

HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS

Procedures and Policy for VACATING PLATS (F.S. 177.101)

STEP 1

A written petition, and the following items must be submitted to the County Engineer requesting a public hearing date to consider vacating the specified plat. 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). (Fill out entire form, with signatures of whomever is on warranty deed as owners of property)
- b. Notice of Public Hearing (Form Attached) (Fill out name of petitioner and legal description only)
- c. Resolution to Vacate (Form Attached)(Fill out name of petitioner and legal description only)
- 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 given to the County, a 30 year title search, with all documentation attached, will be required.** (Preparation of any utility easements shall be prepared by the petitioner or the utility company requesting the easement.)
- 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 plat.
- g. The Petitioner shall attach a letter from the County Zoning Supervisor (501 South Commerce Avenue, Sebring, Florida 33870) stating that "the vacating of the petitioned plat will not cause non-conforming use of any property".
- h. For vacation of plats either in whole or in part, it must be shown that the Petitioner owns fee simple title to the whole or that part of the tract covered by the plat sought to be vacated. (Copy of petitioners warranty deed is required). Additionally, it must be shown that the vacation by the County will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.
- i. If the petitioner is a corporation, the appropriate printout from the State, showing they are authorized to sign needs to be attached to the petition.

- j. Petition for vacation of plats either in whole or in part must be accompanied by certificates showing that all State and County taxes have been paid.
- k. Processing fee of \$800.00 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 public 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

If such tract or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

STEP 5

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.

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

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. _____

DATE: _____

This is to Petition the Board of County Commissioners to consider vacating a plat, 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:

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

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 plat described below and renounce and disclaim any rights of the County and the public in and to the plat and land in connection therewith. The plat is described as:

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. Fred Carino, ADA Coordinator, at (863) 402-6509.

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 plat described below, and renounce and disclaim any rights of the county and the public in and to the plat 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 plat 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 plat 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 plat 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 plat and any lands in connection therewith be and they are hereby renounced and disclaimed. The plat is described as:

ADOPTED this ____ day of _____, 20_____.

BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

BY: _____
Chairman

ATTEST:

BY: _____
L.E. "Luke" Brooker, Clerk