



COUNTY OF POLK, FLORIDA
Application and Petition for Vacation and Abandonment
of Drainage and/or Utility Easements

Return to:
 Right-of-Way & Real Estate
 P.O. Box 9005, Drawer TR-02
 Bartow, FL 33831
 or
 3000 Sheffield Rd
 Winter Haven, FL 33880
 (863) 535-2200
 Fax: (863) 534-7339

FOR OFFICE USE ONLY

Case/File No. _____
 C/C Meeting: _____

Date Received: _____
 Complete: _____

Please type or print clearly.

A. Property Owner(s): (Attach additional sheets if required)

| | | |
|---------|-------|----------|
| Name | | Email |
| Address | | |
| City | State | Zip |
| Phone | Fax | Cellular |

| | | |
|---------|-------|----------|
| Name | | Email |
| Address | | |
| City | State | Zip |
| Phone | Fax | Cellular |

B. Is there a pending "Contract for Sale"? Yes No
 If yes, please list all parties involved in the sales contract:

C. Applicant or Authorized Agent: (If different from above)

| | | |
|---------|-------|----------|
| Name | | Email |
| Address | | |
| City | State | Zip |
| Phone | Fax | Cellular |

General Information

D. General Location of Property to be Vacated:

| |
|------------------------------|
| Property Location or Address |
| |
| Parcel Number(s): |

| |
|--|
| Legal Description ⁽¹⁾ (Attach additional sheets as necessary) |
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| |
| <p>The subject property is located within a <input type="checkbox"/> platted or <input type="checkbox"/> unrecorded subdivision.</p> <p>If the property is located within a subdivision, is there a Homeowner's Association ⁽²⁾? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How was this easement reserved? <input type="checkbox"/> Plat <input type="checkbox"/> Deed <input type="checkbox"/> Easement <input type="checkbox"/> Other (describe): _____</p> |

⁽¹⁾ An **exact legal description** of the property to be vacated must be submitted. The County suggests the Applicant contact a Registered Land Surveyor to determine the exact legal description. The County reserves the right to require a survey of the subject property and/or a title opinion, if necessary. The Owner/Applicant is responsible for all costs associated therewith.

⁽²⁾ If there is a Homeowner's Association (HOA) for the subdivision. If required, the Owner/Applicant shall be responsible for obtaining a Letter of Consent from the authorized representative of the HOA prior to submittal for Board Approval.

E. Are any other applications pending? Yes No (Check all that apply.)
 Variance Conditional Use Special Exception Other (describe): _____

F. Reason for this Request – Check all that apply: (Attach additional sheets as necessary)

| |
|---|
| <input type="checkbox"/> Code Violation. (Attach copy of letter citing violation.) <input type="checkbox"/> Need to clear an existing encroachment. (Describe encroachment below.) <input type="checkbox"/> Request to vacate to allow for construction of: <input type="checkbox"/> Pool <input type="checkbox"/> Screened Pool/Deck <input type="checkbox"/> Building Addition (Describe below.) <input type="checkbox"/> Other (Describe below) <input type="checkbox"/> Other (Describe below). |
| Additional Comments: |
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PETITION TO VACATE DRAINAGE/UTILITY EASEMENT

TO: THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA

The undersigned Petitioner respectfully petitions the Board of County Commissioners of Polk County, Florida, and requests that the drainage utility other: _____
_____ easement, hereinafter collectively referred to as "easement", described as follows (check all that apply):

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

(NOTE: The term "Petitioner" shall refer to all Petitioners, whether singular or plural.)

be vacated, abandoned, discontinued, and closed, and that any rights of the County and the Public in and to the said easement and any lands in connection therewith, be renounced and disclaimed by the Board of County Commissioners of Polk County, Florida. In support of this Petition, Petitioner respectfully affirms:

1. Petitioner is the owner and/or legal representative of the owner of all of the land abutting the above-described easement, which is the subject of this Petition; that said ownership has been fully divulged; and that the names of all parties to an existing contract for sale or any options are filed with this application.
2. The subject easement and the use thereof is not now used. No other landowner or landowner's interest will be affected by the requested closure. The closing of the easement will not deprive the Petitioner the right of access to his/her/their property, nor will it deprive any other person(s) of access to his/her/their property.
3. The subject easement is not a part of a state or federal highway and no part of the easement is located within the corporate limits of any municipality.
4. Petitioner acknowledges that by granting the Petition to vacate the easement, the Board of County Commissioners is in no way certifying, declaring or guaranteeing legal title to the vacated easement to the Petitioner or any other persons.

WHEREFORE, the undersigned Petitioner requests the Board of County Commissioners of Polk County, Florida, adopt a Resolution setting a time and place for a public hearing, and, after due notice thereof, adopt a Resolution vacating, abandoning, discontinuing and closing the easement described, renouncing and disclaiming any rights of the County and the Public in and to the subject easement and to any lands in connection therewith, in accordance with the provisions of Section 336.09 and Section 336.10 of the Florida Statutes.

DATED THIS _____ day of _____, 20_____.

Petitioner Name (Print)

Address

Petitioner's Signature

City/State/Zip

Phone (_____)

Petitioner Name (Print)

Address

Petitioner's Signature

City/State/Zip

Phone (_____)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____,
who is / are personally known to me or who has / have produced _____
_____ as identification and who did / did not take an oath.

Notary Public
My Commission Expires: _____
Commission No.: _____