

**Planning Division Case Report
VAC24-000005**

Review Date: July 12, 2024

Property Owners: Freedom Boat Company

Owner Address: 1045 Wyomi Drive
Fort Myers, FL 33919

Property Location: 849 Montclair Court
Cape Coral, Florida, 33904
Lots 30 and 31, Block 23, Unit 1, Part 2, Cape Coral Subdivision

Strap Number: 18-45-24-C400023.0300

Applicant's Representative: Eric P. Feichthaler, Esq.

Requests: The owner requests vacating:
 1. 1,436.11 sq. ft. of canal Right-of-Way (ROW) adjacent to Lots 30 and 31, Block 23, Unit 1, Part 2, Cape Coral Subdivision.
 2. 1,227.34 sq. ft. of platted easements occupying Lots 30 and 31, Block 23, Unit 1, Part 2, Cape Coral Subdivision.

Urban Service: Infill

Prepared By: Patrick Carlton White, Senior Planner

Reviewed By: Mike Struve, AICP, LEED, Planning Team Coordinator

Approved By: Amy Yearsley, AICP, City Planning Manager

Recommendation: Approval with conditions

Property Description:

The applicant owns a two-lot platted site in southern Cape Coral at the end of Montclair Court. The site has water frontage along both the Monticello and Monterey Canals. The site has a Single-Family (SF) Future Land Use (FLU) classification and Single Family Residential (R-1) zoning. All sites to the north, east, west, and south within 500 feet share the same FLU and zoning classifications. The site is in a residential area of the city that is built out with single-family homes.

A demolition permit (WEB17-22628) was issued by the City and the demolition was completed late 2017; the property has remained vacant since.

Request:

The applicant requests to vacate 1,436.11 sq. ft. of unexcavated canal right-of-way (ROW) and 1,227.34 sq. ft. of platted easements adjacent to the Monticello Canal and the Monterey Canal. Per the Letter of Intent, the vacation is sought to resolve concerns related to home loans and title, increases the tax base and lessen maintenance responsibilities for the City.

If approved, the applicant's property will be enlarged 1,436.11 sq.ft.as the northern and eastern property lines will be shifted to the edge of the seawall. A six-foot wide easement will be retained by the city to provide a continuous perimeter easement around the expanded site.

Zoning History of the Site:

The site has always had a Single-Family (SF) FLU classification and R-1 zoning.

Minimum Standards:

The owner is eligible to file this vacation request as this application provides the following:

- Color of title or ownership of the site by the owner for which the vacation is sought.
- Letters of no objection from Comcast, CenturyLink, and Lee County Electric Cooperative (LCEC).
- Survey sketches and accompanying legal descriptions describing the ROW and platted easements that will be vacated.

Analysis:

Staff analyzed this vacation request with the Land Development Code (LDC), Section 3.4.5, "*Vacation of Plats, Easements, and Rights-of-Way.*" The Comprehensive Plan was also reviewed for policies on vacations.

LDC, Section 3.4.5.B state vacations shall be reviewed in accordance with the following criteria:

1. *Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes.*

- Staff analysis: The ROW consists of a relatively narrow unexcavated strip of land, which lies between the northern and eastern property lines and the two adjacent canals. This ROW is not part of the functioning canal system and therefore does not support mobility or provide a transportation benefit. Based on these factors, this ROW does not appear to have any foreseeable value for transportation purposes, access, water management, or utility functions.
2. *Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way.*
- Staff analysis: Sufficient easements underlying the canal ROW will be retained by the City for providing a continuous perimeter easement around the expanded site. No additional easements will be necessary.
3. *If alternate routes are required or available that do not cause adverse impacts to surrounding areas.*
- Staff analysis: The canal ROW proposed to be vacated is not part of any functioning waterway system; therefore, navigability and visibility will not be affected. This vacation will not cause any adverse impacts to surrounding properties.
4. *If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area.*
- Staff analysis: The ROW vacation involves a narrow strip of land between the north and east property lines and the seawall. The vacation will not result in the closure or alteration of either canal and will therefore have no effect on the movement of boats traveling in the either canal.
5. *Whether local utility providers have given consent to the vacation of the plat, easements, or rights-of-way. The local utility providers may require additional easements or relocation of existing utilities facilities to complete the vacation.*
- Staff analysis: All three utility providers have issued letters of no objection regarding the requested vacation. A condition of approval recommended by staff will ensure a perimeter easement around the expanded site is provided by the owner.

Consistency with the Comprehensive Plan

The City lacks specific policies in the Comprehensive Plan for vacations involving residential-zoned lands.

Table 1, Policy 1.15 of the Future Land Use Element.

- Staff analysis: This table identifies the R-1 District as being consistent with the Single Family FLUC.

Policy 1.15: Single Family Residential: Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.

- Staff analysis: This request is also consistent with Policy 1.15.a as the site will be expanded to ±12,461.4 sq. ft. following the ROW vacation. Following the vacation and the eventual construction of a single-family dwelling, this site will have a density of 3.5 dwelling units (DU) per acre, less than the maximum density of 4.4 DU per acre allowed in this FLUC.

Recommendation:

Based on the above analysis, staff recommends approval of all requested vacations with the following conditions.

Conditions of Approval

1. The vacation of the 1,436.11 square feet of canal ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., labeled "Exhibit A".
2. The vacation of 1,227.34 square feet of platted easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., labeled "Exhibit B".
3. The City shall retain easements sufficient for maintaining a six-foot wide perimeter easement around the site as depicted in the accompanying sketches and legal descriptions prepared by Harris-Jorgensen, LLC., labeled "Exhibit C".
4. In order to ensure that this vacation request complies with the City's duty to hold certain platted lands in trust for the public interest, the Owner will make a one-time, nonrefundable contribution totaling a minimum of \$32,722.11 into the General Tree Fund. The City may use these funds to acquire and plant black (*Avicennia germinans*) or red (*Rhizophora mangle*) mangrove trees on property owned or managed by the City of Cape Coral to enhance water quality, or any other appropriate purposes in accordance with the City of Cape Coral Land Development Code. The General Tree Fund contribution must be completed prior to advertising the adoption of the Resolution approving this vacation request. In

the event the City Council does not approve the vacation request, the City shall return these funds to the owner.

5. The owner shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.
6. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the owner.

Staff Contact Information:

Patrick Carlton White, Senior Planner
pwhite@capecoral.gov ph. 239-574-0605

EXHIBIT "F"

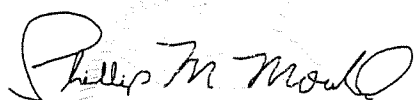
DESCRIPTION TO ACCOMPANY SKETCH:
PROPOSED VACATION OF:

PORTION OF MONITCELLO AND MONTEREY CANAL RIGHT OF WAYS, CAPE CORAL UNIT 1, PART TWO

(PLAT BOOK 11, PAGES 29-36)
SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF LOT 31, BLOCK 23, CAPE CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN NORTH TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 6.06 FEET; THENCE RUN S.89°44'26"E. ALONG SAID SEAWALL TO A POINT OF CURVATURE FOR 132.69 FEET; THENCE RUN ALONG SAID SEAWALL AND THE ARC OF A CURVE TO THE RIGHT FOR 19.79 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 34.84 FEET, A CENTRAL DELTA ANGLE OF 32°32'20", A CHORD THAT BEARS S.73°53'21"E., AND A CHORD DISTANCE OF 19.52 FEET, TO A POINT OF CUSP OF CURVATURE; THENCE RUN ALONG SAID FACE OF SEAWALL AND THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST FOR 16.25 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 21.37 FEET, A CENTRAL DELTA ANGLE OF 43°33'37", A CHORD THAT BEARS S.25°47'39"E., AND A CHORD DISTANCE OF 15.86 FEET; THENCE RUN ALONG SAID FACE OF SEAWALL S.00°09'55"W. FOR 65.76 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER OF LOT 30, BLOCK 23, SAID CAPE CORAL UNIT ONE, PART TWO FOR 6.15 FEET; THENCE RUN NORTH 55.00 FEET TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT FOR 39.27 FEET; SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 90°00'00", A CHORD THAT BEARS N.45°00'00"W., AND A CHORD DISTANCE OF 35.36 FEET; THENCE RUN WEST TO THE AFORESAID NORTHWEST CORNER OF LOT 31, BLOCK 23 FOR 127.00 FEET, TO THE POINT OF BEGINNING.
CONTAINING: 1,436.11 SQUARE FEET, MORE OR LESS.



PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
10/27/2022

CC-U1-23-30

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

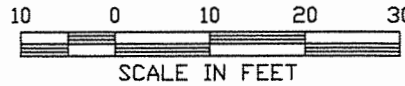
SEE EXHIBIT "F" FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

"NOT A BOUNDARY SURVEY"

SKETCH TO ACCOMPANY DESCRIPTION:
PROPOSED VACATION OF:

**PORTION OF MONITCELLO AND
MONTEREY CANAL RIGHT OF
WAYS, CAPE CORAL UNIT 1,
PART TWO,**

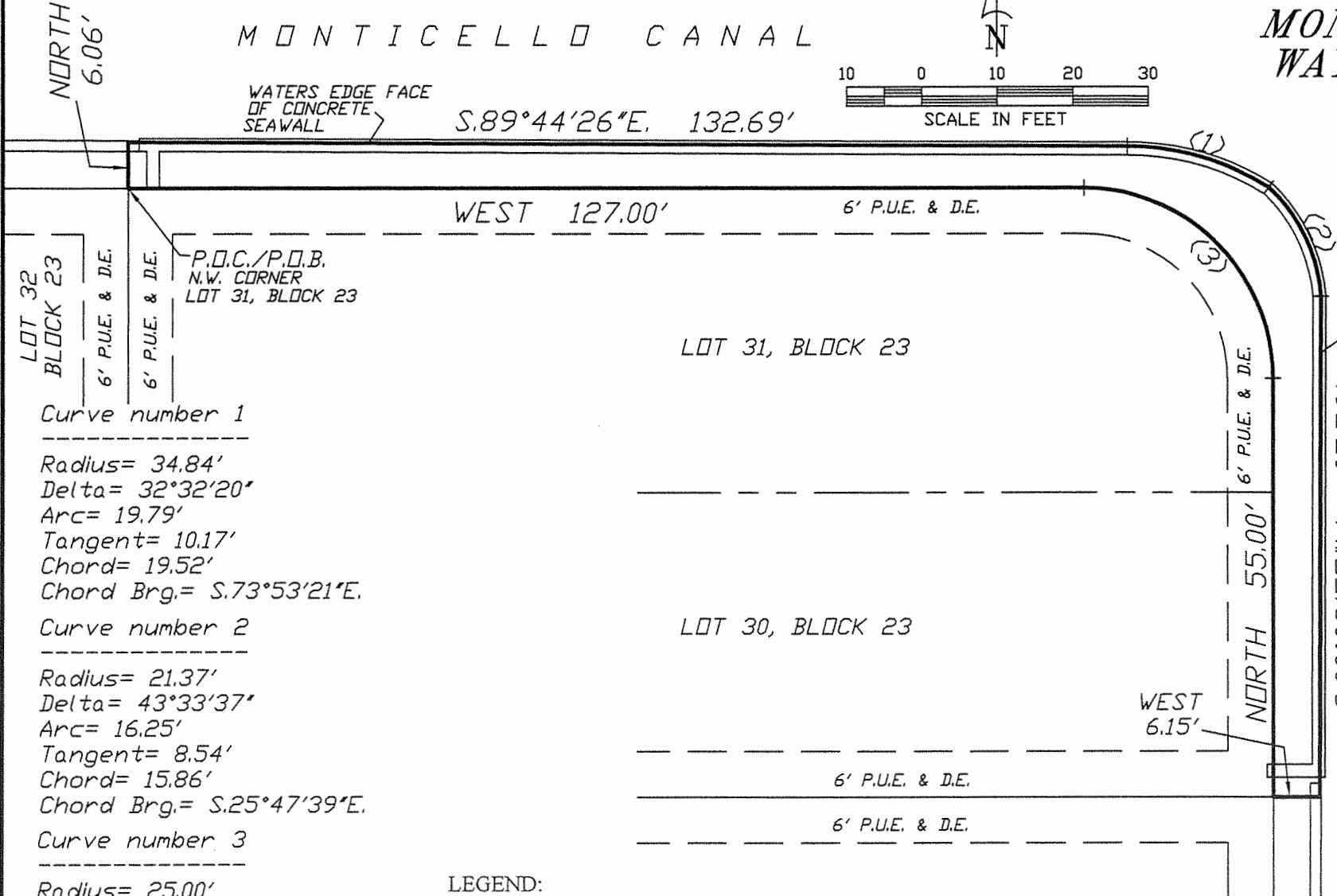
M O N I T C E L L O C A N A L



WATERS EDGE FACE
OF CONCRETE
SEAWALL

S.89°44'26"E. 132.69'

(PLAT BOOK 11, PAGES 29-36)
SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA



WATERS EDGE FACE
OF CONCRETE
SEAWALL

M O N T E R E Y C A N A L

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE NORTH LINE OF LOT 31, BLOCK 23, CAPE CORAL UNIT ONE PART TWO, AS BEING NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 23.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. THIS SKETCH/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 20 SCALE DRAWING.

Curve number 1
Radius= 34.84'
Delta= 32°32'20"
Arc= 19.79'
Tangent= 10.17'
Chord= 19.52'
Chord Brg.= S.73°53'21"E.

Curve number 2
Radius= 21.37'
Delta= 43°33'37"
Arc= 16.25'
Tangent= 8.54'
Chord= 15.86'
Chord Brg.= S.25°47'39"E.

Curve number 3
Radius= 25.00'
Delta= 90°00'00"
Arc= 39.27'
Tangent= 25.00'
Chord= 35.36'
Chord Brg.= N.45°00'00"W.

LEGEND:

- O.R. OFFICIAL RECORDS BOOK
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT-OF-WAY
- ☉ CENTERLINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT

LOT 29, BLOCK 23

DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U1-23-30	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 10/27/22		FILE NO. 45-24-18	SHT.- 1 OF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

EXHIBIT "G"

DESCRIPTION TO ACCOMPANY SKETCH:
PROPOSED VACATION OF:

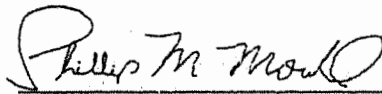
PORTION OF PUBLIC UTILITY
AND DRAINAGE EASEMENT IN
LOTS 30 AND 31, BLOCK 23,
CAPE CORAL UNIT 1, PART TWO

(PLAT BOOK 11, PAGES 29-36)
SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
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CONTAINING: 1,227.34 SQUARE FEET, MORE OR LESS.



PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
10/27/2022

CC-UI-23-30

SHEET 2 OF 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
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EXHIBIT "H"

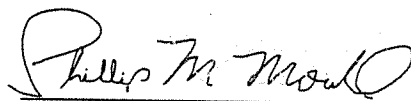
DESCRIPTION TO ACCOMPANY SKETCH:
PROPOSED OF:

PUBLIC UTILITY AND DRAINAGE EASEMENT IN A PORTION OF MONITCELLO AND MONTEREY CANAL RIGHT OF WAYS, CAPE CORAL UNIT 1, PART TWO

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CONTAINING: 1,378.11 SQUARE FEET, MORE OR LESS.



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LS6515 - STATE OF FLORIDA
10/27/2022

CC-U1-23-30

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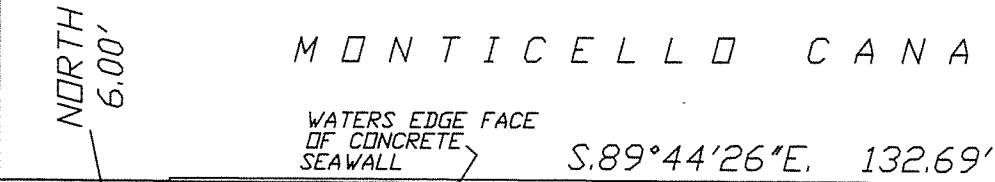
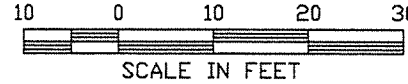
SEE EXHIBIT "H" FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

'NOT A BOUNDARY SURVEY'

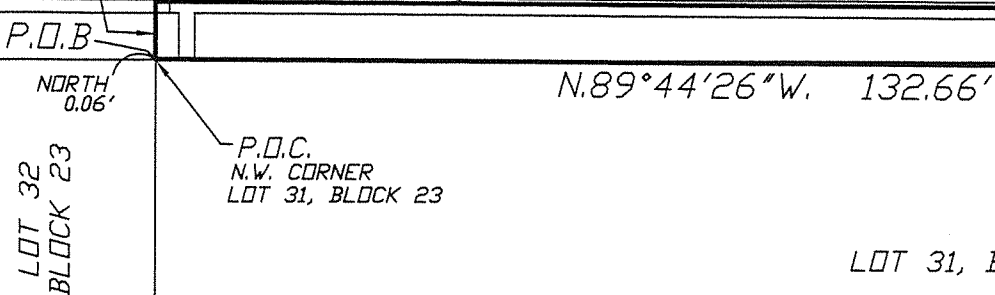
SKETCH TO ACCOMPANY DESCRIPTION PROPOSED:

PUBLIC UTILITY AND DRAINAGE EASEMENT IN A PORTION OF MONITCELLO AND MONTEREY CANAL RIGHT OF WAYS, CAPE CORAL UNIT 1, PART TWO,

MONTICELLO CANAL



(PLAT BOOK 11, PAGES 29-36)
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PUBLIC RECORDS OF LEE COUNTY, FLORIDA



<p>Curve number 1</p> <p>-----</p> <p>Radius= 34.84'</p> <p>Delta= 32°32'20"</p> <p>Arc= 19.79'</p> <p>Tangent= 10.17'</p> <p>Chord= 19.52'</p> <p>Chord Brg.= S.73°53'21"E.</p>	<p>Curve number 3</p> <p>-----</p> <p>Radius= 15.37'</p> <p>Delta= 40°54'44"</p> <p>Arc= 10.98'</p> <p>Tangent= 5.73'</p> <p>Chord= 10.74'</p> <p>Chord Brg.= N.25°13'09"W.</p>
<p>Curve number 2</p> <p>-----</p> <p>Radius= 21.37'</p> <p>Delta= 43°33'37"</p> <p>Arc= 16.25'</p> <p>Tangent= 8.54'</p> <p>Chord= 15.86'</p> <p>Chord Brg.= S.25°47'39"E.</p>	<p>Curve number 4</p> <p>-----</p> <p>Radius= 28.84'</p> <p>Delta= 31°27'11"</p> <p>Arc= 15.83'</p> <p>Tangent= 8.12'</p> <p>Chord= 15.63'</p> <p>Chord Brg.= N.74°25'55"W.</p>

WATERS EDGE FACE OF CONCRETE SEAWALL

MONTEREY CANAL

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH LINE OF LOT 30, BLOCK 23, CAPE CORAL UNIT ONE PART TWO, AS BEING WEST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 23.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
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LEGEND:

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- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT-OF-WAY
- ⊕ CENTERLINE
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- D.E. DRAINAGE EASEMENT

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SKETCH DATE 10/27/22		FILE NO. 45-24-18	SHT.- 1 OF - 2	

BURANDT, ADAMSKI, FEICHTHALER & SANCHEZ, PLLC

ATTORNEYS AND COUNSELORS-AT-LAW
1714 CAPE CORAL PARKWAY EAST
CAPE CORAL, FLORIDA 33904

ROBERT B. BURANDT, ESQ.
ROBERT C. ADAMSKI, ESQ.
ERIC P. FEICHTHALER, ESQ. *†
ALVARO C. SANCHEZ, ESQ.
DAVID W. HOLLEY, ESQ.
LEON G. RENDEIRO, JR., ESQ.
DREW D. LIPSCHER, ESQ.

* Board Certified in Real Estate

† Supreme Court Certified Circuit Civil Mediator

Telephone No.: (239) 542-4733
Facsimile No.: (239) 320-3121
E-mail: eric@capecoralattorney.com

April 6, 2024

Director Juan G. Guerra
Department of Development Services
City of Cape Coral
PO Box 150027
Cape Coral, FL 33915-0027

Re: LETTER OF INTENT FOR A VACATION OF PLAT – 849 Montclair Court

Dear Director Guerra:

I have the pleasure of representing the owner of the above property, Freedom Boat Company. They have engaged our Firm to assist in vacating the following:

- The strip of land that separates their property from the surrounding canal, which is considered unexcavated canal right of way. As you may know, the original developer caused this to occur on several parcels in the older portions of the city.


Enclosed is a certified copy of the surveys and full legal description of the above-referenced area to be vacated ("Exhibit A"), as well as the existing easements to be replaced by the standard 6-foot Public Utility and Drainage Easement ("Exhibits B and C"). I have also included letters from the utility providers showing no objection to the vacation.

The city has routinely granted these vacation requests in the past, as these narrow strips of land were not to be retained by the city for any municipal purpose, and it causes issues with home loans and title insurance. This will allow for an increase to the tax base for the City of Cape Coral as well and remove maintenance responsibility for the city.

The application fee of \$843.00 has been paid, or will be within three days if there are any issues with the website in processing. We will also pay the advertising costs immediately upon request.

Should you need additional information, or should you have any questions, feel free to contact our office.

Sincerely,



Eric P. Feichthaler, Esq.

Enclosures



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

VACATIONS OF PLAT REQUEST TO THE HEARING EXAMINER AND CITY COUNCIL

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise the case may be continued to a future hearing date.

If the vacation is approved, the applicant shall be responsible for reimbursing the City to record the final resolution or ordinance with the Lee County Clerk of Court. Until these fees are paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the City from issuing any applicable building permits, site plans, or certificates of occupancy for any property covered by the resolution or ordinance.

PROPERTY INFORMATION	
Project Name:	<u>849 Montclair Court Row Vacation</u>
Location/Address	<u>849 Montclair Court, Cape Coral, FL 33904</u>
Strap Number	<u>18-45-24-C4-00023,0300</u> Unit <u>_____</u> Block <u>23</u> Lot (s) <u>30+31</u>
Strap Number	_____ Unit _____ Block _____ Lot (s) _____
Plat Book	_____ Page _____ Future Land Use _____ Current Zoning <u>R-1</u>
PROPERTY OWNER (S) INFORMATION	
Owner	<u>Freedom Boats Company</u> Address <u>1045 Wyomi Drive</u>
Phone	<u>239-980-0008</u> City <u>Fort Myers</u>
Email	<u>Florida2000Realty@gmail.com</u> State <u>FL</u> Zip <u>33919</u>
Owner	_____ Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____
APPLICANT INFORMATION (if different from owner)	
Applicant	<u>Eric P. Feichthaler, Esq.</u> Address <u>1714 Cape Coral Parkway E</u>
Phone	<u>239-542-4733</u> City <u>Cape Coral</u>
Email	<u>eric@capecoralattorney.com</u> State <u>FL</u> Zip <u>33904</u>
AUTHORIZED REPRESENTATIVE INFORMATION (if Applicable)	
Representative	_____ Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(SIGNATURE MUST BE NOTARIZED)

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

CORPORATION/COMPANY NAME (IF APPLICABLE)

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

Eric P. Feichthaler, ESQ

Eric Feichthaler

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF Florida

COUNTY OF Colo

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online

notarization, on this 6th day of April, 2020 by Eric P. Feichthaler

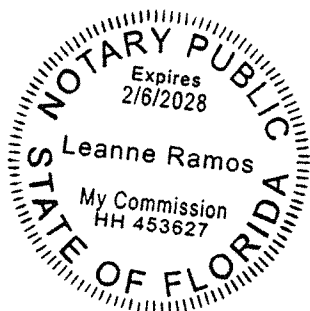
know is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed Name of Notary Public: _____

Leanne Ramos
LEANNE RAMOS





DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 6th Day of April, 2024.

Eric P. Fokshole, ESQ, for owner
OWNER'S NAME (TYPE or PRINT)

CORPORATION/COMPANY NAME

Eric Fokshole
OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

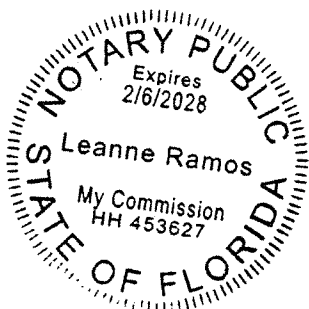
Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, on this 6th day of April, 2024 by Eric Fokshole,
know is personally known to me or produced _____ as identification.

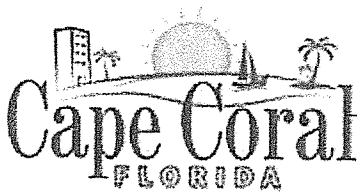
Exp Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed Name of Notary Public: _____

Leanne Ramos
LEANNE RAMOS





DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than three business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Eric Feichholz

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Eric Feichholz

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida

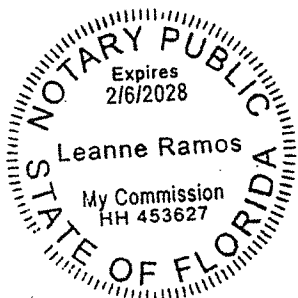
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, on this 6th day of April, 2020 by Eric P. Feichholz,
know is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

Signature of Notary Public: Leanne Ramos

Printed Name of Notary Public: LEANNE RAMOS



March 4, 2024

Eric P. Feichthaler, Esq.
Burandt, Adamski, Feichthaler & Sanchez, PLLC
1714 Cape Coral Parkway East
Cape Coral, FL 33904

Re: Letter to Vacate Easement and Canal Right-of-Way – 849 Montclair Court Cape Coral, FL 33904
STRAP No: 18-45-24-C4-00023.0300
Owner of Record: Freedom Boat Company
1045 Wyomi Dr, Fort Myers, FL 33919

Dear Mr. Feichthaler:

We are in receipt of your request on behalf of your client aforementioned above, to ask LCEC for a letter to vacate the Easement and Canal Right-of-Way of record for the lots described as follows:

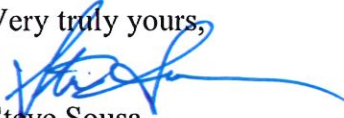
Portion of Monticello and Monterey Canal Right of Ways, Cape Coral Unit 1 Part two. Plat Book 11, pages 29-36, Section 18, Township 45 South, Range 24 East found in the Public Records of Lee County, Florida.

We have reviewed your request, the submitted documents, along with the submitted sketch by Harris-Jorgensen, LLC, Project # CC-U1-23-30, and our internal files. LCEC has **no objection** to the requested vacation of easements.

However, should there be any substantial changes to the plans as submitted, LCEC reserves its rights to additional, and further review and comment with additional conditions, if necessary, consistent with its findings. Should no definitive action, no approval, by local jurisdiction be received by the petitioner, this letter will terminate upon six months from the date listed above. This letter is not assignable to a third-party, and is non-recordable. This letter will become immediately void upon recordation.

Should there be any questions please call me at 239-656-2228, or, if you prefer, I may be reached by email at steve.sousa@lcec.net

Very truly yours,



Steve Sousa
Right-of-Way Agent
LEE COUNTY ELECTRIC COOPERATIVE, INC.

RE:400900830



March 22nd , 2024

Attn: Eric Feichthaler

RE- Letter of No Objection- Easement Release 849 Montclair Court Cape Coral FL

Dear Eric Feichthaler,

Thank you for contacting Comcast regarding your request to vacate the easement. This is to inform you that Comcast does not have facilities within the site's development area. We currently have no objection to your plans at this location.

If you have any further question or concerns, please do not hesitate to contact me at (574) 808-8943.

Sincerely,

Christopher Plank
Construction Manager SWFL

12600 Westlinks Dr. Suite #4
Fort Myers, FL 33913
574-808-8943
Christopher.Plank@Comcast.com

3/27/2024



Mr. Eric Feichthaler

P861234
No Reservations/No Objection

SUBJECT: Vacation request for a portion of the platted easements on Lots 30 & 31, Block 23, Cape Coral Unit 1, Part Two, as shown in Plat Book 11, Pages 29-36, in Lee County, Florida.

To Whom It May Concern:

CenturyLink of Florida, Inc. d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions please contact Jerry Peacock at 850-933-8440 or jerry.a.peacock@lumen.com.

Sincerely yours,

CenturyLink Right of Way Team

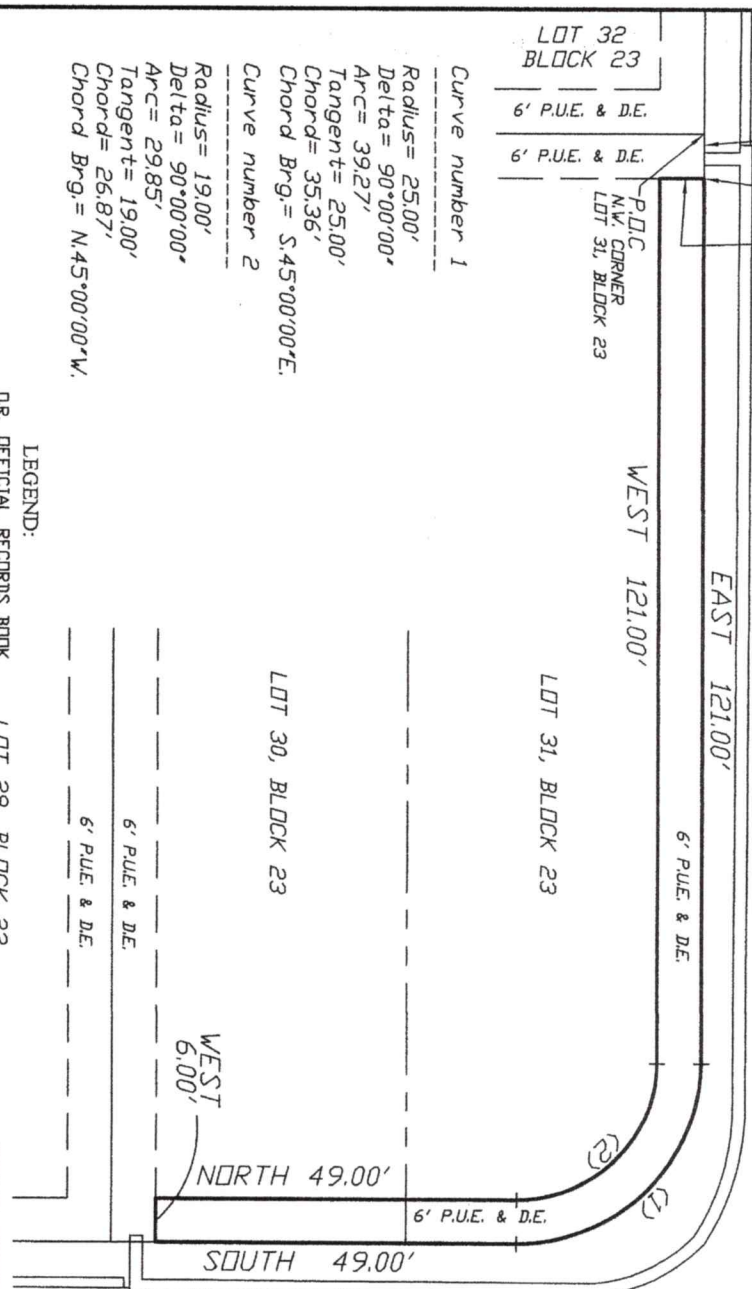
SEE EXHIBIT 'G' FOR DESCRIPTION TO ACCOMPANY THIS SKETCH
 'NOT A BOUNDARY SURVEY'



PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT IN LOTS 30 AND 31, BLOCK 23, CAPE CORAL UNIT 1, PART TWO,

SKETCH TO ACCOMPANY DESCRIPTION
 PROPOSED VACATION OF:

(PLAT BOOK 11, PAGES 29-36)
 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA



MONTEREY CANAL

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE NORTH LINE OF LOT 31, BLOCK 23, CAPE CORAL UNIT ONE PART TWO, AS BEING NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 23.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. THIS SKETCH/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.

Curve number 1
 Radius= 25.00'
 Delta= 90°00'00"
 Arc= 39.27'
 Tangent= 25.00'
 Chord Brg.= S45°00'00"E
 Curve number 2
 Radius= 19.00'
 Delta= 90°00'00"
 Arc= 29.85'
 Tangent= 19.00'
 Chord= 26.87'
 Chord Brg.= N45°00'00"W.

LEGEND:

- DR. OFFICIAL RECORDS BOOK
- P.D.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT-OF-WAY
- 6' CENTERLINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT

LOT 29, BLOCK 23

LOT 30, BLOCK 23

LOT 31, BLOCK 23

DRAWN	CHECK	SCALE	PRD. #	HARRIS-JORGENSEN, LLC
PMH	FBH	1"=20'	CC-UI-23-30	3048 DEL PRADO BLVD, S. #100
SKETCH DATE	FILE NO.		SHT. - 1	CAPE CORAL, FLORIDA 33904
10/27/22	45-24-18		DF - 2	PHONE: (239) 257-8624
FLORIDA CERTIFICATE OF AUTHORIZATION LB9921				FAX: (239) 257-2921

EXHIBIT "G"

DESCRIPTION TO ACCOMPANY SKETCH:
PROPOSED VACATION OF:

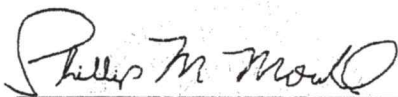
PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT IN LOTS 30 AND 31, BLOCK 23, CAPE CORAL UNIT 1, PART TWO

(PLAT BOOK 11, PAGES 29-36)
SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF LOT 31, BLOCK 23, CAPE CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN EAST FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN EAST FOR 121.00 FEET TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.27 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 90°00'00", A CHORD THAT BEARS S.45°00'00"E., AND A CHORD DISTANCE OF 35.36 FEET; THENCE RUN SOUTH FOR 49.00 FEET; THENCE RUN WEST FOR 6.00 FEET; THENCE RUN NORTH FOR 49.00 FEET TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT FOR 29.85 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 19.00 FEET, A CENTRAL DELTA ANGLE OF 90°00'00", A CHORD THAT BEARS N.45°00'00"W., AND A CHORD DISTANCE OF 26.87 FEET; THENCE RUN WEST FOR 121.00 FEET; THENCE RUN NORTH FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 1,227.34 SQUARE FEET, MORE OR LESS.



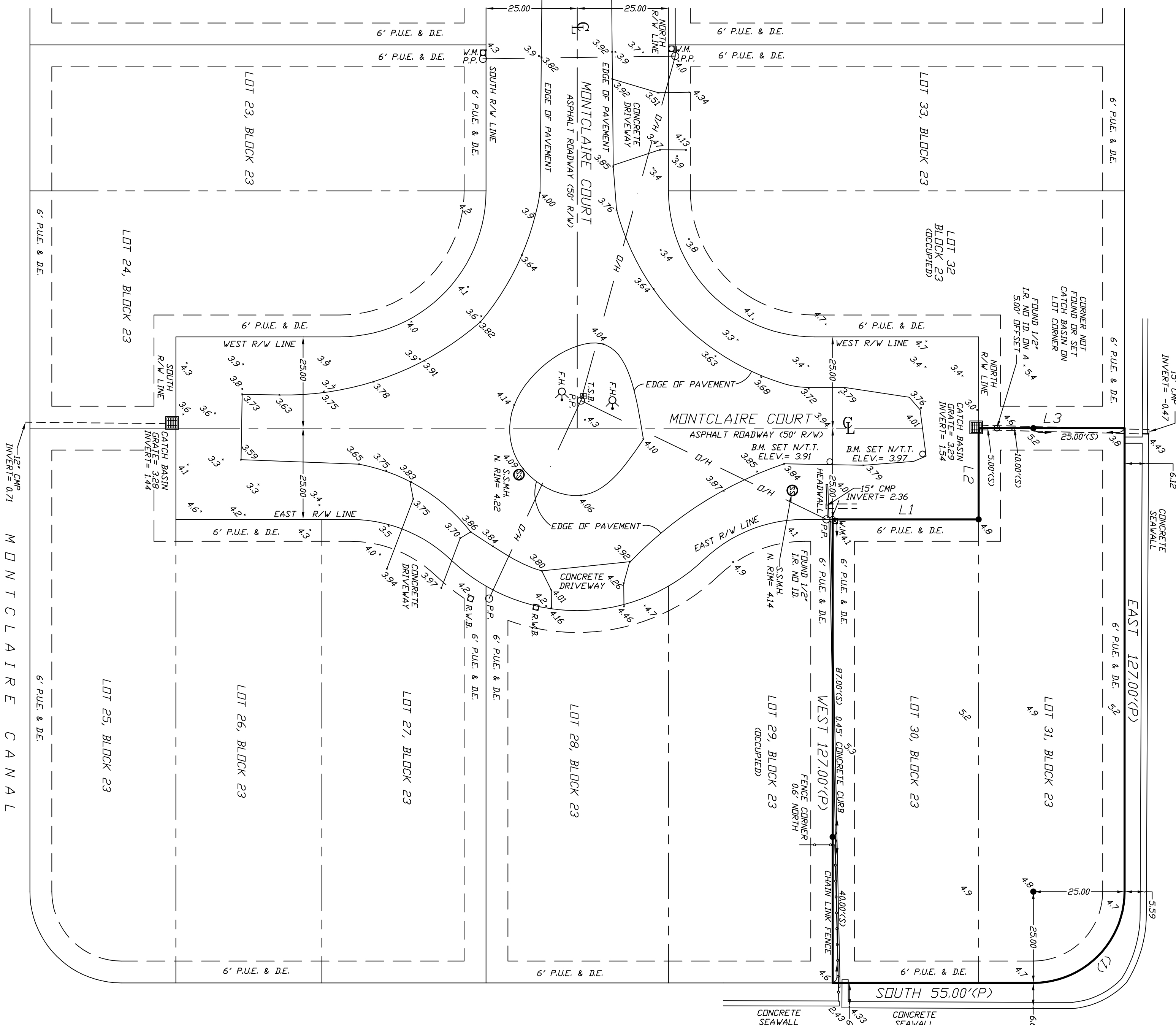
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
10/27/2022

CC-U1-23-30

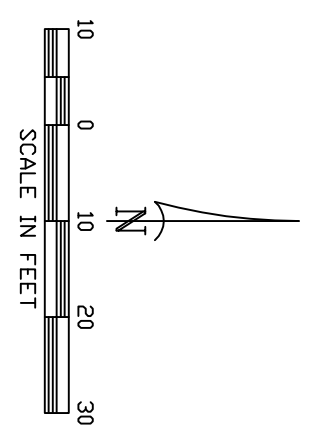
HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

MONTICELLO CANAL

BOUNDARY SURVEY OF
LOTS 30 & 31, BLOCK 23,
CAPE CORAL, UNIT ONE, PART TWO,
PLAT BOOK 11, PAGES 29-36
 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA



Curve number 1
 Radius= 25.00'
 Delta= 90°00'00"
 Arc= 39.27'
 Chord= 35.36'
 Chord Brg= S 45°00'00"E.



- LEGEND:**
- SET 1/2" IRON ROD (CAP LB6921)
 - FOUND IRON ROD (GR.)
 - CONCRETE MONUMENT (CM)
 - PUBLIC UTILITY EASEMENT
 - PUBLIC UTILITY EASEMENT
 - POINT OF CURVATURE BOOK
 - OFFICIAL RECORDS BOOK
 - AS PER SURVEY
 - DRIVE NUMBER
 - LINE NUMBER
 - RIGHT-OF-WAY
 - CENTERLINE
 - CONCRETE
 - FIRE HYDRANT
 - SANITARY SEWER MANHOLE
 - R.W.B.
 - W.M.
 - WATER METER
 - D.H.
 - DRAINAGE EASEMENT
 - G.A.R.W.
 - T.S.B.
 - N/D
 - N/T
 - NAIL & DISK
 - ELEVATION
 - B.M.
 - TYPICAL ELEVATION
 - A.S.
 - MARK SYSTEM
 - P.E.
 - POOL EQUIPMENT
 - CORRUGATED METAL PIPE
 - DRAINAGE ARROW

LINE TABLE

Line	Bearing	Distance
L1	NORTH	40.00'
L2	WEST	25.00'
L3	NORTH	40.00'

SURVEY NOTES:

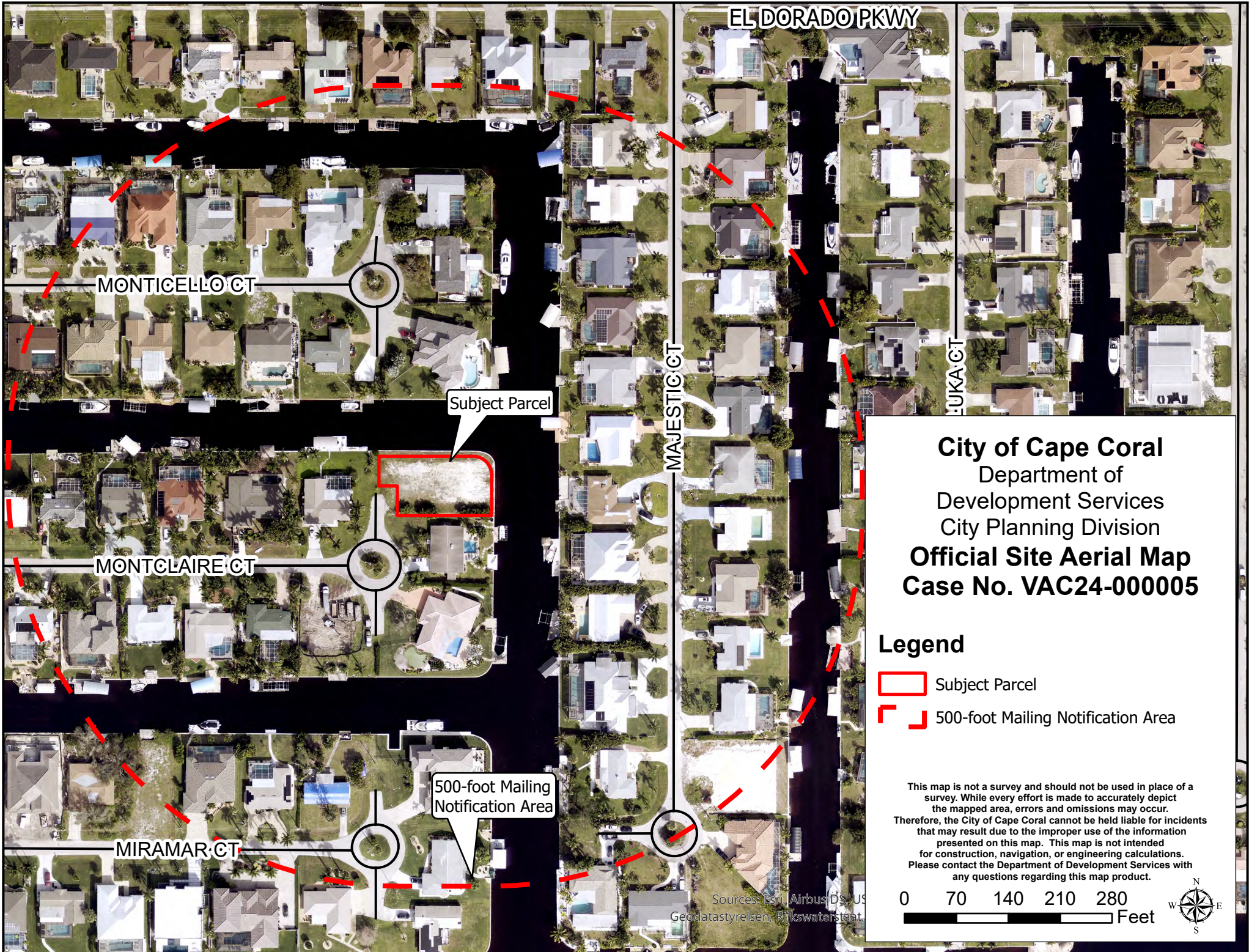
1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF MONTCLAIRE COURT, AS BEING NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 23.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.501-506, FS 472.0251-51-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO AND/OR SETBACKS PRIOR TO CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 18X24, 20 SCALE DRAWING (1988).
11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
12. BENCHMARK DERIVED FROM CAPE CORAL BENCHMARK NUMBER 433-62-06, ELEVATION 514 NGVD 1929, 396 NAVD 1988.

FLOOD ZONE: "A-E" ELEVATION: 8' NAVD 1988
 COMMUNITY NO: 125095 PANEL NO: 0412
 SUFFIX --- G REVISION DATE: 11/17/22
 MAP NUMBER: 1207100412G
 THIS SURVEY IS CERTIFIED TO:
 BURKANDT, ADAMSKI, FEICHTHALER & SANCHEZ, PLLC

REVISED	DESCRIPTION	BY

DATE OF LAST FIELD WORK: 5/16/24	PROJ. #	PHILLIP M. MOULD
DRAWN: CHECK	SCALE: CC-UI-23-30	PROFESSIONAL SURVEYOR AND MAPPER
GSM	1"=20'	LS6915 - STATE OF FLORIDA
SURVEY DATE	FILE NO. SHIT-1	HARRIS-JORGENSEN, LLC
5/16/24	45-24-18 OF - 1	3048 DEL PRADO BLVD. S., SUITE 100
		CAPE CORAL, FLORIDA 33904
		PHONE: (639) 457-5624
		FAX: (639) 457-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921



City of Cape Coral
 Department of
 Development Services
 City Planning Division
Official Site Aerial Map
Case No. VAC24-000005

Legend

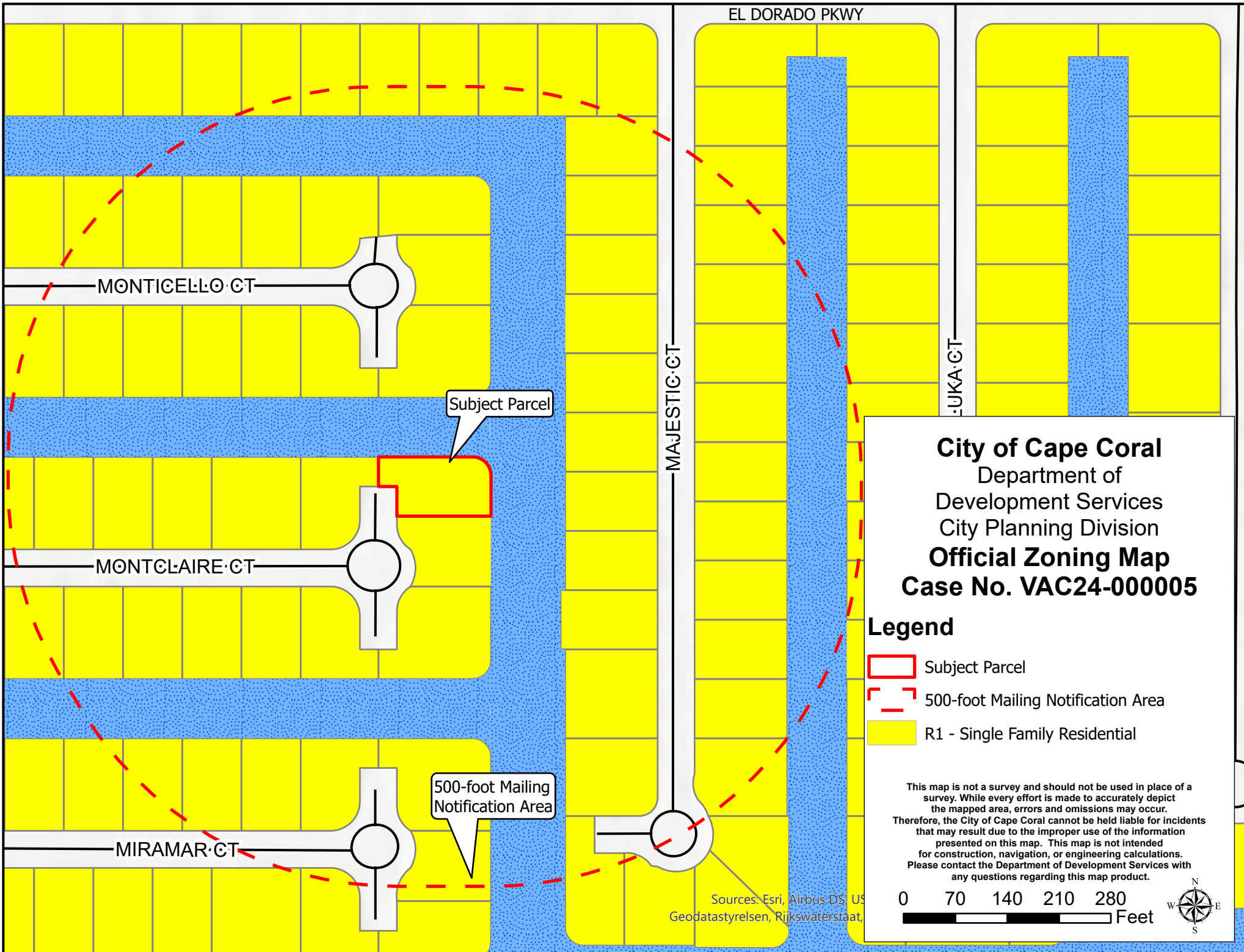
- Subject Parcel
- 500-foot Mailing Notification Area

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation, or engineering calculations. Please contact the Department of Development Services with any questions regarding this map product.

0 70 140 210 280
 Feet



Sources: Esri, Airbus DS, US
 Geodatastyrelsen, Rijkswaterstaat,



EL DORADO PKWY

MONTICELLO CT

Subject Parcel

MONTCLAIRE CT

500-foot Mailing Notification Area

MIRAMAR CT

MAJESTIC CT

UKA CT

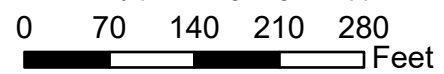
City of Cape Coral
 Department of
 Development Services
 City Planning Division
Official Zoning Map
Case No. VAC24-000005

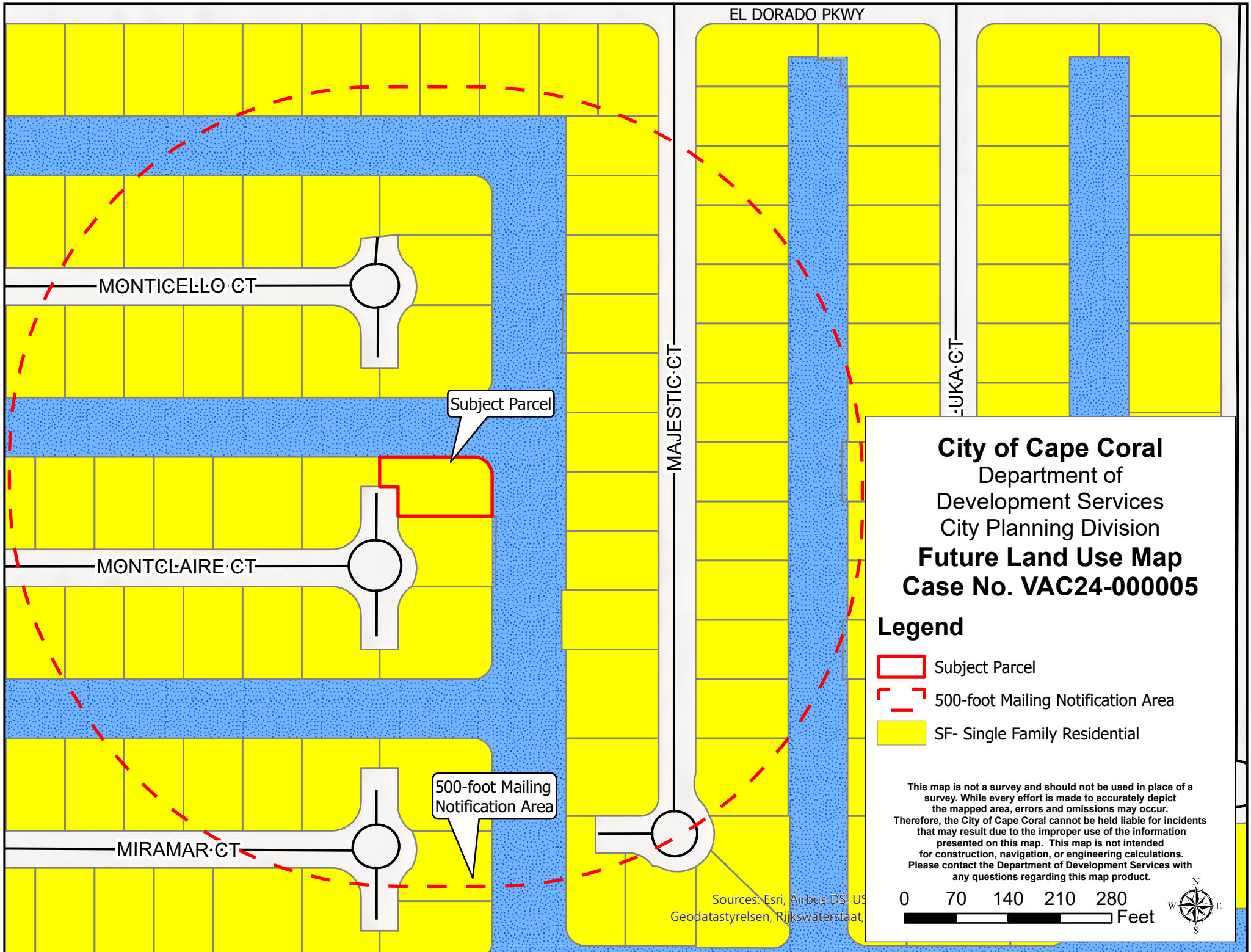
Legend

- Subject Parcel
- 500-foot Mailing Notification Area
- R1 - Single Family Residential

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation, or engineering calculations. Please contact the Department of Development Services with any questions regarding this map product.

Sources: Esri, Airbus DS, US
 Geodatastyrelsen, Rijkswaterstaat,





EL DORADO PKWY

MONTICELLO CT

MONTCLAIRE CT

MIRAMAR CT

MAJESTIC CT

UKA CT

Subject Parcel

500-foot Mailing Notification Area

City of Cape Coral
 Department of
 Development Services
 City Planning Division
Future Land Use Map
Case No. VAC24-000005

Legend

- Subject Parcel
- 500-foot Mailing Notification Area
- SF- Single Family Residential

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Sources: Esri, Airbus DS, US
 Geodastystyrelsen, Rijkswaterstaat,

