

Application and Instructions for Petition to Vacate

Hernando County Zoning Department
789 Providence Blvd.
Brooksville, FL 34601
Phone (352) 754-4050 Ext. 29105
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ZoningDepartment@HernandoCounty.us

INSTRUCTIONS TO VACATE, ABANDON, DISCONTINUE, OR CLOSE EASEMENTS, RIGHTS-OF-WAY, AND PLATS

A. Requests shall contain the following information:

1. One (1) copy of the completed application, sworn to by the all Petitioners.
2. Proof of ownership for each parcel joining in the vacation petition. (Copy of Deed)
3. A separate statement of proper reasons for granting a vacation. The Board of County Commissioners requires specificity as to why a vacation is requested. The reasons may include, but are not limited to, the following:
 - a) Change of conditions in the area
 - b) Benefits to the community
 - c) Use planned for area to be vacated and need therefore
4. An **original signed/sealed** current survey. The survey must be from a Florida registered mapper or surveyor, indicating the area to be vacated. The survey shall include the following:
 - a) **An accurate legal description of the area to be vacated***; and
 - b) Area size and location; and
 - c) All existing adjacent structures, streets, alleys, and other public ways. All existing improvements below or above ground; and
 - d) Relevant drainage elevations, and if applicable
 - e) Vacation 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) stating they have no objection to the vacation of the subject area.

***A computer disc, flash drive or other digital media with the Surveyor's legal description of the area to be vacated must be submitted. An email from the surveyor is acceptable.**
5. A list of the names and addresses of all property owners abutting/adjoining the parcel containing the area to be vacated.
6. A fee, in cash or check, checks made payable to the Hernando County Building Department for the amount indicated on the fee schedule.
7. If the request is for a vacation of plat or a portion thereof, provide this office with a certified copy of the plat. The plat information is obtainable from the Clerk's office.

8. Provide the completed Tax Clearance Form, proof of taxes being paid for each parcel containing the area to be vacated or that would receive any of the vacated area. This proof of taxes paid can be obtained from the Hernando County Tax Collector.
9. If applicable, the name, address, phone number and email of the President of the Homeowners' Association.
10. All Petitioners must provide a notarized letter of authorization if an agent is to act on his/her behalf for the vacation petition.
11. Provide a copy of recorded plat dedication page for all vacation petitions.
12. Clearance must be obtained from the Department of Transportation Services (DPW/Engineering) **prior** to making application to vacate Rights-of-Way or a plat containing Rights-of-Way. The clearance must be submitted with this petition.

B. Withdrawal of applications shall be in writing at least five (5) days prior to any scheduled hearing. Fees will not be refunded on withdrawn or denied applications.

C. Notices.

1. For all vacation applications, the Zoning Department shall, upon fixing a date for the Public Hearing, type the required legal notices and the Clerk of Circuit Court shall submit the notices to a local newspaper of general circulation.

D. Required Mailing Notice

1. The Zoning Department shall mail a copy of the notice to the abutting property owner(s). The notice shall be mailed at least ten (10) days prior to the scheduled public hearing.
2. The notice(s) shall be sent by Certified Mail, Return Receipt Requested.

E. Required Posting of Signs

1. The Petitioner shall post the property, for which the application has been made, with signs supplied by the Zoning Department. The signs shall be posted in a conspicuous location and shall be posted at least fifteen (15) days prior to the public hearing. The signs are to remain posted on the property until the scheduled public hearing before the Board of County Commissioners.
2. After posting the signs, the Petitioner shall sign an affidavit supplied by the County that he/she has met the requirements of Item 1 above.
3. The Affidavit shall be delivered to the Zoning Department ten (10) working days prior to the scheduled public hearing date.

Note: If all information is not submitted to the Zoning Department ten (10) days prior to the public hearing date, the Petition shall be adjourned until the next regularly scheduled meeting.

F. After receiving a recommendation of approval from the staff, the Board of County Commissioners shall act on the Petition. The Board of County Commissioners has the final authority for granting or denying all petitions. If staff does not recommend approval, the

Petitioner or representative must make a written request to the Zoning Department staff to schedule a public hearing before the Board.

G. The Petitioner, or an authorized representative of the Petitioner, shall be present at the Board of County Commissioners meeting.

H. If the vacation is approved, a resolution shall be adopted by the Board of County Commissioners and signed by the Chairperson.

I. For vacations of Rights of Ways, the Zoning Department shall prepare a Notice of Adoption of Resolution and the Clerk of Circuit Court shall advertise the notice in a local newspaper within thirty (30) days of the adoption of the resolution.

J. The Petitioner shall be responsible for recording the necessary documents with the Clerk of Circuit Court to be recorded in the Official Records of Hernando County.

K. The burden of proof in demonstrating the need for any vacation of right-of-way, alley, easement, or plat, shall be solely the responsibility of the Petitioner.

L. FEE SCHEDULE

Application Petition Fee:

Right of Way or Easement Vacation	\$250.00
Plat Vacation	\$250.00
(Plus \$5.00 per lot or acre)	\$5.00

Public Notice Fees:

Less than 10 Acres	\$50.00
10-100 Acres	\$80.00
Greater than 100 Acres	\$110.00

Recording Fees are the responsibility of the Petitioner once the petition is approved and paid directly to the Clerk of the Circuit Court.

All Petitions are required to record a Notice of Intent and Resolution

Petitions for vacation of Rights of Way are required to record a Notice of Adoption of Resolution.

If the Zoning Department receives any objections from a County department or public utility, it shall be the burden of the petitioner to resolve those objections directly with that entity before petition can be scheduled for public hearing. If the petitioner does not resolve the objection(s), he/she has the right to proceed to the public hearing but must make that request in writing. In such cases, staff's recommendation to the Board of County Commissioners would be denial of the petition.

**APPLICATION FOR PETITION TO VACATE, ABANDON, DISCONTINUE
AND CLOSE, RIGHTS-OF-WAY, PLATS, EASEMENTS**

This application must be submitted to the Zoning Department with all attachments and other items listed on the Instruction Sheet. Applications may not be reviewed until all required items are furnished. Please note that the vacation requested must be justified and the filing of the application or appearance at the public hearing does not assure approval of said application. The Petitioner or his/her representative is/are required to appear in person at the public hearing.

1. Name of Petitioner: _____

Mailing Address: _____

City _____ State _____ Zip _____ Phone _____

Email Address: _____

2. Name of Representative (if applicable): _____

Mailing Address: _____

City _____ State _____ Zip _____ Phone _____

Email Address: _____

*Attach notarized letter of authorization from petitioner.

3. Location of area to be vacated: _____

Key Number of area to be vacated: _____

Name of Subdivision: _____

Street Address: _____

4. Are any other applications pending?

Variance _____ Conditional Use _____ Special Exception _____

Rezoning _____ Class I Subdivision _____ Other _____

5. Is the proposed vacation platted _____ or an unrecorded subdivision _____?

6. What is the current zoning of the proposed vacation? _____

7. Which companies provide the following?

Water/Sewer: _____ Telephone: _____

Electric: _____ Cable TV: _____

8. Is there a Homeowner's Association? _____

President's Name _____

Email Address: _____

Address: _____

9. In your own words, briefly explain why you are applying for the vacation, why you feel that the vacation should be approved, and what use, if any, is planned for the vacated property. (A detailed explanation is to be provided in the separate statement required item #3 on the instructions.)

The undersigned understands this Application and all other applicable items listed on the Instruction Sheet must be submitted completely and accurately before a hearing can be scheduled. The undersigned further understands that this process may take up to two (2) months to finalize. The County reserves the right to request additional information it may deem necessary in processing this application.

Signature(s): _____ Date: _____

Signature(s): _____ Date: _____

This application and documents submitted are public record pursuant to Ch119, F.S.

**PETITION TO VACATE, ABANDON, DISCONTINUE,
AND CLOSE EASEMENT(S), RIGHTS-OF-WAY, AND PLATS**

The **Petitioner(s)** _____
who resides at _____ and whose
telephone number is _____ makes this application to the
Board of County Commissioners to vacate the County's interest in that certain easement,
alley, right-of-way, or plat as described as follows:

Legal description of the subject area to be vacated (or may insert "See Survey"):

Petitioner will show that he/she has complied with the provisions and requirements in accordance with the Board of County Commissioners Policy No. 19-07 and Sections 177.101 and/or 336.10, Florida Statutes.

Petitioner would further show that the above described property is not situated within the incorporated city limits of any municipality within Hernando County, Florida, and that the vacation of said area will not affect the ownership or right of convenient access of persons in anyway whatsoever.

Petitioner has further indicated that he/she intends to post signs on the subject property described above giving notice of intent to petition the Board of County Commissioners to vacate the subject area in accordance with Florida Statues, and the policies and procedures of the Board of County Commissioners.

Wherefore, Petitioner prays that the Board of County Commissioners of Hernando County accept the filing of this petition and set the same for a public hearing which will be advertised pursuant to the provisions of the Florida Statutes, at which time the Board may adopt a resolution vacating, abandoning, discontinuing and/or closing the subject area.

Notice - This Petition is not deemed filed until receipt of applicable Petition fees upon notice by County of acceptance of a complete application.

Petitioner _____ Petitioner _____

STATE OF FLORIDA
COUNTY OF _____
The foregoing instrument was
acknowledged before me this _____
day of _____ 20____,
by _____
who is personally known to me
or who has produced _____
as identification.
Notary Public _____
(SEAL)

STATE OF FLORIDA
COUNTY OF _____
The foregoing instrument was
acknowledged before me this _____
day of _____ 20____,
by _____
who is personally known to me
or who has produced _____
as identification.
Notary Public _____
(SEAL)

Vacation Tax Clearance Form

Florida Statutes: Title XII

§177.101 Vacation and annulment of plats subdividing land.

§177.101 (4) Persons making application for vacations of plats either whole or in part shall give notice of their intention to apply to the governing body of the county to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid.

As a result of the above statute, you are required to provide this form signed by the Hernando County Tax Collector's Office certifying that the taxes on the property proposed to be vacated have been paid through the current tax year.

DATE: _____

I, _____, hereby certify that the property taxes on parcel key number _____ have been paid through the current tax year.

Sally L Daniel, CFC
Hernando County Tax Collector
*Hernando County Government Center
20 North Main Street, Room 112
Brooksville, FL 34601
(352) 754-4180*

By: _____
Print Name: _____
Title: _____

SEAL