PETITION FOR VACATION OF RIGHTS-OF-WAY AND EASEMENTS

Fee:

$2,400 application fee made **payable to the City of Weston.**

Link to Apply:
https://www.westonfl.org/government/planning-and-zoning/application-process

Submittal:
Refer to *§125.08 - Procedures for Vacation of Right-Of-Way or Easement* in the City of Weston Code of Ordinances at https://codelibrary.amlegal.com/codes/weston/latest/weston_fl/0-0-0-11026.

Submission Materials:

1. **Application**
   a. Petition for Vacation and Abandonment
   b. Applicant Representative Affidavit
   c. Cost Recovery Affidavit
2. **Project Narrative** detailing the proposed scope of work
3. **Signed and sealed sketch and description** of plat, street, or easement to be vacated
4. **Original Opinion of Title or a Title Certificate** prepared by an attorney or Title Company
5. **Signed and sealed Topographic Survey**
6. **Location Map**
7. **Civil Plans**
8. **Water and Sewer Plans**
9. **Landscape Plans**
10. **Waiver(s) of Objection/No Objection to Vacation Petition:** All property owners adjacent to the rights-of-way or easements or any easement holders
11. **Waiver(s) of Objection/No Objection to Vacation Petition:** All Utilities

Advertising and Notice

- 125.06 Requirements for Advertising and Notice
- 125.08(c) Public Notice

Further information may be requested: You will be notified of any additional requirements by email via the email address that you provide.

CITY OF WESTON
PETITION FOR VACATION AND ABANDONMENT

Petition to the City of Weston, Florida, a Florida Municipal Corporation to vacate and abandon plats or portions of plats, discontinue, close and to renounce and disclaim any right of the City and the public in and to any land in connection therewith:

DATE: _____, 20___ **APPLICATION NUMBER:** _____

PETITIONER(S)/OWNERS: _____

EMAIL: _____

ADDRESS: _____ **TELEPHONE:** _____

AGENT: _____

ADDRESS: _____ **TELEPHONE:** _____

LEGAL DESCRIPTION OF PROPERTY TO BE VACATED: Sketch and legal description is attached and becomes a part thereof.

- **SECTION:** _____ **TOWNSHIP:** _____ **RANGE:** _____
- **SURVEYOR'S SKETCH AND LEGAL DESCRIPTION (ATTACHMENT REQUIRED)**
- **APPROXIMATE STREET ADDRESS OF PROPERTY:** _____

  _____
- **DESCRIPTION OF PUBLIC INTEREST TO BE VACATED E.G., ROAD RIGHTS-OF-WAY, DRAINAGE EASEMENT, ETC.:** _____

  _____

  _____
- **REASON FOR VACATION:** _____

  _____

  _____

FIRST APPLICATION (Circle) Yes / No If No, Original Application Number _____

Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

I/We, the undersigned, hereby petition the City of Weston to vacate and abandon the property described above and abandon the property described above and that in signing as Petitioner(s) I/We also certify that I/We are the owner(s) of the property abutting the property to be vacated. I/We further authorize the person(s) named as agent on this Petition to represent the undersigned petitioner.

_____
Date

_____ _____
Witness Signature Signature of Petitioner

_____
Print Name

_____
Witness Signature

_____
Print Name

ACKNOWLEDGMENT

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this _____ day of _____, 20___, by _____ as _____ *(Name of person acknowledging)* *(Title)* for _____. *(Company name)*

Personally known to me ____ or has produced Identification ____, type of identification produced_____.

(NOTARY SEAL HERE)

_____
SIGNATURE OF NOTARY PUBLIC

PRINT, TYPE/STAMP NAME OF NOTARY

§ 125.08 PROCEDURES FOR VACATION OF RIGHT-OF-WAY OR EASEMENT.

125.08(A) A petition for vacation of Right-of-Way or easement may be submitted by any of the following:

125.08(A)(1) City Manager; or

125.08(A)(2) Property Owner owing property abutting the Right-of-Way or subject to the easement.

125.08(B) ***Petition Requirements.*** The petition shall be on a form provided by the City Manager. The petition shall include the following:

125.08(B)(1) A legal description and survey of the Right-of-Way or easement petitioned to be vacated. The survey shall also include properties abutting the Right-of-Way or easement to be petitioned;

125.08(B)(2) Opinion of title demonstrating that the Applicant owns fee simple title to the property abutting the Right-of-Way or subject to the easement;

125.08(B)(3) Written consent of all utilities and governmental entities that may have a right to the Right-of-Way or easement;

125.08(B)(4) Proof that all state, county, and City taxes have been paid.

125.08(C) **Public Notice.** Public notice shall be provided as set forth in § 125.06 of the City Code. In addition, the Applicant shall publish legal notice in two weekly issues of a newspaper of general circulation within Broward County.

125.08(D) **Review Procedure.** The Applicant is required to provide documentation that the petition complies with the criteria provided for in this section. In order to approve a vacation of Right-of-Way or easement, the City Commission needs to determine, in its legislative capacity, that the petition complies with each of the following criteria:

125.08(D)(1) The ownership or right of convenient access of persons owning other parts of the subdivision will not be adversely affected;

125.08(D)(2) The general public will not be adversely affected by the proposed vacation;

125.08(D)(3) Neither the City, any public utility, or any other governmental entity has a present or possibly future need for the Right-of-Way or easement sought to be vacated; and

125.08(D)(4) The vacation is in the public's interest.

(Ord. 2012-01, passed 1-17-2012)

APPLICANT REPRESENTATIVE AFFIDAVIT

(MUST BE COMPLETED BY PROPERTY OWNER
AND EACH APPLICANT REPRESENTATIVE)

STATE OF FLORIDA
COUNTY OF BROWARD

Before me, the undersigned authority, personally appeared the affiant who, upon first being duly sworn, deposes and says:

(FOR INDIVIDUAL APPLICANTS)

1(a). I am the owner of the property described below, and have submitted the following application to the City of Weston:

Name of Applicant _____

Application for: ❑ Land Use Plan Amendment ❑ Rezoning ❑ Special Exception ❑ Zoning Variance
❑ Site Plan Approval ❑ Site Plan Amendment ❑ Plat Approval ❑ Plat Amendment
❑ Text Amendment

Property Location _____

(FOR ENTITY APPLICANTS)

1(b). I am the _____ *(position)* of _____ *(name of entity "Applicant")* that owns the property described below, and has submitted an application to the City of Weston, and I have the authority to file this affidavit and to bind the Applicant.

Name of Applicant _____

Application for: ❑ Land Use Plan Amendment ❑ Rezoning ❑ Special Exception ❑ Zoning Variance
❑ Site Plan Approval ❑ Site Plan Amendment ❑ Plat Approval ❑ Plat Amendment
❑ Text Amendment

Property Location _____

2. The Applicant acknowledges that Section 125.04(C)(1) of the Land Development Code of the City of Weston requires that any applicant for a development permit must disclose "all persons representing the individual or entity applying for the development permit in connection with the application, including, but not limited to, all attorneys, architects, landscape architects, engineers and lobbyists."

3. The Applicant acknowledges that Section 125.04(C)(2) of the Land Development Code of the City of Weston requires that the Applicant, the property owner, and any person representing the Applicant must disclose "whether it has any Business Relationships with any member of the City Commission or any City Advisory Board, and, if so, disclose the identity of the member with which it has a Business Relationship and the nature of the Business Relationship." *Business Relationship is defined as:*

Business Relationship: a member of the City Commission or a City Advisory Board has a business relationship with a person or an entity if any of the following exist:

a) the member of the City Commission or City Advisory Board has any ownership interest, directly or indirectly, in excess of 1% in the entity; or

b) the member of the City Commission or City Advisory Board is a partner, co-shareholder or joint venturer with the person in any business venture;

c) the entity or person is a client of the member of the City Commission or City Advisory Board, or a client of another professional working from the same office and for the same employer as the member of the City Commission or City Advisory Board;

d) the member of the City Commission or City Advisory Board is a client of the entity or the person;

e) the entity or person is a customer of the member of the City Commission or City Advisory Board (or his/her employer) and transacts more than 5% of the business in a given calendar year of the member of the City Commission or City Advisory Board (or his/her employer) or more than $25,000 of business in a given calendar year; or

f) the member of the City Commission or City Advisory Board is a customer of the entity or the person and transacts more than 5% of the business in a given calendar year of the entity or person or more than $25,000 of business in a given calendar year.

The following is a complete list of the Applicant, the property owner and all persons that will represent the Applicant in connection with the application including, but not limited to, all attorneys, architects, landscape architects, engineers, lobbyists, tenants and/or contract purchasers:

	Name (print)	*Business Relationship*		*Signature*
		*Yes**	*No*	
a)	_____	❑	❑	_____
b)	_____	❑	❑	_____
c)	_____	❑	❑	_____
d)	_____	❑	❑	_____
e)	_____	❑	❑	_____
f)	_____	❑	❑	_____
g)	_____	❑	❑	_____

***** *If yes, then identified person shall fill out a Business Relationship Affidavit*

4. The Applicant agrees that he/she/it will be bound by any statements, representations and promises made in connection with the Application by any of the individuals identified above.

5. The Applicant acknowledges that Section 125.04(C)(3) of the Land Development Code requires this information to be updated "If, at any time prior to City Commission consideration of an application for a development permit, the information contained in any Applicant Representative Affidavit or Business Relationship Affidavit becomes incorrect or incomplete, the person or entity submitting the affidavit must supplement the affidavit and, if the supplementation requires the submission of additional Applicant Representative Affidavits or Business Relationship Affidavits, ensure that such affidavits are also filed." The Applicant further understands that "If any supplementary affidavits are submitted less than fourteen days before the application is scheduled for consideration by the City Commission or any City Advisory Board, the application may be withdrawn by the City Manager, or his designee, and placed on a subsequent agenda."

Further the affiant sayeth naught.

_____
(Signature of Applicant)

_____
(Print Name)

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___, by _____. (Name of person making statement)
Personally known to me ☐ or has produced Identification ☐, type of identification produced_____.

_____
SIGNATURE OF NOTARY PUBLIC

(NOTARY SEAL HERE)

_____
PRINT, TYPE/STAMP NAME OF NOTARY

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of all applicable costs involved as part of my application process. Section 43.03 of the City Code of Ordinances (attached) requires that the City's costs of administrative and outside fee consultant review and processing of requests, as required or necessitated now or in the future by the City's ordinances, resolutions, policies, or procedures, shall be borne by the person initiating the review request. These costs include, but are not limited to, the various costs relating to the City's administrative and outside fee consultant processing and review of applications, submissions, or requests concerning development, utilization, or improvement of real estate in the City.

Please type or print the following:

Date: _____

Relationship to the project: (property owner, architect, developer, attorney)

_____

Full Name: Mr. /Mrs. /Ms. _____

Current Address:_____City: _____

State:_____ Zip:_____ Telephone Number: _____

Email: _____

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

_____

Signature

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___, by _____ as _____
(Name of person acknowledging) *(Title)*
for _____.
(Company name)

Personally known to me ☐ or has produced Identification ☐, type of identification produced_____.

(NOTARY SEAL HERE)

_____
SIGNATURE OF NOTARY PUBLIC

_____
PRINT, TYPE/STAMP NAME OF NOTARY