

**VESTED RIGHTS DETERMINATION  
APPLICATION**

Applicant: \_\_\_\_\_

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

Project Name: \_\_\_\_\_ Project Location: \_\_\_\_\_

Property Reference No.: Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_ Parcel \_\_\_\_\_

Zoning District: \_\_\_\_ Type of Vested Right: \_\_\_\_\_

Action of County: \_\_\_\_\_ Date Occurred: \_\_\_\_\_

Attach Evidence of Ownership or Power of Attorney.

**NOTE TO THE APPLICANT**

**THE BURDEN OF PROOF FALLS UPON THE APPLICANT** to submit, as attachments to this application, any and all substantial competent evidence on which reliance is being made to seek a determination that certain actions by Escambia County have led to the creation of vested rights. This shall include but is not limited to maps, letters, memorandums, etc. Applications, which do not substantiate the claim against the criteria, will delay the process.

**By my signature on the attached affidavit, I hereby certify that:**

- 1) I am duly qualified as owner or authorized agent to make such application, this application is of my own choosing and staff has explained all procedures relating to this request, and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 5) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff.

Reason, if returned to applicant:

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

\_\_\_\_\_  
Date Posted

\_\_\_\_\_  
Date Published

\_\_\_\_\_  
Fee Received

\_\_\_\_\_  
Date to VRC

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Commission Expires

\_\_\_\_\_  
Commission No. (notary seal or stamp required)

## **VESTED RIGHTS DETERMINATION**

### **CRITERIA**

Section 2.11.06 provides:

An Owner shall be entitled to a Determination of Vested Rights only if through substantial competent evidence it can be established that the proposed use of the property meets the concurrency provisions of Article 5 and in addition one of the following criteria has been met:

1. The project was authorized pursuant to a County Development Order, or equivalent issued on or before the effective date of this code, or a pertinent amendment thereto, and the development has commenced and is continuing in good faith. In a claim based upon this criterion, the owner must produce evidence of actions and accomplishments that substantiate timely and lawful progression towards the completion of the intentions and plans documented in the original order, or equivalent. In a claim based upon this criterion, the rights to which the owner may be vested is a continuation of the original order, or equivalent.
  
2. The owner is determined to have acquired rights due to good faith reliance on an act of commission or omission of the County which has caused the owner to make such a substantial change in position or to incur such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired. In a claim based upon this criterion, the owner must document, and the County must verify, the obligations and expenses that are in jeopardy. The owner must produce evidence of actions and accomplishments that substantiate timely and lawful progression towards the completion of the intentions and plans that have been jeopardized. Evidence including, but not limited to, that which demonstrates that such activity has not progressed in such a manner may be sufficient to negate a finding of good faith on the part of the owner and therefore invalidate the claim to vested rights.

**CONDITION OF APPROVAL**

TO WHOM IT MAY CONCERN:

By my signature below, I declare and acknowledge that I understand and willingly agree to the following condition regarding an affirmative Vested Rights Determination regarding my property, which is an unrecorded subdivision known as: \_\_\_\_\_.

**A condition of approval of a vested right determination involving an unrecorded subdivision is the recording of an original deed to individual lot owners in the public records of Escambia County, Florida, prior to the issuance of a permit or other development approval.**

\_\_\_\_\_  
Owner's signature

\_\_\_\_\_  
Date

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledge before me this \_\_\_\_ day of \_\_\_\_\_, year of \_\_\_\_\_ by \_\_\_\_\_, who ( ) did ( ) did not take an oath.

He/she is ( ) personally known to me, ( ) produced a current Florida drivers license, and/or ( ) produced current \_\_\_\_\_ as identification

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Commission Expires

\_\_\_\_\_  
Commission No. (notary seal or stamp required)

## VESTED RIGHTS APPLICATION

### ***CHECK LIST* - The following items must be submitted with the application:**

1. Completed application; both pages of the application must be completely filled out and notarized.
2. Copy of Deed(s)
3. Copies of both the Survey and the Plat which include a vicinity map with directions
4. Documentation of prior governmental approval
5. Letter explaining how the project has continued in good faith, which includes a list of expenses for installing infrastructure.
6. Copy of citation form Code Enforcement Department (If applicable)
7. One CD in PDF format to include items 1 through 6 above. (Including any additional evidence submitted).
8. Vested Rights Determination fee \$800.00.
9. Certified list of property owners within a 500' radius of the subject property. Must be certified by a company licensed to do so (land research or title company, or real estate consultant.) We cannot accept a printout of names from the Property Appraisers Office.
10. Addressed certified mail slips, return receipt cards, & envelopes (legal size) for the above list must be furnished to this office along with the application. Please do not attach the certified slips or cards to the envelopes and do not seal the envelopes. Our office will insert a public hearing notice and complete the mailings on the appropriate date. The applicant is responsible for filling out the envelopes, receipts, and cards with the required information. The article number from the certified mail receipts must be written on the green return receipt cards where indicated. Fee amounts must be filled in on the certified mail receipts. The envelopes must have POSTAGE STAMPS affixed. *Do not meter*. The return address on the green certified cards and the envelopes is to be labeled as follows:

Development Services Bureau  
1190 W. Leonard St.  
Pensacola, FL 32501

**NOTE: Staff makes every attempt to bring a vested rights case to completion as expeditiously as possible. However, due to legal requirements, it may not be possible to “fast track” a vested rights determination. The process can take up to 30 days or more. Deadlines, time frames, and legal requirements apply to every aspect of a vested rights case, including the posting of signs and the advertising of the committee meeting and the BCC hearing, notifying affected property owners, staff analysis of the case, compiling the Vested Rights Committee report and the BCC recommendation, and assembling the agenda. Staff appreciates your understanding and cooperation.**