

## **VACATION OF PLATS**

Section 177.101 Florida Statutes and Resolution No. 91-284

Should a landowner desire to vacate all or a portion of a recorded plat; he/she (they) must comply with all of the following:

1. The Petitioner(s) must file a petition containing a correct legal description and thoroughly explaining the basis for the request with the Volusia County Public Works Office, Thomas C. Kelly Administration Center, 123 W. Indiana Avenue, Room 402, DeLand, Florida 32720.
2. The Petitioner(s) must show that they are the owner(s) of fee simple title by letter from a title company or an attorney stating the records have been searched and the Petitioners are titleholders of all of the subject parcel or parcels of land.
3. The Petitioner(s) must show that the vacation will not affect the ownership or the right of access of other persons owning part of the subdivision.
4. The Petitioner(s) shall indicate that the taxes on the property being vacated have been paid. Proof of this will be by certification. (This information could be included in the search letter from the title company or attorney)
5. The Petitioner(s) are responsible for obtaining letters of no objection from local utility providers, and other entities, when requested.

***The “Utility Package” must include the following information.***

- A. Written requests only (no phone or E-Mail requests per utility providers)
  - B. Provide a contact person with name, address and daytime phone number
  - C. A location map showing the area to be vacated highlighted, major roads and minor roads shown with street names
  - D. A copy of the plat if applicable
  - E. A copy of property survey if available
  - F. A description of the area to be vacated (a legal description is preferable)
6. Application Fees are as follows:
    - A. A fee of \$590.00 shall be required to be paid with any application for the vacation of a plat or a portion of a plat, which include publicly dedicated lands and does not lie within the corporate limits of a municipality.
    - OR-
    - B. A fee of \$100.00 is required with any application for the vacation of a plat or a portion of a plat that lies within the corporate limits of a municipality, or does not include publicly dedicated lands.  
\*\*Please make check payable to the County of Volusia
  7. After review by County Staff, you will be given a County Council meeting date for use in publishing a Notice of Intent to Request a Vacation of a Plat. Said Notice to be published in two (2) weekly issues of a newspaper with general circulation within the County. (This will be at the expense of the Petitioner)
  8. If applying for a plat abandonment for the purpose of combining parcels, the petitioner(s)

must go to the Property Appraiser's Office to have the tax parcels combined.

**PETITION FOR VACATION OF PLATS**

TO: THE HONORABLE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA:

The undersigned, pursuant to Section 177.101, Florida Statutes, respectfully petitions the County Council of Volusia County, Florida, to vacate all or that portion of the subdivision plat described as follows, to-wit:

The reason(s) for requesting this vacation is (are): (Please thoroughly explain the basis for your request. i.e. setback or zoning requirements, etc.)

Your Petitioner(s) show(s), by a certificate issued by \_\_\_\_\_, attached hereto and marked Exhibit A, and by reference made a part hereof for all purposes, that he/she (they) is (are) the fee simple owner(s) of the above described property.

That none of the streets shown on all or that portion of said plat described above are in actual use, nor are they a part of the County road system.

That the vacation of all or that portion of said plat by the County Council of Volusia County, Florida, will not affect the ownership of any other persons, inasmuch as the Petitioner(s) is (are) the sole owner(s) of the land in said plat sought to be vacated

Petitioner(s) show(s) that pursuant to said Section 177.101, Florida Statutes, proof of publication of notice of Petitioner's intention to file an application for vacation of all or that portion of said plat described above has been duly and regularly given. A certificate of proof of publication of said notice is attached hereto, marked Exhibit B, and by reference made a part hereof for all

purposes.

Petitioner(s) show(s) that all State and County taxes on the above described property have been paid. A certificate showing that said taxes have been paid, and that no taxes are owed, is attached hereto, marked Exhibit C, and by reference made a part hereof for all purposes.

Upon adoption of a Resolution vacating the above described property, the County Council shall direct the Clerk of the Circuit Court of Volusia County, Florida to affix upon the face of the plat appropriate notice that the above described property has been vacated.

Respectively submitted this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

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Address: \_\_\_\_\_

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Phone No.: \_\_\_\_\_