



## **AGENDA FOR THE HEARING EXAMINER**

Tuesday, October 1, 2019

9:00 AM

Council Chambers

### **1. HEARINGS CALLED TO ORDER**

### **2. HEARINGS**

- A. CASE # VP19-0003\*; Address: 1117 SW 44TH Street; Applicant: Michael P + Deborah A Mulligan
- B. Case # VP19-0010\*; Address: 1942-2018 Skyline Blvd and 2001-2017 SW 8th Pl; Applicant: City of Cape Coral

### **3. DATE AND TIME OF NEXT HEARINGS**

- A. Tuesday, October 15, 2019, at 9:00 a.m., in Council Chambers

### **4. ADJOURNMENT**

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

#### **PLEDGE OF CIVILITY**

We will be respectful of each other even when we disagree.  
We will direct all comments to the issues. We will avoid personal attacks.

The hearing shall, to the extent possible, be conducted as follows:

1. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
2. The Applicant, staff, and all Participants requesting to speak or present evidence or both the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
3. Staff will testify regarding proper notice of the Hearing in accordance with City requirements.
4. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the application. The Hearing Examiner shall rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolution.
5. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Hearing Examiner, determines to proceed in a different order, taking proper consideration of fairness and due process:
  - The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
  - Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Hearing Examiner with the agenda materials, as staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
  - Participants in opposition to or support of the application shall make their presentation in any order as determined by the Hearing Examiner. Each Participant shall present their argument in 5 minutes.
  - The Applicant may cross-examine any witness and respond to any testimony presented.
  - Staff may cross-examine any witness and respond to any testimony presented.
  - The Hearing Examiner may choose to allow Participants to respond to any testimony if the Hearing Examiner deems the response to be necessary to ensure fairness and due process.
  - The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
  - Final argument may be made by the Applicant, related solely to the evidence in the record.
  - Final argument may be made by the staff, related solely to the evidence in the record.
  - For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
  - The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.

**Item Number:** 2.A.  
**Meeting Date:** 10/1/2019  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

CASE # VP19-0003\*;Address: 1117 SW 44TH Street; Applicant: Michael P + Deborah A Mulligan

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The owners request to vacate ±619 sq. ft. of Finisterre Lake right-of-way (ROW), all underlying easements, and ±408 sq. ft. of platted easements associated with the north property line of Lots 25 and 26, Block 3338, Unit 65, Cape Coral Subdivision.

**LEGAL REVIEW:**

**EXHIBITS:**

SEE ATTACHED BACKUP MATERIALS

**PREPARED BY:**

SHAWN  
BAKER                      Division- PLANNING                      Department- COMMUNITY DEVELOPMENT

**SOURCE OF ADDITIONAL INFORMATION:**

Justin Heller, Senior Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**ATTACHMENTS:**

Description	Type
□ Backup materials	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP19-0003

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

**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 case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is 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, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

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.

OWNER OF PROPERTY

MICHAEL MULLIGAN

Address: 1117 SW 44<sup>TH</sup> STREET  
City: CAPE CORAL State: FLA Zip 33914  
Phone: 732 740 2333

APPLICANT

MIMULLY @ AOL.COM

EMAIL

Address: 1117 SW 44<sup>TH</sup> STREET  
City: CAPE CORAL State: FL Zip 33914  
Phone: 732-740-2333

AUTHORIZED REPRESENTATIVE

EMAIL \_\_\_\_\_

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: \_\_\_\_\_

Unit 65 Block 3338 Lot(s) 25/26 Subdivision \_\_\_\_\_

Address of Property 1117 SW 44<sup>TH</sup> STREET

Current Zoning S.F.R.

Plat Book 21, Page 151-164

Strap Number 10-45-23-C3-03338.0250.



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

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.

(SIGNATURE MUST BE NOTARIZED)

MICHAEL MULLIGAN  
APPLICANT NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF LEE

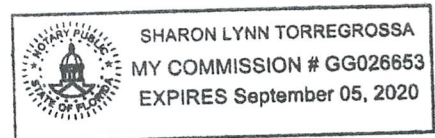
Sworn to (or affirmed) and subscribed before me this 21 day of August, 2019 by  
Michael Mulligan who is personally known or produced  
as identification.

Exp. Date: 9-5-20 Commission Number: GG026653

Signature of Notary Public:

Printed name of Notary Public:

[Signature]  
Sharon Torregrossa







DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # \_\_\_\_\_

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Chuck Matuszewski  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

VACATION of PLAT

UNIT 65 BLOCK 3338 LOT(S) 25/26 SUBDIVISION

OR LEGAL DESCRIPTION

1117 SW 44<sup>TH</sup> STREET.

10-45-23-C3-03338.0250.

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

MICHAEL. MULLIGAN

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

Michael Mulligan

OWNER

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 21 day of August, 2018, by Michael Mulligan who is personally known or produced as identification.

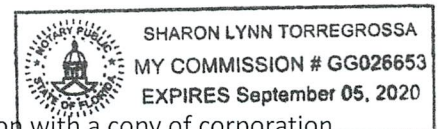
Exp. Date: 9-5-20 Commission Number: GG026653

NOTARY STAMP HERE

Signature of Notary Public:

Printed name of Notary Public:

Sharon Torregrossa



Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

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 two 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.

MICHAEL MULLIGAN  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]  
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 21 day of August, 2018 by Michael Mulligan who is personally known or who has produced \_\_\_\_\_ as identification.

Exp. Date 9-5-20  
Commission # GG026653

[Signature]  
Signature of Notary Public

Sharon Torregrossa  
Print Name of Notary Public





DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # \_\_\_\_\_

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

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, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal 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 costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

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.

CORPORATION/COMPANY NAME

MICHAEL MULLIGAN

PROPERTY OWNER (PLEASE TYPE OR PRINT)

Michael Mulligan

PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 21 day of Aug, 2018 by Michael Mulligan who is personally known or produced as identification.

Exp. Date: 9-5-20 Commission Number: GG026653

Signature of Notary Public:

Printed name of Notary Public:

(SIGNATURE MUST BE NOTARIZED)





**Review Date:** August 26, 2019

**Property Owners:** Michael and Deborah Mulligan

**Location:** 1117 SW 44<sup>th</sup> Street.  
Cape Coral Subdivision, Unit 65, Block 3338, Lots 25-26

**Representative:** Chuck Matuszewski

**Request:** The owners request to vacate ±619 sq. ft. of Finisterre Lake right-of-way (ROW), all underlying easements, and ±408 sq. ft. of platted easements associated with the north property line of Lots 25 and 26, Block 3338, Unit 65, Cape Coral Subdivision.

**Prepared By:** Justin Heller, Senior Planner

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

**Approved By:** Robert H. Pederson, AICP, Planning Manager

**Recommendation:** **Approval with conditions**

**Property Description:**

The applicants own a two-lot platted site at 1117 SW 44<sup>th</sup> Street that abuts Finisterre Lake. The site is developed with a single-family residence with a pool and dock. The site has a Single-Family (SF) Future Land Use Classification and Single Family Residential (R-1) Zoning. Surrounding properties share the same future land use and zoning classifications.

The plat shows this site has 80 feet of water frontage along the Finisterre Lake. However, a strip of lake ROW consisting of dry land exists between the rear or north property line and the seawall. For most platted water-front sites in the City, the rear property line extends to the edge of the waterbody. The applicant seeks to vacate 619 sq. ft. of ROW to extend the site to the edge of the seawall.

**Analysis:**

This application was reviewed based on the Land Use and Development Regulations (LUDR), Section 8.11, *"Vacation of plats, rights-of-way and other property."* The City Comprehensive Plan was also reviewed for policies on vacations.

**Request No. 1: Vacate 619 sq. ft. of ROW Adjacent to the Finisterre Lake**

This vacation involves the ROW that exists between the rear property line and the edge of the seawall along Finisterre Lake. The ROW is improved with a seawall. This ROW is too narrow to provide a tangible benefit to the public. As a result, there is no apparent reason for the City to maintain this strip of land as ROW. This vacation will enlarge the site by over 600 sq. ft. and will provide for uninterpreted ownership

of land between the front property line of the site and the edge of the seawall as was intended by the plat. A small amount of land will be added to the tax rolls by eliminating this ROW.

Request No. 2: Vacate 619 sq. ft. of Easements Underlying the Subject ROW

All three utility providers lack facilities in these easements and do not object to this request. The City also lacks facilities within this easement. Staff recommends that a six foot wide public utility easements be granted to the City from the owner around the expanded site along the canal.

Request No. 3: Vacate 408 sq. ft. of Easements along the north property line of Lots 25 and 26, Block 3338

All three utility providers lack facilities in these easements and do not object to this request. The City lacks facilities within this easement. This platted easement will no longer be necessary as the owner will provide the City with new easements sufficient for providing a six-foot wide easement around the perimeter of the expanded site.

**Consistency with the Comprehensive Plan**

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

This request is consistent with Policy 1.15 of the Future Land Use Element.

**Policy 1.15:** *Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.*

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

**Staff comment:** This request is consistent with Policy 1.15.a as the site is an estimated 10,619 sq. ft. following the ROW vacation and the property has one single-family home. This equates to a density of 4.1 dwelling units per acre. This density is less than the maximum 4.4 dwelling units per acre allowed within this future land use classification.

**Recommendation:**

Staff recommends **approval** of the requested vacations with the following conditions.

**Conditions of Approval**

1. The vacation of the 619 sq. ft. of ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Bean, Whitaker, Lutz & Kareh, Inc., dated February March 26, 2019.
2. The vacation of the 408 sq. ft. of platted easements lying in Lots 25 and 26, Block 3338 shall be consistent with that shown in the sketch and accompanying legal description prepared by CES Inc., entitled *Easement to be Vacated Across Northerly Portion of Lots 25 and 26, Block 3338, 1117 SW 44<sup>th</sup> Street*, dated August 07, 2019.
3. Within 60 days from the date of adoption of this vacation, the owner shall grant the City an easement for a six-foot wide public utility and drainage easement consistent with that shown in the sketch and accompanying legal description prepared by CES, Inc., entitled *1117 SW 44th Street, 6' Drainage & Public Utility Easement Adjoining Lots 25-26, Block 3338, Unit 65*, dated August 07, 2019. This easement shall be approved by the City Development Services Manager and Property Broker prior to acceptance.
4. This resolution shall be recorded with the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described in Condition #3 above, and reimburses the City for all recording fees associated with this resolution and the easement deed.

---

**Staff Contact Information**

Justin Heller, Senior Planner

PH: 239-574-0587

Email: [jheller@capecoral.net](mailto:jheller@capecoral.net)

**Shawn Baker**

VP19-0003

**From:** Mulligan <mimully@aol.com>  
**Sent:** Monday, March 4, 2019 12:39 PM  
**To:** Shawn Baker  
**Subject:** [EXTERNAL] - Letter of intent - vacation of platt

Mr Caution,

We are making a request to vacat strip of land at rear of our property as we are going to remodel our pool and deck area.

This has been done by some of our neighbors and will bring our pool deck area into alignment with others near us.

Thank you

Michael / Deborah Mulligan  
1117 SW 44th Street  
Cape Coral  
732-740-2333 cell  
[Mimully@aol.com](mailto:Mimully@aol.com) email



Engineers ♦ Environmental Scientists ♦ Surveyors

Description of a Parcel of Land  
Lying in  
Section 10, Township 45 South, Range 23 East  
City of Cape Coral, Lee County, Florida  
(Drainage and Public Utility Easement adjoining Lots 25-26, Block 3338, Unit 65)

A parcel of land situated in the State of Florida, County of Lee, City of Cape Coral, being a part of Unit 65, Cape Coral, as recorded in Plat Book 21, Pages 151 through 164 of the Public Records of Lee County Florida and further described as follows:

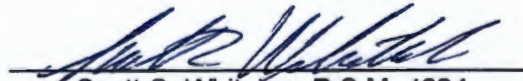
Beginning at the northwest corner of Lot 25, Block 3338 of said Unit 65; thence N00°41'04"W along the northerly extension of the common line dividing Lots 24 and 25, of said block 3338 for 7.80 feet to the northerly face of a concrete seawall bordering Finisterre Lake; thence N89°59'00"E along said northerly face for 80.00 feet to the northerly extension of the common line dividing Lots 26 and 27 of said Block 3338; thence S00°41'04"E along said northerly extension of the common line dividing Lots 26 and 27 of said Block 3338 for 7.68 feet to the northeast corner of said Lot 26; thence S89°54'00"W along the north line of said Lot 26 for 6.00 feet; thence N00°41'04"W departing said north line for 1.69 feet; thence S89°59'00"W for 68.00 feet; thence S00°41'04"E for 1.79 feet to an intersection with the north line of said Lot 25; thence S89°54'00"W along the north line of said Lot 25 for 6.00 feet to the Point of Beginning.

Parcel contains 501 square feet, more or less.

Bearings based on the record plat of Cape Coral, Unit 65 with the northerly right-of-way line of S.W. 44<sup>th</sup> Street as bearing N89°54'00"E.

CES, Inc. (LB8267)

457.001\_CES\_ease.docx 08/07/19

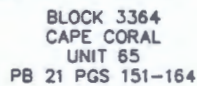
  
Scott C. Whitaker, P.S.M. 4324  
Professional Surveyor and Mapper  
State of Florida

Addressee | Date | JN | Page 1



## OF

6' DE & PUE—  
501± SQUARE FEET



DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-Y-R)
08-07-19	457-001	CKM/RC	1" = 30'	1 OF 1	10-45-23





Engineers • Environmental Scientists • Surveyors

Description of a Parcel of Land  
Lying in  
Section 10, Township 45 South, Range 23 East  
City of Cape Coral, Lee County, Florida  
(Parcel A - adjoining Lots 25-26, Block 3338, Unit 65)

A parcel of land situated in the State of Florida, County of Lee, City of Cape Coral, being a part of Unit 65, Cape Coral, as recorded in Plat Book 21, Pages 151 through 164 of the Public Records and further described as follows:

Beginning at the northwest corner of Lot 25, Block 3338 of said Unit 65; thence  $N00^{\circ}41'04''W$  along the northerly extension of the common line dividing Lots 24 and 25, of said block 3338 for 7.80 feet to the northerly face of a concrete seawall bordering Finisterre Lake; thence  $N89^{\circ}59'00''E$  along said northerly face for 80.00 feet to the northerly extension of the common line dividing Lots 26 and 27 of said Block 3338; thence  $S00^{\circ}41'04''E$  along said northerly extension of the common line dividing Lots 26 and 27, of said Block 3338 for 7.68 feet the northeast corner of said Lot 26; thence  $S89^{\circ}54'00''W$  along the north line of said Lots 25 and 26 for 80.00 feet to the Point of Beginning.


Parcel contains 619 square feet, more or less.

Reserving a 6' drainage easement over the easterly 6 feet thereof.

Bearings based on the record plat of Cape Coral, Unit 65 with the northerly right-of-way line of S.W. 44<sup>th</sup> Street as bearing  $N89^{\circ}54'00''E$ .

Subject to easements, restrictions, reservations and right-of-way (recorded and unrecorded, written and unwritten).

BWLK, A Division of CES, Inc. (L8267)

  
Scott C. Whitaker, P.S.M. 4324  
Professional Surveyor and Mapper  
State of Florida

44960\_CES.docx 03/26/19



Sensible Solutions | [www.cesincusa.com](http://www.cesincusa.com)

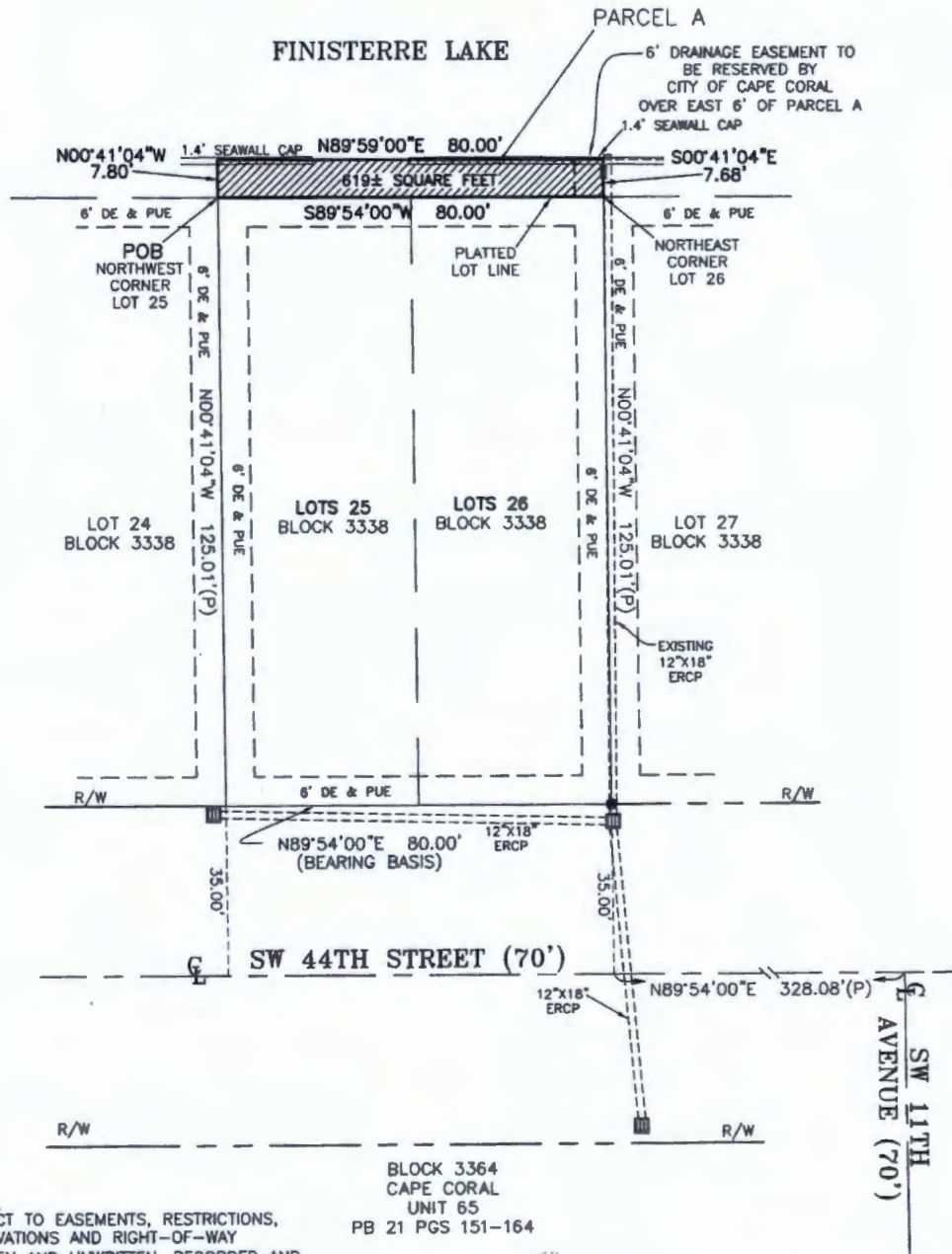
13041 McGregor Boulevard  
Fort Myers, FL 33919-5910  
T 239.481.1331  
F 239.481.1073

# SKETCH TO ACCOMPANY DESCRIPTION

OF

A PARCEL OF LAND LYING IN  
SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST,  
CITY OF CAPE CORAL, LEE COUNTY, FLORIDA.

0 30 60 90



**NOTES:**  
SUBJECT TO EASEMENTS, RESTRICTIONS,  
RESERVATIONS AND RIGHT-OF-WAY  
(WRITTEN AND UNWRITTEN, RECORDED AND  
UNRECORDED).

BEARINGS BASED ON THE RECORD PLAT OF  
CAPE CORAL, UNIT 65 WITH THE  
NORTHERLY RIGHT-OF-WAY LINE OF SW  
44TH STREET AS BEARING N89°54'00"E.

INFORMATION AND DESCRIPTION BASED ON  
A SURVEY BY THIS FIRM DATED 06-16-18.

**LEGEND:**  
INSTR = INSTRUMENT  
OR = OFFICIAL RECORD BOOK  
PB = PLAT BOOK  
PC = POINT OF CURVE  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PG = PAGE  
R/W = RIGHT-OF-WAY

BLOCK 3364  
CAPE CORAL  
UNIT 65  
PB 21 PGS 151-164

\*\*\* THIS IS NOT A SURVEY \*\*\*  
FOR THE FIRM

SCOTT C. WHITAKER, P.S.M.  
FLORIDA CERTIFICATION NO. 4324

PARCEL A  
1117 SW 44TH STREET

BWLK   CES Inc		A Division of	
Engineers • Environmental Scientists • Surveyors		13041 McCREGOR BOULEVARD, FORT MYERS, FLORIDA 33919 PH (238) 401-1331	
SK44960.DWG	DATE	PROJECT NO.	DRAWN BY
03-26-19	44960	CKM	SCALE
1" = 30'		SHEET	FILE NO. (S-T-R)
1 OF 1		10-45-23	



Engineers ♦ Environmental Scientists ♦ Surveyors

Description of a Parcel of Land  
Lying in  
Section 10, Township 45 South, Range 23 East  
City of Cape Coral, Lee County, Florida  
(Vacated Easement across Northerly portion of Lots 25-26, Block 3338, Unit 65)

A parcel of land situated in the State of Florida, County of Lee, City of Cape Coral, lying across a part of Lots 25 and 26, Block 3338, Cape Coral, Unit 65, as recorded in Plat Book 21, Pages 151 through 164 of the Public Records of Lee County Florida and further described as follows:

The north 6 feet of said Lots 25 and 26, Block 3338, less the west 6 feet of said Lot 25 and less the east 6 feet of said Lot 26.

Described portion of easement contains 408 square feet, more or less.

CES, Inc. (LB8267)

457.001\_CES\_DESC\_vac.docx 08/07/19

Scott C. Whitaker, P.S.M. 4324  
Professional Surveyor and Mapper  
State of Florida

Addressee | Date | JN | Page 1



Sensible Solutions | [www.cesincusa.com](http://www.cesincusa.com)

13041 McGregor Boulevard  
Fort Myers, FL 33919-5910  
T 239.481.1331  
F 239.481.1073



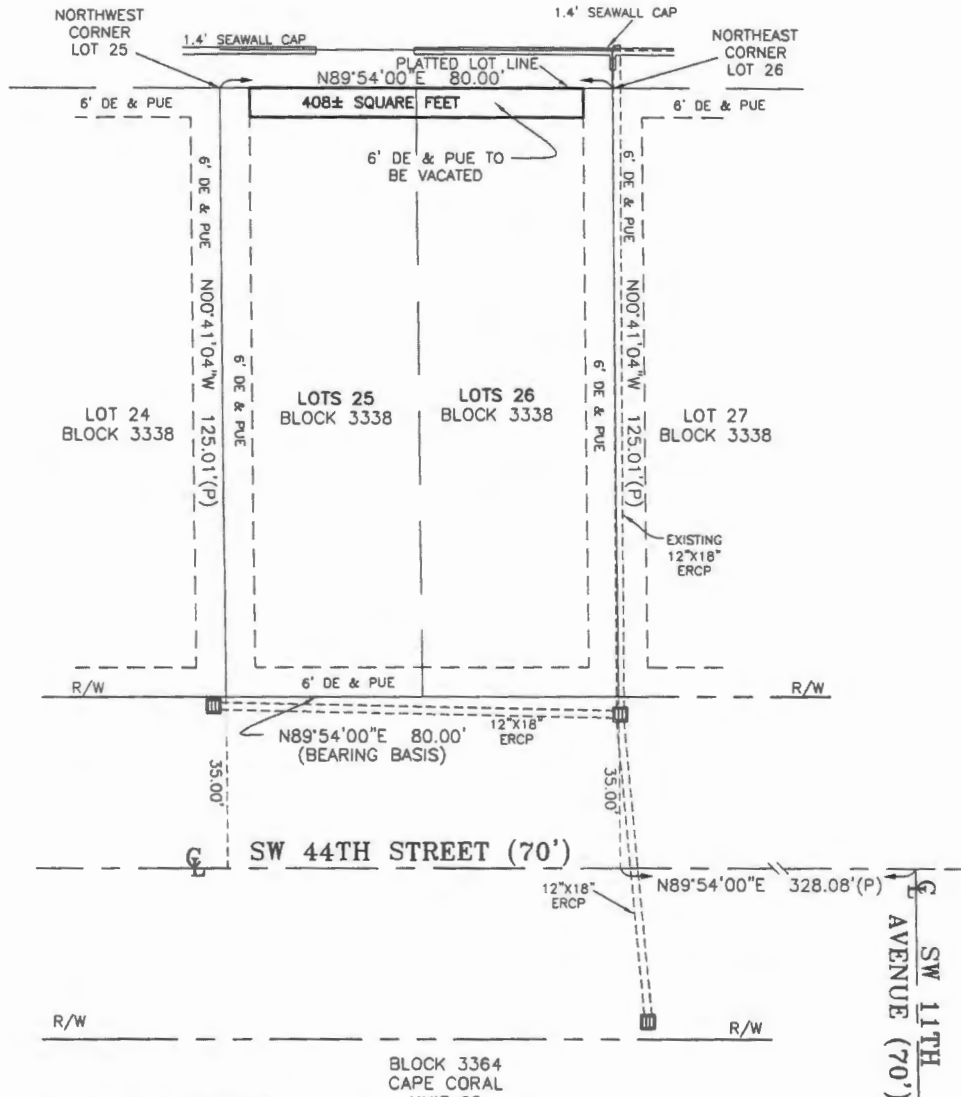
# SKETCH TO ACCOMPANY DESCRIPTION

OF

A PARCEL OF LAND LYING IN  
SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST,  
CITY OF CAPE CORAL, LEE COUNTY, FLORIDA.



FINISTERRE LAKE



## NOTES:

SUBJECT TO EASEMENTS, RESTRICTIONS,  
RESERVATIONS AND RIGHT-OF-WAY  
(WRITTEN AND UNWRITTEN, RECORDED AND  
UNRECORDED).

BEARINGS BASED ON THE RECORD PLAT OF  
CAPE CORAL, UNIT 65 WITH THE  
NORTHERLY RIGHT-OF-WAY LINE OF SW  
44TH STREET AS BEARING N89°54'00\"/>

INFORMATION AND DESCRIPTION BASED ON  
A SURVEY BY THIS FIRM DATED 06-16-18.

## LEGEND:

INSTR = INSTRUMENT  
OR = OFFICIAL RECORD BOOK  
PB = PLAT BOOK  
PC = POINT OF CURVE  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PG = PAGE  
R/W = RIGHT-OF-WAY  
DE = DRAINAGE EASEMENT  
PUE = PUBLIC UTILITY EASEMENT

BLOCK 3364  
CAPE CORAL  
UNIT 65  
PB 21 PGS 151-164

\*\*\* THIS IS NOT A SURVEY \*\*\*  
CES, INC

*Scott C. Whitaker*  
SCOTT C. WHITAKER, P.S.M.  
FLORIDA CERTIFICATION NO. 4324

EASEMENT TO BE VACATED ACROSS NORTHERLY  
PORTION OF LOTS 25 AND 26, BLOCK 3338  
1117 SW 44TH STREET

**CESINC**

Engineers • Environmental Scientists • Surveyors

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919

PH (238) 481-1331

2010457.001SK\_VAC.DWG

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB32684 & LB2267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
08-07-19	457,001	CM/R/L	1" = 30'	1 OF 1	10-45-23

**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** CITY OF CAPE CORAL\_DEPT OF COM

**Ad No.:** 0003796843

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$374.69

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 09/19/19

**Text of Ad:**

**NOTICE OF PUBLIC HEARING  
ADVERTISEMENT**

**CASE NUMBER:** VP19-0003

**REQUEST:** The owners request to vacate ±619 sq. ft. of Finisterre Lake right-of-way (ROW), all underlying easements, and ±408 sq. ft. of platted easements associated with the north property line of Lots 25 and 26, Block 3338, Unit 65, Cape Coral Subdivision.  
**LOCATION:** 1117 SW 44th Street.  
**CAPE CORAL STAFF CONTACT:** Justin Heller, Senior Planner

**PROPERTY OWNER(S):** Michael P. Mulligan and Deborah A. Mulligan

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday October 1, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding

should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

by order of  
Kimberly Bruns, CMC  
City Clerk  
REF # VP19-0003  
AD#3796843 9/19/2019



Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Michael and Deborah Mulligan

APPLICATION NO: VP19-0003

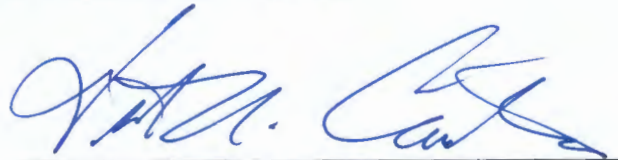
STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 19<sup>th</sup> day of September, 2019.

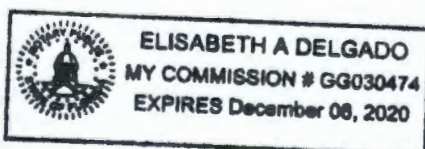


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of September, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/16/20 Commission # 65030474



Elisabeth A. Delgado  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public



**CITY OF CAPE CORAL**  
Department of  
Community Development  
Planning Division

**AERIAL MAP**

Case No. VP19-0003

**LEGEND**

 **SUBJECT PARCEL**



0 10 20 30 40 Feet

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 Community Development with any questions regarding this map product.

**SUBJECT PARCEL**

SW 44TH ST

# CITY OF CAPE CORAL




Department of  
Community Development  
Planning Division

## CURRENT ZONING MAP

500 Proximity Boundary

Case No. VP19-0003

### LEGEND

-  SUBJECT PARCEL
-  500' BOUNDARY
-  R1



0 40 80 120 160 Feet

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 Community Development with any questions regarding this map product.

FINISTERRE  
LAKE

SUBJECT PARCEL

SW 44TH ST

SW 44TH TER

SW 11TH AVE

SITZMARK  
CANAL

500' BOUNDARY

**Item Number:** 2.B.  
**Meeting Date:** 10/1/2019  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case # VP19-0010\*; Address: 1942-2018 Skyline Blvd and 2001-2017 SW 8th Pl; Applicant: City of Cape Coral

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The City requests to vacate 13,369 sq. ft. of platted alley right-of-way (ROW) and 13,129 sq. ft. of underlying easements between Lots 1-16 and Lots 17-32, Block 4385.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached backup materials

**PREPARED BY:**

Shawn Baker      Division- Planning      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

**ATTACHMENTS:**

Description	Type
Backup materials	Backup Material





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP19-0010

INSTRUCTIONS - APPLICATION FOR VACATION OF A  
PLAT, STREET, ALLEY, CANAL, RIGHT OF WAY or EASEMENT

1. Application, Acknowledgement Form, Authorization to Represent.
  - a. All forms must be filled out completely.
  - b. All forms must be signed by the property owner(s) and must be notarized.
  - c. If the Authorized Representative is an attorney, the Application and the Acknowledgement form may be signed by the attorney and an Authorization to Represent Property Owner is not required.
2. Letter of intent identifying your request.
3. Proof of title to the tract or parcel of land covered by the plat or, of the plat of which vacation is sought.
4. Letters of approval from the following:

<i>Lee County Electric Cooperative, Inc</i>	<i>Century Link (Telephone)</i>	<i>Comcast (Cable)</i>
Russell Goodman	Justin Lane	Mark Cook
Project Coordinator-Land Acquisition	OSP Engineering	Project Coordinator
LCEC, PO Box 3455 North Ft Myers, FL 33918-3455	3301 Del Prado Blvd S. Cape Coral, FL	26100 Westlinks Drive Suite 4 Fort Myers, FL 33913
Russel.goodman@lcec.net	Justin.lane@centurylink.com	Mark_cook@comcast.com
(239) 656-2112	(239) 984-7009	(239) 432-1805

5. A sketch and legal description of the area proposed to be vacated area.
6. If there are any deed restrictions on the property, a copy of the restrictions will be required.
7. Certified topographic survey (done within the past six (6) months), and showing all pavement, utility and drainage features in said area, including but not limited to water, sewer and irrigation lines and manholes; power, cable and utility lines and poles; catch basins, inlets, pipes, and swales. In the case where no features exist, a signed, sealed and dated certification by a Florida registered Professional Engineer can be submitted which certifies that there are no such roadway, utility or drainage features within the limits of and adjacent to the proposed vacated area.
8. Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.
9. IT IS REQUIRED THAT APPLICANT AND/OR REPRESENTATIVE ATTEND HEARINGS BEFORE BOTH THE HEARING EXAMINER AND THE CITY COUNCIL.



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

**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 case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is 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, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

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.

OWNER OF PROPERTY

Multiple owners \_\_\_\_\_

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: NA

APPLICANT

City of Cape Coral \_\_\_\_\_

EMAIL: mstruve@capecoral.net

Address: 1015 Cultural Park Boulevard  
City: Cape Coral State: FL Zip: 33990  
Phone: 239-574-0450

AUTHORIZED REPRESENTATIVE

Planning Division \_\_\_\_\_

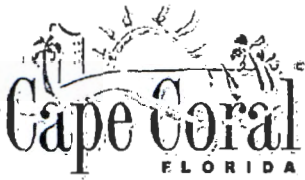
EMAIL \_\_\_\_\_

Address: 1015 Cultural Park Boulevard  
City: Cape Coral State: FL Zip: 33990  
Phone: 239-242-3255

Unit 63 Block 4385 Lots 1-32 Subdivision Cape Coral  
Address of Property 1942-2018 Skyline Blvd and 2001-2017 SW 8<sup>th</sup> Place

Current Zoning Marketplace-Residential (MR) Plat Book 21, Pages 48-81  
Strap Number Multiple





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

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.

(SIGNATURE MUST BE NOTARIZED)

*Connie Barron for*

A. John Szerlag, City Manager, City of Cape Coral  
APPLICANT NAME (PLEASE TYPE OR PRINT)

*Connie Barron*

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 4 day of June, 2019, by

Connie Barron who is personally known or produced  
as identification.

Exp. Date: 7/16/20 Commission Number: 66009419

Signature of Notary Public:

*Rachel Murphy*

Printed name of Notary Public:

Rachel Murphy





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

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, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal 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 costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

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.

City of Cape Coral

CORPORATION/COMPANY NAME

*Connie Barron for*

A. John Szerlag, City Manager

PROPERTY OWNER (PLEASE TYPE OR PRINT)

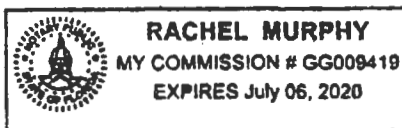
*Connie Barron*

PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 4 day of June, 2019 by

Connie Barron who is personally known or produced  
as identification.



Exp. Date: 7/6/20 Commission Number: G6009419

Signature of Notary Public:

*Rachel Murphy*

Printed name of Notary Public:

Rachel Murphy

(SIGNATURE MUST BE NOTARIZED)



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Planning Division

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS, HEARING EXAMINER AND/OR CITY COUNCIL FOR  
Vacation Application

UNIT 63 BLOCK 4385 LOT(S) 1-32 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

*Connie Barron for*

A. John Szerlag, City Manager, City of Cape Coral

PROPERTY OWNER (Please Print)

*Connie Barron*

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF

*FL*

COUNTY OF

*lee*

Subscribed and sworn to (or affirmed) before me this

*4*

day of

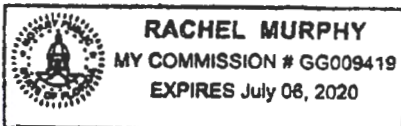
*June*

, 2019 by

*Connie Barron*

who is personally known or produced

as identification.



Exp. Date:

*7/8/20*

Commission Number:

*G6009419*

Signature of Notary Public:

*Rachel Murphy*

Printed name of Notary Public:

*Rachel Murphy*

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

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 two 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.

*Connie Barron Sr*  
A. John Szerlag, City Manager

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

*Connie Barron*  
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

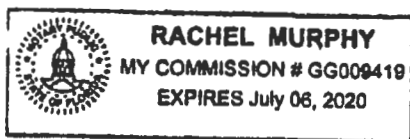
STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 4 day of June,  
2019 by Connie Barron, who is personally known or who has produced \_\_\_\_\_  
as identification.

Exp. Date 7/6/20  
Commission # 26009419

*Rachel Murphy*  
Signature of Notary Public

*Rachel Murphy*  
Print Name of Notary Public



CITY OF CAPE CORAL  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
MEMORANDUM

TO: John Szerlag, City Manager

FROM: Vincent A. Cautero, Community Development Director *PAV* *RE VINCE*

DATE: May 31, 2019

SUBJECT: City-Initiated Vacation Request to Vacate a Platted Alley in Block 4385

---

Executive Summary

Staff proposes to vacate a 20-foot wide alley in Block 4385. This request will eliminate an alley that is unimproved and based on existing development, will likely provide no future benefit to the public or owners of sites in Block 4385.

Background

Block 4385 has frontage along the west side of Skyline Boulevard and is between Veteran's Memorial and Trafalgar Parkway. The block has 32 lots with a collective area of 3.8 acres. A 20-foot wide platted alley divides this block into east/west halves.

This block has a Commercial/Professional Future Land Use Classification. The block currently has Marketplace-Residential Zoning that is proposed to be changed to the new Commercial District by Ordinance 4-19.

Of the ten parcels that comprise this block, five have single-family homes. Alleyway improvements were not required at the time of construction of these five dwellings. No property owner in the block relies on this alley for access. For these reasons, staff believes this alley is unlikely to provide any future benefit to the City.

A vacation application is attached for your signature. Thank you for your consideration of this request, and feel free to contact me or Mike Struve, Planning Team Coordinator at ext. 3255 if you have any questions.

VAC/RHP/mrs (VP19-0010\_memo\_of\_intent)  
Attachment

C: Paul Clinghan, Public Works Director



## Mike Struve

---

**From:** Schroeder, John C <John.Schroeder@centurylink.com>  
**Sent:** Tuesday, August 20, 2019 8:16 AM  
**To:** Mike Struve  
**Subject:** [EXTERNAL] - FW: Utility letter of no objection for vacating an alley in Block 4385  
**Attachments:** Block 4385 Sketch and Legal of Alley.pdf

Caution – This email originated from outside of our organization. Please do not open any attachments or click on any links from unknown sources or unexpected email.

---

Hello Mike,

CenturyLink has no objection to the vacation of the (attached) 20' alley bordered by SW 21<sup>st</sup> St, SW 8<sup>th</sup> Place, SW 19<sup>th</sup> lane and Skyline Blvd.

*Thank You,*

*John C. Schroeder*  
Engineer OSP/FT3-ISP  
CenturyLink  
239-336-2012  
john.schroeder@centurylink.com

**From:** Mike Struve <mstruve@capecoral.net>  
**Sent:** Monday, August 19, 2019 5:04 PM  
**To:** Goodman, Russel <Russel.Goodman@lcec.net>; Schroeder, John C <John.Schroeder@centurylink.com>  
**Cc:** Robert Pederson <rpederso@capecoral.net>  
**Subject:** Utility letter of no objection for vacating an alley in Block 4385

John and Russel,

**I sent you a similar, earlier email on July 22<sup>nd</sup> but have not heard from either one of you.**

The City is seeking to vacate a 20-foot wide platted alley and underlying easements in Unit 63, Block 4385, between Lots 1-16 and 17-32. Refer to the attached sketch and legal description.

All adjacent platted easements will remain. In addition, easements will be retained by the City at the north and south ends of the Block to maintain a six-foot wide perimeter easement around the subject block. (The easements that will be retained by the City at the ends of the block are not shown on this sketch.)

Please let me know if you have any objections regarding this request. Your approval or approval with conditions is required for this case to proceed forward to public hearing.

Let me thank you in advance for your cooperation. Please feel free to contact me should you have any questions.



Mike Struve, AICP, LEED Green Associate  
Planning Team Coordinator  
City of Cape Coral  
Department of Community Development  
Planning Division  
PO Box 150027  
Cape Coral, FL 33915-0027  
Phone 239.242.3255  
[mstruve@capecoral.net](mailto:mstruve@capecoral.net)

Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure. The Government in the Sunshine Law applies to “any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision” in part, Section 286.011, Florida Statutes.

This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format.

This communication is the property of CenturyLink and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.



**12600 Westlinks Drive  
Fort Myers Fl. 33913  
Phone: 239-432-1805**

July 23, 2019

City of Cape Coral  
Planning Division  
P.O. Box 150027  
Cape Coral, Fl. 33915-0027

**Re: Vacating Unit 63, Block 4385, Between Lots 1-16 and 17-32**

Dear Mike Struve,

This letter will serve to inform you that Comcast has no objection to your vacation of the easements of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 239-318-1524.

---

Cordially,

A handwritten signature in blue ink, appearing to read 'Mark Cook'.

**Mark Cook  
Project Coordinator**

## Mike Struve

---

**From:** Goodman, Russel <Russel.Goodman@lcec.net>  
**Sent:** Tuesday, September 3, 2019 2:46 PM  
**To:** Mike Struve  
**Subject:** [EXTERNAL] - RE: Utility letter of no objection for vacating an alley in Block 4385

Caution – This email originated from outside of our organization. Please do not open any attachments or click on any links from unknown sources or unexpected email.

---

LCEC has No Objection to the vacation of alley within block 4385

Best regards,

Russ Goodman, SR/WA  
Senior Right of Way Agent.

LCEC  
4980 Bayline Drive  
North Fort Myers  
Florida 33917

Desk: 239-656-2112  
Email: [Russel.Goodman@lcec.net](mailto:Russel.Goodman@lcec.net)

**From:** Mike Struve <mstruve@capecoral.net>  
**Sent:** Monday, August 19, 2019 5:04 PM  
**To:** Goodman, Russel <Russel.Goodman@lcec.net>; Schroeder, John C <John.Schroeder@centurylink.com>  
**Cc:** Robert Pederson <rpederso@capecoral.net>  
**Subject:** Utility letter of no objection for vacating an alley in Block 4385

\*\*\* WARNING: This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

John and Russel,

**I sent you a similar, earlier email on July 22<sup>nd</sup> but have not heard from either one of you.**

The City is seeking to vacate a 20-foot wide platted alley and underlying easements in Unit 63, Block 4385, between Lots 1-16 and 17-32. Refer to the attached sketch and legal description.

All adjacent platted easements will remain. In addition, easements will be retained by the City at the north and south ends of the Block to maintain a six-foot wide perimeter easement around the subject block. (The easements that will be retained by the City at the ends of the block are not shown on this sketch.)

Please let me know if you have any objections regarding this request. Your approval or approval with conditions is required for this case to proceed forward to public hearing.

Let me thank you in advance for your cooperation. Please feel free to contact me should you have any questions.

Mike Struve, AICP, LEED Green Associate  
Planning Team Coordinator  
City of Cape Coral  
Department of Community Development  
Planning Division  
PO Box 150027  
Cape Coral, FL 33915-0027  
Phone 239.242.3255  
[mstruve@capecoral.net](mailto:mstruve@capecoral.net)

Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure. The Government in the Sunshine Law applies to "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision" in part, Section 286.011, Florida Statutes.

This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format.

**Review Date:** September 10, 2019

**Owners:** Multiple (see Exhibit A)

**Authorized Rep:** Planning Division

**Request:** The City requests to vacate 13,369 sq. ft. of platted alley right-of-way (ROW) and 13,129 sq. ft. of underlying easements between Lots 1-16 and Lots 17-32, Block 4385.

**Prepared By:** Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

**Approved By:** Robert H. Pederson, AICP, Planning Manager

**Recommendation:** **Approval with conditions**

**Urban Service Area:** Transition

**Description of Alley and Block 4385:**

The subject alley is 20 feet wide, unimproved, and runs north to south, parallel to Skyline Boulevard. This alley is between Lots 1-16 and Lots 17-32 in Block 4385 in central Cape Coral, about 0.5 miles north of the Veteran's Memorial Parkway and Skyline Boulevard intersection (Figure 1).

Block 4385 is bound by four streets: SW 19<sup>th</sup> Lane to the north; Skyline Boulevard to the east; SW 21<sup>st</sup> Street to the south; and SW 8<sup>th</sup> Place to the west.

The block has 10 parcels with a collective area of 3.89 acres. Five of the sites in the block are developed; four with single-family dwellings and one with a duplex.

All parcels in Block 4385 have a Commercial/Professional Future Land Use Classification (FLUC) and Commercial (C) Zoning.

**Purpose of the Vacation**

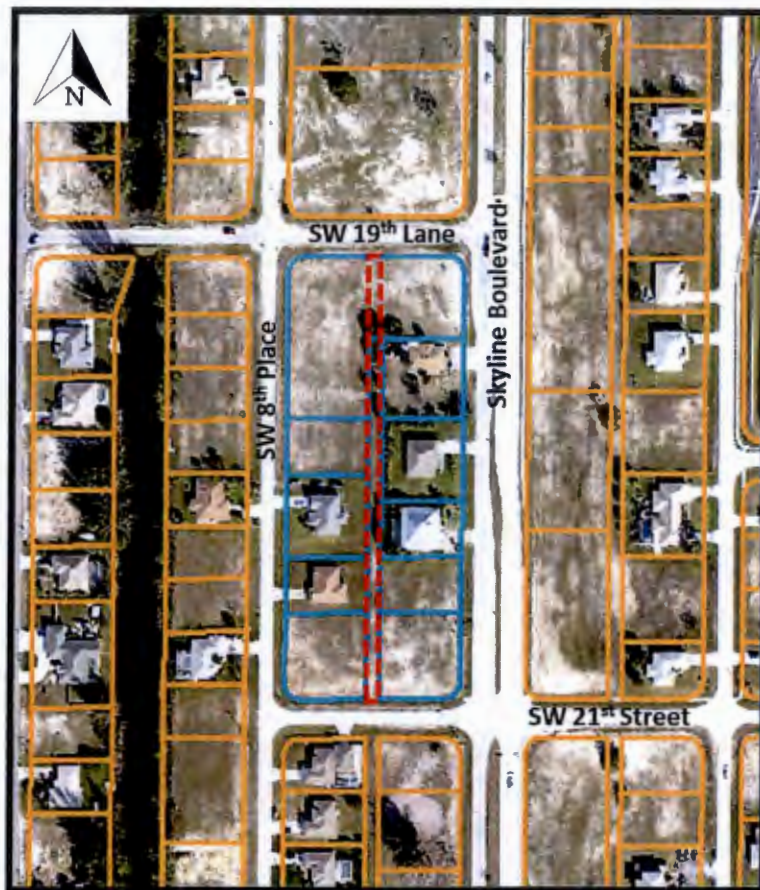
The City is requesting to vacate this alley as existing residential development in the block makes it unlikely that this ROW will be needed in the future. The vacation will also assist in fostering a commercial project planned for the north end of the block.

**Zoning History of Block 4385**

The FLUC of Block 4385 was changed from Single Family/Multi Family to Commercial Activity Center (CAC) by Ordinance 35-10, and from CAC to Commercial/Professional by Ordinance 2-19.



Figure 1. Block 4385, outlined in blue, showing the 20-Foot wide alley in red.



The zoning was changed from Multi-Family Residential (R-3) to Residential Development (RD) by Ordinance 61-90; from RD to Marketplace-Residential (MR) by Ordinance 42-11; and from MR to C by Ordinance 4-19.

#### Analysis:

As this application was filed prior to August 5, 2019 and the adoption of the Land Development Code, staff analyzed this request with the Land Use and Development Regulations (LUDRs), Section 8.11, "*Vacation of plats, rights-of-way and other property.*" The Comprehensive Plan was also reviewed for policies on vacations.

#### Request to Vacate Alley Right-of-Way

The petitioner in this case is the City of Cape Coral. The City is eligible to file such applications (LUDR, Section 8.11.3.b.1).

About 13,396 sq. ft. of alley ROW is requested to be vacated. Block 4385 consists of 11 parcels as a site at the north end of the block addressed as 1942 Skyline Boulevard, while combined by the Lee County Property Appraiser's Office, remains as two distinct properties because of the alley. Of the 11 sites, six are undeveloped. The five improved properties have single-family dwellings except for Lots 20-22 that has a duplex. Three of the undeveloped sites on the northern half of the block are under common ownership and the owner intends to develop these sites with a child care facility.

The alley is unimproved as the City does not require off-site improvements, like paving alleys, when single-family dwellings and duplexes are constructed. Properties with Commercial Zoning adjacent to a platted alley are required to improve the alley fronting the site prior to the issuance of a certificate of occupancy (LDC, Section 5.1.8D). This requirement would impede the development of Lots 9-16 and 17-19 that are under common ownership by preventing the assembly of the lots into a single, consolidated site. Lots

1-2 and 31-32 at the south end of the block are also under common ownership and thus the alley ROW vacation could similarly assist in combining these parcels into a single commercial site.

As the alley is unimproved, this ROW is not used for access or the delivery of services. Given the existing residential development, staff does not see a foreseeable future need for the alley. This vacation may also expedite the development of commercial sites at the north and south ends of the block by promoting property assembly. For these reasons, this vacation request is consistent with the public interest and will not be harmful to the surrounding area.

#### Request to Easements Underlying the Alley Right-of-Way

The applicant requests to vacate 13,156 sq. ft. of public utility and drainage easements underlying the alley ROW. Century Link, Comcast, and LCEC, lack facilities in these easements. The City also lacks infrastructure in the easements. The City will retain sufficient easements at the north and south ends of the block to provide a continuous six-foot wide easement around Block 4385.

#### **Consistency with the Comprehensive Plan**

The project is consistent with the following policy appearing in the Comprehensive Plan.

#### Future Land Use Element

Policy 5.5. The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project. **Staff comment: The vacation will allow properties under common ownership at both ends of Block 4385 to be assembled into unified commercial sites with frontage on a major street. This policy is supportive of this request.**

#### **Recommendation:**

Staff recommends approval of all requested vacations with the following conditions:

1. The vacation of the platted alley shall be consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer, dated February 14, 2019, and entitled "*Subject Parcel and Subject Parcel Description: 4385-A-V.*"
2. All easements underlying the subject alley ROW shall be vacated except for the easements at the north and south ends of Block 4385 that are depicted and described by the City Public Works Department, entitled "*6' P.U.E. & D.E. (North), in Block 4385, Cape Coral Unit 63 and 6' P.U.E. & D.E. (South), in Block 4385, Cape Coral Unit 53.*"

---

#### **Staff Contact Information**

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

Planning Division

PH: 239-242-3255

Email [mstruve@capecoral.net](mailto:mstruve@capecoral.net)

EXHIBIT "A" VP19-0010

STRAP	ZONING	FLU	SITE ADDRESS	OWNER NAME	IMPROVED	LEGAL	AREA (sq. ft.)
274423C3043850010	C	CP	2017 SW 8th Place	Patricia A. Fabrizi Trust	N	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 1-3	16,112
274423C3043850040	C	CP	2011 SW 8th Place	Stephen W. Kondas	Y	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 4-5	10,625
274423C3043850060	C	CP	2007 SW 8th Place	Michael and Brittany Viviani	Y	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 6-8	15,625
274423C3043850090	C	CP	2001 SW 8th Place	Kids World Preschool Inc.	N	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 9-10	10,625
274423C3043850110	C	CP	1942 Skyline Boulevard	Kids World Preschool Inc.	N	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 11-19	47,731
274423C3043850200	C	CP	1948 Skyline Boulevard	Kyle Ottney	Y	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 20-22	15,000
274423C3043850230	C	CP	2004 Skyline Boulevard	Jean L. and Huguette Philippe	Y	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 23-25	15,625
274423C3043850260	C	CP	2008 Skyline Boulevard	Edward G. and Rosanglea Deazevedo	Y	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 26-27	10,625
274423C3043850280	C	CP	2012 Skyline Boulevard	Altidor Ira Ejito	N	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 28-29	10,625
274423C3043850300	C	CP	2018 Skyline Boulevard	Patricia A. Fabrizi Trust	N	Cape Coral Unit 63, Block 4385, PB 21, PG 56, Lots 30-32	16,119
<b>TOTAL</b>							<b>168,712</b> <b>(3.87 acres)</b>

Note: 1942 Skyline Boulevard actually consists of two separate sites separated by an alley that was combined into one site by the Lee County Property Appraiser's Office.



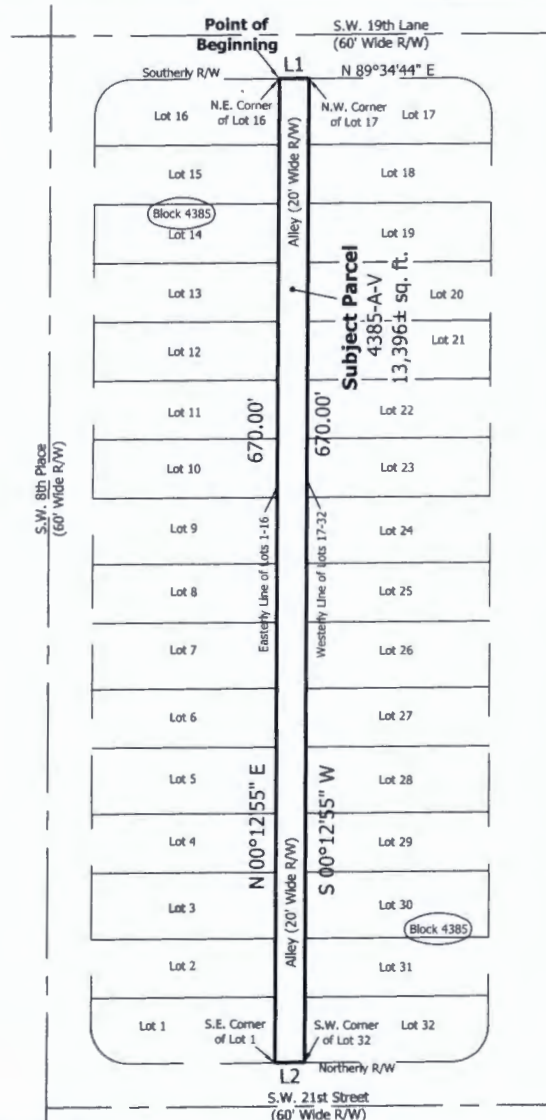
## Sketch

LINE	BEARING	DISTANCE
L1	N 89°34'44" E	20.00'
L2	S 89°34'44" W	20.00'

**Legend:**  
R/W Right of Way

### SURVEY NOTES:

1. BEARINGS ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF S.W. 19th LANE, BEING N89°34'44"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2019, KING ENGINEERING, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2.



Sheet 2 of 2

Sketch to Accompany Description

**Subject Parcel - 4385-A-V**  
A Portion of Right of Way lying adjacent to  
Block 4385, Unit 63, Cape Coral  
Subdivision, as recorded in Plat Book 21,  
Pages 48 through 81, Lee County, Florida.



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY  
**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 19-1067 PREPARED FOR: Evelyn Montenegro

SECTION 27, TOWNSHIP 44S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, made under my direction on February 14th, 2019 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

## Description

### Subject Parcel Description: 4385-A-V

A Portion of Right of Way lying adjacent to Block 4385, Unit 63, CAPE CORAL SUBDIVISION, as recorded in Plat Book 21, Pages 48 through 81, in the Public Records of Lee County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of Lot 16, Block 4385, Unit 63, CAPE CORAL SUBDIVISION, as recorded in Plat Book 21, Pages 48 through 81, in the Public Records of Lee County, Florida, run N89°34'44"E along the Southerly Right of Way line of S.W. 19th Lane, for a distance of 20.00 feet to the Northwest corner of Lot 17 of said Block 4385; Thence leaving said Southerly Right of Way line, run S00°12'55"W, along the Westerly line of Lots 17 through 32, of said Block 4385, for a distance of 670.00 feet to the Southwest corner of said Lot 32, also being an intersection with the Northerly Right of Way line of S.W. 21st Street; Thence leaving said Westerly line, run S89°34'44"W, along said Northerly Right of Way line, for a distance of 20.00 feet to Southeast corner of Lot 1, of said Block 4385; Thence leaving said Northerly Right of Way line, run N00°12'55"E, along the Easterly line of Lots 1 through 16, of said Block 4385, for a distance of 670.00 feet to said Northeast corner of Lot 16, also being the Point of Beginning.

Said Parcel Contains 13,396 sq ft. (more or less)

Bearings are based on the Southerly Right of Way Line of S.W. 19th Lane, being N89°34'44"E.

**THIS IS NOT A SURVEY**

Description to Accompany Sketch  
**Subject Parcel - 4385-A-V**  
*A Portion of Right of Way lying adjacent to  
Block 4385, Unit 63, Cape Coral  
Subdivision, as recorded in Plat Book 21,  
Pages 48 through 81, Lee County, Florida.*

*Not Valid without Sheet 2 of 2*

*Sheet 1 of 2*

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **February 14th, 2019** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

**JEFFREY D. STOUTEN (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

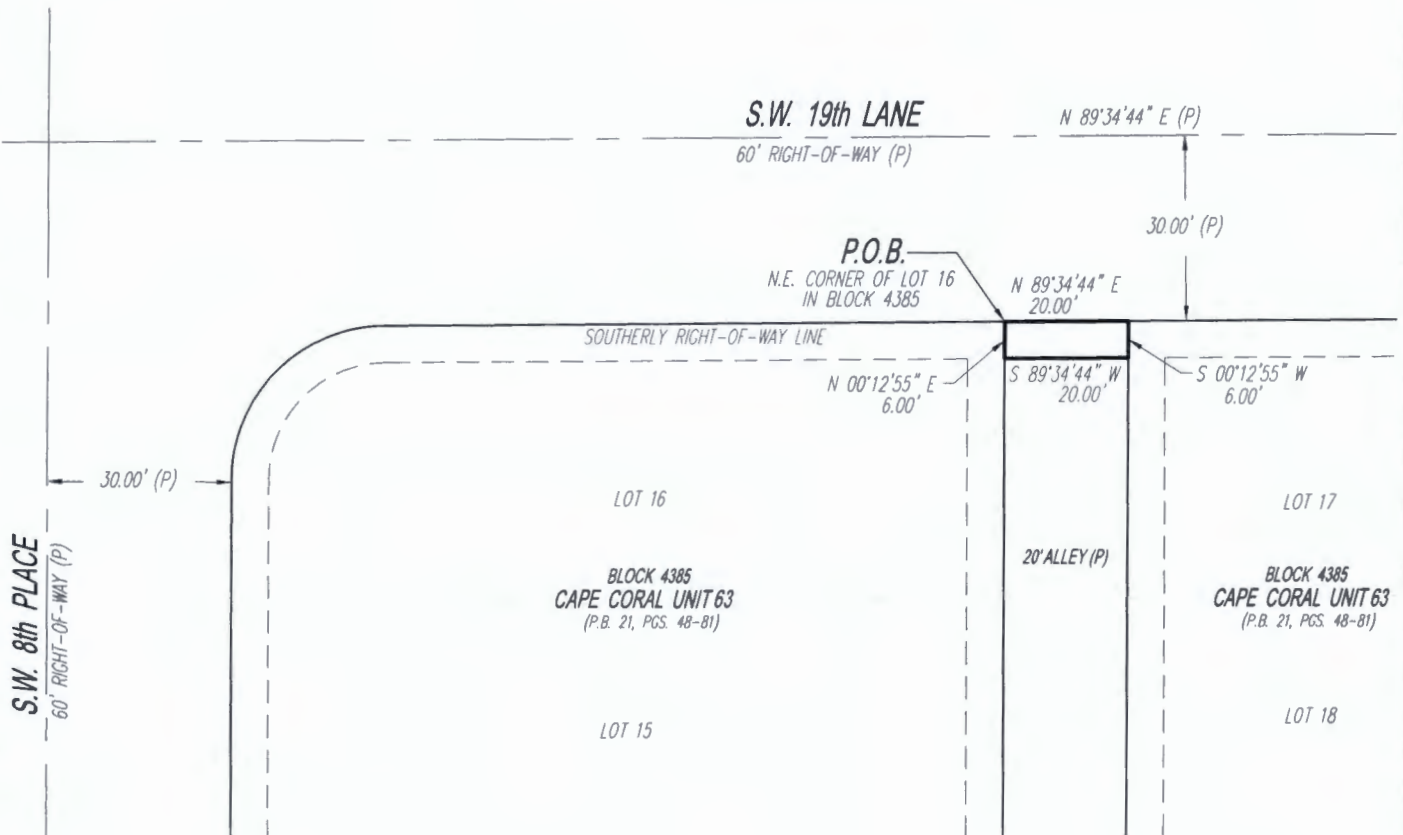
JOB # 19-1067 PREPARED FOR: Evelyn Monteagudo

SECTION 27, TOWNSHIP 44S, RANGE 23E



# **LEGEND**

P.O.B. POINT OF BEGINNING  
R.O.W. RIGHT-OF-WAY  
P.B. PLAT BOOK  
PGS. PAGES  
(P) PLAT



THIS IS NOT A SURVEY  
THIS SKETCH MAY HAVE BEEN REDUCED

SHEET 2 OF 2  
NOT VALID WITHOUT SHEET 1 OF 2

CY - PROJECT NUMBER:	CALCULATED BY:	TC	 PUBLIC WORKS DEPARTMENT 815 NICHOLAS PARKWAY, CAPE CORAL, FL. 33990 PHONE: (239) 574-0701	SKETCH TO ACCOMPANY DESCRIPTION		
2019-0094	CHECKED BY:	KA		6' P.U.E. & D.E. (NORTH) IN BLOCK 4385 CAPE CORAL UNIT 63, P.B. 21, PGS. 48-81		
FY - SURVEY WORK ORDER NUMBER:	DRAWN BY:	KC		SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA		
19-085	APPROVED:	TC		FIELD BOOK(S) / PAGE(S):	SURVEY JOB: 2019-0094	DRAWING NUMBER: CC-19-0034.dwg
	SCALE:	1"=30'				

**6.00' P.U.E. & D.E. – Block 4385 (North)**  
**(CC-19-0034)**

A parcel of land lying in Section 27, Township 44 South, Range 23 East; being a portion of Block 4385, as shown on the plat of Cape Coral Unit 63, recorded in Plat Book 21 at Pages 48 through 81 of the Public Records of Lee County, Florida; being more particularly described as follows:

**Begin** at the Northeast corner of Lot 16 Block 4385 as shown on Cape Coral Unit 63, recorded in Plat Book 21 at Pages 48 through 81 of the Public Records of Lee County, Florida; Thence run North 89°34'44" East, along the Southerly right-of-way line of S.W. 19<sup>th</sup> Lane (60' right-of-way) for a distance of 20.00 feet to the Northwest corner of Lot 17, Block 4385; Thence run South 00°12'55" West, along the West line of said Lot 17, for a distance of 6.00 feet, to a point being 6.00 feet South of and parallel to the said Southerly Right-of-Way line of S.W. 19<sup>th</sup> Lane; Thence run South 89°34'44" West along said line, for a distance of 20.00 feet, to a point on the Easterly line of said Lot 16; Thence run North 00°12'55" East along the Easterly line of said Lot 16, for a distance of 6.00 feet to a point on the South line of said S.W. 19<sup>th</sup> Lane; also being the **Point of Beginning**.

Parcel contains 120 square feet, more or less.

Bearings refer to the Plat of Cape Coral Unit 63, recorded in Plat Book 21 at Pages 48 through 81 of the Public Records of Lee County, Florida.

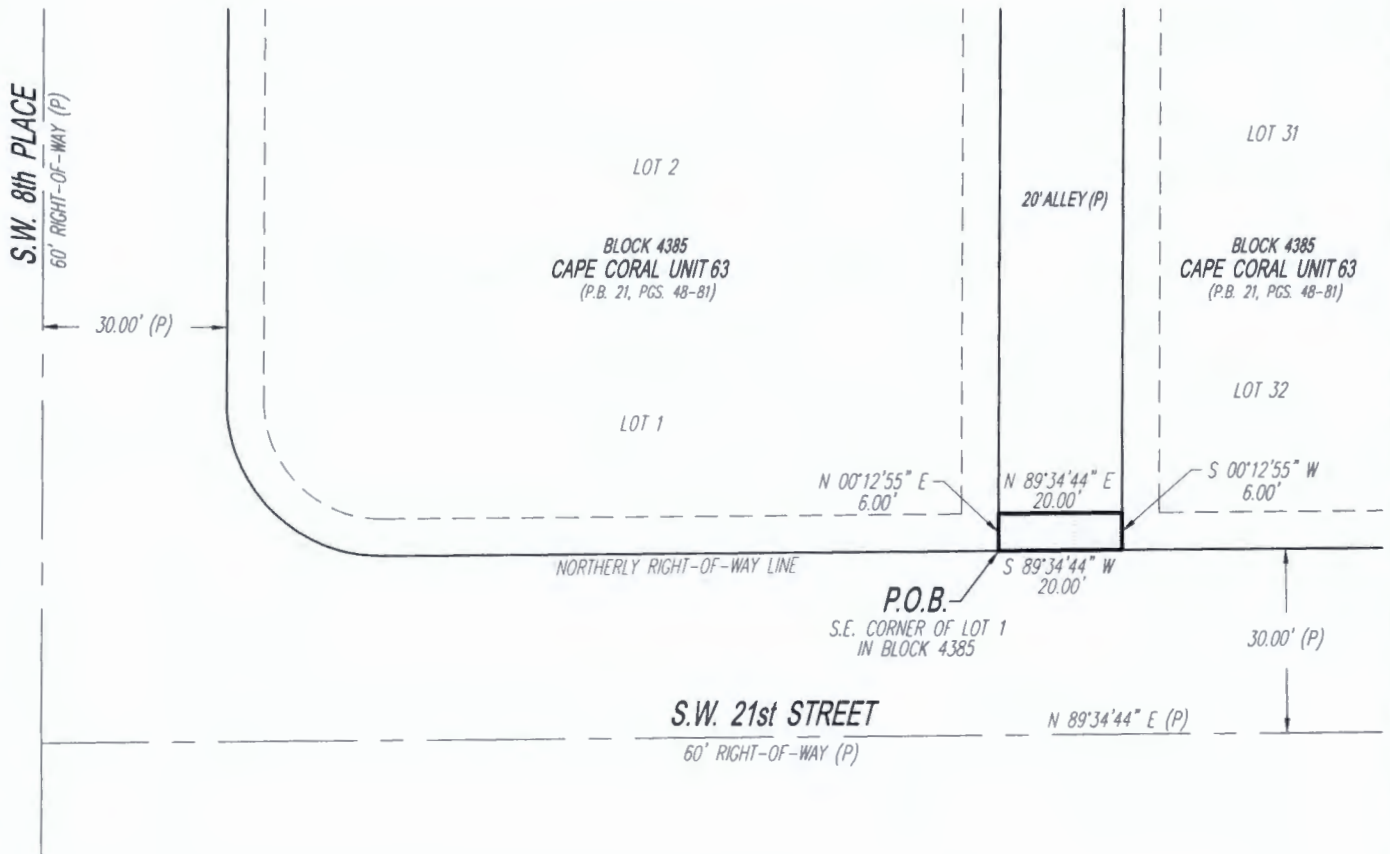
Subject to Easements, Reservations and Restrictions of record.

Tom  
Chernesky,  
PSM #5426

Digitally signed by  
Tom Chernesky, PSM  
#5426  
Date: 2019.08.19  
11:50:15 -04'00'

# **LEGEND**

P.O.B. POINT OF BEGINNING  
R.O.W. RIGHT-OF-WAY  
P.B. PLAT BOOK  
PGS. PAGES  
(P) PLAT



THIS IS NOT A SURVEY  
THIS SKETCH MAY HAVE BEEN REDUCED

SHEET 2 OF 2  
NOT VALID WITHOUT SHEET 1 OF 2

CY - PROJECT NUMBER: 2019-0094 FY - SURVEY WORK ORDER NUMBER: 19-085	CALCULATED BY: JC CHECKED BY: KA DRAWN BY: KC APPROVED: JC SCALE: 1"=30'	 PUBLIC WORKS DEPARTMENT 815 NICHOLAS PARKWAY, CAPE CORAL, FL. 33990 PHONE: (239) 574-0701	SKETCH TO ACCOMPANY DESCRIPTION 6' P.U.E. & D.E. (SOUTH) IN BLOCK 4385 CAPE CORAL UNIT 63, P.B. 21, PGS. 48-81 SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA FIELD BOOK(S) / PAGE(S): SURVEY JOB: 2019-0094 DRAWING NUMBER: CC-19-0034.dwg
--	--	--	---

**6.00' P.U.E. & D.E.– Block 4385 (South)**

**(CC-19-0034)**

A parcel of land lying in Section 27, Township 44 South, Range 23 East; being a portion of Block 4385, as shown on the plat of Cape Coral Unit 63, recorded in Plat Book 21 at Pages 48 through 81 of the Public Records of Lee County, Florida; being more particularly described as follows:

**Begin** at the Southeast corner of Lot 1, Block 4385 as shown on Cape Coral Unit 63, recorded in Plat Book 21 at Pages 48 through 81 of the Public Records of Lee County, Florida; Thence run North 00°12'55" East, along the East line of said Lot 1, for a distance of 6.00 feet to a point being 6.00 feet North of and parallel to the Northerly Right-of-Way line of S.W. 19<sup>th</sup> Lane (60' right-of-way; Thence run North 89°34'44" East, along said line, for a distance of 20.00 feet to a point on the West line of Lot 32, Block 4385; Thence run South 00°12'55" West, along the West line of said Lot 32, to a point on the Northerly Right-of-Way line of said S.W. 21<sup>st</sup> Street; Thence run South 89°34'44" West along said right-of-way line, a distance of 20.00 feet to the **Point of Beginning**.

Parcel contains 120 square feet, more or less.

Bearings refer to the Plat of Cape Coral Unit 63, recorded in Plat Book 21 at Pages 48 through 81 of the Public Records of Lee County, Florida.

Subject to Easements, Reservations and Restrictions of record.

Tom  
Chernesky,  
PSM #5426

Digitally signed by  
Tom Chernesky, PSM  
#5426  
Date: 2019.08.19  
11:50:43 -04'00'

# The News-Press media group

news-press.com

A GANNETT COMPANY

## Classified Ad Receipt (For Info Only - NOT A BILL)

**Customer:** CITY OF CAPE CORAL\_DEPT OF COM

**Ad No.:** 0003796825

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$359.93

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 09/19/19

### Text of Ad:

NOTICE OF PUBLIC  
HEARING ADVERTISEMENT

CASE NUMBER: VP19-0010

REQUEST: The City requests a vacation of plat for an alley and the underlying utility and drainage easements located between Lots 1-16 and Lots 17-32, Block 4385, Cape Coral Unit 63; property located between 2001 and 2017 SW 8th Place and 1942 and 2018 Skyline Boulevard.

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday October 1, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; tele-



phone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

by order of  
Kimberly Bruns, CMC  
City Clerk  
REF # VP19-0010  
Ad#3796825 9/19/2019

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: City of Cape Coral

APPLICATION NO: VP19-0010

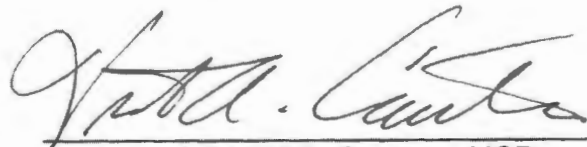
STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 19<sup>th</sup> day of September, 2019.

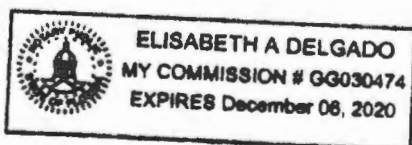


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of September, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public



SUBJECT AREA

SKYLINE BLVD

**CITY OF CAPE CORAL**  
Department of  
Community Development  
Planning Division

**AERIAL MAP**

Case No. VP19-0010

**LEGEND**

— SUBJECT AREA



0 25 50 75 100 Feet

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 Community Development with any questions regarding this map product.



# CITY OF CAPE CORAL





Department of  
Community Development  
Planning Division

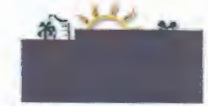
## CURRENT ZONING MAP

500 Proximity Boundary

Case No. VP19-0010

### LEGEND

-  SUBJECT AREA
-  500' BOUNDARY
-  C
-  R1



0 40 80 120 160 Feet

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 Community Development with any questions regarding this map product.

CANAL

500' BOUNDARY

SW 19TH LN

SUBJECT AREA

SW 20TH ST

SW 8TH CT

SW 8TH PL

SKYLINE BLVD

SW 21ST ST

SW 7TH PL

HIGHLANDER  
CANAL

HIGHLANDER  
CANAL

Item Number:	3.A.
Meeting Date:	10/1/2019
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Tuesday, October 15, 2019, at 9:00 a.m., in Council Chambers

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan?

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**  
WHAT THE ORDINANCE ACCOMPLISHES:

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**