summary" process as detailed in the Streets & Highways Code. Vacations that require the "General" procedure are more complex and require several public hearings – these applications are processed so infrequently that they are billed on a time & materials basis as it is difficult to predict the amount of staff time necessary to complete the process.

If the application involves the vacation of a public roadway, public utility easement, or a public service easement, then the applicant shall contact the utility companies listed at the end of this handout and seek their consent for the vacation. Consent letters from all utility companies are required to make an application.

If the application involves the vacation of a public roadway, then a Title Report will be required **for the area to be vacated** to determine if the underlying ownership rests with the City (Dedicated in Fee) or with the adjacent property owner (Dedicated as a Street Easement). If the City owns the underlying land, then a separate Lot Merger application will need to be processed concurrently to merge the vacated land into the adjacent property.

If the application involves the vacation of a public roadway, or only a portion of an existing public easement, then the applicant will need to hire a Licensed Land Surveyor to prepare a Legal Description and Plat Map for the area to be vacated.

Once all of the preceding requirements have been met, the applicant will make an application to the Public Works Department as detailed below. Staff will review the application and the necessary documents and determine if the application is ready for consideration by the City Council. Revisions may be required to the submitted documents, and only once all of the necessary documents are complete will the application be scheduled for a City Council meeting.

If the City Council approves the vacation, then staff will prepare the documentation necessary to implement the vacation and record the appropriate document(s) at the Santa Clara County Recorder's Office.

LEGAL DESCRIPTION AND PLAT MAP REQUIREMENTS

If your application requires the submittal of a Legal Description and Plat Map, it shall be prepared and signed by a qualified Registered Civil Engineer or Licensed Land Surveyor pursuant to the Professional Land Surveyor's Act. The documents must comply with the requirements below.

Legal Description and Plat Map Requirements

1. Provide all bearings and distances appropriate for the description and clarity.
2. Area, in square feet, to be indicated on plat and legal description of area to be vacated.

3. Existing designations such as lot number and the subdivision recording date.
4. All existing and proposed easements for public and private purposes.
5. Abutting lot recording information.
6. Abutting streets, alleys, centerlines, right-of-way, and widths.
7. **Identify the basis of bearings on plat and legal description (provide record map/document).**
8. Legal description and closure calculations to read clockwise.
9. Vicinity map, if necessary.
10. North arrow and scale.
11. Legal description shall be titled "Exhibit A, Legal Description".
12. Stamped and signed Engineer/Surveyor seal on plat and legal description.
13. Other pertinent information needed for clarity (City plan check may ask for further information).

Please note: Samples from previously approved projects can be provided on request to assist the Surveyor in understanding what is expected. *A picture is worth a thousand words.*

REQUIRED APPLICATION MATERIALS

Upon submittal to the MGO system, a staff member will review your uploaded materials for general adequacy with specifications stated in the table, below, as well as with the additional requirements provided in the following sections. If the required Application Materials are missing, clearly inadequate, mislabeled, or in an incorrect format, the application will not be accepted. You will be notified through the MGO system if your application has been accepted or rejected. Further, please be advised that the submission of Application Materials, including when responding to a notice of incompleteness, must be provided all together and cannot be piecemealed.

#	REQUIRED APPLICATION MATERIALS	ABANDON EASEMENT	VACATE STREET
	(provide as separate documents)		
1.	**Request for Vacation / Abandonment Letter** prepared and signed by the applicant detailing the right-of-way proposed for vacation / abandonment and the reasons the City should consider it. If the vacation was a condition of approval of a Planning or Building permit, please reference that as well.	**Yes**	**Yes**
2.	**Preliminary Title Report** prepared by a title company for the area proposed for Vacation. Must be dated within six (6) months of application date.	**No**	**Yes**
3.	**Legal Description and Plat Map** prepared in accordance with the requirements previously listed in this handout under "Legal Description and Plat Map Requirements". Be sure to include closure calculations, and the reference maps and deeds used to prepare this document.	**Yes[1]**	**Yes**
4.	**Utility Consent Letters** from each of the utility companies listed at the end of this handout.	**Yes[2]**	**Yes**
5.	**Acknowledgement Statement** (see last page of this checklist) stipulating to certain public record, copyright, environmental, and other legal obligations and disclosures.	**Yes**	**Yes**

Notes

(1): Only required if the intent is to abandon a portion of an easement.

(2): Only required if the easement to be abandoned is a Public Utility Easement or Public Service Easement.

APPLICATION MATERIALS SUBMITTAL REQUIREMENTS

Application materials must be provided electronically in Adobe PDF (unlocked) format (i.e., no JPEG, PNG, DOC, etc.), **using the standardized file naming format specified in the table on the following page**. Please do not add dates, numbers, acronyms, special characters (!, @, #, $, %, ^, &, ", ", and *), version numbers or prefix numbers to the file names. Please also ensure that the Project Plans, inclusive of all required sheets, **are combined into a single PDF file**. Separate PDF files will not be accepted and will result in rejection of your application.

REQUIRED FILE NAMING FORMAT	
Required Material *(one PDF file for each item)*	**Required File Name Format** *(label each file exactly like this)*
■ **Request Letter**	■ **Request Letter**
■ **Preliminary Title Report**	■ **Title Report**
■ **Legal Description and Plat Map** (inclusive of legal description, plat map, closure calculations, and referenced deeds and maps)	■ **Plat and Legal (Submittal #)** *Example*: Plat and Legal (Sub 1)
■ **Utility Consent Letters**	■ **Utility Consent Letters**
■ **Acknowledgement Statement**	■ **Acknowledgement Statement**

APPLICATION FEES

Payment of application fees is required prior to processing of your application. Once your application has been reviewed and found to be complete, staff will generate an invoice for the application fees and e-mail it through the permitting system. Failure to pay in a timely manner may result in your application being removed from the application queue (rejected), requiring a new application to be submitted. The application fee schedule is available at https://www.campbellca.gov/160/Fees. Please note that the City charges a 3.36% processing fee for all credit card transitions and a 1% processing fee for all ACH (electronic check) transactions. Cash or check payments may be made at the City Finance Department at no additional cost.

UTILITY CLEARANCE LETTER OF REQUEST (SAMPLE)

Engineering Firm/Owner's Name
123 Address Street
City, CA Zip Code
Phone Number

Date:

A LETTER SHALL BE SENT TO EACH OF THE FOLLOWING OFFICES*

San Jose Water Company
1265 S. Bascom Avenue
San Jose, CA 95128
(408) 279-7874
Email: jim.bariteau@sjwater.com
Fax: (408) 279-7889

Pacific Gas and Electric Company
111 Almaden Blvd., Room 814
San Jose, CA 95115
Land Department
David Neal, Lead Land Tech.
(408) 282-7347 / DAN9@pge.com

West Valley Sanitation District
100 E. Sunnyoaks Avenue
Campbell, CA 95008
(408) 378-2407
Alan Kam, PE akam@wvsdca.gov

Comcast
3760 Haven Avenue
Menlo Park, CA 94025
Karl Lorenz, Network Project Manager
karl_lorenz@comcast.com

AT&T
Bruno Czech, Right of Way Mgr. & PWC
870 N. McCarthy Blvd., Suite 100
Milpitas, CA 95035
bc2742@att.com

*** NOTE: Call or e-mail each office to ensure letter is directed to appropriate department or personnel.**

Subject: Street Address - Consent for (Street Vacation / Easement Abandonment)
Assessor's Parcel Number _____

Dear _____:

As the owner of the property located at_____, I am applying to the City of Campbell for the Vacation of _____ Street/Road/Avenue, located between _____ and _____.

Easement abandonment of an existing (*PSE/PUE*) located on the property.

The City has conducted a preliminary review and supports the (*street vacation/easement abandonment*). One of the requirements of the City's application is the written consent of your company to (*vacate the street right-of-way/abandon the easement*). That consent may be conditional if an easement is to be retained. If an exclusive easement is to be retained or reserved, please indicate so that a separate instrument may be executed to your behalf prior to vacation of the right-of-way or reserved on the vacation documents.

Attached for your convenience are the following:

- Assessor's Map for Parcel Number XXX-XX-XXX
- Parcel/Tract Map
- Plat of the property showing the easement/right-of-way to be vacated
- Legal description of the easement or right-of-way.

I can be reached at (408) XXX-XXXX if you should have any questions or comments.

Sincerely,

CITY OF CAMPBELL
Public Works Department

ACKNOWLEDGEMENT STATEMENT

Please read carefully. These are legally binding statements that may warrant consultation with legal counsel and/or a translator prior to signing. Misrepresentation may result in revocation of an issued building permit. Signature by the Applicant (or contractor), and Property Owner (or a duly authorized individual who may sign on behalf of a corporation, non-profit organization, limited liability company, joint partnership, homeowner associations, etc.) constitutes acknowledgment and/or acceptance of the following by all parties:

(1) The City of Campbell is granted release to copy and reproduce electronically, in whole or in part, drawings and all other materials submitted with this permit application for the City's regulatory, administrative, and legal functions, including sharing of information with other governmental entities and for compliance with the California Public Records Act (CPRA);

(2) All notices and communications may be provided electronically via email or through the MGO system. This acknowledgement constitutes a voluntary and knowing waiver to receive a physical copy of any such correspondence;

(3) Fees must be paid before processing begins; receipt of required materials constitutes application submittal;

(4) If the Public Works application involves construction activities, then the contractor shall maintain their required license and bond in good standing with the Contractors State License Board, a current City of Campbell Business License, and all City required insurance coverage during the entirety of construction activity;

(5) Issuance of a Public Works permit shall not be construed to be an approval of a violation of any local, State, or Federal laws; a permit issued in error under such circumstance shall be considered void;

(6) Construction activity shall occur in compliance with the time and noise limitations specified in the Special Provisions of the approved permit, as well as with local and State air quality and stormwater protection requirements;

(7) Revisions to approved construction plans must receive prior City approval. Construction performed not in compliance with approved construction plans may result in the constructed improvements being rejected and requiring reconstruction; and

(8) The information submitted with the permit application is true and correct to the best of my knowledge.

ATTEST:

APPLICANT ACKNOWLEDGEMENT

Name:	**Title** (*if applicable*):	**Signature**:	**Date**:
_____	_____	_____	_____

PROPERTY OWNER ACKNOWLEDGEMENT

Name:	**Title** (*if applicable*):	**Signature**:	**Date**:
_____	_____	_____	_____

Company (*if applicable*):

_____