

THE VACATION OF PLAT APPLICATION AND REVIEW PROCESS

1. **The applicant must schedule a pre-application meeting with a Planner in the Department of Planning & Development Services to discuss the proposed Vacation of Plat or Portion of Plat.** This application will not be accepted until such a meeting takes place and proof of same is provided by signature of the Planner verifying the date and time of such meeting in the space provided below.
2. The applicant must complete and submit an application according to the instructions provided in this packet. The application may not be accepted unless the application is **completed in full with all of the proper information and documentation.**
3. You will receive a notice from staff stating whether or not the application information submitted is sufficient. If the application is insufficient and all deficiencies are not corrected by 5:00 pm within 15 business days from the date submitted the application will not be scheduled for a public hearing. If your application is sufficient, the hearing date for your case will be provided after review of your application.
4. Staff will post signs for notice of public hearing. The signs must be posted in public view on each street side of the subject property at least 10 days prior to the scheduled public hearing before the Board of County Commissioners. If the property does not have frontage on a public street, a sign must be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the subject property.
5. Staff will conduct at least one site visit to the parcel that is the subject of the application. **Submittal of a completed application represents express permission to Department staff to enter onto the property to conduct a site visit.** When only a portion of the plat is being vacated, such a site visit necessarily includes the entire parcel and not just the portion that is the subject of the request. Such site visits will be conducted during regular business hours (8:30 am to 5:00 pm Monday through Friday) between the date of submittal of a completed application and the date of the hearing. The express purposes of the site visit is to place signs noticing the hearing, verify information submitted with this application and complete an analysis of the proposed plat vacation for consistency with the Comprehensive Plan and compliance with County Ordinances. **Denial or refusal to grant such access shall be grounds for rejecting the application.**
6. You are required to pay for the legal advertisements for the public hearing in the Palatka Daily News and provide proof of publication prior to, or at the Board of County Commissioners public hearing. The legal advertisements are prepared and submitted to the Palatka Daily News by the Department. You will receive a bill from the Palatka Daily News for each public notice. When you pay the bills for the required legal advertisements, the Palatka Daily News will furnish you with "Proof of Publication Affidavits" for each public notice. **You must submit the affidavits to our office prior to the Board of County Commissioners public hearings or bring it to the public hearing. If the affidavit is not provided, the case will not be heard.**
7. You will receive a copy of a staff report, prior to the Board of County Commissioners public hearing, which analyzes the application for consistency with the applicable objectives and policies of the Putnam County Comprehensive Plan and County Ordinances, and makes a recommendation to the Commission. **However, please be advised that you are ultimately responsible for presenting and representing your own case. The nature and the order of the hearing proceedings at the hearing are enclosed with this application packet.**
8. Once the application has been advertised for public hearing, if you withdraw the application or cause the hearing to be postponed, you are responsible for payment of the original application fee and any cost incurred by the County for additional public notices.
9. The application will be reviewed by the Subdivision Advisory Committee (SAC) at which the Committee will make a recommendation to the Board of County Commissioners based on Section 12.08.14 of the Land Development Code. You will be notified of the time and date to appear, in required, at the SAC meeting.
10. **There will be one (1) public hearing to review any vacation of plat requested before the Board of County Commissioners.** The planning staff shall submit a written report to the Board of County Commissioners indicating whether the vacation of plat should be approved. The report shall address whether the proposed vacation of plat, or

portion of plat, complies with Section 177.101, Florida Statutes, and is consistent with the Comprehensive Plan, and whether the request complies with the applicable procedures and requirements of the Land Development Code. The Board of County Commissioners shall make the final decision on the matter.

Order of Proceedings:

Board of County Commissioners: The order of proceedings at the Board of County Commissioner’s hearing shall be as follows:

ORDER	ITEM
1	Introduction of Petition
2	Staff Presentation
3	Applicant Presentation
4	Interested Party For
5	Interested Party Against
6	Rebuttals
7	Close of Formal Proceedings
8	Public Input
9	Close Public Hearing, Deliberation and Vote

Interested Party: For purposes of these proceedings, an “interested party” is a person who is prepared to present evidence to the reviewing board and willing to be subject to cross examination. Persons simply wishing to provide comment or other input without being subject to cross examination may do so during the “public input” portion of the hearing.

Direct and Cross Examination: Direct and cross-examination of witnesses shall be permitted in the course the above proceedings. However, the reviewing Board may approve or deny a request from a person attending the hearing to ask a question. Unless the Board specifies otherwise, if the request to ask a question is approved, the Board will direct the question to the person submitting testimony.

Time Limits: The time limits for public input presentations at the public input stage may be limited to 3 minutes per speaker at the discretion of the Chairman.

Board Deliberation: Before the hearing has concluded, the Board shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any person who has testified or presented information. Board decisions shall be decided by motion.

SECTION 12.08.14 of the Land Development Code

- a. Initiated by Property Owner: A plat may be vacated by the County upon a petition filed by the owner of the land covered by the plat, or portion of a plat, pursuant to the procedures and standards therefore in Section 177.101, Florida Statutes. The petition shall be submitted to the Department and the Department shall set the matter on the next available agenda of the Board of County Commissioners, allowing adequate notice pursuant to section 12.06 of this Code, and the final order vacating the plat, or portion thereof, shall be recorded in the official records for Putnam County.

- d. Effect. Every such order vacating a plat, or portion thereof, shall have the effect of:
 - 1. Vacating all streets and rights-of-way which have not become necessary for use by the traveling public, and of vacating all other dedications to the public. A right-of-way or dedication, or portion thereof, that is not intended to be vacated shall be expressly excepted out of the vacation order.
 - 2. Returning the property to acreage.
 - 3. Requiring future development or land uses to comply with the Putnam County Comprehensive Plan and the most current land development regulations.

Florida Statutes 177.101 - Vacation and annulment of plats subdividing land.

(1) Whenever it is discovered, after the plat has been recorded in the public records, that the developer has previously caused the lands embraced in the second plat to be differently subdivided under and by virtue of another plat of the same identical lands, and the first plat was also filed of public record at an earlier date, and no conveyances of lots by reference to the first plat so filed appears of record in such county, the governing body of the county is authorized and directed to and shall, by resolution, vacate and annul the first plat of such lands appearing of record upon the application of the developer of such lands under the first plat or upon application of the owners of all the lots shown and designated upon the second and subsequent plat of such lands, and the circuit court clerk of the county shall thereupon make proper notation of the annulment of such plat upon the face of such annulled plat.

(2) Whenever it is discovered that after the filing of a plat subdividing a parcel of land located in the county, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the governing body of the county that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the governing body of the county is authorized by resolution to vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees, and the circuit court clerk of the county shall thereupon make proper notation of the action of the governing body upon the face of the first plat. The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

(3) The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

(4) Persons making application for vacations of plats either in whole or in part shall give notice of their intention to apply to the governing body of the county to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid. For the purpose of the tax collector's certification that state, county, and municipal taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under s. [194.171](#), the owner of the platted lands sought to be vacated shall post a cash bond, approved by the tax collector of the county where the land is located and by the Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to s. [194.192](#) adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable timeframe for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application. If such tract or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

(5) Every such resolution by the governing body shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the offices of the circuit court clerk and duly recorded in the public records of said county.

(6) All resolutions vacating plats by the governing body of a county prior to September 1, 1971, are hereby validated, ratified, and confirmed. Such resolutions shall have the same effect as if the plat had been vacated after September 1, 1971.

INSTRUCTIONS FOR FILING A VACATION OF PLAT APPLICATION

ITEM #1: The owner(s) must list their name(s) and mailing address(es) in ITEM #1. **The applicant(s) must be the property owner(s).**

ITEM #2: Provide the subdivision name that is to be vacated.

ITEM #3: Provide the subdivision identification number and official record book and page where the plat is recorded and the date of when the plat was recorded. This may be obtained from the Property Appraisers Office or Recording Department.

ITEM #4: The parcel identification number(s) for the property is on your tax notice or can be obtained from the Property Appraisers Office or Planning & Development Services.

ITEM #5: Provide the physical address of the property. If the property does not have an address assigned then an address may be assigned by contacting the 911 addressing Department.

ITEM #6: Provide road numbers, street names, and distances.

ITEM #7: Calculate the total acreage of area within the subdivision to be vacated and the total acreage in the road right-of ways.

ITEM #8: Provide the current zoning designation, future the land use designation (this information is available at the Department), and describe the current use of the property; for example, is it vacant, residential or commercial.

ITEM #9: State the purpose of your request for vacating the plat.

ITEM #10: If a prior rezoning, special use permit or variance application has been submitted for the property, print YES and provide the case number(s). If none, print NO.

ITEM #11: Each of the following items **MUST** be submitted with the application:

APPLICATION FEE - A vacation of plat application requires a \$500.00 processing fee. Fees are subject to change at any time by resolution of the Board of County Commissioners. In addition to the application fee, you are required to purchase signs for posting on the property. Signs are \$6.50 each. The number of public streets that the property has frontage on determines the number of signs required. You will also be required to pay for legal advertising in the Palatka Daily News. Fees are non-refundable, unless the application is formally withdrawn at least 21 days prior to the first scheduled hearing date or the Board of County Commissioners determines to waive or reduce the fee at the hearing, in which case the money would be refunded. If the application is withdrawn 21 days or more prior to the scheduled hearing, then any request for a refund shall be based on cost incurred by the County in processing the application, including time spent in pre- and post application meetings and DRC review, subject to the minimum fee of \$75.00 in all cases.

AGENT DESIGNATION FORM - This should be submitted with the application but may be submitted any time prior to the hearing and is not required unless the applicant(s) choose to designate an agent other than an applicant to represent them at the public hearings. **Please note that the notarized signatures of the owner(s) and the agent are required on this form.** The owner(s) signatures must be the same as in ITEM #12 on the application form.

RECORDED DEED - A copy of the recorded deed to the property involved in the request must be provided.

LEGAL DESCRIPTION - A legal description of the area for the plat, or portion of plat, to be vacation must be provided, if the area is different from the legal description in the deed to the property.

COPY OF RECORDED PLAT – A copy of the plat that is subject to the application. This may be obtained from the Recording Department.

TAX CERTIFICATION – A certification by the Tax Collector that states all taxes have been paid. (see 177.101 FS for additional information regarding cash bonds or partial payments).

PARCEL MAP- A dated quarter section, or larger, from the most current parcel map showing the subdivision that is the subject of the application. Date stamped copies are available from the Putnam County Property Appraiser.

ITEM #12: ALL OWNERS OF RECORD must sign the Vacation of Plat application. If all owners are unable to appear before the notary public, then a duplicate completed application must be signed by each owner and notarized. All signatures submitted must be originals. **IF THE OWNER IS A CORPORATION OR A BUSINESS ENTITY**, all officers/ partners must sign, or one officer may sign if written proof in a form acceptable to the Department is provided establishing that the one person has been delegated authority to represent the corporation or business entity.

Office Use Only

Pre-application Meeting Verification: Date: _____ Time: _____ am/pm

Staff Signature: _____

VACATION OF PLAT APPLICATION (OWNER INITIATED)

1. Name of property owner(s) _____ Address(es): _____

2. Subdivision name: _____

3. Subdivision Id Number: _____ Official Record Book and Date: _____

4. Parcel ID number(s): _____

5. Physical Address of property: _____

6. Driving directions to property from Palatka: _____

7. Total acreage of the subdivision to be vacated: _____ acres Road right-of-ways _____ acres

8. Current zoning: _____ Future Land Use designation: _____
Current Use: _____

9. Purpose of vacating the plat: _____

10. Prior zoning actions on this property (include case number): _____

11. Attach the following to the application form: (see instructions)

- ___ Application Fee (including signs)
- ___ Agent Designation form (if applicable)
- ___ Tax Certifications
- ___ Copy of recorded plat
- ___ Legal Description
- ___ Recorded Deed
- ___ Parcel Map (quarter section)

NOTICE: Submittal of a completed application represents express permission to Department staff to enter onto the property to conduct a site visit under the conditions described in paragraph 6 on page 1 of the application packet. If you desire to be present during the site visit, contact the Department to schedule the site visit. Denial or refusal to grant such access shall be grounds rejecting the application.

10. Signature(s) of property owner(s): _____ Telephone Number(s) _____

THE FOREGOING instrument was acknowledged before me, this ___ day of _____, 20___,
by _____ .

State of _____ County of _____
Notary Signature: _____
Personally known / Produced ID
known / Produced ID

Type of ID:

AGENT DESIGNATION FORM

The applicant(s) does(do) hereby appoint and designate _____
as agent in fact for the owner(s) of parcel(s) _____

_____ to present an application for a plat vacation for all or a portion of the referenced parcel(s) and to present all evidence in support thereof to the Putnam County Planning Commission, and to respond to and furnish all information and data requested by said Board.

Print name of property owner(s)

Signature(s) of property owner(s)

State of _____ County of _____

Dated this _____ day of _____, 20____
Personally known / Produced ID
Expires _____
Type of ID:

Notary Public
Date Commission

AGENT OATH AND SIGNATURE:

The undersigned _____, being duly appointed as agent in fact for the above named owner(s) of the property whereby said owners are seeking a plat vacation and the undersigned does hereby accept said appointment and will faithfully and truly carry out the request of said owner(s).

Signature of Agent: _____
Address: _____
Telephone Number: _____ Fax Number: _____

State of _____ County of _____

Dated this _____ day of _____, 20____
Personally known / Produced ID
Expires _____
Type of ID:

Notary Public
Date Commission

DO NOT WRITE BELOW THIS PAGE

- THIS PAGE IS FOR OFFICE USE ONLY -

Staff Sufficiency Review Comments:

1. Submittals Check List:

- | | |
|-----------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Application Fee (including signs) | <input type="checkbox"/> Concept Plan (optional) |
| <input type="checkbox"/> Agent Designation form (if applicable) | <input type="checkbox"/> Legal Description |
| <input type="checkbox"/> Tax Certifications | <input type="checkbox"/> Recorded Deed |
| <input type="checkbox"/> Copy of recorded plat | <input type="checkbox"/> Parcel Map (quarter section) |

2. Property is currently/proposed to be serviced by: central sewer____ package treatment plant____
septic tank____ central water____ public supply well____ private well____.

Health Department Comments: _____

3. Case Number: _____

4. Hearing Date: _____

5. Special Comments: _____

Reviewed by: _____

Date:

Planner Reviewed by: _____

Date: