

RESOLUTION 378 - 24

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, PROVIDING FOR THE VACATION OF PLAT FOR A PORTION OF THE MONTICELLO AND MONTEREY CANAL RIGHTS-OF-WAY AND UNDERLYING EASEMENTS ADJACENT TO LOTS 30 AND 31, BLOCK 23, CAPE CORAL UNIT 1, PART 2; PROVIDING FOR THE VACATION OF PLAT FOR PLATTED EASEMENTS ASSOCIATED WITH LOTS 30 AND 31, BLOCK 23, CAPE CORAL UNIT 1, PART 2; PROPERTY LOCATED AT 849 MONTCLAIRE COURT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by FREEDOM BOAT COMPANY for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of the City of Cape Coral, Florida Land Development Code, Article 3, Chapter 4, Section 3.4.5, "Vacations of Plats, Easements, and Rights-of-Way," and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Petition meets the requirements of the City of Cape Coral, Florida Land Development Code, Article 3, Chapter 4, Section 3.4.5, and it is in the best interest of the public that such Petition be granted. The following-described canal right-of-way and underlying easements, as shown in Exhibit A, are hereby vacated by the City of Cape Coral, to wit:

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.

Section 2. The Petition meets the requirements of the City of Cape Coral, Florida Land Development Code, Article 3, Chapter 4, Section 3.4.5, and it is in the best interest of the public that such Petition be granted. The following-described public utility and drainage easement, as shown in Exhibit B, is hereby vacated by the City of Cape Coral, to wit:

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.

Section 3. This vacation of plat is subject to the following terms and conditions:

1. The vacation of the 1,436.11 square feet of canal right-of-way and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, attached hereto as 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, attached hereto as Exhibit B.
3. The City shall retain easements sufficient for maintaining a six-foot wide public utility and drainage easement coincident with the perimeter of the expanded site as depicted in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, attached hereto as 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 owners will make a one-time, non-refundable contribution totaling a minimum of \$4,200 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 hearing for 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 owners.
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.

Section 4. This Resolution shall take effect upon its recording within the Office of the Lee County Clerk of Court by the City of Cape Coral.

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

JOHN GUNTER, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	NELSON	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

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

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
res/vac24-000005 11.1.24



EXHIBIT "F"

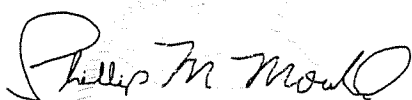
DESCRIPTION TO ACCOMPANY SKETCH:
PROPOSED VACATION OF:

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

SHEET 2 OF 2

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

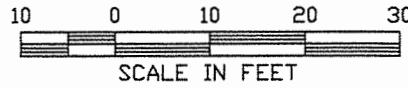
SEE EXHIBIT "F" FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

"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,**

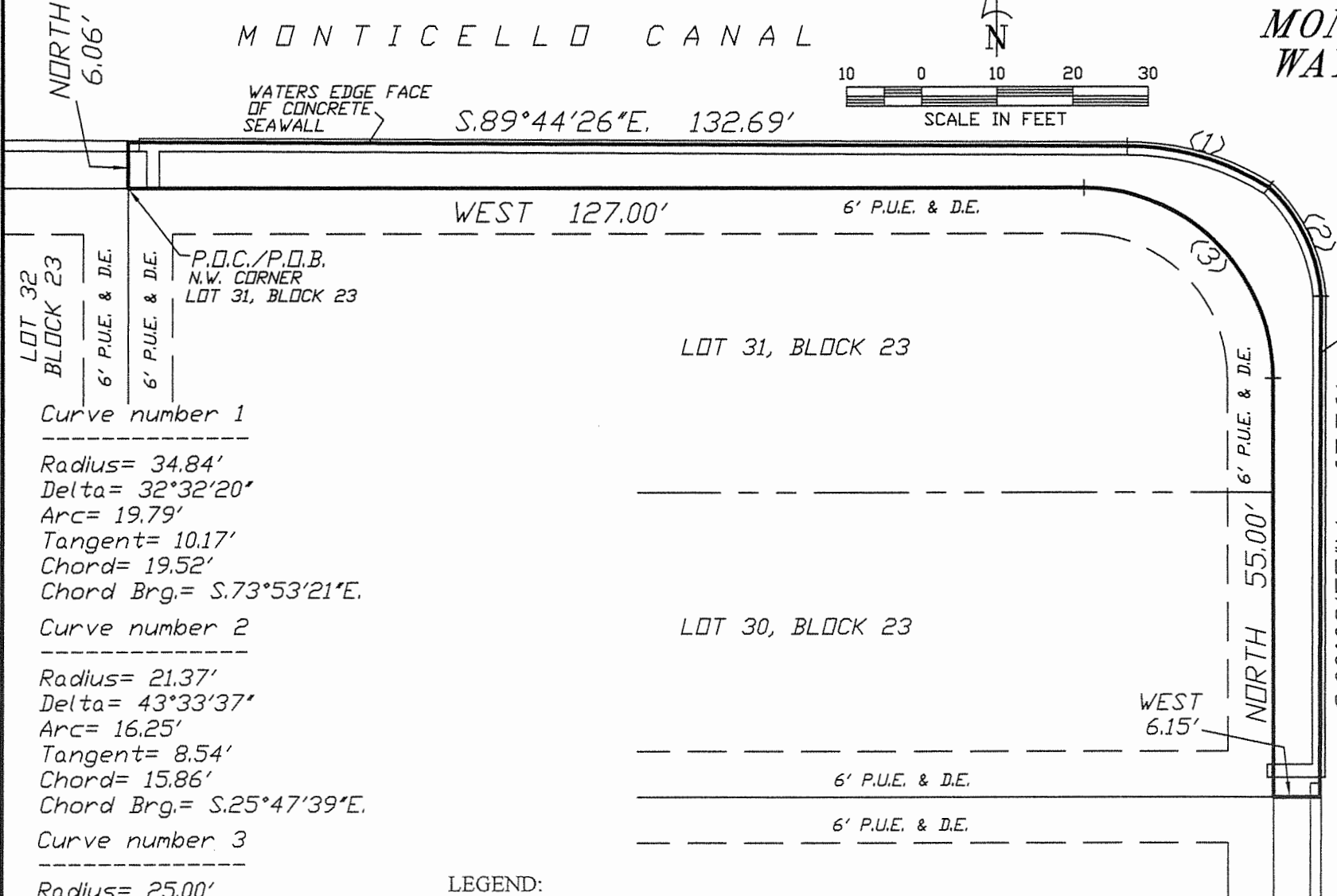
M O N I T C E L L O C A N A L



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 I T C E L L O
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.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. 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
SKETCH DATE 10/27/22		FILE NO. 45-24-18	SHT.- 1 OF - 2

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

EXHIBIT "G"

DESCRIPTION TO ACCOMPANY SKETCH:
PROPOSED VACATION OF:

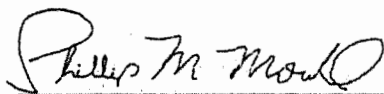
PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT IN LOTS 30 AND 31, BLOCK 23, CAPE CORAL UNIT 1, PART TWO

(PLAT BOOK 11, PAGES 29-36)
SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
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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
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
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EXHIBIT "H"

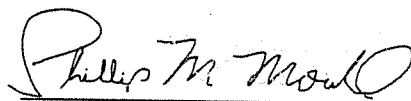
DESCRIPTION TO ACCOMPANY SKETCH:
PROPOSED OF:

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

(PLAT BOOK 11, PAGES 29-36)
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DESCRIPTION:

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



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

CC-U1-23-30

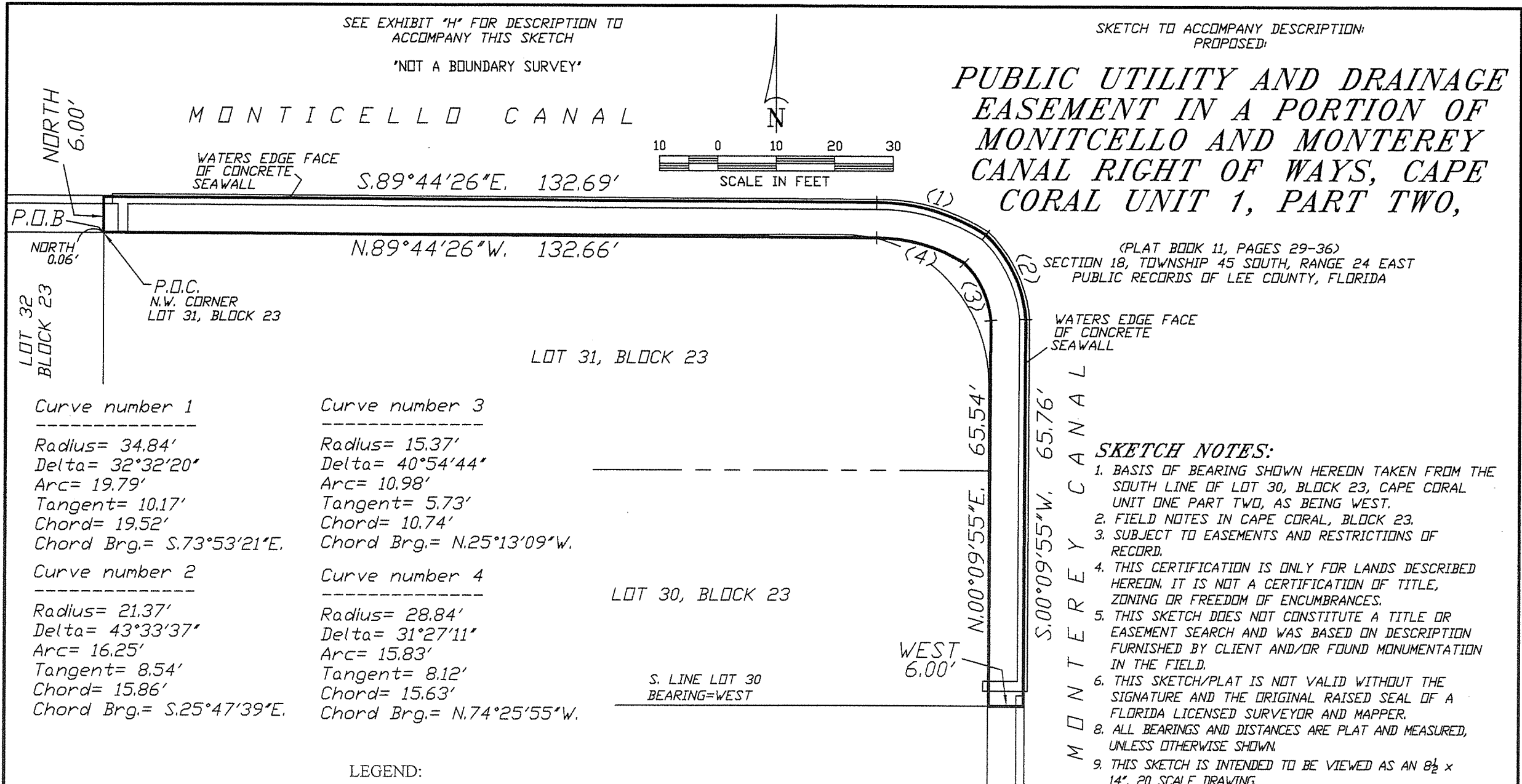
HARRIS-JORGENSEN, LLC
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PHONE: (239) 257-2624
FAX: (239) 257-2921

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,**



(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

SKETCH NOTES:

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2. FIELD NOTES IN CAPE CORAL, BLOCK 23.
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Chord= 19.52'
Chord Brg.= S.73°53'21"E.

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Radius= 21.37'
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Arc= 16.25'
Tangent= 8.54'
Chord= 15.86'
Chord Brg.= S.25°47'39"E.

Curve number 3

Radius= 15.37'
Delta= 40°54'44"
Arc= 10.98'
Tangent= 5.73'
Chord= 10.74'
Chord Brg.= N.25°13'09"W.

Curve number 4

Radius= 28.84'
Delta= 31°27'11"
Arc= 15.83'
Tangent= 8.12'
Chord= 15.63'
Chord Brg.= N.74°25'55"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
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- D.E. DRAINAGE EASEMENT

DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-UI-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	