



ABANDONMENT OR CLOSING OF RIGHT OF WAY OR EASEMENT APPLICATION

AS/400 # _____

This form is intended for submittal, along with the \$350.00 nonrefundable application fee, for all requests for the abandonment or closing of a public street or alley right of way, or any public access or utility easement. This application must be submitted to the Jacksonville Beach Planning and Development Department for processing. Following an evaluation of completeness, the Department will send a copy of the application to all property owners who might be affected by the proposed right of way or easement closing along with a request for their comments on the request. If there are no significant objections received from the affected property owners, the Planning and Development Department will request comments and recommendations from the Electric Utility, Fire, Police, and Public Works Department with respect to the effect of the proposed abandonment on their operations. The public comment and departmental review period process may take as much as 45 days to complete. If the administrative review indicates that the right of way or easement can be closed, then all of the information received is compiled into a report to the City Manager for inclusion, with a draft ordinance, on the agenda for consideration by the City Council.

APPLICANT INFORMATION

Applicant's Name: _____

Telephone: _____

Mailing Address: _____

E-Mail: _____

PROPERTY INFORMATION

Street Address of Property: _____

Legal Description of Property: _____

(Lot, block, subdivision name)

Location of the Right of Way or Easement you are applying to abandon or close: _____

(Attach a boundary survey or plat of the property)

Reason(s) why you are requesting that this Right of Way or Easement be abandoned: _____

(Attach additional pages if necessary to fully explain why this application should be approved)

Applicant's Signature: _____ Date of Application: _____



RIGHT OF WAY / EASEMENT ABANDONMENT REVIEW CRITERIA AND PROCEDURES

REVIEW PROCESS

1. An application for the City of Jacksonville Beach to abandon, vacate or close a public street, alley or utility right of way or easement is submitted to the Planning and Development Department for processing. The application must be accompanied by a \$350.00 nonrefundable processing fee.	4. The foregoing review and notification process may take up to 30 days to complete. Once all of the departmental reviews and property owner comments have been received, the Planning and Development Department compiles the information and presents it in writing, along with a staff recommendation and draft ordinance, to the City Manager who then schedules the request for consideration by the City Council.
2. Following receipt of the application and fee, Planning and Development Department staff will check the application for completeness. The Planning and Development Department will then send a notice to all of the other property owners who might be affected by the proposed closing to request their comments on the request. Approximately one week is allowed for the other affected property owners to respond.	5. All requests to abandon a public right of way or easement must be approved by ordinance. In Jacksonville Beach, an ordinance must be considered and approved at two separate City Council meetings (“First” and “Second” Reading). The applicant is required to attend both of these City Council meetings to answer any questions the members might have regarding the application.
3. Once the property owners’ response period is over, copies of the application will be sent to the Jacksonville Beach Electric Utility Department, Fire Department, Police Department and Public Works Department for their review, comments and recommendations concerning the proposed right of way or easement closing. Those departments may recommend approval, approval with conditions such as retaining an easement in the case of a right of way closing, or disapproval. A recommendation of disapproval by a reviewing department indicates that there is a continuing public purpose that is served by the right of way or easement. In this instance the applicant is notified and process is stopped.	

DEPARTMENTAL REVIEW CRITERIA

ELECTRIC UTILITY DEPARTMENT

1. The Electric Utility Department conducts a records check and field inspection to determine if there are any existing overhead or underground electric facilities located within the right of way or easement that is proposed to be closed. If such facilities are present, the Department will make a determination if the closure can be made without affecting the integrity of electric system.
2. In the case of an alley right of way, if there are electric facilities within the right of way or easement, then the Department will recommend that the application not be approved. In some such instances arrangements may be made for the facilities to be removed or relocated at the applicant's expense.
3. In the case of a partial or complete road right of way closing, the recommendation would be based on a case-by-case determination of accessibility to the Department's facilities.

FIRE DEPARTMENT

1. The primary concern of the Fire Department is access to buildings, fire hydrants or fire department connections.

The Department will generally recommend disapproval of a right of way or easement closing which would make any part of a building to be located in excess of 200 feet from a fire/rescue pumper parked at the street access.
2. All buildings are to be located within 300 feet of a fire hydrant as measured along the travel route of the fire/rescue pumper.

PLANNING AND DEVELOPMENT DEPARTMENT

1. The Planning and Development Department checks all applications to close a public alley or street right of way to ensure that no other properties are left without frontage on another public street.
2. Utilizing an alley or easement as the principal means of access to a lot or parcel of land is not permitted in Jacksonville Beach.
3. The Planning and Development Department compiles the responses received from the other property owners who might be affected by the proposed right of way or easement closing. As a general rule, if an abutting property owner objects, it is considered to be sufficient evidence that the right of way or easement has a public purpose and should be retained as such. An application may wish to discuss the request to close the right of way or easement with the adjacent property owners before submitting an application.
4. In the case of a partial street right of way closing, it is the City's policy to close the section for the entire length of the block and not just the portion which abuts the applicant's property.

POLICE DEPARTMENT

1. The Police Department reviews right of way or easement closing requests to determine that an officer can readily access a business, residence or other property by use of an alternate street or public accessway.

PUBLIC WORKS DEPARTMENT

1. The Public Works Department conducts a records check and field survey to ascertain the presence of any existing water, sewer, or storm drainage facilities with the area proposed to be closed. This may include water and sewer lines or drainage pipe, swales or ditches.

2. The Public Works Department evaluates the particular installation to determine if the closure will adversely affect maintenance and repair functions and assess the potential disruption of departmental service delivery activities resulting from future development of the abandoned right of way or easement. The review of drainage system concerns relates to the potential for flooding or increased difficulty in maintaining drains as a result of the closure.

CITY COUNCIL / CITY MANAGER

1. Following a review of the information supplied by the reviewing departments, the City Council and City Manager will make a determination if there is an overwhelming public interest in retaining the road or alley right of way or the public easement. This determination will be made by balancing the reasons given by the applicant in support of the closure when weighed against the present or future needs of the City. In other words, **there must be a significant public purpose that will be served if the right of way or easement is turned over to a private owner.**