

APPLICATION FOR RIGHT OF WAY VACATION / DEDICATION OR PUBLIC EASEMENT ABANDONMENT / DEDICATION

Please complete all information below. Current telephone and email are required to process application.

Project Site Address		APN (s)	
Type of Project	<input type="checkbox"/> Right of Way Vacation <input type="checkbox"/> Right of Way Dedication	<input type="checkbox"/> Easement Abandonment <input type="checkbox"/> Easement Dedication	
Applicant Name (Owner Representative)			
Applicant's Telephone & Email			
Property Owner Name*			
<small>*Note: Requesting property owner must also be the underlying fee owner (owner of the land underneath the right of way or public easement), otherwise application will not be accepted.</small>			
Property Owner Mailing Address			
Owner, Developer's Telephone & Email			
Surveyor Name and Firm Name			
Surveyor Telephone & Email			
Planning/Zoning Case Number(s)			
APPLICANT HAS READ AND ACKNOWLEDGES THE FOLLOWING:			
<ol style="list-style-type: none"> 1) If applicant is not owner of record of subject site, a Letter of Agency from owner or owner's authorized representative must be submitted which grants the applicant permission to make the application for the requested vacation or abandonment. 2) Applicant is responsible for submitting documents to Oakland Fire Department (OFD) for their approval separately and prior to this application. Engineering Services will NOT route plans to OFD, and will not accept this application unless OFD has approved of the proposed vacation. 3) Only complete application packages with completed submittal checklist and all required items and information will be accepted for processing. 4) This application is only valid for vacation/abandonment/dedication. Other adjustments to real property may require additional applications, processes, and fees. 5) Routing and review will not occur until fees are paid. 6) By signing below, applicant attests that this submittal package complies with all applicable provisions of the California Streets and Highways Code and Government Code. 7) Applicant must construct "closure" sidewalks, curb, and gutter required at an intersection of vacated street with an improved street. A bonded agreement is required guaranteeing that he/she will bear all costs of having the work completed according to the plans prepared by a registered civil engineer at said petitioner's expenses, and is subject to the approval of the City Engineer. 			
Applicant's Signature		THIS BOX FOR OFFICE USE ONLY	
_____ Date _____		Permit Fees Paid? Yes ___ No ___	Is the Submittal Checklist Attached? Yes ___ No ___
Print name: _____		ENGINEER ASSIGNED:	
		NOTES:	

VACATION/ABANDONMENT SUBMITTAL CHECKLIST

Complete the Checklist below and submit with your application.

<u>Item</u>	<u>Description</u>	<u>Check</u>
1	Letter of Request for vacation/abandonment/dedication signed by all owners of adjoining and underlying properties.	Yes ___ No ___
2	List of adjacent property owner names and contacts, including mailing addresses, telephone numbers, and email addresses.	Yes ___ No ___
3	Title reports for each of the adjoining parcels, no older than 6 months.	Yes ___ No ___
4	Evidence of underlying fee ownership.	Yes ___ No ___
5	Legal Description (Exhibit “A”), signed and stamped by Licensed Surveyor.	Yes ___ No ___
6	Exhibit Map/Plat (Exhibit “B”), signed and stamped by Licensed Surveyor.	Yes ___ No ___
7	Closure calculations signed and stamped by Licensed Surveyor.	Yes ___ No ___
8	Detailed Topographic survey showing all existing utilities and surface features if not included in Plat, signed and stamped by Licensed Surveyor.	Yes ___ No ___
9	Property Ownership Map showing all adjacent property owners, addresses, and APNs.	Yes ___ No ___
10	Letter of Agency (if necessary).	Yes ___ No ___
11	Copy of all related recorded documents (Easements, Maps, Irrevocable Offer of Dedication, etc.).	Yes ___ No ___
12	Evidence of approval from Oakland Fire Department.	Yes ___ No ___
13	Draft deed restrictions for public easements and rights of way, as applicable (irrevocable offers of dedication).	Yes ___ No ___
14	Plans for “closure” improvements (sidewalk, curb, gutter, driveway, drainage) where vacated right-of-way intersects other improved streets and a public access easement is not required, or plans for utility relocation or new utilities as applicable. A separate permit and construction drawings prepared by a licensed civil engineer are required. Vacation will be conditioned on construction of the improvements within one year following approval of the vacation by the City Council and subsequent completion of a one-year warrantee period.	Yes ___ No ___
15	<u>REQUIRED:</u> Email electronic copies to: dot_permits@oaklandnet.com (Include address and permit type in subject line) NOTE: This is a “No Reply” email address. Do NOT email questions.	Yes ___ No ___

Frequently Asked Questions FAQ's for
Vacating, Abandoning or Dedicating Public Right-of-Way or Public Easements

1. I am not the underlying fee owner, can I still apply for a right-of-way vacation?

Answer: No. Applications without evidence that the applicant owns the underlying fee will not be accepted.

2. What is an underlying fee owner?

Answer: The land beneath the public right-of-way may not be owned by the City and may not be owned by adjacent property owners. It may be owned the original subdivider, their heirs, or someone else. The person or entity which owns the land under the public right of way is referred to as the “underlying fee owner.” In all cases, the applicant must perform thorough research, sometimes with the help of a licensed Surveyor, Real Estate Attorney, and/or Title Company to determine who owns the underlying fee.

3. But what if I obtain the underlying fee title and my application ends up being denied? Can I have assurance that my request will go through?

Answer: There is no guarantee that a request for right of way vacation will be approved, and the applicant assumes all risk. There are many opportunities during the process for the request to be denied, but the City cannot begin the process unless the applicant is already the underlying fee owner.

4. What if the City is the underlying fee owner?

Answer: Contact the City of Oakland Real Estate Services Division prior to filing a vacation or abandonment application. You will need to have the property appraised at current market value and the appraiser and appraisal must be approved by Real Estate before you may be able to purchase the title from the City.

5. What if my neighbors don't want the vacation or abandonment to happen?

Answer: All adjacent and adjoining property owners must approve of the request. Remember that additional members of the public may support or oppose the request at any of the required public meetings.

6. What are “closure” improvements?

Answer: Closure improvements are items such as sidewalk, curbs, gutters, and storm drains required to “close” the gap between existing street corners where a vacated right of way intersects with an improved street.

7. Do I have to construct the required improvements before the vacation or abandonment is approved?

Answer: It depends on the improvements and the specific location. In most cases, you must obtain the permits required to perform the work and post the required bonds/sureties prior to final vacation approval.

8. What is a “summary” vacation?

Answer: A summary vacation is for right-of-way that has been impassable for vehicular travel and no public money has been expended for maintenance for a period of 5 years. The process is the same, but because it requires slightly less review, there is a minor reduction in fee cost.

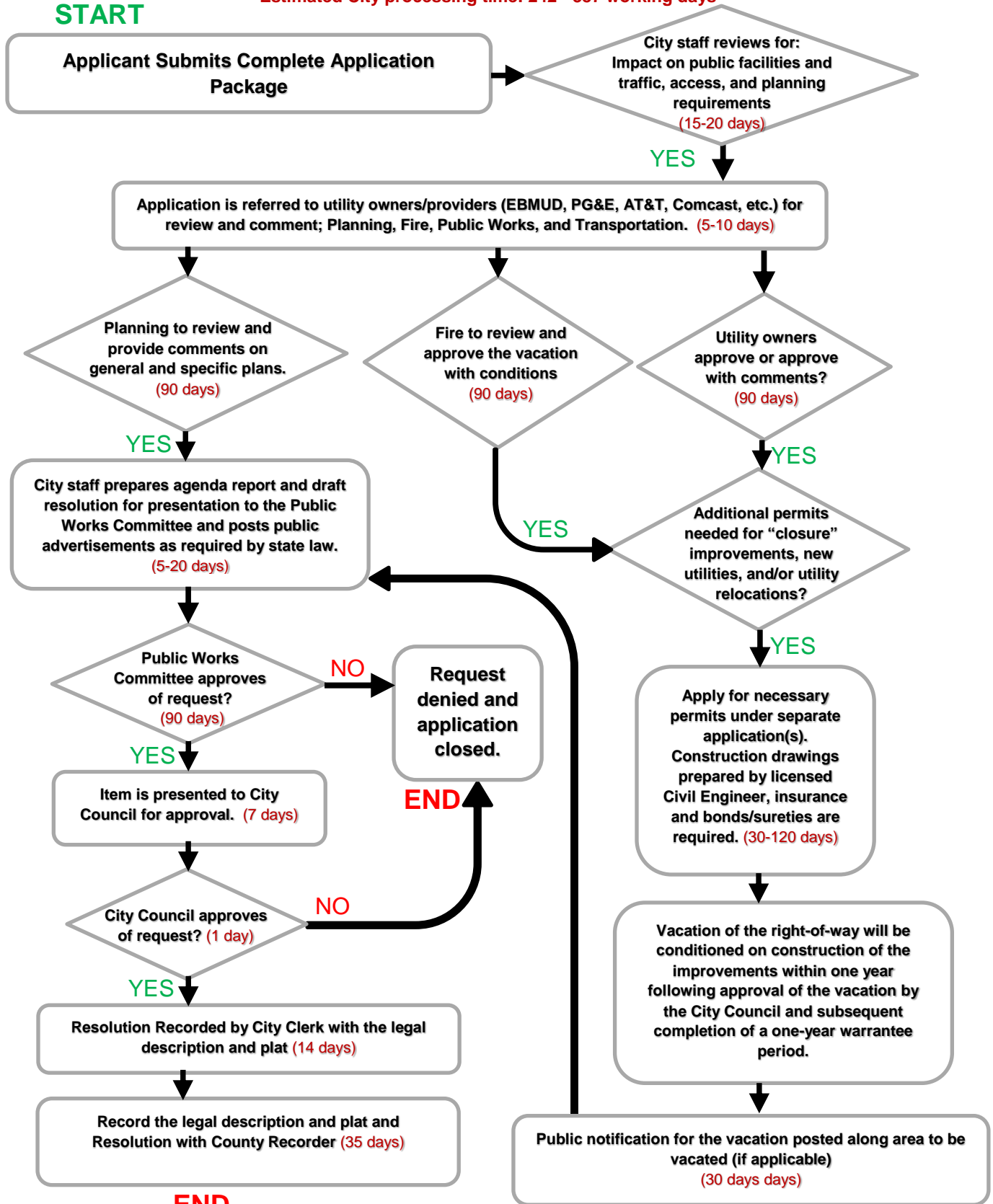
9. Can I dedicate an easement or right of way at the same time that I subdivide my property?

Answer: Yes, but not with this application. You can dedicate easements or rights of way on your Parcel or Tract Map, applied for using the application for parcel or tract map (the one with a pink label).

**PUBLIC RIGHT-OF-WAY AND
EASEMENT VACATION**

Estimated City processing time: 242 - 387 working days

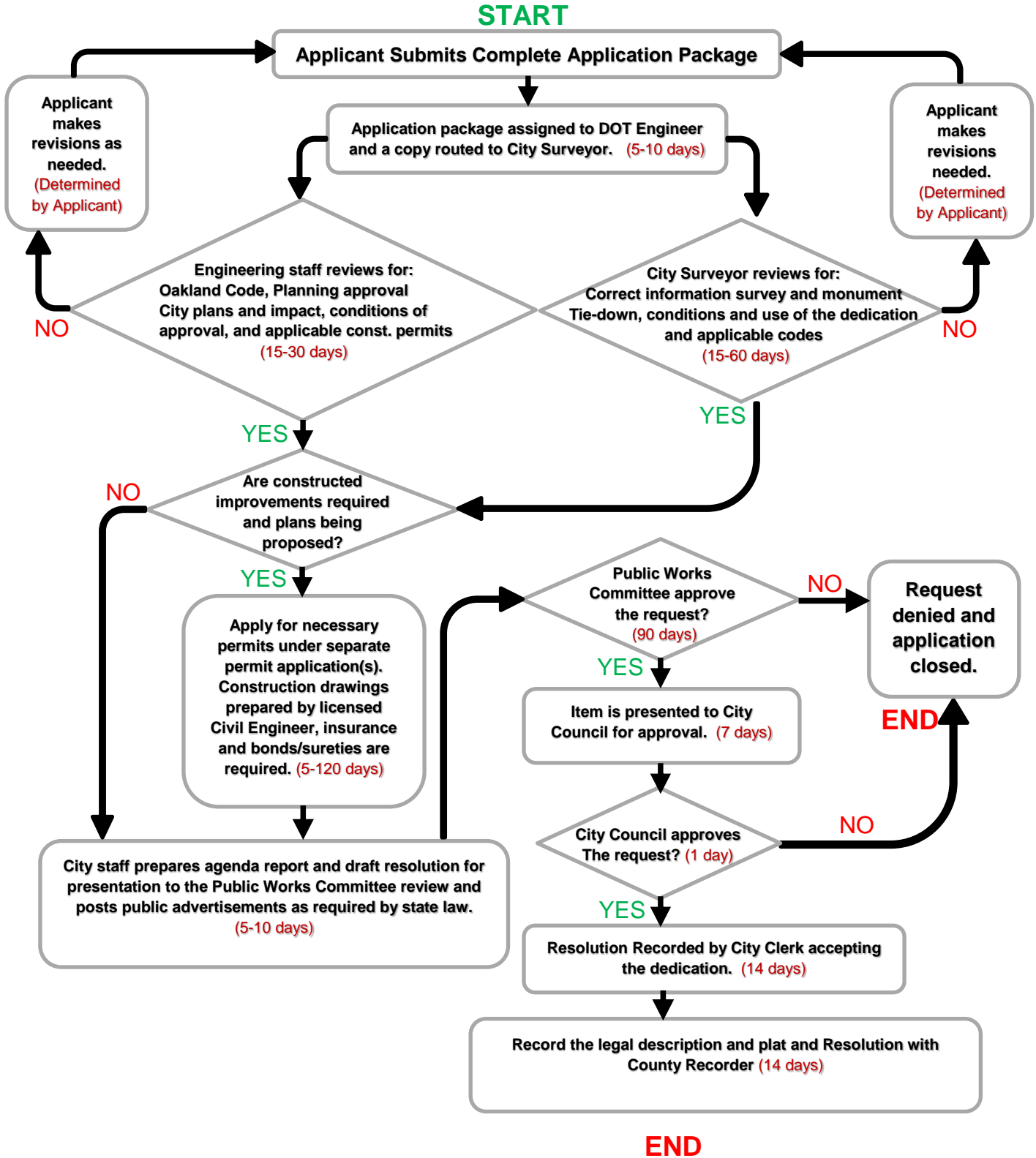
START



END

RIGHT OF WAY AND EASEMENT DEDICATION

Estimated City processing time: 142 - 316 working days



**HOW ARE RIGHT OF WAY OR EASEMENT VACATION, ABANDONMENT,
 AND DEDICATION FEES CALCULATED?**

The fees for Encroachment Permits are calculated based upon the approved Oakland Master Fee Schedule. The tables below show fees based on the 2017/2018 Fiscal Year Master Fee Schedule.

PATH VACATION

No.	Description **	Amount **	
1	Path Vacation	5,154.00	Proceeding

STREET VACATION

No.	Description **	Amount **	
1	Summary Vacation	4,980.00	Street
2	General Vacation	5,154.00	Street
3	Notifications	1,060.00	Block

EASEMENT DEDICATION OR VACATION

No.	Description **	Amount **	
1	City Council Action	4,980.00	Easement
2	City Engineer Action	2,564.00	Easement
3	Shared Access Engineering Review	1,804.00	Easement

STREET DEDICATION

No.	Description **	Amount **	
1	Street Dedication	4,980.00	Street

OAKLAND ZONING REGULATIONS

No.	Description **	Amount **	
1	General Plan Determination	1,078.00	Request

ADMINISTRATIVE ** Non-Refundable per Master Fee Schedule added to all permits

1	Filing Fee	13.00	Each Permit
2	Application Fee	57.00	Each Permit
3	Record Management and Technology Fee	14.75%	Permit Total