SECTION 8.0  VACATING PLATS

Section 8.01  Purpose

This section describes the process for vacating a plat, or portion thereof, from the official records of the City of Palm Coast in accordance with Florida Statutes, Chapter 177 and City regulations. The vacating of a plat, or portion thereof, will result in the property returned to acreage. It must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation of said lands will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Section 8.02  Notification Requirement

Persons making application for vacation of plats either in whole or in part shall give notice of their intention to apply to the City to vacate the plat by publishing a legal notice in the local newspaper approved by the City. The notice shall be published in two (2) issues of the approved newspaper and a copy of each notice shall be part of the application as proof of publication.

Section 8.03  Application Process

A. The Applicant shall submit a complete application package to the City. A meeting with City Staff is recommended for submittal of the application package.

B. Per subsection 2.05.04 of the Unified Land Development Code (LDC), the application package will undergo a completeness review by the City.

C. Upon acceptance, the application package shall be reviewed for compliance.

D. The City will schedule the application on the next available City Council agenda upon satisfying compliance review. The execution of a resolution by the Mayor shall be deemed to be the execution of a development order.
Vacating Plat

1. Vacating Plat Application
2. Staff Completeness Review
   - Non-Compliant:
   - Staff Compliance Review
   - Compliant:
3. City Council Meeting
   - Approved
     - Approval Resolution
   - Denied
     - Denial Development Order
A. PROJECT NAME: ________________________________________________________________________________

B. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): ____________________________________________

C. PROPERTY APPRAISER’S PARCEL NUMBER(s): _____________________________________________________

D. LEGAL DESCRIPTION: ____________________________________Subdivision Name; ____Section; _____Block; _______Lot

E. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE: __________________________________________________

F. FUTURE LAND USE MAP DESIGNATION: _________________ EXISTING ZONING DISTRICT: ________________

G. FLOOD ZONE: ___________ COMMUNITY PANEL NUMBER:_______________________ DATE: ______________

H. PRESENT USE OF PROPERTY: ___________________________________________________________________
________________________________________________________________________________________________
________________________________________________________________________________________________

I. DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS):____________
________________________________________________________________________________________________
________________________________________________________________________________________________
________________________________________________________________________________________________

J. PROPOSED NUMBER OF LOTS: __________________________________________________________________

K. CHECK APPROPRIATE BOX FOR SITE PLAN:

☐ Tier 1 (up to 40,000 sq. ft. / 40 units)
☐ Tier 2 (up to 100,000 sq. ft. / 100 units)
☐ Tier 3 (exceeding 100,000 sq. ft. / 100 units)

L. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH
   THIS APPLICATION:

M. WATER/SEWER PROVIDER: ____________________________

N. IS THERE AN EXISTING MORTGAGE? ☐ Yes ☐ No
### General Application (sheet 2 of 2)

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**I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:**

Signature(s) _____________________________________________     __________________________________________

Printed or typed name(s): _________________________________      _________________________________________

**NOTARY:** This instrument was acknowledged before me on this ______ day of __________________, 20_____ by

________________________________________________________

Signature of Notary Public, State of Florida

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October 1, 2009 (Revised 4-9-2010)
The following checklist is a tool to facilitate compliance for the submittal package. Place a check in each symbol below to indicate that the item has been addressed. As indicated in the above key legend, an item with a square indicates the item is mandatory, while the triangle indicates it may or may not be applicable. If applicable, then the item is mandatory.

*Florida Statutes* 177.101 governs the vacating of plats subdividing land. In accordance with these guidelines, the below documents are required, at a minimum, to process a request for vacating a plat in whole or in part. Other documents and/or materials may be required as deemed necessary by the Planning Manager. This checklist must be completed by the Applicant and included with the application submittal package in order for the application to be accepted. It is recommended to schedule an appointment with a Land Development Technician at (386) 986-3736 for submittal of the application package.

- **A.** Completed [application form](#) filed by property owner or property owner’s representative (refer to subsection 2.05.04.A of the [Unified Land Development Code (LDC)](#).
  - 1. Application notarized.

- **B.** For an owner’s representative, submit [letter of authorization](#).

- **C.** Petition to Vacate, signed by the record owners of the whole or part of the tract covered by the plat sought to be vacated.

- **D.** A title opinion of an attorney at law licensed to practice in Florida or a certification by an abstractor or a title company showing that record title to the land as described and shown on the survey is in the name of the person, persons, corporation, or entity wanting the division. The title opinion or certification shall also show all mortgages not satisfied or released of record nor otherwise terminated by law. It shall also list all encumbrances (i.e. easements, etc.) on the subject property and must be current (within six (6) months of the date of application submittal).

- **E.** Plat copy depicting the area to be vacated.

- **F.** In cases when a portion of the plat is being vacated, a survey is required.
  - 1. Survey signed and sealed by a Registered Land Surveyor licensed to practice in the state of Florida.
  - 2. Survey prepared with the benefit of the current title opinion.
  - 3. Notarized affidavit stating that no changes have been made to the property since the date of the survey.

- **G.** Copy of the required notice, for review prior to publication. Upon approval, the Notice must be published in the local County newspaper (as determined by the Planning Manager) in which the tract or parcel is located, in not fewer than two (2) weekly issues of said newspaper.

- **H.** Certification from the Tax Collector of Flagler County, that all taxes have been paid.

- **I.** 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.

- **J.** Nonrefundable filing fee: $500 (payable to ‘City of Palm Coast’).
Dear Planning Manager,

I / We, _____________________________________________________________

______________________________________________________________

(All property owners) being the current property owner(s) of the property legally described as Parcel Number(s)

__________________________________________________________________________________

and also described as Subdivision ______________________________________________________,

Section____________, Block ________, Lot ________, OR

__________________________________________________________________________________

Street Address or Physical Location:

__________________________________________________________________________________

Do hereby designate and authorize______________________________________  __________________________________

Signature of property owner     Signature of property owner

______________________________________  __________________________________

Print name       Print name

NOTARY:  This instrument was acknowledged before me on this ______ day of ________________, 20____ by _____________________________________________ who is/are personally known to me, or

who has/have produced ________________________________________________ as identification.

(SEAL)

Signature of Notary Public, State of Florida
AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF _______________
COUNTY OF _______________

COMES NOW, ________________________________, being first duly sworn, who deposes and says:

(1) That he/she is the ________________________, an officer of ___________________________________________________________________ corporation existing under the laws of the State of ____________________________.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: ___________________________________________ relating to the following described real property:

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

Signature of owner OR person authorized to represent this application

____________________________________  ___________________________________
Signature        Signature

____________________________________  ___________________________________
Print name       Print name

NOTARY: This instrument was acknowledged before me on this ______ day of __________________, 20____ by _________________________________ who is/are personally known to me, or who has/have produced _________________________________ as identification.

(SEAL)

________________________________________________________
Signature of Notary Public, State of Florida
JOINDER AND CONSENT AFFIDAVIT

JOINDER AND CONSENT BY ___________________________________________

Name of Lending Institution / Mortgage Holder

COME NOW, ___________________________________________ and Joins and Consents to the
covenants and conditions set forth herein and hereunto sets his hand and seal this ___ day
of _____________________, 20___.

ATTEST:     _____________________________________

Name of Lending Institution

_____________________________  _________________________________
Corporate Secretary    Corporate President

______________________________ _________________________________
Printed Name     Printed Name

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of ______________, 20___, by
_______________________________________________, who is/are personally known to me or who
has produced ____________________________ as identification and who did execute said
instrument for the purpose therein expressed.

WITNESS my hand and official seal the day month and year aforesaid.

NOTARY PUBLIC    (SEAL)

______________________________________________________
NOTARY PUBLIC SIGNATURE