



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

Application for Vacation of a Street or Easement

1. General Information

Property Owner's Name(s):	Phone:
Mailing Address (if different property address):	Email:
Representative's Name (if different from owner):	Representative's Phone:
Representative's Address:	Representative's Email:

2. Property Address: _____
Assessor's Parcel Number: _____
Tract No. _____ Lot No. _____

3. Description of Street or Easement to be Vacated (ie. public street, type of easement):

4. Reason for the request:

The undersigned state that the required plat map, legal description, utility consent letters, a recent title report, and grant deed are included.

_____ Representative (Print)	_____ Signature	_____ Date
---------------------------------	--------------------	---------------

By signing this, I/we hereby assign the above representative to act on my behalf to precede with the vacation application.

_____ Property Owner (Print)	_____ Signature	_____ Date
---------------------------------	--------------------	---------------

_____ Property Owner (Print)	_____ Signature	_____ Date
---------------------------------	--------------------	---------------

Categories of Street Vacation Process

Section 8309 of the *Streets & Highway Code* defines VACATION as “The complete or partial abandonment or termination of the public right to use a street, highway, or public service easement.”

The street vacation process can be separated into two categories, REGULAR and SUMMARY. Each process is specified by the Government Code, State of California, Streets & Highways Code, Section 8300.

REGULAR – The Regular process may take approximately 10 to 12 weeks between the acceptance of the vacation application and the final City Council hearing deciding the approval of the vacation. The process requires both a City Council resolution Noticing the public of its intent to vacate the easement, and a subsequent City Council hearing accepting the vacation, which must occur at least 15 days after the resolution noticing the intent to vacate. The street or easement may then be deemed vacated upon the recordation of the City Council resolution. If the City holds a fee interest in the property under the street or easement vacated, then it may take several months to negotiate the sale of the property.

SUMMARY – The Summary process can take approximately 6 weeks from the date of acceptance of the vacation application. Summary vacations also require approval of the City Council.

Instructions

When submitting a Vacation application, include the following:

- 1) **Applicant’s Information** – include the name, address, daytime phone number of the Applicant or his/her designated legal entity.
- 2) **Provide a Description of Adjacent Property** – Include a description of the property adjacent to the street or easement proposed for vacation.
- 3) **Specify Vacated Area** – public street, public utility, or other type of easement.
- 4) **Application Fee** – Please see the fee schedule for the current fee amount.
- 5) **Documents** – The following documents are to be submitted with the application:
 - Applicant and property information.
 - **Letters of review and approval** from all Utility companies that may have interest in the street or easement to be vacated. These letters must be signed by the utility company and indicate their approval of the vacation. (See the attached examples)
 - A copy of the **County Assessor’s Parcel Map** showing the property to be vacated.
 - A copy of the **Tract or Parcel Map, or the recorded document** by which the street or easement was created (if applicable).
 - A current **Title Report** addressing the underlying fee title of the easement area proposed for vacation. The Title Report must be specific to the area proposed for vacation.
 - A **plat map and legal description** of the street or easement to be vacated. If this area is a public street or easement which affects fee interest, the plat and legal description must be prepared by a Licensed Land Surveyor or a qualified Registered Civil Engineer.

APPROVAL OF VACATION BY UTILITY COMPANIES

Please verify with all of the utility companies that may have an interest in the street or easement proposed for vacation. Below is a list of contacts for the different utility companies. To expedite their review, please include a copy of the plat map showing the area proposed for vacation, a letter requesting their review, as well as a pre-typed letter addressed to the City of Cupertino that they can use for indicating their response to the proposed vacation. Examples of both letters are included.

Utility Company Contacts:

AT&T of California

Mary Anne C. Baron, Right of Way Manager
359 Washington St, Daly City, CA 94015
415-350-2556
mc2879@att.com

PG&E

Land Management Group, South Coast
landsceexternalinquiry@pge.com

Comcast

Karl Lorenz, Network Project Manager
3760 Haven Avenue, Menlo Park, CA 94025
415-859-0539
karl_lorenz@cable.comcast.com

Please also contact one of the following water and sewer companies (and Valley Water, if applicable). The link below can provide you with the correct water and sewer company based on the location of the proposed street or easement vacation. Staff can also assist in confirming the appropriate companies to contact.

www.cupertino.gov/Residents/Utilities

San Jose Water Company

Engineering Department
1265 South Bascom Ave, San Jose CA 95128
408-279-7862
engineering.dept@sjwater.com

California Water Service

Chris Wilson, Operations Manager
949 B St, Los Altos, CA 94024
650-207-7239
cwilson@calwater.com

Cupertino Sanitary District

Esteban Delgadillo, Senior Sanitary Engineer
20863 Stevens Creek Blvd, Suite 100
Cupertino, CA 95014
279-245-9047
edelgadillo@markthomas.com

Sunnyvale Sanitary District

City of Sunnyvale, Environmental Services Dept
456 W Olive Ave, Sunnyvale, CA 94086
408-730-7900
esd@sunnyvale.ca.gov

Valley Water (if the property is adjacent to a creek)

Community Projects Review Unit
5750 Almaden Expressway, San Jose, CA 95118
408-630-2650
CPRU@valleywater.org

SAMPLE LETTER TO UTILITY COMPANY FROM APPLICANT

Bold indicates information specific to your request

Utility Company Name & Address

Date

SUBJECT: REQUEST FOR UTILITY APPROVAL OF THE VACATION OF:
Description of Street or Easement proposed for vacation.

Dear **Contact Name**:

As the property owner, developer or owner's agent of the property located at **property location** I/We are applying to the City of Cupertino for the vacation of the **Description of Street or Easement proposed for vacation** adjacent to or across our property.

One of the requirements of the City's application is the consent of your company to the vacation, or consent to vacate with the retention of an easement that meets your needs and requirements.

Attached for your convenience are copies of the following: (check applicable boxes)

- ☐ Assessor's Parcel Map for APN **Assessor Parcel Number**
- ☐ Final Map of Tract Number **Tract Number, or Recorded Document**
- ☐ Plat of the property showing the easement / right-of-way to be vacated
- ☐ Property description and/or description of the easement
- ☐ Explanation of the proposed disposition of the easement or right-of-way, and an anticipated date by which the information is needed.

If you have any questions regarding this request please contact me at **phone number**.

Name
Address

SAMPLE LETTER UTILITY COMPANY PREPARES FOR RESPONDING TO THE CITY

Bold indicates information specific to your request

ENDORSEMENT APPROVAL

Chad Mosley, City Engineer
City of Cupertino
10300 Torre Ave
Cupertino, CA 95014

Dear Mr. Mosley

SUBJECT: VACATION OF: **Description of Street or Easement proposed for vacation.**

Utility Company Name has reviewed the attached application for the vacation of **Description of Street or Easement proposed for vacation** and has the following response:

☐ No objection to the vacation and there are no existing utilities within the vacated area.

☐ No objection to the vacation, but with the following reservation: _____

☐ Objection to the proposed vacation for the following reasons: _____

☐ A plat map is attached for you information.

Utility Contact Name
Utility Company Name
Utility Company Address