

**CITY OF MADEIRA BEACH, FLORIDA**  
**PROCEDURES FOR PROCESSING VACATIONS OF PUBLIC**  
**RIGHTS-OF-WAY OR EASEMENTS**  
(Please retain this sheet for reference)

1. Applications must be completed in full and submitted to the Community Development Department with the filing fee. Applications will be processed and scheduled for the next available meeting.

**NON-REFUNDABLE FILING FEE**

Easement (Board of Commissioners)	\$150 + advertising cost + recording fee
Right-of-Way (Board of Commissioners & Referendum)	\$150 + advertising cost + recording fee

2. The applicant shall provide notice (sample included), by certified mail with a return receipt, to all owners of property abutting the rights-of-way or easements to be vacated. The applicant shall submit proof (return receipt) with the application. If the applicant is the sole owner, such proof is not necessary. If the certified mail is refused or not retrieved, the applicant shall provide documentation of this and send the notice by regular mail.
3. The applicant is required to present with application utility releases (sample included) from the following:

Verizon  
Attn: Tom Lindsay  
1280 Cleveland St.-FLCW5O33  
Clearwater, FL 33755  
Phone: (727)562-1193 or (727)562-1194

Madeira Beach Fire Department  
Attn: Chief Derryl O'Neal  
300 Municipal Drive  
Madeira Beach FL 33708  
Phone: (727) 391-9400

TECO/People's Gas  
Attn: James .Grimard  
1909 9th Avenue North  
St. Petersburg, FL 33713  
Phone: (727) 826-3230

Progress Energy  
Attn: Patricia Sharpe  
12600 Walsingham Road  
Largo, FL 33774  
Phone: (727) 588-7431

Bright House Networks  
Attn: Sherelle Darroch  
700 Carillon Parkway  
St. Petersburg, FL 33716  
Phone: (727) 328-2847  
Construction Office: (727) 329-2817

Pinellas County Utilities  
Attn: Engineering  
14 S. Fort Harrison  
Clearwater, FL 33757  
Phone: (727) 464-3588

City of Madeira Beach  
Community Services  
Attn: Mike Maxemow  
505 150<sup>th</sup> Avenue  
Madeira Beach, FL 33708  
Phone: (727)391-1611

In addition, the City may require utility releases from other agencies, which have jurisdiction on the property to be vacated.

4. The City will circulate the request for vacation to the various City divisions and departments for recommendation, with consideration of the request based upon whether the right-of-way or easement is needed for traffic circulation, access of street development, drainage, water, sewer, sanitation, etc. and whether or not all or any part of the right—of—way or easement should be retained as is or be converted to an easement for public utilities. In the case of a right-of-way the City shall assess whether or not all or part of the right-of-way should be retained as, or converted to, an easement. In the case of an easement, the City shall assess whether or not all or part of the easement should be retained.

5. APPLICATIONS FOR VACATION OF EASEMENTS. Applications for the vacation of an easement requires the Board of Commissioners approval. There will be a period of time necessary for staff to process the application, including legal notification and notice to abutting property owners. The City staff will place an advertisement in the newspaper of general circulation in the City and notify all abutting property owners by mail at least 7 days prior to the public hearing by the Board of Commissioners, with the advertisement and notice providing the case number, date, time and place of the public hearing. A vacation resolution will be presented to the Board of Commissioners.
6. APPLICATIONS FOR VACATION OF RIGHTS-OF-WAY. Applications for the vacation of rights-of-way requires public hearings before the Board of Commissioners. There will be a period of time necessary for staff to process the application, including legal notification and notice to abutting property owners. The City staff will place an advertisement in a newspaper of general circulation in the City and notify all abutting property owners by mail at least 7 days prior to the Board of Commissioners public hearing. The advertisement, notice to abutting property owners provides the case number, date, time and place of the public hearings. The Board of Commissioners will submit a written recommendation whether or not the right-of-way should be entirely or partially vacated and whether any easement should be retained.
7. The applicant and/or agent **MUST** be present at ALL public hearings before the Board of Commissioners.
8. Applications must be submitted to the Community Development Department, 300 Municipal Drive, Madeira Beach, FL 33708. Phone: (727) 391-9951.
9. If the Board of Commissioners approves the vacation of the right-of way or easement the applicant shall be responsible for the cost of relocating the public facilities or be required to have a licensed contractor relocate the utilities.
10. The applicant shall pay the cost of an appraiser selected by the City to determine the market value of the vacated right-of way.
11. The applicant shall be responsible to pay the market value of the vacated right-of-way to the City.

## **NOTICE TO PUBLIC**

For all vacations of rights-of-way or easements, it should be noted that:

1. A vacation is an action by the City to generally abandon, disclaim and discontinue any public interest or rights in the property vacated. The act of vacation does not necessarily confer ownership rights in the property vacated to the abutting property owners, but it may do so. If you have any questions concerning the effect of a vacation upon your property, you should consult your attorney.
2. A vacation of right-of-way or easement may necessitate the retention of an easement for public utility purposes by the City over and across all or part of the property to be vacated.

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### **MINIMUM REQUIREMENTS FOR APPLICATION**

1. Complete Application Form.
2. Application Fee (*cash, check or money order, payable to City of Madeira Beach*) **NONREFUNDABLE**
3. Certified Mail Return Receipts
4. Utility Releases

City of Madeira Beach, Florida  
APPLICATION FOR EASEMENTS OR RIGHTS-OF-WAY

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**FOR OFFICE USE ONLY**

CASE #: V  
UTILITY/MAIL RECEIPTS:  
DATE REC.:  
SOC MEETING:  
PLAT SHEET:  
RELATED CASES: \_\_\_\_\_  
RECEIPT NUMBER: \_\_\_\_\_  
ZONING: \_\_\_\_\_  
LAND USE: \_\_\_\_\_

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**REQUEST AND PROPERTY INFORMATION**

GENERAL LOCATION OF PROPERTY TO BE VACATED:

\_\_\_\_\_

REASON FOR VACATION REQUEST \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PROPERTY SIZE (Acreage or Square Feet): \_\_\_\_\_

CURRENT USE (Number and Type of Buildings) \_\_\_\_\_

PARCEL NUMBER(S): \_\_\_\_\_

LEGAL DESCRIPTION: LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_  
OR METES AND BOUNDS DESCRIPTION (attach if lengthy):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**OWNER/APPLICANT INFORMATION**

PROPERTY OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS/CITY/ZIP: \_\_\_\_\_

AUTHORIZED AGENT: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS/CITY/ZIP: \_\_\_\_\_

OTHER REPRESENTATIVE: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS/CITY/ZIP: \_\_\_\_\_

**SAMPLE NOTICE TO UTILITY COMPANIES**

Utility Company  
Street Address  
City, State, Zip

Dear Sir or Madam:

This is to advise you that a petition is being submitted to the City of Madeira Beach for the vacation of a (an) (Right-of-Way or Easement), the legal description for which is as follows:

(Legal Description)

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Please review and comment whether your company has any objections to this proposed vacation.

Please reply to:

Applicant's Name  
Street Address  
City, State, Zip

Sincerely,

(Signature of Applicant)

**SAMPLE NOTICE TO ABUTTING PROPERTY OWNERS**

Name of Abutting Property Owner  
Street Address  
City, State, Zip  
Dear Property Owner:

This letter is to advise you that a petition is being submitted to the City of Madeira Beach for the vacation of a Right-of-Way or Easement, the legal description for which is as follows:

(Legal Description)

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The City of Madeira Beach will notify you of the date and time of the Public Hearing that will be held by the Board of Commissioners on this petition for vacation.

You may wish to register your objection or support of the vacation by letter to the City, (Attention: Community Development Director) or by attending the public hearing.

Sincerely,

(Signature of Applicant)