



# THE CITY OF WINTER GARDEN

PLANNING, ZONING AND DEVELOPMENT  
270 W. PLANT STREET  
WINTER GARDEN, FL 34787  
TEL. (407) 656-4111 • FAX (407) 654-1258  
www.cwgd.com

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## APPLICATION FOR STREET OR EASEMENT VACATIONS

The following application is required for all requested to vacate City owned right of ways or easements.

1. Name & Address of Petitioner (Owner of Record):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

2. Contact Person/Mailing Address (If different):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

3. If Corporation, Names of President and Secretary:

PRESIDENT: \_\_\_\_\_ SECRETARY: \_\_\_\_\_

4. Property ID Number: \_\_\_\_\_

5. Location of vacation request: \_\_\_\_\_

6. Is a sketch and full legal description of the area requesting to be vacated attached?  
Yes                      No

7. Is the review fee of \$250 attached?      Yes                      No

8. I understand that the City of Winter Garden requires that the applicant be responsible for reimbursing the City for all advertising costs associated with this application, including postage for notices to adjacent property owners, and for newspaper advertising as required by the Florida Statutes and the City Code. I understand that I will be billed for these costs and will be responsible for paying them, whether or not my application for a variance is successful.

If this application is deemed to require review by the City Engineer, City Surveyor and/or City Attorney, I understand that I or my company will be responsible to pay for any and all reasonable legal, engineering, or surveying fees incurred by the City of Winter Garden in the process of reviewing the above project. I also understand that if this project property is sold, I or my company will be responsible to ensure that the new owner writes a similar letter accepting all the responsibility to pay for any and all reasonable legal, engineering, or surveying fees incurred by the City of Winter Garden in the process of reviewing this project from the date the property is sold.

An Applicant shall provide prompt written notice to the City manager in the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property with the respect to which an Application , or project is pending before the City.

Invoices for the costs associated with \_\_\_\_\_ (project name or address) should be sent to (name and address of responsible party):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/we hereby certify that I/we are the owner(s) of the real property which is the subject of this Petition and that the foregoing information on this Petition is true and complete.

Signature of the Applicant:

\_\_\_\_\_  
Print Name: \_\_\_\_\_ Date

Signature of the Second Applicant (if required)

\_\_\_\_\_  
Print Name: \_\_\_\_\_ Date

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2003, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, who is personally known to me or who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**NOTE: If the Petitioner wishes to be represented by an agent, a limited power of attorney must be properly executed and provided to the City along with this application.**

**Submittal Requirements:**

1. A sketch identifying the area of the requested vacation and identifying the applicant's property
2. Legal Description of the proposed vacation
3. Review Fee (\$250)
4. Proof of ownership and payment of taxes.
5. Letters of support from,
  - Florida Power – Erin Toth- FAX (407) 938-6635 - PH (407) 938-6683
  - Sprint – David Brooks - FAX (407) 814-5320 - PH (407) 814-5386
  - Time Warner Cable – Marvin Usry - PH (407) 532-8509
  - Lake Apopka Natural Gas - Rick Gullett - FAX (407) 877-3893 - PH (407) 656-2734 X 108
  - And all property owners directly adjacent to the proposed vacation.

Return this form and the above submittal requirements to the Planning Director at the address above.

**Procedure:**

City Staff will review all vacations for conformance with the City Code. The final vacation petition will be approved or denied by ordinance by the City Commission at an advertised public hearing.

**Code of Ordinances**

The City of Winter Garden's Code of Ordinances can be found on the Internet at <http://www.cwgdn.com>. Access to the Internet can be obtained at any branch of the Orange County Library.

## **Florida Statutes 177.101 Vacation and annulment of plats subdividing land.--**

(1) Whenever it is discovered, after the plat has been recorded in the public records, that the developer has previously caused the lands embraced in the second plat to be differently subdivided under and by virtue of another plat of the same identical lands, and the first plat was also filed of public record at an earlier date, and no conveyances of lots by reference to the first plat so filed appears of record in such county, the governing body of the county is authorized and directed to and shall, by resolution, vacate and annul the first plat of such lands appearing of record upon the application of the developer of such lands under the first plat or upon application of the owners of all the lots shown and designated upon the second and subsequent plat of such lands, and the circuit court clerk of the county shall thereupon make proper notation of the annulment of such plat upon the face of such annulled plat.

(2) Whenever it is discovered that after the filing of a plat subdividing a parcel of land located in the county, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the governing body of the county that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the governing body of the county is authorized by resolution to vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees, and the circuit court clerk of the county shall thereupon make proper notation of the action of the governing body upon the face of the first plat. The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

(3) The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, 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 by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

(4) Persons making application for vacations of plats either in whole or in part shall give notice of their intention to apply to the governing body of the county to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state ***(the City will assist you in placing this notice in the newspaper)*** and county taxes have been paid. For the purpose of the tax collector's certification that state, county, and municipal taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under s. 194.171, the owner of the platted lands sought to be vacated shall post a cash bond, approved by the

tax collector of the county where the land is located and by the Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to s. 194.192 adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable timeframe for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application. If such tract or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

(5) Every such resolution by the governing body shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the offices of the circuit court clerk and duly recorded in the public records of said county.

(6) All resolutions vacating plats by the governing body of a county prior to September 1, 1971 are hereby validated, ratified, and confirmed. Such resolutions shall have the same effect as if the plat had been vacated after September 1, 1971.