

**APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**



Right-of-Way Abandonment Application

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review.

Right-of-Way Abandonment Application Fee: \$1,890.00

In addition to the application fee, the following fees also apply:

Advertising Costs: \$245.00

Date of Application: ____/____/____
Month Day Year

Applicant / Agent Authorized to Act for Property Owner: (Agents must provide notarized authorization from all property owners.)

Applicant (Name of Person, Business or Organization)

Name of Person Submitting Application

Mailing Address (Street, City, State and Zip Code)

Work Phone

Home Phone

Cell Phone

Email Address

Property Owner / Applicant: (Business/Estate/Joint-ownership must include documents showing who has legal authorization to sign.)

Name of Person, Business or Organization

Contact Name

Mailing Address (Street, City, State and Zip Code)

Work Phone

Home Phone

Cell Phone

Email Address

Description of right-of-way to be abandoned:

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Applicant seeks the abandonment for the following reasons:

Four horizontal lines for text entry.

Legal Description of Property: (If in metes and bounds, attach legal description on separate sheet.)

Block Lot Subdivision Key

Real Estate (RE) Number Alternate Key Number

Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Total land area of the right-of-way to be abandoned: _____

Present use of the right-of-way to be abandoned: _____

Proposed use of the right-of-way to be abandoned: _____

Granting a right-of-way abandonment is based on specific criteria within Section 19-1 of the Monroe County Code (copy of the code is attached to this application). Please read the Code carefully in order to provide appropriate justification for granting the right-of-way abandonment.

1. Demonstrate the right-of-way is no longer required for public use and that the abandonment will not adversely affect public safety or have a negative impact on County streets or public or private utility facilities: _____

Three horizontal lines for text entry.

- 2. Does the right-of-way provide public access to land on open water?
3. Does right-of-way end on a body of open water?
4. Will the abandonment hinder public access to the water?
5. Are all adjacent property owners in agreement with this petition?
6. Is the right-of-way abandonment located at the end of a street?
7. Is the right-of-way abandonment part of a current turnaround area?
8. Is a turnaround required?
9. Is the right-of-way paved, open to traffic?
10. Are there any structures within the required setbacks?
11. If so, what is the structure and when was it built?
12. Is the abandonment requested by a public or governmental agency?
13. If so, what public purpose will the abandonment serve?

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14. An end of a road right-of-way abandonment requires adequate turning radius for public safety vehicles.
Please refer to the Proof of Coordination (page 8)

- a. Have you coordinated with Monroe County Engineering Services? Yes No
b. Have you coordinated with the Monroe County Fire Marshal? Yes No
c. Have you coordinated with the Monroe County Sheriff's Office? Yes No

If a turnaround is required, a Turnaround Agreement will be required

15. Abandonment applications must include written statements (dated within **90** days prior to the application submission date) from all public and private utilities servicing the property (including cable, electric, sewer, telephone, and water) stating any objections or required conditions to the proposed abandonment.

- a. Do you have comment letter from Keys Energy or Electric Co Op? Yes No
b. Do you have comment letter from Florida Keys Aqueduct Authority? Yes No
c. Do you have comment letter from Comcast? Yes No
d. Do you have comment letter from AT&T? Yes No
e. Do you have comment letters from any other utilities? (i.e., KW Resort Utility) Yes No
f. Are easements or utility relocations required by any of the utilities? Yes No

If utilities are relocated, a Utility Agreement will be required.

All of the following items must be included in order to have a complete application submission:

(Please check the box as each required item is attached to the application.)

- Complete right-of-way abandonment application** (unaltered and unbound)
- Correct fee** (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Legal description of the portion of the right-of-way to be abandoned in metes and bounds**
- Proof of ownership of the Applicant's property(s)** (i.e., Warranty Deed)
- Notarized Agent Authorization Letter** if using an agent to act on Applicant's behalf. An authorization is needed from all owners of the subject property.
- Current Property Record Card(s) from the Monroe County Property Appraiser for the Applicant's property**
- Location map** (i.e., copy of strip map, aerial photograph)
- Photograph(s) of the right-of-way to be abandoned**
- Copy of Recorded Plat** that dedicated Right-of-Way to the County
- Title Certification for the right-of-way** (prepared not more than **90 days prior** to application submission specifying language from the plat that dedicated the right-of-way and the County's interest in the right-of-way).
- Signed and Sealed Survey of right-of-way to be abandoned and all adjoining properties, prepared by a Florida registered surveyor – 2 sets (Survey should be dated within 180 days prior to the date of application submission.**
- The survey shall depict the precise location and dimensions of the area to be vacated and text from the recorded plat that dedicated the right-of-way.
 - The survey shall also depict all parcels of land within 200 feet of the subject right-of-way and all public and private easements, public utility facilities and private franchise facilities located in or upon said right-of-way as well as the dimensions of all existing structures, paved areas and utility structures; and all bodies of water on the site and adjacent to the site.
 - The portion of the right-of-way to be abandoned should be marked with diagonal lines and the applicant's property should be clearly delineated.
 - If a turnaround is required, the survey must show the proposed location and dimensions.

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- **Please note, if there are multiple property owners that are benefitting from the right-of-way abandonment, separate surveys and legal descriptions for each property owner indicating and describing their respective portion of the abandonment will be required.**

- Proof of Coordination** from Monroe County Engineering Services, Monroe County Fire Marshal, and Monroe County Sheriff’s Office. **(Please submit page 8 as Proof of Coordination, a letter is not required for application submittal)**
- Letters from all utility companies** (written statement from all public and private utilities servicing the subject property **dated not more than 90 days prior** to the date of submission of the application, including water, sewer, electric, telephone, and cable television which state any objection or required conditions to the proposed abandonment).
- Letters of “No Objection” from all affected property owners** (an affected property owner is one who would have a means of access to his or her property affected as a result of the abandonment **or** one whose property abuts the portion of the roadway to be abandoned); **Please note: If a property is owned jointly, all owners must sign. If the property is part of an estate, proof of authority to sign is required.**
- A UTILITY AGREEMENT IS REQUIRED** when a utility requires relocation of a utility’s property. **Please contact the County prior to submitting this application for a copy of the agreement.**
- IF A CUL-DE-SAC OR “T-TYPE” TURNAROUND IS REQUIRED** to be constructed, it will be the responsibility of the Applicant to construct. The application should include the “Turnaround Construction Agreement” to construct either the cul-de-sac or “T-type” turnaround per County Standard Specifications and Details. **Please contact the County prior to submitting this application for a copy of the agreement.**

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development?

Yes No Code Case file # _____ Describe the enforcement proceedings and if this application is being submitted to correct the violation: _____

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

Applicants agree to be responsible for and pay for all costs of advertising and recording fees incurred relative to this request for the abandonment. The filing of a petition does not guarantee approval of abandonment.

Applicants further agree to grant any easement or provide for relocation when necessary for the furnishing of utilities, including without limitation: electric, water, sewer, telephone, gas, cable and other communication services upon request.

Applicants certify that the right-of-way to be abandoned does not end at open water.

See Page 5 for Signature and Notary Acknowledgement

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We hereby petition the Honorable Board of County Commissioners to renounce and disclaim any right of the County and the public in and to the above-referenced street, alleyway, road or right-of-way as further depicted and described in the attachments.

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

I, the Applicant, certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete, and accurate.

ALL OWNERS MUST SIGN IF PROPERTY IS HELD JOINTLY OR IN AN ESTATE PROOF OF SIGNING AUTHORITY IS REQUIRED.

Signature of Applicant: _____ Date: _____

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20____.

by _____, who is personally known to me OR produced,
(PRINT NAME OF PERSON MAKING STATEMENT)

_____ as identification.
(TYPE OF ID PRODUCED)

Signature of Notary Public

Print, Type or Stamp Commissioned Name of Notary Public
My commission expires:

Send complete application package to:

**Monroe County Planning & Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, FL 33050**

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ADJACENT PROPERTY OWNERS CONSENT TO ABANDON

Before me this day personally appeared _____ who, being duly sworn, deposes and says:

I, _____, am the owner of

(legal description of property).

I have been furnished a drawing which clearly indicates the right-of-way to be abandoned and its relationship to my property. I hereby consent to the abandonment of the described petition site, which is adjacent to the property as described above.

Signature: _____ Date: _____

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20_____,

by _____, who is personally known to me OR produced
(PRINT NAME OF PERSON MAKING STATEMENT)

_____ as identification.
(TYPE OF ID PRODUCED)

Signature of Notary Public

Print, Type or Stamp Commissioned Name of Notary Public
My commission expires:

PLEASE NOTE: IF A PROPERTY IS JOINTLY OWNED ALL OWNERS MUST SIGN. IF PROPERTY IS HELD IN AN ESTATE, PROOF OF SIGNING AUTHORITY IS REQUIRED.

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SAMPLE UTILITY COMPANY LETTER

SUBJECT: PETITION TO ABANDON RIGHT-OF-WAY

LOCATION: _____(Brief description of petition site)

Dear _____:

Please consider this letter our request for a Letter of No Objection to the proposed abandonment of the above-described Right-of-Way. Enclosed is a copy of the survey and description of the Right-of-Way that is located at _____, on _____Key, Monroe County, Florida, for your review and comments. 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,

(Applicant or agent)

Encl: Petition/survey

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PROOF OF COORDINATION

SUBJECT: PETITION TO ABANDON RIGHT-OF-WAY

LOCATION: _____
(Brief description of petition site)

Engineering: Sent To: _____ Address/Email: _____

Fire Marshall: Sent To: _____ Address/Email: _____

Sheriff: Sent To: _____ Address/Email: _____

Pursuant to Monroe County Code 19-1(f) _____ (name of applicant) is hereby providing you with notice of our intent to submit an application of the proposed abandonment of the above-described Right-of-Way to the Planning and Environmental Resources Department. Enclosed is a copy of the survey and description of the Right-of-Way proposal that is located at _____, on _____Key, Monroe County, Florida, for your review. We look forward to coordinating with your department on this matter. 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,

(Applicant or agent)

Encl: Petition/survey