

Application for Plat Vacation

City of Palatka Planning & Zoning
201 N 2nd Street
Palatka, FL 32177
386-329-0103

Florida Statutes 177.101 governs the vacating of plats subdividing land. In accordance with these guidelines, the following procedures have been established. Unrecorded plats may also be vacated following this procedure. All expenses in connection with the request to vacate must be paid by the petitioner.

Pre-application meeting

It is recommended that the applicant schedule a pre-application meeting and discuss the proposed plat vacation prior to completing and submitting this application

The following items must be submitted to process a request to vacate:

1. Original petition to vacate, signed by the record owners of the whole or part of the tract covered by the plat sought to be vacated.
2. Letter of Authorization for Agent is required if any person other than the property owner makes the application and acts on behalf of the owner.
3. Deed and title opinion or title search which includes all encumbrances of the subject property.
4. A map/plat copy depicting the area to be vacated. In some cases, when a portion of the plat is being vacated, a survey may be required.
5. Draft copy of the required notice, for review prior to publication. Upon approval by staff, the Notice must be published in the Palatka Daily News, in not less than two weekly issues.
6. Proof from the Tax Collector of Putnam County, that all taxes have been paid.
7. If requested by staff, a certified engineer's or traffic planner's statement and description of the effect of the proposed vacations on traffic patterns and a conclusion therein that no property or person will be unreasonably affected or inconvenienced by the vacation.
8. Review fee \$400.00 (Check payable to the City of Palatka)

Review process:

1. The petition is reviewed by staff. If the application is found to be sufficient, the City Commission hearing date will be scheduled for consideration of a resolution of the plat vacation.
2. If the City Commission approves the vacation, the resolution vacating the plat is adopted.
3. It is the petitioners responsibility to pay the recording fees. The plat is not vacated until recorded with the County Clerk.
4. Upon approval, the City shall furnish a certified copy of the resolution to Putnam County Commission.

Application Petition – Plat Vacation

Date: _____

Description of request:

This application submitted by:

Signature of owner(s): _____

Print owner(s) names(s): _____

Signature of Agent(s): _____

Print Agent(s) names: _____

STATE OF _____

County of _____

Before me this day personally appeared _____ who executed the foregoing application and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____ A.D. _____.

Notary Public

My commission expires: _____ State of _____ at Large

FOR OFFICIAL USE ONLY				
1. Date Submitted	2. Received By:	3. Current Zoning:	4. Future Land Use Category:	5. Preliminary review by:
6. Sign(s) Posted Date: By:	7. Fee: Date paid:	8. Legal Ads Ran: 1.Date: 2.Date:	9. Attachments Reviewed: <input type="checkbox"/> Application Petition <input type="checkbox"/> Property Owner Signature & Notarized or Notarized Letter of Authorization <input type="checkbox"/> Deed and Title Opinion <input type="checkbox"/> Draft Notice <input type="checkbox"/> Proof of taxes paid <input type="checkbox"/> Fee <input type="checkbox"/> Copy of Plat <input type="checkbox"/> Survey or Engineering statement, if required	
10. Comments:				

Florida Statute **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 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.