

RESOLUTION 94-83

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING PROCEDURES FOR VACATING ROADS AND AUTHORIZING AMENDMENTS.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida has requested to be informed of all policies and procedures utilized by the County Administrator and his staff; and

WHEREAS, there is a need to establish procedures for vacating county roads.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, that:

Section 1. The attached procedures shall be used for vacating roads.

Section 2. The County Administrator is authorized to amend the procedures for vacating roads when he finds it in the benefit of the public interest to do so.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 10 day of May, 1994.

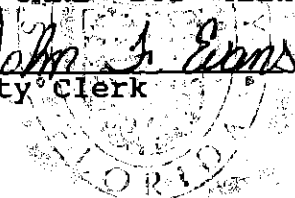
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Arlan Roberts
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By:

John J. Ewins
Deputy Clerk



PROCEDURES FOR VACATING COUNTY ROADS

Florida Statutes, 336.09, 336.10 and 336.12 govern the vacation of public roads. In accordance with these guidelines the following procedures have been established. All expenses in connection with the vacating must be paid by the person requesting same. A filing fee of \$250.00 shall be paid by the petitioner when the petition and accompanying documents are filed in the Clerk's Office.

1. The following items must be submitted to the Clerk's Office by the petitioner:
 - A. Paid receipt from the Public Works Department.
 - B. Petition to vacate signed by the record owners of all property abutting the vacated portion of the road or who will be directly affected by such vacation. (sample provided)
 - C. Map depicting the roads to be vacated.
 - D. Recent Title Opinion or Title Certificate, prepared by an attorney licensed to practice in Florida or an abstract company or title insurance company that all persons affected thereby have signed the petition and if not their names and addresses are set forth in the petition. The title opinion or certificate must include all easements of record within the right-of-way and copies must be provided. An updated title opinion will be required with a search date within ten days of the Board of County Commissioners meeting approving the road vacation.
 - E. Consent and Joinders by all landowners abutting the portion of road to be vacated. (sample provided)
 - F. Resolution authorizing the Board to set the public hearings. (sample provided)
2. The Deputy Clerk forwards a photocopy of the petition to the Office of the County Attorney for review.
3. The Office of the County Attorney advises the Deputy Clerk of any deficiencies. If deficient, the Deputy Clerk notifies the petitioner, who begins again at Step #1 (except for payment of fee).
4. Upon determination that the Petition meets F.S. requirements, the Deputy Clerk forwards a photocopy of the petition to both the Public Works and the Planning & Zoning Department for their review. Upon receipt of a report with

- recommendations from the Public Works Department, the Planning and Zoning Department will schedule the proposed vacation before the Planning and Zoning Agency.
5. The Public Works Department notifies the petitioner of the Planning & Zoning Agency hearing date. The petitioner must be present at the Planning & Zoning Agency hearing.
 6. The Public Works Department prepares the agenda request form for placement on the Board consent agenda the first resolution which sets the Board hearing dates.
 7. The Public Works Department prepares the resolution and the agenda request form which includes the Staff report and recommendation of the Planning & Zoning Agency, in compliance with the approved dates.
 8. Upon establishment of the public hearing dates:
 - A. The Deputy Clerk forwards a copy of the first resolution to the petitioner.
 - B. It is the petitioner's responsibility to promptly send notice of the time, date, and place of the public hearing by certified mail, at least 15 days prior to the County Commission hearing date under the provisions of F.S. 336.10, return receipt requested, to each of the persons and entities at their addresses as described in Schedule B. The petitioner shall provide the Clerk with proof of same five days before the scheduled hearing date.
 - C. The Deputy Clerk advertises the County Commission hearing. The petitioner will be billed directly for the ad, after payment of the bill the proofs of publication will be released to the Deputy Clerk. Receipt of the proof is required to proceed.
 9. The petitioner must be present at the County Commission hearing. If the County Commission approves, the resolution vacating the road is adopted.
 10. The Deputy Clerk forwards items (proof of notice of hearing, resolution vacating, proof of notice of vacating) for recording and to return to petitioner. It is the petitioner's responsibility to pay the recording fees.
 11. The Deputy Clerk has placed on the County Commission consent agenda filing of proof of publication of notice of vacating.