



# Town of Fort Myers Beach COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENT -PH-G

## Petition for Vacation of Platted Rights-of-Way and Easements

This is the second part of a two part application. Please be sure to include the Administrative Action Application, which requires general information, with this supplemental form requiring specific information regarding a **Vacation of a Right-of-Way or Easement**. Please submit *two paper copies* and *one digital/electronic copy* of all required applications, supplemental information, exhibits and documents.

Fees: \$1000.00

Type of Vacation:  Right-of-Way (Form A)  Easement (Form B)  
 Plat- no ROW

Site Address: \_\_\_\_\_

STRAP Number(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Petitioner: \_\_\_\_\_ Phone: \_\_\_\_\_

Authorized Agent: \_\_\_\_\_ Phone: \_\_\_\_\_

Petitioner/Agent Address: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Please provide a statement of the reason(s) for seeking the vacation (Use additional sheets if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

All petitions seeking to vacate platted rights-of-way and easements must comply with the requirements below. (LDC Section 10-219)

- A signed Petition, either Form A (F.S. Ch. 336) or Form B (F.S. Ch. 117) for each vacation request.
- A legal description of the area sought to be vacated and a recent survey prepared and executed by a registered surveyor showing the area sought to be vacated. (Please label as Exhibit A) The survey must show the location of all existing improvements including, but not limited to:
  - Drainage facilities.
  - All public and private utilities.
  - Surface water management facilities.
  - Pavement.
  - Buildings.
  - Any other physical features within 100 feet of the real property.
- A copy of the plat showing the area(s) to be vacated. (Please label as Exhibit B)
- Certificate(s) showing that all property taxes have been paid in full for all real property that abuts the right-of-way or easement sought to be vacated. (Please label as Exhibit C)
- Notarized signatures of fee simple owners of record of all real property that abuts the right-of-way or easement sought to be vacated. (Please see adjacent property affidavit)
- A list containing the names, addresses, and signatures of all real property owners holding legal interest in the real property subject to, or affected by, the requested vacation.
- A printed list of the names of all current real property owners, STRAP numbers, and mailing addresses of property that is within a 500-foot radius of the right-of-way or easement sought to be vacated, including two (2) sets of mailing labels for the real property owners on this list.



- Signed letter of No Objection from:

Town of Fort Myers Beach Public Works Department

Florida Power and Light

The local cable television company serving the Town

The local telephone company serving the Town

The local liquid propane gas company serving the Town

Lee County or other provider of sanitary sewer services

Lee County Sheriff's Office

Fort Myers Beach Fire Control District

Any other provider of private or public utilities whose facilities or infrastructure may be affected by the vacation, as determined by the director.

\*\*\* PLEASE NOTE: If any of the foregoing companies or agencies determines that the requested vacation may not be in the best interest of the public, the petitioner may offer an alternative or replacement right-of-way or easement. The affected company or agency shall not, however, be under any obligation to accept the offered alternative. Where a petitioner has offered to provide a replacement right-of-way or easement, town council shall not take action on the petition to vacate until the legal instrument(s) necessary to grant the alternative or replacement right-of-way or easement has been approved in form and content by the affected company or agency, properly executed by the granting or conveying property owner, and delivered to the town to be held in trust pending the town council's consideration of the requested vacation.

- A statement from the Lee County Community Development Director, or designee, whether vacation by Lee County is required.



## PETITION TO VACATE (Form A - F.S. Ch. 336)

Petitioner(s), \_\_\_\_\_  
requests the Town Council of the Town of Fort Myers Beach, 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 336, Petitioner desires to vacate 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/site plan showing the area(s) the Petitioner desires to vacate is attached as *Exhibit B*.
4. Petitioner provided notice to all affected property owners concerning the intent of this Petition.
5. In accordance with the attached letters of no objection provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Town Council adopt a resolution granting the Petition to Vacate.

Submitted by:

_____ Petitioner Signature	_____ Printed Name	_____ Date
_____ Petitioner Signature	_____ Printed Name	_____ Date
_____ Petitioner Signature	_____ Printed Name	_____ Date



## PETITION TO VACATE (Form B\_ F.S. Ch.177)

Petitioner(s), \_\_\_\_\_  
requests the Town Council of the Town of Fort Myers Beach, 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, 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/site plan showing the area the Petitioner desires to vacate is attached as *Exhibit B*.
4. Proof the Petitioner paid all applicable state and county taxes is attached as *Exhibit C*.
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner provided notice to all affected property owners concerning the intent of this  
Petition.
7. In accordance with the attached letters of no objection provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Town Council adopt a resolution granting the Petition to Vacate.

Submitted by:

_____ Petitioner Signature	_____ Printed Name	_____ Date
_____ Petitioner Signature	_____ Printed Name	_____ Date
_____ Petitioner Signature	_____ Printed Name	_____ Date



## ADJACENT PROPERTY AFFIDAVIT

I, \_\_\_\_\_(name), of

\_\_\_\_\_ (address)

swear or affirm under oath, that I am the fee simple owner of the above-mentioned property and I agree that the petition to vacate the platted right-of-way or platted easement located at:

\_\_\_\_\_ (address) should be vacated by the Town Council.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was certified and subscribed before me by means of \_\_\_\_ physical presence OR \_\_\_\_ online notarization, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, \_\_\_\_ who is personally known to me OR \_\_\_\_ who has produced \_\_\_\_\_ as identification.

(Seal)

\_\_\_\_\_  
Notary Public Signature



**(SAMPLE LETTER of NO OBJECTION)**

PETITION TO VACATE

REQUEST FOR LETTER OF NO OBJECTION

Today's Date:

Contact Person  
Company Name  
Mailing Address  
City, State, Zip

**RE: Request for a Letter of No Objection on a proposed right-of-way or easement vacation at (property address here)**

To Whom It May Concern:

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

(Provide rationale here)

We have included a sketch or drawing of the right-of-way, 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 or concerns, please do not hesitate to contact us directly and thank you in advance for your consideration.

Signed,

The Petitioner  
(include your return mailing address, email address and daytime phone number)