



Town of Penney Farms
Application to Close, Abandon, or Vacate
Street, Alley, Easement, or Right of Way
 (A separate application is required for each Street,
 Alley, Right of Way, or Easement)

FOR OFFICE USE ONLY

File # _____

Application Fee: _____

Filing Date: _____ Acceptance Date: _____

A. PROPOSED CLOSING, ABANDONING, OR VACATION

1. Street, Alley, Right of Way Name to be closed, vacated, or abandoned: _____
2. Legal Description: _____
3. Parcel ID Number(s) and/or Adjoining Parcel ID Number(s): _____
4. Acreage of closure, abandonment, or vacation: _____

B. APPLICANT

1. Applicant's Status Owner (title holder) Agent

2. Name of Applicant(s) or Contact Person(s): _____
 Title: _____

Company (if applicable): _____

Mailing address: _____

City: _____ State: _____ ZIP: _____

Telephone: (____) _____ FAX: (____) _____ e-mail: _____

3. If the applicant is agent for the property owner*:

Name of Owner (title holder): _____

Company (if applicable): _____

Mailing address: _____

City: _____ State: _____ ZIP: _____

Telephone: (____) _____ FAX: (____) _____ e-mail: _____

* The applicant must provide executed Property Ownership Affidavit. If the applicant is an Agent for the property owner than an executed Agent Authorization is required in addition to Property Ownership Affidavit.

C. STATEMENT OF PROPOSED CLOSING, ABANDONING, OR VACATION SOUGHT

1. Reason for Request: _____

2. Is the vacation of the right of way in compliance with Section 6.02.03 C. of the Land Development Regulations? If so, state why _____

a. Is the vacation of the right of way consistent with the Transportation Circulation Element of the Comprehensive Plan?

b. Verify the right of way does not provide sole access, not from an easement, to any property (provide maps of existing access to surrounding properties). _____

c. Verify the vacation does not jeopardize current utility (provide maps of existing utilities)

d. Verify the vacation does not jeopardize future utility (provide maps of any planned utility extensions)

e. List reasons the vacation is not detrimental to the public interest _____

f. List the reasons the vacation provides a positive benefit to the Town of Penney Farms

3. How was the street / alley / easement / right-of-way established? _____

Subdivision Plat Book No: _____ Page No. _____

Plat Name: _____

Official Records Book No: _____ Page No. _____

Other: _____

4. Do you propose to close, abandon, or vacate the entirety of a street, easement, alley, or right-of-way, or only a portion? If a portion, please attach a survey of the portion that you desire the Town to close, abandon, or vacate.:

5. Do public facilities now occupy area to be closed, vacated, or abandoned? If yes, you must provide a current certified survey showing all existing conditions, including locations, and elevations of both open ditches and swales, and subsurface drainage facilities.

6. What is the Purpose of the Easement?

Drainage
 Utility
 All Utilities
 Others – please specify _____

7. What are the dimensions of the Easement? _____

8. Is there an existing encroachment? _____

Building
 Pool
 Other

9. Is there a building or mobile home encroachment is involved? If so, 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.

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

D. ATTACHMENTS (One hard copy or one copy in PDF format)

- 1. Legal description
- 2. Survey
- 3. List of property owners by name and address who own property abutting the street, alley, easement, or right-of-way, or portion thereof, to be abandoned, closed, or vacated.
- 4. List of abutting property owners (with addresses).
- 5. Copy of executed Adjacent Property Owner
- 6. Acknowledgement Letter(s) from each abutting property owner.
- 7. Location Map clearly identifying the location of the proposed closure.
- 8. Additional maps as required.

E. FEES

- 1. Each Street, Alley, Right of Way) - \$2,000
- 2. Each Easement - \$1,000
- a. The Cost of postage, signs, advertisements, and outside consultants are in addition to the application fee.
- b. The applicant is responsible to pay the cost of the advertisement and signs.
- c. All applications must pay the cost of any outside consultants' fees.

No application shall be accepted for processing until the required application fee is paid in full by the applicant. Any fees for advertising, signs, necessary technical review or additional reviews of the application by a consultant will be billed to the applicant at the rate of the reviewing entity. The invoice shall be paid in full prior to any action of any kind on the development application.

All attachments are required for a complete application. A completeness review of the application will be conducted within fourteen (14) business days of receipt. If the application is determined to be incomplete, the application will be returned to the applicant.

The Town reserves the right to retain a utility easement where the alley or roadway is located and grant the Town all necessary rights in such utility easement as it may require.

I/We certify and acknowledge that the information contained herein is true and correct to the best of my/our knowledge:

Signature of Applicant

Signature of Co-applicant

Typed or printed name and title of applicant

Typed or printed name of co-applicant

Date

Date

State of _____ County of _____

The foregoing application is acknowledged before me this _____ day of _____, 20____,

by _____, who is/are personally known to me, or who has/have produced

_____ as identification.

NOTARY SEAL

Signature of Notary Public, State of _____

Abutting Property Owner Acknowledgement Template

DATE: _____

Name: _____ (Abutting Owner)

Address: _____

RE: NOTICE TO ABUTTING OWNER OF REQUEST TO CLOSE
(R/W being Closed)

Dear Mr/Ms _____ (Abutting Owner) _____ :

The Town of Penney Farms is processing a request to close a right-of-way commonly known as _____ abutting your property. I am seeking your written approval of this closure request so I may provide confirmation to the Town. I intend to use the closed property for _____.

If the closure is approved, a portion of the closed right-of-way adjacent to your property may become your private property. This may result in an increase in your property taxes as to be determined by the Property Appraiser's Office after the closure is complete. The area I'm seeking to close is delineated on a map attached for your reference. If you agree/approve the closure request, please sign the acknowledgement and approval of the closure request below and return to me at _____.

If you wish to speak with someone from the Town of Penney Farms concerning this closure request, you may call the Town at 904-529-9078 and ask for the Town Manager.

Your prompt response is greatly appreciated.

Sincerely,

I ACKNOWLEDGE RECEIPT OF THE ABOVE LETTER AND AGREE TO THE REQUEST FOR CLOSURE OF THE RIGHT OF WAY DESCRIBED HEREIN:

(Sign): _____

(Print Name): _____