

SECTION 29.0 PLAT VACATIONS

Section 29.01 Introduction

Florida Statutes 177.101 govern the vacating of plats subdividing land. In accordance with these guidelines, the following procedures have been established. Unrecorded plats may also be vacated following this procedure. All expenses in connection with the request to vacate must be paid by the petitioner.

Section 29.02 General Information

The petition and accompanying documents are submitted to the Development Review Division.

Address: 4040 Lewis Speedway, St. Augustine, FL 32084

Phone: (904) 209-0660

Fax: (904) 209-0743

[Fee](#)

Section 29.03 Application Process

- A. The following items must be submitted to process a request to vacate:
1. Original petition to vacate, signed by the record owners of the whole or part of the tract covered by the plat sought to be vacated.
 2. A title opinion or title search which includes all encumbrances of the subject property.
 3. A map/plat copy depicting the area to be vacated. In some cases, when a portion of the plat is being vacated, a survey may be required.
 4. Copy of the required notice, for review prior to publication. Upon approval, the Notice must be published in a newspaper of general circulation in the county in which the tract or parcel is located, in not less than two weekly issues of said paper.
 5. Certification from the Tax Collector of St. Johns County, that all taxes have been paid.
 6. A certified engineer's or traffic planner's statement and description of the effect of the proposed vacations on traffic patterns and a conclusion therein that no property or person will be unreasonably affected or inconvenienced by the vacation.
 7. Review fee.

Section 29.04 Review Process

- A. The Petition package is routed to all appropriate departments. The review time is ten (10) working days.
- B. After review is completed, the petitioner will be notified of any deficiencies, comments or need for additional information. Resubmittals are routed for five (5) working days.
- C. Once all comments have been addressed it will be scheduled for the next appropriate Planning and Zoning Agency meeting at which the petitioner must be present.
- D. Upon action by the Planning and Zoning Agency, the petition will be forwarded to the Board of County Commissioners for action. The petitioner must be present at that meeting. Prior to the meeting date, the following items are required:
 - 1. Proof of Notification in compliance with F.S. 177.101(4). This must be obtained from the publishing entity.
 - 2. Once the petition is scheduled before the Board, an updated title opinion will be required with a search date within twenty days of the Board meeting date, but may be accepted with a search date within thirty days if it includes a sworn statement certifying that the property owner has not taken any action that materially affects the title opinion or title certificate submitted.
- E. If the County Commission approves the vacation, the resolution vacating the plat is adopted. It is the petitioners responsibility to pay the recording fees. The plat is not vacated until recorded with the County Clerk.

**PLAT VACATION
Sample Advertisement**

**PLEASE NOTE THAT MODIFICATIONS TO THIS SAMPLE MAY BE REQUIRED TO
MEET THE REQUIREMENTS OF YOUR PARTICULAR REQUEST**

NOTICE

NOTICE IS HEREBY GIVEN THAT *(insert name and address)* intends to petition the Board of County Commissioners for St. Johns County, Florida to vacate (a portion of the) Plat known as *(insert name of subdivision)* as recorded in Map Book *(insert book number)* Page *(insert page number)*; inclusive of the public records of St. Johns County, Florida, more particularly described as follows.

**PLAT VACATION
Sample Petition**

**PLEASE NOTE THAT MODIFICATIONS TO THIS SAMPLE MAY BE REQUIRED TO
MEET THE REQUIRMENTS OF YOUR PARTICULAR REQUEST**

PETITION TO VACATE
THE PLAT OF *(insert name of plat)*

THE HONORABLE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

Petitioners, *(insert name)*, respectfully petition this Honorable Board as follows:

1. To vacate the (following described portion of the) Plat of *(insert name of plat)*, recorded in Map Book *(insert number)*, Pages *(insert numbers)*, of the public records of St. Johns County, Florida, and all streets lying therein which have not become highways necessary for use by the traveling public. The portion of said *(insert name of plat)*, sought to be vacated is described as follows:

(SEE EXHIBIT "A", ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.)

2. To adopt a resolution vacating and abandoning the aforesaid (portion of the) Plat of *(insert name of plat)*, and the streets lying therein none if which have become highways necessary for use by the traveling public.

3. In support hereof, Petitioners show that it is the fee simple owner of all lands lying within the (portion of the) Plat of *(insert name of plat)*, sought to be vacated and that all state and county taxes due on the aforesaid property have been paid in full as evidenced by Certificate from the Tax Collector for St. Johns County attached hereto as Exhibit "B".

4. Petitioner further shows that none of the streets platted within the subject property have become highways necessary for use by the general public, nor have any of said streets been opened or used by members of the public.

5. Petitioner further shows that a notice to the public of Petitioner's intent to apply for vacation of (a portion of) the Plat of (insert name of plat), pursuant to Florida Statute 177.101(4) was published in two weekly issues of a newspaper of general circulation as evidenced by the Proof of Publication from the St. Augustine Record attached hereto as Exhibit "C".

6. The vacation by the County of the portion of the Plat of (insert name of plat), sought to be vacated will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.)

CORPORATION TITLE IF APPLICABLE

By: _____
(name of signee)
(title if applicable)

*NOTE THAT IF THIS IS SIGNED BY A VICE PRESIDENT, THEN THEY MUST ALSO AFFIX THE SEAL OF THE COMPANY TO SHOW THAT THEY HAVE THE AUTHORITY TO SIGN ON THE COMPANY'S BEHALF

STATE OF FLORIDA
COUNTY OF _____

(Insert name of Petitioner), Being by me, the undersigned officer, first duly sworn, says on oath that he is a Vice President of (insert name of corporation), a corporation authorized to do business in the State of Florida, the Petitioner named in the foregoing Petition to vacate (a portion of) the plat of (insert name of plat), that he has read and knows the contents thereof and the statements contained therein are true and correct.

(printed name)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 20____, by _____ as _____ for _____.

Notary Public, State of Florida
Name: _____
My Commission Expires: _____
My Commission Number is: _____

Personally Known ____ OR Produced Identification ____
Type of Identification Produced _____

**PLEASE NOTE THAT THE ABOVE NOTARY FORMAT IS FOR A CORPORATION
AND MUST BE REVISED FOR AN INDIVIDUAL'S USE.**