

ROAD VACATIONS

Introduction

A road vacation is a process for the Town to abandon, discontinue and close certain public roads and is considered by petition. Florida Statutes, 336.09, 336.10 and 336.12 govern the vacation of public roads. Section 6.02.03 of the Town of Hastings Land Development Regulation Code establishes procedures. This process is also used to vacate drainage easements. A public hearing before the Town Commission is required.

Road vacation petitions are submitted to the Town.:

**Town Commission
Town of Hastings
6195 S. Main Street, Suite A
Hastings, Florida 32145
Phone: (904) 692-1420 Fax: (904) 692-2844**

Application Fee - \$150.00

Application Process

- A.** The following items must be submitted in order to process a road vacation request (Original plus 3 copies)
1. Original petition signed by the record owners of all property abutting the portion of the road involved or who will be directly affected by such vacation. (Please note that this requirement can be met with separate Consent and Joiner Forms if necessary.)
 2. Map depicting road(s) to be vacated.
 3. Recent title opinion or title certificate, prepared by an attorney licensed to practice in Florida, an abstract company or title insurance company. All persons affected by the vacation should be listed on the title opinion or certificate. If all affected persons have not signed the petition, then their names and addresses must be listed in the petition. The title opinion or certificate must include all easements of record within the right-of-way and copies must be provided.

Public Hearing

- A.** Staff coordinates the public hearing date with the Town and the applicant.
1. The Clerk advertises the Town Commission meeting.
- B.** It is the petitioner's responsibility to:
1. Provide to the Town of Hastings a list of adjacent property owners within 300 feet of the subject property. The list must include the names and addresses of property owners as they appear on the St. Johns County Tax Roll.

The required list is the responsibility of the applicant and is not a service provided by the Town Staff. The list may be obtained through private sources, such as Abstract Companies, Title Companies or Legal Offices. It is the **applicant's** responsibility for the list being correct. **If any name is omitted and that person files a complaint, the application may be deemed null and void and a new hearing will be required.**

Provide ONE stamped and addressed legal size envelope to each name that appears on the Adjacent Property Owner's list. Please do not place the return address and if a postage meter is used please omit the date.

2. Petitioner must be present at the Town Commission hearing. If the Commission approves, the resolution vacating the road is adopted.

3. The Clerk forwards items (proof of notice of hearing, resolution vacating, proof of notice of vacating) for record and return to petitioner. It is the petitioner's responsibility to pay the recording fees and provide to provide a copy to the Town. It is also the applicant's responsibility to reimburse the town for advertisement cost. (Copy of invoice will be provide to petitioner)

**PETITION TO VACATE PORTIONS OF
CERTAIN STREETS, ALLEYWAYS OR ROADS**

**TO: THE HONORABLE TOWN COMMISSION OF THE TOWN OF
HASTINGS, ST. JOHNS COUNTY, FLORIDA.**

Comes now _____ and respectfully petitions this Honorable Board as follows:

1. To vacate, abandon, discontinue and close portions of those certain public streets, alleyways or roads situated in Hastings, Florida, hereinafter more particularly described; to renounce and disclaim any right of the Town of Hastings and the public in and to the lands constituting such portions of said streets, alleyways or roads; and to renounce and disclaim any right of the Town of Hastings and the public in and to any lands or interest therein acquired by purchase, gift, devise, dedication or prescription for such portions of said streets, alleyways or roads described as follows:

Legal description as per attached SCHEDULE "A"

2. To adopt a resolution declaring that at a definite time and place a public hearing will be held to consider the advisability of the above, and to publish notice as prescribed by Section 336.10, Florida Statutes, one time in a newspaper of general circulation advising of a public hearing in connection with the above matter, and thereafter adopting a resolution renouncing and disclaiming any right of the Town and the public in and to the hereinbefore described portions of streets, alleyways or roads, and vacating, abandoning, discontinuing and closing same.

3. In support hereof, Petitioner shows that he is one the owner of all the lands abutting said portions of streets, alleyways or roads sought to be vacated, and Petitioner is the only person who would be affected thereby; and said portions of streets, alleyways or roads are no longer necessary or desirable.

A. Petitioner shows that s(he) is the owner of certain lands bordering said portions of the streets, alleyways or roads sought to be vacate. The names and addresses of all other owners or person having an interest in any lands bordering said portions of the streets, alleyways or roads sought to be vacated are as follows:

List as per attached SCHEDULE "B"

And those persons were served with a copy of this Petition by mail, prior to _____, 200____, and were advised to contact the Town Commission of The Town of Hastings, St. Johns County, Florida, should they have any objection to the vacation of the said portion of the streets, alleyways or roads.

4. Petitioner further shows that said portions of streets, alleyways or roads sought to be vacated are neither state nor federal highways and are wholly without the limits of any municipality.

Signature of Petitioner

STATE OF FLORIDA
COUNTY OF ST. JOHNS

_____, being by me, the undersigned officer, first duly sworn, says on oath that he is the petitioner named in the foregoing petition to vacate portions of certain streets; alleyways or roads; that he has read same and knows the contents thereof and that the statements contained herein are true.

Signature of Petitioner

Sworn to and Subscribed before me this _____ day of _____, 200__.

Notary Public - State of Florida at Large

My Commission expires _____

CONSENT AND JOINDER

COME NOW, the undersigned as adjacent owners of the following Municipal Road sought to be vacated, to-wit:

LEGAL DESCRIPTION AS PER ATTACHED SCHEDULE "A"

And do hereby join in the petition to vacate same now or hereafter to be filed before the Town Council of Hastings, Florida.

Dated this ____ day of _____, 2005.

DISTRICT OF ST. JOHNS COUNTY

By: _____
Its: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, _____ to me well known to be the person described in and who executed the foregoing Consent and Joinder, and who acknowledged before me that he/she executed the same freely and voluntarily for the purpose therein expressed.

WITNESS my hand and official seal at _____,
County of _____, State of Florida, this ____ day of _____, 2005.

Notary Public, State of Florida
at Large