

## HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS

### Procedures and Policy for

### VACATING EASEMENTS (F.S. 177.101)

#### STEP 1

The following items must be submitted to the County Engineer requesting a public hearing date to consider vacating the specified easement. All items are required before an application may be deemed complete, and before a public hearing date can be set.

- a. Written Petition (Form Attached).
- b. Notice of Public Hearing (Form Attached)
- c. Resolution to Vacate (Form Attached)
- d. Two (2) maps of area involved.
  1. 1" = 200' scale aerial photograph/tax map overlay (available at the County Property Appraisers Office located on the first floor of the Government Center)
  2. Copy of the recorded plat, (available in the Recording Office located on the second floor of the Government Center). With the petitioned area, or border shaded in red.
- e. Letters from all utility companies in the affected area of the subject road. If any easements are requested by the County, a 30 year title search with all documentation attached on the properties affected will be required.
- f. A letter from the Highlands County Road & Bridge Superintendent (4344 George Boulevard, Sebring, Florida 33872) approving, conditionally approving, or disapproving the closing of subject easement.
- g. The Petitioner shall attach a letter from the County Zoning Supervisor (501 South Commerce Avenue, Sebring, Florida 33870) stating, "The closing of the petitioned easement will not cause non-conforming use of any property".
- h. It must be shown that the Petitioner owns fee simple title to the property on which the easement being vacated lies.

- i. Petition for vacation of easements either in whole or in part must be accompanied by certificates showing that all State and County taxes have been paid.
- j. Processing fee as adopted by the Board, made payable to the Highlands County Board of County Commissioners.

## STEP 2

The public hearing date will be set by the County Engineer and will be established approximately thirty (30) days from the date the petition is received and application deemed complete. The Notice of Public Hearing will then be mailed to the Petitioner for publication (see STEP 3).

A letter recommending approval or denial of petition will be issued by the County Engineer within approximately two weeks of the completed application and a copy forwarded to the Petitioner or representative for his information prior to the hearing.

## STEP 3

Petitioner shall publish the Notice of Public Hearing in not less than two weekly issues of a newspaper of general circulation in Highlands County prior to the date stated therein for such hearing. "Proof of Publication" must be received in the County Engineer's Office prior to the hearing date. Petitioner, or representative, is responsible for attending the Board meeting, to explain why the petition is necessary, when the public hearing is held.

## STEP 4

After the public hearing is held and the Resolution to Vacate has been adopted by the Board, the County Engineering Department shall forward to the Finance Department the following:

- a. Proof of publication of Notice of Public Hearing.
- b. Certified Copy of the Resolution to Vacate.
- c. Check made payable to Clerk of Courts for recording fee.

The Finance Department will forward those items listed above to the Recording Department. Finance will distribute copies of recorded documents to the County Engineer's Office. The County Engineer's Office will send copies to the Petitioner of record.

Adopted by Highlands County Board of County Commissioners

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Bob Bullard, Chairman

Date

PETITION

TO: HIGHLANDS COUNTY  
BOARD OF COUNTY COMMISSIONERS  
C/O ENGINEERING DEPARTMENT  
505 SOUTH COMMERCE AVENUE  
SEBRING, FLORIDA 33870

FROM: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TEL. NO. \_\_\_\_\_

This is to Petition the Board of County Commissioners to consider vacating an easement, as shown on the attached map, legal description as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I will publish the Notice of Public Hearing in not less than two weekly issues of a newspaper of general circulation in Highlands County prior to the date stated therein for such hearing, and will have proof of publication in your office prior to the date of hearing.

\_\_\_\_\_  
Signature of Petitioner

Attachments: (MAP)  
Proof of Publication  
Certificates Showing Taxes Paid

PUBLIC NOTICE OF INTENTION TO APPLY TO THE  
BOARD OF COUNTY COMMISSIONERS TO VACATE AN EASEMENT

Notice is hereby given that the Board of County Commissioners of Highlands County,

Florida, upon petition of \_\_\_\_\_, will on the day of \_\_\_\_\_, 20\_\_\_\_, at 9:00 A.M., in the Board of County Commissioner's Meeting Room at 600 South Commerce Avenue, Sebring, Florida, consider and determine whether the county will vacate the easement described below and renounce and disclaim any rights of the County and the public in and to the easement and land in connection therewith. The easement is described as:

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Persons interested may appear and be heard at the time and place specified above. Any person who might wish to appeal any decision made by the Board of County Commissioners of Highlands County, Florida, in public hearing or meeting is hereby advised that he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

The Board of County Commissioners of Highlands County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discriminatory policy involves every aspect of the Board's functions, including one's access to, participation, employment or treatment in its programs or activities. "Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act or Section 286.26, Florida Statutes, should contact Mr. Freddie Carino, ADA Coordinator at: 863-402-6509 (Voice), 863-402-6508 (TTY), or via Florida Relay Service 711, or email: [fcarino@bcc.co.highlands.fl.us](mailto:fcarino@bcc.co.highlands.fl.us). Requests for CART or interpreter services should be made at least 24 hours in advance of the meeting to permit coordination of the service."

BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA  
Chairman  
ATTEST: L.E. "Luke" Brooker, Clerk

TO BE PUBLISHED IN THE \_\_\_\_\_ NEWSPAPER ON \_\_\_\_\_, 20\_\_\_\_,  
\_\_\_\_, AND \_\_\_\_\_, 20\_\_\_\_.

REQUEST "PROOF OF PUBLICATION"

RESOLUTION

WHEREAS, the petition of \_\_\_\_\_ requesting that the Board of County Commissioners of Highlands County, Florida, vacate the easement described below, and renounce and disclaim any rights of the county and the public in and to the easement and any lands in connection therewith, was duly presented to the Board at a regular meeting held on \_\_\_\_\_, 20\_\_; and

WHEREAS, a notice of intention to apply to the Board of County Commissioners to vacate the easement was duly published in the \_\_\_\_\_, a newspaper of general circulation in Highlands County, Florida, on \_\_\_\_\_, 20\_\_, and on \_\_\_\_\_, 20\_\_; and

WHEREAS, a hearing was held on \_\_\_\_\_, 20 \_\_, and after due weight, consideration and determination, it was determined that the statutory requirements have been complied with and that the vacating of the easement will not adversely affect the ownership of any person.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Highlands County, Florida, that the easement described below be and it is hereby vacated, abandoned, discontinued, and closed, and all rights of the County and the public in and to the easement and any lands in connection therewith be and they are hereby renounced and disclaimed. The easement is described as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

BY: \_\_\_\_\_  
Chairman

ATTEST:

BY: \_\_\_\_\_

L.E. "Luke" Brooker, Clerk