

**CLOSURE, ABANDONMENT AND/OR DISCLAIMER
(Street, Alley, Easement or Right of Way)**

A. APPLICATION FORM

Subject: Proposed Closure - _____

1. Applicant _____ Phone # _____
Address _____ Phone # _____

2. Reason for Request:

3. How was (Street, Alley, Easement or Right of Way) Established?
Subdivision Plat Book No. _____ Page No. _____
Official Records Book No. _____ Page No. _____
Others: _____

4. Proposed Use of Area to be Closed and/or Disclaimed:

5. If proposed development, give complete name:

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6. Do public facilities now occupy area to be closed and/or disclaimed:
Yes/No
- A. If yes, a current certified survey showing all existing conditions, including locations, and elevations of both open ditches and swales, and subsurface drainage facilities, is required. Also, if public facilities must be accommodated (such as the construction of turnarounds and drainage) the applicant is to submit the Professional Engineer's plan to the City Engineer for conditional approval prior to application.
7. If the request is a closure of right of way waterfront access, a legal description and sketch (survey) of the substitute property is to be submitted. Additional information and stipulations may be required of the substitute property.
8. A list of abutting Property Owners (with addresses), a copy of each signed Certified Return Receipt Mail and a copy of each letter sent to abutting property owners is required.
9. A location map which clearly identifies the location of the proposed closure in relation to the nearest public right of way and all affected properties is also required. The Disposition Agent can assist you with this.

**IF THIS IS A REQUEST TO CLOSE AND ABANDON AN EASEMENT,
PLEASE ANSWER QUESTIONS 10 THRU 14:**

10. What is the Purpose of the Easement:
- _____ Drainage
_____ Utility
_____ Drainage and Utility
_____ Others – please specify _____
11. What are the dimensions of the Easement? _____

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12. Is there an existing encroachment?

_____ Building
_____ Pool
_____ Other _____

13. If a building or mobile home encroachment is involved, the survey is to also show ties from the right-of-way and/or easement lines to the footing, building wall, and edge of eaves.

14. If a swimming pool encroachment is involved, the survey is to show complete locations and pertinent elevations of the pool and its appurtenances.

15. A completed checklist must be attached with the application form.

Submitted by: _____
Print Name

Signature

Date: _____

Submit to: Department of Public Works
Real Estate Division
214 N. Hogan Street
Jacksonville, FL 32202
Telephone: (904) 255-8700

B. CHECKLIST

- _____ 1. Completed Application Form
 - _____ 2. Check with the applicable amount payable to the Tax Collector
 - _____ 3. List of abutting property owners (with addresses)
 - _____ 4. Copy of each signed Certified Return Receipt Mail and Copy of each letter sent to abutting property owners
 - _____ 5. Location Map which clearly identifies the location of the proposed closure in relation to the nearest public right of way and all affected properties
 - _____ 6. A current certified survey is required if public facilities now occupy area to be closed or disclaimed
 - _____ 7. A current certified survey is required if encroachment exist
 - * _____ 8. A legal description and sketch of the area you are requesting to close
- * NOTE: Not required for initial application, required only when the request is ready for Legislation. The Disposition Agent will inform you when the request is ready for Legislation.**
- _____ 9. Disclosure of all Corporate Officers is required if property owner is a Corporation,
 - _____ 10. A Letter of Authorization authorizing representation of the property owner is required if the application is on behalf of a property owner
 - _____ 11. A legal description and sketch (survey) of the substitute property (and other requirements as stipulated) if this is a request for **closure of right of way waterfront access.**
 - _____ 12. Checklist attached with the application

C. REQUIREMENTS

- 1.) An individual desiring to close and abandon or have the City disclaim all or a portion of any street, alley or easement must make an application requesting the Department of Public Works, Real Estate Division, to investigate the feasibility of closing or disclaiming said portion of street, alley or easement. A completed application form and the necessary attachments must be submitted.
- 2.) The City of Jacksonville acknowledges the importance of maintaining public access to waterfront property and, therefore, will not consider closing right of way waterfront access unless such action is clearly in the best interest of the citizens of Duval County.
- 3.) All abutting property owners from intersection to intersection must be notified of the proposal. On a dead-end street, the owner located at the end of said street must be notified of the proposal. Notification must be by Certified, Return Receipt Mail. A signed letter of agreement is sufficient evidence from consenting property owners. A list of abutting property owners and a copy of each letter and signed return receipts, are to be submitted with the application.
- 4.) The request must also be accompanied by a check drawn in favor of the **Tax Collector** for payment of the applicable fee. Fees are as follows and are subject to change without prior notice:

\$1,500.00	Right-of-way
\$ 500.00	Easement
\$1,000.00	Easement with encroachment

Fee is non-refundable whether the closure is approved or not.

- 5.) A location map which clearly and legibly identifies the location of the proposed closure in relation to the nearest public right of way and all affected properties. (The Disposition Agent may assist you with this.)

- 6.) All applications with an encroachment must be accompanied by a current certified survey showing the distance by dimensions from the encroachment to the right of way or easement line, and by dimensions the location of all public works facilities within the right of way or easement. Sufficient elevations should be shown to determine depths of facilities and side slopes required for excavation.

- 7.) Survey/Sketch and Legal Description accurately drawn describing the street, alley, easement, or right of way to be abandoned is required, **to be submitted when request is ready for legislation.** The required Survey/Sketch and Legal Description must be prepared by a Registered Professional Land Surveyor and have the original signature and seal. Three (3) original copies and one (1) mylar copy on a 8½ x 11 or 8½ x 14 sheet must be submitted.

D. **BRIEF SYNOPSIS:**

- A. The Real Estate Division reviews the request and related data to determine if all necessary requirements are submitted.
- B. If the request is a closure of right of way waterfront access, the substitute property must meet the requirements of the City of Jacksonville.
- C. All requests are circulated to the applicable public and quasi-public agencies, which utilize public Rights of Way and/or Easements to determine if there are any objections to the proposal.
- D. The City Council Representative for the district in which the closure is located is notified of the proposal.
- E. **If objections or concerns arise pertaining to any closure and/or disclaimer, the applicant is responsible to resolve and address them. The applicant must advise the Real Estate Division, in writing, within a reasonable time, regarding their progress in resolving the objections.** An expression of present or anticipated need for the property from any agency reviewing the proposal constitutes sufficient cause to retain City interest in the property. The applicant is then notified that the request will not be presented to the City Council for consideration.
- F. Upon receipt of **favorable** replies from **all** public and quasi-public agencies, which utilize street and/or easement areas, the applicant is to submit a formal legal description and sketch prepared by a Registered Professional Land Surveyor describing the closure area. Upon receipt by Real Estate Division of the legal description and approved by the Topographical Section of Engineering Division, a request to obtain authorization for legislation is forwarded to the Mayor's Budget Review Committee (MBRC). Once authorization is obtained, a request is forwarded to the Office of the General Counsel to prepare legislation for Council consideration for the closure, abandonment or disclaimer.
- G. Signs are posted notifying the public of the proposed closure at least ten (10) days prior to consideration or public hearings by the full City Council and City Council Committee(s). The public hearings are where arguments may be presented for any proposal. Sign(s) are posted and dated photographs are recorded in the Real Estate Division files for evidence of constructive notification of affected property owners.
- H. The Real Estate Division represents the Department of Public Works on each proposal before the Committee(s) of the City Council.
- I. A closure file should not be held open longer than one year from date of application.
- J. When a platted street or alley is closed, title usually but not always, reverts to the adjacent property owners. **You may want to contact an attorney for legal advice concerning this and all title matters.**