Tuesday, January 24, 2023
9:00 AM
Council Chambers
VIDEO

1. HEARINGS CALLED TO ORDER

2. HEARINGS

A. Case#: VAC22-000029*; Address: 5346 Baypoint Ct.; Applicant: CT Lending Solutions LP c/o Justin Negip

3. DATE AND TIME OF NEXT HEARINGS

A. Tuesday February 7, 2023, 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.

AGENDA REQUEST FORM
CITY OF CAPE CORAL

Item Number:	**2.A.**
Meeting Date:	**1/24/2023**
Item Type:	**HEARINGS**

TITLE:
Case#: VAC22-000029*; Address: 5346 Baypoint Ct.; Applicant: CT Lending Solutions LP c/o Justin Negip

REQUESTED ACTION:
Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:
The owner, CT Lending Solutions, LP, is applying for a vacation of plat for a canal right-of-way and underlying easements being a part of the Baypoint Canal and Bayshore Canal, adjacent to Lots 21 and Lots 22, Block 159, Unit 4, Part 2, Cape Coral Subdivision; vacating platted easements in Lots 21 and Lots 22, Block 159, Unit 4, Part 2, Cape Coral Subdivision; and vacating easements underlying a portion of Baypoint Court right-of-way previously vacated by Resolution 07-00. The property is located at 5346 Baypoint Court.

STRATEGIC PLAN ALIGNMENT:

1. 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

RECOMMENDATIONS:
City Planning Staff Recommendation: Approval with Conditions

SOURCE OF ADDITIONAL INFORMATION:
Connie Barron, Assistant City Manager and Interim Development Services Director, 574-0448

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:
N/A

1. Will this action result in a Budget Amendment? No

PREPARED BY:

Brienne Cherry, Planning Technician	Division-	City Planning	Department-	Development Services	

ATTACHMENTS:

Description	Type
Novus Packet	Backup Material
2. Staff Presentation	Backup Material

Cape Coral FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only
Case VAC22-00029.
Date 5/18/22

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

VACATIONS OF A PLAT, EASEMENTS, AND RIGHT-OF-WAY APPLICATION

VACATIONS REQUIREMENTS

1. ☐ Application, Acknowledgement Form, Authorization to Represent.
   - All forms must be filled out completely and legible.
   - All forms must be signed by the property owner(s) and must be notarized.
   - If the owner does not own the property in his/her personal name (e.g. LLC, trust, etc.), the owner must sign all applicable forms in his/her corporate capacity.
   - 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 Form is not required.
2. ☐ Letter of intent clearly identifying the request and why the vacation is sought.
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 utility companies:

LCEC (Electric)	Century Link (Telephone)	Comcast (Cable)
Russell Goodman	Bill Paul	Timothy Green
Design and Engineering Coordinator	Network Infrastructure Services	Construction Specialist II
PO Box 3455 North Ft Myers, FL 33918-3455	8441 Littleton Rd. North Fort Myers, FL 33903	12600 Westlinks Drive Ste. 4 Fort Myers, FL 33913
Russel.goodman@lcec.net	William.d.paul@centurylink.com	Timothy_Green@Comcast.com
PH: (239) 656-2112	PH: (727) 449-3544	PH: (239) 707-3998

5. ☐ Sketches and legal descriptions of the area proposed to be vacated.
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 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. ☐ Any additional required supporting documents.
9. ☐ Refer to LDC, Section 3.4.5 for information on regulations concerning vacations.

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VACATIONS OF PLAT REQUEST TO THE HEARING EXAMINER AND CITY COUNCIL

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 the case may be continued to a future hearing date.

If the vacation is approved, the applicant shall be responsible for reimbursing the City to record the final resolution or ordinance with the Lee County Clerk of Court. Until these fees are 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, or certificates of occupancy for any property covered by the resolution or ordinance.

PROPERTY INFORMATION

Project Name: baypoint home

Location/Address 5346 baypoint ct. cape coral 33904

Strap Number 24-45-23-C1-00159.0210 Unit 4 Block 159 Lot (s) 21+22

Strap Number _____ Unit ____ Block _____ Lot (s) _____

Plat Book 12 Page 13 Future Land Use _____ Current Zoning residential

PROPERTY OWNER (S) INFORMATION

Owner CT lending solutions LP Address 2231 lasalle blvd

Phone 7056917488 City sudbury

Email carl@luxdevgroup.com State _____ Zip p3a2a9

Owner _____ Address _____

Phone _____ City _____

Email _____ State ontario Zip p3a2a9

APPLICANT INFORMATION (If different from owner)

Applicant _____ Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Justin Negip Address 4390 lazio way #402

Phone 239-878-5925 City fort myers

Email justin@luxdevgroup.com State fl Zip 33901

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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.

(ALL SIGNATURE MUST BE NOTARIZED)

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.

CT lending solutions lp
CORPORATION/COMPANY NAME (IF APPLICABLE)

carl prescott
OWNER'S NAME (TYPE OR PRINT)

carl prescott managing partner
OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

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.

STATE OF fl

COUNTY OF lee

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this 16 day of may, 2022 by Carl Prescott who is personally known to me or produced _____ as identification.

Exp Date: 5/10/24 Commission Number: GG 986387

Notary Public State of Florida
Averina Cela
My Commission GG 986387
Expires 05/10/2024

Signature of notary Public: Avi Cela

Printed Name of Notary Public: averina cela

Cape Coral FLORIDA

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CITY PLANNING DIVISION

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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Justin Negip-Lux development group
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER AND CITY COUNCIL.

UNIT_____ BLOCK_____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION CAPE CORAL UNIT 4 PT.2 BLK.159 PB 12 PG 13 LOTS 21 + 22 +VAC OR 3219/3887

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

CT lending solutions LP
PROPERTY OWNER (Please Print)

carl prescott Managing partner
PROPERTY OWNER (Signature & title)

_____
PROPERTY OWNER (Please Print)

_____
PROPERTY OWNER (Signature & title)

STATE OF fl

COUNTY OF lee

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this 16 day of may, 20___ by Carl Prescott who is personally known to me or produced _____ as identification.

Exp Date: 5/10/24 Commission Number: GG 986387

Notary Public State of Florida
Averina Cela
My Commission GG 986387
Expires 05/10/2024

Signature of notary Public: Avi Cela

Printed Name of Notary Public: Averina Cela

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

Cape Coral FLORIDA

DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Cape Coral, FL 33915-0027

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 and City Council.

I will have the opportunity at the hearing to present 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 and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

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.

I hereby acknowledge that I have read and understood the above affidavit on the 16 Day of may, 2022.

CT lending solutions LP
CORPORATION/COMPANY NAME

Carl Prescott managing partner
OWNER'S NAME (TYPE or PRINT)

carl prescott
OWNER'S SIGNATURE

STATE OF fl

COUNTY OF lee

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this 16 day of may, 2022 by carl prescott who is personally known to me or produced _____ as identification.

Notary Public State of Florida
Averina Cela
My Commission GG 986387
Expires 05/10/2024

Exp Date: 5/10/24 Commission Number: GG 986387

Signature of notary Public: Ari Cela

Printed Name of Notary Public: averina cela

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DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

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 three 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.

Ctlending solutions lp
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Carl Prescott managing partner
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF fl

COUNTY OF lee

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this 16 day of may, 20 22 by carl prescott who is personally known to me or produced _____ as identification.

Exp Date: 5/10/22 Commission Number: GG 986387

Notary Public State of Florida
Averina Cela
My Commission GG 986387
Expires 05/10/2024

Signature of Notary Public: Ari Cela

Printed Name of Notary Public: averina cela

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Cape Coral, FL 33915- 0027

Vacations of Plats, Easements, and Right-of-Way Regulations

Section 3.4.5. Vacations of Plats, Easements, and Rights-of-way.

The purpose and intent of this section is to provide procedures for City Council to vacate rights-of-way, easements, and plats pursuant to authority granted under Florida law. The City Council may adopt ordinances vacating plats in whole or in part of subdivisions within the corporate limits of the city, returning the property covered by such plats either in whole or in part into acreage for the purpose of taxation, or vacating public rights-of-way, public easements, or other property in response to applications filed from adjoining property owners.

A. General.

1. The city may retain an easement for utilities or drainage over any vacated right-of-way and that no use may be made of vacated right-of-way which will be inconsistent with or interfere with the retained easement. The party seeking vacation of a plat, city street, alley, canal, other right-of-way, public easement, or other property must shows or submit the following:

   a. Petitioner has color of title to the tract or parcel of land covered by the plat or portion of 1796 the plat of which vacation is sought, unless the petitioner is the City of Cape Coral;
   b. Letter of approval from Lee County Electric Cooperative, Inc.;
   c. Letter of approval from affected telephone companies;
   d. Letter of approval from affected cable companies; and
   e. Letter of approval from any other affected utility companies (e.g., water, sewer);

2. Applicants requesting to vacate rights-of-way or easements shall provide a recent boundary survey or survey sketch of the property prepared by a registered surveyor showing the area to be vacated and provide a complete legal description(s). The survey or sketch shall show all pavement and all utility and drainage facilities, including water, sewer, cable lines, utility poles, swales, ditches, manholes, and catch basins. Separate drawings and legal descriptions are required for each vacation area when right-of-way and easement configurations differ.

B. Standards and Criteria. Applications for vacations shall be reviewed in accordance with the following criteria:

1. Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes.
2. Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes.

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3. Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way.
4. If alternate routes are required or available that do not cause adverse impacts to surrounding areas.
5. Whether local utility providers have given consent to the vacation of the plat, easements, or rights-of-way. The local utility providers may require additional easements or relocation of existing utilities facilities to complete the vacation.

C. Additional Procedures and Noticing Requirements. In addition to the standard notice requirements required by this Code, the following additional notice requirements apply for vacations:

1. Specific notice requirements for vacations. Public hearing notices to vacate a plat or portion thereof shall be published once a week for two consecutive weeks, the first publication being not less than two weeks prior to the date of public hearing on the petition.
2. If the parcel to be vacated includes an alley, all property owners serviced by the alley and all property owners serviced by a connecting alley shall be noticed.
3. Adoption and recording of resolution and ordinance. After public hearing, the City Council may approve an application for a vacation if it determines there is no reasonably foreseeable public use for the vacated area. Approval of a vacation shall be by resolution or ordinance. The City may retain easements for utilities or drainage in and upon the vacated area. Upon adoption of the resolution vacating the plat or portion thereof, the City Clerk shall furnish to the petitioner a certified copy thereof and the petitioner shall cause the same to be recorded in the public records of the county and shall return a copy, showing the recording information, to the Department of Development Services.
4. Effect. The adoption and recording of a vacation shall have the effect of vacating all streets and alleys and city-owned easements shown on the portion of the plat so vacated, unless the resolution or ordinance specifically reserved unto the city such city-owned easements or such streets or alleys. If public rights-of-way are vacated, the resolution or ordinance shall specify whether or not easements are reserved therein for utilities and drainage. The resolution or ordinance shall not have the effect of vacating any public canal shown on the portion of the plat vacated, unless the resolution or ordinance specifically so provides.
5. Petitioner's responsibility. The city, City Council, and all officers, employees, and agents thereof shall not assume any responsibility or liability for any matters and things to be done or completed by the petitioner pursuant to the provisions hereof. It is recognized that this procedure may affect substantial interests in real property and other proprietary rights, and the petitioner shall assume full and complete responsibility for compliance with the requirements of law and these procedures in connection with or arising out of any vacation proceedings instituted by the petitioner.

LUX DEVELOPMENT
GROUP

LETTER OF INTENT

To Whom it may concern we are submitting this letter to request a vacation of a section of property located at 5346 baypoint ct. The section of land that abuts the seawall at the rear of the property so that we may construct our dock and patio area. Also the section along the font of the property which was previously vacated we are requesting to move the 6' PUE to the property line as per typical.

Planning Division Case Report
VAC22-000029

Review Date:	January 3, 2023
Property Owner:	CT Lending Solutions LP
Owner Address:	2231 Lasalle Blvd Subury, ON P3A2A9
Authorized Representative:	Justin Negip
Requests:	The owner requests vacating: 1. 907.56 sq. ft. of canal right-of-way (ROW) and all underlying easements adjacent to Lots 21 and 22, Block 159, Unit 4 Part 2, Cape Coral Subdivision. 2. 1,281 sq. ft. of platted easements following the water frontage line of lots 21 and 22, Block 159, Unit 4, Part 2, Cape Coral Subdivision. 3. 383.99 sq. ft. of platted easements in the northern portion of the site in Lots 21 and 22. 4. 1,098.87 sq. ft. of easements underlying a portion of Baypoint Court right-of-way that was previously vacated by Resolution 07-00.
Property Location:	5346 Baypoint Court Cape Coral, Florida, 33904 Lots 21 and 22, Block 159, Unit 4, Part 2, Cape Coral Subdivision Strap Number: 24-45-23-C1-00159.0210.
Prepared By:	Candise Forde, Associate Planner
Approved By:	Amy Yearsley, City Planning Manager
Recommendation:	Approval with conditions
Urban Service:	Infill

Property Description:

The applicant owns a two-lot platted site in southern Cape Coral, about 700 feet south of El Dorado Parkway East. The site is at the intersection of two saltwater canals; Bayshore Canal that has a platted width of 200 feet, and Baypoint Canal that has a platted width of 80 feet. The site has a Single-Family (SF) Future Land Use Classification and Single Family Residential (R-1) zoning, and all sites within 1,500 feet

share the same future land use and zoning classifications. The site is in a predominately residential area of the City that is built out with single-family homes.

The site was acquired by CT Lending Solutions, LP in 2022. The site previously had a single-family dwelling that was demolished in 2017. A seawall is the only remaining improvement on this site.

Request:

Based on a sketch and legal description from Harris-Jorgensen, LLC, a strip of unexcavated canal right-of-way (ROW), ranging from 3.61 to 6.12 feet, exists between the property line and the outer edge of the seawall. For most platted water-front sites in the City, the property line extends to the edge of the canal. The applicant seeks to vacate this unexcavated canal ROW, that is 907.56 sq. ft., to extend the site to the edge of the seawall. A six-foot wide easement will be retained by the City to provide a continuous perimeter easement around the expanded site.

The applicant also requests to vacate 383.99 sq. ft. of platted easements in Lots 21 and 22. Lastly, the applicant requests to vacate easements, totaling 1,098.87 sq. ft., underlying a portion of Baypoint Court ROW that was previously vacated by Resolution 07-00.

Zoning History of the Site:

The site has always had a Single-Family Future Land Use classification and R-1 zoning.

Minimum Standards:

The owner is eligible to file this vacation request as this application provides the following:

- Color of title or ownership of the site by the owner for which the vacation is sought.
- Letters of no objection from Comcast, CenturyLink, and Lee County Electric Cooperative (LCEC). LCEC as a condition of approval, requires a continuous, six-foot wide perimeter easement around the expanded site.
- Survey sketches and accompanying legal descriptions describing the ROW and easements that will be vacated.

Analysis:

Staff analyzed these all-vacation requests with the Land Development Code (LDC), Section 3.4.5, *"Vacation of Plats, Easements, and Rights-of-Way."* The Comprehensive Plan was also reviewed for policies on vacations.

LDC, Section 3.4.5.B state vacations shall be reviewed in accordance with the following criteria:

1. *Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes.*

    - Staff response: The canal ROW and all underlying easements consist of an unexcavated strip of land, ranging from 3.61 to 6.12 feet wide, between the seawall and the south and eastern property lines of the parcel. This area was originally intended to be part of the City canal network. This dry strip of land is narrow and rather isolated. Based on these factors, this ROW does not appear to have any foreseeable value for transportation, access, water management, or utility functions.
    - The platted easements in Lots 21 and 22 requested to be vacated will not be needed as the City will retain sufficient easements underlying the previously vacated portion of the Baypoint Court ROW, that in conjunction with existing platted easements, will provide a six-foot wide perimeter easement around the site.
    - Easements underlying a portion of Baypoint Court ROW that was previously vacated by Resolution 07-00, do not appear to have any foreseeable value for stormwater management or utility functions. The City will retain a portion of these easements for maintaining a continuous six-foot wide perimeter easement around the site.

2. *Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way.*

    - Staff response: Sufficient easements underlying the canal ROW will be retained by the City for providing a continuous perimeter easement around the site. No additional easements will be necessary.
    - Platted easements occupying Lots 21 and 22 will not be needed as these easements, following the vacation of the Baypoint Court ROW in 2000, no longer occupy the perimeter of the site.
    - Sufficient easements underlying the previously vacated Baypoint Court ROW will be retained for providing a continuous perimeter easement around the site. No additional easements will be necessary.

3. *If alternate routes are required or available that do not cause adverse impacts to surrounding areas.*

    Staff response: The only ROW requested to be vacated is unexcavated canal ROW. Since this ROW is not part of the functioning canal system, boater navigability and visibility will not be affected in either the Bayshore or Baypoint Canal. This vacation will not cause any adverse impacts to surrounding properties.

4. *If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area.*

    - Staff response: The canal ROW vacation involves a narrow strip of unexcavated canal. This vacation will not result in the closure or alteration of a canal and will therefore have no effect on the movement of boats.

5. *Whether local utility providers have given consent to the vacation of the plat, easements, or rights-of-way. The local utility providers may require additional easements or relocation of existing utilities facilities to complete the vacation.*

    - Staff response: All three utility providers have issued letters of no objection regarding the three requested vacations. LCEC requires that a continuous easement be provided around the perimeter of the site. Conditions of approval recommended by staff will ensure a perimeter easement around the expanded site is provided.

Consistency with the Comprehensive Plan

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

Table 1, Policy 1.15 of the Future Land Use Element.

- Staff comment: This table identifies the R-1 District as being consistent with the Single Family FLUC.

Policy 1.15: 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 also consistent with Policy 1.15a as the site will be ± 13,684 sq. ft. following the ROW vacation. Following the construction of a single-family home on the site, this will equate to a density of 3.18 dwelling units (DU) per acre, less than the maximum density of 4.4 DU per acre allowed in this FLUC.

Recommendation:

Based on the above analysis, staff recommends approval of all requested vacations with the following conditions.

Conditions of Approval

1. The vacation of the 907.56 sq. ft. of canal ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, entitled “Exhibit A”, dated April 13th, 2022.

2. The vacation of 1,281 square feet of platted easements following the water frontage line in Lots 21 and 22, Block 159, Cape Coral, Unit 4, Part 2, shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen entitled “Exhibit B” dated April 13th, 2022.

3. The vacation of 383.99 square feet of platted easements in the northwest portion of the site in Lots 21 and 22, Block 159, Cape Coral, Unit 4, Part 2, shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen entitled ‘Exhibit C” dated April 13th, 2022.

4. The vacation of 1098.87 sq. ft. of all drainage and utility easements underlying a portion of the former Baypoint Court right-of-way, previously vacated by Resolution 7-00, shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen entitled ‘Exhibit D” dated December 20th, 2022.

5. The City shall retain easements sufficient for maintaining a six-foot wide perimeter easement around the site as depicted in the accompanying sketches and legal descriptions that appear in Exhibit “E” and Exhibit “F”.

6. The Petitioner shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.

7. 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 Petitioner.

Staff Contact Information
Candise Forde, Associate Planner
Phone: 239-242-3204
Email: Cforde@capecoral.gov

Linda Doggett, Lee County Clerk of Circuit Court
INSTR. # 2022000061671, Doc Type D, Pages 2, Recorded 2/23/2022 at 12:57 PM, Deputy Clerk LHINSPETER ERECORD
Rec Fees: $18.50 Deed Doc: $7,070.00

Prepared by and return to:
Crystal Reyes , an employee of
Realty Title Solutions, LLLP
1227 SE 47th Street
Cape Coral, Florida 33904
(239) 242-2015

File No.: 22-5103
Consideration Amount: $1,010,000.00
Deed State Tax/Stamps: $7,070.00

WARRANTY DEED

This indenture made on **February 16, 2022** A.D., by

Lori Dunn and David Dively, wife and husband

whose address is: **2817 SW 50th Terrace , Cape Coral, Florida 33914**
Hereinafter called the "Grantor", to

CT Lending Solutions, LP a Wyoming Company

whose address is: **2231 Lasalle Blvd, Sudbury, Ontario, Canada P3A 2A9**
Hereinafter called the "Grantee",

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Lee** County, **Florida,** to-wit:

Lots 21 and 22, Block 159, CAPE CORAL, UNIT 4, PART 2, according to plat thereof as recorded in Plat Book 12, Page 13 - 22, of the Public Records of Lee County, Florida. Together with that certain portion of vacated right of way described in Official Records Book 3219, page 3887, of the Public Records of Lee County, Florida.

Parcel Identification Number: **24-45-23-C1-00159.0210**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple, that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except convents, restrictions and easements of record, and taxes accruing subsequent to December 31, 2021.

In Witness Whereof, the grantor has hereinto set their hand(s) and seal(s) the day and year first above written.

Lori Dunn - Seller

David Dively - Seller

Signed, sealed and delivered in our presence:

Witness Signature

Print Name: Crystal Reyes

Witness signature

Print Name: Heather Stein

State of FL

County of Lee

The foregoing Instrument Was Acknowledged before me by means of X physical presence or ___online notarization on 28 day of Jan, 2022, by Lori Dunn and David Dively, wife and husband who is/are personally known to me or who has/have produced a FL DL as identification.

CRYSTAL REYES
Commission # HH 003624
Expires June 10, 2024
Bonded Thru Troy Fain Insurance 800-385-7019

Notary Public

Crystal Reyes
Notary Print Name

My Commission Expires:

STATE OF WYOMING * SECRETARY OF STATE
EDWARD A. BUCHANAN
BUSINESS DIVISION

Herschler Bldg East, Ste.100 & 101, Cheyenne, WY 82002-0020
Phone 307-777-7311
Website: https://sos.wyo.gov · Email: business@wyo.gov

Filing Information

Please note that this form CANNOT be submitted in place of your Annual Report.

Name	**CT LENDING SOLUTIONS, LIMITED PARTNERSHIP**		
Filing ID	**2020-000904924**		
Type	Limited Partnership	Status	Active

General Information

Old Name		Sub Status	Current
Fictitious Name		Standing - Tax	Good
		Standing - RA	Good
Sub Type		Standing - Other	Good
Formed in	Wyoming	Filing Date	03/10/2020 12:58 PM
Term of Duration	Expires - 99 years	Delayed Effective Date	
		Inactive Date	

Principal Address

2231 LASALLE BLVD
SUDBURY ONTARIO
Canada

Mailing Address

2231 LASALLE BLVD
SUDBURY ONTARIO
Canada

Registered Agent Address

AAA Corporate Services, Inc.
1620 Central Ave Ste 202
Cheyenne, WY 82001

Parties

Type	Name / Organization / Address
General Partner	KHYLA CORP 2231 LASALLE BLVD, SUDBURY ONTARIO, CANADA, P3A 2A9
Limited Partner	CARL PRESCOTT REV TRUST 2231 LASALLE BLVD, SUDBURY ONTARIO, CANADA P3A 2A9
Limited Partner	TRACY DEGAGNE REV TRUST 2231 LASALLE BLVD, SUDBURY ONTARIO, CANADA P3A 2A9

Notes

Date	Recorded By	Note

Filing Information

Please note that this form CANNOT be submitted in place of your Annual Report.

Name	**CT LENDING SOLUTIONS, LIMITED PARTNERSHIP**		
Filing ID	**2020-000904924**		
Type	Limited Partnership	Status	Active

Most Recent Annual Report Information

Type	Original			AR Year	2021
License Tax	$50.00	AR Exempt	N	AR ID	06056462
AR Date	1/7/2021 12:39 PM				
Web Filed	Y				

Officers / Directors

Type	Name / Organization / Address

Principal Address	Mailing Address
2231 LASALLE BLVD	2231 LASALLE BLVD
SUDBURY ONTARIO	SUDBURY ONTARIO
Canada	Canada

Annual Report History

Num	Status	Date	Year	Tax
06056462	Original	01/07/2021	2021	$50.00

Amendment History

ID	Description	Date
See Filing ID	Initial Filing	03/10/2020

COMCAST

May 19, 2022

Attn: Justin

RE: Letter of Review and Recommendation – Vacation Utility Easement
Ba Point Canal & Bay Shore Canal Right of Way, and Lots 21 and 22,
Block 159, Cape Coral Unit Four, Part Two
5346 Baypoint Ct, Cape Coral, Florida, 33904

Dear Justin,

Thank you for contacting Comcast regarding your proposed vacation. This is to inform you that Comcast **does not** have facilities in the proposed area and Comcast has no objection to the vacation providing that any of Comcast facilities that are in need of being relocated be paid for by the customer and Comcast is granted new easements.

It is the intent and understanding of Comcast that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area. This vacation response is submitted WITH THE STIPULATION that if Comcast facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any further question or concerns, please do not hesitate to contact me at If you have any further question or concerns, please do not hesitate to contact me at (941) 914-7814.

Sincerely,

David Lescrynski

Manager, Construction SWFL

12600 Westlinks Dr. Suite #4
Fort Myers, FL 33913
Cell (941) 914-7814
David_Lescrynski@Comcast.com

LUMEN

Attention:

Justin Negip
Justin@luxdevgroup.com
Lux Development Group
(239) 878-5925

Subject: No Objection Letter

Site Address: 5346 Baypoint Ct. cape coral 33904

Strap: 24-45-23-C1-00159.0210

To Whom it may concern:

Regarding the property referenced above, CenturyLink has **No Objection** to vacate the internal utility easement described by Lux Development Group at site address:

5346 Baypoint Ct. Cape Coral, FL 33904

Sincerely

Trevor J. Clerico

THANK YOU!

Trevor Clerico
Network Implementation Program Manager
Fort Myers District
2820 Cargo St , Fort Myers FL 33916
Office: (239) 823-3812
Trevor.J.Clerico@Lumen.com

Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 ▪ Fax (239) 995-7904
www.lcec.net

May 17, 2022

Mr. Justin Negip
Manager Member
Lux Development Group
4390 Lazio Way
Suite 402
Fort Myers, FL33901

Re: Letter of No Objection to Vacation from Property Line to Canal Right of Way; Address: 5346 Baypoint Court, Cape Coral, FL 33904; Owners: CT Lending Solutions, LP, a Wyoming limited Partnership; Strap: 24-45-23-C1-00159.0210.

Dear Mr. Negip:

You have opened up negotiations on behalf of your customer, CT Lending Solutions, LP, concerning the vacation of a particular easement located on the parcel. We have reviewed the sketch, the request submitted, and our internal records. LCEC has **no objection** to the request. The company services the parcel from the roadside. The sketch and description were created by Phillip M. Mould, PSM of Harris-Jorgensen, LLC, dated 4/13/2022, under a project named #CC-U4-159-21.

However, LCEC requires a continuous perimeter easement surrounding your property in order to serve you. Therefore, in the after situation to the vacation, you will have to provide to the appropriate local jurisdiction, and impose a six-foot wide easement along the seawall as a continuous perimeter easement located upon the parcel and adjusting the side easements by such necessary distance to complete the continuous perimeter.

In the event no definitive action, or no approval by local jurisdiction be received by the petitioner, this letter will terminate upon six months from the date listed above.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at russel.goodman@lcec.net.

Very truly yours,

Russ Goodman, SR/WA

Digitally signed by Russ Goodman, SR/WA
Date: 2022.05.17 11:30:51 -04'00'

Russel Goodman, SR/WA
Senior Right of Way Agent– Land Rights

COUNCILMEMBER TATE

VP 99-00600007
12/20/99
12/28/99
01/10/00
01/11/99

RESOLUTION 7 - 00

A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR A PLATTED STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 21, 22, AND 23, BLOCK 159, UNIT 4, PART 2, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY LOCATED AT 5331 BAY POINT COURT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by CLIFFORD GOFFAR for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of Land Use Development Regulations, Article VIII, Section 8.11, Vacation of Plats, Streets and Other Property of the Code of Ordinances of the City of Cape Coral and it is to the best interest of the public that such Petition be granted.

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

Section 1. That the Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described right-of-way is hereby vacated though drainage and utility easements over such vacated right-of-way are to be retained and reserved by the City of Cape Coral, to wit:

Beginning at the northwest corner of said lot 21, said point being the point of beginning: Thence N 0°00′00″ E. along the northerly prolongation of the line common to Lots 20 and 21, a distance of 56.94 feet to the point of curvature of a non-tangent curve. Concave to the North. Having a radius of 40.00 feet. A central angle of 17°19′50″ and a chord of 12.05 feet bearing N 74°09′55″ E: said curve being the southerly line of Lot 23. Thence East along said curve. A distance of 12.10 feet: thence N 65°30′00″ E. along the southerly line of Lot 23, a distance of 31.22 feet: thence S 0°00′00″ E. along the westerly lines of Lots 23 and 22 a distance of 54.94 feet to the northeast corner of said Lot 21: thence S 65°30′00″ W. a distance of 43.96 feet to the point of beginning. Said described tract containing 0.0506 acre more or less.

Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 31st DAY OF January, 2000.

ROGER G. BUTLER, MAYOR

ATTESTED TO AND FILED IN MY OFFICE 3rd DAY OF February, 2000.

BONNIE J. MAZURKIEWICZ, CITY CLERK

APPROVED AS TO FORM:

DAVID LA CROIX
CITY ATTORNEY
res\vp996-7

SKETCH TO ACCOMPANY DESCRIPTION:
PORTION OF:

BAY POINT CANAL & BAY SHORE CANAL RIGHT OF WAY, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "C" FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

Curve number 1

Radius= 24.33'
Delta= 64°17'1"
Arc= 27.30'
Tangent= 15.29'
Chord= 25.89'
Chord Brg.= S.32°30'47"W.

Curve number 2

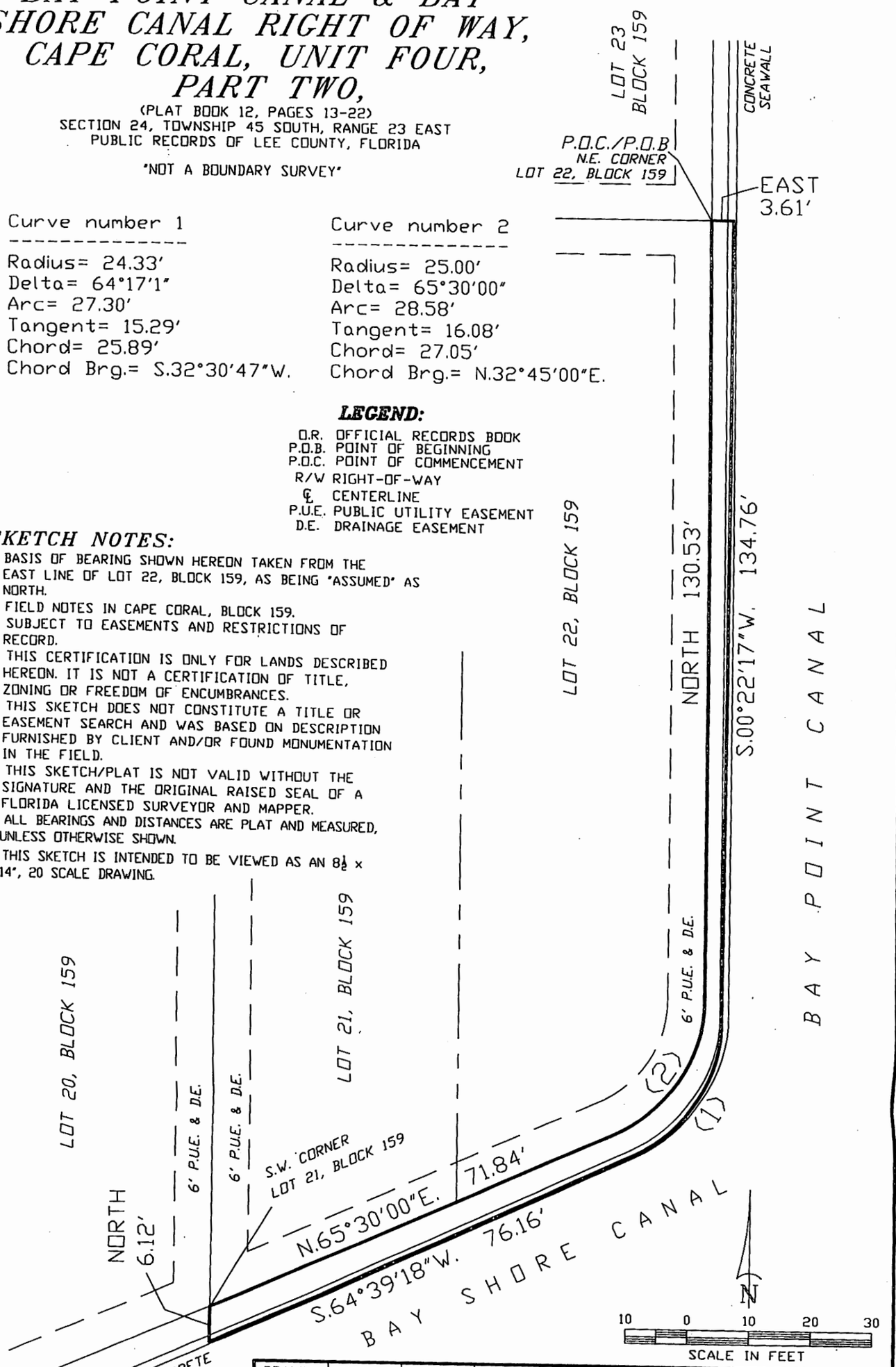
Radius= 25.00'
Delta= 65°30'00"
Arc= 28.58'
Tangent= 16.08'
Chord= 27.05'
Chord Brg.= N.32°45'00"E.

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

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF LOT 22, BLOCK 159, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 159.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. 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 8½ x 14", 20 SCALE DRAWING.



DRAWN:	CHECK:	SCALE	PROJ. #	
PMM	FBH	1"=20'	CC-U4-159-21	
SKETCH DATE		FILE NO.		SHT.- 1
04/13/22		45-23-24		OF - 2

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

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH:
PORTION OF:

BAY POINT CANAL & BAY SHORE CANAL RIGHT OF WAY, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF LOT 22, BLOCK 159, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN EAST TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 3.61 FEET; THENCE RUN S.00°22'17"W. ALONG SAID SEAWALL, TO A POINT OF CURVATURE, FOR 134.76 FEET; THENCE RUN ALONG THE ARC OF A CURVE OF SAID SEAWALL, TO THE RIGHT FOR 27.30 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 24.33 FEET, A CENTRAL DELTA ANGLE OF 64°17'01", A CHORD THAT BEARS S.32°30'47"W., AND A CHORD DISTANCE OF 25.89 FEET; THENCE RUN S.64°39'18"W. ALONG SAID SEAWALL FOR 76.16 FEET; THENCE RUN NORTH TO THE SOUTHWEST CORNER OF LOT 21, BLOCK 159, OF THE AFORESAID CAPE CORAL UNIT FOUR, PART TWO, FOR 6.12 FEET; THENCE RUN N.65°30'00"E. TO POINT OF CURVATURE FOR 71.84 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT FOR 28.58 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 65°30'00", A CHORD THAT BEARS N.32°45'00"E., AND A CHORD DISTANCE OF 27.05 FEET; THENCE RUN NORTH TO THE NORTHEAST CORNER OF SAID LOT 22, BLOCK 159 FOR 130.53 FEET, TO THE POINT OF BEGINNING.
CONTAINING: 907.56 SQ. FT., MORE OR LESS.

Phillip M Mould

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
04/13/2022

CC-U4-159-21

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

VAC22-000029

SEP 22 '22 AM11:25

SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A SECTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF:

LOTS 21 & 22, BLOCK 159, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "D" FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

Curve number 1

Radius= 25.00'
Delta= 65°30'0"
Arc= 28.58'
Tangent= 16.08'
Chord= 27.05'
Chord Brg.= S.32°45'00"W.

Curve number 2

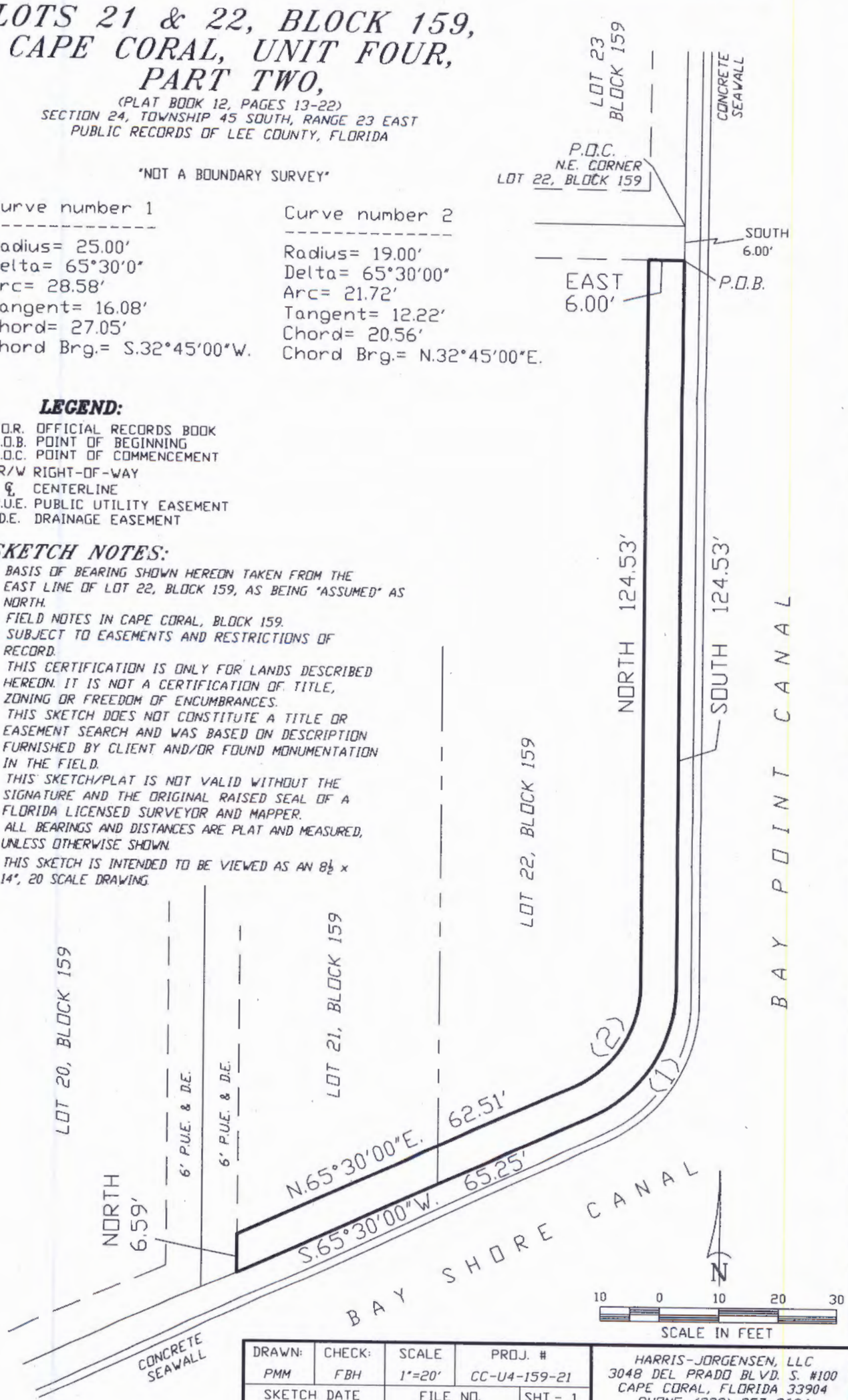
Radius= 19.00'
Delta= 65°30'00"
Arc= 21.72'
Tangent= 12.22'
Chord= 20.56'
Chord Brg.= N.32°45'00"E.

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

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF LOT 22, BLOCK 159, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 159.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. 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 8½ x 14", 20 SCALE DRAWING.



DRAWN:	CHECK:	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMM	FBH	1"=20'	CC-U4-159-21	
SKETCH DATE		FILE NO.	SHT.- 1	
04/13/22		45-23-24	OF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

EXHIBIT "D"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF A SECTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF:

LOTS 21 & 22, BLOCK 159, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF LOT 22, BLOCK 159, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN SOUTH FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH TO A POINT OF CURVATURE FOR 124.53 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 28.58 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 65°30'00", A CHORD THAT BEARS S.32°45'00"W., AND A CHORD DISTANCE OF 27.05 FEET; THENCE RUN S.65°30'00"W. FOR 65.25 FEET; THENCE RUN NORTH FOR 6.59 FEET; THENCE RUN N.65°30'00"E. TO A POINT OF CURVATURE FOR 62.51 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT FOR 21.72 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 19.00 FEET, A CENTRAL DELTA ANGLE OF 65°30'00", A CHORD THAT BEARS N.32°45'00"E. AND A CHORD DISTANCE OF 20.56 FEET; THENCE RUN NORTH FOR 124.53 FEET; THENCE RUN EAST 6.00 FEET TO THE POINT OF BEGINNING.
CONTAINING: 1,281.10 SQ. FT., MORE OR LESS.

Phillip M Mould

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
04/13/2022

CC-U4-159-21

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

SHEET 2 OF 2

VAC22-000029

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF A SECTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF:

LOTS 21 & 22, BLOCK 159, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF LOT 22, BLOCK 159, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH FOR 6.59 FEET TO THE POINT OF BEGINNING; THENCE RUN N.65°30'00"E. FOR 1.43 FEET; THENCE RUN EAST FOR 4.70 FEET; THENCE RUN SOUTH ALONG A LINE 6.00 FEET EAST AS MEASURED ON A PERPENDICULAR, AND PARALLEL WITH THE RIGHT OF WAY LINE OF BAYPOINT COURT, OF THE AFORESAID CAPE CORAL UNIT FOUR, PART TWO, FOR 25.33 FEET; THENCE RUN S.65°30'00"W. ALONG A LINE 6.00 FEET SOUTHEAST AS MEASURED ON A PERPENDICULAR, AND PARALLEL WITH THE RIGHT OF WAY LINE OF SAID BAYPOINT COURT, OF THE AFORESAID CAPE CORAL UNIT FOUR, PART TWO, FOR 43.96 FEET; THENCE RUN NORTH TO A POINT ALONG THE AFORESAID RIGHT OF WAY LINE OF BAY POINT COURT FOR 6.59 FEET; THENCE RUN N.65°30'00"E. ALONG SAID RIGHT OF WAY LINE FOR 37.37 FEET; THENCE RUN NORTH ALONG SAID RIGHT OF WAY LINE FOR 20.88 FEET TO THE POINT OF BEGINNING.
CONTAINING: 383.99 SQ. FT., MORE OR LESS.

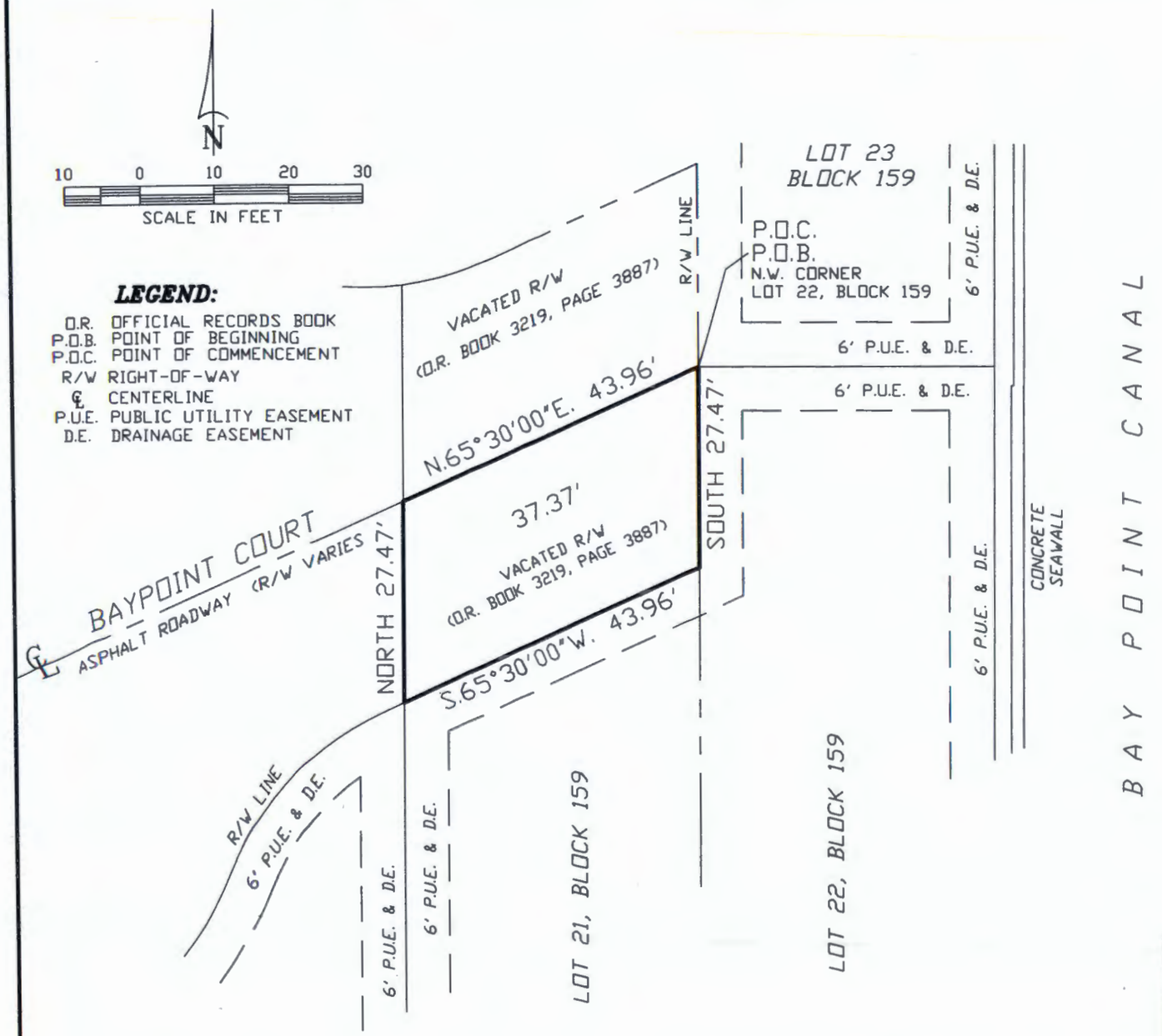
Phillip M Mould

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
04/13/2022

CC-U4-159-21

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

VAC22-000029



SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF ANY AND ALL EASEMENTS, OVER, ACROSS, AND THROUGH, LYING IN A PORTION OF:

BAY POINT COURT RIGHT OF WAY, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "F"
FOR DESCRIPTION
TO ACCOMPANY THIS
SKETCH

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF BAYPOINT COURT, AS BEING "ASSUMED" AS S.65°30'00"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 159.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. 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.
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8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8½ x 14", 20 SCALE DRAWING.

DRAWN:	CHECK:	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMM	FBH	1"=20'	CC-U4-159-21	
SKETCH DATE		FILE NO.	SHT.- 1	
12/20/22		45-23-24	OF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

EXHIBIT "F"

DESCRIPTION TO ACCOMPANY SKETCH:
(PROPOSED) VACATION OF ANY AND ALL EASEMENTS, OVER, ACROSS, AND THROUGH, LYING IN A PORTION OF:

BAY POINT RIGHT OF WAY, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF LOT 22, BLOCK 159, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN SOUTH ALONG THE EAST RIGHT OF WAY LINE OF BAYPOINT COURT, OF SAID CAPE CORAL UNIT FOUR, PART TWO, FOR 27.47 FEET; THENCE RUN S.65°30'00"W. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID BAYPOINT COURT, FOR 43.96 FEET; THENCE RUN NORTH TO A POINT LYING ALONG THE CENTERLINE OF SAID BAY POINT COURT, FOR 27.47 FEET; THENCE RUN N.65°30'00"E. ALONG SAID CENTERLINE, TO THE AFORESAID N.W. CORNER OF LOT 22 FOR 43.96 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 1,098.87 SQ. FT., MORE OR LESS.

Phillip M Mould

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
12/20/2022

CC-U4-159-21

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

VAC22-000029

SEP 22 '22 AM11:25

SKETCH TO ACCOMPANY DESCRIPTION:
PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF:

SEE EXHIBIT "E" FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

BAY POINT CANAL & BAY SHORE CANAL RIGHT OF WAY, AND LOTS 21 AND 22, BLOCK 159, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
"NOT A BOUNDARY SURVEY"

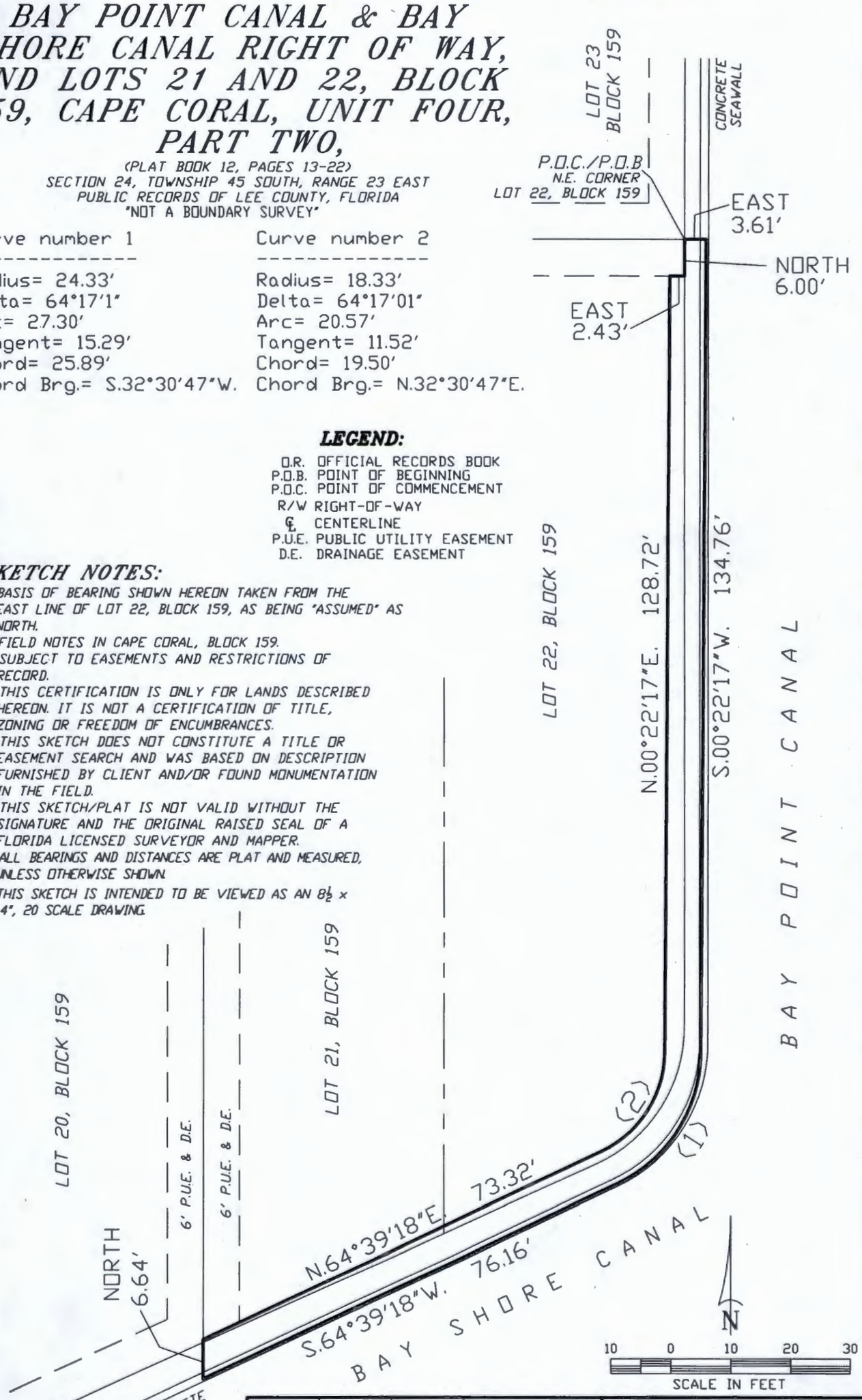
Curve number 1	Curve number 2
Radius= 24.33'	Radius= 18.33'
Delta= 64°17'1"	Delta= 64°17'01"
Arc= 27.30'	Arc= 20.57'
Tangent= 15.29'	Tangent= 11.52'
Chord= 25.89'	Chord= 19.50'
Chord Brg.= S.32°30'47"W.	Chord Brg.= N.32°30'47"E.

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

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF LOT 22, BLOCK 159, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 159.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. 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 8½ x 14", 20 SCALE DRAWING.



DRAWN:	CHECK:	SCALE	PROJ. #
PMM	FBH	1"=20'	CC-U4-159-21
SKETCH DATE		FILE NO.	SHT.- 1
04/13/22		45-23-24	OF - 2

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

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

EXHIBIT "E"

DESCRIPTION TO ACCOMPANY SKETCH:
PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF:

BAY POINT CANAL & BAY SHORE CANAL RIGHT OF WAY, AND LOTS 21 AND 22, BLOCK 159, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF LOT 22, BLOCK 159, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN EAST TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 3.61 FEET; THENCE RUN S.00°22'17"W. ALONG SAID SEAWALL, TO A POINT OF CURVATURE, FOR 134.76 FEET; THENCE RUN ALONG THE ARC OF A CURVE OF SAID SEAWALL, TO THE RIGHT FOR 27.30 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 24.33 FEET, A CENTRAL DELTA ANGLE OF 64°17'01", A CHORD THAT BEARS S.32°30'47"W., AND A CHORD DISTANCE OF 25.89 FEET; THENCE RUN S.64°39'18"W. ALONG SAID SEAWALL FOR 76.16 FEET; THENCE RUN NORTH TO A POINT LYING ALONG THE WEST LINE OF SAID LOT 21, BLOCK 159, FOR 6.64 FEET; THENCE RUN N.64°39'18"E. TO A POINT CURVE FOR 73.32 FEET; THENCE RUN ALONG THE ARC OF CURVE TO THE LEFT FOR 20.57 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 18.33 FEET, A CENTRAL DELTA ANGLE OF 64°17'01", A CHORD THAT BEARS N.32°30'47"E., AND A CHORD DISTANCE OF 19.50 FEET; THENCE RUN N.00°22'17"E. FOR 128.72 FEET; THENCE RUN EAST FOR 2.43 FEET; THENCE RUN NORTH TO THE NORTHEAST CORNER OF SAID LOT 22, BLOCK 159 FOR 6.00 FEET, TO THE POINT OF BEGINNING.
CONTAINING: 1,386.00 SQ. FT., MORE OR LESS.

Phillip M Mould

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
04/13/2022

CC-U4-159-21

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

VAC22-000029

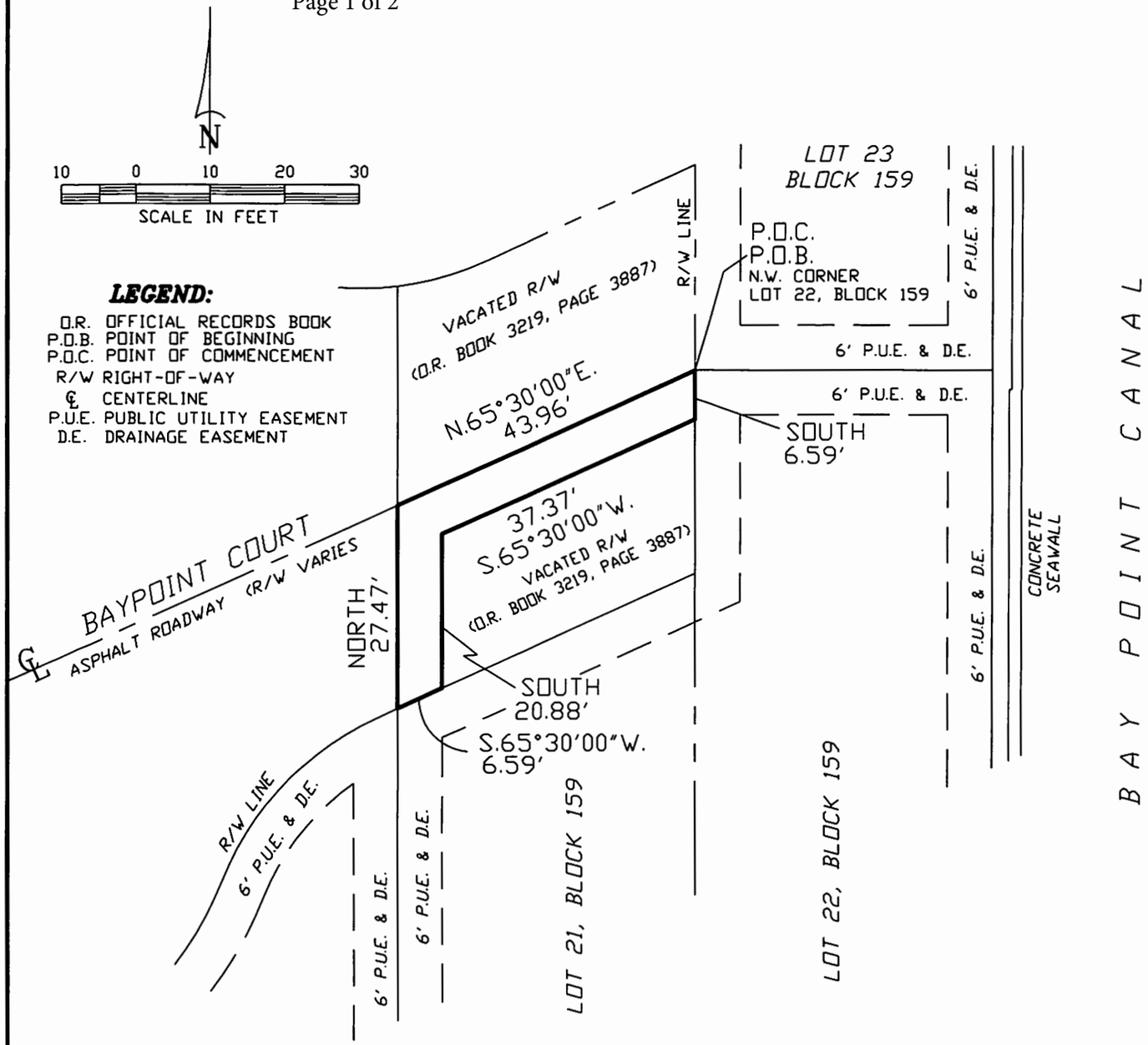
SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF:

BAY POINT COURT RIGHT OF WAY, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "B"
FOR DESCRIPTION
TO ACCOMPANY THIS
SKETCH



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF BAYPOINT COURT, AS BEING "ASSUMED" AS S.65°30'00"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 159.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. 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.
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9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8½ x 14", 20 SCALE DRAWING.

DRAWN:	CHECK:	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMM	FBH	1"=20'	CC-U4-159-21	
SKETCH DATE		FILE NO.	SHT.- 1	
04/13/22		45-23-24	OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH:
(PROPOSED) PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF:

BAY POINT RIGHT OF WAY, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF LOT 22, BLOCK 159, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN SOUTH FOR 6.59 FEET; THENCE RUN S.65°30'00"W. FOR 37.37 FEET; THENCE RUN SOUTH TO A POINT LYING ALONG THE SOUTHERLY RIGHT OF WAY LINE OF BAY POINT COURT, OF SAID CAPE CORAL UNIT FOUR, PART TWO, FOR 20.88 FEET; THENCE RUN S.65°30'00"W. ALONG SAID RIGHT OF WAY LINE FOR 6.59 FEET; THENCE RUN NORTH FOR 27.47 FEET; THENCE RUN N.65°30'00"E. FOR 43.96 FEET, TO THE POINT OF BEGINNING.
CONTAINING: 389.02 SQ. FT., MORE OR LESS.

Phillip M Mould

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
04/13/2022

CC-U4-159-21

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

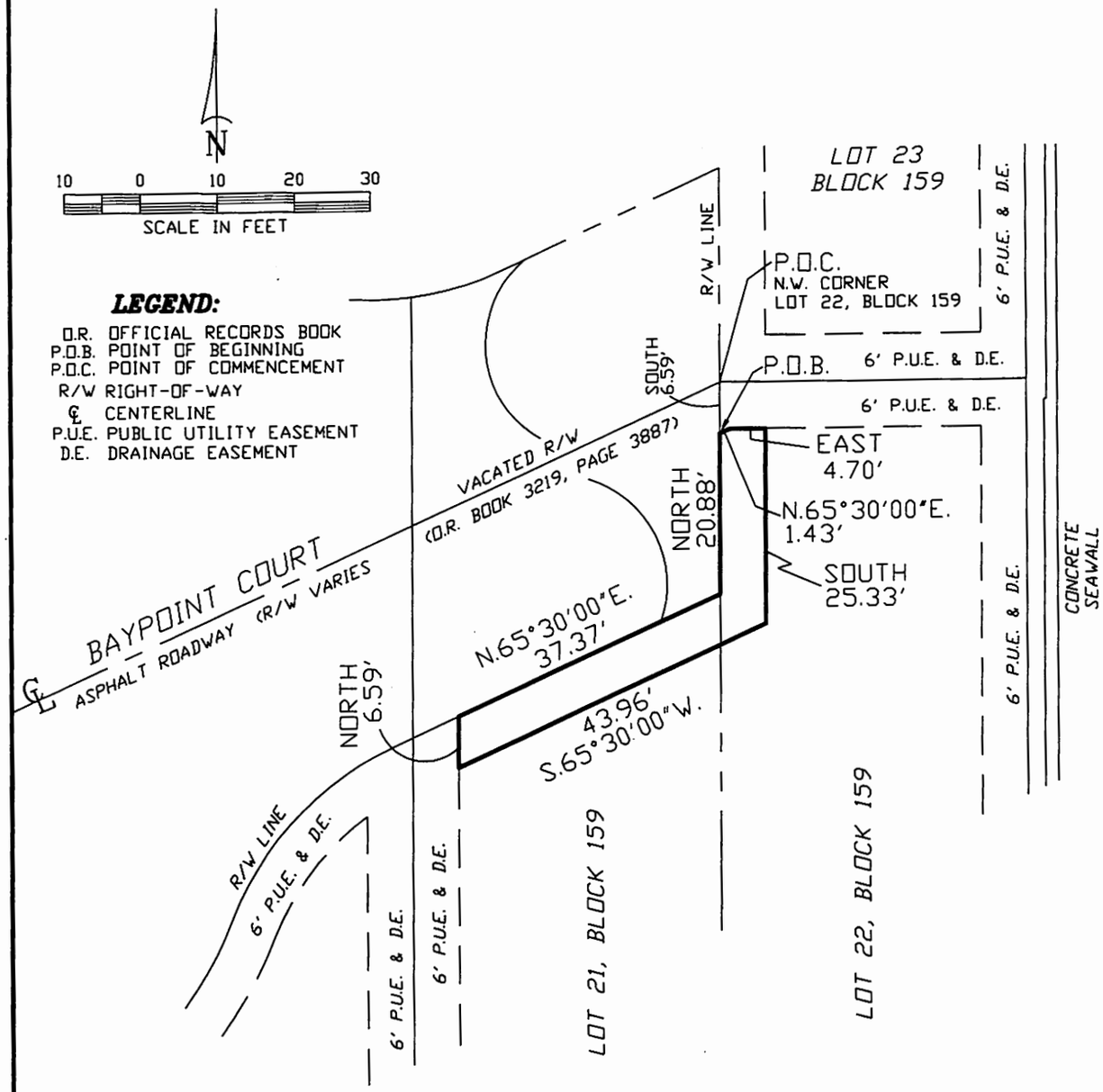
SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A SECTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF:

LOTS 21 & 22, BLOCK 159, CAPE CORAL, UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

'NOT A BOUNDARY SURVEY'

SEE EXHIBIT "A"
FOR DESCRIPTION
TO ACCOMPANY THIS
SKETCH



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF BAYPOINT COURT, AS BEING "ASSUMED" AS N.65°30'00"E.
2. FIELD NOTES IN CAPE CORAL, BLOCK 159.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
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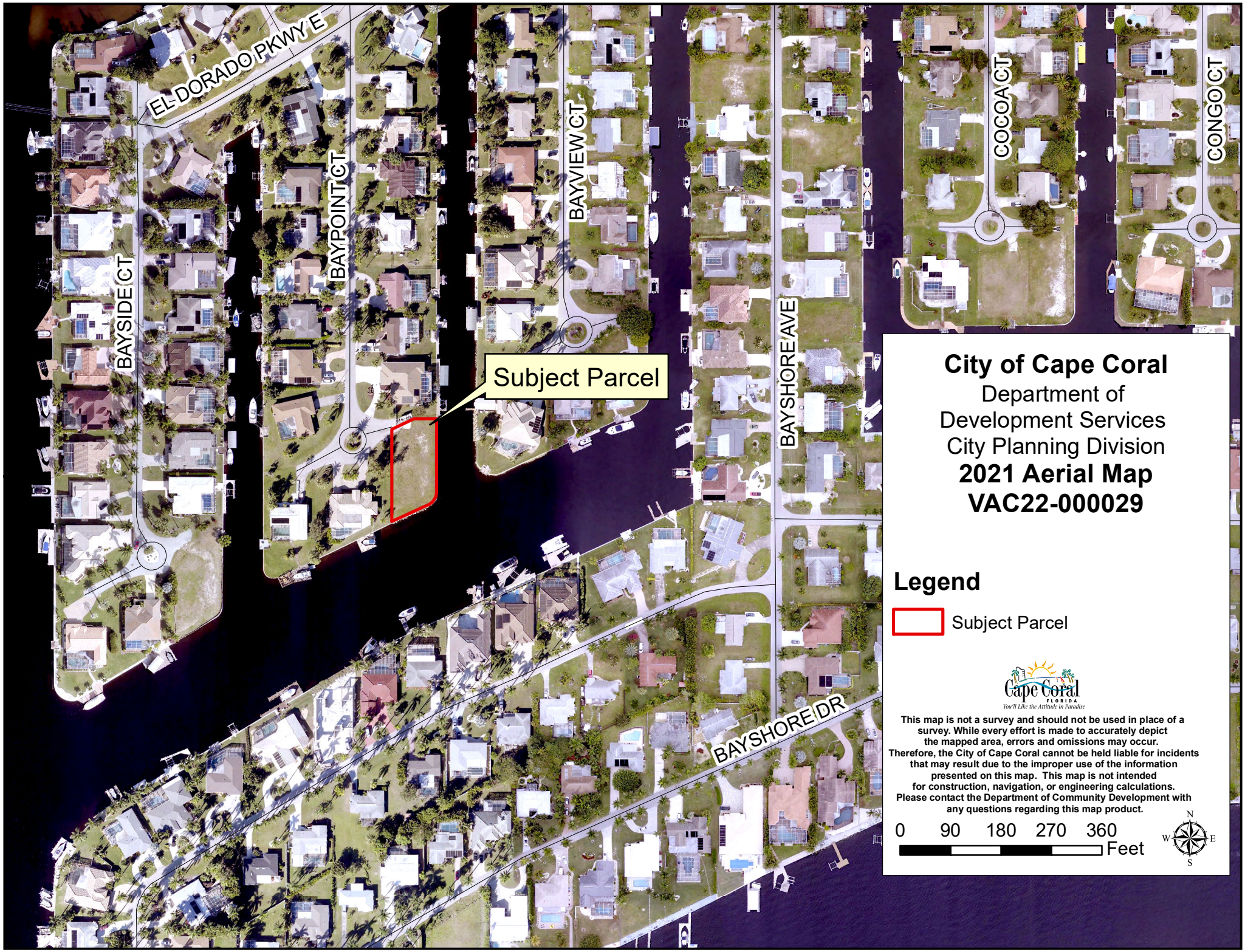
DRAWN:	CHECK:	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMM	FBH	1"=20'	CC-U4-159-21	
SKETCH DATE		FILE NO.	SHT.- 1	
04/13/22		45-23-24	OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				


EL DORADO PKWY E
BAYSIDE CT
BAYPOINT CT
BAYVIEW CT
BAYSHORE AVE
COCOA CT
CONGO CT
BAYSHORE DR
Subject Parcel
City of Cape Coral
Department of
Development Services
City Planning Division
2021 Aerial Map
VAC22-000029
Legend
Subject Parcel
Cape Coral
FLORIDA
You'll Like the Attitude in Paradise
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.
0 90 180 270 360
Feet
N
W
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S

Case # VAC22-000029

Hearing Examiner

January 24th, 2023

Cape Coral
FLORIDA

Applicant: CT Lending Solutions LP
Authorized Representative: Justin Negip

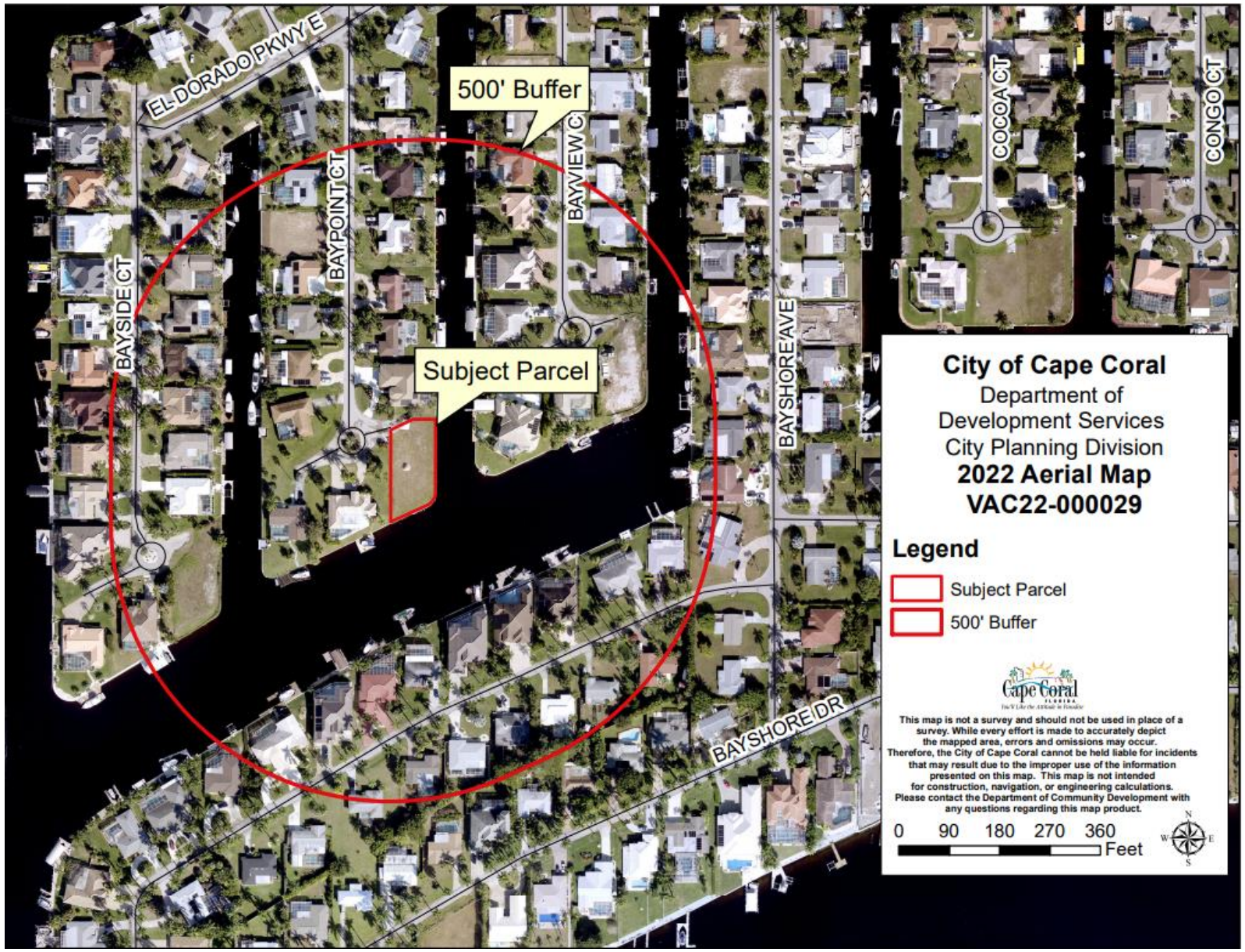
Location: 5346 Baypoint Court

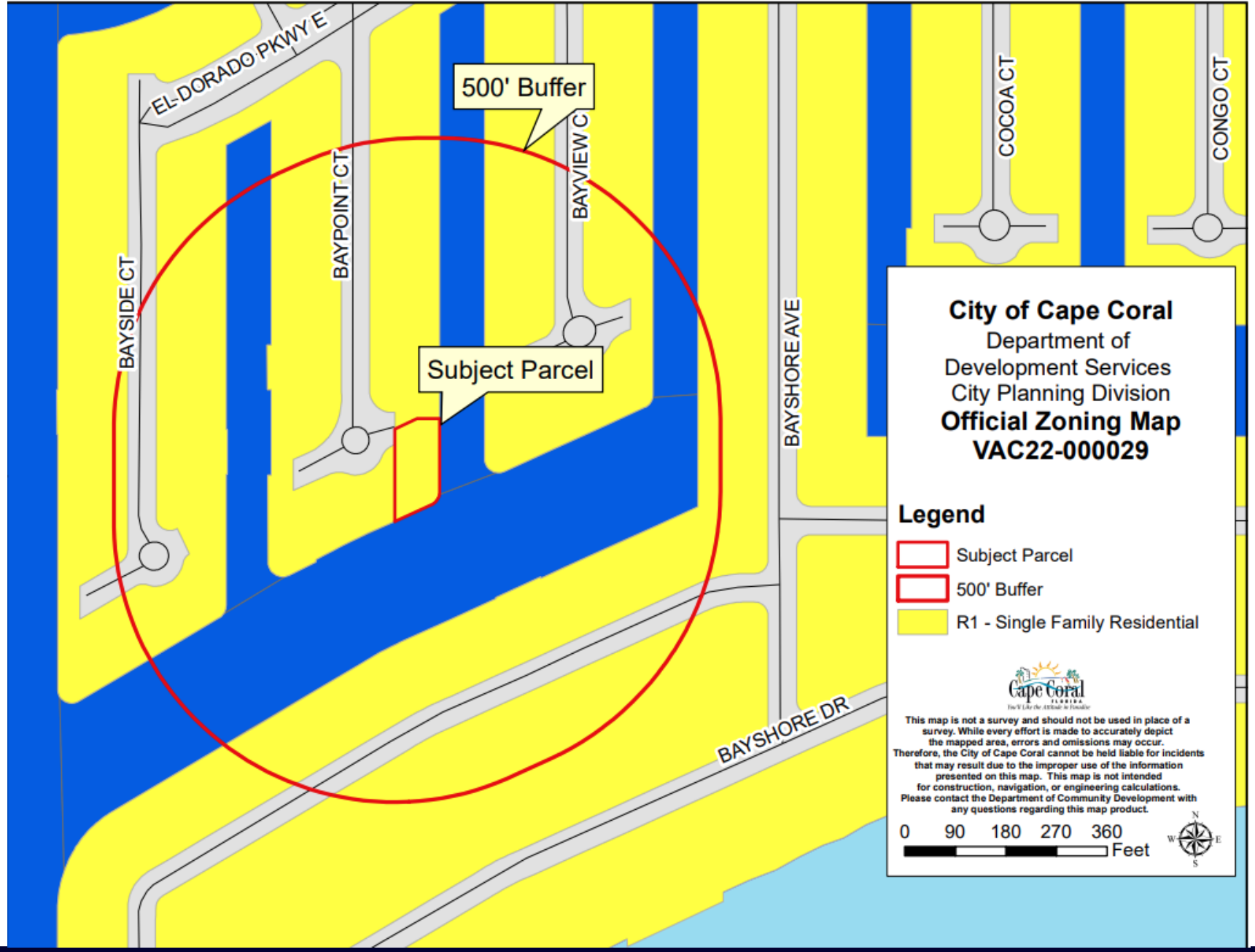
Request- Owner is requesting to vacate:

1. **907.56 sq. ft. of canal right-of-way (ROW) and all underlying easements adjacent to Lots 21 and 22, Block 159 Unit 4, Part 2, Cape Coral Subdivision.**
2. **1,281 sq. ft. of platted easements following the water frontage line of lots 21 and 22, Block 159, Unit 4, Part 2, Cape Coral Subdivision.**
3. **383.99 sq. ft. of platted easements in the northern portion of the site in Lots 21 and 22.**

Applicant’s request continued:

4. 1,098.87 sq. ft. of easements underlying a portion of Baypoint Court right-of-way that was previously vacated by Resolution 07-00.


EL DORADO PKWY E
500' Buffer
BAYSIDE CT
BAYPOINT CT
BAYVIEW CT
BAYSHORE AVE
COCOA CT
CONGO CT
Subject Parcel
BAYSHORE DR
City of Cape Coral
Department of
Development Services
City Planning Division
2022 Aerial Map
VAC22-000029
Legend
Subject Parcel
500' Buffer
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.
0 90 180 270 360
Feet


EL DORADO PKWY E
500' Buffer
BAYSIDE CT
BAYPOINT CT
BAYVIEW CT
Subject Parcel
BAYSHORE AVE
COCOA CT
CONGO CT
BAYSHORE DR
City of Cape Coral
Department of
Development Services
City Planning Division
Official Zoning Map
VAC22-000029
Legend
Subject Parcel
500' Buffer
R1 - Single Family Residential
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.
0 90 180 270 360
Feet
N
W
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S

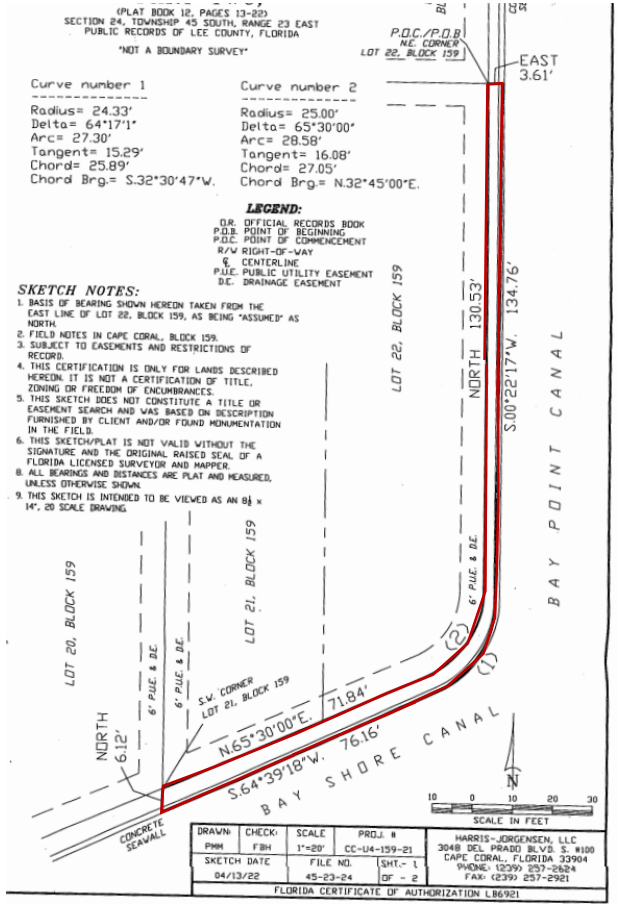
Background

- **The site has ± 12,777 sq. ft.**

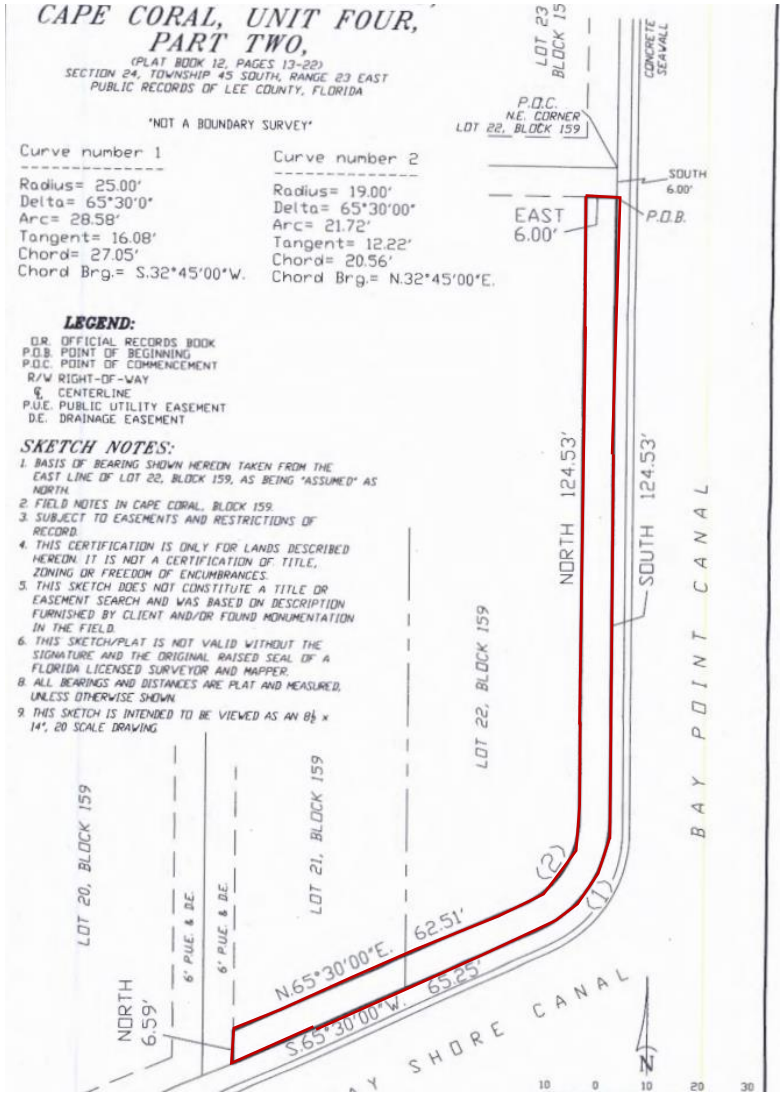
- **The site is currently an undeveloped lot with existing marine improvements that includes a seawall.**

- **The site is at the intersection of two saltwater canals; Bayshore Canal that has a platted width of 200 feet, and Baypoint Canal that has a platted width of 80 feet.**

Vacation Requests:

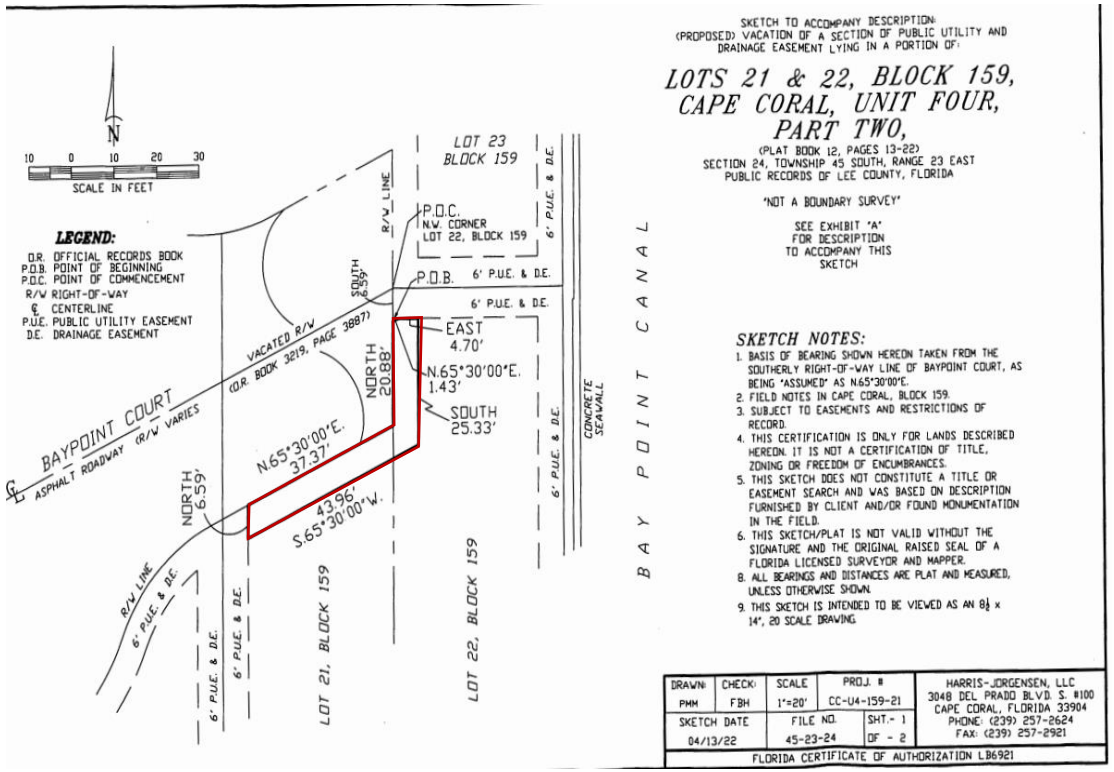


Snippet from Exhibit A: Vacate canal right-of-way; all required easements will be retained.

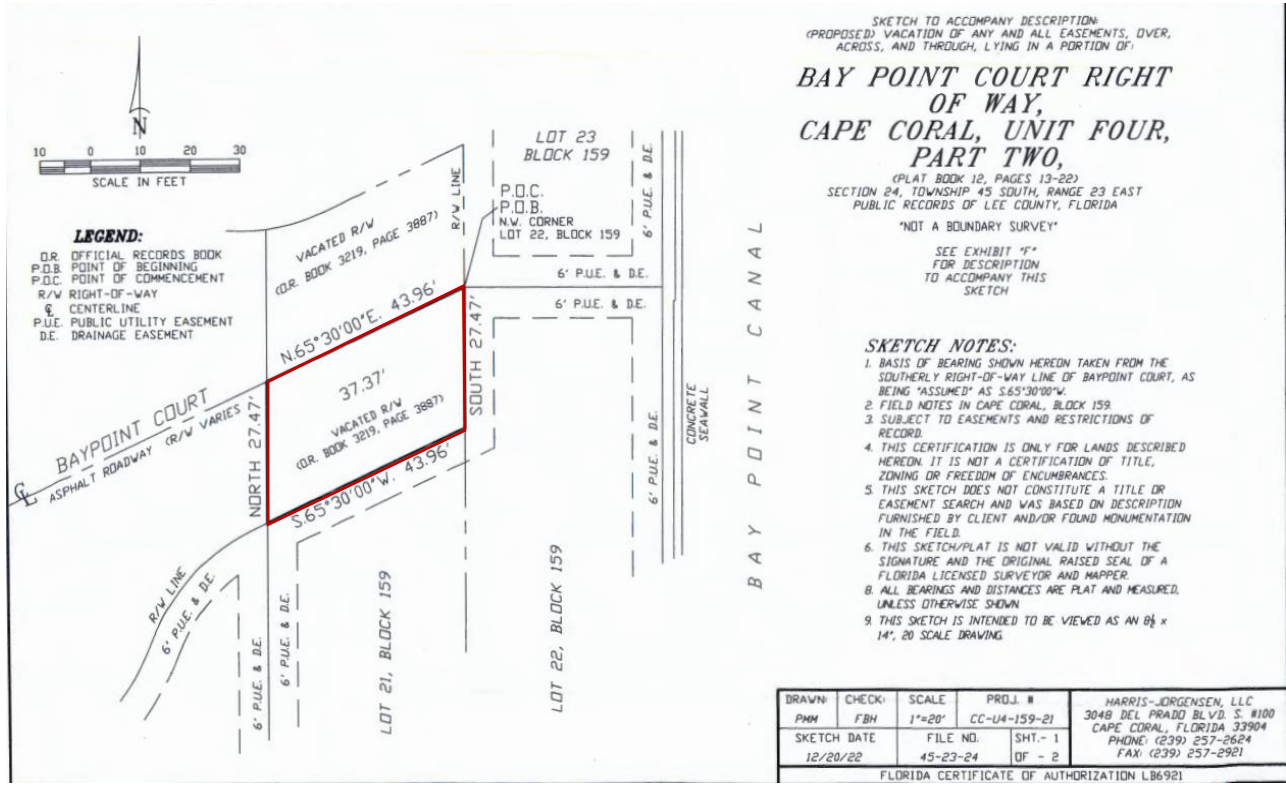


Snippet from Exhibit B: Vacate platted easements along the southern boundary in Lots 21-22.

Vacation Requests:



Snippet from Exhibit C: Vacate platted easements in the NW of Lots 21 and 22.



Snippet from Exhibit D: Vacate all drainage and utility easements underlying Baypoint Ct ROW.

Criteria in LDC, 3.4.5B

1. ***Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes.***
   - The canal ROW and underlying easements consist of an unexcavated strip of land that ranges from 3.61 to 6.12 feet wide, between the seawall and southern and eastern property lines. Originally intended to be part of the City's canal network. But now serves no foreseeable value for transportation, access, water management, or utility functions.
   - The requested vacation of platted easements in Lots 21 and 22 will not be needed. The City will retain sufficient easements underlying the previously vacated portion of Baypoint Court ROW, that in conjunction with existing platted easements, will provide a six-foot wide perimeter easement around the site.

Criteria in LDC, 3.4.5B

- Easements underlying the previously vacated portion of Baypoint Court ROW (Res 07-00), do not appear to have any foreseeable value for stormwater management or utility functions. The City will retain a portion of these easements for maintaining a continuous six-foot wide perimeter easement around the site.

2. ***Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way.***
   - Sufficient easements underlying the canal ROW will be retained by the City for providing a continuous perimeter easement around the site. No additional easements will be necessary.

Criteria in LDC, 3.4.5B

- Platted easements occupying Lots 21 and 22 will not be needed as these easements, following the vacation of the Baypoint Court ROW in 2000, no longer occupy the perimeter of the site.
- Sufficient easements underlying the previously vacated Baypoint Court ROW will be retained for providing a continuous perimeter easement around the site. No additional easements will be necessary.

3. ***If alternate routes are required or available that do not cause adverse impacts to surrounding areas.***

- The only ROW requested to be vacated is unexcavated canal ROW. Since this ROW is not part of the functioning canal system, boater navigability and visibility will not be affected in either the Bayshore or Baypoint Canal and will not cause adverse impacts for surrounding properties.

Criteria in LDC, 3.4.5B

4. ***If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area.***
   - The canal ROW vacation involves a narrow strip of unexcavated canal. This vacation will not result in the closure or alteration of a canal and will therefore have no effect on the movement of boats.

5. ***Whether local utility providers have given consent to the vacation of the plat, easements, or rights-of-way. The local utility providers may require additional easements or relocation of existing utilities facilities to complete the vacation.***
   - All three utility providers have issued letters of no objection regarding the three requested vacations. LCEC requires that a continuous easement be provided around the perimeter of the site.

Comprehensive Plan:

- This request is consistent with Table 1 appearing in Policy 1.15 of the Future Land Use Element that identifies the R-1 District as consistent with the Single Family FLUC.

- This request is also consistent with Policy 1.15a as the site will be ± 13,684 sq. ft. following the ROW vacation and the property will have one single-family home. This equates to a density of 3.18 dwelling units (DU) per acre, less than the maximum density of 4.4 DU per acre allowed in this FLUC.

Recommendation:

The City Planning Division recommends **approval with conditions** for the proposed vacation.

Correspondence:

Prior to HEX, staff has not received any correspondence.

Conditions of approval:

1. The vacation of the 907.56 square feet of canal ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, entitled “Exhibit A”, dated April 13th, 2022.

2. The vacation of 1,281 square feet of platted easements following the water frontage line in Lots 21 and 22, Block 159, Cape Coral, Unit 4, Part 2, shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen entitled “Exhibit B” dated April 13th, 2022.

Conditions of approval

3. The vacation of 383.99 square feet of platted easements in the northwest portion of the site in Lots 21 and 22, Block 159, Cape Coral, Unit 4, Part 2, shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen entitled ‘Exhibit C” dated April 13th, 2022.

4. The vacation of 1,098.87 square feet of all drainage and utility easements underlying a portion of the former Baypoint Court right-of-way, previously vacated by Resolution 7-00, shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen entitled ‘Exhibit D” dated December 20th, 2022.

Conditions of approval

5. The City shall retain easements sufficient for maintaining a six-foot wide perimeter easement around the site as depicted in the accompanying sketches and legal descriptions that appear in Exhibit “E” and Exhibit “F”.

6. The Petitioner shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.

7. 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 Petitioner.

Thank you!
Questions and Discussion

Cape Coral
FLORIDA