



## 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.

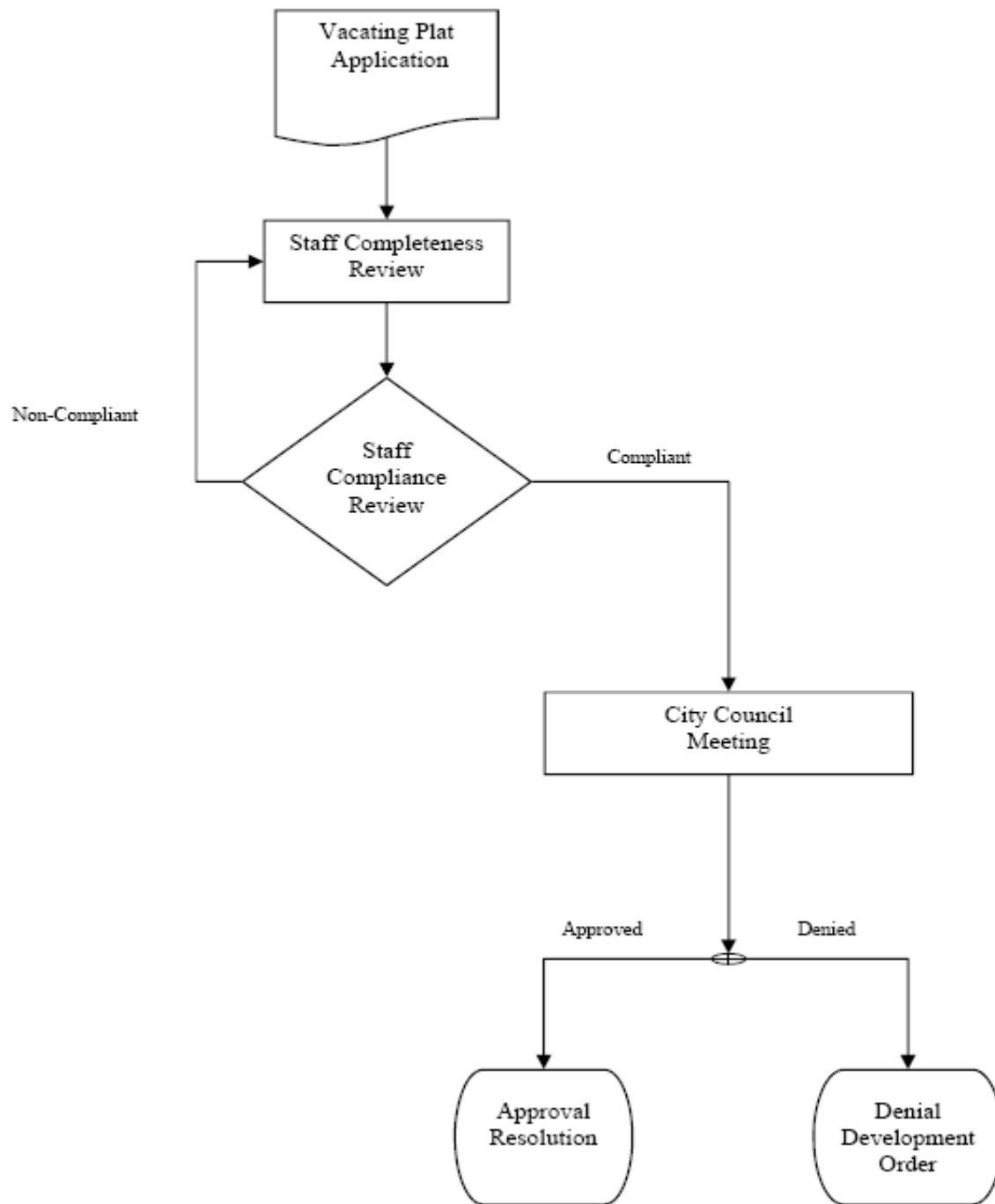
### Section 8.02 Notification Requirement

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



**GENERAL APPLICATION:**

- |  |  |
|--|--|
| <input type="checkbox"/> Rezoning  | <input type="checkbox"/> Special Exception                           |
| <input type="checkbox"/> Nonstatutory Land Division/Parcel Reconfiguration | <input type="checkbox"/> Vacating Plat                               |
| <input type="checkbox"/> Subdivision Master Plan                           | <input type="checkbox"/> Preliminary Plat                            |
| <input type="checkbox"/> Master Site Plan                                  | <input type="checkbox"/> Final Plat                                  |
| <input type="checkbox"/> Technical Site Plan                               | <input type="checkbox"/> Nonresidential Controlling Master Site Plan |
| <input type="checkbox"/> Variance  | <input type="checkbox"/> Site Plan Addition                          |
| <input type="checkbox"/> Wireless Communication Facility (new structure)   | <input type="checkbox"/> Development Order Modification              |
| <input type="checkbox"/> Parking Flexibility                               |  |

CD Plus Application #: \_\_\_\_\_ Application Submittal Date: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_ Date of Acceptance: \_\_\_\_\_

Employee Name Accepting Application (print name): \_\_\_\_\_

Rejected on \_\_\_\_\_ Rejected by: \_\_\_\_\_

Reason for Rejection: \_\_\_\_\_

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: \_\_\_\_\_

OVERLAY 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

**OWNER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**APPLICANT / AGENT:****MORTGAGE HOLDER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**ENGINEER OR PROFESSIONAL:****PLANNER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**TRAFFIC ENGINEER:****SURVEYOR:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**LANDSCAPE ARCHITECT:****ATTORNEY:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**DEVELOPER OR DOCKMASTER:**

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

**Signature of owner OR person authorized to represent this application**

**Signature(s)** \_\_\_\_\_

**Printed or typed name(s):** \_\_\_\_\_

**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

General Application (sheet 2 of 2)



## PLAT VACATION APPLICATION SUBMITTAL CHECKLIST

☐ = Mandatory    ☐ = As applicable    ☐ = sub items

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').



Property Owner Letter of Authorization

\*\*\*\*\*IF APPLICANT IS NOT THE PROPERTY OWNER\*\*\*\*\*

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

\_\_\_\_\_

(name of agent / applicant)

representing \_\_\_\_\_

(Individual or Corporate Name)

to sign on my/our behalf, as my/our agent to submit an application for a

\_\_\_\_\_

(type of application)

for the property described above.

\_\_\_\_\_

Signature of property owner

\_\_\_\_\_

Print name

\_\_\_\_\_

Signature of property owner

\_\_\_\_\_

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  
\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
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