



## TOWN OF LOS GATOS ABANDONMENT PROCESS

### PUBLIC RIGHT-OF-WAY ABANDONMENT

There are instances when rights-of-way or easements dedicated to the Town are no longer needed for the purposes for which they were dedicated. The adjacent property owners may have use for this property or may have been unknowingly using public property for many years. These property owners may request that the Town formally abandon this property and quit-claim it to them. Abandonment of public right-of-way is regulated by §8300, et seq., of the Streets and Highways Code of the State of California. The process outlined below pertains only to the abandonment of excess rights-of-way and easements. The sale of excess public property is covered under different State statutes. Please contact the Town Manager's office concerning excess Town-owned property.

#### Application

- 1) Submit the following documents to the Engineering Division of the Parks and Public Works Department:
  - a) Abandonment Application
  - b) Application Fee (see Fee Schedule)
  - c) Letter of Justification
  - d) Copy of deed(s) to adjacent property(ies)
  - e) Map of area where the abandonment is requested

#### Initial Procedure

- 1) Town staff researches the feasibility of the abandonment. This includes visits to the area requested for abandonment, reviewing Town maps, plans and files.
- 2) The abandonment request is also sent to the Maintenance Division of the Parks and Public Works Department for review of public facilities that may be in the area to be abandoned.
- 3) Town staff sends a letter about the abandonment request to the utility companies (San Jose Water Company, PG&E, etc.), other governmental agencies, such as West Valley Sanitation District, and adjacent property owners. In some instances, adjacent property owners could also make a claim for the property to be abandoned. Sometimes public service facilities are affected by the abandonment.
- 4) A copy of the abandonment request is sent to the Planning Division of the Community Development Department. The Planning Commission must determine if the abandonment is in conformity with the adopted General Plan.
- 5) When a response has been received from all other departments, the utility companies and government agencies, Town staff will determine if the abandonment can be recommended to the Town Council. The applicant(s) will be informed in writing of the recommendation concerning the abandonment and the reasons for the recommendation.
- 6) At this point, the applicant(s) would have the option of proceeding with the abandonment process if the recommendation is favorable or dropping the proceedings if the



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recommendation is against the abandonment. Of course, all applicants would have the option of proceeding to the Town Council level, no matter what recommendation is made by Town staff.

### Processing

- 1) If the applicant chooses to go on with the abandonment, the following items must be submitted to the Engineering Division of the Park & Public Works Department:
  - a) Processing Fee (see Fee Schedule)
  - b) One (1) copy and an electronic file (PDF) of the 8.5" x 11" map and legal description of area to be abandoned prepared by a Licensed Land Surveyor or Registered Civil Engineer (see item 1 below).
- 2) A report will be prepared for the Town Council detailing the findings of Town staff about the abandonment. This includes any concerns raised by other agencies or the various utility companies.
- 3) At the Council meeting, a resolution will be adopted, declaring the Town's intent to abandon the right-of-way, and setting the date for the public hearing. Before the public hearing, the date, time and place of the hearing must be noticed in conformance with state law. The public hearing is usually scheduled for four weeks after the first Council meeting.
- 4) A second report is written to the Town Council for the public hearing.
- 5) At the public hearing, any interested parties, including the applicant, may speak on the abandonment. After the close of the public hearing, the Council will act on the resolution and will either approve or deny the abandonment.
- 6) Once the resolution and quitclaim deed are signed by the Mayor and Town Clerk, the resolution and quit claim deed(s) are recorded and the title transfers to private party(ies).

### Additional Information

- 1) Legal description(s) and map(s) of the new parcel configuration(s) shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor, Per Sections 6731 and 8726 of the California Government Code, these are the only persons authorized to prepare such documents.