

PETITION TO ABANDON/VACATE

INSTRUCTIONS & EXPLANATIONS

The following are explanations of the required exhibits that must accompany the petition application for abandonment determination. See list of definitions on Page 4.

PETITION APPLICATION PROCEDURE

In addition to any other information required by the Department, the petition shall contain the following:

1. **Legal description of Petition Site** - a complete and accurate legal description of the **Petition Site** only.
2. **Public Interest** - a statement identifying the petition site as being:
 - a. Type of easement; (*utility, drainage, access, etc.*)
 - b. Plat; (*name of plat*),
 - c. A public right-of-way; (*name of street, if known*)

The statement shall identify the source of the city's or public's interest, together with a reference to the recording information for same (*Plat Book #, Page #, Official Record Book #, Page #*).

3. **Survey** - a certified land survey measuring 8 ½" x 11", shall be prepared by a Florida registered land surveyor in accordance with the minimum technical standards of Section 472.027, Florida Statutes, and Chapter 21HH-6, Florida Administrative Code, and attached as an exhibit to the petition. The survey drawing shall show, in addition to the petition site, the following:
 - a. The boundaries of **abutting** properties.
 - b. The square footage of the Petition Site.
 - c. Existing structures, utilities, easements, encroachments and other improvements, including but not limited to the location of underground or surface utility lines and equipment, ditches, fences, buildings, pathways, and drainage structures located within the Petition Site.

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4. **Location Map** - a drawing measuring not less than 8 ½" x 14" and no larger than 11" x 17" which clearly and legibly identifies the location of the Petition Site in relation to the nearest public right-of-way, *(excluding the Petition)* and **all affected properties**. *(This procedure is required if the petition site is a public right-of-way).*
 5. **List of owners of affected property** - *(This procedure is required if the petition site is a public right-of-way).* A complete list of all owners of **affected** property, their mailing addresses and legal description of the property owned. These properties should be **legibly** identifiable on the Location Map.
 6. The petition shall state the source of the information used to compile the list and shall contain an affidavit of the preparer that to the best of his knowledge said list is complete and accurate. If the **affected** property is under the jurisdiction of a Community Association, this requirement of notice to **affected** property owners may be fulfilled by mailing such notice to the Community Association's registered agent. All **abutting property owners** must be included in the mailing list. Said list shall be accompanied by a Number Ten (10) white envelope for each **affected** and **abutting** property owner as follows:
 - a. The following **return** address shall be printed or typed on the envelope and certifying postal documents:

City of Greenacres
Planning & Engineering Department
5800 Melaleuca Lane
Greenacres, FL 33463
 - b. The envelope shall be **pre-stamped** with sufficient postage for **certified, return receipt postage** for addresses in the United States and **registered mail postage** for address in **foreign countries**. **DO NOT USE PREDATED METER POSTAGE.**
 - c. A properly completed certified mail receipt or registered mail receipt, as applicable, shall be attached to each envelope. No pre-dated metered postage allowed.
 - d. **Note: b and c are needed only if the petition site is a right-of-way or a public drainage easement.**

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7. Utility Services, drainage district and Palm Beach County approvals - the written consent of the utility companies providing service to or within the Petition Site shall be attached to the petition. In the case of any petition affecting drainage easement, canals, lakes or other water management systems, the written consent of the drainage district or community association having jurisdiction over the Petition Site shall also be attached to the petition.
 8. **Abutting property owners** - **abutting** property owners should be listed as indicated. The consent of those owners, other than the petitioner, should be attached and identified (*This statement applies to Right-of-way abandonment request only*).
 9. **Access to affected property** - the petition shall contain a statement that to the best of the Petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other parcels within the area of the subdivision (*This statement applies to Right-of-Way abandonment requests only*).
 10. **Federal or State Highway Statement** - the petition shall certify that the Petition Site, or any portion thereof, is not a part of any State or Federal highway and was not acquired or dedicated for State or Federal purposes (*This statement applies to Right-of-Way abandonment requests only*).
 11. **Evidence of Title** - the petition shall state the source of petitioner's ownership of interest in and to the Petition Site, and a reference to the recording information for that document. A copy of the source instrument shall be certified by the Clerk of the Circuit Court and attached to the petition.
 12. **Evidence of Taxes Paid** - the petition shall state that all State, Municipal and County taxes on the Petition Site have been paid. This instruction applies to various easements contained in private property. The certificate(s) of the Tax Collector's Office certifying payment of same shall be attached to the petition. A duplicate receipt showing taxes paid and date of payment is acceptable. If the Petition Site is a public right-of-way and therefore tax-exempt, the petition shall so state and a certificate or a tax receipt for properties **abutting** onto the public right-of-way will be required.
 13. **Justification** - petition shall state the prevailing conditions and reasons to support the request.

DEFINITIONS

Attached is a list of definitions for particular terms used throughout the petition applications.

- **Abandon** - the term abandon, and any variant thereof, shall be deemed to include the terms "vacate and annul".
- **Petition Site** - any parcel or real property subject to a petition for abandonment.
- **Abutting Property** - any parcel of real property whose boundaries, or any part thereof, also serves as the boundary, or portion thereof, of the petition site.
- **Affected Property** - any parcel of real property, or portion thereof, which lies within three hundred feet (300') of the boundaries of the petition site.
- **Petition for Abandonment or Petition** - The form prescribed by the Department which requests the abandonment of a plat, or portion thereof, right-of-way or public easement pursuant to this ordinance.
- **Petitioner** - the person(s), governmental entity or business entity submitting a petition for abandonment. The term petitioner shall include "co -petitioner" where appropriate.
- **Right-of Way** - any strip of land dedicated or deeded for ingress and egress or access purposes. The term shall include the terms "road", "highway", "alley", "accessway", and any other similar term. The term shall mean both public right-of-way and private right-of-way.
- **Plat** - any drawing or real property made and recorded pursuant to Chapter 177, Florida Statutes, or the ordinances of Palm Beach County.
- **Public Easement** - any utility or drainage easement which is dedicated by plat in perpetuity for utility or drainage purposes, or which is conveyed by separate instrument, recorded in the Public Records, to the public or the City, which instrument has been approved by the City for recordation. The term shall not include instruments of conveyances or dedications made to specifically named utility companies, owners associations, drainage districts, or other governmental agencies.

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- **Private Right-of-Way** - any right of way dedicated or deeded to an owners association or the owner of the abutting property or which is dedicated as right of way and is the perpetual maintenance obligation of any owners association of the owner of abutting property.
 - **Department** - The City of Greenacres Engineering Department.
 - **City** - City of Greenacres.
 - **Utility Company** - any public or franchised entity which provides electrical, water and sewer, gas or communication services.
 - **City Right-of-Way** - any right acquired by the City or the public by virtue of a dedication to the public or the City on a plat, by separate instrument of conveyance, or by prescription.
 - **Public Records** - the records filed in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.
 - **Owner** - that person, governmental entity or business entity which is the fee simple title holder or real property.
 - **Owners Association** - any association or corporation created under the laws of the State of Florida, the membership of which is comprised of all owners of real property over which the owners association has jurisdiction by virtue of a declaration of covenants and restrictions, declaration of condominium, or similar instrument. The term shall include the terms "homeowner's association", and "property owners association".
 - **Land Value** - the value of land as established for the tax base by the Property Appraiser's Office prior to any or all exemptions.

City of Greenacres
Planning & Engineering Dept.
5800 Melaleuca Lane
Greenacres, FL 33463

CERTIFIED MAIL

123456789

MAIL

Check with
Post Office for
correct amount
of postage for
certified mail
with return
receipt.

John Doe
123 Main Street
Anytown, USA 12345-1234

RETURN RECEIPT REQUESTED

EXAMPLE FOR ENVELOPE

AFFIDAVIT FOR ABANDONMENT PETITION

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared who after being sworn, stated the following:

1. That I have prepared the complete list of all owners of affected property, their mailing addresses, and the legal descriptions of those properties within three hundred (300) feet of the Petition Site as set forth in the 20____ Official Tax Roll as such Exhibit #_____ is attached to the Petition to Abandon.

2. That to the best of my knowledge, said list is complete and accurate.

Signature of Preparer

Sworn To and Subscribed Before Me this _____ day of _____, 20 ____,

by _____ who is personally known to me or
who

has produced _____ as identification.

Signature of Notary

Notary Seal

Commission No.: _____

LETTER OF CONSENT

Before met this day personally appeared _____
who, being duly sworn, disposes and says:

He/She/They is/are the owner(s) of _____
Legal Description of Property

He/She/They has/have been furnished a drawing which clearly indicates the right-of-way to be abandoned and its relationship to his/her/their property.

He/she/they hereby consent to the abandonment of the described petition site which is _____ to
west/east/south/north
his/her/their property as described above.

Sworn To and Subscribed Before Me this _____ day of _____, 20 ____

by _____ who is personally known to me or
who

has produced _____ as identification.

Signature of Notary

Notary Seal

Commission No.: _____

PETITION TO ABANDON/VACATE

UTILITY COMPANIES:

Florida Power & Light (FPL)
AT&T
Palm Beach County Water Utility Department (PBCWUD)
Comcast Cable
Florida Public Utilities (Gas)
Palm Beach County Engineering

DESCRIPTION OF PETITION SITE:

Dear Sirs:

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the above described site.

I have enclosed a copy of the survey and description of the site to be abandoned which is located in the City of Greenacres, for your review and comments. A self-addressed envelope is attached for your early reply.

If you have any questions or if I may be of further assistance please contact me at

Daytime Phone Number

Thank you for your assistance in this matter.

Sincerely yours,

Petitioner or Agent

Encl: Petition/Survey