



Vacation Application Requirements, Procedures and Guidelines

General Instructions

The procedure to Vacate, Abandon or Release easements and/or Right-of-Ways dedicated by Plat or by separate instrument is, generally, a three-step process. All petitions must be approved by the Board of County Commissioners.

Step 1: Request a pre-application meeting, with all required submittal documents, to the Housing and Urban Planning Division (HUPD) – Platting Section.

Step 2: Formally submit a complete Vacation Application package to UPD for review and approval.

Step 3: In compliance with Florida Statutes and Broward County Administrative Code and/or Code of Ordinances, Broward County Housing and Urban Planning Division processes and submits the Application to the Board of County Commissioners for their consideration.

Additional steps in the submittal process may be required based on the nature of the application. Once approved and properly noticed, UPD will record the final resolution and finalize the vacation.

Submittal Requirements

The following list of documents are required for a Complete Vacation Application Package. For additional guidance, refer to the Vacation Submission Requirements Checklist.

Complete Platting and Development Application

- ☐ The application must be signed by the current Owner. If there are multiple property owners of record with property interest, provide the Vacation Submission Continuation Form. Each additional signature requires two (2) witnesses. The application and forms must be notarized.
- ☐ If the Petitioner(s) is a business entity or government or quasi-government entity, provide the Business/Government Entity Certification for the individual acting or signing on behalf of that entity.
- ☐ If the Owner has an authorized agent, provide Affidavit to Authorize Petitioners Agent to act on behalf of the Petitioner.
- ☐ Provide a narrative which states the petitioner's request and justifies the request.

Application Fee

- ☐ Non-refundable fee of \$1200 or as amended.
- ☐ Payment made by money order (no cash) or personal/business/government check made payable to **Broward County Board of County Commissioners**.

Municipal Approval

- ☐ Provide certified municipal Resolution or Ordinance for Vacations by plat only.
- ☐ The municipal approval must be consistent with the Broward County Vacation Application petition.
- ☐ The municipal approval may run concurrently with the county application process. Prior to the County Attorneys review, the final approval from the municipality must be submitted to UPD. Evidence that the application has been submitted to the municipality may be required for formal submittal.

Notice of Intent to Vacate

- ☐ **Property interests created by plat - Notice by Newspaper Publication required.**
 - ☐ Within sixty (60) days prior to formal submittal of the Vacation Application, Petitioner is required to publish a "Notice of Intent to Vacate" in a newspaper of general circulation within the County, once a week for two consecutive weeks, pursuant to Section 5-209 of the Broward County Code of Ordinance, as amended. The "Notice of Intent to Vacate" shall state the intent of the Petitioner to file a Petition pursuant to this Florida Statute.
 - ☐ Provide certified affidavits for the two (2) newspaper advertisements.
 - ☐ If the petition, or any portion thereof, is not considered by the Board of County Commissioners at a public hearing within one (1) year from the date of publication the Application will expire and the petition will be withdrawn and forfeit the application fee paid to Broward County.
- ☐ **Property interest created by separate instrument - Notice to Municipality required.**
 - ☐ If any portion of the property interest to be released is located within a municipality, the Petitioner must provide the municipality with notice of its Broward County application with intent to vacate property interest.
 - ☐ Provide Petitioner's letter to the municipality. Include original U.S. postal service receipt of certified mailing and original, green, signed "Return Receipt Requested".
 - ☐ For additional guidance, refer to page 5 and 6.

Opinion of Title

- ☐ Provide a current Opinion of Title reflecting each and every person owning fee simple title to property interests sought to be vacated.
- ☐ The Opinion of Title must have a search date within thirty (30) days of formal submittal.
- ☐ The Petitioner must submit an updated Opinion of Title at least fifteen (15) days before the scheduled commission meeting.
- ☐ Refer to the County Attorneys Opinion of Title Requirements.

Sketch and Legal Description

- ☐ Provide signed and sealed sketch and legal description of property interest to be vacated. The sketch must be labeled "Exhibit A"
- ☐ Size: 8-1/2" by 11".
- ☐ Identify exact acreage and square footage of property.

Copy of the Plat Map or Separate Recorded Instrument**Certificate of Property Tax Clearance**

- ☐ For additional guidance, refer to the Certificate of Property Tax Clearance section in this document.

Waivers of Objection from Utilities and Governmental Entities

- ☐ Provide correspondence from all utility companies and governmental entities that have property interest.
- ☐ For additional guidance, refer to the Waiver by Utilities and Governmental Entities section in this document

Other Relevant Documentation as deemed necessary.

Voluntary Preliminary Review

Preliminary review of the Sketch and Legal Description of the Easement or Right-of-Way.

Prior to the Notice of Intent, the Petitioner may request that UPD review the Petitioner's proposed sketch and legal description of the property to be vacated. A planner may aid in determining what type of vacation is being proposed and confirm the submittal requirements.

The Platting section can provide approval of a short, "reader-friendly" legal description of the property to be utilized by Petitioner for the Notice of Intent (newspaper publication) or the Notice of Intent to the municipality. General Parameters of the short, "reader-friendly" legal description are shown below and on Page 5.

- Length: approximately six (6) lines or less;
- Identify the type of Vacation, i.e Vacate and Annul, Vacate and Abandon, release, etc.; and
- Identify the specific type of property interest to be vacated.
- Include plat name, with book and page number and recordation information; or
- Identify separate instruments, with book and page number and recordation information.

The preliminary review request should be sent to PDMDinfo@broward.org. This preliminary review is not required; however, it can avoid delays during the submittal process.

STEP 1. Required Pre-application Meeting

Pre-application Meeting Requirements

The Petitioner must request a Pre-Application Meeting with the Platting Section to formally review the required submittal documents for the proposed property interest to be vacated. A Pre-Application Meeting is required prior to formally submitting the Vacation Application. For additional guidance, refer to the Vacation Submission Requirements Checklist.

The meeting is hosted virtually on TEAMS for thirty minutes and occurs every Wednesday and Friday between 2:00 pm and 3:30 pm. To request a pre-application meeting, email PDMDinfo@broward.org with the required documents. It is encouraged that the applicant forwards the meeting information to all parties that need to attend.

STEP 2. Submit A Complete Vacation Application Package

Complete Vacation Application Requirements

To formally submit the Vacation application package to UPD, the package must include the following:

- ☐ Pre-application Meeting Conference Receipt
- ☐ All required documents in the Vacation Submission Checklist.
- ☐ Application fee of \$1,200, or as amended.

The Petitioner or Agent should drop off one (1) hardcopy and digital copy of the application package to the Housing and Urban Planning Division – Platting Section. To schedule an appointment for drop-off, send an email to PDMDinfo@broward.org.

The Platting section has seven (7) days after receipt to review the complete package and either accept the petition or if it is incomplete, reject the petition. Incomplete packages may delay the review time.

STEP III. Processing of Application by Broward County [Approx. 4-6 months]

- Submit the complete application package to the Housing and Urban Planning Division-Platting Section.
- Agency Review of the Petition. The reviewing agencies have twenty (20) business days to complete their review and provide comments, if any.
- The Division shall forward a copy of the written reviewing agency report to the Petitioner. No later than six (6) months after the agency reports are forwarded to the Petitioner, the Petitioner shall address and respond to the report that objects to the Petition or require additional information. If a written response is not received within said time period, the Petition shall be deemed withdrawn and the Petitioner shall forfeit all fees paid.
- Final Review of Application by County Attorney's Office.
- Prepare and schedule Board Agenda item for public hearing.
- Broward County Notice of Public Hearing published in the newspaper.
- Board of County Commission Public Hearing.
- Broward County Notice of Public Hearing published after the scheduled meeting.
- Approved Resolution to Vacate recorded.

Guidance for Vacation Application Requirements

Petitioner Notice of Intent - Newspaper Advertisement

A vacation application for property interest dedicated by a plat (Broward County Code of Ordinances, Section 5-205), as approved by the Board of County Commissioners and recorded in the Official Records of Broward County, must include a certified affidavit for the two (2) newspaper advertisements. It must include a copy of the advertisement and affirm that they did appear in its publication on specified dates.

Within sixty (60) days of formally submitting the Application, the Petitioner must publish a Notice of Intent in a newspaper of general circulation in Broward County once weekly for two (2) consecutive weeks, pursuant to Section 177.101(3), Florida Statutes, as amended. Such Petitioner Notice of Intent shall state the intent of the Petitioner to file an Application/Petition pursuant to Section 171.101, Florida Statutes, as amended. If the Application/Petition for vacation is not considered by the Board of County Commissioners at a public hearing within one (1) year from the date of first publication of the Petitioner's Notice of Intent, the Application/Petition will expire and be of no further force and effect, and the Petitioner will forfeit all fees and charges paid to the County in connection with the Application.

The abbreviated, "short" legal description used in the newspaper advertisement should be approved by the Housing and Urban Planning Division prior to publication to avoid any delays in the review process.

Sample Language for Newspaper Advertisement

NOTICE OF INTENT

Application for Vacation and Abandonment

TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN, pursuant to F.S. 177.101, that **[Name of Property Owner(s)]** intends to submit an Application for Vacation and Abandonment of **[type/ identification of property interest to be vacated]** to the Broward County Board of County Commissioners, Florida. The legal description of the land to be vacated and abandoned is more specifically described as follows, to wit:

Insert 'short' legal description for each property interest to be vacated.

The full legal description is available for inspection at the Broward County Governmental Center, 1 North University Drive, Suite 102A, Plantation, FL 33324, between 8:00 AM and 4:30 PM, Monday through Friday, except legal holidays.

Dated at Fort Lauderdale, Florida, this _____ day of _____, 20____.

Example of a short legal description:

Vacate and annul a 15-foot-wide Utility easement lying within parcel A of Lorson Plat, as recorded in Plat Book 177, Page 139 of the Official Records of Broward County, Florida

Petitioner Notice of Intent – Certified Letter to the Municipality

An Application for Release or Abandonment of public and/or private property interests (Broward County Administrative Code, Section 27.68 and 27.69) that lay in full or in part within the boundaries of a municipality and that were dedicated by separate instrument and not platted require Petitioner's evidence that the municipality has been provided certified notice of its Application to Broward County.

The notice to the municipality shall include:

- Name/address of Petitioner
- Agent/address for Petitioner (if applicable),
- Description and location of property interests requested to be released or abandoned (provide a copy of Sketch and Legal Description)
- Identify the separate instrument by which the property interest was created (provide separate instrument).
- Include a statement that an Application will be filed with Broward County Board of County Commissioners under Section 27.68 and 27.69 of the Broward County Administrative Code. Any questions should be directed at the Housing and Urban Planning Division.

Sample Language for Petitioner's Notice of Intent – Certified Letter to the Municipality

Date

Name, Title U. S.

Department, City of

Address

City/State/Zip

Certified Mail No.

Return Receipt Requested

RE: Petitioner's Notice of Intent to Apply for Release of Abandonment Identification of Property Interest to be Released and Abandoned

Dear _____:

[Name of Petitioner & Agent] anticipates submitting an Application to Broward County Board of County Commissioners to release and abandon ***[description and location of property interest requested to be released or abandoned together with a description of separate instrument by which the property interest was created]***. See attachments.

As required by Section 27.68 or 27.69 of the Broward County Administrative Code or Section 5-205 of the Broward County Code of Ordinances, ***[Name of Petitioner]*** is required to notify you of its intent to file an Application of Release and Abandonment with Broward County Board of County Commissioners. This letter serves as Notice of Intent to ***[name of municipality]***. Any questions pertaining to the Application for Release and Abandonment should be directed to:

Broward County Governmental Center
Housing and Urban Planning Division
1 N. University Drive, Suite 102A, Plantation, FL 33324
Phone (954) 357-6666

Attachments: 1. Copy of Sketch and Legal Description
2. Copy of separate instrument creating property interest to be vacated

Opinion of Title Requirements

A petition to Broward County for a property vacation abandonment or release must include an Opinion of Title acceptable to the County Attorney's Office showing each person/company owning fee simple title to the land sought to be vacated.

The opinion of title must be consistent with the County Attorneys Office Opinion of Title Requirements. The Opinion of Title must be dated no more than (30) days from the date of the Application submittal. An updated Opinion of Title will be required no more than fifteen (15) days prior to the date of the scheduled public hearing date.

Certificate of Property Tax Clearance

Vacation Applications must include a Certificate of Property Tax Clearance confirming that all real estate taxes have been paid through the current tax year. This is conducted by Broward County's Finance and Administrative Services Department- Records, Taxes and Treasury Division.

Where to Apply for a Certificate of Property Tax Clearance

Contact Person

Broward County Board of County Commissioners
Finance and Administrative Services Department
Records, Taxes and Treasury Division
Delinquent Real Estate Tax Section
115 South Andrews Avenue, Room A100
Fort Lauderdale, FL 33301 **[First floor of the Annex]**

Phone: 954-357-6200 or
954-357-6232
Tera Richardson

What is Needed to Apply for a Certificate of Property Tax Clearance

- \$2.00 Application Fee (Cash Only)
- Plat Map - A record of the recorded subdivision of land in which the requested vacation can be found together with abutting properties (all clearly marked). A copy of your Plat Map can be obtained online through a "Search and Copy" in Broward County Records Division via www.broward.org.

OR

- Subdivision Land Survey - A record of the non-platted subdivision of land in which the requested vacation can be found together with abutting properties (all clearly marked) and identified by Subdivision, Lot and Block numbers.
- Folio Number(s) - County tax identification of the land affected by the abutting the requested vacation that identifies Section, Township, Range, Subdivision, and Parcel Numbers. A copy of your folio number(s) records can be obtained online through the Broward County Property Appraiser's Office via www.bcpa.net.

Waiver by Utility and Governmental Entities

Application for Vacation and Abandonment must include written approval from every public utility company and each governmental/quasi-governmental entity having facilities in, on, over or under the property subject to the Application, or the right to place facilities in, on, over or under the property subject to the Application.

Utility Service Providers and Governmental/Quasi-Governmental Entities (non-exclusive list)

Florida Power & Light Company

FPL Pompano Service Center (**North County**)
330 SW 12th Avenue
Pompano Beach, FL 33069 (954-956-2014)
FPL Wingate Service Center (**Mid County**)
3020 NW 19th Street
Ft. Lauderdale, FL 33311 (954-978-7012)
FPL Gulfstream Service Center (**South County**)
4000 Davie Road
Davie, FL (954-442-6398)

AT&T - Engineering Dept.

8601 West Sunrise Boulevard
Plantation, FL 33322 (954-476-2734)

Teco Peoples Gas - Engineering Dept.

5101 NW 21st Avenue, #460
Ft. Lauderdale, FL 33309 (954-453-0817)

Comcast - Engineering Dept.

2601 SW 145th Avenue
Miramar, FL 33027 (954-534-7380)

South Florida Water Management District

8211 West Broward Boulevard, Suite 530
AmTrust Building
Plantation, FL 33324-2745 (954-713-3200)

Broward County Water & Wastewater Div.

2555 West Copans Road, (954-831-3250)
Pompano Beach, FL 33069

Municipality in which vacation property is located:
Public Works Dept. - Engineering

Advanced Cable Communications

(Coral Springs & Weston)
12409 NW 35th Street
Coral Springs, FL (954-752-7244)

Sample Language for Utility and Governmental Entities "Letter of No Objection"

Date _____

To: Contact Person and Title

Utility Company/Government Name

Department/Division

Address/City/State/Zip

From: Petitioner(s) Name

Contact Person

Address/City/State/Zip

Phone/Contact Information

RE: Petitioner/Owner Intent to Vacate _____ (see attached Sketch and Legal Description) Found in Section, Township, Range and Municipality of _____ or Unincorporated Broward County Plat Name (if applicable) and Street Address of the subject property.

The undersigned intends to submit an Application for Vacation and Abandonment to Broward County Board of County Commissioners for the referenced property located within the boundaries of referenced municipality/unincorporated Broward.

Please complete the following, and return the signed and dated form to the Petitioner/Contact person referenced above:

1. _____ We have no objection to the vacation.

2. _____ We have no objection to the vacation if the following is satisfied:

3. _____ We have no objection as follows: _____

Attachments: Sketch & Legal Description Completed by: _____ Date: _____

Signature

(Print name, title, address and contact information)