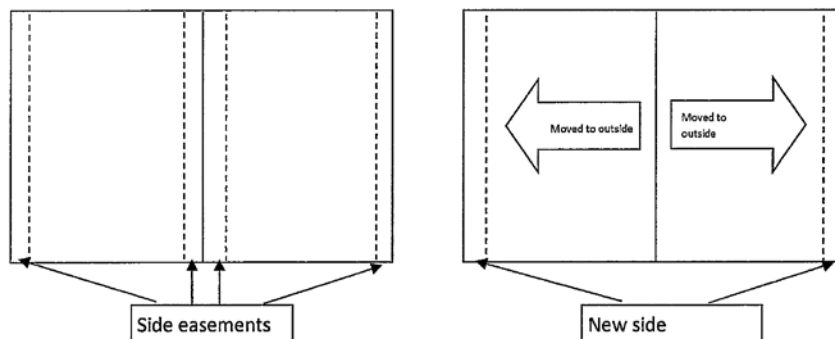


Sec. 53-267. - Relocation of easements.

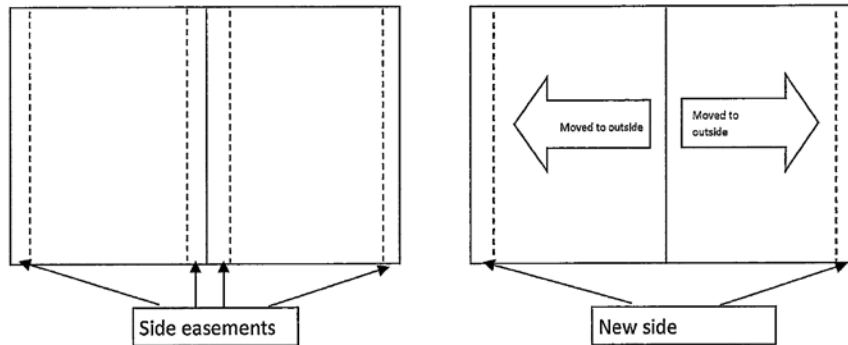
A. Relocation of platted easements. This section applies to platted easements granted to the City or one (1) of its Special Districts.

1. Easements not in use. Platted easements granted to the City or its Special Districts and not in use by the City or a Special District may be relocated by the City Manager if the conditions below are met.
 - a. The property owner(s) shall submit an application to the City for approval for the relocation of the platted easement. All nonrefundable application fees shall be paid by the applicant prior to processing the application. The property owner shall agree to the new location and dimensions of the easement. The application shall include:
 - i. Proof of ownership of the affected property or properties, in the form of a Title Binder or Opinion of Title.
 - ii. A recent signed and sealed survey of the property which shows the location of the current easement.
 - iii. A survey and legal description of the proposed new location of the easement together with an unexecuted grant of easement.
 - iv. Letters of No Objection or Agreements to Relocate from all utility companies servicing the City, if applicable to the type of easement being relocated, and a Letter of No Objection from all lien holders, if applicable. All relocation or removal costs will be borne by the applicant.
 - v. The purpose of the relocation, such as conflicts with existing or proposed construction.
 - b. All City taxes and assessments for the property or properties have been paid to date, prior to the processing of the application. The property owner shall submit proof of payment with the application for relocation of easement.
 - c. The easement is not presently used for its intended purpose, and the current location of the easement for the intended use is not necessary for the development of the City in the future or for public health, safety, or welfare.
 - d. The easement can be relocated and still serve its intended purpose. The relocated easement generally must be of the same width in order to serve its intended purpose. A relocated easement may be shorter, longer, or wider than the original easement where necessary to serve the same purpose as the original easement.
 - e. For easements along side lot lines where two (2) or more lots are combined as a buildable site, the interior side lot line easements may be moved to the outermost side lot lines of the combined lot site [see diagram]. Interior setback lines are also moved to the outside. The relocation of easements does not move or otherwise affect the interior lot lines.



- f. Easements other than side lot line easements may be relocated anywhere on the property that will serve the easement's intended purpose.
 - g. An easement can only be relocated within the same parcel, where not combined with other parcels as a building site. If more than one (1) parcel is used as a single building site, the easement can be relocated to any one (1) of those parcels as long as it is in common ownership.
 - h. The property owner shall be responsible for recording the easement relocation in the public records and paying the recording fees.
 - i. An easement shall not be relocated if:
 - i. The easement is directly parallel and adjacent to City or District owned property, including canals and waterways, and the easement serves or will serve that property.
 - ii. The proposed relocation site would be unsuitable for its intended use due to the topography or condition of the land or for some other reason. The proposed easement site must retain its functionality for the purposes for which it was given.
 - iii. The proposed relocation site will interfere with the use of another easement, including but not limited to adjacent easements on property not a part of the application.
 - iv. The proposed relocation site will materially increase the operating costs of the City or District.
 - v. The current location of the easement is part of a corridor of easements across multiple properties, some of which are not owned by the applicant. Side lot line easements on non-corner lots do not create a corridor of easements.
2. Easements in use. An easement presently in use by the City or its Special Districts may be relocated by the City Manager if the following conditions are met.
- a. The property owner(s) shall submit to the City for approval an application for the relocation of the platted easement. All nonrefundable application fees shall be paid by the applicant prior to processing the application. The property owner shall agree to the new location and dimensions of the easement. The application shall include:
 - i. Proof of ownership of the affected property or properties, in the form of a Title Binder or Opinion of Title.
 - ii. A recent signed and sealed survey of the property which shows the location of the current easement.
 - iii. A survey and legal description of the proposed new location of the easement together with an unexecuted grant of easement.
 - iv. Letters of No Objection or Agreements to Relocate from all utility companies servicing the City, if applicable to the type of easement being relocated, and a Letter of No Objection from all lien holders, if applicable. All relocation or removal costs will be borne by the applicant.
 - v. The purpose of the relocation, such as conflicts with existing or proposed construction.
 - b. The property owner shall be responsible for recording the easement relocation in the public records and paying the recording fees.
 - c. The easement can be relocated on the owner's property without detriment to the City's interests and purposes in having such easement. The relocated easement generally must be of the same width in order to serve its intended purpose. A relocated easement may be shorter, longer, or wider than the original easement where necessary to serve the same purpose as the original easement. The existence of City owned structures in the easement and the connection of such easement to easements on other properties shall be considered in determining whether a relocation is appropriate.

- d. All City taxes and assessments for the property or properties have been paid to date, prior to the processing of the application. The property owner shall submit proof of payment with the application for relocation of easement.
- e. For easements along side lot lines where two (2) or more lots are combined as a buildable site, the interior side lot line easements may be moved to the outermost side lot lines of the combined lot site. [see diagram]. Interior setback lines are also moved to the outside. The relocation of easements does not move or otherwise affect the interior lot lines.



- f. Easements other than side lot line easements may be relocated anywhere on the property that will serve the easement's intended purpose.
- g. An easement can only be relocated within the same parcel, where not combined with other parcels as a building site. If more than one (1) parcel is used as a single building site, the easement can be relocated to any one (1) of those parcels as long as it is in common ownership.
- h. The applicant shall bear all costs of relocating the easement, including but not limited to permitting, removal or relocation costs of infrastructure, survey and provision of as-built plans for relocation of any existing infrastructure.
- i. An easement shall not be relocated if:
 - i. The easement is directly parallel and adjacent to City or District owned property, including canals and waterways, and the easement serves or will serve that property.
 - ii. The proposed relocation site would be unsuitable for its intended use due to the topography or condition of the land or for some other reason. The proposed easement site must retain its functionality for the purposes for which it was given.
 - iii. The proposed relocation site will interfere with the use of another easement including but not limited to adjacent easements on property not a part of the application.
 - iv. The proposed relocation site will materially increase the operating costs of the City or District.
 - v. The current location of the easement is part of a corridor of easements across multiple properties, some of which are not owned by the applicant. Side lot line easements on non-corner lots do not create a corridor of easements.

B. Process.

1. After receipt of a complete application and payment of all application fees, the City shall begin review. Review shall consist of: any current or future use of the easement, the suitability of the proposed relocation site for the intended uses or the availability of alternate sites, the location of other existing easements, the meeting of requirements under this section and the purpose of the relocation request as it impacts the suitability of the relocation site.

2. If the proposed relocation site and/or total area of the proposed easement is deemed unsuitable, City staff may propose an alternate site and/or total area which will meet the City's or District's needs instead of denying the application, but it is not required to do so. The applicant may either accept or reject the alternate location and/or total area. If the City staff and applicant cannot reach an agreement on an alternate site and/or total area, the application is deemed denied.
3. The City shall have forty-five (45) calendar days to review a completed application and either approve, disapprove, or propose an alternate location and/or total area for the easement. If an alternate location and/or total area is proposed, the property owner shall have twenty (20) business days to respond. Failure to respond shall result in a denial of the application.
4. If the application is approved, a relocation easement shall be executed by the City Manager and the applicant, and shall be recorded by the applicant. If applicable, the payment of relocation expenses shall be provided for by agreement. All agreements and easements shall be in a form approved by the City Attorney.

C. Terms of relocation.

1. The petition shall abide by all regulations established in this ULDC, pertaining to relocation of easements.
2. The granting of approval to relocate easements does not constitute the right to construct.
3. After July 31, 2013, the fee for processing a request for relocation of easements shall be double the administration fee if:
 - a. The encroaching building or structure was constructed prior to receiving and recording the approval for the relocation of the easement(s), and
 - b. The encroaching building or structure was constructed after July 31, 2013.
4. The Sarasota County Property Appraiser's assignment of a Property Identification Number (PID), does not constitute the official combination of lots, and does not affect the location of platted lot lines and/or easements.
5. The consent to relocation of an easement granted by the City or District does not affect the interests of any third parties in the platted easement where such parties do not consent to the relocation.

D. Vacation of platted easements. Platted easements shall be vacated in accordance with F.S. ch. 177.

- E. Timing. The easement relocation must be recorded within thirty (30) days of being approved by the City or it shall be null and void. A copy of the recorded easement will be provided to the City by the applicant.
- F. Appeals. Decisions made under this Sec. 53-267 shall not be appealable to the Zoning Board of Appeals, but only to a court of competent jurisdiction.
- G. Sec. 53-267 shall not apply to the vacation or relocation of platted roadways, street rights of way, alleys, or other thoroughfares.

[Added 7-22-2013 by Ord. No. 2013-08]