

# City of Holmes Beach

## APPLICATION TO VACATE CERTAIN STREETS, ROADS OR OTHER DEEDED PROPERTY

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**POLICY:** When a request is in the interest of the general public welfare and does not violate individual property rights and otherwise qualifies under the City of Holmes Beach Code of Ordinances and applicable state law and regulations, the City Commission of the City of Holmes Beach may:

1. Vacate, abandon, discontinue and close any existing public street, alleyway, road, highway, or any portion thereof, other than a state or federal highway, and renounce and disclaim any right of the City and the public in and to any land in connection therewith.
2. Renounce and disclaim any right of the City and the public in and to any land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road, or highway purposes other than lands acquired for state and federal highways.
3. Renounce and disclaim any right of the City and the public in and to land, other than land constituting or acquired for, a state or federal highway, delineated on any recorded map or plat as a street, alleyway, road, highway or other place used for vehicular travel.

### **PROCEDURE:**

1. An Application to vacate is to be submitted to the City Building Department on the attached form. The Application must be accompanied by the documents referenced in the Application and the appropriate filing fee.
2. The City Building Department will review the Application and accompanying documents for completeness. If complete, the Building Department will prepare a staff report and transmit all documents to the City Attorney for approval. If approved as to form and legal sufficiency by the City Attorney, the Application will be filed with the City and set for public hearing before the City Commission.
3. The City will notify the Applicant once a date and time for the public hearing has been established. The Applicant shall be responsible for providing due public notice pursuant to Article VII.A.1 of the City of

Holmes Beach Land Development Code, and providing the City Clerk with proof of such notice, as required therein.

4. The City Commission will hold a public hearing on the date and at the time noticed.

5. If the Commission adopts an ordinance vacating the subject property, notice of said adoption shall be published by the Applicant in a newspaper of general circulation in Manatee County, within 30 days of the ordinance being adopted. The City shall provide a form for such notice. Proof of publication shall be filed with the City Clerk no later than 35 days following the adoption date.

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**CITY OF HOLMES BEACH**

**APPLICATION FOR VACATION OF STREETS, ROADS, ALLEYS, CANALS OR  
OTHER APPROPRIATE PROPERTY**

THIS APPLICATION MUST BE ACCOMPANIED BY A FEE OF \$2,500.00.

**APPLICANT:** (provide names of all participating owners of record)

\_\_\_\_\_  
\_\_\_\_\_

**MAILING ADDRESS:**(If multiple participants, only one address is needed.)

\_\_\_\_\_

**CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

**E-MAIL ADDRESS** \_\_\_\_\_

**PHYSICAL ADDRESS OF PARENT  
TRACT:** \_\_\_\_\_

\_\_\_\_\_

**LEGAL DESCRIPTION OF PARENT TRACT:** (Attach survey, sketch, plat, etc.  
and identify as Exhibit "A")

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY IDENTIFICATION NUMBER(S) OF PARENT TRACT:**

\_\_\_\_\_  
\_\_\_\_\_

**TITLE CERTIFICATION** (An Opinion of Title or Title Opinion by an attorney  
duly authorized to practice law in the State of Florida, an ownership and  
Encumbrance Certificate by an abstract company, or a complete copy or  
photocopy of a Title Insurance Policy or Title Guarantee issued by a title

insurance company or other organization duly authorized in the State of Florida to insure or guarantee title to real property covering all of the property described as the parent tract hereof showing title thereto to be vested in the Applicant is dated within the previous sixty (60) days, attached hereto and made a part hereof as Exhibit "B".

**The Application hereby applies for the vacation of all that part or portion of the ( )street, ( )road, alley( ), canal( ) or ( )other appropriate property in the incorporated area of the City of Holmes Beach, Florida, described as follows:**

**LEGAL DISCRIPTION OF PROPERTY TO BE VACATED:** (Attach survey, sketch, plat, etc. and identify as Exhibit "C".

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DETAILED REASON FOR REQUESTING VACATION ACTION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WILL APPLICANT BE REPRESENTED BY A THIRD PARTY?**

\_\_\_No \_\_\_Yes (If yes, Applicant must submit an Affidavit of Agent Authorization on a \_\_\_\_\_ form supplied by the City and provide the below information.)

REPRESENTATIVE/ATTORNEY \_\_\_\_\_

COMPANY/FIRM \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_

**THE APPLICANT OR ATTORNEY FOR THE APPLICANT DECLARES OR AFFIRMS THAT:**

The real property identified as the parent tract is not subject to any delinquent or unpaid ad valorem taxes, special assessments or other improvement liens as may applicable. If said property is subject to any mortgage or other encumbrance, the written consent and joiner to this Application by the owner and holder of said mortgage or other encumbrance is set forth at the end of or attached to this Application.

No portion of the property to be vacated constitutes or was acquired for a state or federal highway, and the vacation thereof will not deprived any person, firm, corporation or other entity of the right in ingress and egress to any property whether abutting the property to be vacated or not.

The Applicant understands that the City of Holmes Beach, its City Commission, the reviewing agencies and all officers, employees or agents of same, will not assume responsibility or liability for any matters that are the responsibility of the Applicant

The Applicant specifically consents to the City of Holmes Beach, County of Manatee, and various public utilities departments or agencies thereof, their employees or agents, physically examining all the real property of the parent tract and the property to be vacated, making inquiries concerning the validity and sufficiency of the exhibits attached hereto and obtaining such other information as may be necessary to assist the City Commission in considering and acting upon this Application,

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The Applicant hereby understands that this Application and exhibits attached hereto must be furnished to each of the following identified reviewing agencies and departments for review and approval:

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Florida Power and Light  
Verizon – Telephone Company  
Brighthouse – Cable Company  
West Manatee Fire District

The Applicant understands that the vacation procedure may affect substantial interests in real property and other proprietary rights.

The Applicant will assume full and complete responsibility for compliance with the requirements of law and all procedures arising out of any vacation proceedings instituted by the Applicant.

The undersigned, having been duly sworn, deposes and says that the Applicant, its representative or attorney at law have read the foregoing application and attachments hereto and knows the contents thereof, and that the matters and things set for therein are true and correct.

The Applicant understands this application is not valid without the witnessed and notarized signature of each owner participant or the Attorney at Law for the Applicant. Only attorneys licensed to conduct business in the state of Florida may act on behalf of an applicant.

WITNESS:

APPLICANT: Only an authorized individual (e.g. officer, general partner, partner) may sign for an applicant that is not an individual person or persons. The title of the signing individual and entity's state of register must be identified.

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
AUTHORIZED SIGNATURE  
\_\_\_\_\_  
PRINTED NAME, TITLE

-----  
MAILING ADDRESS  
\_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME

CITY, STATE, ZIP CODE

\_\_\_\_\_  
TELEPHONE #

\_\_\_\_\_  
FAX #

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
AUTHORIZED SIGNATURE OF SPOUSE/OTHER

\_\_\_\_\_  
PRINTED NAME

**ATTACH ADDITIONAL SIGNATURE PAGES AS  
NECESSARY.**

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
ATTORNEY'S SIGNATURE

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
NAME OF FIRM

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
MAILING ADDRESS

\_\_\_\_\_  
CITY/STATE/ZIP CODE

\_\_\_\_\_  
TELEPHONE #

\_\_\_\_\_  
FAX #

**TWO WITNESSES ARE REQUIRED FOR EACH SIGNATURE**

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ who is  
personally known to me of has produced \_\_\_\_\_  
as identification.

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
Printed Name