Vacation Procedures and Guidelines

INSTRUCTIONS

The procedure to vacate and abandon is a three-part process: (I) Petitioner/Owner completes **preliminary activities**, (II) the Petitioner/Owner compiles a **Broward County Application for Vacation and Abandonment** with all required attachments, and submits an accurate Application package to Broward County Urban Planning Division for review and approval; and (III) in compliance with Florida Statutes and Broward County Administrative Code and/or Code of Ordinances, Broward County Urban Planning Division processes and submits the **Application to the Board of County Commissioners** for approval and recordation.

STEP I. Preliminary Activities

Preliminary Activities with Urban Planning Division Review

Establish a **Short Legal Description** of property to be vacated. Prior to publication or notice to municipality, request that Urban Planning Division review Petitioner's proposed sketch and full legal description (including metes and bounds), and approval of a short, "reader-friendly" legal description of property to be utilized by Petitioner for newspaper publication under "legal notices" or for letter of notice to the municipality. Parameters of the short, "reader-friendly" legal description are:

- Length: approximately six (6) lines of type or less;
- Identify the specific type of property interest to be vacated; and
- Include section, township, range, lot and block identification; and/or
- Include street address or other location factors (if appropriate); and
- Include plat name, with book and page number and recordation information; or
- Identify separate instrument, with book and page number and recordation information.

Participate in a Pre-Application Conference with Urban Planning Division. Establish a date and time to meet with Urban Planning Division to review the Petitioner's proposed property interest to be vacated and to discuss the Application requirements.

STEP II. Petitioner Completes Application For Vacation And Abandonment

The following list of document requirements will assist the Petitioner/Owner in completing a Broward County Application for Vacation and Abandonment ("Application"). Please refer to the Vacation Application Checklist for a summary of requirements.

Important: Only a complete and accurate Application, including all required attachments, will be accepted for review and approval by Broward County Urban Planning Division.

Submit Application with Required Documents to Urban Planning Division

Application for Vacation and Abandonment

- ☐ Submit complete and accurate Application - 1 original, 1 copy.
- ☐ For Petitioners, include all property owners of record and with property interest, using additional pages to identify all co-Petitioners.
- ☐ If any of the Petitioners is a business entity (corporation, partnership or other) or government or quasi-government entity, attach an official, business and/or legal written authorization for an individual to act/sign on behalf of that entity.
- ☐ Identify agent for Petitioner (if applicable) and include Petitioner written authorization for agent to act on the behalf of the Petitioner.
- ☐ Each signature requires two (2) witnesses.
- ☐ Each signature requires an Acknowledgment signed by a notary public (use the appropriate Individual or Business/Government Entity Acknowledgment based on the Petitioner status).
- ☐ Must include a narrative which states the petitioner's request and provides justification for the request.

Application Fee

- ☐ Attach non-refundable fee of $1200 (all three types of Vacation).
- ☐ Payment made by money order (no cash) or personal/business/government check made payable to **Broward County Board of County Commissioners**.
- ☐ Check must be dated within 90 days of date of Application acceptance by Urban Planning Division.
- ☐ Application must include the additional notary pages provided.

Resolution/Ordinance of Municipality (for platted property interests)

- ☐ Attach approved, signed, and certified Municipal Resolution or Ordinance - 1 original, 1 copy.
- ☐ When: If any portion of the lands proposed to be vacated or abandoned lie within the boundaries of municipality of Broward County, a portion of the platted land must be vacated by the governing board of that municipality prior to submitting an Application to Urban Planning Division for processing a vacation by resolution to the Board of County Commissioners (Broward County Code of Ordinances Section 5-205 and Broward County Administrative Code Section 27.29).
- ☐ Application to vacate submitted to Broward County must replicate the contents of and attachments to the Municipal Resolution or Ordinance.
- ☐ May submit Notice to Municipality in lieu of municipal resolution or ordinance, however, the resolution or ordinance will be required prior to review by the Office of the County Attorney.

Petitioner's Notice of Intent to Vacate (select one)

- ☐ **Notice by Newspaper Publication (for property interests created by plat)**
  - ☐ Attach signed and certified newspaper documentation of advertisement - 1 original.
  - ☐ Within sixty (60) days prior to acceptance of the Application by Urban Planning Division, 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 177.101(3), Florida Statutes, as amended. The "Notice of Intent to Vacate" shall state the intent of the Petitioner to file a Petition pursuant to this Florida Statute.

- ☐ If the Application (petition) of the plat, or any portion thereof, is not fully processed and considered by the Board of County Commissioners at a public hearing within one (1) year from the date of publication of the Petitioner's Notice of Intent, the Application will expire and be of no further force and effect. In such an occurrence, the Petitioner will forfeit the Application Fee paid to Broward County.

☐ **Notice to Municipality (for property interests created by separate instrument)**

- ☐ Attach Petitioner's letter to Municipality - 1 copy (include original U.S. postal service receipt of certified mailing and original, green, signed "Return Receipt Requested".
- ☐ If any portion of the property interest to be released is located within a municipality, the Petitioner must provide it with notice of its Application to vacate to Broward County. (Broward County Administrative Code, Section 27.30).
- ☐ Letter must include description of property interest to be vacated and include a statement that any questions should be directed to Broward County Urban Planning Division.
- ☐ See Attachment 2: Petitioner Notice of Intent – Municipality.

Title Opinion, Title Insurance Policy, or Certificate of Title (Two: For Application and Board)

☐ Attach sufficient evidence of a current title search reflecting each and every person owning fee simple title to property interests sought to be vacated - 1 original, 2 copies

- ☐ For Application: Date of title search must be within 30 days of Application acceptance.
- ☐ For Public Hearing with Board: date of updated title must be within 30 days of public hearing

☐ See Attachment 3: Opinion of Title

Sketch and Legal Description

- ☐ Attach a precise sketch and legal description of property interest to be vacated - 2 originals (signed, certified and sealed), 2 copies.
- ☐ Prepared by a registered land surveyor and mapper.
- ☐ Size: 8-1/2" by 11".
- ☐ Identify exact acreage and square footage of property.

Plat Map

- ☐ When requesting the vacation of the entire plat - attach one (1) certified copy of the Plat Map.
- ☐ When requesting the vacation of a portion of the plat - attach one (1) copy of the Plat Map.

Certification of Property Tax Clearance

- ☐ Attach Letter from Broward County Office of Delinquent Real Estate Tax - 1 original.
- ☐ Provides result of a search of property tax records to confirm that all real estate taxes have been paid through the current tax year and that there are no liens or encumbrances on the property.
- ☐ See Attachment 4: Certificate of Property Tax Clearance.

Waivers of Objection from Utilities

- ☐ Attach letters/memorandums from all utility authorized to operate within the vicinity of the property interest proposed to be vacated - 1 set.
- ☐ See Attachment 5: Waiver by Utilities and Governmental Entities.

Other Relevant Documentation (examples include)

- ☐ Copy of the recorded separate instrument by which a property interest was created.
- ☐ Supportive documents, letters, memoranda.
- ☐ Conceptual site plans that demonstrate the conflict.

STEP III. Processing of Application By Broward County [Approx. 4-6 months]
• Review for acceptance/rejection of Petition to Vacate by Urban Planning Division. • Review of Petition by reviewing agencies and organizations, with Petitioner response to comments and issues and review agency(ies) review of revisions. Agency review period is 15 business days. • Petitioner submits updated Title Opinion, Title Insurance Policy, or Certificate of Title. • Final Review of Application by County Attorney's Office. • Prepare and process Board Agenda item to set public hearing. • Board of County Commission meeting to set public hearing (first meeting). • Response to Board comments (if any). • Prepare and process Board Agenda item for public hearing. • Broward County Notice of Public Hearing published. • Board of County Commission public hearing for Resolution to adopt vacation (second meeting). • Resolution to adopt vacation approved/denied (if denied, Petitioner may respond to comments). • Broward County Notice of Public Hearing published. • Approved Resolution to Vacation recorded. • Distribution of documents.

Instructions for Application for Vacation and Abandonment

Attachment 1: Petitioner Notice of Intent - Newspaper Advertisement

An Application for Vacation and Abandonment for Type A (vacation of plats, or any portion thereof), Type (abandonment of streets, always, roads or other places used for travel), and Type C (release of easements and private platted easements or interests) must include certified evidence of newspaper advertisement by petitioner, if the property interest to be vacated was dedicated by a plat, as approved by the Board of County Commissioners and filed of record in Broward County.

Within sixty (60) days prior to Urban Planning Division acceptance of the Application for Vacation and Abandonment, the Petitioner shall cause to be published 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 (Broward County Code of Ordinances, Section 5-205).

The abbreviated, "short" legal description used in the newspaper advertisement must be approved by Urban Planning Division prior to publication. The "short" legal description should be about six (6) lines in length, and include the type of property interest to be vacated plus location information like section/ township/range, lot/block, plat name and book/page numbers, street address or other as appropriate.

Required to be attached to the Application for Vacation and Abandonment is the original, evidentiary Affidavit which is prepared, signed and certified by the newspaper. It must include a copy of the advertisement and affirm that they did appear in its publication on specified dates.

Sample Language for Petitioner's 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 of property interest to be vacated - include type/identification, plat ID or recorded by OR book/page, Section/Township/Range, Street, City, & Acreage]

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____.

Attachment 2: Petitioner Notice of Intent - Municipality

An Application for Release or Abandonment of public and/or private property interests that lay in full or in part within the boundaries of a municipality and that were dedicated by separate instrument and not platted - e.g. for some Type B (abandonment of streets, alleyways, roads or other places used for travel) and some Type C (release of public easements and private platted easements or interests) - require Petitioner's evidence that the municipality has been provided with certified notice of its Application to Broward County.

Prior to Urban Planning Division acceptance of the Application for Vacation and Abandonment, the Petitioner shall send written correspondence (by U. S. certified mail with return receipt requested) to the municipality having jurisdiction over the public and/or private property interests to be released or abandoned. 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 (with copy of Sketch and Legal Description attached), and identification of separate instrument by which the property interest was created (with copy of separate instrument attached).

In addition, the written correspondence to the municipality is required to include a statement that an Application will be filed with Broward County Board of County Commissioners under Section 27.29 and 27.30 of the Broward County Administrative Code or Section 5-205 of the Broward County Code of Ordinances. Any questions should be directed to Urban Planning Division.

Attachment 2 includes:
1) Copy of Petitioner's letter to municipality (with certified mail number)
2) Original Petitioner's receipt for U. S. certified mail
3) Original, municipal-signed and dated returned-receipt-requested green card

Sample Language for Petitioner's Letter – Notice of Intent to 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 27.29 or 27.30 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
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

Attachment 3: Opinion of Title

A petition to Broward County for a property vacation abandonment or release must include sufficient evidence of each and every person owning fee simple title to the land sought to be vacated. Title, often used interchangeably with the term ownership, indicates the accumulation of all rights in the property vacation by its owner(s) and others.

The Application for Vacation and Abandonment must include evidence of a current title search of the public records to verify the property's ownership and liens. In the case of a petition to abandon or to close a street, alleyway, road or place used for travel considered to be a County or public right-of-way, that public records search shall include all abutting property owners as co-petitioners.

The evidentiary document may be an Opinion of Title, Owner's Policy of Title Insurance, or Opinion from a Title Company. NOTE: The evidentiary document submitted as initial attachment to the Application for Vacation and Abandonment must be dated no more than (30) days from the date of Application acceptance by Broward County Urban Planning Division. A second, updated document must be submitted later in the vacation application process and dated no more than (30) days prior to the date of the scheduled public hearing before the Broward County Board of County Commissioners.

Language to be Used by Preparer of Evidentiary Document

1. When an OPINION OF TITLE is used:

"With the understanding that this Opinion of Title is furnished to the Broward County Board of County Commissioners as an inducement for the ***[vacation of plat or portion, vacation of road right-of-way, or vacation of an easement]*** located on the real property hereafter described, it is hereby certified that I have examined the public records covering the period from the beginning to the _____ day of _____, _____ AM/PM inclusive, of the following described property; and I recognize that the County is relying on this opinion with regard to the ***[vacation of plat or portion of, vacation of road right-of-way, or vacation of an easement]***.

2. When an OWNER 'S POLICY OF TITLE INSURANCE is used:

I reviewed the owner's policy of title insurance issued by and the update prepared by _____ and dated _____ through _____ and such other additional information as may be necessary to deliver this opinion to the Broward County Board of County Commissioners as an inducement for the ***[vacation of plat or portion of, vacation of road right-of-way, or vacation of an easement]***.

3. When an OPINION FROM TITLE COMPANY is used:

"Pursuant to Florida Statutes 177.04(2), _____ Title Company, a title insurance company duly licensed in the state of Florida, does hereby certify to Broward County that we have examined the title to the property described on the Plat, which property is set forth on Exhibit _____, attached hereto, that we find the title to the property is vested in _____, and that the only mortgage of record not satisfied or release of record or otherwise terminated by law is in favor of _____, as recorded in OR Book _____, Page _____, of the Public Records of Broward County, Florida.*

NOTE: The opinion letter must be signed by someone with authority to bind the title company.

In addition to the foregoing, the Broward County Office of County Attorney will not accept an opinion which "qualification language," in other words, an opinion that states they are basing the opinion solely on a title company's documentation and they have not done any independent investigation of their own. Also, this office will not accept an opinion of title that limits their liability, i.e., to $1,000.00 in the event of an error or omissions.

Attachment 4: Certificate of Property Tax Clearance

Applications to Broward County for Property Vacations must include a search of records to confirm 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. NOTE: Petitioner is responsible for this entire process (application and pick-up of Certificate).

Where to Apply for a Certificate	Contact Person
Broward County Board of County Commissioners	954-357-5364 phone
Finance and Administrative Services Department	Beverly Johnson
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]***	

What is Needed to Apply for a Certificate

- $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.

NOTE: Process should be completed in one (1) week or less.

Attachment 5: Waiver by Utilities and Governmental Entities

Application for Vacation and Abandonment must include written approval from every Broward County-operated 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)

[Unincorporated]
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

Broward County Environmental Protection
Governmental Center West
One University Drive, 3rd Floor
Plantation, FL 33324 (954-519-1200)

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 Petitioner's Letter Requesting a "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 reference 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)