

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 a portion of a pond or retention area, or any other SWFMWD permitted facility, 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 Building, Development & Review Services Department (BDRS) at (727) 464-3888 to determine if a Board of Adjustment Variance may also be needed. If so, the BDRS Department staff can assist you with that process.

ONCE THE ABOVE STEPS HAVE BEEN COMPLETED, THE APPLICATION SHOULD BE READY TO SUBMIT TO REAL ESTATE MANAGEMENT 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)
700 Carillon Parkway, Suite 6
St. Petersburg, FL 33716
Phone # - (727) 329-2817

BRIGHT HOUSE NETWORKS (Cable Service south of Belleair Road)
Attn: Sherelle Darroch, Field Engineer III (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)
3001 Gandy Boulevard North
Pinellas Park, Florida 33782
Phone # - (727) 239-0156

PINELLAS COUNTY UTILITIES (Water & Sanitary Sewer Service)
Attn: Sandra McDonald, P.E., Engineering Supervisor
Engineering Department (smcdonal@pinellascounty.org)
14 South Fort Harrison Avenue
Clearwater, Florida 33756
Phone # - (727) 464-3588

PROGRESS ENERGY FLORIDA (Distribution)
Attn: Tuyet La (tuyet.la@pgnmail.com)
2166 Palmetto Street
Clearwater, Florida 33757
Phone # - (727) 562-5651

PROGRESS ENERGY FLORIDA (Transmission)
Attn: Todd Boyer (todd.boyer@pgnmail.com)
3300 Exchange Place, NP3B
Lake Mary, Florida 32746
Phone # - (407) 942-9374

VERIZON FLORIDA, INC. (Phone Service)
Attn: Tom Lindsay (tom.lindsay@verizon.com)
1280 E. Cleveland Street
FLCW 5034
Clearwater, Florida 33755
Phone# - (727) 562-1100

TECO PEOPLES GAS
Attn: Jeff Frazier (STJXF@TECO.com)
1920 9th 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 05-10

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:
BUILDING 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** _____