

Certificate of Vesting Application



CITY OF OVIEDO
400 Alexandria Boulevard
Oviedo, Florida 32765

Phone: (407) 971-5779

Application No. _____

Date Received _____

Pre-application Meeting Date _____

Submittal Checklist

Application and supporting documents may be submitted electronically.

____ *Authority/ Ownership Affidavit. Have the Affidavit notarized by both the owner and applicant (even if same person).*

____ *Proof of Ownership (a copy of the tax bill or print out of property appraiser's office is required).*

____ *Boundary Survey with the Legal Description and Parcel Identification Numbers.*

____ *Copy of all site or development plans or plats*

____ *Statement of fact to support that a vested rights exist.*

____ **Application Fee**

\$3,270.00

____ **Tech Fee**

\$250.00

Applicant

If exempt under FS119.071 or FS493.6122 or FS741.3165 or FS741.4651, please fill out Request for Redaction of Exempt Personal Information from Public Records form.

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

Property Owner

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

Contact Person

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

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PROJECT NAME: _____

LOCATION: _____

LEGAL DESCRIPTION: _____

PARCEL IDENTIFICATION NUMBERS: _____

Attach an official, sealed boundary survey with a complete legal description and parcel identification numbers of the subject property to this application.

Current Use _____ Proposed Use _____

The following documentation must be submitted with the application:

- 1) The application shall provide a sworn statement to be executed by all owners of the real property or an authorized agent that all information set forth on the application is true and correct.
- 2) A copy of all site or development plans or plats relating to the real property.
- 3) Identification by specific reference to any ordinance, resolution or other action of the City or failure to act by the City, upon which the applicant relied and which the applicant believes supports the applicant's position relative to the assertion of vested rights relative to the subject real property.
- 4) A statement of fact which the applicant intends to prove in support of the application that vested rights exist. The application shall fully articulate the legal basis for being allowed to proceed with development without application of otherwise applicable architectural standards.
- 5) Such other relevant information that the Land Use Administrator may request or the applicant may desire to have initially considered.

Certification

I hereby certify that , to the best of my knowledge and belief, all information supplied with this application is true and complete, and that I am

() the Property Owner of Record for the subject property described herein.

() the Authorized Agent of the Property Owner of Record for the subject property described herein (notarized letter of authorization attached).

Signature

Date

Name and Title (printed or typed)

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The instructions are intended to provide you with the information necessary for you to complete an application for a Certificate of Vesting. The information requested to be part of your application represents the minimum requirements for submittal.

A project Manager will be assigned to your application to work with you throughout the application process. The project Manager will provide you information on all public meetings where your application will be considered. Our objective is to make the process clear and understandable as possible for you.

Sufficiency Review

The Applicant is required to complete all parts of this application properly and completely in order for the Staff to begin processing the application. If the Staff determines within two (2) business days that the application is not sufficient, you will be notified by email and the application will not be reviewed for compliance. Once the application is sufficient, staff will notify you by email and the application will move into Compliance Review.

Compliance Review

City Staff will review the completed application for compliance with the Land Development Code within the following review days:

1st Compliance Review-	28 calendar days
2nd Compliance Review-	21 calendar days
3rd Compliance Review-	14 calendar days (The Applicant shall pay 50% of application fee)

Board Consideration

Applications proceed through to one (1) City Council meeting.

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Land Development Code Section 2.12 Vested Rights Determination

(A) Application.

- (1) The owner or owners of real property, or their expressly authorized agent, may request a determination of vested rights from and against the provisions of this LDC by paying the application fee and filing a technically complete application with the Land Use Administrator, or designee.
- (2) The application form shall contain the following information:
 - (a) The name and address of the applicant who shall be the owner or all owners of the subject parcel of real property or a person expressly authorized to apply on behalf of the owner or owners.
 - (b) A legal description, current tax parcel identification number and survey or a sketch of the real property which is the subject of the application.
 - (c) The name and address of each owner of the real property.
 - (d) A copy of all site or development plans or plats relating to the real property.
 - (e) Identification by specific reference to any ordinance, resolution or other action of the City or failure to act by the City, upon which the applicant relied and which the applicant believes supports the applicant's position relative to the assertion of vested rights relative to the subject real property.
 - (f) A statement of fact which the applicant intends to prove in support of the application that vested rights exist. The application shall fully articulate the legal basis for being allowed to proceed with development without application of otherwise applicable standards.
 - (g) Such other relevant information that the Land Use Administrator, or designee, may request or the applicant may desire to have initially considered.
 - (h) The application shall provide a sworn statement to be executed by all owners of the real property or an authorized agent that all information set forth on the application is true and correct.
- (3) Application Process Vesting application process shall follow Article III, Section 3.2(A) Application Review Process.
- (4) Upon the Land Use Administrator, or designee, accepting a technically complete application, for which the application fee has been submitted, the City Council shall review the application and hold a public hearing and make a final determination as to whether or not it has been clearly and convincingly demonstrated that the real property subject to the application has vested status. Within seven (7) calendar days after making a final determination of vested rights status, the City Council shall provide the applicant with written notification of the determination of vested rights status in the form of a development order, if the application is approved, or a denial development order, in accordance with the provisions of F.S. § 166.033, if the application is denied. All orders shall contain findings of facts, conclusions of law and the operative order constituting the decision of the City Council. If the City Council determines that vested rights exist and that development may proceed, the applicant shall have the right to rely upon such development order that the real property is vested and the determination that the real property is vested shall be final and not subject to appeal, revocation or modification. Thereupon, permits may be granted, and development shall comply with the applicable standards except those against the development is vested from as set forth in the development order issued by the City Council.
- (5) At the hearing, the applicant shall present evidence in support of the application.
- (6) The City Council's decision to grant or determine vested rights status shall be final subject, however, to appeal in accordance with State law.