

Hernando County Development Department Application for Easement Use

Policy No. 19-7, amended by the Hernando County Board of County Commissioners on June 3, 2003, stated in part, “With respect to platted easements, vacation shall be required as a prerequisite to issuance of a building permit for any structure in such easements, except to the extent that the Building Official determines that construction of particular structures do not interfere with the dedicated purposes of such easements. It is the intent of the Board of County Commissioners that such uses as parking surfaces, ground-level driveways, and landscaping are the types of construction that would normally not interfere with the dedicated purposes of such platted easements”.

INSTRUCTIONS TO APPLY FOR EASEMENT USE

Requests shall contain the following information:

1. One (1) copy of the completed application.
2. **Fee of \$150.00**, payable in cash or by check to the Hernando County Development Department.
3. A statement of proper reasons for granting the use. The Building Official or his designee requires specificity as to why the use is being requested. The reasons may include, but are not limited to, the following:
 1. Change of conditions in the area.
 2. Benefits to the community.
 3. Use planned for area.
 4. Minimization of impact for future use of the easement.
4. An original **of a current survey from a registered mapper or surveyor that** clearly depicts the proposed use of easement. **The survey shall also include the following:**
 1. An accurate legal description of the property.
 2. Area size and location.
 3. All existing adjacent structures, streets, alleys, and other public ways. All existing improvements below or above ground.
 4. Relevant drainage elevations.
 5. Use of easements that include a buffer and/or drainage area of twenty (20') feet or larger require a letter from Southwest Florida Water Management District (SWFWMD) and the County Engineering Office stating they have no objection to the vacation of the subject area.
5. If applicable, the name, address, and phone number of the President of the Homeowners= Association.
6. **Applicant is required to obtain letters of authorization from County Engineering Office, the Department of Public Works, and all applicable utilities of said easement stating no objection to the proposed use of easement. (See attached list of names/addresses and letter of request form)**
7. Representative for petitioner needs to provide a notarized letter of authorization from the owner authorizing him to act on his behalf.
8. Notarized Affidavit of Knowledge and Personal Responsibility

NOTE: In demonstrating the need for any use of the easement, or plat, the burden of proof shall be solely the responsibility of the Petitioner.

APPLICATION FOR EASEMENT USE

This application must be completed and returned to the Development Department with all attachments and other items listed on the Instruction Sheet. The application may be deemed incomplete until all required items are furnished. Please note that the use requested must be justified and the filing of the application does not assure approval of said application.

1. Name of Petitioner: _____

Mailing Address: _____

City _____ State _____ Zip _____ Phone _____

Fax _____ E-Mail _____

2. Name of Representative (If applicable): _____

Mailing Address: _____

City _____ State _____ Zip _____ Phone _____

Fax _____ E-Mail _____

3. Location of area to be used:

Name of Subdivision: _____

Street Address: _____

4. Homeowners Association: Yes _____ No _____

If yes, Association Contact Name _____ Phone _____

Association Contact Address _____

5. Are any other applications pending or issued?

Variance _____ Conditional Use _____ Special Exception _____

Rezoning _____ Class I Subdivision _____ Other _____

6. Is the proposed use in a platted _____ or an unrecorded subdivision _____?

7. What is the current zoning of the property? _____

8. Which companies provide the following?

Water: _____ Sewer: _____ Telephone: _____

Electric: _____ Cable TV: _____

9. In your own words, explain why you are applying for the use of the easement and why you believe that the use should be approved.

The undersigned understands this Application and all other applicable items listed on the Instruction Sheet must be submitted completely and accurately before it can be processed. The County reserves the right to request additional information it may deem necessary in processing this application.

Signature(s): _____ Date: _____

_____ Date: _____

LIST OF DEPARTMENTS AND COMPANIES TO BE CONTACTED

(ONLY CONTACT THOSE COMPANIES THAT PROVIDE SERVICE TO YOUR PROPERTY)

Withlacoochee River Electric Cooperative

10005 Cortez Boulevard
Brooksville, FL 34613
Gina Martin, Secretary, Ext. 3101
Phone 596-4000
Fax 596-5312

OR

Duke Energy

452 E. Crown Point Road
Winter Garden, FL 34787
Ph 407 905 3309 or 1-800-700-8744

Bright House Networks

2850 S. Lecanto Hgwy
Lecanto, FL 34461

Phone 352 746-7664
Fax 352 527-0313

AT & T

19386 Fort Dade Ave
Brooksville, FL 34601
Phone 1-407-203-6697
Fax 407-380-372

City of Brooksville

600 S. Brooksville Avenue
Brooksville, FL 34601-3710
Phone 540-3870
Fax 544-5470

OR

Hernando County Utilities Dept.

21030 Cortez Boulevard
Brooksville, FL 34601
Phone 754-4037
Fax 754 4485

Department of Public Works

ATTN: DPW/Development Review Coordinator

1525 E. Jefferson Street
Brooksville, FL 34601
Phone 754-4060
Fax 754-4423

AFFIDAVIT OF KNOWLEDGE AND PERSONAL RESPONSIBILITY

STATE OF FLORIDA }

COUNTY OF HERNANDO }

BEFORE ME the undersigned authority, personally appeared _____, who was first duly sworn deposes and says:

I, _____, with respect to Building Permit App # _____, hereby acknowledge and understand that I am presumed to know the law that applies to any aspect of executing the permit as granted, including but not limited to laws, rules, regulations and ordinances enacted or adopted by the federal or state government or any local governmental unit having jurisdiction. I further acknowledge and understand that permitting officials or agents will make every effort to answer accurately any questions I may have that are within their competence and authority but that such officials and agents have no legal responsibility for any mistake of fact or law in issuing this permit or in assisting with any other questions, and further that no such mistake of fact or law operates to bind Hernando County or any other governmental entity with respect to matters asserted.

I further understand that the private use of easements, even when permitted and sanctioned by a local government, may, in fact constitute a cloud on the title of said property and accept all such responsibility for such as it may arise. Further, I acknowledge the approval of any permit does not alter the status of the easement and that as owner, I am fully responsible for any problems arising therein.

I UNDERSTAND AND ACKNOWLEDGE THAT IT IS MY RESPONSIBILITY TO KNOW THE APPLICABLE LAW RELATING TO THIS MATTER, AND THAT NEITHER HERNANDO COUNTY NOR ITS PERMITTING OFFICIALS AND AGENTS ARE RESPONSIBLE FOR ANY MISTAKE OF FACT OR LAW IN PROVIDING ANY ASSISTANCE TO ME WITH RESPECT TO SUCH APPLICABLE LAW.

Affiant=s signature: _____

Print Name: _____

Sworn to and subscribed before me, the undersigned Notary Public, by _____, who took an oath and is personally known to me/presented the following picture identification to prove identity: _____, this _____ day of _____, 20____.

Notary Public
Commission expires:

Staff only

Date

_____ Executed and notarized

_____ Refused to sign and notarize

_____ Staff initials

Checklist for Easement Use Application

- _____ Completed Application form
- _____ Fee (\$150.00)
- _____ Original, current survey depicting proposed use of easement
- _____ Letters of authorization from:
 - _____ Dept of Public Works
 - _____ County Engineers Office
 - _____ Utilities (Hernando County Utilities Dept or City of Brooksville).
 - _____ Electric (Withlacoochee Electric Co-op or Progress Energy)
 - _____ Phone (AT&T)
 - _____ Cable (Bright House)
- _____ Letter of authorization for agent, if applicable
- _____ Affidavit of Knowledge and Personal Responsibility