



WHAT PURPOSE DOES A VACATION SERVE?

Vacation is the complete or partial abandonment or termination of a public right to use a street, highway, or public service easement. The vacated area would revert to the owner of the underlying fee interest for their own use. Existing utility easements would remain in place and a reservation would be made for said easements.

WHAT ROAD OR EASEMENTS ARE ELIGIBLE FOR VACATION?

To be eligible for vacation, the following findings generally must be made: a) the road or easement is unnecessary for present or prospective public use, including as a nonmotorized transportation facility; 2) the proposed vacation is in the public interest or creates a public benefit; and 3) the proposed vacation does not substantially impair any other property owners' access to the public roadway.

WHO CAN VACATE A RIGHT OF WAY?

In order to vacate a public road, the Board of Supervisors must determine that the road is unnecessary for present or prospective public use and the vacation must be in the public interest. A road vacation proceeding can be initiated via: (1) a petition signed by several property owners presented to the Board of Supervisors; or (2) a resolution approved by the Board of Supervisors.

WHAT ARE THE COSTS?

The cost of the vacation is based upon the amount of staff hours spent processing the request. The cost ranges from \$2,000 to \$20,000 with an average cost of \$4,700. A reimbursement agreement must be executed between the owner of the property and San Luis Obispo County Public Works. Costs are billed monthly based on the number of hours recorded by County staff. The fee for a General Plan Conformity Report is paid separately to San Luis Obispo County Planning.

HOW MUCH TIME IS REQUIRED?

The estimated time to process and record a resolution is 9-24 months depending on complexity. The average timeframe is 12 months (from the initiation of a request to the submittal to the Board of Supervisors for approval).

WHAT IS THE SEQUENCE OF EVENTS?

1. Owner submits a written request (application) and reimbursement agreement to County Public Works.
2. County RW staff acknowledges receipt of application and circulates for internal review. If Department Managers identify that the road or easement is necessary for present or prospective public use, RW staff notifies Owner that Public Works cannot recommend vacation to the Board of Supervisors and that Owner may still pursue vacation via the petition process.

3. If County Public Works Director recommends that said road is "unnecessary for present or prospective public use" in compliance with Streets and Highways Code 8300, submittal of a legal description with plat, prepared by a licensed surveyor and approved by County Survey, starts the process of the vacation.
4. If applicable, requestor will need to complete an Application for General Plan Conformity Report and fee. The application and fee will be submitted for processing and tracking to Public Works Department Right of Way Unit.
5. The County Planning Department reviews and prepares the conformity report and submits to Planning Commission. Other requirements include environmental determination, notice to County Parks, CDF, and others by County staff.
6. Notice to Utilities to reserve their rights, if necessary, completed by County staff. Utility reservation clauses will be added to approved legal description by County staff.
7. Resolution of Intention to Vacate presented to Board along with formal Notice to be posted and published indicating the public hearing date and time and place for consideration, if needed.
8. Formal hearing before the Board of Supervisors. Board approves conformity report from Planning Department, findings in fact presented at the hearing, direct staff to return to them with Resolution to Vacate. A summary vacation does not require a formal hearing and would be added to the Agenda as a consent item.
9. Presentation of Resolution to Vacate to Board (hearing item), and formal adoption of resolution at their discretion. If the Board denies resolution, requestor is still responsible for all accrued fees.
10. If the vacation concerns an easement, recording of the Resolution completes the process.¹
11. If the street is held in title by the County in fee, then a conveyance by quitclaim deed, with a purchase by the adjacent owner, is required to transfer the title to the private party.
12. If the vacation concerns property owned by the County in fee, Owner shall reimburse the County for the appraised value of the property or demonstrate that it is providing an equivalent public benefit. Upon payment, a quit claim deed must be recorded, after which the process is completed.

¹ If vacation is approved by the Board and all conditions are completed (including payment of reimbursement amount), the Resolution to Vacate is recorded.