

ORDINANCE NO. 86-18

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
2 PALM BEACH COUNTY, FLORIDA, PRESCRIBING REGULATIONS
3 GOVERNING THE VACATION AND ABANDONMENT OF RIGHTS OF
4 WAY AND SUBDIVISION PLATS IN PALM BEACH COUNTY UNDER
5 THE CONTROL AND JURISDICTION OF THE BOARD OF COUNTY
6 COMMISSIONERS, IN ACCORDANCE WITH THE PROVISIONS OF
7 SECTIONS 336.09-336.12 AND SECTION 177.101, FLORIDA
8 STATUTES; PROVIDING FOR DEFINITIONS; PROVIDING FOR A
9 PETITION TO BE SUBMITTED TO THE BOARD OF COUNTY
10 COMMISSIONERS; PROVIDING FOR APPLICATION FEE AND
11 PRIVILEGE FEE; PROVIDING FOR ACCESS TO WATER;
12 PROVIDING FOR NOTICE OF INTENT; PROVIDING FOR
13 PETITION APPLICATION PROCEDURE; PROVIDING FOR REVIEW
14 OF THE PETITION; PROVIDING FOR PUBLIC HEARING;
15 PROVIDING FOR RECORDATION OF RESOLUTIONS; PROVIDING
16 FOR EFFECT OF RECORDING; PROVIDING FOR REPEAL OF
17 ORDINANCE #71-3; PROVIDING FOR INCLUSION IN THE CODE
18 OF LAWS AND ORDINANCES OF PALM BEACH COUNTY;
19 PROVIDING FOR SEVERABILITY; AND PROVIDING AN
20 EFFECTIVE DATE.
21

22 WHEREAS, Sections 336.09-336.12 and 177.101, Florida Statutes,
23 authorizes and empowers the Board of County Commissioners, in its
24 discretion, to vacate, abandon, annul, discontinue and close any existing
25 public or private street, alleyway, right of way, or easements or
26 subdivision plat, or any portion thereof, other than a State or Federal
27 highway, and to renounce and disclaim any rights of the County and the
28 public in and to any land in connection therewith, whether the same was
29 acquired by purchase, gift, devise, dedication or prescription; and

30 WHEREAS, the Board of County Commissioners finds and determines
31 that the adoption of rules and regulations governing the procedures for
32 the vacation, abandonment, and annulment of rights of way, easements and
33 subdivision plats in accordance with the provisions of Section

1 336.09-336.12 and 177.101, Florida Statutes, is necessary, desirable and
2 serves the public interest and welfare.

3 WHEREAS, the public acquires an interest in utility and
4 drainage easements dedicated in perpetuity for such purposes on plats
5 approved by the Board of County Commissioners and filed of record in Palm
6 Beach County, and it is desirable to prescribe the method by which the
7 interest of the public in these easements can be vacated and abandoned.

8 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
9 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

10 Section I. SHORT TITLE. This Ordinance shall be designated
11 and may be cited as the Palm Beach County Right of Way Abandonment and
12 Plat Vacation Ordinance.

13 Section II. DECLARATION OF JURISDICTION AND CONTROL OF THE
14 BOARD OF COUNTY COMMISSIONERS; APPLICATION OF ORDINANCE.

15 (1) Any dedication or conveyance of real property for the
16 purpose of streets, rights of way, access, ingress and egress, utilities
17 and drainage which is made on or by a plat, easement, deed, or other
18 instrument of any kind which instruments are approved by the Board of
19 County Commissioners for filing of record in the Public Records of Palm
20 Beach County or which instruments conveys any interest in real property
21 to the Board of County Commissioners of Palm Beach County is hereby
22 deemed to be under the jurisdiction and control of the Board of County
23 Commissioners for the purposes of the vacation, annulment and/or
24 abandonment of plats, or portions thereof, rights of way, and easements
25 for utility and drainage purposes.

26 (2) The provisions of this ordinance shall apply to all plats,
27 rights of way and easements under the jurisdiction and control of the
28 Board of County Commissioners of Palm Beach County, Florida.

29 (3) The procedures set forth in this Ordinance shall apply to
30 applications pursuant to 177.101(1) and (2), Florida Statutes, and to all
31 applications for vacating plats, or any portion thereof, including public
32 easements, pursuant to 177.101(3), Florida Statutes. Any petition to
33 vacate a plat, or portion thereof, which plat, or portion thereof,
34 contains private rights of way shall not require a public hearing
35 pursuant to Section XI; provided, however that a public hearing shall be

1 required if the petition site includes a County right of way or public
2 easement for drainage purposes which services a County right of way.

3 Section III. DEFINITIONS.

4 (1) Abandon - the term abandon, and any variant thereof, shall
5 be deemed to include the terms "vacate" and "annul."

6 (2) Petition Site - any parcel of real property subject to a
7 petition for abandonment pursuant to this Ordinance.

8 (3) Abutting property - any parcel of real property whose
9 boundaries, or any part thereof, also serves as the boundary, or portion
10 thereof, of the petition site.

11 (4) Affected property - any parcel of real property, or
12 portion thereof, which lies within three hundred feet (300') of the
13 boundaries of the petition site.

14 (5) Petition for abandonment or Petition - the form prescribed
15 by the Department which requests the abandonment of a plat, or portion
16 thereof, right of way or public easement pursuant to this ordinance.

17 (6) Petitioner - the person(s), governmental entity or
18 business entity submitting a petition for abandonment pursuant to this
19 ordinance. The term petitioner shall include "co-petitioner" where
20 appropriate.

21 (7) Right of way - any strip of land dedicated or deeded for
22 ingress and egress or access purposes. The term shall include the terms
23 "road," "highway," "alley," "accessway," and any other similar term. The
24 term shall mean both County right of way and private right of way.

25 (8) Plat - any drawing of real property made and recorded
26 pursuant to Chapter 177, Florida Statutes, or the ordinances of Palm
27 Beach County.

28 (9) Public easement - any utility or drainage easement which
29 is dedicated by plat in perpetuity for utility or drainage purposes, or
30 which is conveyed by separate instrument recorded in the Public Records
31 to the public or the County, which instrument has been approved by the
32 County for recordation. The term shall not include instruments of
33 conveyances or dedications made to specifically named utility companies,
34 owners associations, drainage districts, or other governmental agencies.

1 (10) Private right of way - any right of way dedicated or
2 deeded to an owners association or the owner of the abutting property or
3 which is dedicated as right of way and is the perpetual maintenance
4 obligation of any owners association or the owner of abutting property.

5 (11) Department - The Palm Beach County Engineering and Public
6 Works Department.

7 (12) County - Palm Beach County, Florida, and its Board of
8 County Commissioners.

9 (13) Utility company - any public or franchised entity which
10 provides electrical, gas or communication services.

11 (14) County right of way - any right of way acquired by the
12 County or the public by virtue of a dedication to the public or the
13 County on a plat, by separate instrument of conveyance, or by
14 prescription.

15 (15) Public Records - the records filed in the Office of the
16 Clerk of the Circuit Court in and for Palm Beach County, Florida.

17 (16) Owner - that person, governmental entity or business
18 entity which is the fee simple title holder of real property.

19 (17) Owners Association - any association or corporation
20 created under the laws of the State of Florida, the membership of which
21 is comprised of all owners of real property over which the owners
22 association has jurisdiction by virtue of a declaration of covenants and
23 restrictions, declaration of condominium, or similar instrument. The
24 term shall include the terms "homeowners' association," "condominium
25 association," and "cooperative association," and "property owners
26 association."

27 (18) Land value - the value of land as established for the tax
28 base by the Property Appraiser's Office prior to any or all exemptions.

29 Section IV. PETITIONERS.

30 (1) Petitions for abandonment of plats - any person,
31 governmental entity or business entity desiring to abandon a plat, or any
32 portion thereof, including public easements, shall be required to make
33 application to the County pursuant to Section 177.101, Florida Statutes,
34 and the provisions of this ordinance. Said application shall be on the
35 petition form prescribed by the Department and the information contained

1 therein shall be verified by the Petitioner under oath. Unless initiated
2 by the County, the petition shall be signed by all owners of any portion
3 of the petition site.

4 (2) Petitions for abandonment of rights of way - any person,
5 governmental entity or business entity desiring to abandon the public's
6 interest in and to any right of way shall be required to make application
7 to the County pursuant to this ordinance. Said application shall be on
8 the petition form prescribed by the Department and the information
9 contained therein shall be verified by the Petitioner under oath. Unless
10 initiated by the County, any petition for abandonment of rights of way
11 shall be signed by all owners of abutting property.

12 (3) Any petition made on behalf of the County shall be signed
13 by the County Engineer.

14 Section V. APPLICATION AND PRIVILEGE FEES.

15 (1) Application fee - except as provided herein, each petition
16 shall be accompanied by a fee of Four Hundred Dollars (\$400.00) to cover
17 the cost of administrative review, site analysis and investigation,
18 publications, and official recording. Said fee will be credited to any
19 privilege fee imposed. No refund shall be made. Petitions of the County
20 or any other governmental agency shall be exempt from the application
21 fee.

22 (2) Privilege fee - a privilege fee is hereby established,
23 payable by any Petitioner requesting the abandonment of the interest of
24 the County and public in and to any right of way under the jurisdiction
25 and control of the Palm Beach County Board of County Commissioners. The
26 privilege fee is to be used for the purpose of reimbursing the County's
27 costs and expenses incurred when acquiring real property for public use.

28 (3) The Board of County Commissioners shall make the final
29 determination of the application of the privilege fee based upon
30 recommendations submitted by County staff at the scheduled Public Hearing
31 for abandonment of the petition site.

32 (4) The privilege fee shall be determined and fixed by
33 computing 80% of the total land value of the petition site.

34 (5) The total land value of the petition site, per square
35 foot, shall be equal to the averaged square foot land value of the

1 abutting property, as established by the most current Palm Beach County
2 Property Appraiser records. This calculation shall be based upon the
3 cumulative land value of the abutting properties, (cumulative value),
4 determining the average value of said properties on a square footage
5 basis, (square footage value), and multiplying said square footage value
6 by the number of square feet of the petition site to ascertain the total
7 land value of the petition site.

8 (6) Such privilege fee shall not apply to petitions submitted
9 by the following:

10 a. the fee simple owner of the property subject to an
11 easement;

12 b. the original gratuitous conveyer of all the public
13 rights of way to be abandoned;

14 c. rights of way contained in plats which were approved
15 under the requirements of the Palm Beach County Subdivision and Platting
16 Ordinance (Ordinance 73-4), and when no conveyance of lots by reference
17 to the plat appear of record; or

18 d. when the petitioner is a duly organized governmental
19 body.

20 (7) The privilege fee may not apply when the petitioner will
21 convey necessary real property for County rights of way designated on the
22 County thoroughfare plan, which is equal to, or more than, the total
23 square footage to be abandoned, as determined by the Board of County
24 Commissioners;

25 Section VI. ACCESS TO WATER. No right of way, road, street,
26 or public accessway giving access to any publicly accessible waters in
27 Palm Beach County, shall be closed, vacated or abandoned except in those
28 instances wherein the Petitioner(s) offers to trade or give to the County
29 comparable land or lands for a right of way, road, street or public
30 accessway to give access to the same body of water, such access to be of
31 such condition as not to work a hardship to the users thereof, the
32 reasonableness of the distance and comparable land being left to the
33 discretion of the Board of County Commissioners.

1 Section VII. NOTICE OF INTENT. Immediately prior to filing
2 the petition for abandonment with the Department, the Petitioner shall
3 cause to be published a Notice of Intent in a newspaper of general
4 circulation in the County once weekly for two consecutive weeks. Such
5 Notice of Intent shall state the intent of the Petitioner to file a
6 petition pursuant to this Ordinance and, in the case of plat abandonment,
7 or any portion thereof, Chapter 177, Florida Statutes.

8 Section VIII. PETITION APPLICATION PROCEDURES. In addition to
9 any other information required by the Department, the petition shall
10 contain the following:

11 (1) Legal description of Petition Site - a complete and
12 accurate legal description of the Petition Site.

13 (2) Type of petition - a statement identifying the type of
14 petition as being for abandonment of:

- 15 a. a plat;
- 16 b. a portion of plat;
- 17 c. a county right of way;
- 18 d. the public's interest in a private right of way; or
- 19 e. a public easement.

20 The statement shall identify the source of the County's or public's
21 interest, together with a reference to the recording information for
22 same, in and to the Petition Site.

23 (3) Survey - a certified land survey measuring no less than
24 8½" x 14" and no larger than 11" x 17" shall be prepared by a Florida
25 registered land surveyor in accordance with the minimum technical
26 standards of Section 472.027, Florida Statutes, and Chapter 21HH-6,
27 Florida Administrative Code, and attached as an exhibit to the petition.

28 The survey shall also contain or depict the following information:

- 29 a. An accurate drawing of the Petition Site;
- 30 b. The boundaries of abutting properties;
- 31 c. The square footage of the Petition Site; and
- 32 d. Existing structures, utilities, easements,
33 encroachments and other improvements, including but not limited to the
34 location of overhead, underground or surface utility lines and equipment,

1 ditches, fences, buildings, pathways, and drainage structures contained
2 on the Petition Site.

3 (4) Location map - a drawing measuring not less than 8½" x 14"
4 and no larger than 11" x 17" which clearly and legibly identifies the
5 location of the Petition Site in relation to the nearest public right of
6 way, excluding the Petition Site, and all affected properties. The
7 location map may be located on the survey in a separate block.

8 (5) List of owners of affected property - a complete list of
9 all owners of affected property, their mailing addresses and legal
10 description of the property owned. All owners of abutting property shall
11 be so designated on this list. The petition shall state the source of
12 the information used to compile the list and shall contain an affidavit
13 of the preparer that to the best of his knowledge said list is complete
14 and accurate. If the affected property is under the jurisdiction of an
15 owner's association, this requirement of notice to affect property owners
16 may be fulfilled by mailing such notice to said owners association,
17 provided, however, that all abutting property owners must also be
18 separately notified. Said list shall be accompanied by a Number Ten (10)
19 white envelope for each affected property owner and each petitioner as
20 follows:

21 a. the following return address shall be printed or
22 typed thereon:

23 Engineering and Public Works Department

24 ATTN: Land Acquisition Section

25 P.O. Box 2429

26 West Palm Beach, FL 33402

27 b. it shall be pre-stamped with sufficient postage for
28 certified, return receipt postage for addressees in the United States and
29 registered mail postage for addressees in foreign countries.

30 c. a properly completed certified mail receipt or
31 registered mail receipt, as applicable, shall be clipped to each
32 envelope.

33 (6) Utility and drainage district approvals - the written
34 approval or consent of the utility providing service to or within the
35 Petition Site shall be attached to the petition. In the case of any

1 petition affecting drainage easements, canals, lakes or other water
2 management systems, the written approval or consent of the drainage
3 district(s) having jurisdiction over the Petition Site shall also be
4 attached to the petition.

5 (7) Access to affected property - the petition shall contain a
6 statement that to the best of the Petitioner's knowledge, the granting of
7 the petition would not affect the ownership or right of convenient access
8 of persons owning other parts of the subdivision.

9 (8) Federal or State highway statement - the petitioner shall
10 certify that the Petition Site, or any portion thereof, is not a part of
11 any State or Federal highway and was not acquired or dedicated for State
12 or Federal highway purposes.

13 (9) Notice of Intent - Proof of publication of the Notice of
14 Intent required by Section VII shall be attached to the petition.

15 (10) Evidence of title - the petition shall state the source of
16 petitioner's ownership or interest in and to the Petition Site, and a
17 reference to the recording information for same. A copy of the source
18 instrument shall be certified by the Clerk of the Circuit Court and
19 attached to the petition.

20 (11) Evidence of taxes paid - the petition shall state that all
21 state, municipal and county taxes on the Petition Site have been paid.
22 The certificate(s) of the Tax Collector's Office showing payment of same
23 (as payment is defined in Section 177.101(4), Florida Statutes) shall be
24 attached to the petition. If the Petition Site or any portion thereof is
25 tax-exempt, the petition shall so state and a copy of the tax roll from
26 the Tax Collector's Office which shows such exemption shall be attached
27 to the petition.

28 (12) Municipal resolution - the petition shall state whether
29 the Petition Site lies within the corporate limits of a municipality,
30 within the unincorporated area, or both. If any portion of the petition
31 site lies within the corporate limits of a municipality, the municipality
32 shall first abandon its interest in the Petition Site by appropriate
33 resolution, and a certified copy of the municipal resolution shall be
34 attached to the petition.

1 (13) Fees - the petition shall state whether the petition site
2 is subject to the privilege fee, the amount of said fee, and that the
3 application fee is submitted therewith. The petition shall include the
4 appropriate documentation supporting the petitioner's calculation of the
5 privilege fee.

6 (14) Justification - the petition shall detail the relevant
7 reasons in support of the request and granting of the petition.

8 Section IX. REVIEW OF PETITION.

9 (1) Review and notification - each petition shall be reviewed
10 by the Department, the County Planning, Building & Zoning Department, and
11 any governmental agency or County department deemed affected by the
12 Department. Upon receipt, the Department shall distribute the petition
13 to the reviewing departments and agencies. Within 20 days of receipt of
14 the petition, the reviewing department and agencies shall submit a
15 written report containing its findings and recommendations to the
16 designated staff of the Department. Upon receipt of all written reports,
17 the County Engineer shall review said petition and reports and shall
18 notify the Petitioner in writing of any reasonable conditions to be
19 performed prior to forwarding the petition and reports pursuant to
20 paragraph (2). Within ninety (90) days of receipt of the County
21 Engineer's notification, the Petitioner shall either comply with, agree
22 and commit in writing to the conditions, or disagree in writing to the
23 conditions. Failure to respond to the County Engineer's notification may
24 result in a recommendation to deny the petition by the County Engineer.

25 (2) Review by the Board of County Commissioners - after
26 expiration of the ninety (90) day period above or sooner, if conditions
27 are not imposed, or if imposed are responded to by the Petitioner in the
28 manner set forth above, the County Engineer shall forward the petition
29 together with his findings and recommendations of same to the Board of
30 County Commissioners for their review in accordance with this section.
31 The County Engineer shall set the petition for public hearing in
32 accordance with Section X unless the petition is not subject to a public
33 hearing pursuant to Section II(3). If a public hearing is not
34 required, upon its review the Board shall adopt a resolution either
35 approving or denying the petition. The Board may reject a petition if a
36 petition covering the same lands had been considered at any time within

(6) months of the date the later petition is submitted.

1 (3) The Department shall not be charged with the duty of:

2 a. searching the Official Records of the Clerk of the
3 Circuit Court and any other records in and for Palm Beach; or

4 b. any other investigation to determine the truth and
5 accuracy of the statements and information contained in the petition and
6 any attachments thereto.

7 Section X. PUBLIC HEARING OF PETITIONS FOR ABANDONMENT OF
8 COUNTY RIGHTS OF WAY AND PUBLIC EASEMENTS FOR DRAINAGE OF COUNTY RIGHTS
9 OF WAY.

10 (1) Pursuant to Section 336.10, Florida Statutes, a public
11 hearing shall be held for any petition for abandonment which affects
12 County right of way and public easements for drainage which service a
13 County right of way.

14 (2) The Board of County Commissioners hereby exercises their
15 authority as set forth in F.S. 336.09 by authorizing and directing the
16 County Engineer to establish a definite time and place to hold the public
17 hearing required by F.S. 336.10 and this Ordinance and to publish the
18 notice of said hearing.

19 (3) Publication of notice of public hearing - notice of such
20 public hearing shall be published by the County Engineer in a newspaper
21 of general circulation in the County one time at least fourteen (14) days
22 prior to the date set for the Public Hearing.

23 (4) Posting of notice of public hearing - the Department shall
24 notify the petitioner of the date and time of the public hearing and
25 shall direct the petitioner to post the property with a notice of
26 petition to vacate. The Petitioner shall place the notice in a
27 conspicuous and easily visible location, abutting a public thoroughfare
28 when possible, on the subject property at least ten (10) days prior to
29 the public hearing.

30 (5) Mailing of notice of public hearing - the Department shall
31 mail a copy of the Notice of Public Hearing to each addressee in the
32 envelope provided by petitioner pursuant to Section VIII(5).

33 (6) At the public hearing, all interested persons shall be
34 entitled to be heard; provided however, that the Board may refuse to hear
35 testimony that is repetitious, irrelevant, or immaterial. If the Board

1 approves the petition, the Board may vacate all or any portion of the
2 subject property, and may attach such conditions as the Board may deem to
3 be in the public interest.

4 (7) Notice of adoption of resolution. If the County
5 Commission shall by resolution grant the petition, notice thereof shall
6 be published one time within thirty (30) days following the date of
7 adoption of such resolution in a newspaper of general circulation
8 published in Palm Beach County. The proof of publication of the notice
9 of public hearing, and the proof of publication of the notice of the
10 adoption of the resolution, and a copy of the resolution shall be
11 recorded in the Public Records.

12 Section XI. RECORDATION OF RESOLUTION. Upon adoption of a
13 resolution approving a petition, a certified copy of same shall be filed
14 in the Public Records in accordance with Section 177.101 or Section
15 336.10, Florida Statutes, whichever is applicable.

16 Section XII. EFFECT OF RECORDING RESOLUTION OF ABANDONMENT.

17 (1) For County rights of way, upon the recordation of the
18 proof of publication of notice of public hearing, proof of publication of
19 the notice of adoption of the resolution, and a copy of the resolution in
20 the Public Records, the interest of the right of way so closed shall be
21 vested in accordance with provisions of Section 336.12, Florida Statutes.

22 (2) For plats, or portions thereof, recordation in the Public
23 Records of resolutions approving abandonment of a plat or a portion
24 thereof shall have the effect of vacating all streets and alleys in
25 accordance with 177.101(5), Florida Statutes, and shall either return the
26 vacated property to the status of unplatted acreage or shall vacate the
27 first plat in accordance with 177.101(1) or (2), Florida Statutes, as
28 applicable.

29 Section XIII. REPEAL OF LAWS IN CONFLICT AND ORDINANCE NO.
30 71-3. All local laws and ordinances applying to the unincorporated area
31 of Palm Beach County in conflict with any provisions of this ordinance
32 are hereby repealed, including, but not limited to Palm Beach County
33 Ordinance No. 71-3, which is repealed in its entirety.

34 Section XIV. SEVERABILITY. If any section, paragraph,
35 sentence, clause, phrase, or word of this ordinance is for any reason

1 held by a Court of competent jurisdiction to be unconstitutional,
2 inoperative or void, such holding shall not affect the remainder of this
3 ordinance.

4 Section XV. INCLUSION IN THE CODE OF LAWS AND ORDINANCES. The
5 provisions of this ordinance shall become and be made a part of the code
6 of laws and ordinances of Palm Beach County, Florida. The Sections of
7 the ordinance may be renumbered or relettered to accomplish such, and the
8 word "ordinance" may be changed to "section," "article," or any other
9 appropriate word.

10 Section XVI. EFFECTIVE DATE. The provisions of this ordinance
11 shall become effective upon receipt of acknowledgement from the Secretary
12 of State by the Clerk of the Board of County Commissioners.

13 APPROVED AND ADOPTED by the Board of County Commissioners of
14 Palm Beach County, Florida, on the 24th day of June, 1986.

15 PALM BEACH COUNTY, FLORIDA, BY ITS
16 BOARD OF COUNTY COMMISSIONERS

17 William M. McCall
18 By _____
Chair

19 APPROVED AS TO FORM AND
20 LEGAL SUFFICIENCY

21 Stan J. Towner
22 County Attorney

23 Acknowledgement by the Department of State of the State of
24 Florida, on this, the 3rd day of July, 1986.

25 EFFECTIVE DATE: Acknowledgement from the Department of State
26 received on the 7th day of July, 1986, at 3:5M., and
27 filed in the Office of the Clerk of the Board of County Commissioners of
28 Palm Beach County, Florida.

1 amended to clarify and revise several provisions as set forth below in this amendment to
2 Ordinance No. 86-18; and

3 **WHEREAS**, this amendment to Ordinance No. 86-18 is necessary and serves the
4 public interest and welfare.

5 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF**
6 **COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

7 **Section 1. Application Fee.**

8 Section V. (1) of Palm Beach County Ordinance No. 86-18; codified in Chapter 22,
9 Article II of the Palm Beach County Code, is hereby amended to read:

10 (1) Application fee - except as provided herein, each petition shall be
11 accompanied by a fee as set by resolution of the Board of County
12 Commissioners to cover the cost of administrative review, site analysis and
13 investigation, publications, and official recording. Said fee will be credited
14 to any privilege fee imposed. No refund shall be made. Petitions of the
15 County or any other governmental agency shall be exempt from the
16 application fee.

17 **Section 2. Privilege Fee.**

18 Section V. (6) of Palm Beach County Ordinance No. 86-18 is hereby
19 amended to read:

20 (6) Such privilege fee shall not apply to petitions submitted by
21 the following:

- 22 a. the fee simple owner of the property subject to an easement;
- 23 b. the original gratuitous conveyer of all the public rights of way to be
24 abandoned;
- 25 c. rights of way contained in plats which was recorded in the Public
26 Records of Palm Beach County and when no conveyance of lots by
27 reference to the plat appear of record; or

1 d. when the petitioner is a duly organized governmental body. This
2 exception from the privilege fee does not apply where such
3 Governmental body requires payment from the County for transfer
4 or acquisition of land and or right-of-way for public purposes.

5 **Section 3. Petition Application Procedures.**

6 Sections VIII.(3) and VIII.(5) of Palm Beach County Ordinance No. 86-18 are
7 hereby amended to read:

8 (3) Survey - a certified land survey measuring 8½" x 11" stock, no less
9 than 12 font size shall be prepared by a Florida registered land surveyor in
10 accordance with the minimum technical standards of Section 472.027,
11 Florida Statutes, and Chapter 21HH-6, Florida Administrative Code, and
12 attached as an exhibit to the petition. The survey shall also contain or depict
13 the following information:

- 14 a. An accurate drawing of the Petition Site;
15 b. The boundaries of abutting properties;
16 c. The square footage of the Petition Site; and
17 d. Existing structures, utilities, easements, encroachments and other
18 improvements, including but not limited to the location of overhead,
19 underground or surface utility lines and equipment, ditches, fences,
20 buildings, pathways, and drainage structures contained on the
21 Petition Site.

22 (5) List of owners of affected property - a complete list of all owners of
23 affected property, their mailing addresses and legal description of the
24 property owned. All owners of abutting property shall be so designated on
25 this list. The petition shall state the source of the information used to
26 compile the list and shall contain an affidavit of the preparer that to the best
27 of his knowledge said list is complete and accurate. If the affected property

1 is under the jurisdiction of an owner's association, this requirement of notice
2 to affected property owners may be fulfilled by mailing such notice to said
3 owners association, provided, however, that all abutting property owners
4 must also be separately notified. Said list shall be accompanied by a
5 Number Ten (10) white envelope for each affected property owner and each
6 petitioner as follows:

7 a. the following return address shall be printed or typed thereon:

8 Engineering and Public Works Department

9 Attn: Land Development Division

10 160 Australian Avenue, Suite 206

11 P.O. Box 21229

12 West Palm Beach, FL 33416-1229

13 b. it shall be pre-stamped with sufficient postage for certified, return receipt postage
14 for addressees in the United States and registered mail postage for addresses in foreign
15 countries.

16 c. a properly completed certified mail receipt or registered mail receipt, as applicable,
17 shall be clipped to each envelope.

18 **Section 4. REPEAL OF LAWS IN CONFLICT.**

19 All local laws and ordinances in conflict with any provisions of this Ordinance are
20 hereby repealed to the extent of such conflict.

21 **Section 5. SEVERABILITY.**

22 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
23 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall
24 not affect the remainder of this Ordinance.

25 **Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

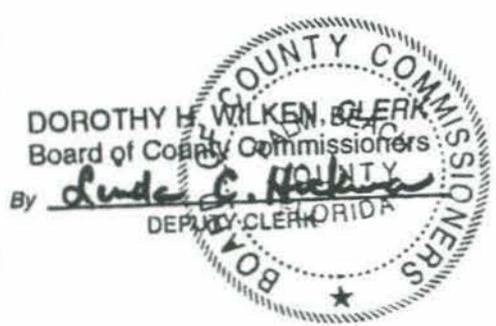
26 The provisions of this Ordinance shall become and be made a part of the Code of Laws
27 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be

1 renumbered or relettered to accomplish such, and the word "ordinance" may be changed
2 to "section", "article", or other appropriate word.

3 **SECTION 7. EFFECTIVE DATE.**

4 The provisions of this Ordinance shall become effective upon filing with the
5 Department of State.

6 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
7 County, Florida, on this the 20 day of August, 2002.



8 PALM BEACH COUNTY, FLORIDA, BY ITS
9 BOARD OF COUNTY COMMISSIONERS

10 By: [Signature]
11 Warren H. Newell, Chairman

12 APPROVED AS TO FORM AND
13 LEGAL SUFFICIENCY

14
15 By: [Signature]
16 County Attorney

17 Filed with the Department of State on the ___ day of ___, 2002.