



BOARD OF COUNTY COMMISSIONERS

**INFORMATION FOR VACATING COUNTY ROADS,  
RIGHTS-OF-WAY AND/OR EASEMENTS**

1. All requests for vacating County roads, rights-of-way and easements may be initiated by submittal of the following to the Brevard County Board of County Commissioners, Public Works Department, Bldg. A, Suite 220, 2725 Judge Fran Jamieson Way, Viera, FL 32940. If you need assistance or have any questions, you can contact Amber Holley, Public Works Department, Survey Section @ (321) 350-8346.
  - a) One executed petition included in the form to include the information as requested in the attached Exhibit A (note: please contact Amber Holley at the below phone number **before** signing and notarizing the petition).
  - b) A fee of \$640 for processing, advertising, and recording charges. (Checks should be made payable to Brevard County Board of County Commissioners)
2. Upon receipt of the petition, the Public Works Department will review the petition and the boundary survey and/or sketch and description for accuracy and completeness. If the legal description is suspected to be incorrect, the Department shall notify the petitioner and request a corrected legal description.
3. The Public Works Department will transmit the notice of the public hearing to a Brevard County newspaper to appear at least fourteen (14) days prior to the date of the public hearing, and the Public Works Department will:
  - a) Request certification from the applicable public service agencies and public utility companies to ensure that the vacating will not interfere with the service provided or encroach unreasonable on any utility and/or drainage easement or right-of-way.
  - b) Notify the Petitioner of the date, time, and location of the public hearing and forward the notice to be posted with instructions for requirements of posting the notice in a conspicuous and easily visible location on the property no later than ten (10) days prior to the public hearing.
4. At the public hearing, the Board may deny the petition or grant the petition to vacate all or any portion of the property and may attach such conditions as the Board may deem to be in the public interest.
5. If the Board grants the petition, the Board shall adopt a resolution granting the petition and the Clerk to the Board shall:
  - a) Advertise the legal notice of the adoption of the resolution in a Brevard County newspaper.
  - b) Record all necessary documents upon receipt of all documents.
  - c) Send a certified copy of the Board adopted resolution to the Petitioner and the Public Works Department.
6. If the Board denies the vacating, the Public Works Department will notify the Petitioner.

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For More Information Contact:  
Amber Holley, Vacating & Acquisition Review Specialist  
Public Works Dept. /Survey Section  
E-Mail Address: [amber.holley@brevardfl.gov](mailto:amber.holley@brevardfl.gov)  
(321) 350-8346 Phone (321) 633-2080

# EXHIBIT A

## PETITION REQUESTING VACATING OF COUNTY ROAD, RIGHT-OF-WAY OR EASEMENT

The undersigned hereby petition(s) the Board of County Commissioners to vacate an existing County road, right-of-way or easement, and to disclaim any right of Brevard County and the public in that road, right-of-way or easement.

### The undersigned hereby certify:

1. **LEGAL DESCRIPTION:** Two (2) complete and accurate legal description of the road, right-of-way or easement sought to be vacated is as follows. A boundary survey and legal description for vacating right(s)-way will be attached, and/or a sketch and legal description for vacating an easement will be attached. The **BOUNDARY SURVEY** and/or **SKETCH and DESCRIPTION** must be prepared on an 8 ½ "x 11" sheet (legal description on first sheet, and sketch on the second sheet; see attached example), and must be at a scale suitable for recordation, and must be current within 90 days of date of petition. **\*Surveyor Note: Unless absolutely necessary, the legal description "should not" be written as a metes and bounds legal. All existing structures and/or proposed improvements must be shown on the boundary survey and/or sketch and description. If a drawing file is needed, please contact the Survey Department (321) 350-8346, and one will be provided. Also, please email the legal description in a word document to: amber.holley@brevardfl.gov**
2. **PUBLIC INTEREST IN ROAD, RIGHT-OF-WAY OR EASEMENT.** The title or interest of Brevard County and the public in the above described road, right-of-way or easement was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and attach a copy of deed or plat as recorded in public records). Please provide proof of ownership of applicant's property.
3. **BOUNDARY SURVEY.** It is agreed by the Public Works Department and the undersigned that a **BOUNDARY SURVEY AND LEGAL DESCRIPTION** accurately showing and describing the above described road, right-of-way or easement, and its location and relation to surrounding property, showing all improvements and encroachments and easements will be attached.
4. **ABUTTING PROPERTY OWNERS.** Attached as Exhibit "B" is a list which constitutes a complete and accurate schedule of all owners or property abutting upon or contiguous to the above described road, right-of-way or easement and all abutting owners have signed this petition or signed a separate consent attached to Exhibit "B". The applicant/petitioner shall make a good faith effort to obtain the signature of land owners abutting the property to be vacated.
5. **ACCESS TO OTHER PROPERTY.** The undersigned certifies that if this petition is granted, no other property owner(s) will be denied access to and from their property.
6. **NOTIFICATION OF PROPERTY OWNERS.** In the vacation of roads and rights-of-way, the petitioner shall provide the Public Works Department with a certification that thirty (30) days prior to the public hearing on the petition, petitioner has notified all property owners (regular mail, within five hundred (500) feet of the property sought to be vacated advising said property owners that petitioner seeks to have Brevard County vacate the subject property and renounce any rights in same. To obtain the names of the property owners within five hundred (500) feet, contact one of the following offices: Property Appraisers Office, 400 South Street, Suite 40B, Titusville (321) 264-6707 or Planning & Zoning/Graphics, 2725 Judge Fran Jamieson Way, Bldg A, 1st Floor, Viera, FL (321) 633-2060.
7. **POSTING OF NOTICE.** The undersigned agrees and hereby certifies that the petitioner will place a notice of petition to vacate on the subject property in a conspicuous and easily visible location no later than ten (10) days prior to the public hearing on the petition. This notice will be mailed to you or is available to you at the Public Works Department, Survey Section, of Brevard County.
8. **GROUNDS FOR GRANTING PETITION.** The undersigned submits as grounds and reasons in support of this petition the following (state in detail why petition should be granted):

Respectfully Submitted,

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

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

City: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

\_\_\_\_\_  
(Signature of Petitioner)

\_\_\_\_\_  
(Signature of Petitioner)

NOTE: EACH PETITIONER MUST SIGN THIS PETITION, AND ALL PETITIONERS' SIGNATURES SHALL BE NOTARIZED.

State of \_\_\_\_\_

County of \_\_\_\_\_

I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, \_\_\_\_\_, who executed the forgoing Oath and acknowledged before me that he/she executed the same for the purpose(s) therein expressed, and who is personally known to me or who has produced \_\_\_\_\_ as Identification.

Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Commission Number

\_\_\_\_\_  
Commission Expires

**ABUTTING PROPERTY OWNERS: EXHIBIT B**

SIGNATURES OF ABUTTING OWNERS WHO CONSENT WITHOUT OBJECTION TO THE VACATING

<p>Name _____</p> <p>Address _____</p> <p>_____</p> <p>Signature _____</p>	<p>Description of Property Lot/Block</p>
<p>Name _____</p> <p>Address _____</p> <p>_____</p> <p>Signature _____</p>	<p>Description of Property Lot/Block</p>
<p>Name _____</p> <p>Address _____</p> <p>_____</p> <p>Signature _____</p>	<p>Description of Property Lot/Block</p>

**AUTHORIZATION TO ACT AS AGENT AFFIDAVIT**

I, \_\_\_\_\_, hereby authorize \_\_\_\_\_, to act as agent on my behalf before the Brevard County Board of County Commissioners pertaining to the request to vacate/abandon certain rights-of-way and/or easements, etc. in Brevard County, Florida.

\_\_\_\_\_  
Signature (Property Owner)

\_\_\_\_\_  
Signature (Property Owner)

State of \_\_\_\_\_  
County of \_\_\_\_\_

I hereby certify that on this day personally appeared before me, an office duly authorized to administer oaths and take acknowledgements, \_\_\_\_\_, who executed the foregoing oath and acknowledged before me that he/she executed the same for the purpose(s) therein expressed, and who is personally known to me or who has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_.

\_\_\_\_\_  
Notary  
\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Commission Number  
\_\_\_\_\_  
Commission Expires

**Agent's Contact Information:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**EXHIBIT C**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Brevard County Board of County Commissioners, Brevard County, Florida has scheduled a public hearing to be held at the **Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, FL 32940** on Tuesday, \_\_\_\_\_, at \_\_\_\_\_, to consider vacating:

**Subject: Request to Vacate**

**Select Applicable**

\_\_\_\_ Road/Right of Way  
\_\_\_\_ Alley  
\_\_\_\_ Other \_\_\_\_\_

**Reason for Vacating:**

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

**LEGAL DESCRIPTION:**

(Please attach a location map and boundary survey)

All persons wishing to be heard should appear at this meeting. Any objections to be considered relative to granting this request should be received prior to the public hearing and directed to:

Brevard County Public Works Department  
Amber Holley, Survey Section, Building A  
2725 Judge Fran Jamieson Way  
Viera, FL 32940  
Phone (321) 633-2080  
Email: amber.holley@brevardfl.gov

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

## CERTIFICATE OF NOTIFICATION

This is to certify that I have notified all property owners (regular mail) within five hundred (500) feet of the property sought to be vacated advising said property owners that I seek to have Brevard County vacate the subject property and renounce any rights in same.

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Signature

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Print Name

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Date of Notification

After sending out the Notification of Property Owners forms, please submit this form as certification of mailings, along with a copy of the notification and list of property owners notified.

Submit To:

**Brevard County Public Works Department  
Amber Holley, Survey Section, Suite A-220  
2725 Judge Fran Jamieson Way, Viera, FL 32940  
(321) 633-2080 Phone**

# BOUNDARY SURVEY

SECTION X, TOWNSHIP X SOUTH, RANGE X EAST

PARCEL ID NUMBER:

PURPOSE OF SURVEY:

SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION:

SURVEYOR'S NOTES:

PREPARED FOR:

\_\_\_\_\_  
SURVEYOR & MAPPER, PSM NO.  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:

ADDRESS:

PHONE:

DRAWN BY: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

DRAWING NO. \_\_\_\_\_

SECTION \_\_\_\_\_

TOWNSHIP \_\_\_\_\_ SOUTH

DATE: \_\_\_\_\_

SHEET \_\_\_\_\_ OF \_\_\_\_\_

REVISIONS \_\_\_\_\_

RANGE \_\_\_\_\_ EAST



# BOUNDARY SURVEY

SECTION X, TOWNSHIP X SOUTH, RANGE X EAST

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2

PARCEL ID NUMBER:



SCALE:

BOUNDARY  
SKETCH

SECTION X, TOWNSHIP X SOUTH, RANGE X EAST

PROJECT NO.  
PREPARED BY :