

February 24, 2015

SUBJECT:**ORIGINATING DEPARTMENT:****Abandonment And Vacation of Public Lands, Plats of Record, Streets, Alleys, and Other Public Rights-of-Way****County Attorney/Dept. of Planning and Development**

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POLICY:

It is the intent of the Board of County Commissioners to ensure that the public interest is adequately safeguarded in the process of abandonment or vacation of public lands, plats of record, streets, alleys, and other public rights-of-way, by allowing for proper review by the appropriate agencies.

PROCEDURE:

- A. All applications for the abandonment of public lands shall be made to the Department of Planning and Development/ Land Development Division. The forms necessary to initiate the vacation process are available at the Department of Planning and Development/ Land Development Division. To cover the administrative costs, a filing fee has been established. A check for the appropriate application fee made payable to the Citrus County Board of County Commissioners is required at the time of application. The applicant will be billed for public notification and advertising as well as for any other costs incurred by the County for verification of property ownership as needed for proper review of the request. These costs must be paid by the applicant prior to consideration by the Board of County Commissioners.
- B. The applicant shall be required to submit letters from the appropriate utility providers (telephone/communications, power, water, sewer, cable, gas, Mosquito Control, etc.) certifying that they have no easements or utilities that require relocation and no future plans to construct utilities or otherwise utilize the rights-of-way at issue. (If a utility requests an easement, relocation of utility facilities, or any other such condition, corresponding executed documents – i.e., an executed easement deed, etc., shall be provided by the applicant.) The applicant shall furnish an Ownership and Encumbrance Report prepared by a title company to ensure ownership of the described area to be vacated. The report must include a legal description of the subject property and a current list of the names and addresses of all owners of property abutting the subject property. A current boundary survey may be required if needed to properly review the request. The applicant shall provide proof that any and all applicable property taxes have been paid for the most recent tax year prior to consideration of any plat vacation request. It should be noted, for those desiring the vacation of waterfront property, that, except in limited instances which clearly advances the health, safety and welfare of the public, the request for vacation will be denied by the Board of County Commissioners.

- C. The application shall be reviewed and commented on by, including the Land Section, Emergency Operations Center/911, Citrus County_Fire Rescue and other agencies as appropriate. After review by all appropriate agencies, the Land Development Division will present the request to the Planning and Development Commission (PDC) for consideration. The PDC will agenda the item, hold a public meeting, and make a recommendation for consideration by the Board of County Commissioners (BCC).
- D. After discussion by the PDC, the applicant will be advised of the cost for public notification of the BCC meeting, as well as estimated recording costs if the request is approved. The applicant shall submit to the Land Development Division a check for public notification, as well as a separate check for estimated recording costs, made payable to the Clerk of Court. (For street vacations, the applicant shall submit a survey which reflects inclusion of the vacated right-of-way into the abutting lots.) Once payment (and, for street vacations, a survey along with appropriate recording costs) is received, the application package will then be forwarded to legal staff for review.
- E. After reviewing the legal requirements, the County Attorney shall agenda the request for a public hearing before the Board of County Commissioners. The cost of advertising the notice of the public hearing is the responsibility of the petitioner. The County Attorney will not agenda the item until such time as all of the required forms and cost reimbursements have been submitted for review.
- F. After the County Attorney sets the item for public hearing, the applicant will be advised of the cost of the public advertisement for the hearing. If payment has not been received prior to the scheduled public hearing, the item will be tabled until such time as payment has been received. At this time, the Land Development Division will forward the applicant's checks for recording and public notification to Commission Records.
- G. If a vacation for a street, alley, and/or other public right-of-way is approved by the Board of County Commissioners, the notice of the adoption of the resolution shall be published in a weekly newspaper authorized by law to publish legal notices in Citrus County, Florida, within thirty days from the date of adoption at the expense of the petitioner.

EFFECT:

- A. If the vacation is approved, title to the real property formally occupied by the street(s), road(s) or alleyway(s), shall vest in fee simple to the abutting land owners. Such abutting owners shall take title to the real property, formally occupied by the street(s), road(s) or alleyway(s), as applicable, subject to any easements as may be delineated as necessary to further and preserve the public health, safety and welfare.