



**RESOLUTION 369-24 | VAC24-000003**  
**PUBLIC HEARING BEFORE**  
**THE CAPE CORAL CITY COUNCIL**  
**DECEMBER 4, 2024**

# VAC24-000003

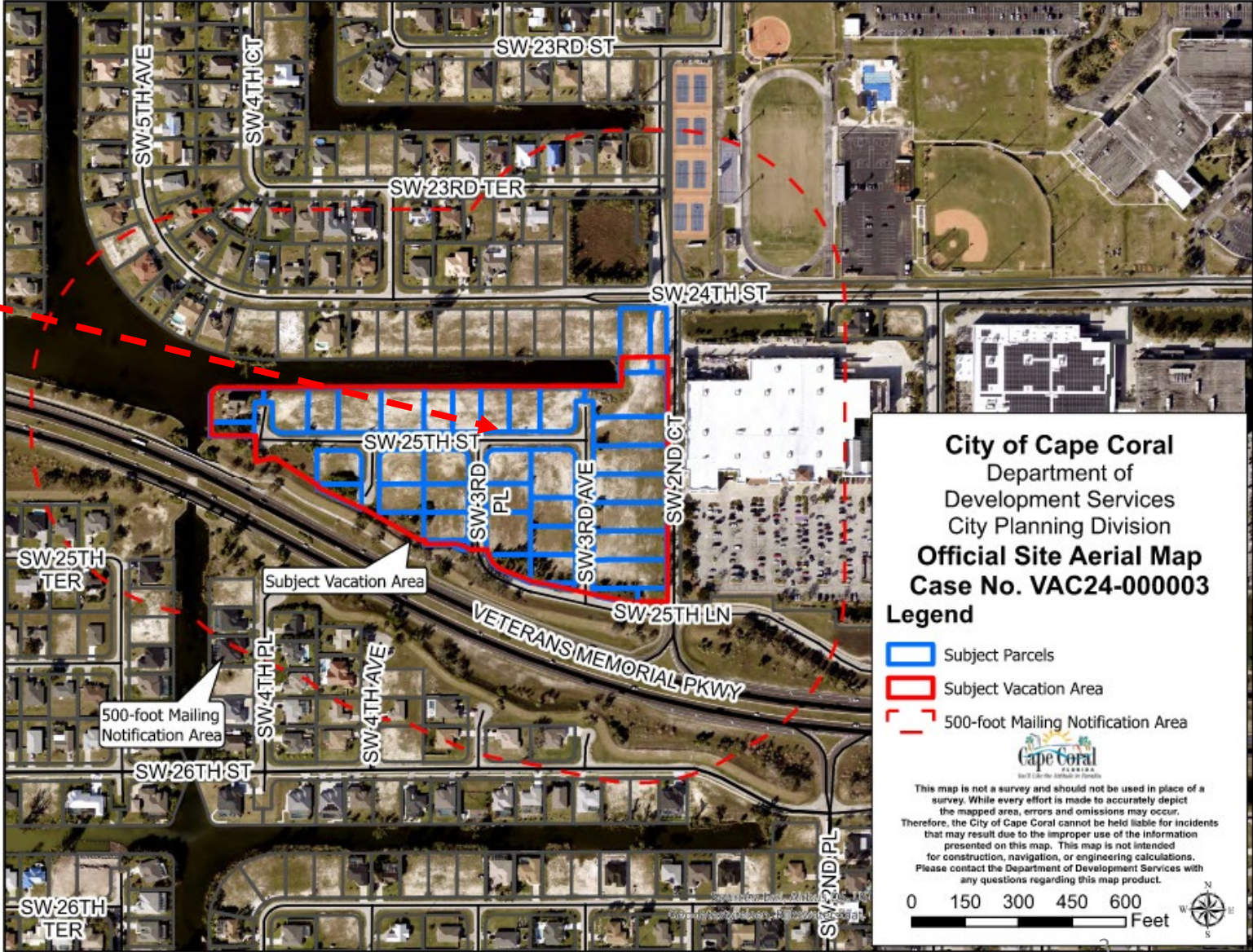
**Owner:** Lee Memorial Health System

**Request:** The owner requests vacating the following:

1. Portions of rights-of-way and underlying easements associated with SW 3<sup>rd</sup> Avenue, SW 3<sup>rd</sup> Place, SW 4<sup>th</sup> Avenue, SW 4<sup>th</sup> Place, and SW 25<sup>th</sup> Street. Vacated street ROW totals 2.34 acres.
2. Platted easements in the project area.
3. Easements underlying previously vacated portions of the Malabar and Defender Canals.

**Location:** Multiple sites north of Veteran's Memorial Parkway and west of SW 2<sup>nd</sup> Court

# VAC24-000003





# Background

- 1) Petitioner owns 36 sites total 9.5 acres.**
- 2) One site has a single-family dwelling; all other sites are unimproved.**
- 3) Right-of-way and easement vacations are requested to consolidate the properties for a future medical center.**



# VAC24-000003: Analysis (LDC, 3.4.5.B)

- 1) Request meets all standards established in LDC, Section 3.4.5.B.
- 2) Rights-of-way. Streets that will be vacated are surrounded by sites owned by Lee Health. These streets are not needed and are an impediment to the owner's plans to redevelop the site.
- 3) Easements underlying the streets. The City has facilities in these easements including a lift station, water and sewer lines, and drainage pipes. Utility lines will be capped, and the remaining facilities will be removed at the owner's expense.
- 4) Platted easements. Easements within the project area are not needed as the owner will provide a perimeter easement with a min. width of 6 feet.

# VAC24-000003: Analysis (continued)

- 5) *Easements underlying the previously vacated canals. Easements underlying the vacated Malabar and Defender Canals are not needed. A perimeter easement provided by the owner will be sufficient.*
- 6) *Utility providers do not object to the requested vacations. Lumen requires the owner to pay for relocating utility facilities estimated at \$23,698.45.*
- 7) *Conditions of approval include improvements to the SW 2nd Court right-of-way on the east side of the site.*
- 8) *Request is consistent with Policy 3.6 of the Future Land Use Element: “The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project.”*

# Recommendations

- 1) Staff - approval with conditions.
- 2) Hearing Examiner - approval with staff conditions following a public hearing on September 17. No speakers at public input.

# Correspondence

Two phone calls - each caller requesting information about the case.

Thank you

