



Application Process and Guidelines to File a Petition to Vacate for: Easements, Roads, Right-of -Ways, or Alleys Established by Plat; or Public Roads, Right-of-Ways Established by Deed or Instrument

The process for vacating a Right of Way or Easement can be divided into two types of review: Type 1 and Type 5.

Type 1 Review Path A application pursuant chapter 138, article II of Land Development Code (Easements Held by County): Type 1 review consists of three steps. First, an application is submitted. Second, County staff reviews the application to determine the easement's need. If a need is identified, the review concludes. However, if County staff determines that a release is appropriate, the Real Estate division completes the process. This type of review applies to Easements other than those dedicated by plat. This is outlined in the Pinellas County Land Development Code § 138-77 and § 154-271 (b). Public hearing not required for Type 1 reviews.

Most Common Type 5 Review (Public Roads and Right-of-Ways Established by Deed or Instrument): For Type 5 review, the petition to vacate process also involves three steps. First, an application is submitted. Second, County staff conduct a review, and third, the Board of County Commissioners holds a public hearing. Detailed steps are provided in this document. This is outlined in the Pinellas County Land Development Code § 138-77 and § 154-270.

Please note that even if there are staff objections during the Type 5 review process, the applicant has the full right and ability to proceed to the Board of County Commissioners for them to consider the petition at a public hearing.

If you wish to discuss a proposed vacation before applying, please contact us at petitiontovacate@pinellas.gov.

Application Process:

The first step in the petition to vacate process is the completion and submittal of an application packet. An application packet includes the application, sketch and legal description, and letters of review and recommendation as described in the steps below. A completed application packet, with all requested documentation, is submitted to the Building & Development Review Services Department for review and verification of a complete application. Once an application is deemed complete, staff will distribute for review.

1. Complete the online Petition to Vacate Application. Please ensure the application contains the following additional information, as applicable:
 - Names and addresses of all petitioners and the original signature for each petitioner on the application where indicated.
 - Address of the subject property, if different than the petitioner's address.
 - A Proof of Payment Certificate from the County Tax Collector's Office confirming that all current year and previous year taxes have been paid.

- Petition for a public right-of-way extending beyond what abuts your property: All adjacent property owners sign as joint petitioners.
 - Release of platted lots: Include PROOF OF OWNERSHIP in form of an affidavit of ownership from the title company or from your attorney, or a copy of your deed.
 - Release of a portion of an easement: Include a copy of your deed and a copy of the easement.
 - Request includes portions of platted lots located within city limits: The City needs to process the release of City property first. When submitting to the County for the release of the interest in the remaining lots, a certified copy of the city resolution approving the release is required to be submitted as part of the package.
2. Obtain a SKETCH AND LEGAL DESCRIPTION prepared, electronically signed, and sealed by a Registered Professional Land Surveyor. Please note that the legal description needs to describe only the portion of the property interest to be released and should be submitted in an 8.5" x 11" format. A boundary survey, which is different from a sketch and legal description of your property, is not required or acceptable unless your request is to release an entire plat in preparation for redevelopment.
 3. Submit letters of review and recommendation from Utility Providers, H.O.A., and/or applicable agencies. These letters are sent by the applicant. Attached is a sample letter together with the names and addresses of various utility companies that must be contacted. All response letters are to be returned to the applicant, and the signed original letters are to be submitted with the application. The letters should include the sketch and legal description of the property. A letter is also required from your homeowner's association, if applicable. The respondents will indicate either an objection or no objection to the requested vacation.
 4. Application Fee. A non-refundable \$940.00 application fee is required to begin the petition process

Please include the following additional letters as applicable:

- Pond or retention area: If your property has a pond or retention area, or a portion of a pond or retention area, or any other Southwest Florida Water Management District (SWFWMD) permitted facility, please contact SWFWMD and request a Letter of "No Objection", a copy of the original SWFWMD permit for the pond and/or retention area and a copy of the Transfer of Maintenance, if applicable. Once this information is obtained, please request a Letter of "No Objection" from the current Maintenance Entity as stated on the permit or on the Transfer of Maintenance. The Maintenance Entity is usually the homeowner's association for your subdivision and is usually responsible for maintaining the pond or retention area in accordance with the permit conditions. The letter from the homeowner's association as the Maintenance Entity, is a separate letter than the letter from the homeowner's association as referenced in #3 above.
- Property abuts municipal limits: If your property abuts property inside City limits, please contact that City for a Letter of "No Objection".
- Submerged and platted public right-of-way: If your application involves such right-of-way, please request a Letter of "No Objection" from the State of Florida Department of Environmental Protection using the contact information provided on the additional agencies page.
- Adjacent to a State Road: If your petition involves platted public right-of-way that is adjacent to a State Road, please request a Letter of "No Objection" from the Florida Department of Transportation using the contact information provided on the additional agencies page.

5. Additional documents may be required, such as title research and/or title opinion however, you will be notified upon review if needed. These documents are at the applicant's expense if needed.

Potential Additional Required Action: A vacation may not be all that is required to achieve your goals. It is recommended that you contact the Pinellas County Building & Development Review Services Department (BDRS) at (727) 464-3888 to determine if additional Land Development Code requirements are needed.

Public Hearing:

A public hearing is required for a **Type 5 review** petition to vacate process. The petition request will be prepared by County staff for presentation to the BCC as a public hearing agenda item. The steps necessary to prepare for a public hearing include:

1. **ADVERTISING**

In accordance with Florida State Statutes, the date of the Public Hearing will be advertised by publishing legal notice in a newspaper of general circulation in the county in which the parcel of land is located. The advertisement is placed in the newspaper by the Clerk of the Circuit Court, Board Records Section. The Building & Development Review Services Department will coordinate this activity.

2. **POSTING**

In accordance with Pinellas County's Building & Development Review Services Department Policies and Procedures, the date of the public hearing may be posted by a sign placed upon your property by County personnel two weeks prior to the hearing. The Building & Development Review Services Department will coordinate this activity. **PLEASE DO NOT REMOVE THE SIGN.** After the public hearing, staff will retrieve the sign.

3. **NOTIFICATION**

Notification of the public hearing date will be mailed to you and your adjacent neighbors by the Clerk of the Circuit Court. You or your representative are encouraged to attend the public hearing to answer any questions that may arise. Please be aware that if the BOCC has questions during the hearing that cannot be answered by County staff, the petition to vacate could be denied or deferred.

Following the meeting, you will be notified by email of the results of your petition and the Board of County Commissioners' decision. Copies of the recorded resolution and other pertinent documents will be included with that notification letter.

If you have any questions at any time during this process, please do not hesitate to contact:

Petition to Vacate Coordinator

440 Court Street

Clearwater, Florida, 33756

petitiontovacate@pinellas.gov

Letters of review and recommendation from Utility Providers and/or other applicable agencies are required with the Petition to Vacate Application. These letters are sent by the applicant. Below is a sample letter and the names and addresses of various utility companies that must be contacted. All response letters are to be returned to the applicant and submitted with the application. The letters should include the sketch and legal description of the property. A letter is also required from your homeowner's association, if applicable. The respondents will indicate either an objection or no objection to the requested vacation.

SAMPLE LETTER

The suggested format for requesting a "LETTER OF REVIEW AND RECOMMENDATION"

(Please fill out completely with all of your information requested below)

(Date)

(Your Name)

(Street Address)

(City, State, Zip Code)

(Your Telephone Number)

(Contact Person)

(Utility Company Name) (Department/Division, if applicable) (Street Address)

(City, State, Zip Code)

**Re: Petition to Release: See attached Legal Description
Section, Township, Range
Street address of the subject property**

Dear:

Please provide a letter in response to the above-referenced Petition to Release, indicating either "No Objection" or "Objection," to the address listed above. Thank you for your consideration of this request.

Sincerely,

(Your Signature)

NAMES & ADDRESSES for LETTERS OF REVIEW AND RECOMMENDATION

PLEASE ASK EACH UTILITY TO USE YOUR PROPERTY ADDRESS IN THE REFERENCE LINE ON THE LETTERS OF NO OBJECTION.

SPECTRUM

Attn: David Avila (DL-FL-PIN-Construction@charter.com)
700 Carillon Parkway, Suite 6
St. Petersburg, FL 33716 Phone #
(941) 345-1348

WOW! (Wide Open West) (Cable Service for Unincorporated County)

Attn: Dave Hamlin (dave.hamlin@wowinc.com)
3001 Gandy Boulevard North
Pinellas Park, FL 33782
Phone # (727) 422-8040

DUKE ENERGY FLORIDA (Distribution) & (Transmission)

Attn: Duke Energy Land Services Department (vacate@duke-energy.com)
www.duke-energy.com/community/trees-and-rights-of-way/vacate-request

FRONTIER COMMUNICATIONS (VERIZON) (Phone Service)

Attn: Stephan Waidley (Stephen.waidley@ftr.com)
1280 Cleveland Street
Clearwater, FL 33755
Phone# (941) 266-9218

TECO PEOPLES GAS (Gas Service)

Attn: Joan Domning (jdomning@TECOENERGY.com)
8416 Palm River Road
Tampa, FL 33619
Phone # (813) 275-3783

TECO ELECTRIC (Electric Service)

Attn: Taylor Leggatt (TJLeggatt@TECOENERGY.com)
P.O. Box 111
Tampa, FL 33601
Phone# (813) 228-1424

PLEASE NOTE:

- If you receive water or sanitary sewer service from a municipality, a letter of "No Objection" is required from that municipality.
- If you receive gas line service, a Letter of "No Objection" is required from the company that provides that service, i.e., Clearwater Gas, Suburban Propane, etc.

ADDITIONAL AGENCIES TO BE CONTACTED AS APPLICABLE

STATE OF FLORIDA Department of Environmental Protection (DEP)
(Copies of pond permits – 1978 through 1984)
Southwest District Office Phone # (813) 470-
5700

Title & Land Records
(Letter of “No Objection” for submerged right of way)
Phone # (850) 245-8336

STATE OF FLORIDA Department of Transportation (DOT)
(Platted public right-of-way adjacent to a State Road)
11201 North McKinley Drive
Tampa, Florida 33612
Phone # (813) 975-6495

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
(Copies of SWFWMD permits) Richard Alt or Alberto
Martinez 7601 Highway 301 North
Tampa, FL 33637
Phone # (813) 985-7481 Ext. 2045