



**CITY OF GREENACRES  
PLANNING AND ENGINEERING DEPARTMENT  
POLICY AND PROCEDURES**

**POLICY#** PDO-008  
**ISSUED:** 02/03/15  
**EFFECTIVE:** 02/03/15

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**SUBJECT:** Process and Review Procedures for Abandonments

**CROSS REFERENCE:** Subdivision Code, Section 12-2  
Subdivision Code, Section 12-44  
Subdivision Code, Chapter 12, Article III

**PURPOSE:** To clarify procedures for the processing and review of proposed abandonments based on the type of abandonment.

**POLICY:** The procedure and coordination required for the review of proposed abandonments shall be determined by the type of the abandonment, conducted so as to ensure that City Code requirements are met and that the life, safety, health, and welfare of the public are protected. The following types are included:

1. Right-of-Way
2. Roadway Easement
3. Public Utility Easement
4. Cross-Access Easement
5. Drainage Easement
6. Limited-Access Easement
7. Conservation and Preservation Easements

**PROCEDURE:**

1. Abandonments of Right-of-Way, Roadway Easements, and Public Utility Easements
  - a. The Zoning Administrator shall coordinate distribution of the legal description and survey(s) for review, with the work divided between the City's consultant surveyors on an alternating basis. Firms with a relationship to the project (such as the subject branch or another branch office of the firm having prepared the plans, etc.) shall not be used and the review shall be done by the City's other consultant. The petition to abandon/ vacate application procedure attached as Exhibit "A" shall be adhered to in its entirety, including the publishing of an advertisement in a local newspaper at least 10 days prior to the scheduled City Council date and the use of Certified Mail with Return Receipt for notification of nearby property owners.
  - b. The project manager shall ensure that the review comments are distributed to the applicant as part of the Land Development Staff comment package and shall ensure that the comments have been adequately addressed prior to being considered by the City Council. Depending on the nature and complexity of the comments, the proposal may or may not need further review by the consulting surveyor to

determine satisfaction of the comments. This shall be determined by the Zoning Administrator and Planning & Engineering Director.

2. Abandonments of Cross-Access, Drainage, and Limited-Access Easements
  - a. The Zoning Administrator shall coordinate distribution of the plans for review, with the work divided between the City's consultant surveyor on an alternating basis as described in 1a. above. The petition to abandon/ vacate application procedure shall be followed, except no public advertisement in a local newspaper shall be required. Further, the mailings to affected property owners shall be done via First Class Mail in lieu of Certified Mail.
  - b. The project manager shall ensure that the review comments are distributed to the applicant as part of the Land Development Staff comment package and shall ensure that the comments have been adequately addressed prior to being considered by the City Council. Depending on the nature and complexity of the comments, the proposal may or may not need further review by the consulting engineer to determine satisfaction of the comments. This shall be determined by the Zoning Administrator and Planning & Engineering Director.
3. Abandonments of Conservation and Preservation Easements
  - a. The Zoning Administrator shall coordinate distribution of the plans for review, with the work divided between the City's consultant surveyor on an alternating as described in 1a. above. The petition to abandon/ vacate application procedure shall be followed except advertisement in a local newspaper and notification mailing to nearby property owners shall not be required.
  - b. The project manager shall ensure that the review comments are distributed to the applicant as part of the Land Development Staff comment package and shall ensure that the comments have been adequately addressed prior to being considered by the City Council. Depending on the nature and complexity of the comments, the proposal may or may not need further review by the consulting engineer to determine satisfaction of the comments. This shall be determined by the Zoning Administrator and Planning & Engineering Director.

**REVISED:**



Thomas J. Lanahan  
Assistant City Manager  
Planning and Engineering Director

Exhibit "A" Included

PETITION TO ABANDON/VACATE

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## INSTRUCTIONS &amp; EXPLANATIONS

The following are explanations of the required exhibits that must accompany the petition application for abandonment determination. See list of definitions on Page 4.

## PETITION APPLICATION PROCEDURE

In addition to any other information required by the Department, the petition shall contain the following:

1. **Legal description of Petition Site** - a complete and accurate legal description of the **Petition Site** only.
2. **Public Interest** - a statement identifying the petition site as being:
  - a. Type of easement; (*utility, drainage, access, etc.*)
  - b. Plat; (*name of plat*),
  - c. A public right-of-way; (*name of street, if known*)

The statement shall identify the source of the city's or public's interest, together with a reference to the recording information for same (*Plat Book #, Page #, Official Record Book #, Page #*).

3. **Survey** - a certified land survey measuring 8 ½" x 11", shall be prepared by a Florida registered land surveyor in accordance with the minimum technical standards of Section 472.027, Florida Statutes, and Chapter 21HH-6, Florida Administrative Code, and attached as an exhibit to the petition. The survey drawing shall show, in addition to the petition site, the following:
  - a. The boundaries of **abutting** properties.
  - b. The square footage of the Petition Site.
  - c. Existing structures, utilities, easements, encroachments and other improvements, including but not limited to the location of underground or surface utility lines and equipment, ditches, fences, buildings, pathways, and drainage structures located within the Petition Site.

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4. **Location Map** - a drawing measuring not less than 8 ½" x 14" and no larger than 11" x 17" which clearly and legibly identifies the location of the Petition Site in relation to the nearest public right-of-way, *(excluding the Petition)* and **all affected properties**. *(This procedure is required if the petition site is a public right-of-way)*.
  5. **List of owners of affected property** - *(This procedure is required if the petition site is a public right-of-way)*. A complete list of all owners of affected property, their mailing addresses and legal description of the property owned. These properties should be **legibly** identifiable on the Location Map.
  6. The petition shall state the source of the information used to compile the list and shall contain an affidavit of the preparer that to the best of his knowledge said list is complete and accurate. If the **affected** property is under the jurisdiction of a Community Association, this requirement of notice to **affected** property owners may be fulfilled by mailing such notice to the Community Association's registered agent. All **abutting property owners** must be included in the mailing list. Said list shall be accompanied by a Number Ten (10) white envelope for each **affected** and **abutting** property owner as follows:
    - a. The following **return** address shall be printed or typed on the envelope and certifying postal documents:

City of Greenacres  
Planning & Engineering Department  
5800 Melaleuca Lane  
Greenacres, FL 33463
    - b. The envelope shall be **pre-stamped** with sufficient postage for **certified, return receipt postage** for addresses in the United States and **registered mail postage** for address in foreign countries. **DO NOT USE PREDATED METER POSTAGE.**
    - c. A properly completed certified mail receipt or registered mail receipt, as applicable, shall be attached to each envelope. No pre-dated metered postage allowed.
    - d. **Note: b and c are needed only if the petition site is a right-of-way or a public drainage easement.**

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7. Utility Services, drainage district and Palm Beach County approvals - the written consent of the utility companies providing service to or within the Petition Site shall be attached to the petition. In the case of any petition affecting drainage easement, canals, lakes or other water management systems, the written consent of the drainage district or community association having jurisdiction over the Petition Site shall also be attached to the petition.
  8. **Abutting property owners** - **abutting** property owners should be listed as indicated. The consent of those owners, other than the petitioner, should be attached and identified (*This statement applies to Right-of-way abandonment request only*).
  9. **Access to affected property** - the petition shall contain a statement that to the best of the Petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other parcels within the area of the subdivision (*This statement applies to Right-of-Way abandonment requests only*).
  10. **Federal or State Highway Statement** - the petition shall certify that the Petition Site, or any portion thereof, is not a part of any State or Federal highway and was not acquired or dedicated for State or Federal purposes (*This statement applies to Right-of-Way abandonment requests only*).
  11. **Evidence of Title** - the petition shall state the source of petitioner's ownership of interest in and to the Petition Site, and a reference to the recording information for that document. A copy of the source instrument shall be certified by the Clerk of the Circuit Court and attached to the petition.
  12. **Evidence of Taxes Paid** - the petition shall state that all State, Municipal and County taxes on the Petition Site have been paid. This instruction applies to various easements contained in private property. The certificate(s) of the Tax Collector's Office certifying payment of same shall be attached to the petition. A duplicate receipt showing taxes paid and date of payment is acceptable. If the Petition Site is a public right-of-way and therefore tax-exempt, the petition shall so state and a certificate or a tax receipt for properties **abutting** onto the public right-of-way will be required.
  13. **Justification** - petition shall state the prevailing conditions and reasons to support the request.

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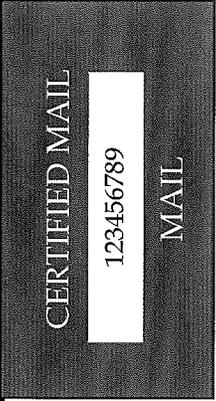
## DEFINITIONS

Attached is a list of definitions for particular terms used throughout the petition applications.

- **Abandon** - the term abandon, and any variant thereof, shall be deemed to include the terms "vacate and annul".
- **Petition Site** - any parcel or real property subject to a petition for abandonment.
- **Abutting Property** - any parcel of real property whose boundaries, or any part thereof, also serves as the boundary, or portion thereof, of the petition site.
- **Affected Property** - any parcel of real property, or portion thereof, which lies within three hundred feet (300') of the boundaries of the petition site.
- **Petition for Abandonment or Petition** - The form prescribed by the Department which requests the abandonment of a plat, or portion thereof, right-of-way or public easement pursuant to this ordinance.
- **Petitioner** - the person(s), governmental entity or business entity submitting a petition for abandonment. The term petitioner shall include "co -petitioner" where appropriate.
- **Right-of Way** - any strip of land dedicated or deeded for ingress and egress or access purposes. The term shall include the terms "road", "highway", "alley", "accessway", and any other similar term. The term shall mean both public right-of-way and private right-of-way.
- **Plat** - any drawing or real property made and recorded pursuant to Chapter 177, Florida Statutes, or the ordinances of Palm Beach County.
- **Public Easement** - any utility or drainage easement which is dedicated by plat in perpetuity for utility or drainage purposes, or which is conveyed by separate instrument, recorded in the Public Records, to the public or the City, which instrument has been approved by the City for recordation. The term shall not include instruments of conveyances or dedications made to specifically named utility companies, owners associations, drainage districts, or other governmental agencies.

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- **Private Right-of-Way** - any right of way dedicated or deeded to an owners association or the owner of the abutting property or which is dedicated as right of way and is the perpetual maintenance obligation of any owners association of the owner of abutting property.
  - **Department** - The City of Greenacres Engineering Department.
  - **City** - City of Greenacres.
  - **Utility Company** - any public or franchised entity which provides electrical, water and sewer, gas or communication services.
  - **City Right-of-Way** - any right acquired by the City or the public by virtue of a dedication to the public or the City on a plat, by separate instrument of conveyance, or by prescription.
  - **Public Records** - the records filed in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.
  - **Owner** - that person, governmental entity or business entity which is the fee simple title holder or real property.
  - **Owners Association** - any association or corporation created under the laws of the State of Florida, the membership of which is comprised of all owners of real property over which the owners association has jurisdiction by virtue of a declaration of covenants and restrictions, declaration of condominium, or similar instrument. The term shall include the terms "homeowner's association", and "property owners association".
  - **Land Value** - the value of land as established for the tax base by the Property Appraiser's Office prior to any or all exemptions.

City of Greenacres  
Planning & Engineering Dept.  
5800 Melaleuca Lane  
Greenacres, FL 33463



Check with  
Post Office for  
correct amount  
of postage for  
certified mail  
with return  
receipt.

John Doe  
123 Main Street  
Anytown, USA 12345-1234

RETURN RECEIPT REQUESTED

**EXAMPLE FOR ENVELOPE**

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**AFFIDAVIT FOR ABANDONMENT PETITION**

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared who after being sworn, stated the following:

1. That I have prepared the complete list of all owners of affected property, their mailing addresses, and the legal descriptions of those properties within three hundred (300) feet of the Petition Site as set forth in the 20\_\_\_\_ Official Tax Roll as such Exhibit #\_\_\_\_ is attached to the Petition to Abandon.
  
2. That to the best of my knowledge, said list is complete and accurate.

\_\_\_\_\_  
*Signature of Preparer*

**Sworn To and Subscribed Before Me** this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

by \_\_\_\_\_ who is personally known to me or  
who

has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
*Signature of Notary*

\_\_\_\_\_  
*Notary Seal*

Commission No.: \_\_\_\_\_

LETTER OF CONSENT

Before met this day personally appeared \_\_\_\_\_  
who, being duly sworn, disposes and says:

He/She/They is/are the owner(s) of \_\_\_\_\_  
*Legal Description of Property*

He/She/They has/have been furnished a drawing which clearly indicates the right-of-way to be abandoned and its relationship to his/her/their property.

He/she/they hereby consent to the abandonment of the described petition site which is \_\_\_\_\_ to  
*west/east/south/north*  
his/her/their property as described above.

Sworn To and Subscribed Before Me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

by \_\_\_\_\_ who is personally known to me or  
who

has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
*Signature of Notary*

\_\_\_\_\_  
*Notary Seal*

Commission No.: \_\_\_\_\_

PETITION TO ABANDON/VACATE

**UTILITY COMPANIES:**

Florida Power & Light (FPL)  
AT&T  
Palm Beach County Water Utility Department (PBCWUD)  
Comcast Cable  
Florida Public Utilities (Gas)  
Palm Beach County Engineering

**DESCRIPTION OF PETITION SITE:**

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Dear Sirs:

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the above described site.

I have enclosed a copy of the survey and description of the site to be abandoned which is located in the City of Greenacres, for your review and comments. A self-addressed envelope is attached for your early reply.

If you have any questions or if I may be of further assistance please contact me at

\_\_\_\_\_  
*Daytime Phone Number*

Thank you for your assistance in this matter.

Sincerely yours,

\_\_\_\_\_  
*Petitioner or Agent*

Encl: Petition/Survey



**CITY OF GREENACRES  
PETITION TO ABANDON/VACATE**

**TO: CITY OF GREENACRES, PALM BEACH COUNTY, FLORIDA**

The undersigned hereby petitions the City of Greenacres to vacate, abandon, discontinue and close \_\_\_\_\_ and to renounce and disclaim any *use and introductory description of petition site* right of the City to any land in connection therewith.

The undersigned hereby certify:

1. Legal Description of the petition site. (**Exhibit # \_\_\_\_\_**).
2. That the title of interest of the City and the Public in and to the (**Easement, Plat, or Right-of-Way**) was acquired and is evidenced by (**Plat # \_\_\_\_\_ and Identification, or type of Deed**) recorded in (**Plat Book # \_\_\_\_\_, Page # \_\_\_\_\_, Road Book # \_\_\_\_\_, and Page # \_\_\_\_\_, or Official Record Book # \_\_\_\_\_, and Page # \_\_\_\_\_**), Public Records of Palm Beach County, Florida.
3. That attached hereto is a sealed Survey sketch accurately drawn to show the described (**Easement, Plat, Right-of-Way**) to be abandoned, showing boundaries of abutting properties to the site, all encroachments, drainage and/or utility easements, and existing structures. (**Exhibit # \_\_\_\_\_**).
4. That attached hereto is a location map which clearly and legibly identifies the location of the petition site in relation to the nearest public right-of-way and all affected properties. (**Exhibit # \_\_\_\_\_**).
5. That attached hereto is a listing which clearly and legibly identifies the ownership, includes correct mailing addresses and legal description of the affected properties. (**Exhibit # \_\_\_\_\_**).
6. That attached hereto is an affidavit attesting to the validity of the ownership listing of the affected properties. (**Exhibit # \_\_\_\_\_**).
7. That attached hereto is the approval of, or consent to, this petition by Palm Beach County, the utilities providing service to or within the petition site and/or the drainage district having jurisdiction over the petition site. (**Exhibit # \_\_\_\_\_**).

**See instruction sheets for explanation for each paragraph**

8. That following constitutes a complete and accurate schedule of all owners *abutting* the petition site:

NAME	ADDRESS	DESCRIPTION OF PROPERTY

The owners above have signed a notarized statement consenting to the abandonment of public right-of-way and those consents are attached hereto and made a part hereof. (*Exhibit # \_\_\_\_\_*).

9. That the undersigned certify that in the event this petition is granted, the abandonment of the subject right-of-way will prevent no other property owner from having access to and from their property and no other property owner in the vicinity will be adversely affected.
10. That the undersigned certify the petition site is not a part of any State or Federal highway and was not acquired or dedicated for State and Federal highway purposes; and that such right-of-way is under the control and jurisdiction of the City of Greenacres.
11. That the petitioner's ownership and/or interest in and to the petition site is evidenced by an instrument recorded in Official Record Book \_\_\_\_\_, Page \_\_\_\_\_, Public Records of Palm Beach County, Florida. A certified copy of that source instrument is attached hereto. (*Exhibit # \_\_\_\_\_*).
12. That attached hereto and made a part hereof is evidence of payment of all current taxes on said property. (*Exhibit # \_\_\_\_\_*).
13. The undersigned submits as grounds and reasons in support of this petition the following: (*Exhibit # \_\_\_\_\_*).
14. Attached hereto is an application fee in the amount of \$400.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner \*

\_\_\_\_\_  
Name of Corporation

\_\_\_\_\_  
Print Petitioner's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Indicate Position of Corporation

**A NOTARIZED ACKNOWLEDGEMENT MUST BE PROPERLY EXECUTED IN ACCORDANCE WITH THE FLORIDA NOTARY PUBLIC LAW (F.S. 117.01)**

- If petitioner is a Home Owners Association or Condominium Association, attach notarized authorization by Board of Directors to submit petition and provide evidence of Association's authority to increase common areas