



INFORMATION REGARDING VACATION OF THE PUBLIC RIGHT-OF-WAY

Overview

In the context of public right-of-way, a vacation is the act of a legislative body that completely or partially abandons the public right to use a street (which includes alleys) or public service easement (e.g., an easement for sewer and water utility purposes). For example, if an alley was vacated, that alley would cease to exist as a legal street. Vacations are governed by California Streets and Highways Code sections 8300 through 8363.

Nearly all streets and public service easements in the City of Santa Monica are controlled by *easement*, meaning that the City doesn't actually own the land but rather has an easement to use it for a specified purpose (e.g., as a street). When the City vacates a street controlled by easement, the vacated area is now free of the easement, meaning that the original property owners regain control of the area for their own use. These property owners are usually those that surround the vacated area. For example, if an alley is vacated, the property owners on each side of the alley would regain control of that portion of the alley adjacent to their parcel up to the centerline of the alley. It is usually necessary for a property owner to update their title to reflect a vacation once it has been recorded with Los Angeles County. The City has no involvement in the adjustment of titles after recording a resolution of vacation.

Vacation Procedure

Before submitting a vacation request, applicants are encouraged to consult with the City's Civil Engineering Division to explore the feasibility of the vacation request. To request an appointment for a vacation consultation, please contact the Civil Engineering Division at (310) 458-8737. **Please allow a minimum of 3 months to process a summary vacation request, and 6 months to process a general vacation request.**

1. To formally submit a vacation request, submit a Public Right-of-Way Vacation Application and all required documents to the City of Santa Monica Civil Engineering Division. Applications are processed electronically and may be submitted via email to pwpermits@smgov.net.
2. An engineer will be assigned to review the application and all required documents. Please allow up to 30 days for your engineer to review the documents. If corrections are required, the applicant will be notified. Each round of review may take up to 30 days.
3. Once all corrections have been addressed, the engineer will forward the documents to the City Engineer for review and approval. If further corrections are required, the applicant will be notified. Once the documents have been approved by the City Engineer, staff will begin the vacation procedure defined in the California Streets and Highways Code.
4. Staff conduct the vacation procedure prescribed in the California Streets and Highways Code (SHC) based on the type of vacation.
 - a. **Summary vacation:** If the request qualifies for summary vacation, staff will process the request pursuant to the summary vacation procedure in SHC 8330-8336.
 - i. Staff will send notices to private and City utilities to ensure that no utilities exist in the proposed vacation area.
 - ii. Staff will schedule the item to be considered before the City Council.
Note: Staff may or may not recommend that the applicant's vacation request be approved. Final authority lies with the City Council.
 - iii. No public hearing or noticing is required.
 - b. **General vacation:** If the request does not qualify for summary vacation, staff will process the request pursuant to the general vacation procedure in SHC 8320-8325.

- i. Staff will schedule the item to be heard before the City Council. Staff may or may not recommend that the vacation request move forward to the public hearing phase (which would be heard at a subsequent Council meeting). Final authority lies with the City Council.
 - ii. If Council approves the vacation request to move forward to the public hearing phase, the following will occur:
 1. Public notices at the street proposed to be vacated will be posted;
 2. Public notices will be posted in the newspaper;
 3. A public hearing will be held. A staff report will also be prepared with staff's recommendation regarding the proposed vacation.
5. If approved by the City Council, the City Clerk will record a resolution of vacation with Los Angeles County. Upon such recordation, the vacation is complete.

Required Documents

To submit a request to vacate public right-of-way, applicants are required to submit:

1. A Public Right-of-Way Vacation Application;
2. **Exhibit A:** A plat map prepared by a licensed land surveyor on 8.5" x 11" City title block showing the area proposed to be vacated. The plat map shall be labeled "EXHIBIT A" with the title "VACATION OF [STREET/ALLEY/PUBLIC SERVICE EASEMENT], MAP"; and
3. **Exhibit B:** A legal description prepared by a licensed land surveyor on 8.5" x 11" City title block describing the area proposed to be vacated. The legal description shall be labeled "EXHIBIT B" with the title "VACATION OF [STREET/ALLEY/PUBLIC SERVICE EASEMENT], LEGAL DESCRIPTION".
4. All documents referenced in Exhibits A and B (e.g., resolutions, tracts maps, etc. recorded with Los Angeles County)

An AutoCAD template of the City title block is available on the Civil Engineering website at smgov.net/engineering.

Note: A title report may be required during the plan check process if deemed necessary by your plan check engineer.