

RESOLUTION NO. 09-76 AMENDING RESOLUTION NO. 09-58

**A RESOLUTION SUPERSEDING ALL PREVIOUS
RESOLUTIONS PERTAINING TO THE CLOSING,
VACATING OR ABANDONING OF ANY REAL
PROPERTY IN OKALOOSA COUNTY, FLORIDA.**

WHEREAS, the Board of County Commissioners of Okaloosa County are vested with the responsibility and jurisdiction to control the closing, vacating and abandonment of roads in Okaloosa County, and

WHEREAS, the State of Florida has addressed the legal requirements in Florida Statutes Sections 336.09, 336.10 and 336.12 inclusive that must be complied with, and

WHEREAS, numerous costs, in the form of engineering and administrative services, are incurred by Okaloosa County in the preparation of public hearings wherein petitions for closing, vacating and abandonment of property are considered, and

WHEREAS, there are certain additional issues that are deemed essential to protect and inform the citizens of Okaloosa County and those utility companies operating herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the following shall be the policy to be adhered to in petitioning for the closing, vacation or abandonment of any real property in Okaloosa County, Florida:

1. The Petitioner shall comply with the requirements of Florida Statutes Sections 336.09, 336.10 and 336.12 inclusive, a copy of which is attached hereto as Exhibit A and any future amendment.
2. The Petitioner shall pay, in advance, an application fee of \$575.00 which is nonrefundable when submitting a petition.
3. The Petitioner shall pay, in advance, the current cost of recording any documents or instruments required to be recorded, said recording fee (\$15.00) to be refunded to the Petitioner if the Petition is denied.

4. The Petitioner shall pay all costs of advertising any public notice or other document required to be advertised.
5. The Petitioner shall post a notice of sufficient size (3' x 3' minimum) to be easily visible to the general public on both ends of the real property indicating the nature of the proposed action and the time, date and location of the public hearing, said notice to be posted at least two weeks prior to the date of public hearing, and the petitioner shall obtain photographs of the notice and provide an affidavit of compliance with this requirement. The applicant may request that the Public Works Department furnish and install the signs at a cost of one hundred dollars (\$100.00).
6. The Petitioner shall notify all utility companies servicing customers in the vicinity of the proposed closing, vacation or abandonment by certified mail at least two weeks prior to the date of the public hearing and provide affidavit of compliance with this requirement.
7. The Petitioner shall notify all property owners within three hundred feet (300') of the land or area proposed to be closed, vacated or abandoned, by certified mail and provide an affidavit of compliance with this requirement.
8. The Petitioner, or a representative who is familiar with the Petition, must be present at the public hearing to answer any questions that may arise.

BE IT FURTHER RESOLVED that if the petition is approved to close, vacate or abandon the property it shall be understood by the Petitioner as follows:

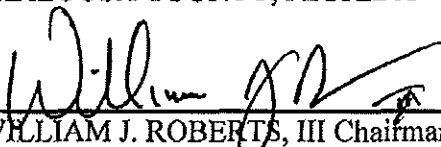
1. THAT the property herein described is hereby vacated and combined with contiguous property and shall not be further subdivided.
2. THAT the County reserves for itself, and any and all licensed utility companies, their successors and assigns a full width utility easement in the entire portion of the right-of-way vacated hereby for the purpose of locating and maintaining public utilities and for stormwater/drainage purposes. No structures other than stormwater/drainage improvements and fencing approved by the Board of County Commissioners shall be

permitted. Removal of existing fences for utility construction is permitted and will be the sole responsibility of the landowner to reinstall after completion of utility installation.

3. THAT the vacated property shall not be used to increase density or intensity of the adjoining parcel.
4. THAT no structure shall be built on the vacated property except fences, sprinkler systems or other amenities as approved by the Board of County Commissioners.

ADOPTED in regular session this 17th day in March, 2009.

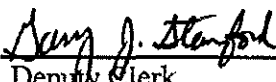
BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA


WILLIAM J. ROBERTS, III Chairman



ATTEST:

DON W. HOWARD
CLERK OF CIRCUIT COURT

By: 
Deputy Clerk

