

## **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 \$300.00**, 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 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)**
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.**

**Clear form**

**APPLICATION FOR EASEMENT**

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 Email** \_\_\_\_\_

**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**

Ben Cooper  
10005 Cortez Boulevard  
Brooksville, FL 34613  
Phone 352 596-4000  
Fax 352 596-5312  
Email: rX bcooper@wrec.net

**OR**

### **Duke Energy**

452 E. Crown Point Rd.  
Phone 1-800-700-8744  
Email: vacate@duke-energy.com

### **Spectrum/Charter**

Dawn MacDonald x 84217  
2850 S. Lecanto Hgwy  
Lecanto, FL 34461  
Phone 352 746-7664  
Fax 352 527-0313  
Email: dawn.macdonald@charter.com

### **AT & T**

Rob Alsback  
19386 Fort Dade Ave.  
Brooksville, FL 34601  
Phone 352 796-0178  
Email: ra5241@att.com

### **City of Brooksville**

Dean Lodwick  
600 S. Brooksville Avenue  
Brooksville, FL 34601-3710  
Phone 352 540-3870  
Email: dlodwick@cityofbrooksville.us

**OR**

### **Hernando County Utilities Dept.**

Scott Rimby, Ext. 35129  
21030 Cortez Boulevard  
Brooksville, FL 34601  
Phone 352 754-4037  
Fax 352 754 4485  
Email: srimby@hernandocounty.us

### **Department of Public Works**

1525 E. Jefferson Street Brooksville, FL 34601  
Phone 352 754-4060

<https://www.hernandocounty.us/home/showdocument?id=8064>

**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

- \_\_\_\_\_ Completed Application form
- \_\_\_\_\_ Fee (\$300.00)
- \_\_\_\_\_ Original, current survey depicting proposed use of easement
- \_\_\_\_\_ Letters of authorization from:
  - \_\_\_\_\_ Dept of Public Works
  - \_\_\_\_\_ Utilities (Hernando County Utilities Dept or City of Brooksville)
  - \_\_\_\_\_ Electric (Withlacoochee Electric or Duke Energy)
  - \_\_\_\_\_ Phone (Charter/Spectrum or AT&T)
  - \_\_\_\_\_ Cable (Charter/Spectrum)
- \_\_\_\_\_ Letter of authorization for agent, if applicable
- \_\_\_\_\_ Affidavit of Knowledge and Personal Responsibility