REQUIREMENTS FOR VACATE PETITIONS

Hillsborough County Facilities Management & Real Estate Services Department
Submission email: RP-Vacating@hcfl.gov

PLEASE READ THOROUGHLY to avoid delays.

OVERVIEW

All vacate petitions must be reviewed by relevant County departments, agencies, and private utility providers before being brought before the Hillsborough County Board of County Commissioners ("BOCC") for consideration at a public hearing held at a monthly Land Use Meeting. Vacate petitions approved by the BOCC will be evidenced by an officially adopted resolution recorded in the Public Records of Hillsborough County.

IMPORTANT The average processing time to bring a petition to a public hearing before the BOCC is 6-12 months. Please note that this timeframe is only an estimate. Hillsborough County is not responsible for any delays due to incomplete petitions or extended coordination required to overcome objections to the vacate request.

Petitioners are strongly encouraged to complete the pre-application process prior to submitting a Petition to Vacate. Please visit https://hcfl.gov/government/real-estate/petition-to-vacate for more information.

PETITION REQUIREMENTS

1. Petition to Vacate
   - The petition must be fully completed, initialed, signed, and notarized by the correct petitioners:
     - **For platted right-of-way vacates:** All adjacent property owners with an interest in the land underlying the right-of-way requested to be vacated.
     - **For deeded right-of-way vacates:** All adjacent property owners on both sides of the right-of-way requested to be vacated.
     - **For subdivision plat (including easements) vacates:** All owners of parcels within the portion of subdivision plat requested to be vacated.
   - If the Petitioner is a corporation, limited liability company, partnership or trust, documentation reflecting the Petitioner is active and in good standing with its respective state of incorporation must be provided as well as documentation reflecting that the signor is authorized to act on behalf of the entity.
   - The petition should clearly state the reason for the vacate request along with details

on how the land will be used if vacated.

2. Legal Description and Sketch of vacate area
   - The petition must contain an accurate legal description and sketch of the area requested to be vacated, prepared by a surveyor licensed in the State of Florida. The public interest requested to be vacated must be identified in the description. *See HC Surveyor Checklist for detailed requirements*.

3. Ownership & Encumbrance Report(s)
   - The petition must contain Ownership and Encumbrance Report(s) prepared by a licensed title company and dated within 60 days of your petition submittal. *See HC O&E Report Checklist for detailed requirements*.
     - **For right-of-way vacates:** Provide reports for vacate area *AND* for each petitioner's parent parcel
     - **For subdivision plat (including easements) vacates:** Provide report(s) each parent parcel that lies within the vacate area
   - The report(s) must include proof that all real property taxes have been paid by all Petitioners.

4. Letters of No Objection
   - **For right-of-way vacates:** All property owners adjacent to the right-of-way that do not have an interest in the land underlying the right-of-way requested to be vacated must provide a letter indicating they have no objection to the proposed vacate.
   - **For subdivision plat (including easements) vacates:** If the area requested to be vacated is controlled by an entity other than the public, such as an Association or Community Development District, the controlling entity must either join in the petition or provide a letter indicating the entity has no objection to the proposed vacate.

VACATE FEES

- The total current fee to process a vacate petition is $664.10.
  - Initial filing fee of $414.10 (*Requested once the petition package is deemed sufficient*)
  - Remaining balance of $250.00 will be requested prior to scheduling the public hearing (*Requested once the petition is ready to be brought to the BOCC for a Public Hearing*)
- All fees must be paid by check made payable to Hillsborough County BOCC.
- All fees are non-refundable and subject to change.

NOTICE REQUIREMENTS

Notice of Intent to Vacate:

- The Petitioner is required to provide notice of their intent to vacate to any mortgage holders on any property affected by the vacate petition along with all property owners lying within 150 feet of the vacate area.

- Once the petition has been deemed complete, the Petitioner will be asked to mail Notice of Intent to Vacate letters together with a copy of the County-approved legal description and sketch of the vacate area to all required parties.
    - A copy of the notice, a current list of surrounding property owners, and detailed instructions for mailing will be provided to you.
    - Within seven (7) business days of this request, the Petitioner must provide a Certificate of Mailing from the United States Post Office as proof of mailing.

Notice of Public Hearing:

- The Petitioner is required to provide notice of the public hearing to any mortgage holders on any property affected by the vacate petition along with all property owners lying within 150 feet of the vacate area.
- Once a hearing date has been set, the Petitioner will be asked to send Notice of Public Hearing letters together with a copy of the County-approved legal description and sketch of the vacate area to all required parties.
    - A copy of the notice, a current list of surrounding property owners, and detailed instructions for mailing will be provided to you.
    - Within seven (7) business days of this request, the Petitioner must provide a Certificate of Mailing from the United States Post Office as proof of mailing.

ADDITIONAL INFORMATION

- All petitions are circulated to internal and external reviewing agencies for review and comment. Petitioners will be notified of any reviewer objections or conditions placed upon the vacate request**. It is the Petitioner's responsibility to address and/or resolve all objections prior to scheduling a public hearing.**
- Submittal Requirement Checklists for each type of vacate request are available to aid Petitioners in filing a complete petition. Should you have questions about these requirements, please call the Development Transactions and Vacating Manager in the Facilities Management & Real Estate Services Department at (813) 276-2825.
- Hillsborough County reserves the right to request any additional information as may be necessary to facilitate the processing of the subject petition, including, but not limited to, surveys, maps, additional legal descriptions and sketches, photos, attorney's title opinion, etc.
- A reimbursement estimate for right-of-way improvements is required per BOCC policy #08.01.03.00. This estimate will be prepared by Public Works, and a copy will be provided to you by the Project Manager assigned to your vacate project.

  The Board of County Commissioners approves and authorizes a fee for the reimbursement of improvements, if any, made by the County within any right-of-way(s) being vacated. The fee shall be the fair current value of the improvements and shall be computed based on the cost and condition of the improvements, depreciation and other relevant factors.