



## APPLICATION FOR VACATION in The Village of Estero

### TYPE OF VACATION:

- ☐ of **Right-of-Way**, or of **Plat with Right-of-Way** (attach **Petition AC 13-0**)
- ☐ of **Plat with no Right-of-Way** (attach **Petition AC 13-1**)
- ☐ of **Drainage Easement** (attach **Petition AC 13-1**)
- ☐ of **Utility Easement** (attach **Petition AC 13-1**)

**NOTE:** *If more than one type of Vacation is requested at the same time, the charge is the greater fee. Recording fee is to be paid at time of recording.*

**Project Name:** \_\_\_\_\_

**Petitioner(s):** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City, State, ZIP:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

### STRAP Numbers:

_____	_____
_____	_____
_____	_____

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### STAFF USE ONLY:

Case Number: _____	Council District: _____
Current Zoning: _____	Fee Amount: _____
Land Use Classification: _____	Intake By: _____

**Recording Fees to “The Clerk of Courts”:**

- **\$10.00 for first page and \$8.50 each additional page (typically \$35.50).**
- **The applicant will be provided with a letter at the time of recording requesting the exact amount.**

**SUBMITTAL REQUIREMENTS**

Please provide the following documents and indicate by ☒ mark in the appropriate box that the information was provided.

- ☐ **Signed original petition to vacate.** See recommended format of Petition(s) below.

Three (3) paper copies of all the following documents - (one (1) original and two (2) copies) and one (1) CD or thumb drive:

- ☐ **Professional written legal description and street address of easement(s) and/or right-of-way (ROW) to be vacated.** (Labeled as **Exhibit “A.”**)
- ☐ **Professional sketch** (labeled as **Exhibit “B”**) showing easement(s) and/or right-of-way to be vacated (less and except the north/south or east/west \_\_\_\_\_ feet of each easement and/or right-of-way). Must include all lot numbers, block numbers, street names, scale, and north arrow. This sketch should be suitable for recording in the public records (no greater in size than 8-1/2" x 14").
- ☐ **Proof that all property taxes due and payable November 1<sup>st</sup> of the current year have been paid** (i.e., validated tax receipt). (Labeled as Exhibit “C.”) For details, contact the Lee Co. Tax Collector at (239) 339-6000 or Tax Talk at (239) 332-8731
- ☐ If property is within a recorded subdivision, **a copy of the relevant portion of the Recorded Plat** clearly identifying the easement or right-of-way to be vacated is required. Three (3) copies of Recorded Plat with area marked, such as cross-hatching. (Labeled as **Exhibit “D.”**) For details, contact the Plat Dept. at (239) 335-2572.
- ☐ **Proof of ownership of the underlying property such as a recorded warranty deed.** (Labeled as **Exhibit “E.”**) For details, contact the Lee Co. Land Records Dept. at (239) 335-2339.
- ☐ **Letter** addressed to Department of Community Development **providing the reason and purpose for the request of your vacation.** (Example of reason: To combine two (2) lots into one for future building site of single-family residence.) Attn: Community Development Director. Include strap number of subject property, petitioner’s mailing address and daytime phone number. (Labeled as **Exhibit “F.”**)
- ☐ Three (3) copies of **GIS Map** encompassing the area to be vacated with the proposed vacated area marked, such as cross-hatching. Yellow highlighter should not be used to mark easement or area to be vacated. If applicable, please include a list of affected property owners. If you have questions regarding this item, please call Development Services at (239) 533-8587. (Labeled as **Exhibit “G.”**)
- ☐ Three (3) copies of the **Aerial Photograph** (large blue maps) encompassing the area to be vacated with the proposed vacated area marked, such as cross-hatching. Yellow highlighter should not be used to mark easement or area to be vacated. For GIS Map and Aerial Photograph details, contact the Lee Co. Property Appraisers Office at (239) 339-6150. (Labeled as **Exhibit “H.”**)
- ☐ **Proof of notification of affected property owners** (drainage or ROW vacation only). If you have questions regarding this item, please call Community Development at (239) 221-5036. Provide Certified Return Receipt Service from local post office. (Labeled as **Exhibit “I.”**)
- ☐ If a public utility easement - **Letters of review and recommendation from proper utility companies** (cable, electric, gas, sewer, telephone, water, and any other agencies, see attached). {See Sample Letter as well as list of agencies below.} (Labeled as **Exhibit “J.”**)
- ☐ If a drainage or road easement or road ROW - **Letters of review and recommendation from proper agencies** (Florida DOT, Lee County Transportation (access/maintenance issues), Natural Resources, and Waterway Advisory Committee (if easement abuts a waterway), and the franchise utility companies. {See Sample letter and list of agencies below.} (Labeled as **Exhibit “K.”**)

**PETITION TO VACATE**  
**REQUEST FOR LETTER OF REVIEW AND RECOMMENDATION**

**(SAMPLE LETTER)**

(Today's date)

Contact Person  
Company Name  
Mailing Address  
City, State, ZIP

RE: Request for a letter of Review and Recommendation on (check those that apply):

- ☐ Proposed Right-of-way or Road Easement Vacation
- ☐ Utility Easement
- ☐ Drainage Easement

STRAP No.: \_\_\_\_\_

To Whom It May Concern:

We intend to submit a Petition to the Village Council of the Village of Estero seeking to vacate the public interest in the right-of-way or road easement, utility or drainage easement at the location identified above in order to accomplish the following purpose:

{Insert text here}

We have included a sketch or drawing of the right-of-way or road easement, utility, or drainage easement, we desire to vacate. Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Signed,

The Petitioner  
(return mailing address, email and daytime telephone number)

Enclosures:

Copy of Plat or Official Record Page  
Sketch of Proposed Easement to Vacate



## PETITION TO VACATE (AC 13-8)

Case No. \_\_\_\_\_

Petitioner(s), \_\_\_\_\_ requests the Village Council of the Village of Estero, Florida, grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address: \_\_\_\_\_
2. In accordance with Florida Statute (F.S.) Chapter 336 and Administrative Code (AC 13-8, Petitioner desires to vacate, abandon and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. Notice concerning the intent of this Petition will be provided in accordance with AC 13-8.
5. In accordance with letters of review and recommendation provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

WHEREFORE, Petitioner respectfully requests that the Village Council adopt a Resolution granting the Petition to Vacate.

Respectfully submitted by:

\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name



## PETITION TO VACATE (AC 13-1)

Case No. \_\_\_\_\_

Petitioner(s), \_\_\_\_\_ requests the Village Council of the Village of Estero, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address: \_\_\_\_\_
2. In accordance with Florida Statute (F.S.) Chapter 177 and Administrative Code (AC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and local taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the AC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Village Council grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

WHEREFORE, Petitioner respectfully requests that the Village Council of the Village of Estero adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by:

\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

## PETITION TO VACATE - LETTERS OF REVIEW AND RECOMMENDATION

You will only need to provide letters for the utilities that service your area

### GOVERNMENTAL AGENCIES – Drainage Easement, Lake Maintenance Easement or Right of Way Easement – Letter of Review and Recommendation

- |  |  |
|--|--|
| <input type="checkbox"/> Mr. Howard Coachman<br><b>Lee Co. Transportation Division</b><br>1500 Monroe Street, 3rd Floor<br>Fort Myers, FL 33901-5500<br>Ph. (239) 533-8580 | <input type="checkbox"/> Mr. Tom Garcia, Field Operations Engineer<br><b>Florida Dept. of Transportation</b><br>2981 NE Pine Island Road<br>Cape Coral, FL 33904<br>Ph. (239) 656-7841 |
| <input type="checkbox"/> <b>Lee Co. Natural Resources</b><br>1500 Monroe Street, 3rd Floor<br>Fort Myers, FL 33901-5500<br>Ph. (239) 533-8580                              |  |

### FRANCHISE UTILITY COMPANIES – Public Utility Easement or Right of Way Easement - Letter of Review and Recommendation

- |  |   |
|--|---|
| <input type="checkbox"/> Mr. James Jackson<br>Mailstop FLFTME0105<br><b>CENTURYLINK</b><br>2820 Cargo Street<br>Fort Myers, FL 33916<br>Ph. (239) 336-2003 | <input type="checkbox"/> Mr. Mark Cook<br><b>COMCAST CABLEVISION</b><br>12600 West Links Drive<br>Fort Myers, FL 33913<br>Ph. (239) 432-1805  |
| <input type="checkbox"/> <b>FLORIDA POWER &amp; LIGHT</b><br>15834 Winkler Road<br>Fort Myers, FL 33908<br>Ph. (239) 415-1302                              | <input type="checkbox"/> Ms. Marilyn D. Aloï<br>Engineering Project Manager<br><b>TECO/PEOPLE'S GAS</b><br>5901 Enterprise Parkway<br>Fort Myers, FL 33905-5004<br>Ph. (239) 690-5517 |

### WATER TREATMENT PLANT FRANCHISES – Public Utility Easement or Right of Way Easement - Letter of Review and Recommendation

- |  |  |
|--|--|
| <input type="checkbox"/> Ms. Kim Hoskins<br><b>BONITA SPRINGS UTILITIES STP</b><br>11860 E. Terry Street<br>Bonita Springs, FL 34135<br>Ph. (239) 992-0711 | <input type="checkbox"/> Mr. David Reycraft<br><b>LEE COUNTY UTILITIES</b><br>1500 Monroe Street, Third Floor<br>Fort Myers, FL 33901-5500<br>Ph. (239) 533-8150 |
|--|--|

### SEWER TREATMENT PLANT FRANCHISES – Public Utility Easement or Right of Way Easement - Letter of Review and Recommendation

- |   |  |
|---|--|
| <input type="checkbox"/> <b>BONITA SPRINGS UTILITIES STP</b><br>11860 E. Terry Street<br>Bonita Springs, FL 34135<br>Ph. (239) 992-0711 | <input type="checkbox"/> <b>LEE COUNTY UTILITIES</b><br>1500 Monroe Street, Third Floor<br>Fort Myers, FL 33901-5500<br>Ph. (239) 533-8150 |
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