



CITY OF COCOA BEACH
 P.O. Box 322430 Cocoa Beach, FL 32932-2430
 Telephone 321 868-3217 Fax 321 868-3378
www.cityofcocoa-beach.com

ABANDONMENT AND VACATE REVIEW APPLICATION

Abandonment and Vacate (600)

Case# _____ Date _____

Applicant Information: (Please Print or Type)

NOTE: Seven (7) copies required, unless otherwise indicated.

Staff will have up to 10 days to review this application.

“LDC” indicates Land Development Code.

Applicant/Agent and Address: _____

Business Phone: _____ **Business Fax:** _____

E-Mail Address: _____ [Recommended]

Project Name: _____

Project Address: _____

Zoning: _____ **Future Land Use:** _____

Fee: \$ _____ (\$2.00/owner w/in 300 ft for first 10 property owners and \$.50/owner for each additional owner over 10)

Legal Description provided as:

(a) Platted: Plat Book _____ Page _____ Tract _____ Unit _____ Block _____

Lots: _____

(b) Metes and Bounds (attached): _____

This application was prepared and approved with the full knowledge and consent of the undersigned (Owner) _____, and is a full and complete representation of the proposed actions/development of the subject property. The Owner authorizes the agent (Agent) _____ to pursue this request for zoning and/or building/planning review. The Owner further authorizes City Staff, as necessary, reasonable right of entry to the subject premises, for review purposes, based upon this application.

Date _____ **Signature of Owner** _____

Subscribed before me this _____ day of _____, _____

Personally known _____, or produced identification _____

Signature of Notary: _____

APPLICATION CHECKLIST

NOTICE: *Petitions must be reviewed by the Planning Board. Petitions require an advertised PUBLIC HEARING before the City Commission. The Applicant(s) will be expected to attend the hearings.*

Unless noted, all actions/submittals are the Petitioner's responsibility.

PART I – PRE-APPLICATION ACTIONS

LDC CHAPTER V, ARTICLE IV, Section 5-40 – Abandonment and Vacating Procedures

- ___ Obtain and provide address labels of all property owners within one hundred (100) feet of the subject property of the petition.
- ___ Prepare and provide certification letters/petition to vacate (See page 4 of 4). In the case of roads and rights-of-way, notarized letters of certification from abutting property owners that the vacating will not deprive the property owners of access to and from their property.
- ___ Proof of notice:
The City will provide written notice to all property owners within one hundred (100) feet of the subject property sought to be vacated that a public hearing before the City of Cocoa Beach City Commission will occur. Since the abutting property owners must be notified at least thirty (30) days prior to the hearing, the earliest date for the public hearing will be 30 days after the latest date on the certification letters/petition to vacate. (Note: Public hearing before the Planning Board is not required.)

PART II – SUBMITTAL DOCUMENTS

LDC CHAPTER V, ARTICLE IV, Section 5-40 – Abandonment and Vacating Procedures

- ___ Completed petition to vacate right-of-way/easement within the City of Cocoa Beach
- ___ Legal description of the property to be vacated.
- ___ The instrument that identifies the title or interest which the city and the public hold in the property sought to be vacated.
- ___ A current boundary survey, identifying the location of the subject of the vacating or abandonment. The survey must meet the minimum technical standards of LDC Section 5-38, of the property subject to the petition.

APPLICATION CHECKLIST (continued)

_____ Authorization from public utility companies:

The City will contact public utility companies to obtain authorization that vacating will neither interfere with the utility services being provided, nor encroach unreasonably on any utility's easement.

_____ Letter of rationale: A letter or application must be submitted providing information as to why the petition should be granted. The petitioner must address and provide evidence, indicating that the request is consistent with these regulations, Comprehensive Plan Policies I.2.12, I.2.13 and with Florida Statutes Chapter 177 and 498.

More specifically, please address the following:

1. Will the vacation result in an inequitable distribution of the underlying land?
2. Is the proposed vacation consistent with the Land Development Code?
3. Will the vacation create any inconsistent use or lot?
4. Will the vacation create any land locked parcels?
5. Will the public be harmed from the loss of the public's right of use?
6. Is the vacation consistent with the comprehensive plan?

PART III – FINDINGS OF FACT

The Commission must make findings of fact (Comprehensive Plan Policy I.2.12):

1. That approval of this petition will not create any inconsistent use or lot.
2. That those properties impacted by the vacation and conveyance shall comply with adopted zoning standards for lot width, depth, area and size, based upon the Land Development Code.
3. That the vacation and conveyance of property shall not impact the City's ability to provide necessary public services including, but not limited to, potable water, sanitary sewer, stormwater management, solid waste collection/ disposal and transportation.
4. That granting the petition would not result in a reduction or degradation of operating conditions of public facilities and services below the adopted level of service standards.

PETITION TO VACATE RIGHT-OF-WAY EASEMENT WITHIN THE CITY OF COCOA BEACH

The undersigned, being all of the owners of the real property abutting a right-of-way/easement located in the City of Cocoa Beach, Florida, with said right-of-way/easement described as:

do hereby petition the City Commission of the City of Cocoa Beach, Florida that the above described right-of-way/easement be closed, vacated, and abandoned .

The reason for requesting the vacation of the described right-of-way/easement is:

The undersigned holds fee simple title to the property abutting the described right-of-way/easement by virtue of _____ deed dated _____ and recorded on _____ in Official Record Book _____, Page _____, public records of Brevard County, Florida. Attached hereto is a Certificate of Title of even date herewith certifying to said title.

Dated this _____ day of _____, _____.

Witnesses (two for each):

Petitioner(s):

Print Name: _____

Print Name: _____

Address: _____

Print Name: _____

Print Name: _____

Print Name: _____

Address: _____

Print Name: _____

STATE OF _____, COUNTY OF _____

On _____, _____, the foregoing instrument was acknowledged before me by _____, and _____, and who are personally known to me or who have produced _____ and _____ as identification and who (did) (did not) take an oath.

Name:
Notary Public – State of Florida