



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

**VACATING EASEMENTS
(F.S. 177.101)**

STEP 1

The following items must be submitted to the County Engineer requesting a public hearing date to consider vacating the specified easement. All items are required before an application may be deemed complete, and before a public hearing date can be set.

- a. Written Petition (Form Attached)
- b. Notice of Public Hearing (Form Attached)
- c. Resolution to Vacate (Form Attached)
- d. Two (2) maps of area involved:
 1. 1" = 200' scale aerial photograph/tax map overlay (available at the County Property Appraisers Office located on the first floor of the Government Center).
 2. Copy of the recorded plat (available in the Recording Office located on the second floor of the Government Center). With the petitioned area, or border shaded in red.
- e. Letters from all utility companies in the affected area of the subject road. If any easements are requested by any utility or the County, a 50-year title search, with all documentation attached, on the properties affected will be required.
- f. A letter from the Highlands County Road & Bridge Superintendent (4344 George Boulevard, Sebring, Florida 33872) approving, conditionally approving, or disapproving the closing of subject easement.
- g. The Petitioner shall attach a letter from the County Zoning Supervisor (501 South Commerce Avenue, Sebring, Florida 33870) stating the "the closing of the petitioned easement will not cause non-conforming use of any property."
- h. It must be shown that the Petitioner owns fee simple title to the property on which the easement being vacated lies.
- i. Petition for vacation of easements either in whole or in part must be accompanied by certificates showing that all State and County taxes have been paid.

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

STEP 2

The public hearing date will be set by the County Engineer and will be established approximately thirty (30) days from the date the petition is received and application deemed complete. The Notice of Public Hearing will then be mailed to the Petitioner for publication (see STEP 3).

A letter recommending approval or denial will be issued by the County Engineer within approximately two weeks of the completed application and a copy forwarded to the Petitioner or representative for their information prior to the hearing.

STEP 3

Petitioner shall publish the Notice of Public Hearing in not less than two weekly issues of a newspaper of general circulation in Highlands County prior to the date stated therein for such hearing. "Proof of Publication" must be received in the County Engineer's Office prior to the hearing date. Petitioner, or a representative, is responsible for attending the Board meeting, to explain why the petition is necessary, when the public hearing is held.

STEP 4

After the public hearing is held and the Resolution to Vacate has been adopted by the Board, the County Engineering Department shall forward to the Finance Department the following:

- a. Proof of Publication of Notice of Public Hearing
- b. Certified Copy of the Resolution to Vacate
- c. Check made payable to Clerk of Courts for recording fee

The Finance Department will forward those items listed above to the Recording Department. Finance 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.

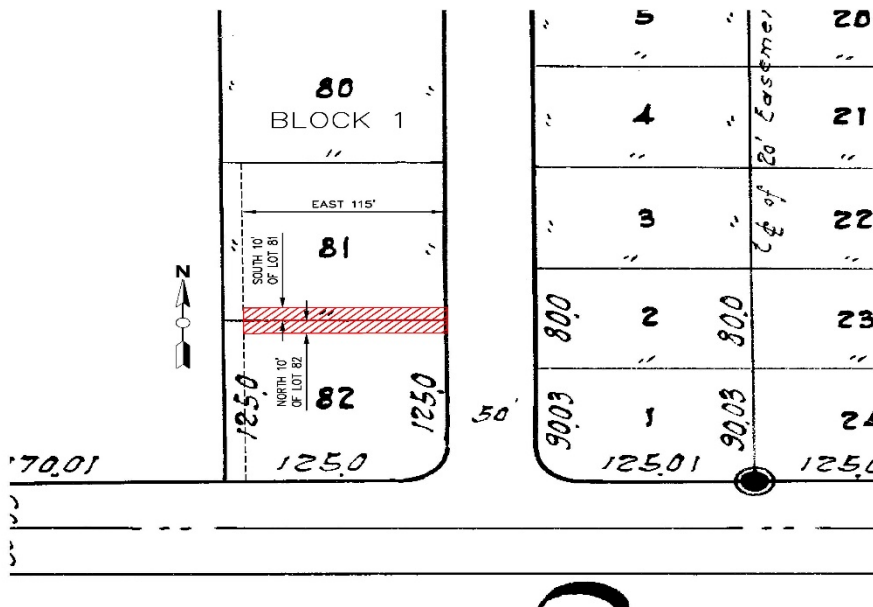
Adopted by Highlands County Board of Commissioners on 11/06/2007.

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.

SAMPLE UTILITY LETTER

Date

Dear _____,

Please review the enclosed copy of a petition being submitted to the Highlands Board of County Commissioners regarding a Vacation of Easement for the purpose of _____. 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 Easement to be vacated is as follows:

Sincerely,

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

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

Glenn Stimson, Staking
Technician PO Box 519
Moore Haven, FL
33471 (863) 946-0061
(863) 946-6262 Fax
gstimson@gladsec.com

Service Area: Southern portions of Sebring, Lake Placid

Peace River Electric Cooperative Inc.

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

Service Area: Portions all over Highlands County

TECO – Tampa Electric

Ken Kronenwetter
Engineering
Department Atten:
Real Estate
PO Box 111
Tampa, FL 33601
(813) 635-1500
(813) 228-1111 Ext. 31182

Service Area: Portions all over Highlands County

Gas Companies

AmeriGas

Eugene Hamilton
Service Manager
2812 Silverstar Rd.
Orlando, FL 32808
(407) 293-6644

Service Area: Portions all over
Highlands County

Coker Fuel, Inc./Sebring Gas

Jerry Melendy
3515 US 27 N
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

Jesse Logue PO Box 856
Tallevast, FL 34270
(941) 755-1531

Service Area: Portions all over
Highlands County

TECO Peoples Gas

Jennifer Lowers
2448 US Hwy 27 S.
Avon Park, FL 33825
(863) 603-2226
jdlowers@tecoenergy.com

Service Area: Portions all
over Highlands County

Miscellaneous Companies

Century Link

Madelyn Johnson
924 Memorial Dr.
Avon Park, FL 33825
800-355-5654
(863) 452-3185 Office
(850) 251-7733 Cell
(863) 452-3472 Fax
Madelyn.Johnson@Centurylink.com

Service Area: Portions all over
Highlands County

Comcast

Lynn Dundas
Construction Specialist II
12600 Westlinks Dr. Suite#4
Fort Myers, FL. 33913
Cell 239-896-6328

Lynn.Dundas@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

Rachel Barry
Zoning Department
501 South Commerce Ave Sebring, FL
33870
(863) 402-6640
rbarry@highlandsfl.gov

Service Area: Portions all over
Highlands County

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

Pam 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

Tanya Cannady, General Manager
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

McQueen Small
51 Park Dr.
Lake Placid, FL 33852
Clerk@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

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 an easement, 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 not less than two weekly issues of a newspaper of general circulation in Highlands County 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

**PUBLIC NOTICE OF INTENTION TO APPLY TO THE BOARD
OF COUNTY COMMISSIONERS TO VACATE AN EASEMENT**

Notice is hereby given that the Board of County Commissioners of Highlands County, Florida, upon petition of _____ will on the ____ day of _____ 20____, at 9:00 AM., in the Board of County Commissioner's Meeting Room at 600 South Commerce Avenue, Sebring, Florida, consider and determine whether the county will vacate the easement described below and renounce and disclaim any rights of the County and the public in and to the easement and land in connection therewith. The easement is described as:

Persons interested may appear and be heard at the time and place specified above. Any person who might wish to appeal any decision made by the Board of County Commissioners of Highlands County, Florida, in public hearing or meeting is hereby advised that he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

The Board of County Commissioners of Highlands County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discriminatory policy involves every aspect of the Board's functions, including one's access to, participation, employment or treatment in its programs or activities. "Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act or Section 286.26, Florida Statutes, should contact Human Resources, ADA Coordinator at: 863-402-6509 or via Florida Relay Service 711, or email: hrmanager@highlandsfl.gov. Requests for CART or interpreter services should be made at least 24 hours in advance of the meeting to permit coordination of the service."

BOARD OF COUNTY
COMMISSIONERS HIGHLANDS
COUNTY, FLORIDA CHAIRMAN
ATTEST: Robert W. Germaine, Clerk

TO BE PUBLISHED IN THE _____ NEWSPAPER ON _____
20____

REQUEST "PROOF OF PUBLICATION"

**PUBLIC NOTICE OF ADOPTION OF RESOLUTION BY
THE BOARD OF COUNTY COMMISSIONERS**

Notice is hereby given on the ____ day of _____, 20____, in accordance with Section 117.101 of the Florida Statutes, the Board of County Commissioners of Highlands County, Florida, adopted a resolution vacating, abandoning, discontinuing and vacating an easement described as follows:

Renouncing and disclaiming any rights of the County and public in and to same.

Dated this ____ day of _____, 20____

**BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA
CHAIRMAN
ATTEST: Robert W. Germaine, Clerk**

TO BE PUBLISHED IN THE _____ NEWSPAPER ON _____
20____

REQUEST "PROOF OF PUBLICATION"

RESOLUTION _____
RESOLUTION PERTAINING TO THE VACATION OF
EASEMENT IN HIGHLANDS COUNTY, FLORIDA

WHEREAS, a written request has been received from _____
(a copy of which is attached hereto) requesting that the Board of County
Commissioners of Highlands County, Florida, vacate an easement, located in
Highlands County, Florida, described as follows:

NOW THEREFORE, the Board of County Commissioners of Highlands
County, Florida, does hereby declare that it will hold a public hearing in the
Board of County Commissioners' Meeting Room at 600 South Commerce
Avenue, Sebring, Florida on _____, 20__ at 9:00 A.M., or as soon
thereafter as possible, to consider the request to vacate the easement
described above.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately
upon its adoption.

DONE AND ADOPTED in regular session this ____ day of _____
20____.

BOARD OF COUNTY
COMMISSIONERS HIGHLANDS
COUNTY, FLORIDA

By: _____
Chairman

ATTEST:

By:

Robert W. Germaine,
Clerk

RESOLUTION

WHEREAS, the petition of _____ requesting that the Board of County Commissioners of Highlands County, Florida, vacate the easement described below, and renounce and disclaim any rights of the county and the public in and to the easement and any lands in connection therewith, was duly presented to the Board at a regular meeting held on _____, 20____; and

WHEREAS, a notice of intention to apply to the Board of County Commissioners to vacate the easement was duly published in the _____, a newspaper of general circulation in Highlands County, Florida, on _____, 20____; and

WHEREAS, a hearing was held on _____, 20____, and after due weight, consideration and determination, it was determined that the statutory requirements have been complied with and that the vacating of the easement will not adversely affect the ownership of any person.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Highlands County, Florida, that the easement described below be and it is hereby vacated, abandoned, discontinued, and closed, and all rights of the County and the public in and to the easement and any lands in connection therewith be and they are hereby renounced and disclaimed. The easement is described as:

ADOPTED this ____ day of _____, 20____.

BOARD OF COUNTY
COMMISSIONERS HIGHLANDS
COUNTY, FLORIDA

By: _____
Chairman

ATTEST:

By: _____
Robert W. Germaine, Clerk