

ORDINANCE 78-24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM COMMERCIAL ACTIVITY CENTER (CAC) TO BURNT STORE ROAD DISTRICT (BURST) LAND USE FOR PROPERTY LOCATED IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST; SECTION 29, TOWNSHIP 43 SOUTH, RANGE 23 EAST; SECTION 32, TOWNSHIP 43 SOUTH, RANGE 23 EAST; AND SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE FUTURE LAND USE MAP FROM COMMERCIAL PROFESSIONAL (CP) TO BURNT STORE ROAD DISTRICT (BURST) LAND USE FOR PROPERTY DESCRIBED AS LOTS 1-24, BLOCK 4291, CAPE CORAL UNIT 61, AND FOR PROPERTY LOCATED IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE FUTURE LAND USE MAP FROM MULTI-FAMILY (MF) TO BURNT STORE ROAD DISTRICT (BURST) LAND USE FOR PROPERTY DESCRIBED AS BLOCKS 6171, 6172, 6173, 6174, AND 6175, CAPE CORAL UNIT 98; AMENDING THE FUTURE LAND USE MAP FROM MIXED USE (MX) TO BURNT STORE ROAD DISTRICT (BURST) LAND USE FOR PROPERTY DESCRIBED AS LOT 31, BLOCK 5522, CAPE CORAL UNIT 91; TRACT A, SOUTH FORTY SUBDIVISION; LOTS 16-20, M-2, 6, 10, 14, AND TRACTS A AND B, WESTCHESTER ESTATES; LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 5523, CAPE CORAL UNIT 91; AND FOR PROPERTY LOCATED IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 23 EAST; SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST; AND SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE FUTURE LAND USE MAP FROM OPEN SPACE (OS) TO BURNT STORE ROAD DISTRICT (BURST) LAND USE FOR PROPERTY LOCATED IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE FUTURE LAND USE MAP FROM PUBLIC FACILITIES (PF) TO BURNT STORE ROAD DISTRICT (BURST) LAND USE FOR PROPERTY DESCRIBED AS LOTS 27-30, BLOCK 5522, CAPE CORAL UNIT 91; AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY (SF) TO BURNT STORE ROAD DISTRICT (BURST) LAND USE FOR PROPERTY DESCRIBED AS BLOCKS 6169 AND 6170, CAPE CORAL UNIT 98; AND TRACTS C & D AND LOTS 21-54, WESTCHESTER ESTATES; AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY/MULTI-FAMILY (SM) TO BURNT STORE ROAD DISTRICT (BURST) LAND USE FOR PROPERTY DESCRIBED AS LOTS 28-33, BLOCK 4303, CAPE CORAL UNIT 61; LOTS 17-46, BLOCK 6300, CAPE CORAL UNIT 83-1; LOTS 1-51, BLOCK 6301, CAPE CORAL UNIT 83-1; LOTS 1-71, BLOCK 6303, CAPE CORAL UNIT 83-1; LOTS 1-26, BLOCK 5521, CAPE CORAL UNIT 91; LOTS 1-26, BLOCK 5522, CAPE CORAL UNIT 91; AND FOR PROPERTY LOCATED IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST; SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST; AND SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by the CITY OF CAPE CORAL regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM COMMERCIAL ACTIVITY CENTER (CAC) TO BURNT STORE ROAD DISTRICT
(BURST)

THE NORTH $\frac{3}{4}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE SOUTH $\frac{1}{8}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, AND THE NORTH $\frac{1}{4}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST; LESS AND EXCEPT THAT PART CONVEYED TO THE STATE OF FLORIDA FOR RIGHT-OF-WAY, AS SHOWN IN DEED BOOK 289, PAGE 173, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

THE NORTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$, LESS ROAD RIGHT-OF-WAY FOR SR 765, BEING IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$, LESS ROAD RIGHT-OF-WAY FOR SR 765, BEING IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA. SUBJECT TO ROAD RIGHT-OF-WAY ALONG THE NORTHERLY 30 FEET.

AND

THE NORTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA; LESS AND EXCEPT THE WEST 132 FEET THEREOF

AND

THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ AND THE SOUTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA; LESS AND EXCEPT THE WEST 132 FEET THEREOF.

AND

WEST HALF OF THE FOLLOWING DESCRIBED PROPERTY: THE NORTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, AND THE NORTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE SOUTH ½ OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA; LESS THE WESTERLY 132 FEET FOR ROAD-RIGHT-OF-WAY AND LESS THE EASTERLY 50 FEET FOR DRAINAGE EASEMENT.

AND

A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF SECTION 32; THENCE RUN SOUTH 89°55'31" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 132.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF "BURNT STORE ROAD NORTH" (S.R. S-765) AND THE POINT OF BEGINNING OF A PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE SOUTH 89°55'31" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2431.87 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY BOUNDARY LINE OF THE SUBDIVISION ENTITLED "CAPE CORAL UNIT 98", AS RECORDED IN PLAT BOOK 25, PAGES 107 THROUGH 121, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 00°00'06" WEST, ALONG SAID WESTERLY BOUNDARY LINE OF "CAPE CORAL UNIT 98", A DISTANCE OF 2276.82 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY BOUNDARY LINE OF THE SUBDIVISION ENTITLED "CAPE CORAL UNIT 57," AS RECORDED IN PLAT BOOK 19, PAGES 124 THROUGH 137 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTH 89°49'17" WEST ALONG SAID NORTHERLY BOUNDARY LINE OF "CAPE CORAL UNIT 57", A DISTANCE OF 2434.70 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID "BURNT STORE ROAD NORTH" (S.R S-765); SAID LINE BEING 132.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 32; THENCE RUN NORTH 00°04'21" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF "BURNT STORE ROAD NORTH" (S.R S-765); A DISTANCE OF 2272.39 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: PARCEL 270 AS SET FORTH AND CONTAINED IN THE STIPULATED FINAL JUDGMENT RECORDED JANUARY 13, 2016 IN OFFICIAL RECORDS INSTRUMENT NO. 2016000008354, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND, BEING PART OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4), LYING IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST COMER OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 32 RUN SOUTH 89°55'30" EAST, A DISTANCE OF 132.00 FEET TO AN INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF BURNT STORE ROAD (200 FEET WIDE); THENCE RUN SOUTH 00°04'30" WEST ALONG SAID EAST LINE FOR 1098.69 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING RUN SOUTH 07°44'16" EAST, A DISTANCE OF 787.15 FEET TO AN INTERSECTION WITH A POINT OF CURVATURE, THENCE RUN ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 4,201.01 FEET, (DELTA 05°24'09"), (CHORD BEARING SOUTH 05°02'11" EAST, {CHORD 395.98 FEET) FOR 396.13 FEET TO AN INTERSECTION WITH THE NORTH LINE OF CAPE CORAL UNIT 57 AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 19, PAGE 124, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°50'09" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 142.28 FEET TO AN INTERSECTION WITH SAID EAST RIGHT OF WAY LINE; THENCE NORTH 00°04'30" EAST ALONG SAID EAST LINE, A DISTANCE OF 1,174.03 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OR TRACT OF LAND LYING IN THE WEST ONE-HALF (W 1/2) AND THE EAST ONE-HALF (E 1/2) OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LEE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

AND

UNIT	BLOCK	LOTS	PB/PG
91	5522	31	PB 24 PG 94
SOUTH FORTY		TRA	PB 28 PG 25
WESTCHESTER EST		16-20	OR 1054 PG 1572
WESTCHESTER EST		M-2, 6, 10, 14	OR 1054 PG 1572
WESTCHESTER EST		TRA	OR 1054 PG 1572

FROM MIXED USE (MX) TO BURNT STORE ROAD DISTRICT (BURST)

UNIT	BLOCK	LOTS	PB/PG
98	6171	ALL	PB 25 PG 116
98	6172	ALL	PB 25 PG 116
98	6173	ALL	PB 25 PG 116
98	6174	ALL	PB 25 PG 116
98	6175	ALL	PB 25 PG 116

FROM MULTI-FAMILY (MF) TO BURNT STORE ROAD DISTRICT (BURST)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LYING SOUTH OF A LINE PARALLEL WITH AND 750 FEET SOUTHERLY FROM THE NORTH LINE OF SAID FRACTION OF A SECTION AND LYING NORTHERLY OF A LINE PARALLEL WITH AND 1,650 FEET NORTHERLY FROM THE SOUTH LINE OF SAID FRACTION OF A SECTION. CONTAINING 12 1/2 ACRES, MORE OR LESS. SUBJECT TO EXISTING ROAD RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

AND

UNIT	BLOCK	LOTS	PB/PG
61	4291	1-24	PB21 PG 16

(BURST)

FROM COMMERCIAL/PROFESSIONAL (CP) TO BURNT STORE ROAD DISTRICT

FROM SAID POINT OF BEGINNING THENCE N00°14'48"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL TO THE WEST LINE OF SAID SECTION 20 FOR 1,385.25 FEET; THENCE S89°17'36"E PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 FOR 2,517.95 FEET TO THE EAST LINE OF THE EAST ONE-HALF (1/2) OF SAID SECTION; THENCE N00°25'50"E ALONG SAID FRACTION LINE FOR 1,796.16 FEET; THENCE N89°38'57"E PARALLEL WITH THE NORTH LINE OF THE EAST ONE-HALF (1/2) OF SAID SECTION 20 FOR 2,662.19 FEET TO A POINT ON THE EAST LINE OF SAID SECTION, SAID POINT BEING 2208.73 FEET (AS MEASURED ALONG SECTION LINE) SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 20; THENCE S00°27'25"W ALONG SAID EAST LINE FOR 3230.00 FEET TO THE SOUTHEAST CORNER OF SAID SECTION; THENCE N89°18'16"W ALONG THE SOUTH LINE OF SAID FRACTION OF A SECTION FOR 2,660.49 FEET TO THE SOUTH ONE-QUARTER (1/4) CORNER OF SAID SECTION; THENCE N89°17'36"W ALONG THE SOUTH LINE OF SAID FRACTION OF A SECTION FOR 2,513.51 FEET TO THE POINT OF BEGINNING.

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE S89°17'36"E ALONG THE SOUTH LINE OF SAID SECTION 20 FOR 132.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BURNT STORE ROAD (C.R. 765) (200 FEET WIDE) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LANDS.

COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) AND THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA; LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF FLORIDA BY SPECIAL WARRANTY DEED, RECORDED IN DEED BOOK 290 AT PAGE 59, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND LESS AND EXCEPT THE SOUTH 330 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 18.

PARCEL 2:

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, TOGETHER WITH THE NORTH 1/2 OF THAT PORTION OF N.W. 40TH LANE LYING SOUTH AND ADJACENT THEREOF VACATED BY ORDINANCE 48-15 RECORDED AS INSTRUMENT NUMBER 2015000233954, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

PARCEL 3:

NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

PARCEL 4:

LOTS AKA TRACTS 1, 2, 3, 4, 5, AND 6, BLOCK 5523, UNIT 91, CAPE CORAL, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 88; TOGETHER WITH THE SOUTH 1/2 OF THAT PORTION OF NW 40TH LANE LYING NORTH AND ADJACENT THEREOF VACATED BY ORDINANCE 48-15 RECORDED AS INSTRUMENT NUMBER 2015000233954, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 5:

THE SOUTH 330 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, LESS THE EAST 68 FEET FOR THE ROAD RIGHT-OF-WAY CONVEYED TO THE STATE OF FLORIDA; TOGETHER WITH THE NORTH 1/2 OF THAT PORTION OF NW 40TH LANE LYING SOUTH AND ADJACENT THEREOF VACATED BY ORDINANCE 48-15 RECORDED AS INSTRUMENT NUMBER 2015000233954, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
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AND

THE EASTERN 400 FEET OF A PARCEL OF LAND LOCATED IN THE NORTH ONE-QUARTER (N 1/4) OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, CAPE CORAL, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LESS THE MOST EASTERLY 68 FEET THEREOF.

AND

THE NORTHEAST 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LESS THE EAST 68 FEET THEREOF, IN LEE COUNTY, FLORIDA.

AND

THE SOUTHEAST ¼ OF THE SE ¼ OF THE SE ¼ OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA. LESS AND EXCEPT THE EXISTING RIGHT-OF-WAY FOR BURNT STORE ROAD ON THE EAST BOUNDARY AND LESS AND EXCEPT THE NORTH 25 FEET RUNNING EAST AND WEST FOR ROAD RIGHT-OF-WAY.

AND

THE NE ¼ OF THE SE ¼ OF THE SE ¼; AND

THE SE ¼ OF THE NE ¼ OF THE SE ¼ OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE SOUTH ½ OF THE SOUTH ½ OF THE NE ¼ IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE NORTH ½ OF THE SOUTH ½ OF THE NE ¼ IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE N½ OF THE NE 1/4 OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST. LEE COUNTY. FLORIDA, INCLUDING A ROADWAY EASEMENT 30 FT. WIDE OVER AND ACROSS THE NLY 30 FT. OF THAT PART OF THE N½ OF THE S½ OF THE NE1/4 OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, LYING WLY OF BURNT STORE ROAD AND A NON-EXCLUSIVE EASEMENT UPON AND ACROSS THE FOLLOWING DESCRIBED PARCEL: A TRACT OR PARCEL OF LAND FOR A ROADWAY EASEMENT 60 FT. WIDE LYING IN THE N 1/2 OF THE NE¼ OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS: FROM A CONCRETE MONUMENT MARKING THE SW CORNER OF SAID FRACTION OF A SECTION RUN S.89°05'47"E. ALONG THE SOUTH LINE THEREOF FOR 84.86 FT.; THENCE RUN N.44°05'47"W. FOR 121.22 FT. TO AN INTERSECTION WITH THE WEST LINE OF SAID FRACTION. OF A SECTION; THENCE RUN S.00°19'50"W. ALONG SAID WEST LINE FOR 85.72 FT. TO THE POB.

AND

THE SOUTH ½ OF THE SOUTH ½ OF THE NORTH ½ OF THE SE ¼ OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE NORTH ½ OF THE NORTH ½ OF THE NORTH ½ OF THE SE ¼ OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE SOUTH ½ OF THE NORTH ½ OF THE NORTH ½ OF THE SE ¼ OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE NORTH ½ OF THE SOUTH ½ OF THE NORTH ½ OF THE SE ¼ OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, FLORIDA BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT "B" OF THAT CERTAIN SUBDIVISION KNOWN AS SOUTH FORTY SUBDIVISION, AS RECORDED IN PLAT BOOK 28, PAGES 24 THROUGH 28 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; TOGETHER WITH:
A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT "B" OF SOUTH FORTY SUBDIVISION AS RECORDED IN PLAT BOOK 28, PAGES 24 THROUGH 28 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE SOUTH 0° 14' 38" WEST ALONG A SOUTHERLY PROLONGATION OF THE EAST OF SAID TRACT "B" 147.06 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30, SAID LINE ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF KISMET PARKWAY WEST AS DESCRIBED IN LEE COUNTY COMMISSIONERS MINUTE BOOK 6, PAGE 181 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA THENCE NORTH 88° 06' 20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 300.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID TRACT "B"; THENCE NORTH 0° 14' 38" EAST ALONG SAID LINE 147.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID SOUTH FORTY SUBDIVISION AND THE SOUTHWEST CORNER OF SAID TRACT "B"; THENCE SOUTH 88° 06' 20" EAST ALONG SAID SOUTH LINE 300.00 FEET TO THE POINT OF BEGINNING.

AND

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING A PORTION OF WESTCHESTER ESTATES, AN UNRECORDED SUBDIVISION SHOWN IN OFFICIAL RECORDS BOOK 1054, PAGES 1570 THROUGH 1573 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRACT "B" OF SAID WESTCHESTER ESTATES; THENCE N 88°25'54" W ALONG THE NORTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 30 FOR 828.87 FEET; THENCE S 00° 17' 13" W FOR 52.38 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S 00°17'13" W FOR 280.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID FRACTION; THENCE N 88°21 '00" W ALONG SAID SOUTH LINE FOR 436.44 FEET; THENCE N 00°17'13" E FOR 279.38 FEET TO AN INTERSECTION WITH A LINE 52.37 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) SAID NORTH LINE; THENCE S 88°25'54" E ALONG SAID PARALLEL LINE FOR 436.43 FEET TO THE POINT OF BEGINNING.

SUBJECT PARCEL CONTAINS: 2.80 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST AS BEARING S 00°14'38" W.

AND

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING A PORTION OF WESTCHESTER ESTATES, AN UNRECORDED SUBDIVISION SHOWN IN OFFICIAL RECORDS BOOK 1054, PAGES 1570 THROUGH 1573 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

TRACTS B, E AND F; LOTS M 3-4, M 7-8, M 11-12, M 15-16, 60-74, AND 80-94.

LESS AND EXCEPT THE AREA DESCRIBED BELOW:

COMMENCING AT THE NORTHEAST CORNER OF TRACT "B" OF SAID WESTCHESTER ESTATES; THENCE N 88°25'54" W ALONG THE NORTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 30 FOR 828.87 FEET; THENCE S 00° 17' 13" W FOR 52.38 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S 00°17'13" W FOR 280.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID FRACTION; THENCE N 88°21 '00" W ALONG SAID SOUTH LINE FOR 436.44 FEET; THENCE N 00°17'13" E FOR 279.38 FEET TO AN INTERSECTION WITH A LINE 52.37 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) SAID NORTH LINE; THENCE S 88°25'54" E ALONG SAID PARALLEL LINE FOR 436.43 FEET TO THE POINT OF BEGINNING.

FROM OPEN SPACE (OS) TO BURNT STORE ROAD DISTRICT (BURST)

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER (1/4) CORNER OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, THENCE RUN N.89°18'51"W ALONG THE SOUTH LINE OF THE SOUTHWEST (1/4) OF SAID SECTION 20 FOR A DISTANCE OF 479.63 FEET; THENCE RUN N.06°16'06"E., FOR A DISTANCE OF 50.24 FEET TO A POINT LYING 50.00 FEET NORTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, THE SAME BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED: THENCE RUN N.89°18'51"W., ALONG A LINE LYING 50.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 80.00 FEET; THENCE RUN N.00°41'09"E., ALONG A LINE RUNNING PERPENDICULAR TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 125.00 FEET TO A POINT LYING 175.00 FEET NORTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN S.89°18'51"E., ALONG A LINE LYING 175.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 87.60 FEET; THENCE RUN S.00°41'09"W., ALONG A LINE RUNNING PERPENDICULAR TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 47.29 FEET TO A POINT ON THE WESTERLY BOUNDARY OF CONSERVATION PARCEL "C" AS RECORDED IN O.R. BOOK 3023, AT PAGE 4134 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.06°16'07"W., ALONG THE WESTERLY BOUNDARY OF SAID CONSERVATION PARCEL "C", FOR A DISTANCE OF 78.08 FEET TO THE POINT OF BEGINNING CONTAINING 0.245 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA AS BEING N.89°17'35"E.

FROM PUBLIC FACILITIES (PF) TO BURNT STORE ROAD DISTRICT (BURST)

UNIT	BLOCK	LOTS	PB/PG
91	5522	27-30	PB 24 PG 94

FROM SINGLE-FAMILY (SF) TO BURNT STORE ROAD DISTRICT (BURST)

UNIT	BLOCK	LOTS	PB/PG
98	6169	ALL	PB 25 PG 116
98	6170	ALL	PB 25 PG 116
WESTCHESTER EST		TR C + D	OR 1052 PG 1572
WESTCHESTER EST		21-54	OR 1052 PG 1572

FROM SINGLE-FAMILY/MULTI-FAMILY (SM) TO BURNT STORE ROAD DISTRICT
(BURST)

UNIT	BLOCK	LOTS	PB/PG
61	4303	28-33	PB 21 PG 15
83-1	6300	17-46	PB 30 PG 110
83-1	6301	1-51	PB 30 PG 108-110
83-1	6303	1-71	PB 30 PG 109-110
91	5521	1-26	PB 24 PG 91
91	5522	1-26	PB 24 PG 94

AND

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, LYING IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING A PART OF THE PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3294, PAGE 3680, LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SE ¼ OF SAID SECTION 7; THENCE S89°37'26" W ALONG THE NORTH LINE OF SAID SE ¼ FOR 68.05 FEET TO THE WEST RIGHT-OF-WAY LINE OF BURNT STORE ROAD – STATE ROAD 765 AND THE POINT OF BEGINNING; THENCE CONTINUE 89°33'26"W ALONG SAID NORTH LINE FOR 1239.23 FEET; THENCE S01°40'14"W ALONG THE WEST LINE OF THE EAST HALF OF SAID SE ¼ FOR 375.10 FEET; THENCE N89°34'19"E FOR 498.63 FEET; THENCE S29°25'32"E FOR 86.82 FEET; THENCE EAST FOR 693.29 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE N01°57'11"E, ALONG SAID RIGHT-OF-WAY LINE, FOR 456.68 FEET TO THE POINT OF BEGINNING.

AND

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, LYING IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING PART OF THE PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3294, PAGE 2600, LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THEN S.89°33'26"W, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, FOR 68.05 FEET TO THE WEST RIGHT OF WAY LINE OF BURNT STORE ROAD-STATE ROAD 765; THENCE S.01° 57'11" W, ALONG SAID RIGHT OF WAY LINE, FOR 456.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.01 °57'11" W, ALONG SAID RIGHT OF WAY LINE FOR 294.29 FEET; THENCE SOUTH 89°34'19"W, ALONG THE SOUTH LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3294, PAGE 3600, FOR 1235.51 FEET; THEN N.01°40'14"E, ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER, FOR 375.41 FEET; THENCE N.89° 34'19"E, FOR 498.63 FEET; THENCE S.29 DEGREES 25'32"E, FOR 86.82 FEET; THENCE EAST, FOR 693.29 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON SAID EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 7 AS BEARING S. 01°57'11"W.

AND

THE EASTERN 400 FEET OF A PARCEL OF LAND LOCATED IN THE NORTH ONE-QUARTER (N 1/4) OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, CAPE CORAL, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LESS THE MOST EASTERLY 68 FEET THEREOF.

AND

THE NORTH 1/2 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

AND

THE SOUTH 1/2 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL AT THEIR REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

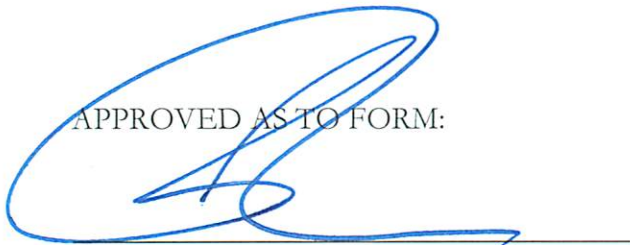
GUNTER _____
STEINKE _____
LEHMANN _____
DONNELL _____

NELSON _____
KILRAINE _____
LONG _____
KADUK _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/FLUM24-000013 102224

