



SEMINOLE COUNTY DEVELOPMENT REVIEW DIVISION
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APPLICATION FOR PRIVATIZATION OF ROAD

The Board of County Commissioners of Seminole County has approved a process for the privatization of public roads in order for residents to install gates and/or guardhouses to limit public access. The following procedures and requirements are submitted for Board review and consideration.

1. **Initial Contact.** Due to the legal issues involved in implementing a privatization project, one hundred per cent (100%) of the affected property owners MUST agree to participate. Accordingly, staff will respond to an initial inquiry by providing the inquirer with a copy of this memorandum. Further staff and Board action will be determined by the applicant's responses to the issues addressed herein.
2. **Preliminary Staff Review.** An individual or homeowners association may obtain a preliminary staff review of the feasibility of the proposed privatization by submitting a copy of a plat or other map showing the street(s) proposed to be privatized together with a written list of the street(s) affected by the proposed project. Staff will review the proposed project to determine if there are any obvious impediments to privatization, i.e., by way of example and not limitation, one or more of the roads are not County roads, there is a collector, arterial or through street involved that must remain public to insure proper traffic patterns or circulation.

This level of review is optional, superficial and intended only to warn an applicant against an investment of time and money in a project that has little or no chance of a positive staff recommendation or Board approval.

3. **Complete Application.** A complete application consists of the documents required to address the issues specified in the attached list (Attachment "A") accompanied by a fee of \$1000. NOTE: Unless otherwise specified, an applicant is free to structure the application and supporting documents as desired, provided that all documents are subject to review and verification by the County Attorney's Office in order to insure that the County's interests are adequately protected and that all required issues have been addressed. The Development Review Manager or designee will review the application and, if Board approval is recommended, prepare the required advertisements and

resolutions and schedule the matter for public hearing before the Board. If the Development Review Manager or designee does not recommend approval then the reasons for the negative recommendation will be provided to the applicant together with a refund of \$400.

4. **Public Hearing**. Final approval of an application requires a public hearing before the Board of County Commissioners at which a resolution vacating and abandoning the County's interest in the subject street(s) is adopted. The notice, publication and recording requirements of Section 336.10, Florida Statutes (2000) must be followed. In addition to payment of the fee stated above the applicant is responsible for payment of all recording fees for the required documents. On or before the date of the public hearing, the applicant must provide the County with all original documents, properly executed and ready for recording, together with a cashier's or bank check in the amount of the required recording fees. The Board of County Commissioners will not hear the matter in the absence of such documentation. The Clerk of the Board will transmit all documents for recording in the public records.

Attachment "A" **Privatization Required Documents**

The following is the minimum information required to be submitted with the public road privatization request:

- 1) Recorded Plat of the street(s) requested to be vacated. (4 copies each)
- 2) Sketch or clear map identifying all surrounding roads connected to the streets to be vacated. (4 copies each)
- 3) Names and addresses of all property owners effected by this vacate (immediately adjacent to the streets to be vacated).
- 4) Description of entity that exists or is proposed to be created to fund and be responsible for maintenance. A copy of the documents (Bylaws, restrictions etc.) showing evidence that the association is authorized to undertake this process and assume the responsibility for this action. Organization structure must also be part of this document.
- 5) Copies of notarized consents from all property owners (100% must consent) agreeing to the proposed privatization and to the proposed form of access easement.
- 6) Copies of notarized consents of all mortgagors or proof that such consent is not required.
- 7) Letters of consent from all effected utility companies (electrical, cable, telephone, gas etc.).
- 8) Description of a plan for public access for deliveries, emergency vehicles, postal services, waste collection etc...
- 9) Copy of consent or approval from the Police/Sheriff and Fire Protection providers.
- 10) Description of funding mechanism for future maintenance and copies of documents reflecting same (mandatory assessment, etc.).
- 11) Copy of certification from an insurance provider willing to issue a liability policy. Actual coverage documents must be provided within 10 days after Board approval.
- 12) List of all government or taxing entities having jurisdiction over the area if applicable. (Contact property appraiser's office).

This process is a case by case basis and may require additional submittal of other documentation or survey information.