

# PETITION FOR VACATING OR CLOSING PUBLIC RIGHTS-OF-WAY

City of West Palm Beach  
Planning and Zoning Department

401 Clematis Street  
West Palm Beach, Florida 33401  
(561) 822-1435



## INSTRUCTIONS:

1. It is strongly recommended that the Petitioner or a representative meet with a staff Planner prior to submitting this application.
2. The Petitioner must complete and sign this form below, and provide all materials as listed on pages 2 and 3 of this petition.

## PETITION FORM:

PROJECT LOCATION \_\_\_\_\_

PETITIONER \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_

TELEPHONE \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As the Petitioner, it is affirmed and certified that the provisions and regulations of the City of West Palm Beach will be observed. It is further certified that the above statements, exhibits or plans submitted herewith are true to the best of the knowledge and belief of the Petitioner. Further, it is understood that the petition, attachments and fees become part of the official records of the Planning and Zoning Department and are not returnable.

SIGNATURE OF PETITIONER \_\_\_\_\_

REPRESENTING \_\_\_\_\_

DATE \_\_\_\_\_

**PETITION CHECKLIST:**

Project Location: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The following checklist is designed to assist in preparing the **Petition for Vacating or Closing Public Rights-of-Way**. The petitioner should check off each item and submit this form with the completed petition. Omitted items may cause a delay in the review process.

The petition should include the following items:

	<u>Included</u>	<u>Omitted</u>
1. Petition form completed and signed ( <i>Front page</i> ).	_____	_____
2. Petition fee included. Check is made payable to City of West Palm Beach.	_____	_____
3. Original Petition submitted together with 15 copies.	_____	_____
4. Oath of Petitioner ( <i>Exhibit A</i> ).	_____	_____
5. Petition and Legal Description ( <i>Exhibit B</i> ).	_____	_____
6. Statement of the Proposed Action and Means. ( <i>Exhibit C</i> ).	_____	_____
7. Names and Addresses of all abutting Property Owners ( <i>Exhibit D</i> ) (those Owners whose properties abut the subject rights-of-way).	_____	_____
8. Maps / Drawings / Blueprints ( <i>Exhibit E</i> ).	_____	_____
9. Limited Access petition ( <i>Exhibit F</i> ) (75% of the properties in such neighborhood).	_____	_____
10. Statement of reasons for the proposed action ( <i>Exhibit G</i> ).	_____	_____
11. One (1) complete set of Address Labels for each property owner within 400 feet of the subject right-of-way. Labels shall be affixed to size #10 <b>stamped</b> envelopes with the City's return address.	_____	_____
12. One photocopy list of the same property owners' addresses within 400 feet of the subject right-of-way.	_____	_____

- |  | <u>Included</u> | <u>Omitted</u> |
|--|-----------------|----------------|
| 13. Written confirmation that the City of West Palm Beach Public Utilities Department has reviewed the proposed vacation or closing of the right-of-way. | _____           | _____          |

Public Utilities Department – Engineering Services Division  
P.O. Box 3506  
West Palm Beach, Florida 33402  
Phone: (561) 494-1040

- |  |       |       |
|--|-------|-------|
| 14. Written confirmation from the following public utilities confirming that the proposed vacation or closing of the right-of-way does not encroach into their easements or otherwise interfere with the provisions of their services. | _____ | _____ |
|--|-------|-------|

**Telephone:**

Robert Lowen  
AT&T Florida – Engineering Department  
2021 South Military Trail – West Palm Beach, Florida 33415  
Phone: (561) 357.6615 – Fax: (561) 964.3499 – Email: Robert.Lowen@att.com

**Natural Gas:**

Florida Public Utilities – Department of Engineering  
401 South Dixie Highway – West Palm Beach, Florida 33401  
Phone: (561) 838.1768 – Fax: (561) 838.1769

**Electric Service:**

Florida Power & Light Company  
810 Charlotte Avenue – West Palm Beach, Florida 33401

*The FP&L Project Manager (including name and telephone number) for the project's location may be found by visiting the following website:*

<http://app.fpl.com/napps/ps/ServiceM.nsf/FPLWeb+Search+Simple?OpenForm>

**Television Cable:**

Henry Patino  
Comcast Cable Communications  
7201 North Federal Highway – Boca Raton, Florida 33487  
Phone: (561) 454.5807 – Email: henry\_patino@cable.comcast.com

Note: The City will require an appraisal by an appraiser approved by the City at the expense of the applicant. An appraisal package indicating the City's requirements for appraisals will be provided to the applicant after review of the application by the Plans and Plats Review Committee.

## **DESCRIPTION OF PETITION REQUIREMENTS:**

In accordance with the procedure set forth in Chapter 78 of the City Code, and Ordinance No. 2434-91, the City Commission, of its own determination or upon petition, may vacate or close any public street, road, alley, or highway, or portion thereof, comprising a part of the City street system and all real property dedicated or acquired for transportation or public travel.

### **A. PRIOR TO FILING**

Please check with the Planning and Zoning Department (561) 822-1435 to determine if there are new requirements for the petition process.

### **B. PETITION FEE**

A Filing Fee of \$2,000 and an Engineering Services Department Review Fee of \$848 are required. Please make checks payable to the City of West Palm Beach.

### **C. WHERE TO FILE**

The original petition plus 15 (fifteen) copies shall be filed with the following office:

City of West Palm Beach  
Planning and Zoning Department  
401 Clematis Street, 2<sup>nd</sup> Floor  
West Palm Beach, Florida 33401

### **D. REFUNDS**

If City staff recognizes a technical problem with the petition and declines it, the filing fee may be refunded in full.

If for any reason the Petitioner withdraws the petition *prior* to advertisement, 50% of the Filing Fee may be refunded. There will be no refund *after* the petition has been advertised.

### **E. OATH OF PETITIONER (EXHIBIT A)**

The Oath shall be signed by the person(s) representing the organization, attesting that the facts contained herein are true and correct to the best knowledge of the petitioner.

### **F. LEGAL DESCRIPTION (EXHIBIT B)**

The legal description of the property shall be typewritten as Exhibit B and shall be submitted as part of this application.

**G. STATEMENT OF THE PROPOSED ACTION AND MEANS (EXHIBIT C)**

The petitioner shall state the means proposed to close or vacate public rights-of-way. The means proposed should include design standards established by the Planning and Zoning and/or Utilities Departments.

**H. PROPERTY OWNERS ADDRESSES (EXHIBIT D)**

The names and addresses of all property owners whose properties abut the subject rights-of-way shall be submitted with this application.

**I. MAPS / DRAWINGS / BLUEPRINTS (EXHIBIT E)**

Maps, drawings, and/or blueprints which depict the subject rights-of-way plus all streets, roads, alleys, and other rights-of-way within the general district shall be submitted.

**J. PETITION (EXHIBIT F)**

The petition shall identify the person(s) authorized to represent the organization and shall contain the names, addresses, and signatures of the property owners of not less than seventy-five percent (75%) of the properties in such district.

**K. STATEMENT OF REASONS FOR THE PROPOSED ACTION (EXHIBIT G)**

A written description of the reason for closing or vacating the public right-of-way shall be submitted with the application.

**L. ADDRESS LIST AND LABELS**

One (1) complete set of address labels for each property owner within 400 feet of the subject rights-of-way; and

One (1) photocopy of a list of the same property owners' addresses within 400 feet of the subject rights-of-way shall be submitted.

Labels shall be affixed to size #10 **stamped** envelopes, which have the City's address as the return address as follows:

City of West Palm Beach  
Planning and Zoning Department  
P.O. Box 3366  
West Palm Beach, Florida 33402

**EXHIBIT A**

**OATH OF PETITIONER**

The \_\_\_\_\_ hereby submits to the City of West Palm Beach, Florida, its petition requesting \_\_\_\_\_, in accordance with City Ordinance No. 2434-91. The undersigned, as Chair/President of the above named organization, hereby swears or affirms that the matters contained herein are true and correct, to the best knowledge of the Petitioner.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

(Corporate Seal)

STATE OF FLORIDA, COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day before me, a Notary Public duly authorized in the State and County named above to take acknowledgements, personally appeared \_\_\_\_\_, to me known to be the person described as said Chairman/President of the \_\_\_\_\_, in and who executed the foregoing instrument, and s/he acknowledges before me that s/he executed the foregoing instrument; and that the foregoing instrument is the act of the organization.

Witness my hand and official seal of the County and State aforesaid this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ .

\_\_\_\_\_  
Notary Public  
State of Florida

**EXHIBIT B**  
**LEGAL DESCRIPTION**  
**OF**  
**EXISTING RIGHTS-OF-WAY**

**EXHIBIT C**

**STATEMENT OF THE PROPOSED ACTION AND MEANS**





**EXHIBIT E**

**MAPS / DRAWINGS / BLUEPRINTS**



**EXHIBIT G**

**STATEMENT OF REASONS FOR THE PROPOSED ACTION**

## **PROCEDURE ON RECEIPT OF PETITION:**

Upon receipt of a completed petition and required filing fee, the Planning and Zoning Department shall distribute copies of the petition to the Fire, Police, and Utilities Departments. The departmental review and evaluation of the proposed action shall include but not be limited to:

- A determination of whether the subject right-of-way is useful as a part of the City street system.
- A determination of whether the proposed action is consistent with the City's Comprehensive Plan.
- A study of geographic areas which may be impacted by the proposed action and the manner of impact.
- Suggested alternative actions to the proposed action, if any, which would alleviate the identified problems.
- A determination of whether the proposed action may be accomplished in conformance with the standards, rules and regulations of the local, state, and federal governing authorities.
- A determination of what additional property, easements, utility relocations, agreements, and other actions are necessary to accommodate the proposed action.
- Identification and evaluation of any impact which the proposed action would have on the delivery and provision of service by public service vehicles.
- Identification and evaluation of any impact of any impact which the proposed action would have on the surrounding City street system.
- The results of any applicable traffic study.
- An estimate cost of completing the proposed action.
- A study of the reason(s) identified for the proposed action.
- If a stated reason for the proposed action is related to crime prevention:
  1. Data on the types, frequency, severity, and location of criminal activity occurring in the area of the proposed action, including a comparison of the types of crime on a per capita, citywide, and countywide basis;
  2. An analysis of crimes related to land use, environmental and physical conditions of the area of the proposed action, giving particular attention to factors which support or create opportunities for crime, which impede natural surveillance, or which encourage free circulation; and
  3. A determination, from data collected and from the analysis, of how the proposed action would assist in crime prevention.