

## PINELLAS COUNTY REAL ESTATE DIVISION

### APPLICATION GUIDELINES FOR PREPARING TO FILE A PETITION TO VACATE A PLATTED RIGHT-OF-WAY OR ALLEY

**Dear Applicant:** The process to vacate is done in two parts with the Application being the initial stage. When the Application has been completed and approved, the Petition to Vacate will be submitted to the Board of County Commissioners for approval. We believe the steps outlined below will help you to complete a successful Application.

**Vacating of a public Right-of-Way or Alley is done in accordance with State Statute 336.09.**

#### **SKETCH AND LEGAL DESCRIPTION**

Your first step in the APPLICATION process is to contact a registered land surveyor to request a **SKETCH AND LEGAL DESCRIPTION (NO LARGER THAN 8.5 x 11 INCHES)** of the area you are asking to vacate. The legal description needs to describe ONLY the portion of easement to be vacated, and be **prepared, signed and sealed by a Registered Professional Land Surveyor** in compliance with the Florida Administrative Code. A survey of your property is not required nor acceptable unless your request is to vacate an entire plat in preparation for redevelopment.

#### **LETTERS OF NO OBJECTION**

Letters are required from several sources stating “**NO OBJECTION**” to the requested vacation. Provided in this package is a “**SAMPLE LETTER**” together with names and addresses for the various Utility Companies you need to contact. Each request letter you send should have the sketch and legal description attached to help in the response time. We also require a **LETTER OF “NO OBJECTION”** from your Homeowner Association, if one exists.

Additional **LETTERS OF NO OBJECTION** may be required as follows:

-If the right-of-way or alley is adjacent to a pond or retention area, or portion of a pond or retention area, please contact the Southwest Florida Water Management District (SWFWMD), contact information is provided on a following page. Request a **LETTER OF NO OBJECTION**, a copy of the original **SWFWMD Permit** for the pond and/or retention area and a copy of the **Transfer of Maintenance**, if applicable. Once you receive the information from the District, please obtain a **LETTER OF NO OBJECTION** from the current Maintenance Entity as stated on the permit or in the transfer of maintenance. The Maintenance Entity is usually the **HOMEOWNER ASSOCIATION** for your subdivision, and is responsible for maintaining the pond or retention area in accordance with the permit conditions.

**PLEASE NOTE:** THE LETTER FROM THE HOMEOWNER ASSOCIATION, AS **MAINTENANCE ENTITY**, IS A SEPARATE LETTER THAN THE LETTER FROM THE HOMEOWNER ASSOCIATION AS REFERENCED ABOVE. CONFUSED? GIVE ME A CALL.

-If the right-of-way or alley abuts property inside City limits, please contact that City for a **LETTER OF NO OBJECTION**.

-If your petition involves platted public right-of-way that is submerged, please request a **LETTER OF NO OBJECTION** from the **State of Florida, Department of Environmental Protection**. Contact information is provided on a following page.

-If your petition involves platted public right-of-way that is adjacent to a State Road, please contact the **Florida Department of Transportation** for a **LETTER OF NO OBJECTION**.

Please remember to have all response letters returned to you - signed, original **LETTERS OF NO OBJECTION** are to be a part of the package at the time you submit the APPLICATION.

If a Utility Company letter comes back with requirements for an easement in place of the right-of-way – please call me to discuss your options for resolving the matter - 464-3773.

### **APPLICATION, AND FINDINGS OF FACT**

-Please include the name, address and original signature of each petitioner on the APPLICATION where indicated. Please include on the application a **daytime telephone number** where you can be reached.

**If vacating public right-of-way or alley, all adjacent property owners must sign as joint petitioners.**

-If your requested vacation of right-of-way is in anticipation of re-platting or redevelopment, please include an 11 x 17 inch copy of the proposed site plan or plat.

PLEASE NOTE: If portions of the right-of-way or alley being vacated is within City limits, the City needs to process it's vacation FIRST. When submitting to the County to vacate the remaining right-of-way or alley, a certified copy of the approved City Resolution is required as part of the package.

### **BOARD OF ADJUSTMENT VARIANCE**

Please keep in mind, when requesting to vacate public right-of-way, the Real Estate Division cannot recommend approval of a request that may create a non-conforming situation for adjacent platted land. To determine if your request may create such a situation, please contact me, or you may wish to discuss the matter with the Development Review Services Department (DRS) at (727) 464-3888 to determine if a Board of Adjustment Variance may also be needed. If so, the DRS Department staff can assist you with that process.

ONCE THE ABOVE STEPS HAVE BEEN COMPLETED, THE APPLICATION SHOULD BE READY TO SUBMIT TO PUBLIC WORKS REAL ESTATE FOR STAFF REVIEW AND RECOMMENDATION FOR APPROVAL.

**APPLICATION FOR PETITION TO VACATE RIGHT-OF-WAY OR ALLEY**  
**CHECKLIST**

- \_\_\_\_\_ Sketch & Legal Description – Signed & Sealed by a Registered Land Surveyor
  
- \_\_\_\_\_ Required Letters of “No Objection” (ORIGINALS ONLY, PLEASE)  
NO conditional letters will be accepted
  - \_\_\_\_\_ Bright House (Cable )
  - \_\_\_\_\_ Knology (Cable)
  - \_\_\_\_\_ Pinellas County Utilities (Water & Sewer)
  - \_\_\_\_\_ Progress Energy (formerly Florida Power)
  - \_\_\_\_\_ Verizon Florida, Inc. (Telephone)
  
- \_\_\_\_\_ Additional Letters of “No Objection” as may be required  
if the following are NOT required, please mark “n/a” to indicate the letter is not applicable.
  - \_\_\_\_\_ DEP – Department of Environmental Protection
  - \_\_\_\_\_ FDOT – Florida Department of Transportation
  - \_\_\_\_\_ SWFWMD – Southwest Florida Water Management District (Ponds Only)
    - \_\_\_\_\_ Letter of “No Objection”
    - \_\_\_\_\_ Copy of the Permit
    - \_\_\_\_\_ Copy of the Transfer of Maintenance
    - \_\_\_\_\_ Letter of “No Objection” from the HOA as Maintenance Entity
  - \_\_\_\_\_ Adjacent Municipality, if applicable
  - \_\_\_\_\_ Gas Service (TECO Gas – formerly Peoples Gas)
  - \_\_\_\_\_ Homeowner Association
  - \_\_\_\_\_ Lessee
  
- \_\_\_\_\_ Copy of your ownership Warranty Deed
- \_\_\_\_\_ Affidavit of Ownership of your property (from a title company or a real estate attorney)
- \_\_\_\_\_ Copy of Certificate of Taxes Paid for current and previous years (from Property Appraiser)
- \_\_\_\_\_ Copy of approved City Resolution (if portion of vacation request is inside City limits)
- \_\_\_\_\_ Completed Application and Findings of Fact for Petition to Vacate

Please submit the completed Application Package to:

**Pinellas County Real Estate Division**  
**ATTENTION: Cynthia Harris, Real Estate Specialist**  
**509 East Avenue South**  
**Clearwater, Florida 33756**  
**(727) 464-3773                      (Fax) 464-5251**

**Package may be mailed or hand-delivered**  
**(It is recommended that you retain copies of all documents for your records)**

## **SAMPLE LETTER**

**Here is a suggested format for requesting a “LETTER OF NO OBJECTION”  
(Please fill out completely with all of your information requested below)**

**(Date)**

**(Your Name)**

**(Street Address)**

**(City, State, Zip Code)**

**(Your Telephone Number)**

**(Contact Person)**

**(Utility Company Name)**

**(Department/Division, if applicable)**

**(Street Address)**

**(City, State, Zip Code)**

**Re: Petition to Vacate: See attached Legal Description  
Street Address adjacent to the subject right-of-way/alley**

**Dear:**

**Please provide a letter of “No Objection” to the above referenced Petition to Vacate, and forward your reply to the above address. Please use the above street address in your reference line. Thank you for your consideration of this request.**

**Sincerely,**

**(Your Signature)**

**(Please see next page for Names & Addresses)**

**NAMES & ADDRESSES for LETTERS OF “NO OBJECTION”**

**PLEASE ASK EACH UTILITY TO USE YOUR PROPERTY ADDRESS IN THE REFERENCE LINE ON THE LETTERS OF NO OBJECTION**

**BRIGHT HOUSE NETWORKS (Cable Service north of Belleair Road)**

Attn: W. Scott Creasy, Field Engineer III ([scott.creasy@mybrighthouse.com](mailto:scott.creasy@mybrighthouse.com))  
700 Carillon Parkway, Suite 6  
St. Petersburg, FL 33716  
Phone # - (727) 329-2817

**BRIGHT HOUSE NETWORKS (Cable Service south of Belleair Road)**

Attn: Sherell Darroch, Field Engineer III ([sherelle.darroch@mybrighthouse.com](mailto:sherelle.darroch@mybrighthouse.com))  
700 Carillon Parkway, Suite 6  
St. Petersburg, FL 33716  
Phone # - (727) 329-2847

**KNOLOGY BROADBAND (Cable Service for Unincorporated County)**

Attn: Jay Young, Construction Manager ([jay.young@knology.com](mailto:jay.young@knology.com))  
3001 Gandy Boulevard North  
Pinellas Park, Florida 33782  
Phone # - (727) 239-0156

**PINELLAS COUNTY UTILITIES (Water & Sanitary Sewer Service)**

Sandra McDonald, P.E., Engineering Supervisor ([smcdonal@Pinellas County.org](mailto:smcdonal@Pinellas County.org))  
Engineering Department  
14 South Fort Harrison Avenue  
Clearwater, Florida 33756  
Phone # - (727) 464-3588

**PROGRESS ENERGY FLORIDA (Distribution)**

Attn: Tuyet La ([tuyet.la@pgnmail.com](mailto:tuyet.la@pgnmail.com))  
2166 Palmetto Street  
Clearwater, Florida 33757  
Phone # - (727) 562-5651

**PROGRESS ENERGY FLORIDA (Transmission)**

Attn: Attn: Todd Boyer ([todd.boyer@pgnmail.com](mailto:todd.boyer@pgnmail.com))  
3300 Exchange Place, NP3B  
Lake Mary, Florida 32746  
Phone # - (407) 942-9374

**VERIZON FLORIDA, INC. (Phone Service)**

Attn: Randy Johnson ([Larry.R1.Johnson@Verizon.com](mailto:Larry.R1.Johnson@Verizon.com))  
1280 E. Cleveland Street  
FLCW 5033  
Clearwater, Florida 33755  
Phone# - (727) 562-1102

**TECO PEOPLES GAS**

Attn: Jeff Frazier ([STJXF@TECO.com](mailto:STJXF@TECO.com))  
1920 9<sup>th</sup> Avenue North  
St. Petersburg, Florida 33713  
Phone # (727) 423-7621

**PLEASE NOTE:** If your neighborhood receives GAS LINE service, a letter of “No Objection” is required from whichever company provides that service; i.e. TECO Peoples Gas, Suburban Propane, etc. Verified & Revised 07-07

**ADDITIONAL AGENCIES TO BE CONTACTED AS NEEDED**

**STATE OF FLORIDA Department of Environmental Protection (DEP)**  
**(Copies of pond permits – 1978 through 1984)**  
**Phone # - (813) 744-6100**

**Title & Land Records**  
**(Letter of “No Objection” for submerged right-of-way)**  
**Phone #**

**STATE OF FLORIDA Department of Transportation (DOT)**  
**11201 North McKinley Drive**  
**Tampa, Florida 33612**  
**Phone # - (813) 975-6495**

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)**  
**(Copies of SWFWMD permits)**  
**Richard Alt –or- Alberto Martinez**  
**7601 Highway 301 North**  
**Tampa, Florida 33637**  
**Phone # - (813) 985-7481 Ext. 2045**

**PETITION TO VACATE**  
**PUBLIC HEARING**

At the time you bring in the completed application, letters of no objection and all documents requested, a \$350.00 non-refundable application fee is required to begin the petition to vacate or release of easement application. When the County staff review and approval of the application is complete, **you will be notified by mail and requested to submit the Petition to Vacate form together with the \$340.00 filing fee, and advertising costs, and all pertinent fees associated with approval of the request.** Upon receipt of the check, made payable to the Board of County Commissioners (BOCC), and the Petition, the **PETITION TO VACATE PACKAGE** is prepared by County staff for presentation to the **BOARD OF COUNTY COMMISSIONERS** as a public hearing agenda item.

**FYI, below are the steps necessary for the Real Estate Division to prepare for the public hearing:**

**ADVERTISEMENT**

**In accordance with State Statute, “the Commissioners shall hold a public hearing and shall publish notice thereof, one time in a newspaper of general circulation in the county in which the parcel of land is located, at least two weeks prior to the date stated therein for such hearing”.** Following the Public Hearing, **“Notice of the adoption of the Resolution by the Commissioners shall be published one time, within 30 days following its adoption, in one issue of a newspaper of general circulation”.** These advertisements are placed in the paper by the Clerk of the Circuit Court, Board Records Section.

**POSTING**

At staff discretion, the date of the public hearing may be posted by a sign placed upon your property by County Personnel several days prior to the hearing - **PLEASE DO NOT REMOVE THE SIGN** until after the public hearing.

**NOTIFICATION**

Notification of the public hearing date will be mailed to you and your surrounding neighbors from the Clerk of the Circuit Court. You or your representative are encouraged to attend the public hearing to answer any questions that may arise. Keep in mind that if the Board has questions during the hearing that cannot be answered by County Staff, the Petition to Vacate could be denied or deferred.

Following the meeting, and the post meeting advertising, you will be notified by mail from the Board of County Commissioners Records Section that your petition was approved. Copies of the recorded Resolution and other pertinent documents will be included with that letter.

**If you have any questions - at any time during this process - please do not hesitate to contact me at (727) 464-3773.**

**APPLICATION AND FINDINGS OF FACT**  
**PUBLIC RIGHTS-OF-WAY OR ALLEYS**  
**PETITION TO VACATE - OR – TERMINATE BY COUNTY DEED**

APPLICANT(S): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Property Appraiser Parcel Number: \_\_\_\_\_

**PLEASE ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR KNOWLEDGE**

1. The right-of-way or alley is: \_\_\_ open and used \_\_\_ unopened “paper” street

2. Is a corporation involved as owner or buyer?

If yes, please give Corporation name and list Corporate Officers:

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

3. Complete subdivision name as shown on the Subdivision Plat:

\_\_\_\_\_

4. Subdivision Plat Book Number \_\_\_\_\_ Page number(s) \_\_\_\_\_

5. Is there a Homeowners Association? \_\_\_\_\_ Yes \_\_\_\_\_ No

**The following question applies only to requests for Release by County Deed, not to Vacations**

6. Right-of-Way was created by:

Official Records Book Number \_\_\_\_\_, Page Number(s) \_\_\_\_\_

7. Reason(s) for requesting this vacation – check all that apply:

-Need to vacate to clear an existing encroachment:

\_\_\_\_\_ Pool \_\_\_\_\_ Screened Pool & Deck \_\_\_\_\_ Building

-Need to vacate to clear title: \_\_\_\_\_ Yes \_\_\_\_\_ No

-Want to vacate to allow for:

\_\_\_\_\_ Pool \_\_\_\_\_ Screened Pool/Deck \_\_\_\_\_ Building Addition

-Want to vacate to ease setback restrictions: \_\_\_\_\_ Yes \_\_\_\_\_ No

-Want to vacate to include the vacated right of way or alley into my property for:

\_\_\_\_\_ Increased property size \_\_\_\_\_ Prohibiting unwanted use of the area

\_\_\_\_\_ Other:

8. Is Board of Adjustment Variance required? \_\_\_\_\_ Yes \_\_\_\_\_ No

To determine if a variance is also required, please call:  
DEVELOPMENT REVIEW SERVICES DEPARTMENT at 464-3888

9. If anyone has assisted you with the preparation of this form, gathering of information or requesting information on your behalf, please list their name, title , address and phone number below.

Name \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

10. Please provide any relevant additional comments:

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

**CITIZENS DISCLOSURE**

11. \_\_\_\_\_1) I have a current family relationship to an employee, or an elected official, of Pinellas County Government. That person is \_\_\_\_\_, employed in the Department of \_\_\_\_\_, or Office of \_\_\_\_\_, Elected Official, or see attached list.

\_\_\_\_\_2) I am not aware of any current family relationship to any employee, or Elected Official, of Pinellas County Government.

\_\_\_\_\_3) I am an employee of Pinellas County Government, in the \_\_\_\_\_ Department, or the Office of \_\_\_\_\_, Elected Official.

The definition of family relationship, for the purposes of this document, is the immediate family consisting of: father, mother, brother, sister, half-brother or sister, adopted brother or sister, or by law or marriage, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

**APPLICANT(S) SIGNATURE**

DATE: \_\_\_\_\_

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

**SUPPLEMENTAL PAGE FOR ADDITIONAL APPLICANTS/PETITIONERS**

**For Property Address** \_\_\_\_\_

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

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

**City, State, Zip:** \_\_\_\_\_

**Daytime Telephone Number:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

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

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

**City, State, Zip:** \_\_\_\_\_

**Daytime Telephone Number:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

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

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

**City, State, Zip:** \_\_\_\_\_

**Daytime Telephone Number:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

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

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

**City, State, Zip:** \_\_\_\_\_

**Daytime Telephone Number:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

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

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

**City, State, Zip:** \_\_\_\_\_

**Daytime Telephone Number:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

