

SECTION 28.0 ROAD VACATIONS

Section 28.01 Introduction

A road vacation is a process for the county to abandon, discontinue and close certain public roads and is considered by petition. This process is most generally used in older plats with substandard lots where unnecessary roads impose additional setback requirements or in connection with the relocation of a county road. Florida Statutes, 336.09, 336.10 and 336.12 govern the vacation of public roads and Florida Statute 336.125 provides for vacation and optional conveyance to a homeowner's association. This process is also used to vacate drainage easements, if it can be demonstrated that the easement was intended to accommodate drainage from a county road. A public hearing before the Board of County Commissioners is required.

Road vacation petitions are submitted to and processed by the Development Review Division.

Address: 4040 Lewis Speedway, St. Augustine, FL 32084
Phone: (904) 209-0660
Fax: (904) 209-0743
Email: faxplandept@sjcfl.us
Fee

Section 28.02 Application Process

The following items must be submitted in order to process a road vacation request:

- A. Original petition signed by the record owners of all property abutting the portion of the road involved or who will be directly affected by such vacation. *(Please note that this requirement can be met with separate Consent and Joiner Forms if necessary.)*
- B. Map depicting road(s) to be vacated.
- C. Provide a Schedule B listing all persons affected by the vacation. If all affected persons have not signed the petition, then their names and addresses must be included.
- D. Upon review by County staff, and upon the reasonable determination that there are or may be title issues, the application may require a recent title opinion or title certificate, prepared by an attorney licensed to practice in Florida, an abstract company or title insurance company may be required. 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 may also be required with a search date within twenty days of the Board of County Commissioners' public hearing to consider the vacation.
- E. Upon review by County staff, and upon the reasonable determination that there may be traffic circulation issues, the application may require a professional engineer's statement may be required. It should include a description of the effect of the proposed vacations on traffic patterns and a conclusion therein that

no property or person will be unreasonably affected or inconvenienced by the vacation.

Section 28.03 Review Process

- A. Petition package is routed to all applicable departments, the review time is ten (10) working days:
- B. After review, the petitioner will be notified via fax, email or mail of any deficiencies, comments, or need for additional information as determined by the reviewing departments.
- C. If necessary, the petitioner or representative shall respond in writing to specific comments or provide additional information. Any resubmittals, if necessary, are routed with a five (5) working day review time.
- D. If no additional information is necessary and all comments have been addressed to the extent possible the procedures for public hearing before the Board of County Commissioners will be initiated.

Section 28.04 Public Hearing Process

- A. Staff coordinates the public hearing date with both the County Administration office and the applicant.
 - 1. Upon approval to proceed, staff prepares a resolution to set the public hearing that is placed on the Consent Agenda for the Board of County Commissioners. *(Please note that this process just establishes the actual public hearing and the applicant's attendance is not required.)*
 - 2. The Deputy Clerk forwards a copy of the resolution, which establishes the public hearing date, to the petitioner.
 - 3. The Deputy Clerk advertises the County Commission hearing.
- B. It is petitioner's responsibility to:
 - 1. Pay for advertising. Advertisement within the St. Augustine Record newspaper will be completed by staff; however, payment is the responsibility of the applicant. Please provide contact information for the party responsible for payment of published notice. That party will be contacted by the St. Augustine Record for payment once the ad has been sent for publishing. Please be aware that failure to make payment of the advertisement will delay the application from proceeding to the scheduled public hearing date.
 - 2. Notify, by certified mail return receipt requested, the time, date and place of the public hearing, at least two weeks prior to the County Commission hearing date under the provisions of F.S.336.10 to each of the persons and entities at the addressees as described in Schedule B (Schedule B is the list of all persons affected by the vacation as provided by the petitioner). If all

persons from Schedule B have signed the petition or have signed a Consent and Joinder, no mailing is required.

3. The petitioner shall provide the Clerk with proof that the mailing requirement has been met five days before scheduled hearing date.
 4. If requested, an updated title opinion will be required with a search date within twenty days of the Board meeting date, but may be accepted with a search date within thirty days if it includes a sworn statement certifying that the property owner has not taken any action that materially affects the title opinion or title certificate submitted.
- C. Petitioner must be present at the County Commission hearing. If the County Commission approves, the resolution vacating the road is adopted.
 - D. The Deputy Clerk forwards items (proof of notice of hearing, resolution vacating, proof of notice of vacating) for recording and return to petitioner. It is the petitioner's responsibility to pay the recording fees.
 - E. The Deputy Clerk places the filing of proof of publication of notice of vacating on the next available Board of County Commission consent agenda.

Sample Petition for Road Vacation
PETITION TO VACATE PORTIONS OF
CERTAIN STREETS, ALLEYWAYS OR ROADS

TO: THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

Comes now (*insert name of petitioner(s)*) and respectfully petitions this Honorable Board as follows:

1. To vacate, abandon, discontinue and close portions of those certain public streets, alleyways or roads situated in St. Johns County, Florida, hereinafter more particularly described; to renounce and disclaim any right of St. Johns County and the public in and to the lands constituting such portions of said streets, alleyways or roads; and to renounce and disclaim any right of St. Johns County and the public in and to any lands or interest therein acquired by purchase, gift, devise, dedication or prescription for such portions of said streets, alleyways or roads described as follows:

Legal description as per attached SCHEDULE "A"

2. To adopt a resolution declaring that at a definite time and place a public hearing will be held to consider the advisability of the above, and to publish notice as prescribed by Section 336.10, Florida Statutes, one time in a newspaper of general circulation advising of a public hearing in connection with the above matter, and thereafter adopting a resolution renouncing and disclaiming any right of the County and the public in and to the hereinbefore described portions of streets, alleyways or roads, and vacating, abandoning, discontinuing and closing same.
3. In support hereof, Petitioner shows that he is the owner of all the lands abutting said portions of streets, alleyways or roads sought to be vacated, and Petitioner is the only person who would be affected thereby; and said portions of streets, alleyways or roads are no longer necessary or desirable.

4. Petitioner further shows that said portions of streets, alleyways or roads sought to be vacated are neither state nor federal highways and are wholly without the limits of any municipality.

Signature of Petitioner

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 20____, by _____ as _____ for _____.

Notary Public, State of Florida
Name: _____
My Commission Expires: _____
My Commission Number is: _____

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Proof of Notice Requirement

In support hereof, Petitioner shows that he is the owner of certain lands bordering said portions of the streets, alleyways or roads sought to be vacated. The names and addresses of all other owners or persons having an interest in any lands bordering said portions of the streets, alleyways or roads sought to be vacated are as follows:

List as per attached SCHEDULE "B"

and those persons were served with a copy of this Petition by certified mail, return receipt requested, prior to _____, 20____, and were advised to contact the Board of County Commissioners of St. Johns County, Florida, should they have any objection to the vacation of the said portions of the streets, alleyways or roads.

Signature of Petitioner

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 20____, by _____ as _____ for _____.

Notary Public, State of Florida
Name: _____
My Commission Expires: _____
My Commission Number is: _____

Personally Known ____ OR Produced Identification ____
Type of Identification Produced _____

Consent and Joinder

COME NOW, the undersigned as adjacent owners of the following County Road sought to be vacated, to-wit:

LEGAL DESCRIPTION AS PER ATTACHED SCHEDULE "A"

And do hereby join in the petition to vacate same now or hereafter to be filed before the County Commission of St. Johns County, Florida.

Dated this _____ day of _____, 20____.

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 20____, by _____ as for _____.

Notary Public, State of Florida
Name: _____
My Commission Expires: _____
My Commission Number is: _____

Personally Known ____ OR Produced Identification ____
Type of Identification Produced _____