

Plat Vacation (PV)

Submittal Package

1. PURPOSE

This section establishes procedures to allow for plat vacation in accordance with the provisions of Chapter 177 and 336, Florida Statutes, as amended. These regulations provide for a uniform method for requesting, reviewing, and in appropriate cases obtaining plat vacation.

2. INITIATION

A petition for vacation of a plat shall be obtained from the Planning Department. The petitioner is responsible for placing the necessary advertisement that initiates the process. A notice of intention (*sample attached*) to make application for vacation must be advertised for two consecutive weeks in a newspaper of general circulation in Osceola County. A basic format for the notice may be obtained from the Planning Department.

3. SUBMITTALS

- a. The petition to vacate a plat must provide that the person or persons vacating the plat show that they have fee simple title to all of the property addressed on the plat vacation. The two acceptable means of showing evidence of title are listed below:
 1. Opinion from an attorney licensed to practice law in the State of Florida; or
 2. a certificate from a registered title company.
- b. A certificate from the Tax Collector's Office, showing that the current taxes on the land contained in the areas to be vacated, have been paid. (*sample certificate attached*)
- c. If there are portions of the property within a city, the petition must be accompanied by a Resolution of the City authorizing the vacation of that portion lying within the City limits.
- d. Proof of publication that the notice of intention was properly advertised as set forth herein above.

4. REVIEW PROCESS

After the completed petition has been submitted to the Planning Department, the request will be forwarded to the Technical Review staff for a recommendation. The Planning Department will also set the plat vacation request for public hearing by the Planning Commission and Board of County Commissioners. Adjacent property owners will be notified of the hearings. A notice of public hearing will be advertised by the Planning Department 15 days prior to the Board of County Commissioners' hearing.

The Technical Review staff shall base its recommendation on the following criteria:

- a. That the proposed vacation and abandonment of subdivided land conforms to the comprehensive plan.

- b. That owners of any adjacent property shall not be negatively impacted of reasonable access to their property by the vacation.

Once reviewed by the Technical Review staff the item will be placed on the Planning Commission's agenda for consideration. The Planning Commission will recommend approval or denial to the Board of County Commissioners or continue said item. The Technical Review staff and Planning Commission recommendations shall be forwarded by the Planning Department to the Board of County Commissioners for its hearing. The Board of County Commissioners may approve, deny or continue the request.

After the approval by the Board of County Commissioners, the certified copy of the Adopted resolution shall be filed in the official record books of the public records for Osceola County.

PETITION FOR VACATION OF PLAT

I, _____, pursuant to the provisions of Chapters 177 and 336, Florida Statutes, as amended, and the Osceola County Land Development Code, Chapter 8, Section 8.2 (G), do hereby petition the Board of County Commissioners of Osceola County, Florida, for vacation of the following plat:

I/We hereby certify as follows:

1. That I/We am/are the owner(s) in fee simple title to the _____ Subdivision, as shown by that Certificate of Title attached hereto as Exhibit "A",
2. A plat of said subdivision is on file in the Office of the Clerk of Circuit Court, Osceola County, Florida, and is recorded in Plat Book _____, Page _____, Public Records of Osceola County, Florida,
3. Notice of Intention to Petition for the vacation of this plat has been published pursuant to law as shown in the Proof of Publication attached hereto as Exhibit "B",
4. Current taxes on the land included in the Subdivision to be vacated has been paid as evidenced by the Certificate of Taxes attached hereto as Exhibit "C",
5. That the lands embraced in the plat are either outside of any corporate limits of any municipality in Osceola County, Florida or if included in any municipality in the County, the City has agreed to the vacation as evidenced by that certain Resolution attached hereto as Exhibit "D".

Petitioner

Witness

Witness

State of Florida
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____,
_____ by _____.

Notary Public
Commission Expires: _____

Personally Known _____ OR Produced Identification (# _____)

Type of Identification Produced _____

**NOTICE OF INTENT TO PETITION FOR
VACATION OF SUBDIVISION**

Notice is hereby given that the undersigned will petition the Board of County Commissioners of Osceola County, Florida, pursuant to the Osceola County Land Development Code, Chapter 8, Section 8.2(G) and Chapter 177 and 336, Florida Statutes, as amended, for vacation of the following Subdivision:

Comments regarding this application should be addressed to the Osceola County Community Development Department, 1 Courthouse Square, Suite 1400, Kissimmee, Florida 34741.

Petitioner

State of Florida
County of Osceola, ss:

I, Patsy Heffner, as Tax Collector of Osceola County, Florida do hereby certify as follows:

All taxes assessed for the year _____ by the County of Osceola and State of Florida on all of the lands subject to taxation in the following described portion of Plat of _____ have been paid, and there are no delinquent taxes on said lands, to wit:

See Exhibit (A) for Legal Description

IN WITNESS WHEREOF, I have hereunto set my hand in Kissimmee, Osceola County, on
this _____ day of _____, A.D. 20_____.

Patsy Heffner, Tax Collector of Osceola County,

Florida

**PLAT VACATION (PV)
SUBMITTAL CHECKLIST**

_____ **Petition For Vacation of Plat**

_____ **Authority:** Petition must be signed by the owner(s) of the property. ***Please list signature of all owners of the property. All letters of authorization must be notarized.

_____ **Evidence of Title:** The two acceptable means of showing evidence of title are: 1) Opinion from an attorney licensed to practice law in the State of Florida; or 2) a certificate from a registered title company.

_____ **Paid Taxes Certificate:** Certificate from the Tax Collector's Office showing that all property taxes have been paid.

_____ **Proof of Publication:** Proof of Publication that the notice of intention was property advertised.

_____ **Resolution:** If portions of the property is within a city, a Resolution of the City authorizing the vacation of the portion lying within the City limits must be submitted.

_____ **Legal Description:** A legal description of the subject property sufficiently detailed so as to locate said property on county maps or aerial photographs sufficient for recording in public records. If the application includes multiple contiguous parcels, the legal description shall describe the perimeter boundary of the total area, but need not describe each individual parcel, unity of title is necessary however. Any legal description, which is not sufficiently detailed so as to locate said property on County maps shall be rejected and owner may be required to provide a certified survey boundary sketch.

_____ **Area Location Map:** The location of the subject property indicated on a Map or an aerial photograph. This map shall reference known major streets and geographic features with sufficient clarity as to be recognizable by the general public.

_____ **Existing State of the Parcel:** A map or visual display that depicts all existing structures, easements, rights-of-ways, platted roads, rights of ingress and egress, drainage easements, drainage swales, etc. and any other features existing on the land in question.

_____ **Affidavit:** If buildings or structures exist on the property, the applicant shall submit an affidavit that the buildings and structures will be removed or that the proposed use of the building, structures, and land is, or will be, in compliance with all applicable requirements of the land development code.

_____ **Provide Proof of Ownership:** A copy of the tax bill or a print out from the Property Appraiser's office is **required.**

_____ **Application Fee: \$1,875.00.**

_____ **Fire Review Fee: \$65.00**

Please complete this form and include with your submittal

TRANSMITTAL FORM

Application No. _____

OSCEOLA COUNTY Community Development Department

1 Courthouse Square – Suite 1400, Kissimmee, FL 34741

Phone: (407)742-0200 Fax: (407) 742-0206

TYPE OF SUBMITTAL

(Please check one)

- New Application
- Revisions to an existing application
 - Response to Staff comments
 - Landscape As-Built – to be scanned and routed directly to Environmental
 - Engineering As-Built Drawings and/or Close Out Documents- to be scanned and routed directly to Development Review

Engineering Improvement Plans (EIP) ONLY

- Residential Subdivision (≤ 100 lots/tracts) Fee: \$3,030 + \$15 per lot/tract
- Residential Subdivision (> 100 lots/tracts) Fee: \$4,195 + \$10 per lot/tract
- Industrial/Commercial Subdivision Fee: \$3,350 + \$40 per acre/fraction
- Site Development/New Development (≤ 2 acres) Fee: \$1,385
- Site Development/New Development (> 2 acres) Fee: \$2,695
- Revision to an approved EIP (EIP# _____) Fee: \$340

General Information:

Date: _____

Address of Property: _____

Parcel ID Number _____

Project Name: _____

Company: _____ Fax No. _____

Applicant Name: _____ Phone No. _____

E-mail Address: _____

Comments/Documents Submitted:

Delivered by:

_____ / _____ / _____

Print Signature Date

For Office Use:

Routing: Scanning → Sufficiency

Received by: _____ / _____

Name Date

NOTICE TO APPLICANTS:

This application may require one or more public hearings. Attendance at all hearings by the Applicant or a representative is recommended. Inquiries from the public, the Planning Commission or the Board of County Commissioners for information or clarification may necessitate a response from the Applicant. Consequently, non-attendance may result in a vote for denial or continuance to a future hearing date.

Community Development Department