



## **Hernando County Real Property Management**

1525 E. Jefferson

Brooksville, FL 34601-2850

Phone (352) 754-4062 Ext. 20118

Fax (352) 754-4423

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## **Application for Petition to Vacate**

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## **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 Petitioner.
2. Proof of ownership. (Copy of Deed)
3. A 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 therefor.
4. An original and **twenty-one (21) 11" x 17" copies** and two (2) 8" x 14" copies of a current survey. The survey must be from a 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.
  - b) Area size and location.
  - c) All existing adjacent structures, streets, alleys, and other public ways. All existing improvements below or above ground.
  - d) Relevant drainage elevations.
  - 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.
5. A list of the names and addresses of all abutting/adjoining property owners.
6. A fee, in cash or check, checks made payable to the Hernando County Board of County Commissioners for the amount indicated on the fee schedule.
7. If the request is for a vacation of a plat or a portion thereof, provide this office with twenty-one (21) copies of a certified copy of the plat together with proof of taxes being paid. The plat information is obtainable from the Recording Department and proof of taxes from the Hernando County Tax Collector.
8. Photographs of the area to be vacated, showing adjoining properties and illustrating to extent possible reasons cited for vacation.
9. If applicable, the name and address of the President of the Homeowners' Association.
10. An agent representing the petitioner should provide a notarized letter authorizing him to act on behalf of the petitioner.

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 Fees shall not be refunded on withdrawn applications or applications denied by the Board of County Commissioners.**

**C. Notices.**

1. For vacation of easements, alleys, and rights-of-way, the Property Management 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.
2. For vacation of plats or portions thereof, the Petitioner or their representative, upon fixing a date for the Public Hearing, shall type the required legal notices and deliver the notices to a local newspaper of general circulation.
3. It shall be the responsibility of the Petitioner to arrange, with the newspaper for payment of the cost of publishing the notice.

**D. Required Mailing Notice**

1. The Property Management 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 Property Management Department. The signs shall be posted in a conspicuous location and shall be posted at least two weeks [fourteen (14) 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 that he/she has met the requirements of Item One above.
3. The Affidavit shall be delivered to the Property Management Department ten (10) working days prior to the scheduled public hearing date.

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

**G. 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 Property Management staff to schedule a public hearing before the Board.**

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

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

**J. For vacations of roadways the Property Management 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.**

- K. The Property Management Department shall send the necessary documents to the Clerk of Circuit Court to be recorded in the Official Records of Hernando County.**
- L. In demonstrating the need for any vacation of right-of-way, alley, easement, or plat, the burden of proof shall be solely the responsibility of the Petitioner.**

**M. FEE SCHEDULE**

Application Filing Fee:		\$100.00
Petition Fee:	Due ten (10) days after written acceptance notification.	
	\$100.00 per separate easement described	\$100.00
	\$200.00 per dedicated right-of-way, road or alley	\$200.00
	\$500.00 per plat of less than 100 lots or portion thereof	\$500.00
	\$5.00 per additional lot	\$ 5.00
Two Signs for Posting @ \$2.39 each:		\$ 4.78
*Postage Fee:		
	Certified Mail, Return Receipt Requested, Each Abutting Property Owner	\$ 5.32
Recording Fees:		
	Resolution	\$ 10.00
	Notice of Intent	\$ 10.00
	Notice of Adoption of Resolution	\$ 10.00

**All costs for newspaper publications will be billed directly to the Petitioner by the newspaper.**

# **\*\*NEW LOT GRADING PLANS\*\***

On August 24, 2004, the Board of County Commissioners approved new lot grading plans. **The new plans are effective immediately.** Fill or cuts 30" or greater shall require an engineered site plan to address drainage and slope stability. Front, side and rear slopes shall not be steeper than 3 to 1.

The First Provision: Requires a licensed Professional Engineer to examine the proposed construction and, if necessary, design appropriate retaining walls or other method of erosion control.

The Second Provision: If a retaining wall necessitates vacation of side or rear lot easements, site plan approval will not be issued until the vacation of easement is approved by the Hernando County Board of County Commissioners.

Any questions about this requirement should be directed to the Engineering Department at (352) 754-4062.

Web Site Address:

<http://www.hernandocounty.us/dpw/eng/>

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

**This application must be completed and returned to the Property Management 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 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 \_\_\_\_\_
2. Name of Representative (if applicable): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_
3. Location 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. In your own words, 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.

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**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: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

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

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

**Legal description of the subject area to be vacated:**

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**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 they intend 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 Statutes, 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 will adopt a resolution vacating, abandoning, discontinuing and/or closing the subject area.



Petitioner \_\_\_\_\_

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

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_ who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification.

(Seal) NOTARY PUBLIC \_\_\_\_\_



# Hernando County Government PDF Fill-in Forms Instructions



## Overview


Hernando County fill-in forms use the features provided with Acrobat 4.0 products. Currently, there is no computation, validation or verification of the information you enter and you are still responsible for entering all required information (instructions may require some information to be handwritten on the form).

## Software Requirements


To view, complete and print Hernando County fill-in forms you'll need the freely available Acrobat 4.0 Reader (or later) software installed on your computer. **Important Note: Acrobat Reader does not allow you to save your completed forms to disk.** (The ability to save completed forms is available commercially with the Adobe Acrobat 3.0 (or later) product suite.)

## Completing the Form



- Select the hand tool  from the Acrobat toolbar menu. You can use the hand tool to move the page around so that you can view all the areas on it.
- Position the hand pointer inside a form field and click. The "I-beam" pointer allows you to type text. The arrow pointer allows you to select a field, a check box, a radio button, or an item from a list.
- Press Tab to accept the field change and go to the next field.
- Multi-line fields require you to press Enter (or Return) to progress to the next line. When you've completed the field, press Tab to proceed to the next field.
- To Go Back to the previous field, press Shift + Tab to accept the current field change and go to the previous field.
- Some check box fields require you to click on the box or press Enter to produce a check mark. (Not all check boxes are formatted like this, some require just a typed "X")

## Printing the Form

- Use your mouse to select an area of the form that is not inside a form field, before printing your form. If a form field is active (contains the blinking bar) the contents will not print.
- If the fill-in form is displayed within your web browsers' window be sure to use the printer button  on the Acrobat toolbar menu to print the form instead of your web browsers print function.
- **Reminder: The Acrobat Reader does not allow you to save your filled-in form to disk. Your only permanent record of the filled in form will be your printout.** Therefore, do not close the program until you are sure the printout is acceptable and you've printed all the copies you'll need.

