



APPLICATION FOR RIGHT-OF-WAY VACATION OR PUBLIC EASEMENT ABANDONMENT (PPE)

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"/> Easement Abandonment								
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. OakDOT will NOT route plans to OFD and will not accept this application unless OFD has approved the proposed vacation. 3) Only application packages with completed submittal checklist and all required items and information will be accepted for processing. 4) This application is only valid for right-of-way vacation or public easement abandonment. 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 the intersection of the vacated street with the improved street. A bonded agreement is required guaranteeing that the applicant will bear all costs to complete work 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 _____ Print name: _____		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"> Permit Fees Paid? Yes ___ No ___ </td> <td style="width: 50%; text-align: center;"> Is the Submittal Checklist Attached? Yes ___ No ___ </td> </tr> <tr> <td colspan="2" style="text-align: center;">ENGINEER ASSIGNED:</td> </tr> <tr> <td style="width: 20%;">NOTES:</td> <td></td> </tr> </table>		Permit Fees Paid? Yes ___ No ___	Is the Submittal Checklist Attached? Yes ___ No ___	ENGINEER ASSIGNED:		NOTES:	
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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 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, etc.).	Yes ___ No ___
12	Evidence of approval from Oakland Fire Department.	Yes ___ No ___
13	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 ___
14	<u>REQUIRED:</u> Email electronic copies to or link to download to: DOTOnlinePermits@oaklandca.gov (Include address and permit type in subject line)	Yes ___ No ___



Frequently Asked Questions for Vacating Public Right-of-Way or Abandoning Public Easements (PPE)

1. What is an underlying fee owner?

Answer: The person or entity which holds legal title to the land is referred to as the “underlying fee owner.” Parcels of land beneath an existing public right-of-way or easement may not be owned by the City and may not be owned by the adjacent property owners. The original subdivider, their heirs, or someone else may be the actual underlying fee owner and may be referred to as having “Reversionary Rights.” 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 the actual underlying fee ownership.

2. Can I apply while researching underlying fee ownership, or while negotiating purchase or obtaining quiet title?

Answer: No. Only the property owner(s) holding title to the underlying fee may apply.

3. What should I do if it appears the City is the underlying fee owner?

Answer: Contact the City’s Economic and Workforce Development Department, Real Estate Services Division prior to filing a vacation or abandonment application. Real Estate Services will determine if the parcel is available for sale and if an appraisal must be completed by the applicant prior to purchasing.

4. Can my application be denied?

Answer: Yes. There are many reasons for an application to be denied. There is no guarantee an application will be approved, and the applicant assumes all risk. However, the City cannot begin the process unless the applicant is already the underlying fee owner.

5. Must neighbors and utility companies approve of a right-of-way vacation?

Answer: Yes. Vacation of the right-of-way is processed under the California Streets and Highways Code, California Subdivision Map Act, and Oakland Municipal Code. The City will determine the category of the vacation application, and the process requires public notification and approval from all utilities. The applicant must remedy any problems that results from the proposed vacation such as relocating existing utilities or providing a new vehicle access easement to any closed off or landlocked parcels.

6. What is a “private access easement” or a “shared access facility?”

Answer: Vehicle access can be provided by a privately maintained access easement or facility when a public right-of-way, publicly maintained street or roadway, does not exist. A "private access easement" is a privately owned and maintained right-of-way which provides vehicular access to each of not more than four lots on a Parcel Map (OMC Chapter 16.32). A Conditional Use Permit from the Oakland Planning Department is required for any “Shared Access Facility” (OMC 17.102.090). If a private access easement or shared access facility is necessary to approve the vacation of public right-of-way, the easement must also comply with the Oakland Municipal Code in the approval, design, construction and maintenance of the easement.

8. What are “closure” or “required” improvements?



Answer: Items such as sidewalk, curbs, gutters, storm drains, sanitary sewers and utilities that are required to “close” the gap between existing street corners where a vacated right of way intersects with an improved street are considered “closure” improvements. “Required” improvements are those items that must be fully constructed prior to recording the vacation.

9. What is a “summary” vacation?

Answer: A summary vacation must comply with and is defined in the California Streets and Highway Code. If the right-of-way has been impassable for vehicular travel and no public money has been expended for maintenance for a period of 5 years, the right-of-way may be vacated summarily (SHC 8331). If a public service easement has not been used for a period of 5 years, or the easement has been relocated with no other facilities located within the easement, it may be vacated summarily (SHC8333). A summary vacation normally does not require a public hearing but will require a resolution approved by City Council. Because there is less staff time to process there is a minor reduction in fee cost.

10. My project is with the City’s Economic and Workforce Development Department. Do I need to submit a PPE Permit application(s) and pay the DOT permit fees?

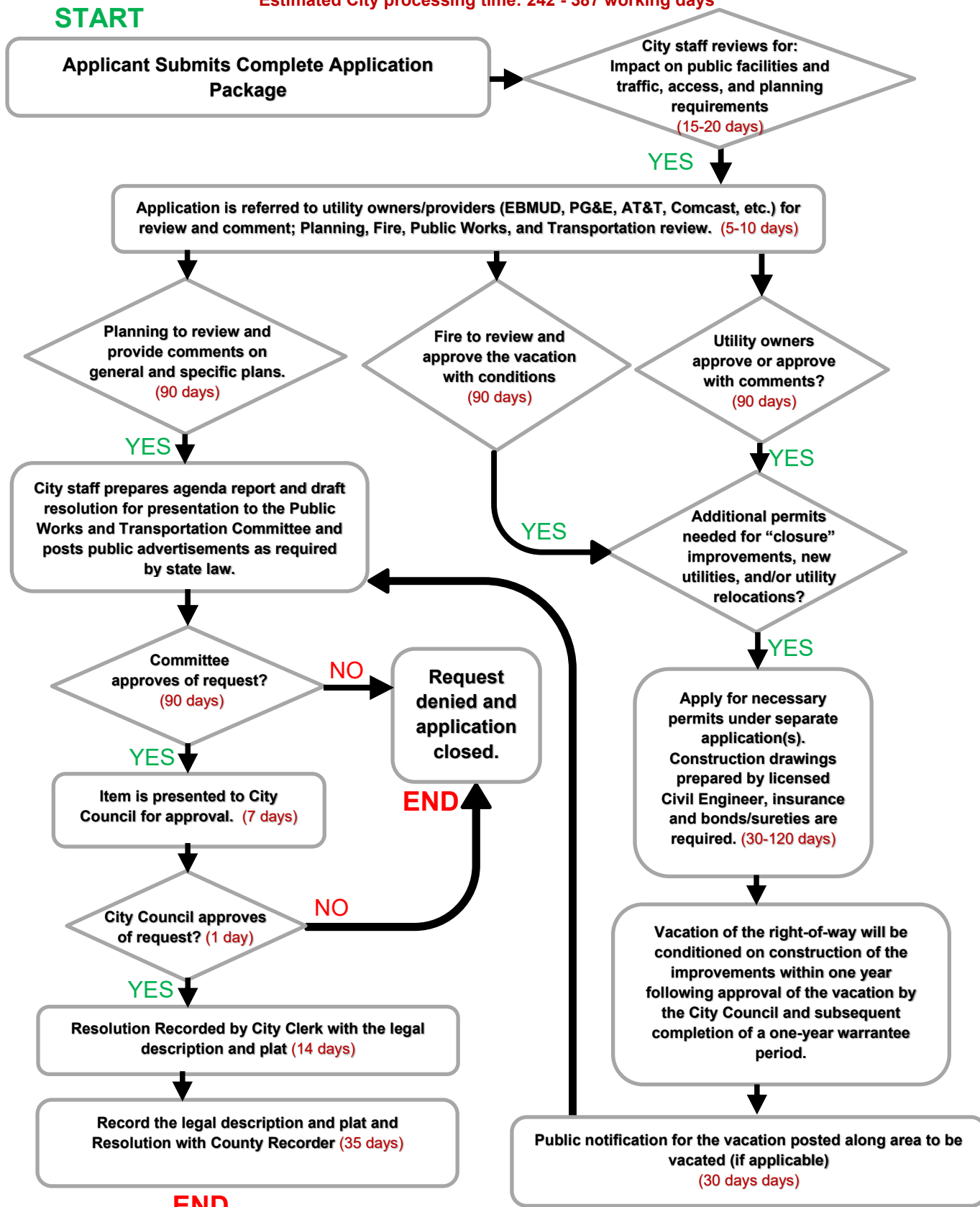
Answer: The project sponsor, whether you or the Economic and Workforce Development Department, is responsible for paying the OakDOT application fees before processing. Contact your Economic and Workforce Development Coordinator and request a pre-application meeting with OakDOT Right-of-Way Management Engineering Services. Your project plans must be prepared by a licensed Civil Engineer. Plans must include existing and proposed utilities and any easements needed for access and emergency vehicles.



PUBLIC RIGHT-OF-WAY AND EASEMENT VACATION

Estimated City processing time: 242 - 387 working days

START





**HOW ARE
 RIGHT-OF-WAY VACATIONS AND EASEMENT ABANDONMENT
 FEES CALCULATED?**

The fees for Right-of-Way Vacation or Public Easement Abandonment Permits are calculated based upon the approved Oakland Master Fee Schedule, as of July 1, 2024.

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 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

OAKLAND ZONING REGULATIONS

No.	Description	Amount	
1	General Plan Determination	1,166.00	Request

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

1	Application Fee	76.00	Each Permit
2	Record Management and Technology Enhancement Fee	14.75%	Permit Total



CITY SURVEYOR REVIEW

The Plats and Descriptions prepared by the Licensed Land Surveyor are reviewed and approved by the City Surveyor.

A minimum of 6 hours of review time for the City Surveyor is required with the initial application and the amount is calculated based upon the approved Oakland Master Fee Schedule, as of July 1, 2024.

SURVEY SERVICES (Review by City Surveyor)

No.	Description	Amount	
1	Standard 2 person survey party and equipment (First 4 hours)	2,015.58	Each
2	City Surveyor	246.85	Hour
3	Senior Survey Tech	140.57	Hour
4	Replacement of a Survey Monument After Disturbance or Loss (Destruction) Without Prior Notice (Flat Fee)	7,903.17	Each
5	Review of Subdivision: Parcel Map	4,228.56	Each
	a. Parcel Map		
	b. Additional Reviews two hours	488.80	Each
6	Review of Subdivision: Final Map	4,717.75	Each
	a. Final Map		
	b. Additional Reviews two hours		

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

1	Application Fee	76.00	Each Permit
2	Record Management and Technology Enhancement Fee	14.75%	Permit Total

The Applicant must pay all invoiced amounts owed *before* the item is scheduled for the City Council Meeting. This includes all review time by Surveyor Services.