



Development Services

1500 Monroe St. Fort Myers, FL 33901 | 239-533-8585 | econnect@leegov.com

Petition to Vacate Application and Approval Guide

This guide is intended to help you submit the required application and documents to receive a Lee County Petition to Vacate.

This guide includes these sections:

1. [Petition to Vacate Description](#)
2. [Apply for a Petition to Vacate](#): Complete your application package, which includes the application AND all required supporting documents
3. [Pay your fee\(s\)](#)
4. [Understand the review process and track your application](#)
5. [Public hearing and final approval](#)
6. [Approved documents](#)

1. Petition to Vacate Description

Development Services reviews and processes applications for Petitions to Vacate roadway, utility and drainage easements, and rights-of-way.

Note: A petition to vacate only removes the public's interest. Private rights (if any) remain.

A Petition to Vacate requires an advertised public hearing before the Board of County Commissioners prior to approval. The application and review processes are provided in Lee County Administrative Codes 13-1 and 13-8.

Platted right-of-way, Plat (with no right-of-way), drainage easement, utility easement:

[Administrative Code 13-1](#)

[Ch. 177, Florida Statutes](#)

Unplatted public right-of-way:

[Administrative Code 13-8](#)

[Ch. 336, Florida Statutes](#)

Need Help? Contact us@ PODDevRev@leegov.com with your detailed questions.

2. Apply for a Petition to Vacate

A complete application package includes: filling out the eConnect form fields and adding all required supporting documents as attachments.

All applicants are **REQUIRED** to use [eConnect](#) to electronically submit their application package.

eConnect Application Package (Electronic Submission)

Register for eConnect

To apply for a Lee County development order online, you must first register at [eConnect](#). Instructions for **New Users: Register for an Account** are included on the eConnect login page.

Review the [eConnect Users Guide](#) for more details about using eConnect.
Also see **eConnect Instructions** highlighted throughout this guide.

eConnect Steps

Once you have logged into [eConnect](#), select the *Development Services* menu to *Create an Application*. Review the general disclaimer terms and select the checkbox to *Continue the Application*.

1. Select a Record Type

On the *Select a Record Type* screen, select **Petition to Vacate**. Select the radio button and *Continue Application*.

2. Provide the Property Information (* indicate required fields) to identify the property for which the application will be used. Search by one of the following: Address (using the required fields Street No., Street Name and Zip) or Parcel (using Parcel Number).

eConnect Instructions: If multiple addresses are found, they will be displayed in the *Address Search Result List*. Use the radio button to select the desired record, then click *Select*.

Once search results are returned, the other fields on the screen will automatically populate. Review information for accuracy and *Continue Application*.

3. Applicant and Contacts

To associate the Applicant and Contact(s) with the application use either: *Select from Account* or *Add New*.

Note: The Applicant listed in eConnect will receive all notifications from the County related to this application.

4. Project Detail Fields

Provide the project detail listed below .

- **Project Name:** What is the name of the project?
- **Detailed Description:** Provide a complete and accurate description of the proposed project and *Continue Application*.
- **Vacation Type:** Select options: *Conservation Easements, Drainage Easements, /DD Canals, Lake Maintenance Easements, Plats, Public Utility and Drainage Easements, Pubic Utility Easements, or Right of Way (Roads)*

- **Applicant Acknowledgement:** Click the checkbox to acknowledge the requirement for a complete application, and supporting documentation is to be uploaded with this online application. Failure to comply shall result in the rejection of your online application.

5. Attachments

In the Attachment window *Add* the required and conditional documents that are a part of a completed application package. Name uploaded files with brief, descriptive and identifiable titles (e.g. Application, Site Plan, etc.) (Use list of documents in the next section).

Required Documents

Notice: Lee County may request additional supporting documentation, which may be found in public records.

ATTENTION: All taxes must be paid prior to approval for the Petition to Vacate.

- 1. Filing Fee [PAID]**
Prepare to pay the filing fee.

- 2. Signed Original Petition to Vacate**
[Petition AC 13-1](#), [Petition AC 13-8](#), or [Petition AC 13-1 and 13-8](#)

- 3. Professional Legal description and street address of easement(s) and/or right-of-way (ROW) to be vacated.**
Prepare a description of a specified area. Label as Exhibit "A."

- 4. Professional sketch of legal description or copy of plat**
Prepare a sketch or map of the area described. Label as Exhibit "B."
Tips:
 - Show 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);
 - Include all lot numbers, block numbers, street names, recording information, scale and north arrow; and
 - This sketch should be suitable for recording in the public records (no greater in size than **8-1/2" X 14"**).

- 5. Proof of Ownership of the Underlying Property**
Submit proof of ownership, for example, a recorded Warranty Deed. Label as Exhibit "E."

- 6. Letter Stating Reason and Purpose for Request**
Letter addressed to Department of Community Development providing the reason and purpose for the requested vacation. (Example: To combine two (2) lots into one for future building site of single-family residence.) Include strap number of subject property, petitioner's mailing address and daytime phone number. Label as Exhibit **"F."**

- 7. GIS Map**
A 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) 533-8585. Label as Exhibit "G."

Conditional Required Documents

8. Recorded Plat

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. Label as Exhibit "D."

9. Proof of Notification to Affected Property Owners

If the request is for a drainage or ROW vacation, provide Certified Return Receipt Service from local post office. If you have questions regarding this item, please call Development Services at (239) 533-8585. Label as Exhibit "I."

10. Letter of Review and Recommendation from Utilities

If the request involves a public utility easement, provide letters of review and recommendation from proper utility companies (cable, electric, gas, sewer, telephone, water and any other agencies, see attached). [Sample Letter and list of agencies](#). Label as Exhibit "J."

11. Letter of Review and Recommendation from Government Agencies

If a drainage, public utility, road easement or road ROW are involved, provide letters of review and recommendation from proper agencies including Florida DOT, Lee County Transportation (access/maintenance issues), Natural Resources, Waterway Advisory Committee (if easement abuts a waterway), and the franchise utility companies. [Sample letter and list of agencies](#). Label as Exhibit "K."

12. Waterway Advisory Committee Meeting Minutes

If the area to be vacated abuts a waterway, provide a copy of the Waterways Advisory Committee meeting minutes that include the committee's recommendation. This Committee comments on the vacation of any public interest that provides or has the potential to provide water access to the public.

3. Pay your Fee(s)

All payments must be received prior to reviewing the application. Make payments through [eConnect](#); or make a credit card payment by phone, 239-533-8997, option *. **Cash is not accepted**; please pay by credit/debit card, check or money order.

eConnect Instructions: Search for your application using *My Records*, the *Global Search* or the *Search Applications* under *Development Services* menu. Click on the record number for your application, select the menu option for *Payments » Fees*, then click *Pay Fees*, review fees, select *Continue Application*, enter your payment information and click *Submit Payment*.

4. Understand the Review Process and Track your Application

Lee County Review of an Application Package

After payment is requested and received, the application will be assigned for review. The review will check for completeness and compliance with the Lee County Administrative Codes and Florida Statutes.

The Department of Community Development, as the coordinating agency of the petition to vacate process, will make an overall recommendation as to the granting or denial of the petition to vacate, taking into account all of the comments received from the reviewing entities, affected property owners and members of the general public. The recommendation should be summarized in the agenda item report for the public hearing and may include comments received from affected property owners and members of the public.

Applicants can use [eConnect](#) at any time to track the progress of the application record through the process.

eConnect Instructions: Search for your application using *My Records*, the *Global Search* or the *Search Applications* under *Development Services* menu. Click on the record number for your application to see the Records Status, Conditions and Record Details.

Notice of Public Hearing

The Board of County Commissioners will hold Public Hearing on the Petition to Vacate. These hearings will ask for public comment and anyone may speak, including the applicant.

5. Public Hearing and Final Approval

If the petition to vacate is for an unplatted public right-of-way, the County will publish a single Notice of Resolution Adoption within thirty (30) days following the approval by the Board of County Commissioners.

The Department of Community Development will record an adopted resolution and its related affidavits of publication with the Lee County Clerk of Court and will submit copies to the Lee County Property Appraiser, the Office of County Lands, the Lee County Transportation Division, and the Petitioner.

The resolution becomes effective upon recording. The petitioner is responsible for the cost of recording charged by the Lee Clerk of Court.

6. Approved Documents

Applicants may pull approval documents through the [Development Review Case File search](#).