HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS
ENGINEERING
505 S. Commerce Ave., Sebring, Florida 33870
Office (863) 402-6877 Fax (863) 402-6548 www.highlandsfl.gov

HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS

Procedures and Policy for

VACATION OF RIGHT-OF-WAY

(F.S. 336.09 and 336.10)

STEP 1 – Initial Review

The following items must be submitted to the County Engineer and the Critical Infrastructure Director as part of the initial review. The cost of this review will be Two Hundred Dollars ($200.00), this is non-refundable. If the initial review is supported by the County Engineer and the Critical Infrastructure Director, those funds will be applied towards the total fee for the Right of Way.

a. Written Petition (Form Attached)

b. Aerial Map showing the property line and the right of way. 1" = 200' scale aerial photograph/tax map overlay (available at the County Property Appraisers Office located on the first floor of the Government Center)

c. Two Hundred Dollars ($200.00) non-refundable fee

The County Engineer will issue a letter of determination (objection or no objection). A copy will be forwarded to the Petitioner or representative for their information. Based on the provided determination, the applicant has the opportunity to move forward to the secondary review at their own time and expense.

STEP 2 – Requirements for continuing petition

The following items must be submitted to the Engineering office once the Initial Review is completed by the County Engineer and the Critical Infrastructure Director.

a. Resolution to set Public Hearing (Staff will provide)

b. Notice of Public Hearing (Staff will provide)

c. Resolution to Vacate (Staff will provide)

d. Public Notice of Adoption of Resolution (Staff will provide)

e. One (1) copy of the recorded plat with the petitioned area, or border shaded in red (Staff will provide).

d. Letters from all utility companies in the affected area of the subject right-of-way. If any easements are requested by any utility or the County, a 30-year title search, with all documentations attached, on the properties affected will be required.

e. A letter from the Highlands County Road & Bridge Director (4344 George Boulevard, Sebring, Florida 33872) approving, or disapproving the closing of subject right-of-way.

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f. The Petitioner shall attach a letter from the County Zoning Supervisor (501 South Commerce Avenue, Sebring, Florida 33870) stating "the closing of the petitioned right-of-way will not cause non-conforming use of any property."

g. The Petitioner must submit a list of all property owners within 200 feet of the proposed Right of Way to be closed. For the purpose of notification as described in **STEP 2**, an owner of property shall be deemed to be the person who, with his address, appears on the tax rolls of the County, at the time of the filling of the petition.

h. Petition for vacation of right-of-way either in whole or in part must be accompanied by receipts showing that all State and County taxes have been paid.

i. Processing fee as adopted by the Board, made payable to the Highlands County Board of County Commissioners.

1. Vacation of Right-of-Way – Secondary Review (includes $200.00 from Preliminary review)	$1,000.00
Zoning Fee	$130.00
2. Vacation of Right-of-Way Due to Existing Encroachments Review (includes $200.00 from Preliminary review)	$1,200.00
Zoning Fee	$130.00

STEP 3 – Resolution to set the Public Hearing

After the petition is received and the application deemed complete and reviewed by the County Engineer, the Resolution to set the Public Hearing Date will be submitted, by the County Engineer, to the Board of County Commissioners requesting a public hearing date to be set for the Board to consider the closing of the Right of Way. This request will be scheduled for the next possible agenda. After adoption of this Resolution, the Notice of Public Hearing will be mailed to the Petitioner for publication (see STEP 4). In addition to the publication, the Notice of Public Hearing must be sent out by the Petitioner, to all property owners within 200 feet of any proposed road to be closed, and shall be mailed "Certified, Return Receipt Requested" with the proof of receipt noting return to the County Engineer's Office, 505 S. Commerce Avenue, Sebring Florida 33870-3869. The Petitioner shall be responsible for preparing the notices, addressing the envelopes, paying postage and mailing of the "Certified Notices." For verification purposes, the following must be noted on the certified notice: "Petitioner: (name of Petitioner)".

Notices must be mailed (post marked) at least two weeks prior to the Public Hearing date.

STEP 4 – Publish the Notice of Public Hearing

Petitioner shall publish the Notice of Public Hearing one time in the newspaper of general circulation in Highlands County at least **two weeks prior to the date stated therein for such hearing**. "Proof of Publication" must be received in the County Engineer's office prior to the public hearing date. **The Petitioner, or a representative, may attend the Board meeting, to explain why**

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the petition is necessary, when the public hearing is held.

STEP 5 – Posting of Signs on both ends of right-of-way

The County will post the required signage at both ends of the right-of-way to be vacated.

STEP 6 – What to do after the Public Hearing

After the public hearing is held if the Resolution to Vacate has been adopted by the Board, the Petitioner must advertise the Public Notice of Adoption of Resolution one time in a newspaper of general circulation published in Highlands County within thirty (30) days following the adoption of the resolution, and proof of this publication shall be sent to the County Engineer's Office, 505 S. Commerce Avenue, Sebring, Florida 33870-3869.

STEP 7 – After your newspaper ad runs

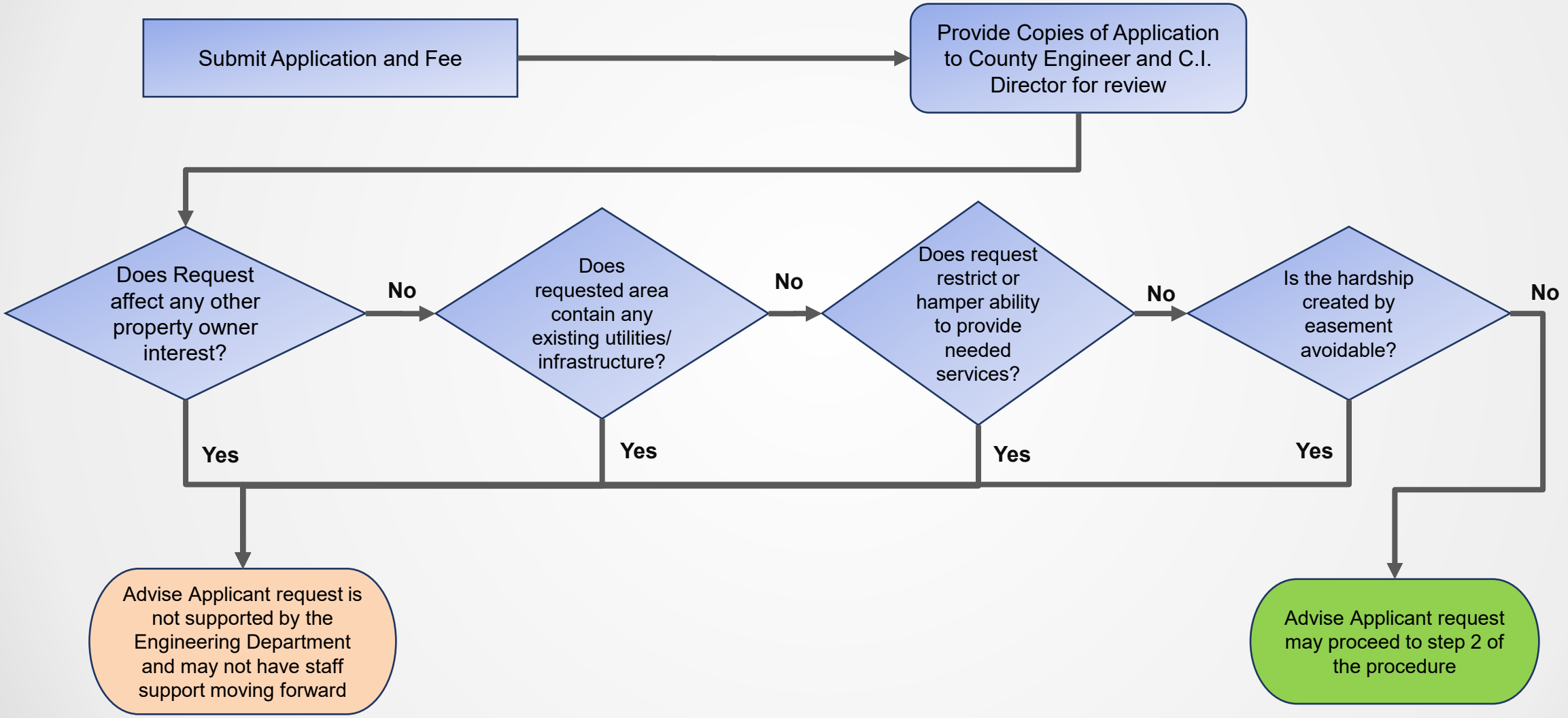
The County Engineering Department shall forward the necessary originals of the following documents to be recorded to the Recording Department. Items needed prior to forwarding to the Recording Department include the following:

a. Resolution to set Public Hearing Date
b. Proof of Publication of Notice of Public Hearing
c. Resolution to Vacate
d. Proof of Publication of Notice of Adoption of Resolution
e. Check made payable to Clerk of Courts for recording fee

The Engineering Department will forward the original documents to the Recording Department. Recording will distribute copies of recorded documents to the County Engineer's Office. The County Engineer's Office will send copies to the Petitioner of record.

Please Note: The same procedures are to be followed if vacating an actual road or alley.

Easement Vacate Request Step 1 Process Chart

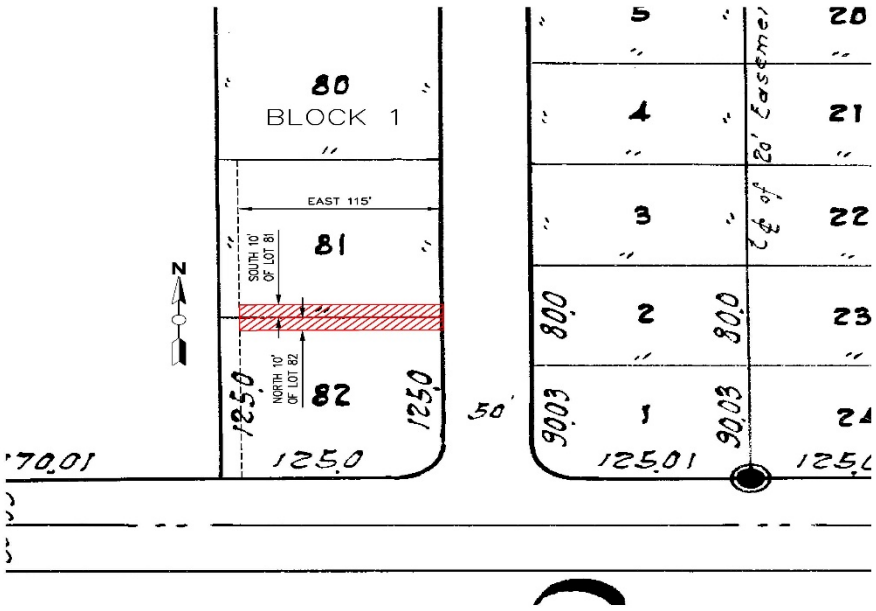


Below is a sample Legal Description to assist you in writing a Legal Description:

THE NORTH 10 FEET OF THE EAST 115 FEET OF LOT 82, BLOCK 1 AND THE SOUTH 10 FEET OF THE EAST 115 FEET OF LOT 81, BLOCK 1, ALL IN PLACID LAKES SECTION NINETEEN, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 14 OF THE PUBLIC RECORDS OF HIGHLANDS COUNTY, FLORIDA.

The area to be vacated is described first (THE NORTH 10 FEET OF THE EAST 115 FEET OF**) followed by the Legal Description for the property where the Easement is located (**LOT 82, BLOCK 1 AND THE SOUTH 10 FEET OF THE EAST 115 FEET OF LOT 81, BLOCK1, ALL IN PLACID LAKES SECTION NINETEEN, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 14 OF THE PUBLIC RECORDS OF HIGHLANDS COUNTY, FLORIDA.**).**

This diagram shows the area being described in the Legal Description above:



The Legal Description for the property where the Easement is located can be found on your Warranty Deed, if you do not have a copy of your Deed you can obtain a copy from the Clerk of Court. You could also get a Legal Description of your property from the Property Appraisers Office.

PETITION

TO: HIGHLANDS COUNTY
BOARD OF COUNTY COMMISSIONERS
C/O ENGINEERING DEPARTMENT
505 SOUTH COMMERCE AVENUE
SEBRING, FLORIDA 33870

FROM: _____

_____

_____

This is to Petition the Board of County Commissioners to consider vacating a right of way, as shown on the attached map, legal description as follows:

_____

_____

_____

_____

The petition is being requested for the following reason:

_____

_____

_____

I will publish the Notice of Public Hearing in one weekly issue of a newspaper of general circulation in Highlands County, in no less than two weeks prior to the date stated therein for such hearing and will have proof of publication in your office prior to the date of hearing.

_____

Signature of Petitioner

Attachments: (MAP)
Proof of Publication
Certificates Showing Taxes Paid

SAMPLE UTILITY LETTER

Date

Utility Company
Street Address
City, State Zip code

Dear Utility Representative:

Please review the enclosed copy of a petition being submitted to the Highlands County Board of County Commissioners regarding a Vacation of Road for the purpose of _____**state reason why here**___. After your review, please send a Letter of No Objection (or Objection, if any) in the enclosed self-addressed stamped envelope. The legal description for the Road to be vacated is as follows:

_____

_____

_____

_____

_____

_____

_____

_____

Sincerely,

Signature

Printed Name
Mailing Address
Phone Number
Email (Optional)

SAMPLE

UTILITY LETTER

Date

Utility Company
Street Address
City, State & Zip Code

Dear Utility Representative,

Please review the enclosed copy of a petition being submitted to the Highlands Board of County Commissioners regarding a Vacation of Road for the purpose of (state reason why) . After your review, please send a Letter of No Objection (or Objection, if any) in the enclosed self-addressed stamped envelope. The legal description for the Road to be vacated is as follows:

_____
_____
_____
_____
_____
_____
_____
_____

Sincerely,

Printed Name
Street Address
City, State & Zip Code
Phone Number
Email Address (Optional)

Electric Companies

Duke Energy

https://www.duke-energy.com/community/trees- and-rights-of-way/vacate-request

****LETTERS FROM BOTH DEPARTMENTS LISTED BELOW ARE NEEDED****

Distribution Department

and

Transmission Department

Vacate@duke-energy.com

Service Area: Portions all over County

Peace River Electric Cooperative Inc.

Engineering Department
PO Box 1310
Wauchula, FL 33873
(800) 282-3824 Option #2

Service Area: Portions all over Highlands County

FL Power and Light

Donna Padgett
825 NE 34th Ave
Okeechobee, FL 34972
(863) 467-3708
(800) 343-7941

Service Area: Kissimmee River Estates

Glades Electric Coop., Inc

Staking Technician/Engineer
PO Box 519
Moore Haven, FL
33471 (863) 946-0061
(863) 946-6262 Fax

Service Area: Southern portions of Sebring, Lake Placid

TECO – Tampa Electric

Engineering
Department Attn:
Real Estate
PO Box 111
Tampa, FL 33601
(813) 635-1500
(813) 228-1111

Service Area: Portions all over Highlands County

Gas Companies

AmeriGas

Service Manager
2812 Silverstar Rd.
Orlando, FL 32808
(800) 263-7442

Service Area: Portions all over Highlands County

Coker Fuel, Inc./Sebring Gas

Jerry Melendy
3515 US 27 S
Sebring, FL 33870-5452
(863) 385-0194
(863) 385-3423 Fax
sebringgas@floridasbestgas.com

Service Area: Portions all over Highlands County

Ferrellgas

(866) 544-3121

Only call if you have a Ferrellgas tank on your property.

Service Area: Portions all over Highlands County

FL Gas Transmission (AKA) Call Before You Dig

Dial 811

Help Desk (713) 989-2035

Service Area: Portions all over Highlands County

Suburban Propane

Engineering Dept.
PO Box 856
Tallevast, FL 34270
(941) 755-1531

Service Area: Portions all over Highlands County

TECO Peoples Gas

Curt Quisenberry
600 W. Robinson St.
Orlando, FL 32801
(407) 420-6657
jcquisenberry@tecoenergy.com

Service Area: Portions all over Highlands County

Miscellaneous Companies

Lumen/Century Link

Florida Office
6630 Orion Dr
Fort Myers, FL 33912
(239)437-1700

nre.easement@lumen.com

Service Area: Portions all over Highlands County

Comcast

Construction SWFL
12600 Westlinks Dr. Suite#4
Fort Myers, FL. 33913
Cell 941-914-7844

Wesley_Vaughn@cable.comcast.com

Service Area: Portions all over Highlands County

Road & Bridge Department

Jonathan Harrison
Road & Bridge Director
4344 George Blvd.
Sebring, FL 33875
(863) 402-6529
jharrison@highlandsfl.gov

Service Area: Portions all over Highlands County

Zoning Department

Cynthia Kramer
Zoning Department
501 South Commerce Ave Sebring, FL 33870
(863) 402-6640
pandz@highlandsfl.gov

Service Area: Portions all over Highlands County

Building Department

Building Official
501 South Commerce Ave
Sebring, FL 33870
(863) 402-6643
hlopez@highlandsfl.gov

Water/Sewer Companies

City of Avon Park

City Manager
110 E Main St
Avon Park, FL 33825
(863) 452-4403
(863) 452-4413 Fax

Service Area: Portions of Avon Park

City of Sebring

Bob Boggus, Utilities
Director 321 N Mango St.
Sebring, FL 33870
(863) 471-5112
(863) 471-5148 Fax
BobBoggus@mySebring.com

Service Area: Portions of Sebring

Pugh Utilities Services Inc.

Danny Holmes
760 Henscratch Rd.
Lake Placid, FL 33852
(863) 465-6911
(863) 465-5159 Fax
Pus79@outlook.com

Service Area: Country Walk Subdivision

Placid Lakes Utilities

Nathan Brewer
410 Washington Blvd NW
Lake Placid, FL 33852
(863) 465-0345
(863)465-1313 Fax

Service Area: Placid Lakes Subdivision

Sebring Ridge Utilities

Chris Miller
3625 Valerie Blvd
Sebring, FL 33870
(863)385-8542
(863)402-0407

Service Area: Sewer only in The Crossings

Short Utilities

Wendell Faircloth
1527 Valiant Ave
Sebring, FL 33870
(863) 471-1400

Service Area: Hickory Ridge & Valencia Acres

Water/Sewer Companies

Spring Lake Improvement District

Joe DeCerbo
115 Spring Lake Blvd
Sebring, FL 33876
(863) 655-1715
(863)655-4430 Fax

Service Area: Spring Lake Improvement District

Sun N' Lake Improvement District

Raymond Bossert, General Mgr.
5306 Sun N' Lake Blvd
Sebring, FL 33872
(863) 382-2196
(863) 382-2988
tcannady@snldistrict.org

John Martinez (Sewer)
(863) 382-2196
jmartinez@snldistrict.org

Service Area: Sun N' Lake Estates of Sebring

Town of Lake Placid/Placid Utilities

Town Administrator/Utilities Director
1069 US Hwy 27 N
Lake Placid, FL 33852
Utilitiesdirector@mylakeplacid.org
(863) 699-3747
(863) 699-3749 Fax

Service Area: Lake Placid City Limits, Tomoka Heights, Lake June areas, Highway Park, Lake Huntley areas

US Water Services Corporation

Ron DeRossett (Utility Manager)
4939 Cross Bayou Boulevard
New Port Richey, FL 34652
(866)753-8292
(904) 540-9765

Service Area: Lake Josephine Area

****** PLEASE NOTE ******

If your property is within an improvement district, a letter must be received from that improvement district. The two improvement districts in Highlands County are:

Spring Lake

Sun N' Lake Estates of Sebring