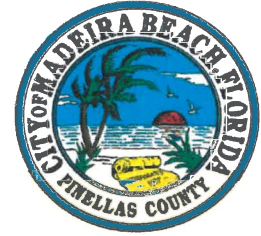




CITY OF MADEIRA BEACH
300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708
PHONE (727) 391-9951 • FAX (727) 395-9361
www.madeirabeachfl.gov



VACATION OF EASEMENT/VACATION OF RIGHT-OF-WAY APPLICATION

1. Applications must be completed in full and submitted to the Community Development Department with the filing fee. Applications will be processed and scheduled for the next available meeting.
2. The applicant shall provide notice (sample included), by certified mail with a return receipt, to all owners of property abutting the rights-of-way or easements to be vacated. The applicant shall submit proof (return receipt) with the application. If the applicant is the sole owner, such proof is not necessary. If the certified mail is refused or not retrieved, the applicant shall provide documentation of this and send the notice by regular mail.
3. The applicant is required to present with application utility releases (sample included) from the following:

Verizon

Attn: Tom Lindsay
1280 Cleveland Street – FLCW5033
Clearwater, FL 33755
Phone: (727) 562-1193 or (727) 562-1194

Madeira Beach Fire Department

Attn: Chief Derryl O’Neal
300 Municipal Drive
Madeira Beach, FL 33708
Phone: (727) 391-9400

TECO/People’s Gas

Attn: James Grimard
1909 9th Avenue North
St. Petersburg, FL 33713
Phone: (727) 826-3230

Progress Energy

Attn: Patricia Sharpe
12600 Walsingham Road
Largo, FL 33774
Phone: (727) 588-7431

Bright House Networks

Attn: Sherelle Darroch
700 Carillon Parkway
St. Petersburg, FL 33716
Phone: (727) 328-2847
Construction Office: (727) 329-2817

Pinellas County Utilities

Attn: Engineering
14 South Fort Harrison
Clearwater, FL 33757
Phone: (727) 464-3588

City of Madeira Beach

300 Municipal Drive
Madeira Beach, FL 33708
Phone: (727) 391-1611

In addition, the City may require utility releases from other agencies, which have jurisdiction on the property to be vacated.

4. The City will circulate the request for vacation to the various City divisions and departments for recommendation, with consideration of the request based upon whether the right-of-way of easement is needed for traffic circulation, access of street development, drainage, water, sewer, sanitation, etc. and whether or not all or any part of the right-of-way or easement should be retained as is or be converted to an easement for public utilities. In the case of a right-of-way the City shall assess whether or not all or part of the right-of-way should be retained as, or converted to, an easement. In the case of an easement, the City shall assess whether or not all or part of the easement should be retained.
5. APPLICATIONS FOR VACATION OF EASEMENTS. Applications for the vacation of an easement require the Board of Commissioners approval. There will be a period of time necessary for staff to process the application, including legal notification and notice to abutting property owners. The City staff will place an advertisement in the newspaper of general circulation in the City and notify all abutting property owners by mail at least seven (7) days prior to the public hearing by the Board of Commissioners, with the advertisement and notice providing the case number, date, time, and place of the public hearing. A vacation resolution will be presented to Board of Commissioners.
6. APPLICATIONS FOR VACATION OF RIGHTS OF WAY. Applications for the vacation of rights-of-way require a public hearing before the Board of Commissioners. There will be a period of time necessary for staff to process the application, including legal notification and notice to abutting property owners. The City staff shall place an advertisement in a newspaper of general circulation in the City and notify all abutting property owners by at least seven (7) days prior to the Board of Commissioners public hearing. The advertisement, notice to abutting property owners provides the case number, date, time, and place of the public hearing. The Board of Commissioners will submit written recommendation whether or not the right-of-way should be entirely or partially vacated and whether any easement should be retained.
7. The applicant and/or agent **MUST** be present at **ALL** public hearings before the Board of Commissioners.
8. Applications must be submitted to the Community Development Department, 300 Municipal Drive, Madeira Beach, FL 33708. Phone: (727) 391-9951.
9. If the Board of Commissioners approves the vacation of right-of-way or easement the applicant shall be responsible for the cost of relocating the public facilities or be required to have a licensed contractor relocate the utilities.
10. The applicant shall pay the cost of an appraiser selected by the City to determine the market value of the vacated right-of-way.
11. The applicant shall be responsible to pay the market value of the vacated right-of-way to the City.

NOTICE TO THE PUBLIC

For all vacations of rights-of-way or easements, it should be noted that:

1. A vacation is an action by the City to generally abandon, disclaim, and discontinue any public interest or rights in the property vacated. The act of vacation does not necessarily confer ownership rights in the property vacated to the abutting property owners, but may do so. If you have any questions concerning the effect of a vacation upon your property, you should consult your attorney.
2. A vacation of right-of-way or easement may necessitate the retention of an easement for public utility purposes by the City over and across all or part of the property to be vacated.

MINIMUM REQUIREMENTS FOR APPLICATION

1. Complete the Application Form.
 2. Application Fee (*cash, check, or money order, payable to the City of Madeira Beach*) – **NONREFUNDABLE**
 3. Certified Mail Return Receipts
 4. Utility Releases
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REQUEST AND PROPERTY INFORMATION

General Location of Property to be Vacated: _____

Reason for Vacation Request: _____

Property Size (Acreage of Square Feet): _____

Current Use (Number and Type of Building): _____

Parcel Number(s): _____

Legal Description Lot: _____ Block: _____ Subdivision: _____

Or metes and bounds Description: _____

OWNER/APPLICANT INFORMATION

Property Owner: _____ Phone: _____

Address/City/Zip Code: _____

Email: _____

Authorized Agenda: _____ Phone: _____

Address/City/Zip Code: _____

Email _____

Other Representative: _____ Phone: _____

Address/City/Zip Code: _____

Email: _____

SAMPLE NOTICE TO UTILITY COMPANIES

Date:

Utility Company
Street Address
City, State, Zip

Dear Sir or Madam:

This is to advise you that a petition is being submitted to the City of Madeira Beach for the Vacation of a(n) Right-of-way or Easement, the legal description for which is as follows:

(Legal Description)

Please review and comment whether your company has any objection to this proposed vacation.

Please reply to:

Applicant's Name
Street Address
City, State, Zip

Sincerely,

(Signature of Applicant)

SAMPLE NOTICE TO ABUTTING PROPERTY OWNERS

Date:

Name of Abutting Property Owner
Street Address
City, State, Zip

Dear Sir or Madam:

This is to advise you that a petition is being submitted to the City of Madeira Beach for the Vacation of a(n) Right-of-way or Easement, the legal description for which is as follows:

(Legal Description)

The City of Madeira Beach will notify you of the date and time of the Public Hearing that will be held by the Board of Commissioners on this petition for vacation.

You may wish to register your objection or support of the vacation by letter to the City, (Attn: Community Development Director) or by attending the Public Hearing.

Sincerely,

(Signature of Applicant)