



CITY OF
MARATHON, FLORIDA

9805 Overseas Highway, Marathon, FL 33050
Phone (305) 743-0033 Fax (305) 743-3667 www.ci.marathon.fl.us

Public Right-of-Way Abandonment

Section 26-1 of the City Code of Marathon provides a method for the abandonment of public Right-of-Way. Any request for abandonment must be heard at a properly advertised public hearing before the City Council. Please allow adequate time for the departmental review and scheduling for the public hearing at the City Council meeting. The submittal of an application for a public right-of-way abandonment does not entitle you to the abandonment.

Upon receipt of the application, all attachments, and cost recovery fee, the City will review the request and determine if the property is needed for City purposes and if it meets all development, emergency access and street construction rules and regulations. Upon recommendation, a notice will be published setting forth the date and time of the public hearing. The petitioner and/or his agent will be required to attend this public hearing in order to answer any questions the Council may have.

The City Council will review and consider the request for abandonment based on the following criteria:

1. Whether the proposed abandonment will adversely affect the operations and functions of the City.
2. Whether the proposed abandonment will adversely affect public access to and from the water.
3. Whether the proposed abandonment will adversely affect pedestrian or vehicular traffic, or the commercial viability of business within three hundred (300) feet of the right-of-way to be abandoned.
4. Whether the proposed abandonment will adversely affect a public view corridor.
5. Whether the proposed abandonment will deprive other property owners of access to and from their property.
6. Whether the proposed abandonment will interfere with utility services being provided, or unreasonably affect any utility easement.

Please be aware that no dedicated and accepted right-of-way in the City can be abandoned where the right-of-way terminates on a body of open water, unless the City Council determines at a public hearing that the applicant meets the above requirements, as stated in Section 26-1. In all other cases of abandonment, no right-of way can be abandoned unless there is an agreement to do so by all property owners on both sides of the right-of-way.

Additional requirements may be instituted as necessary, including but not limited to, the installation of a fire hydrant, a unity of title for all properties adjacent to the abandoned right-of-way, and an easement.

Please direct any questions to the Planning Department or Public Works Department, available at by phone at (305) 743-0033.

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FEE: \$5,000.00

Any Additional Meeting with Mailed & Published Notice will be charged @ \$1,500.00

ALL APPLICATIONS MUST BE DEEMED COMPLETE AND IN COMPLIANCE WITH THE CITY OF MARATHON CODE PRIOR TO THE ITEM BEING SCHEDULED

Applicant Name: _____

Mailing Address: _____

Phone: _____ Alt Phone: _____

Agent's Name: _____

Mailing Address: _____

Phone: _____ Alt Phone: _____

General Location Description And Street Address of Property:

Legal Description of Property Adjacent To Right-of-Way:

Key: _____ Mile Marker: _____

Real Estate Number(s): _____

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Applicant or Agent Name (Please Print) _____

Applicant or Agent Signature _____

Date _____

**NOTARY STATE OF FLORIDA,
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____ who is personally known or who produced _____ for identification.

Signature of Notary Public – State of Florida _____

My commission Expires: _____

Required Application Materials

The following items must be submitted with the application in order for City staff and the Council to review the right-of-way abandonment request. Please provide five (5) copies of the following items:

1. **Survey of Said Right-of-Way Showing the Road and Adjoining Properties.** (Preferably 11" x 17" or 8 1/2" x 11") Property owned by petitioner must be clearly marked and the portion of the right-of-way the applicant desires to have abandoned must be marked with diagonal lines. The survey must include all properties adjacent to the portion of right-of-way to be abandoned. Include on the survey sufficient detail to inform of type of road surface (rock, asphalt, etc.), road width, utility poles, valve boxes, drains, landscaping, encroachments and other appurtenance.
2. **Location Map** clearly showing where petitioners' property and the road to be abandoned are located. You may submit an aerial photograph with a scale no larger than 1"=300'. All maps should include US1 and mile marker information.
3. **Copies of Deeds** showing applicant's ownership of property adjacent to that portion of road to be abandoned.
4. **Correct Legal Description of the Portion of Roadway to be Abandoned.** This must be a metes and bounds description, unless a recorded plat is referenced. If a recorded plat is referenced, you must provide sufficient description that the portion of roadway to be abandoned can be readily determined.
5. **Letters of No Objection From All Utility Companies,** including electric, water, telephone, and cable TV. Should it be necessary to grant easements to any utility company, you must furnish fully executed copies of said easement forms.
6. **If a Cul-de-sac or "T" Type Turnaround is required** to be constructed, it will be the responsibility of the applicant, if the road to be abandoned will result in an existing rock or paved road being shortened. Indicate in the application the agreement to construct either one per City Standard Specifications and Details. (If you need information about this, contact Public Works at 305-289-4103)

7. Upon notification by the City of the public hearing date, the applicant will be required to post the property with a waterproof sign of at least 4 square feet in front surface area at least fifteen days in advance of the hearing date (this information on the sign will be provided to you by the City).

***Engineering review fees are not included in this application fee**