

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

Community Development Department

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### GENERAL OVERVIEW

To vacate the City of Lakeland's interest in a public right-of-way (R.O.W.), contact the Office of Real Estate & Property Information via [email](#) to include the address and parcel number associated with the vacate, and a general description of project and/or reason for the vacate. Petitions to vacate will be evaluated by the by the Office of Real Estate & Property Information and if all criteria are met, a recommendation will be made to the City Manager which will, in turn, 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.

### PROCEDURES

1. Contact the City of Lakeland Office of Real Estate & Property Information via [email](#) with the right-of-way vacate request.
2. The request is reviewed for approval to move forward. If the request is approved a project will be created in [iMS](#). If the request is objected, the property owner is notified of the decision and the project is closed.
3. Utilities are contacted and responses are collected. Utility providers include: Electric, telephone, cable TV, gas, city services, water management, and in some cases, homeowner associations.
4. If all utilities are in agreement to approve the vacate, the petition package is required to be completed and uploaded into [iMS](#). If one or more utility providers object to the vacating of an easement, the petitioner must work with the utility provider to come to a resolution, lest the Petition to Vacate cannot move forward.
  - A. **The Petition Package should include the following:**
    - i. Completed Petition to Vacate Easement Application.
    - ii. Written justification from the Petitioner stating the reason for this vacation request.
    - iii. A legal description and sketch **depicting only the portion of easement being vacated** certified or prepared by a registered land surveyor. This can be provided electronically with the legal description and sketch digitally signed by the registered land surveyor.
    - iv. A signed and notarized list of all owners abutting the right-of-way to be vacated and authorizing an agent representative if desired (if applicable).
    - v. Proof of property ownership as per the Polk County Property Appraiser's Office, this information can be obtained from the Property Appraiser's [website](#).
    - vi. Right-of-Way Vacation Fee: \$400 check payable to the City of Lakeland or online using a credit card. All credit card payments are subject to a 2.5% convenience fee.
      - a. The right-of-way vacation fee shall be applied to the payment required hereunder for the fair market value of the property.
      - b. 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.
      - c. 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.
  - B. **Receipt of Petition Package:** The Petition Package can either be uploaded to your [project](#) or emailed to the Office of Real Estate and Property Information [Propertyinfo@lakelandgov.net](mailto:Propertyinfo@lakelandgov.net) . Once this packet is received and approved, 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.

Commented [WJ1]:

Commented [WJ2]: Do we log all requests into IMS when we receive them? If not, it might be a good idea so we can save time on future requests on easements that could not ultimately be vacated. If we log all requests in IMS, #2 could read, Requests will be imputed into IMS and will receive a project number.

Commented [KL3R2]: Yes, Toni puts them into IMS

Commented [WJ4]: are supportive of the request to

- C. **Notice of Public Hearing:** A notice of such public hearing shall be published in the manner required by law, prior to the adoption of ordinances.
- D. **Ordinance Adoption:** The City Commission may thereafter adopt an ordinance declaring the right-of-way to be vacated.