

## Petition to Vacate Right-of-Way – General Overview & Procedures

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### GENERAL OVERVIEW

To vacate the City of Lakeland's interest in a public right-of-way (R.O.W.), a Petition to Vacate must be submitted to the City of Lakeland Community Development Department along with other required documentation as specified below. Petitions to vacate will be evaluated by the Community Development Department who will forward a recommendation, along with the information from the various utility companies supplied by the petitioner, to the City Manager. The City Manager will submit the report to the Transportation Committee which makes a recommendation to the City Commission. All vacating petitions approved by the City Commission shall be evidenced by an officially adopted ordinance declaring the right-of-way to be vacated.

### PROCEDURE

1. The Petition Package should include the following:
  - a. Completed Petition to Vacate Right-of-Way Application Form.
  - b. Written justification from the Petitioner stating the reason for this vacation request.
  - c. A legal description and property survey certified by a registered land surveyor.
  - d. A signed and notarized list of all owners abutting the right-of-way to be vacated and authorizing an agent representative if desired. (See Abutting Property Owners List on Page 3.)
  - e. A letter of certification from a local abstract company must accompany the completed Petition to Vacate certifying that the names on the petition are, in fact, all the abutting property owners.
  - f. Letters of Consent must be obtained from all utility providers in the service region for the area to be vacated, as described in the Petition. These letters shall state that the utility provider consents or has no objection to the area proposed for closing. ***If one or more utility providers object to the vacating of the right-of-way, the petitioner must work with the utility provider to come to a resolution, lest the Petition to Vacate cannot move forward.*** Utility providers include: Electric, telephone, cable TV, gas, city services, water management, and in some cases, homeowner associations. (See Public & Private Utilities Checklist on Page 4.)
  - g. Right-of-Way Vacation Fee: \$400 (Made payable by check to the City of Lakeland):
    - i. The right-of-way vacation fee shall be applied to the payment required hereunder for the fair market value of the property.
    - ii. If the fair market value of the right-of-way is considered to be in excess of \$5,000, the application fee will be used toward an MAI appraisal for the property.
    - iii. If, after receiving the filing fee, the City fails to vacate the requested right-of-way or the petitioner withdraws their request to vacate, all monies paid as application fees, except the cost of advertising, if any, and \$50 for administrative costs, shall be returned to the petitioner.
2. Upon the receipt of the Petition Package from the Petitioner, the City Commission may pass a resolution declaring its intention to hold a public hearing on the adoption of an ordinance vacating the right-of-way.
3. A notice of such public hearing shall be published in the manner required by law, prior to the adoption of ordinances.
4. The City Commission may thereafter adopt an ordinance declaring the right-of-way to be vacated.