



**ORD 79-24: Amendments to
Vacations of plats, Easements, and Rights-of-Way
Cape Coral City Council Meeting
December 4, 2024**

Purpose

This ordinance will amend LDC, Section 3.4.5., entitled “*Vacations of plats, easements, and rights-of-way.*”

Surveys, Sketches, and Legal Descriptions (LDC, 3.4.5.A.2.)

1) Clarifying technical requirements for:

A) Legal descriptions (subsection a.)

B) Sketches (subsection b.)

Pre-Application Meeting

1) Requiring a pre-application meeting with staff:

A) Ensure eligibility.

B) Identify necessary sketches and legal descriptions.

C) Identify improvements the owner may be required to make.

D) Identify costs that will be responsibility of the owner.

Tree Fund Fee

- 1) As a condition of approval, require a one-time payment to the Tree Fund.
- 2) Premise - The City has a duty to ensure a public interest is realized for City assets that are relinquished for private use.
- 3) Patterned after a Fort Myers requirement.
- 4) Tree fund payment is based on 50% of the assessed value of the owner's land on a sq. ft. basis that is applied to the vacation area.
- 5) In lieu of a payment to the tree fund, the owner may construct on- or off-site improvements equaling the value of the tree fund payment.

Recommendations

- 1) **Staff: approval.**
- 2) **Planning and Zoning Commission: Approval (6-0). No speakers at the November 6th public hearing.**

Correspondence

None

Thank you



Example

Owner has a 10,000 sq. ft. lot and wants to vacate 1,000 sq. ft. of public right-of-way (ROW). Assessed land value is \$40,000.

Calculation

10,000 sq. ft. lot

LEEPA Assessed value of the land: \$40,000

Value of land - \$4.00 sq. ft.

\$4.00 sq. ft. x 50% = \$2.00 sq. ft. for the vacation area

\$2.00 sq. ft. x 1,000 sq. ft. of ROW being vacated = \$2,000 payment to the tree fund