



COUNTY OF POLK, FLORIDA
Application and Petition for Vacation and Abandonment
of Streets, Alleys, and Rights-of-Way

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)
<p>The subject property is located within a <input type="checkbox"/> platted or <input type="checkbox"/> unrecorded subdivision. How was this right-of-way reserved? <input type="checkbox"/> Plat <input type="checkbox"/> Deed <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.

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:

PETITION TO VACATE RIGHT-OF-WAY

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 right-of-way described as follows:

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 right-of-way 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 right-of-way, 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. Petitioner acknowledges and agrees that this vacation of right-of-way may require Petitioner to grant an easement for public utility purposes to Polk County or other legal entities over, under and across all or part of the property to be vacated and further agrees that if said easement is required, Petitioner shall convey said easement in compliance with this request prior to the actual Public Hearing. Further, Petitioner understands that if said easement is not granted, the Public Hearing may be continued or the Petition may be denied, at the discretion of the Board of County Commissioners.
3. The subject right-of-way is unopened right-of-way unmaintained right-of-way opened, maintained right-of-way (check all that apply). The closing of the right-of-way 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.
4. The subject right-of-way is not a part of a state or federal highway and is not located within the corporate limits of any municipality.
5. Petitioner acknowledges that the act of vacating the subject right-of-way does not necessarily grant ownership rights in the property vacated to the abutting property owners and that decisions regarding the distribution of vacated property shall not be made by the Board of County Commissioners or any of its Departments, Divisions or employees. Upon vacation of the subject right-of-way, the Polk County Property Appraiser's Office will distribute the subject right-of-way in accordance with historical records and applicable Florida Statutes but further legal action may be required to fully clear title to the property. By granting the Petition to vacate right-of-way, the Board of County Commissioners is in no way certifying, declaring or guaranteeing legal title to the vacated right-of-way 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 right-of-way described, renouncing and disclaiming any rights of the County and the Public in and to the subject right-of-way 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.: _____