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## Summary of the Public Easement/Public Right-of-Way Vacation Process

- Step 1 Obtain a *Petition for Vacation of Public Easement/Public Right-of-Way* from the Survey Department at the Permit & Resource Management Department (PRMD). A Public Easement/Right-of-Way Vacation is not always an appropriate course of action in every situation. Please speak with the County Surveyor staff to discuss whether pursuing the petition is appropriate. Leonard Gabrielson may be contacted at (707) 565-3711 or [leonard.gabrielson@sonoma-county.org](mailto:leonard.gabrielson@sonoma-county.org).
- Step 2 Complete the *Petition for Vacation of Public Easement/Public Right-of-Way* and provide all required accompanying documentation.
- Step 3 Turn in the petition and its supporting submittal information to the Survey Section at PRMD and pay the necessary fees. (See the current fiscal year's *County Surveyor/Land Development Fee Schedule*.) The public easement/public right-of-way vacation process is an at-cost process. The petitioner will be required to enter into an *At-Cost* agreement per the *Engineering At Cost Agreement (ENG-005)* form, and pay the at-cost minimum fee. The at-cost minimum fee is designed to cover approximately the first 25 hours of staff time spent on all aspects of the project as subsequently described herein. If staff time exceeds the minimum fee collected, the petitioner will be billed for the outstanding amount. At the petitioner's option, the Preliminary Research fee may be paid initially instead of the at cost minimum, but it will cover only the research to determine whether the County has an interest to vacate in the subject public easement/public right-of-way. The remaining portion of the minimum at-cost fee will be required to be paid by the petitioner prior to proceeding beyond the initial research phase.
- Step 4 Upon receipt of the appropriate fees and a complete petition, the petition will be processed by staff at PRMD. A determination will be made as to whether the public has an interest in the public easement/right-of-way that can be vacated. Please note that it may be necessary for the petitioner to produce additional evidence of the public's interest in the public easement/right-of-way in question.
- Step 5 If it is determined that a public interest exists and can be vacated, the neighboring parcels, utilities, interested parties, County departments, and other agencies will be notified by mail of the proposed vacation. Those notified have 40 days to respond to the notification. Responses from the noticed parties are collected and evaluated. In some cases, a vacation of a public easement/right-of-way may be granted with reservations of the rights of public utilities to maintain their public utility easements in the area.

- Step 6 Based upon the information collected, PRMD will recommend the approval or denial of the petition. The petitioner will be notified of PRMD's decision and shall then decide whether to proceed. The petitioner may decide to proceed with the request even if the PRMD recommendation does not support the vacation. If the petitioner decides not to proceed, no further action will be taken by the County.
- Step 7 If the petitioner decides to proceed with the process, a public hearing request will be processed and scheduled through the Board of Supervisors. The petitioner will be notified in writing by PRMD staff of the date and time of the public hearing.
- Step 8 The Clerk of the Board of Supervisors will be required to advertise the public hearing for the proposed public easement/right-of-way vacation in a local newspaper, and PRMD staff will be required to post notices in the vicinity of the area to be vacated.
- Step 9 PRMD staff will prepare a board report and resolution for the Board of Supervisors to review and vote on at the public hearing.
- Step 10 A public hearing will be held before the Board of Supervisors. PRMD staff will be available at the hearing to answer questions for the Supervisors and the public will be permitted to offer testimony on the proposed public easement/right-of-way vacation.
- Step 11 The Board will vote to support or deny the vacation at the hearing or will continue the matter to another date.
- Step 12 If the Board votes to deny the petition to vacate, no further action will be taken by the County, and the public easement/right-of-way will not be vacated.
- Step 13 If the Board votes to continue the Resolution to another date, the hearing process will continue on the new date.
- Step 14 If the Board votes to support the Resolution, it will be forwarded to the County Recorder's Office to be recorded as long as the at cost fee balance has been paid in full. Upon recordation, the public interest in the subject area will be vacated.
- Note: The vacation process does not determine the ownership of the vacated right-of-way; rather, it only eliminates the public's right to use the area in question.