



# VACATION OF PUBLIC RIGHT-OF-WAY

## GUIDELINES

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### OVERVIEW OF APPLICATION PROCESS

#### REQUIRED SUBMITTALS:

- Application Form – The Subdivision Decision application form is online here: <http://www.stpete.org/development/forms.php> Signatures are required from the owners of 51% of the lineal frontage of the right-of-way to be vacated in order to initiate the vacation.
- Application Fee: The application fee to request vacation of a public right-of-way is \$1,000.00
- Three copies of graphics<sup>1</sup> (drawn to scale) – These should be attached to the application depicting the specific area proposed for vacation and a legal description of the area proposed for vacation.
- Formal Legal Description<sup>1</sup> - A paper copy must be submitted with the application. An electronic copy (.doc, .rtf or similar formats) must also be provided via e-mail. An electronic copy (pdf) of the sketch and legal is also required via email.
- Project Narrative – The narrative should explain why the vacation is necessary and how the request is consistent with the applicable review criteria (see “Matters for Consideration” below).

#### APPLICABLE RULES:

Here are the links to the sections of the City Code that regulate the City’s review and decision:

1. Application requirements and procedures – See Section 16.40.140.1 and 16.40.140.2.1 and 2.2 Vacating Public Rights-of-Way [16.40.140 - SUBDIVISIONS](#)
2. Standards for Review – See Section 16.70.050.1 and 16.70.050.1.1 Vacating Public Rights-of-Way [16.70.050 - SUBDIVISION APPLICATIONS](#)

#### MATTERS FOR CONSIDERATION:

16.40.140.2.1E. Matters for consideration. The vacation of rights-of-way, easements or air rights are discretionary actions and are not appealable. In reviewing an application, the POD, Development Review Commission, or City Council shall consider the following matters:

- 1.The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.
- 2.Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.
- 3.Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.
- 4.Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.
- 5.The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.

#### THE PROCESS:

Once an application is formally filed, it is routed for review and comments by City departments and non-City utilities. Some of these comments may require action or response from the applicant. The comments received are incorporated into an analysis and recommendation which requires reviews at several meetings. The first meeting is a public hearing before the Development Review Commission (DRC). The second and third meetings are before the City Council. The applicant must provide mailed public notices prior to the DRC meeting and the 2<sup>nd</sup> City Council meeting. The total process usually takes between 120 – 150 days. If special conditions, such as a replatting or utility work apply, it may take longer to complete the process.



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### WHO "OWNS" THE VACATED AREA?

City Staff cannot guarantee how vacated right-of-way will be distributed by Pinellas County when an ordinance is recorded. When right-of-way is vacated, the width is typically divided evenly between the properties on either side, although this does not apply in all cases.<sup>2</sup> Examples of exceptions to the norm include situations where: 1) the right-of-way is between two separate plats and was dedicated entirely from one side; or 2) an entity other than the abutting property owner(s) holds fee-simple title to the land containing the right-of-way.

### VACATIONS REQUIRING REPLAT?

Approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted. Recording is based upon meeting the conditions of approval in the specific case.

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<sup>1</sup> Mistakes on the graphics and/or written legal description can cause significant delays or other unintended problems. City staff cannot ensure that a legal description is technically correct. Applicants should consult a licensed professional surveyor or civil engineer to ensure the graphics and written legal description are correct.