ORDINANCE NO. 86-18

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PRESCRIBING REGULATIONS GOVERNING THE VACATION AND ABANDONMENT OF RIGHTS OF WAY AND SUBDIVISION PLATS IN PALM BEACH COUNTY UNDER THE CONTROL AND JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS, IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 336.09-336.12 AND SECTION 177.101, FLORIDA STATUTES; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PETITION TO BE SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR APPLICATION FEE AND PRIVILEGE FEE; PROVIDING FOR ACCESS TO WATER; PROVIDING FOR NOTICE OF INTENT; PROVIDING FOR PETITION APPLICATION PROCEDURE; PROVIDING FOR REVIEW OF THE PETITION; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR RECORDATION OF RESOLUTIONS; PROVIDING FOR EFFECT OF RECORDING; PROVIDING FOR REPEAL OF ORDINANCE #71-3; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Board of County Commissioners finds and determines that the adoption of rules and regulations governing the procedures for the vacation, abandonment, and annulment of rights of way, easements and subdivision plats in accordance with the provisions of Section
336.09-336.12 and 177.101, Florida Statutes, is necessary, desirable and
serves the public interest and welfare.

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

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

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

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

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

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

(3) The procedures set forth in this Ordinance shall apply to
applications pursuant to 177.101(1) and (2), Florida Statutes, and to all
applications for vacating plats, or any portion thereof, including public
easements, pursuant to 177.101(3), Florida Statutes. Any petition to
vacate a plat, or portion thereof, which plat, or portion thereof,
contains private rights of way shall not require a public hearing
pursuant to Section XI; provided, however that a public hearing shall be
required if the petition site includes a County right of way or public
easement for drainage purposes which services a County right of way.

Section III. DEFINITIONS.

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

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

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

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

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

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

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

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

(9) Public easement - any utility or drainage easement which
is dedicated by plat in perpetuity for utility or drainage purposes, or
which is conveyed by separate instrument recorded in the Public Records
to the public or the County, which instrument has been approved by the
County for recordation. The term shall not include instruments of
conveyances or dedications made to specifically named utility companies,
owners associations, drainage districts, or other governmental agencies.
(10) Private right of way - any right of way dedicated or
deeded to an owners association or the owner of the abutting property or
which is dedicated as right of way and is the perpetual maintenance
obligation of any owners association or the owner of abutting property.

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

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

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

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

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

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

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

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

Section IV. PETITIONERS.

(1) Petitions for abandonment of plats - any person,
governmental entity or business entity desiring to abandon a plat, or any
portion thereof, including public easements, shall be required to make
application to the County pursuant to Section 177.101, Florida Statutes,
and the provisions of this ordinance. Said application shall be on the
petition form prescribed by the Department and the information contained
therein shall be verified by the Petitioner under oath. Unless initiated by the County, the petition shall be signed by all owners of any portion of the petition site.

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

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

Section V. APPLICATION AND PRIVILEGE FEES.

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

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

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

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

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

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

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

b. the original gratuitous conveyor of all the public rights of way to be abandoned;

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

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

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

Section VI. ACCESS TO WATER. No right of way, road, street, or public accessway giving access to any publicly accessible waters in Palm Beach County, shall be closed, vacated or abandoned except in those instances wherein the Petitioner(s) offers to trade or give to the County comparable land or lands for a right of way, road, street or public accessway to give access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the Board of County Commissioners.
Section VII. NOTICE OF INTENT. Immediately prior to filing
the petition for abandonment with the Department, the Petitioner shall
cause to be published a Notice of Intent in a newspaper of general
circulation in the County once weekly for two consecutive weeks. Such
Notice of Intent shall state the intent of the Petitioner to file a
petition pursuant to this Ordinance and, in the case of plat abandonment,
or any portion thereof, Chapter 177, Florida Statutes.

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

(1) Legal description of Petition Site — a complete and
accurate legal description of the Petition Site.

(2) Type of petition — a statement identifying the type of
petition as being for abandonment of:
   a. a plat;
   b. a portion of plat;
   c. a county right of way;
   d. the public’s interest in a private right of way; or
   e. a public easement.

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

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

The survey shall also contain or depict the following information:

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

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

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

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

Engineering and Public Works Department
ATTN: Land Acquisition Section
P.O. Box 2429
West Palm Beach, FL 33402

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

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

(6) Utility and drainage district approvals - the written
approval or consent of the utility providing service to or within the
Petition Site shall be attached to the petition. In the case of any
petition affecting drainage easements, canals, lakes or other water management systems, the written approval or consent of the drainage district(s) having jurisdiction over the Petition Site shall also be attached to the petition.

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

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

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

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

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

(12) Municipal resolution - the petition shall state whether the Petition Site lies within the corporate limits of a municipality, within the unincorporated area, or both. If any portion of the petition site lies within the corporate limits of a municipality, the municipality shall first abandon its interest in the Petition Site by appropriate resolution, and a certified copy of the municipal resolution shall be attached to the petition.
(13) Fees - the petition shall state whether the petition site is subject to the privilege fee, the amount of said fee, and that the application fee is submitted therewith. The petition shall include the appropriate documentation supporting the petitioner's calculation of the privilege fee.

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

Section IX. REVIEW OF PETITION.

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

(2) Review by the Board of County Commissioners - after expiration of the ninety (90) day period above or sooner, if conditions are not imposed, or if imposed are responded to by the Petitioner in the manner set forth above, the County Engineer shall forward the petition together with his findings and recommendations of same to the Board of County Commissioners for their review in accordance with this section. The County Engineer shall set the petition for public hearing in accordance with Section X unless the petition is not subject to a public hearing pursuant to Section II(3). If a public hearing is not required, upon its review the Board shall adopt a resolution either approving or denying the petition. The Board may reject a petition if a petition covering the same lands had been considered at any time within (6) months of the date the later petition is submitted.
(3) The Department shall not be charged with the duty of:
   a. searching the Official Records of the Clerk of the Circuit Court and any other records in and for Palm Beach; or
   b. any other investigation to determine the truth and accuracy of the statements and information contained in the petition and any attachments thereto.

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

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

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

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

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

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

(6) At the public hearing, all interested persons shall be entitled to be heard; provided however, that the Board may refuse to hear testimony that is repetitious, irrelevant, or immaterial. If the Board
approves the petition, the Board may vacate all or any portion of the
subject property, and may attach such conditions as the Board may deem to
be in the public interest.

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

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

Section XII. EFFECT OF RECORDING RESOLUTION OF ABANDONMENT.
(1) For County rights of way, upon the recordation of the
proof of publication of notice of public hearing, proof of publication of
the notice of adoption of the resolution, and a copy of the resolution in
the Public Records, the interest of the right of way so closed shall be
vested in accordance with provisions of Section 336.12, Florida Statutes.

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

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

Section XIV. SEVERABILITY. If any section, paragraph,
sentence, clause, phrase, or word of this ordinance is for any reason
held by a Court of competent jurisdiction to be unconstitutional,
inoperative or void, such holding shall not affect the remainder of this ordinance.

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

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

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

Palm Beach County, Florida, by its Board of County Commissioners

[Signature]
Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

County Attorney

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

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 7th day of July, 1986, at 3:53 M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.
ORDINANCE NO. 2002-034

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 22 OF THE PALM BEACH COUNTY CODE, ARTICLE III, (ORDINANCE NO. 86-18), GOVERNING THE VACATION AND ABANDONMENT OF RIGHTS OF WAY AND SUBDIVISION PLATS IN PALM BEACH COUNTY UNDER THE CONTROL AND JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING THE APPLICATION FEE PROVISIONS; AMENDING THE PRIVILEGE FEE PROVISIONS; AMENDING THE PETITION APPLICATION PROCEDURES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Board of County Commissioners, by its adoption of the Palm Beach County Right of Way Abandonment and Plat Vacation Ordinance (Ordinance No. 86-18); codified in Chapter 22, Article II of the Palm Beach County Code, found and determined that the adoption of rules and regulations governing the procedures for the vacation, abandonment, and annulment of rights of way, easements and subdivision plats in accordance with the above provisions of the Florida Statutes, was necessary, desirable and served the public interest and welfare, and

WHEREAS, the Board of County Commissioners now determines that the Palm Beach County Right of Way, Abandonment and Plat Vacation Ordinance (Ordinance No. 86-18); codified in Chapter 22, Article II of the Palm Beach County Code, should be
amended to clarify and revise several provisions as set forth below in this amendment to Ordinance No. 86-18; and

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

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

Section 1. Application Fee.

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

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

Section 2. Privilege Fee.

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

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

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

b. the original gratuitous conveyor of all the public rights of way to be abandoned;

c. rights of way contained in plats which was recorded in the Public Records of Palm Beach County and when no conveyance of lots by reference to the plat appear of record; or
when the petitioner is a duly organized governmental body. This
exception from the privilege fee does not apply where such
Governmental body requires payment from the County for transfer
or acquisition of land and or right-of-way for public purposes.

Section 3. Petition Application Procedures.

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

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

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

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

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

   Engineering and Public Works Department
   Attn: Land Development Division
   160 Australian Avenue, Suite 206
   P.O. Box 21229
   West Palm Beach, FL 33416-1229

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

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

Section 4. REPEAL OF LAWS IN CONFLICT.

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

Section 5. SEVERABILITY.

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

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

The provisions of this Ordinance shall become and be made a part of the Code of Laws
and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 7. EFFECTIVE DATE.

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

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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