

OKALOOSA COUNTY
RIGHT-OF-WAY VACATION PROCEDURE

- 1) Applicant will prepare a letter petitioning the Board of County Commissioners for the vacation of a county right-of-way. The letter shall be addressed to the Commissioners of that District.
- 2) The letter shall include;
 - a) \$590.00 application fee,
 - b) Legal description of the proposed vacation,
 - c) Map showing location of proposed vacation,
 - d) Statement outlining why application is requesting the vacation and what the intended use of the property is.
- 3) The Engineering Division will review the request and prepare a recommendation as to whether or not to schedule a Public Hearing.
- 4) The Engineering Division will prepare an agenda item for the Board of County Commissioners requesting a Public Hearing for the right-of-way vacation. The request for a Public Hearing will be considered by the Board of County Commissioners at a regularly scheduled Board meeting held closest to the location of the requested vacation.
- 5) The Board of County Commissioners will approve, deny or table the request for Public Hearing.
- 6) If the Public Hearing request is denied the process is completed. The applicant may reapply at a later date. A re-application will be processed as a new request and require all necessary items; including the application fee.
- 7) If the Board of County Commissioners approves the Public Hearing request the applicant shall post a notice of sufficient size (3' x 3' minimum) to be easily visible to the general public on both ends of the real property proposed for vacation indicating the nature of the proposed action and the time and date of the Public Hearing. The notice shall be posted at least two weeks in advance of the date of the scheduled Public Hearing date. The applicant shall provide an affidavit of compliance that includes photographic evidence of compliance with this requirement. The applicant may request that the Public Works Department furnish and install the signs at a cost of one hundred dollars (\$100.00). The

affidavit of compliance shall be provided to the Board of County Commissioners Crestview office at least ten (10) days prior to the Public Hearing.

- 8) The applicant shall notify all utility companies of the proposed closing, abandonment or vacation by certified mail, requesting a response from each company. Copies of the letters to the utility companies and their responses must be provided to the Board of County Commissioner's Crestview office at least seven (7) days prior to the scheduled Public Hearing.
- 9) The applicant will notify all property owners within three hundred (300) feet of the area proposed to be closed, abandoned, or vacated by certified mail and provide an affidavit of compliance with this requirement. The list of adjoining property owners and their addresses may be obtained from the Property Appraiser's office. The affidavit of compliance must be provided to the Public Works Engineering Department at least seven (7) days prior to the Public Hearing.
- 10) The Public Works Engineering Department will prepare an agenda item for the Public Hearing with recommendations to the Board of County Commissioners. The agenda item will include a proposed Resolution of Vacation.
- 11) The proposed Resolution of Vacation will include the following stipulations unless otherwise directed and approved by the Board of County Commissioners:
 - a) THAT the property herein described is hereby vacated and combined with contiguous property and shall not be further subdivided.
 - b) THAT the County reserves for itself, and any and all licensed utility companies, their successors and assigns a full width utility easement in the entire portion of the right-of-way vacated hereby for the purpose of locating and maintaining public utilities and for stormwater/drainage purposes. No structures other than stormwater/drainage improvements and fencing approved by the Board of County Commissioners shall be permitted. Removal of existing fences for utility construction is permitted and will be the sole responsibility of the landowner to reinstall after completion of utility installation.
 - c) THAT the vacated property shall not be used to increase density or intensity of the adjoining parcel.
 - d) THAT no structure shall be built on the vacated property except fences, sprinkler systems or other amenities as approved by the Board of County Commissioners.
- 12) The Board of County Commissioners will hold the Public Hearing and approve, deny or table the request. If approved the approval will be recorded in the form of a resolution.
- 13) All requests for vacation of rights-of-way will be coordinated with the Board of County Commissioner's office located in Crestview.

- 14) The Board for County Commissioner's office will maintain the vacation request correspondence file and provide copies of all documents and affidavits to the Public Works Engineering Division at least six (6) days prior to the Public Hearing.
- 15) The applicant is responsible for the timely placement of the legal advertisement for the public hearing and shall provide proof of advertisement no later than seven (7) days prior to the Public Hearing date.
- 16) The cost of the legal advertisement shall be borne by the applicant.
- 17) The Board of County Commissioner Clerk's Office shall be responsible for recording the Board of County Commissioners approved resolution.
- 18) The County Administrator's Office follow-up depending on whether request is approved or denied:
 - a) If request is approved a notice will be sent to the newspaper stating request was presented at the Board of County Commissions meeting.
 - b) If request is denied by the Board: after proof that article was advertised in the newspaper is provided to the Administrator's office the \$15.00 recording fee is the only refunded money to petitioner.