

TO WHOM IT MAY CONCERN

This correspondence is provided in response to your inquiry concerning the procedures to be followed in petitioning the Board of County Commissioners to vacate, abandon and close existing public roads, highways, rights-of-way, alleyways, other places used for travel, or other lands dedicated for public use or purposes, or any portions thereof.

The Board of County Commissioners receives numerous petitions to vacate such property and, because of the volume of requests received, has found it necessary to establish policy guidelines for processing them. The Board has also determined that due to the staff work required, a fee will be charged for processing these petitions which, if approved by the Board, will specifically benefit the petitioners and not the general public.

Please **review the attached instruction/procedures sheets carefully** before proceeding with your petition. If you have any questions concerning these requirements, please call the County Engineering Department/Real Estate Acquisition Division at 595-3434.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS PROCEDURES FOR
VACATING, ABANDONING, AND CLOSING EXISTING PUBLIC STREETS,
RIGHTS-OF-WAY, ALLEYWAYS, ROADS, HIGHWAYS, OTHER PLACES USED
FOR TRAVEL OR OTHER LANDS DEDICATED FOR PUBLIC USE
OR PURPOSES, OR ANY PORTIONS THEREOF, TO
RENOUNCE AND DISCLAIM ANY RIGHT
OF THE COUNTY AND THE PUBLIC
IN AND TO SAID LANDS.

Florida Statutes, Chapter 336, prescribed certain procedures which must be followed by the Board of County Commissioners when considering petitions to vacate, abandon, and close public streets, rights-of-way, alleyways, roads, highways or other places used for travel, or any portions thereof. In addition, the Board of County Commissioners have established by virtue of its home rule powers, local procedures to be followed to vacate, abandon, and close public streets, rights-of-way, alleyways, roads, highways, other places used for travel or other lands dedicated for public use or purposes, or any portions thereof. Based on these authorities, the following procedures have been adopted and should be followed.

- A. A citizen, state or federal agency may request that the Board of County Commissioners vacate, abandon, and close public streets, rights-of-way, alleyways, roads, highways, other places used for travel or other lands dedicated for public use or purposes, or any portions thereof, by completing a Petition to Vacate, Abandon, and Close Existing Public Streets, Rights-of-Way, Alleyways, Roads, Highways, Other Places Used for Travel or Other Lands Dedicated for Public Use or Purposes, or any portions thereof (“the Petition”). The Petition shall include a legal description of the public streets, rights-of-way, alleyways, roads, highways, other places used for travel or other dedicated lands to be vacated, abandoned, and closed with a map delineating the area.

The Petitioner shall be responsible for forwarding a copy of the Petition to:

1. County Engineering Department
2. Gulf Power Company
3. Bell South Telephone
4. Energy Services of Pensacola (ESP)
5. Emerald Coast Utilities Authority (ECUA)
6. Cox Communications
7. Any private utility company as applicable

Upon submission of the original petition to the Escambia County Engineering Department, the Petitioner shall also remit a processing fee in the amount of \$475, payable to Escambia County and received thereafter notice and an estimate of other fees due to the Engineering Department for which the Petitioner will be responsible.

- B. Upon receipt of information and other comments from any impacted utility company, the Engineering Department shall review the information and verify the accuracy of the legal description and the manner in which the public’s interest in the area was created. The Engineering Department shall prepare a recommendation to the Board of County Commissioners through the County Administrator requesting that the Board of County Commissioners discuss the Petition and, if appropriate, schedule a date and time for a Public Hearing before the Board of County Commissioners. The Engineering Department will notify the Petitioner of the date and time in which the recommendation will be reviewed by the Board of County Commissioners.

C. After discussion, the Board of County Commissioners will:

- 1) Schedule a date and time for a Public Hearing for the Board of County Commissioners to consider the Petition

or;

- 2) Deny the recommendation to schedule a Public Hearing on the Petition.

The Engineering Department shall notify the Petitioner of the date and time of the scheduled Public Hearing before the Board of County Commissioners or of the Board's decision to deny the Petition.

D. Upon notification from the Engineering Department of the date and time of the Public Hearing scheduled by the Board of County Commissioners, the Petitioner shall:

- 1) Publish legal notice of the date and time of the public hearing, one time, in a newspaper of general circulation in Escambia County, Florida, at least two (2) weeks (14 calendar days) prior to the date of the scheduled Public Hearing.
- 2) Ascertain, by a search of the Property Appraiser's records, the names of all owners of real property lying within 500 feet of the public streets, rights-of-way, alleyways, roads, highways, other places used for travel or other lands dedicated for public use or purposes, or any portions thereof, to be vacated, abandoned, discontinued and closed. The Petitioner shall complete a "Notice of Public Hearing on Petition to Vacate, Abandon, and Close Certain Public Streets, Rights-of-Way, Alleyways, Roads, Highways, Other Places Used For Travel or Other Lands Dedicated for Public Use or Purposes or Any Portions Thereof," ("the Notice") with an attached map, for each property owner identified by the search and provide the Notices and maps in addressed, stamped and un-sealed envelopes to the Engineering Department, at least fourteen (14) days prior to the scheduled Public Hearing.
- 3) The Engineering Department will mail a copy of the Notice of Public Hearing at least ten (10) days prior to the date of the scheduled Public Hearing to each property owner identified. The Notice shall include a telephone number and identify County staff who can be contacted for information.

E. In addition, upon notification of the date and time of the scheduled Public Hearing, the Engineering Department shall place a sign on or adjacent to the public streets, rights-of-way, alleyways, roads, highways, other places used for travel or other lands dedicated for public use or purposes, or any portions thereof, to provide notice to the general public of the date and time of the Public Hearing.

F. At the Public Hearing, the Board shall vote to grant or deny the Petition, which shall be spread upon the Minutes of the Board of County Commissioners. If the Petition is granted, the Board's approval shall be evidenced by a Resolution duly adopted. The Clerk to the Board of County Commissioners shall send a Notice of Adoption of Resolution to the Petitioner and advise the Petitioner of the cost for recording the necessary documents in the Official Records of Escambia County, Florida. The petitioner shall publish the Notice of Adoption of Resolution one (1) time within thirty (30) days after the Public Hearing in which the Resolution was adopted in one (1) issue of a newspaper of general circulation in Escambia County. The Petitioner shall next provide the Clerk to the Board with one (1) certified copy of the Proof of Publication of the Notice of Adoption of Resolution from the newspaper in which the Notice was published within ten (10) working days after publication.

G. Upon receipt of the Proof of Publication of Notice of Adoption of Resolution and a check payable to the Clerk of the Circuit Court for the necessary recording fees, the Clerk to the Board shall record in the Official Records the following four (4) documents:

- 1). Proof of Publication of the Notice of Public Hearing.
- 2). Adopted Resolution.
- 3). A Hold/Harmless Agreement as required by the Resolution.
- 4). Proof of Publication of the Notice of Adoption of Resolution.

and have the recorded documents returned to the Petitioner.

H. The Clerk to the Board of County Commissioners shall provide the Property Appraiser's Office and the County Engineering Department with a copy of the recorded Resolution and file a copy of the recorded Resolution with the Minutes of the Board of County Commissioners.

PETITION TO VACATE, ABANDON, AND CLOSE EXISTING PUBLIC STREETS,
RIGHTS-OF-WAY, ALLEYWAYS, ROADS, HIGHWAYS OTHER PLACES
USED FOR TRAVEL, OR OTHER LANDS DEDICATED FOR
PUBLIC USE OR PURPOSES, OR ANY PORTIONS THEREOF,
TO RENOUNCE AND DISCLAIM ANY RIGHT
OF THE COUNTY AND THE PUBLIC
IN AND TO SAID LANDS.

Petitioner(s), hereby file this petition with the Board of County Commissioners of Escambia County, Florida, to vacate, abandon, close and disclaim any right of the County and the public in and to certain land delineated as a

in Escambia County, Florida, a copy of map thereto being attached hereto as Exhibit "A", and further states as follows:

1. That the Petitioner(s), _____
presently _____ own(s) _____ do/does not own an interest in the real property, which adjoins said public road right-of-way, alleyway, or other land. Said public road rights-of-way, alleyway, or other land being more particularly described as follows:

2. That the Petitioner(s), _____
desire(s) that the Board of County Commissioners surrender, renounce and disclaim any right of the County and the public in and to that portion of the public road rights-of-way, alleyway, or other land described above and lying and being in Section(s) _____
Township _____ Range _____ West and recorded in _____
of the public records of Escambia County, Florida.

3. That the portion of public road rights-of-way, alleyway, or other lands sought to be vacated, abandoned, and closed herein, is no longer needed to fulfill a public purpose.

THEREFORE, petitioner(s) request that the above described public road rights-of-way, alleyway, or other land be vacated, abandoned, and closed and that the Board of County Commissioners of Escambia County, Florida, surrender, renounce and disclaim any right of the County and the public in and to said public road rights-of-way, alleyway, or other land.

Petitioner acknowledges that:

Approval by the Board of County Commissioners of a petition to vacate, abandon, discontinue, close, renounce, or disclaim any right of the County or the public in any land does not operate to confirm the vesting or return of title to the land in the petitioner or any other interested party. Any interested party who wishes to verify the title to land or the effect of the approval of a petition to vacate, abandon, discontinue, close, renounce, or disclaim any right of the County or the public in any land should seek legal counsel.

Petitioner(s) Name

Street Address

City

State

Phone Number

Agent's Name

Agent's Phone Number

Date

HOLD/HARMLESS AGREEMENT

WHEREAS, _____
hereafter called "Petitioner(s)" ha_____ requested that the Board of County Commissioners of Escambia County, Florida, on behalf of Escambia County, vacate certain public road rights-of-way, alleyway, or other lands pursuant to the provisions of Section 336.09, Florida Statutes, and Vacation Policy - Section III(A) of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida, hereafter called "County" has no objection to granting such petition, providing that certain covenants and agreements are made on behalf of the citizens and residents of Escambia County, Florida, and on behalf of Escambia County;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and the mutual promises contained herein, Petitioner(s) and County do agree as follows:

1. County, pursuant to the authority of and after compliance with the requirements of Chapter 336, Florida Statutes and Vacation Policy - Section III(A), agrees to vacate, abandon, and close the following described public street, road, alleyway or a portion thereof, or other land dedicated for public use and to surrender, renounce and disclaim any right of the County and public in and hereto:

2. Petitioner(s), hereby covenant(s) and agree(s) that _____ ha_____ complied with all requirements of Chapter 336, Florida Statutes and Vacation Policy - Section III(A) of the Board of County Commissioners in bringing this request before the County and in obtaining the County's agreement set forth above.

3. Petitioner(s), hereby covenant(s) and warrant(s) that no person will be denied ingress/egress or access to their property or use by the vacation of the public rights-of-way or other land which is described herein.

4. Petitioner(s), further hereby agree(s) to defend, indemnify and hold harmless Escambia County, its agents and employees against any and all liability, claims, suits, actions, debts, damages, losses, costs, charges and expenses, including court costs and attorney's fees which may or might arise because of or related to the vacation of the public rights-of-way, alleyway, or other land dedicated for public use which is described herein.

Executed in the presence of:

Witness

Print or type name

Witness

Print or type name

Petitioner(s)

Print or type name(s)

Date: _____

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ . He/She is (____) personally known to me, (____) produced current Florida/Other _____ driver's license as identification, and/or (____) produced current _____ as identification.

Notary Public

Print or type name

Commission Expires: _____

Commission Number: _____

(Notary Seal must be affixed)

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By _____
Chairman

ATTEST: ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

By _____
Deputy Clerk

Approved by the B.C.C. on: _____

NOTICE OF PUBLIC HEARING ON PETITION TO VACATE, ABANDON,
AND CLOSE EXISTING PUBLIC STREETS, RIGHTS-OF-WAY,
ALLEYWAYS, ROADS, HIGHWAYS OTHER PLACES USED
FOR TRAVEL, OR OTHER LANDS DEDICATED FOR PUBLIC
USE OR PURPOSES, OR ANY PORTIONS THEREOF,
TO RENOUNCE AND DISCLAIM ANY RIGHT
OF THE COUNTY AND THE PUBLIC
IN AND TO SAID LANDS.

TO WHOM IT MAY CONCERN:

Notice is hereby given that a public hearing will be held on _____,
A.D., 20____, at _____, in the Board of County Commissioner's meeting room,
on the 1st floor of the Escambia County Governmental Complex, Pensacola, Florida, to
consider the feasibility of vacating, closing, and abandoning the following described
public road rights-of-way, alleyway or other land dedicated for public use:

Board of County Commissioners
Escambia County, Florida

A copy of the agenda for these meetings containing specific items to be considered in
the order of presentation may be obtained from the County Administrator's Office, Room
420, Escambia County Governmental Complex, 221 Palafox Place at Government
Street. Persons who need an accommodation, pursuant to the American Disabilities
Act, in order to attend or participate in the above meetings should contact Ms. Shirley
Gafford at 595-4900 at least 72 hours in advance of the meeting.

Any person who decides to appeal any decision made by any board, agency or
commission with respect to any matter considered at its meeting or hearing, will need a
record of the proceedings of the meeting. Since the Board of County Commissioners
does not make verbatim records of its meeting, such person may need to independently
secure a record which should include the testimony or evidence on which the appeal is
to be based on.

NOTICE OF PUBLIC HEARING ON PETITION TO VACATE, ABANDON,
AND CLOSE EXISTING PUBLIC STREETS, RIGHTS-OF-WAY,
ALLEYWAYS, ROADS, HIGHWAYS OTHER PLACES USED
FOR TRAVEL, OR OTHER LANDS DEDICATED FOR PUBLIC
USE OR PURPOSES, OR ANY PORTIONS THEREOF,
TO RENOUNCE AND DISCLAIM ANY RIGHT
OF THE COUNTY AND THE PUBLIC
IN AND TO SAID LANDS.

TO WHOM IT MAY CONCERN:

Notice is hereby given that a public hearing will be held on _____,
A.D., 20____, at _____, in the Board meeting room, on the 1st floor of the
Escambia County Governmental Complex, Pensacola, Florida, for the Board of County
Commissioners to consider the advisability of vacating, abandoning, and closing the
following described public streets, rights-of-way, alleyways, roads, highways, other
places used for travel, or other lands dedicated for public use or purposes, or any
portions thereof:

Said petition has been filed by _____
and you, as an individual whose property lies within 500 feet of said dedicated road
rights-of-way, alleyway or other land is entitled to notice of Public Hearing on said
petition. If you have any questions, please contact the Real Estate Acquisition Division
of the County Engineering Department, at 595-3434.

Persons who need an accommodation, pursuant to the American Disabilities Act, in
order to attend or participate in the above meetings, should contact the County
Administrator's office at 595-4900 at least 72 hours in advance of the meeting.

Board of County Commissioners
Escambia County, Florida

CERTIFICATION OF PROPERTY OWNERS
WITHIN 500 FEET

The undersigned petitioner(s), do____ hereby certify that the individuals whose names and addresses are attached, represent all of those individuals owning property which lies within 500 feet of the public road rights-of-way, alleyway, or other land which is subject to the Petition to Vacate, Abandon, and Close Certain Public Road Rights-of-Way, Alleyway or Other Lands, dated_____.

Petitioner(s)

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Before me, the undersigned authority, personally appeared_____ who _____ personally known to me or who have/has produced_____ as identification and who is/are known to me to be the individual(s) described in and who acknowledged that _____ executed the foregoing Certification for the uses and purposes described herein.

WITNESS my hand and official seal this_____ day of_____,
A.D., 20_____.

Notary Public

Print or type name

Commission Number:
Commission Expires:

RESOLUTION NUMBER R _____ - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, VACATING, ABANDONING, AND CLOSING CERTAIN PUBLIC PROPERTY ACQUIRED FOR EXISTING PUBLIC STREETS, RIGHTS-OF-WAY, ALLEYWAYS, ROADS, HIGHWAYS, OTHER PLACES USED FOR TRAVEL, OR OTHER LANDS DEDICATED FOR PUBLIC USE OR PURPOSES, OR ANY PORTIONS THEREOF, TO RENOUNCE AND DISCLAIM ANY RIGHT OF THE COUNTY AND THE PUBLIC IN AND TO SAID LANDS.

WHEREAS, _____
ha___ petitioned this Board to vacate, abandon, and close the following public rights-of-way, alleyway, or other lands and to renounce and disclaim the right of Escambia County, Florida and of the public, and;

WHEREAS, the Board of County Commissioners of Escambia County, Florida, has determined it to be in the best interest of Escambia County to adopt a resolution vacating, abandoning, and closing the following described property:

and any right of the County and the public in and to the above described road rights-of-way, alleyway or other land dedicated for public use is hereby surrendered, renounced and disclaimed; and

WHEREAS, Petitioner(s), _____,
ha___ caused to be published on _____, A.D., 20____, notice in a newspaper of general circulation in Escambia County, Florida, of the filing of said petition and that a public hearing thereon would be held at _____ on _____
_____ in the Board meeting room, Escambia County Governmental Complex, Pensacola, Florida; and

WHEREAS, the vacating, abandoning, and closing of existing public streets, rights-of-way, alleyways, roads, highways, other places used for travel, or other lands dedicated for public use or purposes, or any portions thereof, to renounce and disclaim any right of the County and the Public in and to said lands will not materially interfere with the County road system or the delivery of public services and will not deprive any person of any reasonable means of ingress/egress to such person's property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

1. That the motion to vacate is hereby adopted and approved.
2. That the following described property acquired for public road rights-of-way, alleyway, or other public purposes is hereby vacated, abandoned, and closed;

and any rights of the County and the public in and to the above described land is hereby surrendered, renounced and disclaimed.

3. That this resolution shall be spread upon the minutes of the Board of County Commissioners of Escambia County, Florida, and said petitioner shall publish a notice of its adoption one time within thirty (30) days hereafter in a newspaper of general circulation in Escambia County, Florida.

ESCAMBIA COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By _____
Chairman

ATTEST: ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

By _____
Deputy Clerk

Adopted: _____

NOTICE OF ADOPTION OF RESOLUTION OF BOARD OF COUNTY COMMISSIONERS VACATING, ABANDONING, AND CLOSING EXISTING PUBLIC STREETS, RIGHTS-OF-WAY, ALLEYWAYS, ROADS, HIGHWAYS OTHER PLACES USED FOR TRAVEL, OR OTHER LANDS DEDICATED FOR PUBLIC USE OR PURPOSES, OR ANY PORTIONS THEREOF TO RENOUNCE AND DISCLAIM ANY RIGHT OF THE COUNTY AND THE PUBLIC IN AND TO SAID LANDS.

NOTICE IS HEREBY GIVEN that on _____, A.D., 20____, in accordance with Sections 336.09 and 336.10, Florida Statutes and Vacation Policy - Section III(A) of the Board of County Commissioners Policy Manual, the Board of County Commissioners of Escambia County, Florida, adopted a resolution vacating, abandoning and closing use of that certain public road rights-of-way, alleyway, or other land in Escambia County, Florida, described as follows:

and surrendered, renounced and disclaimed any right of Escambia County, Florida and the public in and to the aforesaid property.

Dated this _____ day of _____, A.D., 20_____.

Board of County Commissioners
Escambia County, Florida

UTILITY CONTACT ADDRESSES

Gulf Power Company
Corporate Real Estate
Post Office Box 1151
Pensacola, FL 32520-0047

Bell South Communications
Manager of Engineering
605 W. Garden Street
Pensacola, FL 32501

Energy Services of Pensacola
1625 Atwood Drive
Pensacola, FL 32501

Escambia County Utilities Authority
Post Office Drawer 14311
Pensacola, FL 32514

Cox Communications
2205 La Vista Avenue
Pensacola, FL 32504

NOTE: These are the (5) main utility contacts, however, it is the petitioner's responsibility to notify any utility companies that services the area the vacation request is located in.