



COUNTY OF EL DORADO

COUNTY SURVEYOR

360 Fair Lane, Placerville, CA 95667

Phone (530) 621-5440

Email: surveyor@edcgov.us

SUMMARY ABANDONMENT OF ENCUMBRANCE (AOE)

PURPOSE:

An Abandonment of Encumbrance (AOE) is necessary when a property owner desires or is required to have an easement or setback abandoned or modified which was previously offered to the County through the Board of Supervisors. Property owners generally use this process to eliminate an unnecessary encumbrance, to accommodate for improvements, to complete a lot line adjustment, or to merge parcels.

There are many different types of encumbrances. This application is designed to process the following: Public Utility, Drainage, Slope, and Road Easements that were offered to the County, but were not accepted in fee title. This application may also be used to abandon or amend lot setbacks that are shown on a map (this does not apply to setbacks applied by zoning standards).

An AOE ordinarily takes eight to sixteen weeks after the applicant has submitted a complete application package. The processing time varies depending on the complexity of the abandonment.

Easements are usually dedicated to the County by the recordation of a Subdivision Map. The Abandonment of Easement option may be available to you if your preliminary title report or the Owner's Statement on the Final Map of your subdivision reflects that the County of El Dorado has an easement on your property. A copy of a Recorded Map can be obtained at the County Recorder's Office.

AUTHORITY:

The authority to invoke the process of vacating (abandoning) an existing easement (non-fee title estate) over, under and across property in possession of the County is established under Section 66477.2 (c) of the California Government Code and Section 8335 of the Streets and Highways Code, which authorizes the Board of Supervisors, at their discretion, to summarily vacate road, drainage, and public service easements.

An abandonment or amendment to lot setbacks that are shown on a map, must be reviewed and approved by the Planning Director prior to final approval from the Board of Supervisors.

PROCESS:

The applicant petitions the County of El Dorado Board of Supervisors, through the County Surveyor's Office, to adopt a Resolution to abandon the encumbrance. If the Board approves the abandonment, the Surveyor's Office will facilitate the recording of a Certificate of Correction, provided by the owner's private surveyor, on the effected map.

PROCEDURE INITIATED BY THE PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE:

1. Prior to completing the Abandonment of Encumbrance (AOE) application, the owner provides the County Surveyor with an exhibit clearly depicting the area to be abandoned. The Surveyor's Office will verify its authority to assist the owner with the abandonment and advise the applicant on the process necessary to go forward. If it is determined that the County Surveyor's Office has the authority to process the abandonment, the owner will receive notice to proceed with the AOE Application.
2. When the notice to proceed is received, the completed AOE application signed by the property owner may be submitted. A separate application for each Assessor's Parcel Number (APN) held in separate ownership shall be required. The application is complete if it includes all required materials including the processing fee shown on the application. Checks should be made payable to the County of El Dorado. *For multiple parcels under common ownership, contact the County Surveyor's Office for fee information.*
3. The County Surveyor's staff reviews the application for completeness, accuracy and conformity with State law and local ordinance. Upon verification that all necessary approvals, materials and exhibits are in order, the staff prepares an agenda package for the Board of Supervisors (BOS) which includes a Resolution of Vacation for the BOS to approve and adopt, subject to any conditions they may establish.
4. If the application is to abandon or amend encumbrances set by or shown on a map, an additional fee will be collected on behalf of the Planning Department. Upon confirmation of a complete application, the application will then be submitted to the Planning Department for review. The Planning Department then has 10 business day to return said application with any comments they may have.
5. On the day of the board meeting, the agenda package will be presented to the Board of Supervisors for their determination. This meeting is a public meeting open to public comment and the owner may choose to attend or send a representative. The easement abandonment is complete when the Board of Supervisors adopts the Resolution, it is recorded by the Board Clerk, and the "Certificate of Correction, Modification, or Amendment" (See *Required Materials*) is recorded by the County Recorder. The County Surveyor will coordinate the recording of the Certificate with the owner's private surveyor.

REQUIRED MATERIALS:

- ___ AOE Application(s). A separate application for each Assessor's Parcel Number (APN) held in separate ownership shall be required. *For multiple parcels under common ownership, contact the County Surveyor's Office for more information.*
- ___ Letter of Authorization (if applicable). Please submit all authorizations with original signatures.
- ___ Fee as shown on the application. *For multiple parcels under common ownership, contact the County Surveyor's Office for fee information.*
- ___ Release of Interest letters from affected entities having an actual or potential interest in the easement, stating their approval or conditional approval of the proposed abandonment. The Release of Interest letters must have the exhibits attached which accompanied the owner's request for abandonment. You will need to submit either the original release letter or you may request that the entity releasing interest send a digital version directly to the Surveyor's Office.
- ___ A *Certificate of Correction Modification or Amendment* prepared for recording. The property owner(s) or authorized representative must have a Professional Land Surveyor prepare a legal description and plat of the easement area(s) proposed to be abandoned as required by Section 120.52.140 of the County Ordinance. The legal description should be labeled "Exhibit A", and the plat should be labeled "Exhibit B". Both exhibits must bear the seal and signature of a Professional Land Surveyor. The surveyor should provide closure calculations, if applicable. Please note there may need to be updates to more than one record map
- ___ Provide a copy of the conditions for any County project requiring the AOE. Please include any applicable communications related to the abandonment.
- ___ Other documentation as requested.
- ___ Refer to attached Fee Schedule for the Abandonment of Encumbrance fee amount.

If you have any questions or require additional information regarding the Abandonment of Encumbrance process, or if you wish to submit your completed Abandonment of Encumbrance application, please call the County Surveyor's Office (530) 621-5440 and request to speak to a Land Survey staff member.

ABANDONMENT OF Encumbrance (AOE) APPLICATION

The Abandonment of Encumbrance (AOE) process may take eight to sixteen weeks after the applicant has submitted a **completed** application. A completed application includes all supporting documents listed under the *Required Materials* section and the application fee. **The processing time may be extended if any of the required materials submitted are found to contain errors.** Application expires one (1) year after date of submission. Applicant may apply for an extension. Fees may apply.

☐ **Fee (refer to El Dorado County Surveyor's Office Fee Schedule for fee amount).**

This Space For County Use	Deposit Paid	Date	Receipt #

I (we) hereby petition the El Dorado County Board of Supervisors, to initiate proceedings to vacate the following easements: (Please mark all that apply.)

☐ **Road (offered to the County, but not in fee)** ☐ **Public Utility**
☐ **Slope** ☐ **Drainage** ☐ **Setback (specific type)**_____

Name of all Property Owner (s): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

Representative (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

Assessor's Parcel Number(s): _____

Objective of request (please be detailed):

Private Land Surveyor providing *Certificate of Correction Modification or Amendment*

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

Name(s) of other County employee(s) and/or department(s) working on files related to this request (such as a Building Permit or Lot Line Adjustment). Please list the department(s) and contact person(s):

NOTE: All requests to abandon Public Utility Easements require letters from all area public utility providers. Letters must have the original signature, be on the company/agency letterhead, list the Assessor's Parcel Number and have a copy of the supplied exhibits attached, delineating the specific location(s) of the easement(s) proposed to be abandoned.

By signing here, you are acknowledging that you believe the statements above to be true and correct as they relate to the requested abandonment of easement.

Signature

Date

Signature

Date

LETTER OF AUTHORIZATION

I (We), the undersigned, Owner(s) of Record with vested interest in Assessor's Parcel No.

_____, hereby authorize _____

to act as my agent or representative to prepare and process the necessary documents relative to my property with the County of El Dorado, on my behalf.

Signed: _____ Date: _____

Print Name: _____

Signed: _____ Date: _____

Print Name: _____

Owner(s) of Record: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

For multiple owners, attach additional pages as needed.

Agent for Applicant(s): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

SAMPLE LETTER TO UTILITY/AGENCY/PRIVATE PARTY HOLDING INTEREST

[Date]

Dear _____:

I am requesting an abandonment of the public utility easement(s), located on the [side, rear] of my property, located on Assessor's Parcel Number [insert Assessor Parcel Number]. Please refer to the enclosed drawing of my parcel and the easement area(s) I wish the County to abandon.

The El Dorado County Surveyor's Office requires your letter of "no-objection." Please return the attached *Vacation (Abandonment) Release Letter* to me with your original signature or you may email a digital copy directly to the El Dorado County Surveyor's Office at surveyor@edcgov.us. The letter must cite the **Assessor's Parcel Number and have the exhibit identifying the specific location of the easement(s) to be abandoned attached**. I have provided an extra copy of the exhibit for that purpose. For further clarity, your letter can reference the exhibits. (i.e., "*Please see Exhibit A and Exhibit B attached.*") The County Surveyor's Office is requesting this degree of specificity in order to protect your rights and interests.

Please forward the hard copy original of your approval to me at: [your address]

Thank you for your prompt attention to my request.

Sincerely,



COUNTY OF EL DORADO

COUNTY SURVEYOR

360 Fair Lane, Placerville, CA 95667

Phone (530) 621-5440

e-mail: surveyor@edcgov.us

Vacation (Abandonment) Release of Interest

To Agency Contact: _____ Agency: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

From Parcel Owner: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

1) Assessor's Parcel Number: _____

2) Recorded Map(s) where easement was dedicated: _____

2) Location of vacation: _____

4) Pro _____

This abandonment is being requested of El Dorado County. Please view the attached exhibit and check the appropriate box below. Please type or print any comments and return this document to the applicant within two weeks. If you prefer, you can email this letter, accompanied with the attached exhibit to the El Dorado County Surveyor's Office. Surveyor@edcgov.us

- ☐ No objection to the proposed vacation.
- ☐ No objection to the proposed vacation provided the following conditions are met.
- ☐ Not approved.

Comments:

Signature

Date

PUBLIC UTILITY COMPANY CONTACT LIST

Please Note: This list is provided to assist applicants in their effort to obtain release letters from utility companies. There may be other utility companies with rights to easements on the subject property.

West Slope

AT&T

Attn: Astrid Willard
2700 Watt Ave. Rm 3473-11
Sacramento, CA 95821
ae6863@att.com
Phone: (916) 484-2388

Pacific Gas & Electric

Attn: Land Division
343 Sacramento Street
Auburn, CA 95603
Attn: Piper Wagner, Land Agent
Email: pjwf@pge.com
Phone: (530) 889-5089

Comcast

Attn: Steve Abelia, Construction Specialist
1242 National Drive
Sacramento, CA 95834
Steve_Abelia@cable.comcast.com
Phone: (916) 830-6757

There is more than one water provider for the West Slope. Applicant is only required to secure a release from the utility company that services the subject parcel.

El Dorado Irrigation District (EID)

Attn: Aaron Dinsdale, Engineering Technician II
2890 Mosquito Road
Placerville, CA 95667
adinsdale@eid.org
Phone: (530) 642-4178

Georgetown Divide Public Utility District

Attn: Wendall Wall, Operations Manager
6425 Main Street
(or) P.O. Box 4240
Georgetown, CA 95634
gm@gd-pud.org
Phone: (530) 333-4356

Planning Department

2850 Fairlane Court
Placerville Ca, 95667
planning@edcgov.us
Phone: (530) 621-5355

Department of Transportation

Attn: Adam Bane, County Engineer
2441 Headington Road
Placerville, CA 95667
Adam.bane@edcgov.us
Phone: (530) 621-5983

It is the applicant's responsibility to ensure that ALL utility companies that may have interest in the proposed abandonment, provide original letters of release.

PUBLIC UTILITY COMPANY CONTACT LIST

Please Note: This list is provided to assist applicants in their effort to obtain release letters from utility companies. There may be other utility companies with rights to easements on the subject property.

East Slope (South Lake Tahoe, Tahoma)

Where there is more than one provider for a utility. Applicant is only required to secure a release from the utility company that services the subject parcel.

AT&T

Attn: Astrid Willard
2700 Watt Ave. Rm 3473-11
Sacramento, CA 95821
ae6863@att.com
Phone: (916) 484-2388

Southwest Gas Corporation

Attn: Larry Gibson, Engineer R & D
P.O. Box 1190 (or) 400 Eagle Station Lane
Carson City, NV 89701
larry.gibson@swgas.com
nndengineering@swgas.com
Phone: (775) 887-2863

Liberty Energy

933 Eloise Avenue
South Lake Tahoe, CA 96150
customerservicewest@libertyutilities.com
530-543-5281

NV Energy

Attn: Senior Utility Administrator
6100 Neil Road
Reno, NV 89511
Phone: (775) 687-2962 ext. 4057, or ext. 3182

South Tahoe Public Utility District

Attn: Randy Curtis, Manager of Field Operations
1275 Meadowcrest Drive
South Lake Tahoe, CA 96150-7401
rcurtis@stpud.dst.ca.us
Phone: (530) 543-6251

Tahoe Cedars Water Company

Robert Marr
Tahoma, CA 96142
tahoerobb@gmail.com
Phone: (530) 525-7555

Lukins Brothers Water Co

2031 West Way
South Lake Tahoe, CA 96150
info@lukinswater.com
530-541-2606

It is the applicant's responsibility to ensure that ALL utility companies that may have interest in the proposed abandonment, provide original letters of release. The above list is provided as a courtesy, but does not cover every utility company in the South Lake Tahoe Basin.

*EXAMPLE**

EXHIBIT "A"**ABANDONMENT OF PUBLIC UTILITIES EASEMENT
DESCRIPTION OF EASEMENT AREA**

All that certain real property located in the County of El Dorado, State of California, being a portion of Section 30, Township 10 North, Range 11 East, M. D. M., more particularly described as follows:

A strip of land, 5 feet in width, being the easterly 5 feet of Lot 17 of Diamond Oaks Estates, Unit No. 2, the plat of which is filed for record in the office of the El Dorado County Recorder, in Book H of Maps, at page 55.

EXCEPTING THEREFROM the northerly 20 feet of said strip.

See attached Exhibit "B".

This legal description was prepared by John Doe, PLS XXXX for (client name), and is for the purpose of abandoning the public utilities easement that was created over the herein described strip of land with the filing of said subdivision plat.

SIGN

SEAL

PLEASE NOTE:

Metes and Bounds descriptions are not necessary if a simple strip description like the one shown will suffice. Boundary courses are optional for this type of description.

If a metes and bounds description is used, all bearings must agree in direction with the description, or it will be rejected for corrections. If two descriptions share a common line, such as a slope easement together with a landscape easement, one will have to read clockwise and the other counter clockwise in order to agree in direction, or two exhibit maps will be required. Also, a point of beginning must be shown on the exhibit map for metes & bounds.

Proofreading will often find errors that will prevent rejections and speed up the process.

Legal descriptions must be prepared by a Licensed Land Surveyor or as specified in Section 8731 of the California Business and Professions Code.

When recorded mail to:
COUNTY SURVEYOR

Requested by the County Surveyor
to satisfy condition authorized by
Resolution _____ of the
Board of Supervisors of El Dorado County.

CERTIFICATE OF CORRECTION, MODIFICATION, OR AMENDMENT

Pursuant to the authority outlined in County Ordinance Code 120.72 and California Government Code Section 66470 and 66472.1 of the Subdivision Map Act, I hereby certify the following correction, modification or amendment to apply to Lot/Parcel _____ of that certain _____ Map entitled _____ filed in the office of the County Recorder, County of El Dorado, in Book _____ of _____ Maps, at Page _____ of Subdivision Maps.

At the regular meeting of the El Dorado County Board of Supervisors, a noticed public hearing, on _____, 20____, Resolution of Vacation Number _____ - _____ was adopted and filed for record on _____, 20____, in the El Dorado County Recorder's Office at Document # 20____ - _____. At the meeting the findings required to authorize the following amendments were made.

See Attached Exhibits A and B.

Surveyor Plumb Bob, LS 1234

Date

Fee Owners affected:

This certificate has been examined this _____ day of _____, 20____, for conformance with Section 66471 and 66472 of the Subdivision Map Act.

Brian K. Frazier, PLS 9190
County Surveyor
County of El Dorado, California

Justin C. Cisneros, PLS 9539
Deputy Surveyor
County of El Dorado, California