



Tuesday, May 16, 2023
9:00 AM
Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

- A. Case#: RZN22-000029*; Address: 2810-3000 SW Pine Island Road; Applicant: Lee Memorial Health Systems, 2900 HONC LLC, 2950 HONC LLC & 3000 HONC LLC
- B. Case#: VAC22-000034*; Address: 5414 & 5418 SW 3rd Avenue; Applicant: Mark and Valerie Prusaitis
- C. Case#: VAC22-000033*; Address: 6 Burnt Store Road North, 16 Burnt Store Road North, 5 NW 32nd Place & 13 NW 32nd Place; Applicant: Multiple Owners

3. DATE AND TIME OF NEXT HEARINGS

- A. Tuesday June 20, 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:	5/16/2023
Item Type:	HEARINGS

TITLE:

Case#: RZN22-000029*; Address: 2810-3000 SW Pine Island Road; Applicant: Lee Memorial Health Systems, 2900 HONC LLC, 2950 HONC LLC & 3000 HONC LLC

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The applicant requests a rezone from Agricultural (AG-2), a Lee County designation, to Commercial Corridor (CC) for five parcels totaling 41.7 acres. The site was annexed into the City of Cape Coral in 2022. The future land use designation was amended to Pine Island Road District in April. The rezone will allow for commercial, mixed use, or multi-family (with restrictions) along Pine Island Road. The rezone is the last step to allow for development at this recently annexed site.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision? Yes
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

ECONOMY, EDUCATION, AND WORKFORCE: CREATE A COMMUNITY OF PROSPEROUS RESIDENTS, THRIVING NEIGHBORHOODS, AND SUCCESSFUL BUSINESSES

RECOMMENDATIONS:

City Planning Staff Recommendation: Approval

SOURCE OF ADDITIONAL INFORMATION:

Juan Guerra, Interim Director of Development Services, 573-3050

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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

REZONING APPLICATION

NOTE TO APPLICANT: The completed application must be legible, and all items must be provided at the time of submission.

REZONING REQUIREMENTS

1. ☒ **Applicant's portion of request shall be typewritten, and signature notarized.**
 - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
 - If there are any deed restrictions on the property, a copy of the restrictions will be required.
2. ☒ **Letter of intent stating the actual request and why the request is being made.**
3. ☒ **Certified survey done within past six (6) months MAY be required.**
4. ☒ **If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, and zip-code.**
5. ☒ **Please refer to Rezones Section 3.4.6. (page 7) for additional required documentation.**

NOTE: In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6.). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying 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.

It is required that applicant and/or representative attend both the hearing examiner and city council meetings.



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REZONE REQUEST

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6). Advertising costs will be billed and must be paid prior to hearing.

PROPERTY INFORMATION

Location/Address South of Pine Island Rd between Royal Tee Blvd & Sandoval Pkwy (3000, 2950, 2900, 2850, & 2810 SW Pine Island Rd)

Strap Number 20-44-23-00-00004.0000, 20-44-23-00-00005.0000,
20-44-23-00-00005.0010, 20-44-23-00-00006.0000, and
20-44-23-00-00007.0000 Unit n/a Block n/a Lot (s) n/a

Plat Book n/a Page n/a Future Land Use Lee County: Rural (Pending City: PIRD)

Current Zoning Lee County: AG-2, CN-1, & IG Proposed Zoning Commercial Corridor (CC)

PROPERTY OWNER (S) INFORMATION

Owner LEE MEMORIAL HEALTH SYSTEM c/o David Kistel Address 4211 METRO PKWY

Phone (239) 343-8528 City FORT MYERS

Email Dave.Kistel@leehealth.org State FL Zip 33916

Owner HONC 3000 LLC, HONC 2950 LLC, HONC 2900 LLC
c/o Donna Honc Address 10101 MALLORY PKWY E

Phone (239) 283-5454 City SAINT JAMES CITY

Email donna@honc.com State FL Zip 33956

APPLICANT INFORMATION (If different from owner)

Applicant Same as owners Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Christine M. Fisher, AICP (Johnson Engineering, Inc) Address 2122 Johnson Street

Phone (239) 461-2456 City Fort Myers

Email CFisher@johnsoneng.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.

Lee Memorial Health System

CORPORATION/COMPANY NAME (IF APPLICABLE)

David Kistel

OWNER'S NAME (TYPE OR PRINT)


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 11th day of August, 2022 by David Kistel who is personally known to me or produced _____ as identification.



Exp Date: 10/06/25 Commission Number: HH 182249

Signature of notary Public:


Janine McElroy

Printed Name of Notary Public:



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HONC 3000 LLC, HONC 2950 LLC, HONC 2900 LLC
CORPORATION/COMPANY NAME (IF APPLICABLE)

Donna Honc
OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

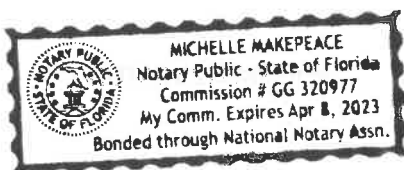
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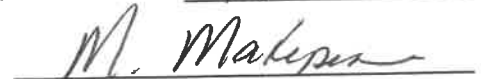
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 1st day of August, 2022 by Donna Honc who is personally known to me or produced _____ as identification.



Exp Date: 4.8.2023 Commission Number: GG320977

Signature of notary Public:



Printed Name of Notary Public:

Michelle Makepeace



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Johnson Engineering, Inc (Dana Hume/Christine Fisher)
(Name of person giving presentation)

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

UNIT n/a BLOCK n/a LOT(S) n/a SUBDIVISION n/a

OR LEGAL DESCRIPTION (See Attached Legal Description)

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

David Kistel (Lee Memorial Health System)
PROPERTY OWNER (Please Print)


PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF FL

COUNTY OF Lee

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notarization, this 11th day of August, 2022 by Dave Kistel who
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Exp Date: 10/06/25 Commission Number: HH 182249



Signature of notary Public:



Printed Name of Notary Public:

Janine McElroy

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



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UNIT n/a BLOCK n/a LOT(S) n/a SUBDIVISION n/a

OR LEGAL DESCRIPTION (See Attached Legal Description)

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

Donna Hone (HONC 3000 LLC, HONC 2950 LLC, HONC 2900 LLC)

PROPERTY OWNER (Please Print)

[Signature] VP
PROPERTY OWNER (Signature & title)

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STATE OF FL

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Signature of notary Public: M. Makepeace

Printed Name of Notary Public: Michelle Makepeace

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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 11th Day of August, 20 22.

Lee Memorial Health System
CORPORATION/COMPANY NAME

David Kistel
OWNER'S NAME (TYPE or PRINT)
[Signature]
OWNER'S SIGNATURE

STATE OF FL

COUNTY OF Lee

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[Signature]

Printed Name of Notary Public:

Janine McElroy



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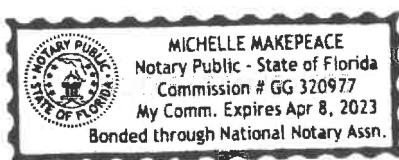
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Signature of notary Public:

Printed Name of Notary Public:

M. Makepeace
Michelle Makepeace

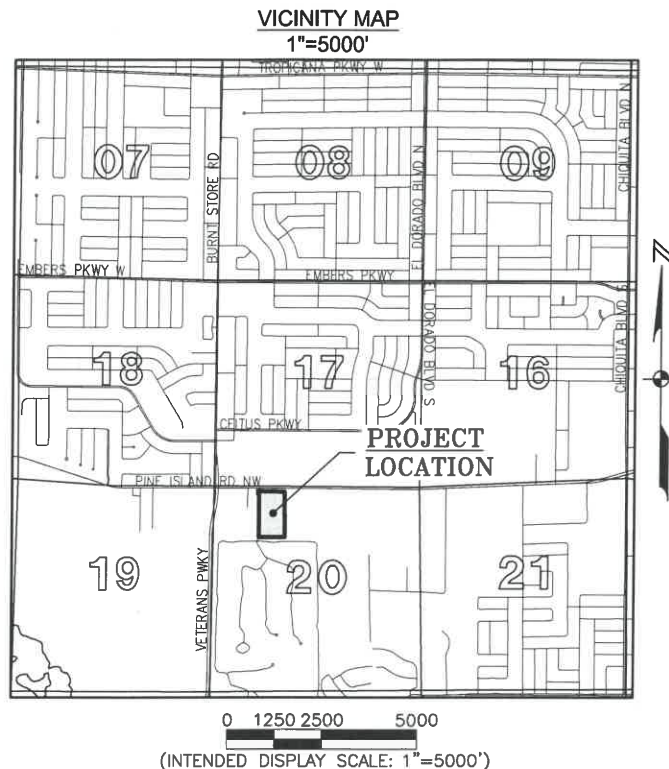


REZONES REGULATIONS

- A. Manner of Initiation. Applications for a change in zoning may be initiated in the following manner:
1. The City Council upon its own motion;
 2. The Planning and Zoning Commission upon its own motion;
 3. The property owner(s) of at least fifty-one percent of the land in the proposed rezone area;
 4. The City Manager for a City initiated rezone; or
 5. The Community Development Department, following approval of a similar use determination.
- B. Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:
1. Whether the proposed zoning district proposed is consistent with the City Comprehensive Plan;
 2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
 3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;
 4. Whether the proposed zoning district will serve a community need or broader public purpose;
 5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and
 6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.
- C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.
- D. New application after denial. No application for a rezone which has been previously denied by the City Council shall be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.

SKETCH AND DESCRIPTION

HONC ANNEXATION PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS DESCRIBED HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, FIXING THE EAST LINE OF THE WEST ONE-HALF (W1/2) OF THE EAST ON-HALF (E1/2) OF THE WEST ONE-HALF (W1/2) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS S.00°35'43"E.
4. PARCEL CONTAINS 808,593 SQUARE FEET OF 18.56 ACRES, MORE OR LESS.
5. P.O.C. = POINT OF COMMENCEMENT
6. P.O.B. = POINT OF BEGINNING
7. ORI = OFFICIAL RECORDS INSTRUMENT
8. ORB = OFFICIAL RECORDS BOOK
9. DB = DEED BOOK
10. (P) = PER PLAT
11. PG = PAGE
12. F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
13. N: = NORTHING
14. E: = EASTING
15. PUE = PUBLIC UTILITY EASEMENT
16. LCEC = LEE COUNTY ELECTRIC CO-OPERATIVE
17. R/W = RIGHT-OF-WAY
18. S.R. = STATE ROAD
19. NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

THIS IS NOT A SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

MARK D. HAINES (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312

DATE SIGNED: 4/12/21

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
HONC ANNEXATION PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04/08/22	20225023-000	20-44-23	AS SHOWN	1 OF 3

DESCRIPTION

"HONC ANNEXATION PARCEL"
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2015000193620, TOGETHER WITH ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000199803, AND TOGETHER WITH ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000202692 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE-QUARTER (N1/4) CORNER OF SAID SECTION 20; THENCE, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20, S.01°06'31"E., 150.86 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 133) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000092246 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 133), N.89°36'38"W., 675.32 FEET; THENCE, ALONG THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 132) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000119163 OF THE AFOREMENTIONED PUBLIC RECORDS, N.89°36'38"W., 168.83 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2015000193620 OF THE AFOREMENTIONED PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE, ALONG THE EAST LINE OF THE WEST ONE-HALF (W1/2) OF THE EAST ONE-HALF (E1/2) OF THE WEST ONE-HALF (W1/2) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE AFOREMENTIONED SECTION 20 AND ALONG THE EAST LINE OF SAID DESCRIBED LANDS, S.00°35'43"E., 1,184.90 FEET; THENCE, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, N.89°30'32"W., 341.93 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000199803 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, CONTINUE, ALONG SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, N.89°30'32"W., 170.96 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000202692 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, N.89°30'32"W., 170.96 FEET; THENCE, ALONG THE WEST LINE OF THE EAST ONE-HALF (E1/2) OF THE EAST ONE-HALF (E1/2) OF THE EAST ONE-HALF (E1/2) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE WEST LINE OF SAID DESCRIBED LANDS, N.00°11'01"W., 1,201.64 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 130) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000008496 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY AND THE NORTH LINE OF SAID DESCRIBED LANDS, ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH HAVING FOR ITS ELEMENTS A RADIUS OF 11546.13 FEET, A CENTRAL ANGLE OF 00°50'21", A CHORD OF 169.10 FEET, A CHORD BEARING OF S.86°49'28"E., AN ARC OF 169.10 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000199803 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 130) AND THE NORTH LINE OF SAID DESCRIBED LANDS, ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH HAVING FOR ITS ELEMENTS A RADIUS OF 11546.13 FEET, A CENTRAL ANGLE OF 00°50'19", A CHORD OF 168.99 FEET, A CHORD BEARING OF S.87°39'48"E., AN ARC OF 168.99 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2015000193620 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, CONTINUE, ALONG THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 131) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000141788 OF THE AFOREMENTIONED PUBLIC RECORDS AND THE NORTH LINE OF SAID DESCRIBED LANDS FOR THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH HAVING FOR ITS ELEMENTS A RADIUS OF 11,546.13 FEET, A CENTRAL ANGLE OF 01°31'40", A CHORD OF 307.89 FEET, A CHORD BEARING OF S.88°50'48"E., AN ARC OF 307.90 FEET;
2. S.89°36'38"E., 29.86 FEET

TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 808,593 SQUARE FEET OR 18.56 ACRES, MORE OR LESS.

BEARINGS DESCRIBED HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, FIXING THE EAST LINE OF THE WEST ONE-HALF (W1/2) OF THE EAST ONE-HALF (E1/2) OF THE WEST ONE-HALF (W1/2) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS S.00°35'43"E.

*THIS IS NOT A SURVEY

*NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

DESCRIPTION
HONC ANNEXATION PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

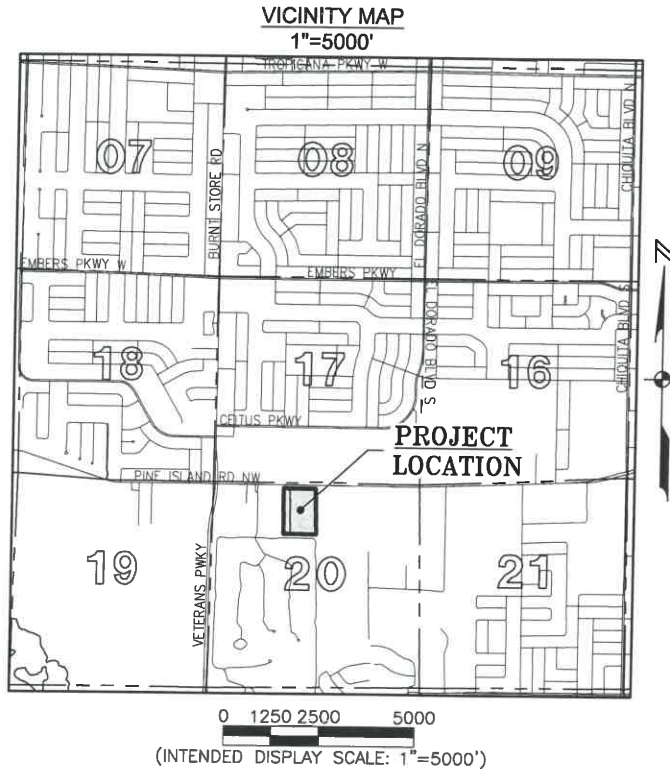
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04/08/22	20225023-000	20-44-23	AS SHOWN	3 OF 3

SKETCH AND DESCRIPTION

LEE HEALTH ANNEXATION PARCEL

SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST

LEE COUNTY, FLORIDA



NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS DESCRIBED HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, FIXING THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS S.01°06'31"E.
4. PARCEL CONTAINS 23.12 ACRES, MORE OR LESS.
5. P.O.C. = POINT OF COMMENCEMENT
6. P.O.B. = POINT OF BEGINNING
7. ORI = OFFICIAL RECORDS INSTRUMENT
8. ORB = OFFICIAL RECORDS BOOK
9. DB = DEED BOOK
10. (P) = PER PLAT
11. PG = PAGE
12. F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
13. C.C.R. = CERTIFIED CORNER RECORD
14. N: = NORTHING
15. E: = EASTING
16. PUE = PUBLIC UTILITY EASEMENT
17. TUE = TECHNOLOGY UTILITY EASEMENT
18. LCEC = LEE COUNTY ELECTRIC CO-OPERATIVE
19. R/W = RIGHT-OF-WAY
20. (O/A)
21. AC. = ACRES
22. S.R. = STATE ROAD
23. NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

THIS IS NOT A SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

Mark D. Haines
MARK D. HAINES (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312

DATE SIGNED: 4/4/22

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHNSON
ENGINEERING

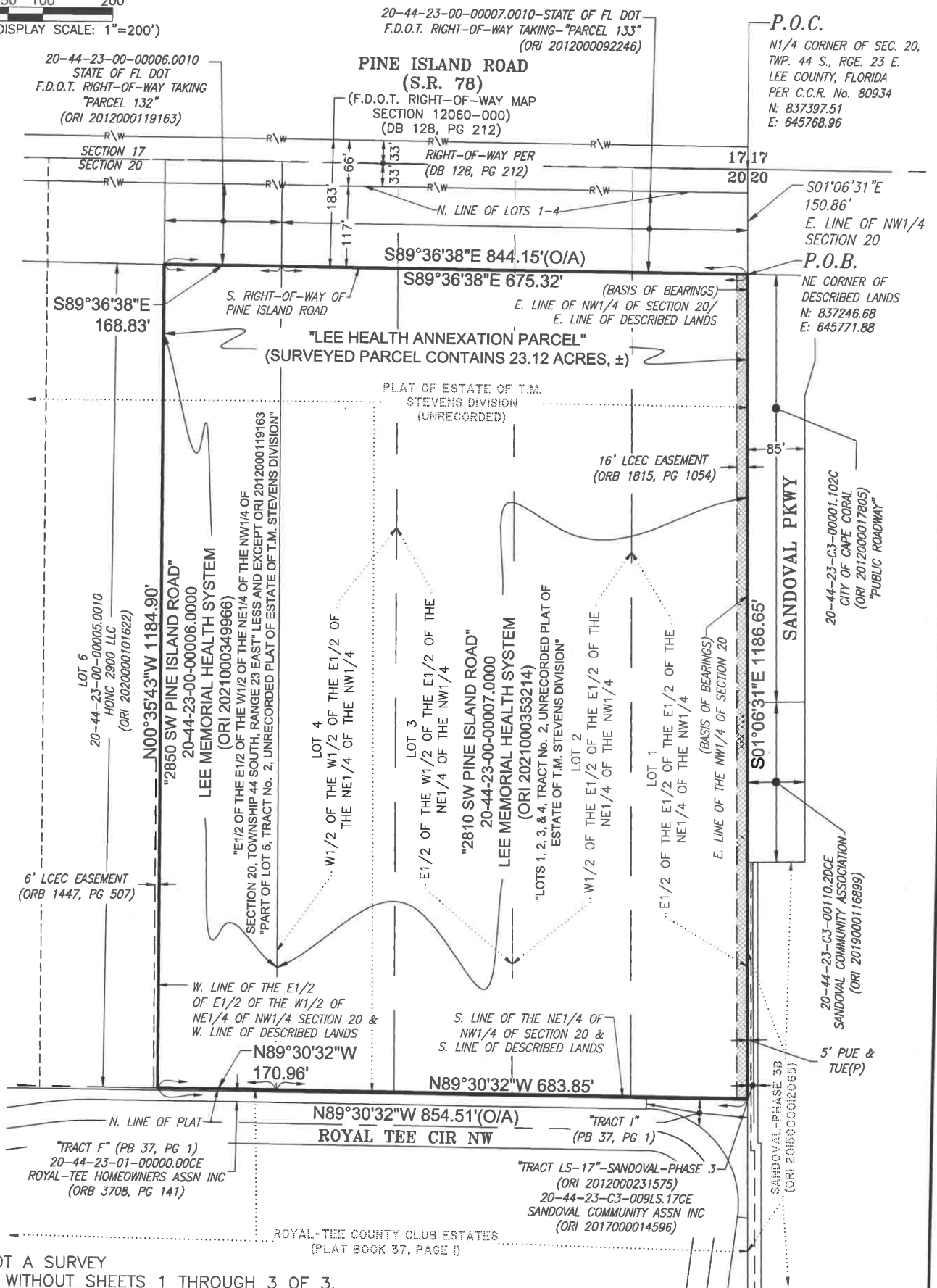
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE HEALTH ANNEXATION PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/30/22	20203033-027	20-44-23	AS SHOWN	1 OF 3

\\fms01\Drawings\2020\20203033-027\Surveying\Sketches\20203033-027 Lee Health Annexation Parcel S&D.dwg (2) MDH Apr 04, 2022 - 10:42am

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(INTENDED DISPLAY SCALE: 1"=200')



*THIS IS NOT A SURVEY
*NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE HEALTH ANNEXATION PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/30/22	20203033-027	20-44-23	AS SHOWN	2 OF 3

DESCRIPTION

"LEE HEALTH ANNEXATION PARCEL"
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000353214, TOGETHER WITH ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000349966 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE-QUARTER (N1/4) CORNER OF SAID SECTION 20; THENCE, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20, S.01°06'31"E., 150.86 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000353214 OF THE AFOREMENTIONED PUBLIC RECORDS AND THE **POINT OF BEGINNING**; THENCE, CONTINUE, ALONG SAID EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE EAST LINE OF SAID DESCRIBED LANDS, S.01°06'31"E., 1,186.65 FEET; THENCE, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, N.89°30'32"W., 683.85 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000349966 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, CONTINUE, ALONG SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, N.89°30'32"W., 170.96 FEET; THENCE, ALONG THE WEST LINE OF THE EAST ONE-HALF (E1/2) OF THE EAST ONE-HALF (E1/2) OF THE WEST ONE-HALF (W1/2) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE WEST LINE OF SAID DESCRIBED LANDS, N.00°35'43"W., 1,184.90 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 132) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000119163 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY AND ALONG THE NORTH LINE OF SAID DESCRIBED LANDS, S.89°36'38"E., 168.83 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000353214 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, CONTINUE, ALONG THE SOUTH RIGHT-OF-WAY OF LINE OF PINE ISLAND ROAD (PARCEL 133) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000092246 OF THE AFOREMENTIONED PUBLIC RECORDS, AND ALONG THE NORTH LINE OF SAID DESCRIBED LANDS, S.89°36'38"E., 675.32 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 23.12 ACRES, MORE OR LESS.

BEARINGS DESCRIBED HEREON ARE FLORIDA STATE PLANE, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, AND BASED ON FIXING THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, WHEREIN SAID EAST LINE BEARS S.01°06'31"E.

*THIS IS NOT A SURVEY

*NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

DESCRIPTION
LEE HEALTH ANNEXATION PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

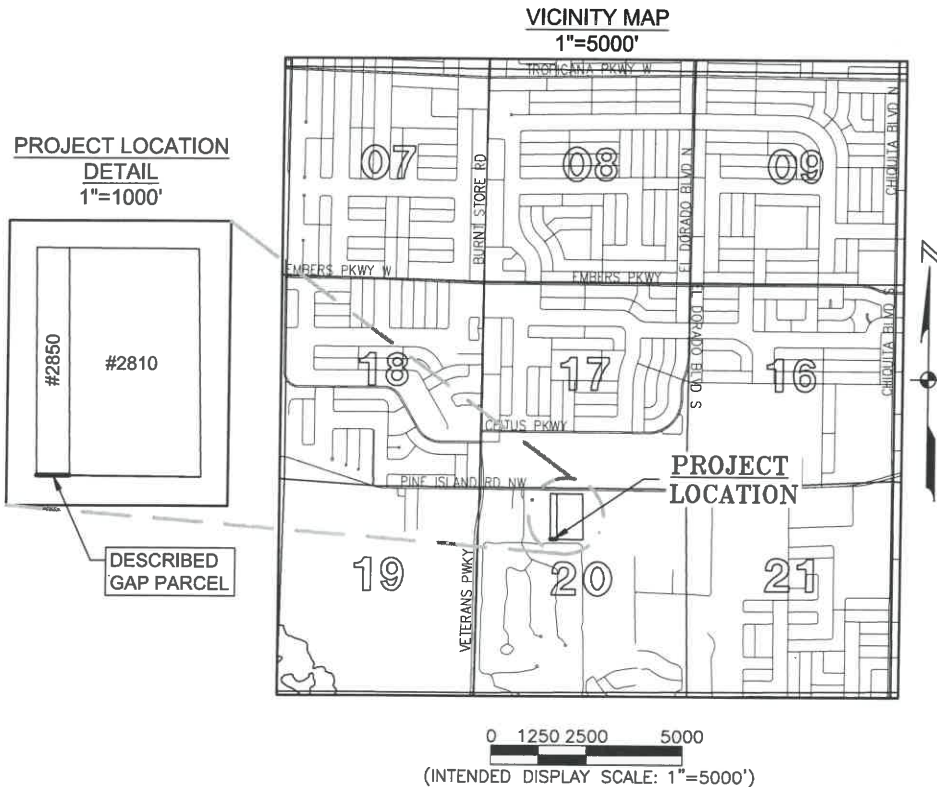
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/30/22	20203033-027	20-44-23	AS SHOWN	3 OF 3

SKETCH AND DESCRIPTION

LEE HEALTH ANNEXATION - WEST GAP PARCEL

SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST

LEE COUNTY, FLORIDA



NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS DESCRIBED HEREON ARE FLORIDA STATE PLANE, WEST ZONE, AND BASED ON FIXING THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, WHEREIN SAID EAST LINE BEARS N.01°06'31"W.
4. PARCEL CONTAINS 539 SQUARE FEET, MORE OR LESS.
5. P.O.C. = POINT OF COMMENCEMENT
6. P.O.B. = POINT OF BEGINNING
7. ORI = OFFICIAL RECORDS INSTRUMENT
8. ORB = OFFICIAL RECORDS BOOK
9. (P) = PER PLAT
10. PG = PAGE
11. LCEC = LEE COUNTY ELECTRIC CO-OPERATIVE
12. DE = DRAINAGE EASEMENT
13. R/W = RIGHT-OF-WAY
14. SQ. FT. = SQUARE FEET
15. S.R. = STATE ROAD
16. NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

THIS IS NOT A SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

Mark D. Haines
MARK D. HAINES (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312

DATE SIGNED: 4/19/22

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

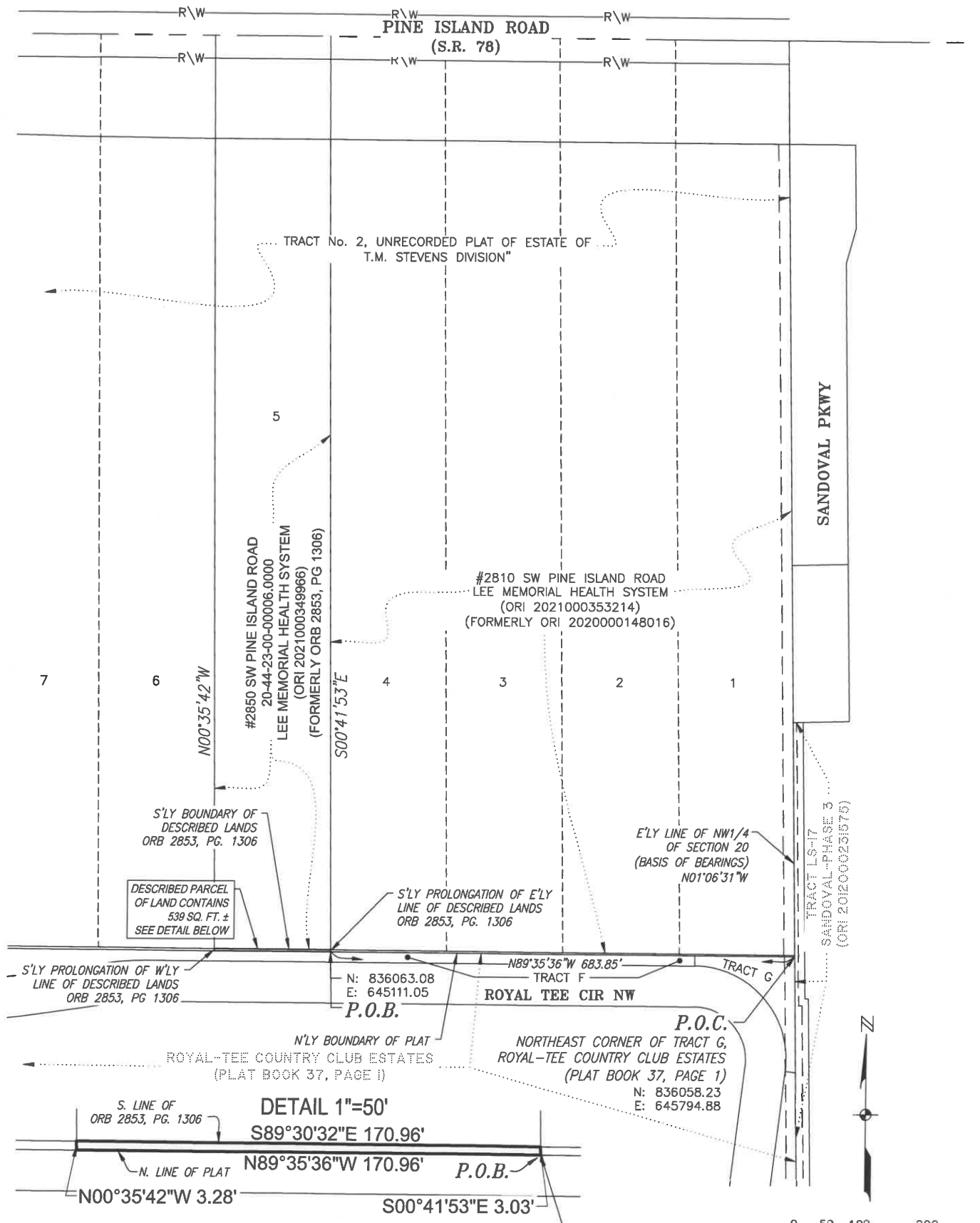
JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE HEALTH ANNEXATION - WEST GAP PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04-11-2022	20203033-027	20-44-23	AS SHOWN	1 OF 3

\\fms01\Drawings\2020\20203033-027\Surveying\Sketches\20203033-027 Lee Health Annexation West Gap Parcel S&D.dwg (2) MDH Apr 13, 2022 - 8:03am



*THIS IS NOT A SURVEY
*NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

0 50 100 200
(INTENDED DISPLAY SCALE: 1"=200')

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JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE HEALTH ANNEXATION - WEST GAP PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04-11-2022	20203033-027	20-44-23	AS SHOWN	2 OF 3

\\fms01\Drawings\2020\20203033-027\Surveying\Sketches\20203033-027 Lee Health Annexation West Gap Parcel S&D.dwg (3) MDH Apr 13, 2022 - 8:04am

LEGAL DESCRIPTION

LEE HEALTH ANNEXATION - WEST GAP PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT G, ACCORDING TO THE PLAT OF ROYAL-TEE COUNTRY CLUB ESTATES, AS RECORDED IN PLAT BOOK 37, AT PAGES 1 THROUGH 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF ROYAL-TEE COUNTRY CLUB ESTATES, N.89°35'36"W., 683.85 FEET TO AN INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2853, PAGE 1306 OF THE AFOREMENTIONED PUBLIC RECORDS AND THE **POINT OF BEGINNING**; THENCE, CONTINUE, ALONG THE AFOREMENTIONED BOUNDARY OF THE PLAT OF ROYAL-TEE COUNTRY CLUB ESTATES, N.89°35'36"W., 170.96 FEET TO AN INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF THE AFOREMENTIONED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2853, PAGE 1036; THENCE, ALONG SAID SOUTHERLY PROLONGATION, N.00°35'42"W., 3.28 FEET; THENCE, ALONG THE SOUTHERLY BOUNDARY OF THE AFOREMENTIONED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2853, PAGE 1036, S.89°30'32"E., 170.96 FEET; THENCE, ALONG THE AFOREMENTIONED SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID DESCRIBED LANDS, S.00°41'53"E., 3.03 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 539 SQUARE FEET, MORE OR LESS.

BEARINGS DESCRIBED HEREON ARE FLORIDA STATE PLANE, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, AND BASED ON FIXING THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, WHEREIN SAID EAST LINE BEARS N.01°06'31"W.

*THIS IS NOT A SURVEY
*NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.



JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE HEALTH ANNEXATION - WEST GAP PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

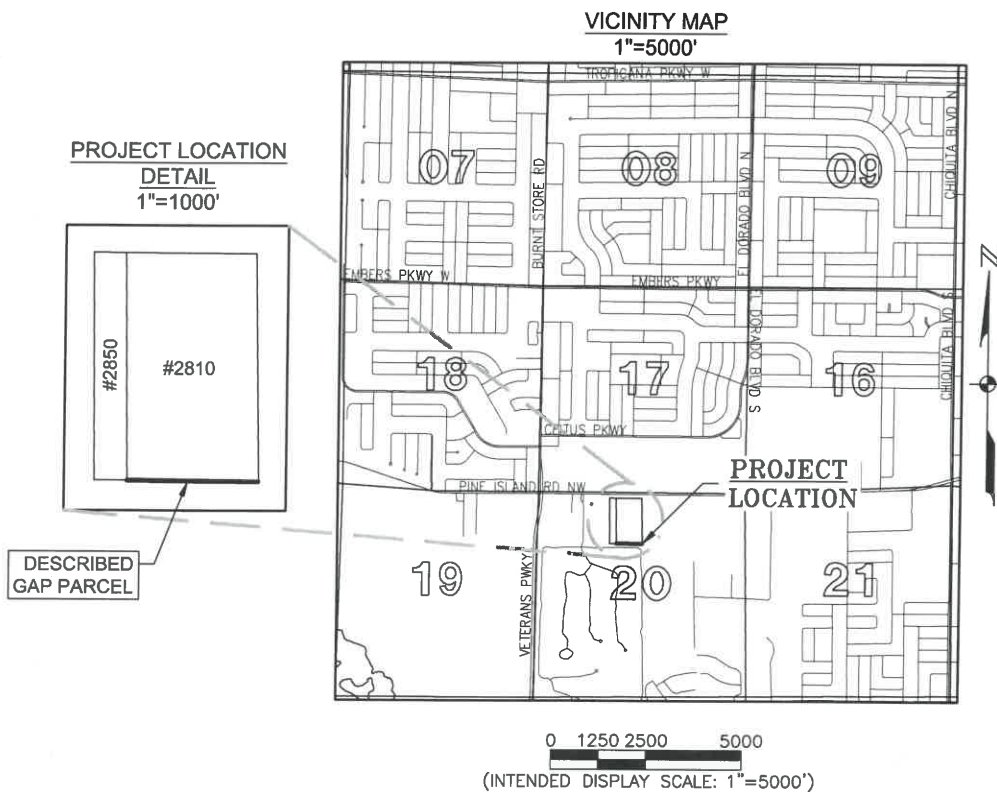
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04-11-2022	20203033-027	20-44-23	AS SHOWN	3 OF 3

SKETCH AND DESCRIPTION

LEE HEALTH ANNEXATION - EAST GAP PARCEL

SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST

LEE COUNTY, FLORIDA



NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS DESCRIBED HEREON ARE FLORIDA STATE PLANE, WEST ZONE, AND BASED ON FIXING THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, WHEREIN SAID EAST LINE BEARS N.01°06'31"W.
4. PARCEL CONTAINS 1,725 SQUARE FEET, MORE OR LESS.
5. P.O.B. = POINT OF BEGINNING
6. ORI = OFFICIAL RECORDS INSTRUMENT
7. ORB = OFFICIAL RECORDS BOOK
8. (P) = PER PLAT
9. PG = PAGE
10. LCEC = LEE COUNTY ELECTRIC CO-OPERATIVE
11. DE = DRAINAGE EASEMENT
12. R/W = RIGHT-OF-WAY
13. SQ. FT. = SQUARE FEET
14. S.R. = STATE ROAD
15. NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

THIS IS NOT A SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 42, FLORIDA STATUTES.

Mark D. Haines
MARK D. HAINES (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312

DATE SIGNED: 4/13/22

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

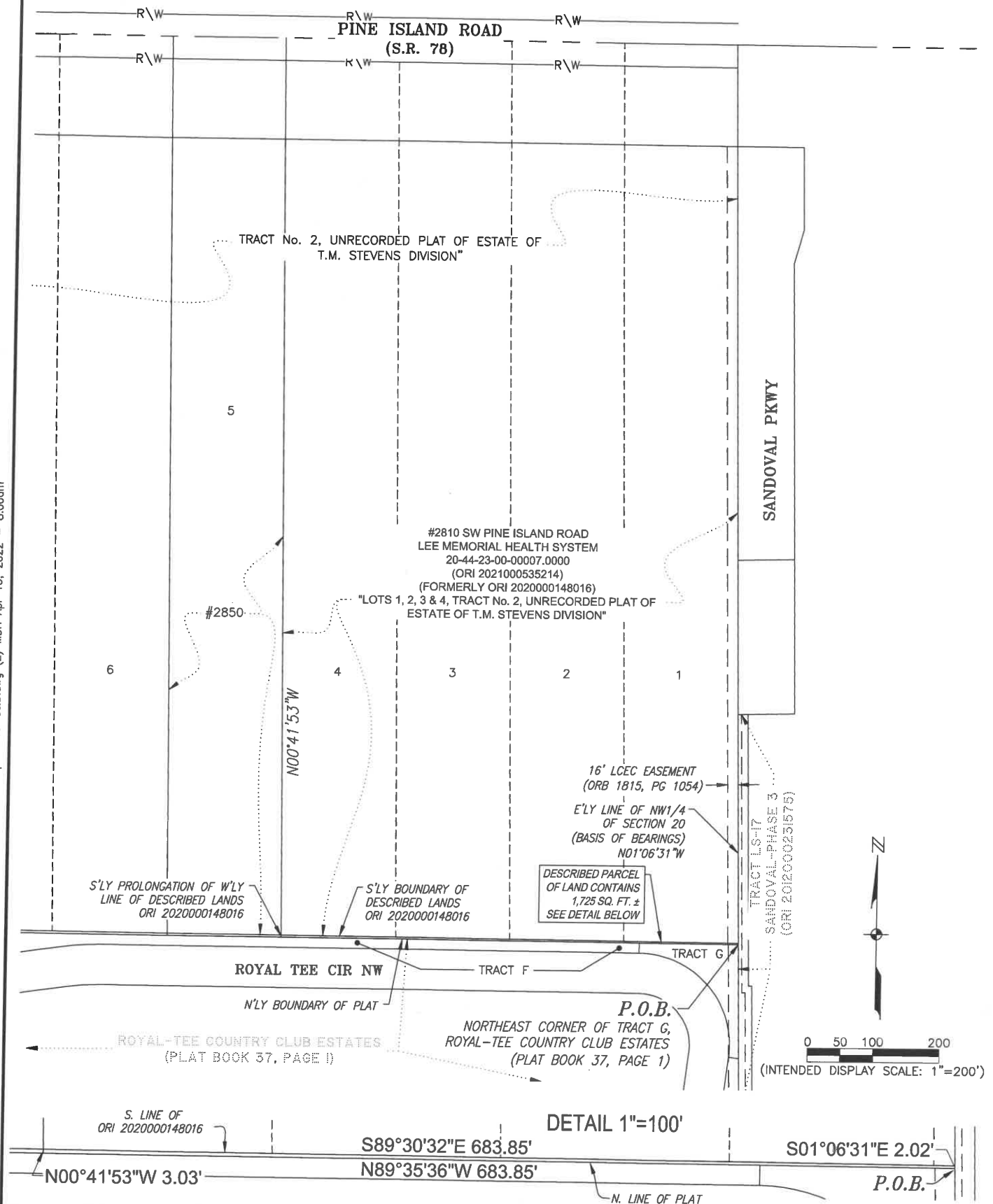
JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE HEALTH ANNEXATION - EAST GAP PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04-13-2022	20203033-027	20-44-23	AS SHOWN	1 OF 3

\\ftms01\Drawings\2020\20203033-027\Surveying\Sketches\20203033-027 Lee Health Annexation East Gap Parcel S&D.dwg (2) MDH Apr 13, 2022 - 8:00am



*THIS IS NOT A SURVEY
*NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE HEALTH ANNEXATION - EAST GAP PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04-13-22	20203033-027	20-44-23	AS SHOWN	2 OF 3

LEGAL DESCRIPTION
LEE HEALTH ANNEXATION - EAST GAP PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT G, ACCORDING TO THE PLAT OF ROYAL-TEE COUNTRY CLUB ESTATES, AS RECORDED IN PLAT BOOK 37, AT PAGES 1 THROUGH 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF ROYAL-TEE COUNTRY CLUB ESTATES, N.89°35'36"W., 683.85 FEET TO AN INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2020000148016 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTHERLY PROLONGATION, N.00°41'53"W., 3.03 FEET; THENCE, ALONG THE SOUTHERLY BOUNDARY OF THE AFOREMENTIONED LANDS DESCRIBED ON OFFICIAL RECORDS INSTRUMENT 2020000148016, S.89°30'32"E., 683.85 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF THE NORTHWEST ONE-QUARTER OF THE AFOREMENTIONED SECTION 20; THENCE, ALONG SAID EASTERLY LINE, S.01°06'31"E., 2.02 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,725 SQUARE FEET, MORE OR LESS.

BEARINGS DESCRIBED HEREON ARE FLORIDA STATE PLANE, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, AND BASED ON FIXING THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, WHEREIN SAID EAST LINE BEARS N.01°06'31"W.

*THIS IS NOT A SURVEY
*NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

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DESCRIPTION
LEE HEALTH ANNEXATION - EAST GAP PARCEL
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

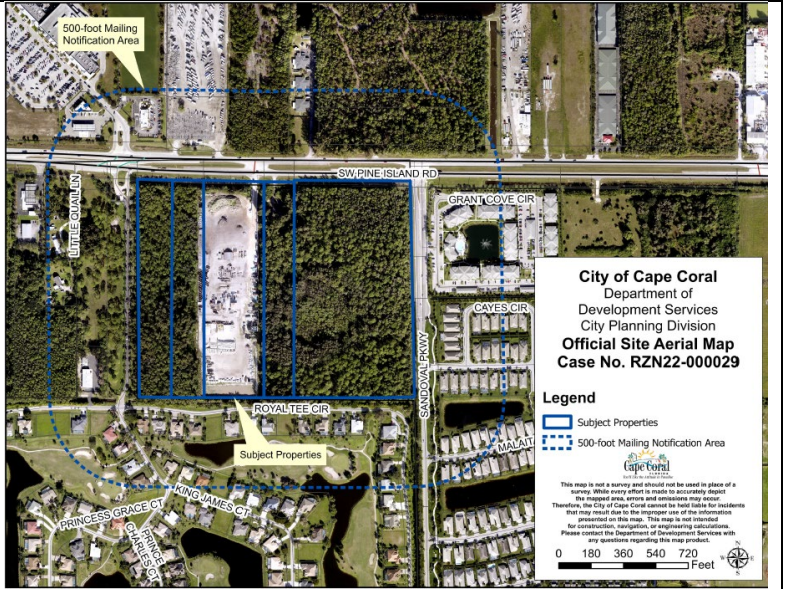
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04-13-2022	20203033-027	20-44-23	AS SHOWN	3 OF 3

\\\\fms01\Drawings\2020\20203033-027\Surveying\Sketches\20203033-027 Lee Health Annexation East Gap Parcel S&D.dwg (3) MDH Apr 13, 2022 - 8:00am

PLANNING DIVISION STAFF REPORT
RZN22-000029

Staff Report prepared by Chad Boyko, AICP, Principal Planner

SITE ADDRESSES 2810 – 3000 SW Pine Island Road	APPLICANT/PROPERTY OWNER Lee Memorial Health System 2900 Honc, LLC 2950 Honc, LLC 3000 Honc, LLC
AUTHORIZED REPRESENTATIVE Johnson Engineering, Inc.	

SUMMARY OF REQUEST The applicant requests a rezone from Agricultural (AG-2), a Lee County designation, to Commercial Corridor (CC) for five parcels totaling 41.7 acres. The site was annexed into the City of Cape Coral in 2022.	
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STAFF RECOMMENDATION: **Approval**

Positive Aspects of Application:	Rezone will allow for commercial uses along a commercial corridor. Site was recently annexed into City of Cape Coral.
Negative Aspects of Application:	There are some single-family homes adjacent and within the surrounding neighborhood.
Mitigating Factors:	Landscaping standards in the LDC should provide buffering between proposed commercial use and residential units.

SITE INFORMATION

Urban Service Area:	The site was recently annexed, and due to the availability municipal utilities, the site is considered to be in the Transition area.
City Water and Sewer:	Sewer is available to the site, while water service is available through Greater Pine Island Water Association.
Street Access:	The site has frontage on Pine Island Road which is classified as a principal arterial. Access from this road is likely to change with future development.
STRAP Numbers:	20-44-23-C1-00004.0000 20-44-23-C1-00005.0000 20-44-23-C1-00005.0010 20-44-23-C1-00006.0000 20-44-23-C1-00007.0000
Block/Lot(s):	The site is not platted within a subdivision.
Site Area:	41.7 acres

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
Current:	Pine Island Road District (PIRD)	Agricultural (AG-2) ¹ (Lee County Designation)
Proposed:	N/A	Commercial Corridor (CC)
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>
North:	PIRD	CC
South:	Rural (Lee County Designation)	AG-2
East:	Rural	AG-2
West:	PIRD	CC

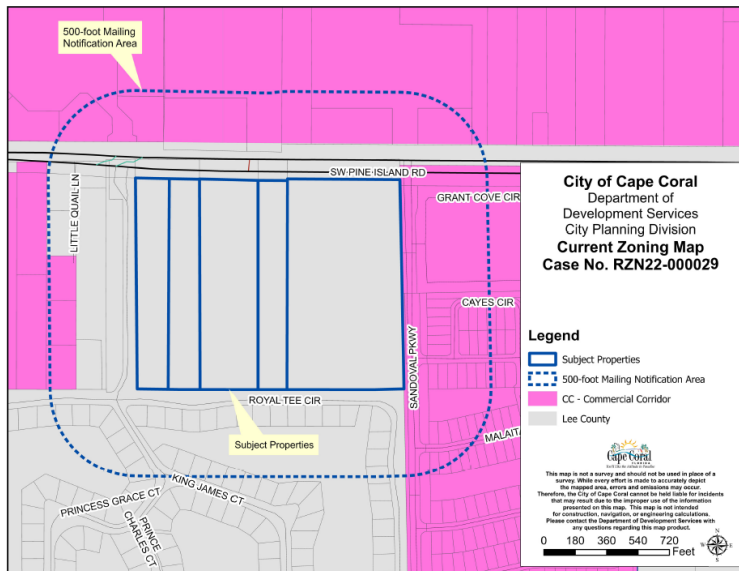
FINDINGS OF FACT

The 41-acre site consists of five parcels that are south of Pine Island Road and east of Veterans Parkway. The site has two owners - Honc, LLC and Lee Memorial Health System. Honc, LLC owns three parcels totaling 18.56 acres, while Lee Memorial Health System owns two parcels totaling 23.12 acres. The site is undeveloped except for one parcel owned by Honc, LLC that is developed with a contractor office along with storage. The site is surrounded by properties already incorporated into the City of Cape Coral to the north and east. Development to the north consists of an assisted living facility, an outdoor storage facility, and a fast food restaurant.

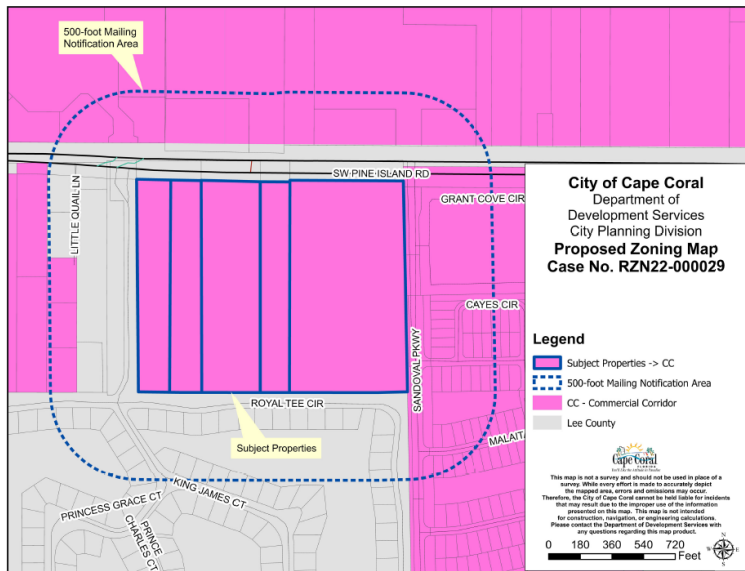
¹ A Lee County zoning designation

The site was annexed into Cape Coral on November 2nd, 2022 via Ordinance 91-22. Per Florida Statutes, any annexed parcels retain their unincorporated county Future Land Use and Zoning designations until the municipality approves changes to both designations. The future land use designation of the site was amended to Pine Island Road District (PIRD) via Ordinance 18-23 on August 3rd, 2022.

EXISTING ZONING MAP



PROPOSED ZONING MAP



ANALYSIS

Land Development Code:

Staff reviewed this application based on the review criteria found in LDC, Section 3.4.6 for evaluating rezones. This application was also reviewed based on the provisions of the Commercial Corridor (CC) district.

1. Whether the proposed zoning district is consistent with the City Comprehensive Plan;

The proposed Commercial Corridor (CC) district will be compatible with the Comprehensive Plan pursuant to the City of Cape Coral adopting the Pine Island Road District (PIRD) for the site. The CC zoning district is the only district that is consistent with the PIRD future land use designation.

2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;

The CC District allows a wide variety of non-residential uses such as retail, office, restaurant, and some light manufacturing. The CC district also allows multi-family residential with a minimum parcel size and a minimum density. The site does not meet the minimum size standard to be developed with multi-family units.

The area to the south is within undeveloped Lee County and is developed with a single-family subdivision. The areas to the east, west, and north are within City of Cape Coral and are developed some large commercial developments or multi-family housing.

The majority of the uses in the CC district should be compatible with the surrounding area. The Pine Island Road corridor has been developed with a variety of uses including multi-family residential, commercial, and light industrial. There could be some adverse effects on the single-family homes south of the site depending on the future development of the site. Impacts such as vehicular trips, noise, and light vary between businesses. The CC district does allow some light industrial uses, however, these uses must be approved through a special exception that would allow for conditions to be placed on the development. The CC district also has landscape buffering standards that should assist with compatibility for the residential uses to the south.

3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;

The uses allowed in the CC district are similar to uses that are present along the length of Pine Island Road. Office, big box retail, restaurants (fast-food and sit-down), personal and professional services, and light industrial. The site is unique because the site was recently annexed into Cape Coral and is still bordered by property within unincorporated Lee County on one side. The existing single-family homes nearby could experience some adverse impacts from the proposed CC zoning, however, there is already a substantial amount of commercial development nearby. There is noise and traffic that is generated from the nearby large commercial developments. The remainder of the proposed uses in the surrounding area are likely to be similar to other development already constructed within the Pine Island Road corridor.

4. Whether the proposed zoning district will serve a community need or broader public purpose;

The City of Cape Coral has a well-documented need for non-residential and multi-family residential housing. The rezone to CC, along with the future land use amendment to PIRD, will result in development of non-residential or multi-family uses. Single-family homes are not an allowed use in the CC district. The site is large enough to accommodate a quality commercial or mixed-use development on the portions of the site that are undeveloped.

5. *The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and*

The site is a over 40 acres in size and has frontage along a principal arterial. The site is suitable for a wide range of uses including office, retail, restaurant, or light industrial. The CC zoning district would allow those uses as either permitted uses, special exceptions, or conditional uses, depending on final development. The site will also allow for a mixed-use development that can provide needed multi-family units along with non-residential development.

6. *Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.*

According to Policy 1.15 of the Comprehensive Plan, the only conventional zoning district that is compatible with the Pine Island Road District (PIRD) future land use designation is the CC district. Planned Unit Developments (PUD) are also allowed within the PIRD designation.

Comprehensive Plan:

The following Comprehensive Plan policy is applicable to ZA21-0012:

Chapter 4 Future Land Use Element, Policy 1.15.L, Pine Island Road District (PIRD):

The PIRD future land use designation provides criteria to determine if a site is a good candidate for a rezone to Commercial Corridor. The criteria are listed and analyzed below:

1. Does the property abut an existing and developed corridor zoned area?

Staff Response: The site abuts CC zoned parcels to the east that are developed with multi-family housing.

2. Does the property abut corridor-zoned area on two sides or more?

Staff Response: The site only abuts Corridor zoned property on one side.

3. Is the property part of a larger tract, a portion of which is already zoned Corridor?

Staff Response: The property is not part of a large tract that is already zoned Commercial Corridor, although, staff note that the site was recently annexed into Cape Coral.

4. Is the parcel a large-lot assemblage of three or more acres?

Staff Response: The site is five parcels that exceeds three acres.

5. Does the property front Pine Island Road on at least 180 feet?

Staff Response: The site has over 1,500 feet of frontage along Pine Island Road.

ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS

The rezone is supported by the City Economic Development Master Plan. The site is not within an Economic Opportunity Area, however, the rezone will ensure that commercial or mixed-use development is built in the future.

PUBLIC NOTIFICATION

This case will be publicly noticed as required by LUDR, Section 8.3.2.A and 8.3.4 as further described below.

Publication: A display ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to amend the land use of the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Cape Coral Hearing Examiner. Following the public hearing before the Commission, the display ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council. The display ads will not be published in the legal section of the *News-Press*.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to vacate will receive written notification of the scheduled public hearing. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

Posting of a Sign: A sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the land use amendment request.

RECOMMENDATION

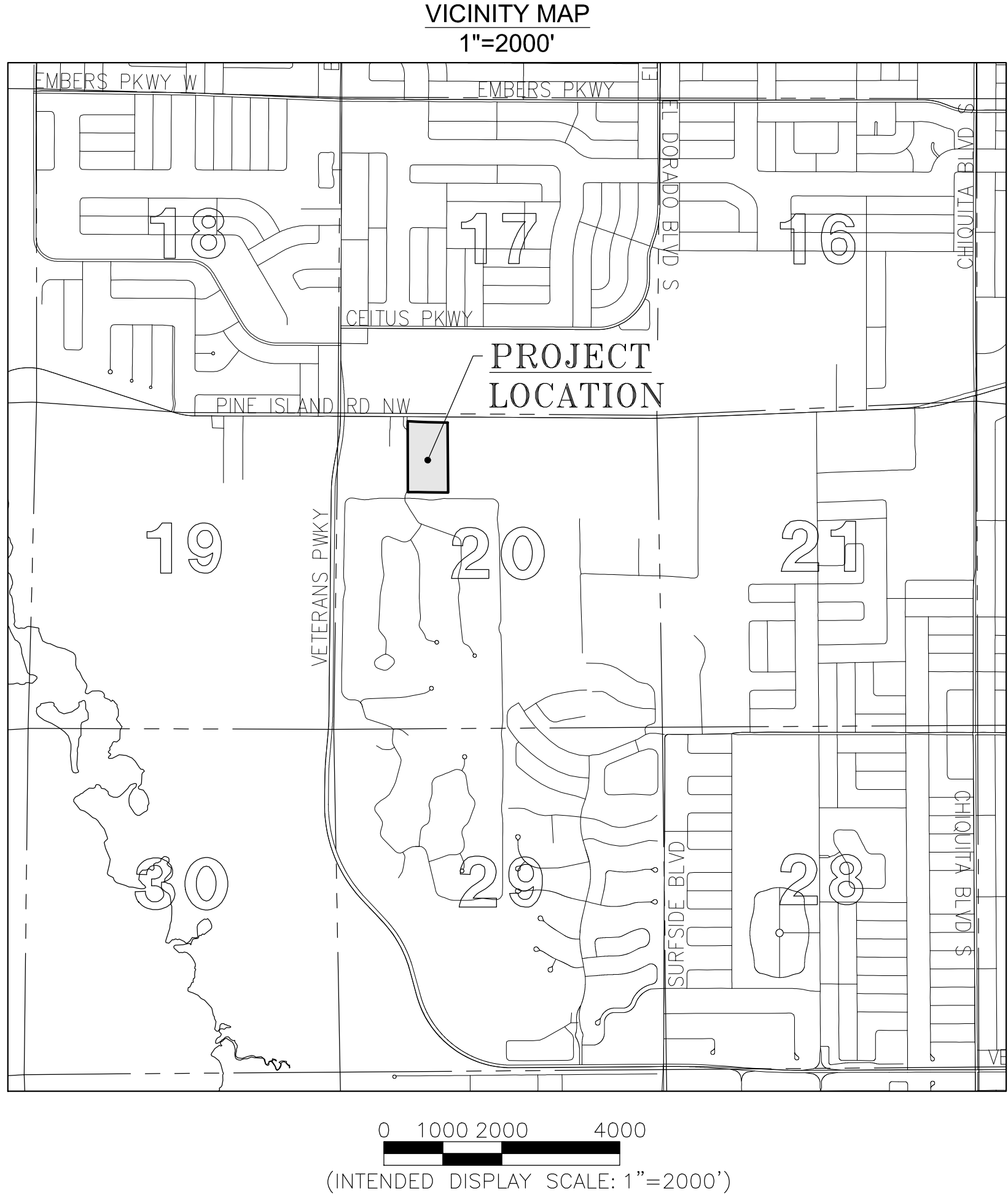
Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed rezone to Commercial Corridor (CC) zoning is consistent with the Comprehensive Plan, the Land Use and Development Regulations, and is compatible with the surrounding area, therefore, Planning Division staff recommends **approval** of the rezone request.

DATE	DESCRIPTION
03/23/22	
20225023-000	PROJECT NO.
20-44-23	FILE NO.
AS SHOWN	SCALE:

BOUNDARY SURVEY
FOR
"HONC PARCELS"
"2900 SW PINE ISLAND ROAD"(EAST PARCEL)
STRAP No. 20-44-23-00-00005.0010
(OFFICIAL RECORDS INSTRUMENT No. 2015000193620)
"2950 SW PINE ISLAND ROAD"(MIDDLE PARCEL)
STRAP No. 20-44-23-00-00005.0000
(OFFICIAL RECORDS INSTRUMENT No. 2021000199803)
"3000 SW PINE ISLAND ROAD"(WEST PARCEL)
STRAP No. 20-44-23-00-00004.0000
(OFFICIAL RECORDS INSTRUMENT No. 2021000202692)
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
LYING IN
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOTES:

- DATE OF LAST FIELDWORK: MARCH 23, 2022
- COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
- BEARINGS SHOWN HEREON ARE STATE PLANE AND BASED ON FIXING THE EAST LINE OF THE WEST ONE-HALF (W1/2) OF THE EAST ONE-HALF (E1/2) OF THE WEST ONE-HALF (W1/2) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS S.00°39'43"E.
- SURVEYED PARCEL IS IN F.E.M.A. FLOOD ZONE AE (EL. 8') AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S DIGITAL FLOOD INSURANCE RATE MAP NUMBER 12071C0245 F, EFFECTIVE DATE: AUGUST 28, 2008. THE ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS WERE NOT LOCATED AS A PART OF THIS SURVEY.
- THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
- NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED. THIS SURVEY DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.
- THIS SURVEY DOES NOT DETERMINE PROPERTY OWNERSHIP OR PROPERTY RIGHTS. THIS SURVEY LOCATED THE BOUNDARY IN ACCORDANCE WITH AND IN RELATION TO THE LEGAL DESCRIPTION.
- ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
- THE GAPS ALONG THE SOUTH AND WEST PARCEL BOUNDARIES ARE A RESULT OF THE DIFFERENCE BETWEEN THE RE-SURVEYED NORTH AND EAST LINES THE PLAT OF ROYAL TEE AND THE BREAKDOWN OF THE NORTHWEST ONE-QUARTER OF SECTION 20 BASED ON HISTORICAL RECORDS AND FOUND MONUMENTATION.
- SURVEYED PARCEL CONTAINS 18.56 ACRES, MORE OR LESS.
- THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. A TITLE COMMITMENT AND/OR ABSTRACT OF TITLE WAS NOT PROVIDED TO THE SURVEYOR.



DESCRIPTION
(OVERALL PARCEL – BY SURVEYOR)

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2015000193620, TOGETHER WITH ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000199803, AND TOGETHER WITH ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000202692 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE-QUARTER (N1/4) CORNER OF SAID SECTION 20; THENCE, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20, S.01°06'31"E., 150.86 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 133) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000092246 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 133), N.89°36'38"W., 675.32 FEET; THENCE, ALONG THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 132) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000119163 OF THE AFOREMENTIONED PUBLIC RECORDS, N.89°36'38"W., 168.83 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2015000193620 OF THE AFOREMENTIONED PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE, ALONG THE EAST LINE OF THE WEST ONE-HALF (W1/2) OF THE EAST ONE-HALF (E1/2) OF THE WEST ONE-HALF (W1/2) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE AFOREMENTIONED SECTION 20 AND ALONG THE EAST LINE OF SAID DESCRIBED LANDS, S.00°35'43"E., 1,184.90 FEET; THENCE, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, N.89°30'32"W., 341.93 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000199803 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, CONTINUE, ALONG SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, N.89°30'32"W., 170.96 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000202692 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, N.89°30'32"W., 170.96 FEET; THENCE, ALONG THE WEST LINE OF THE EAST ONE-HALF (E1/2) OF THE EAST ONE-HALF (E1/2) OF THE EAST ONE-HALF (E1/2) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 20 AND ALONG THE WEST LINE OF SAID DESCRIBED LANDS, N.00°11'01"W., 1,201.64 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 130) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 201200008496 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY AND THE NORTH LINE OF SAID DESCRIBED LANDS, ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH HAVING FOR ITS ELEMENTS A RADIUS OF 11546.13 FEET, A CENTRAL ANGLE OF 00°50'21", A CHORD OF 169.10 FEET, A CHORD BEARING OF S.86°49'28"E., AN ARC OF 169.10 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000199803 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 130) AND THE NORTH LINE OF SAID DESCRIBED LANDS, ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH HAVING FOR ITS ELEMENTS A RADIUS OF 11546.13 FEET, A CENTRAL ANGLE OF 00°50'19", A CHORD OF 168.99 FEET, A CHORD BEARING OF S.87°39'48"E., AN ARC OF 168.99 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2015000193620 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, CONTINUE, ALONG THE SOUTH RIGHT-OF-WAY OF PINE ISLAND ROAD (PARCEL 131) AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2012000141788 OF THE AFOREMENTIONED PUBLIC RECORDS AND THE NORTH LINE OF SAID DESCRIBED LANDS FOR THE FOLLOWING TWO (2) COURSES:

- ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH HAVING FOR ITS ELEMENTS A RADIUS OF 11,546.13 FEET, A CENTRAL ANGLE OF 01°31'40", A CHORD OF 307.89 FEET, A CHORD BEARING OF S.88°50'48"E., AN ARC OF 307.90 FEET;
- S.89°36'38"E., 29.86 FEET

TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 808,593 SQUARE FEET OR 18.56 ACRES, MORE OR LESS.

DESCRIPTION
(PER DEEDS)

(EAST PARCEL)
(PER ORI 2015000193620)
THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, AND THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, SAID LANDS SITUATE, LYING AND BEING IN LEE COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR PINE ISLAND ROAD

LESS AND EXCEPT THAT PORTION OF THE PROPERTY CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED RECORDED JUNE 27, 2012 AT INSTRUMENT #2012000141788.

(MIDDLE PARCEL)
(ORI 2021000199803)
THE WEST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, LESS AND EXCEPT THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 201200008496, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

(WEST PARCEL)
(ORI 2021000202692)
THE EAST 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, LESS AND EXCEPT THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 201200008496, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS SURVEY IS ONLY FOR THE BENEFIT OF:

HONC 3000, LLC
HONC 2950, LLC
HONC 2900, LLC

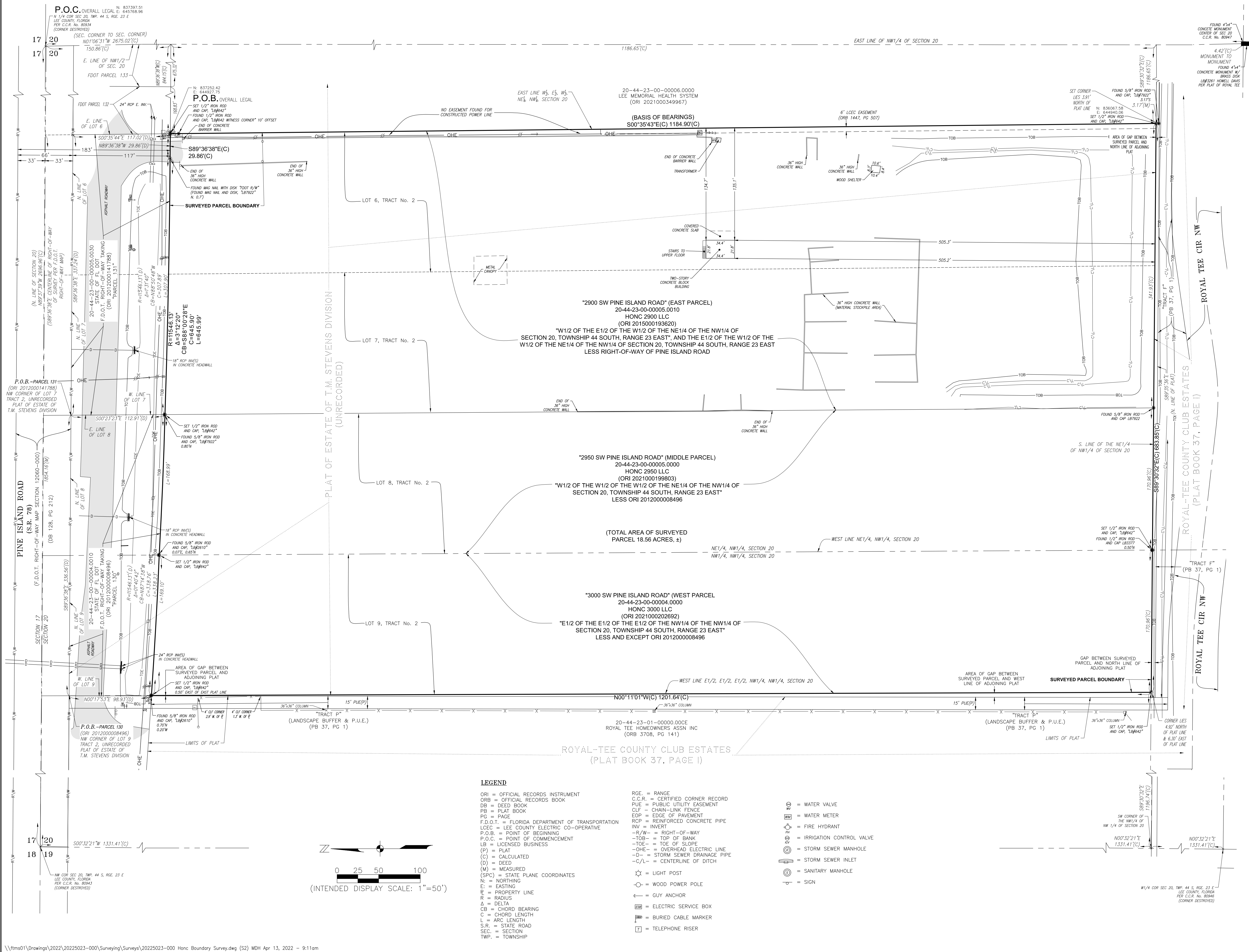
NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

MARK A. HAINES (FOR THE FIRM L.B. #642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312

DATE: APRIL 13, 2022
SIGNED:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS CERTIFICATION IS TO THE DATE OF LAST FIELD WORK AS SHOWN IN NOTE 1 AND NOT THE SIGNATURE DATE.



JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0946
FAX: (239) 334-3661
E.B. #642 & L.B. #642

BOUNDARY SURVEY

"HONC PARCELS"
"2900 SW PINE ISLAND ROAD" - STRAP No. 20-44-23-00-00005.0010
(OFFICIAL RECORDS INSTRUMENT No. 2015000193620)
"2950 SW PINE ISLAND ROAD" - STRAP No. 20-44-23-00-00005.0000
(OFFICIAL RECORDS INSTRUMENT No. 2021000199803)
"3000 SW PINE ISLAND ROAD" - STRAP No. 20-44-23-00-00004.0000
(OFFICIAL RECORDS INSTRUMENT No. 2021000202692)
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
LYING IN
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

REVISIONS
DESCRIPTION
DATE

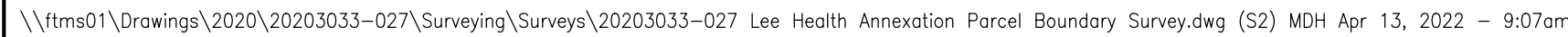
DATE: 03/23/22
PROJECT NO. 20225023-000
FILE NO. 20-44-23
SCALE: 1"=50'

BOUNDARY
DETAIL

SHEET NUMBER
2 OF 2

JOHNSON ENGINEERING	
JOHNSON ENGINEERING, INC. 2122 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE: (239) 334-0046 E.B. #642 & L.B. #642	
BOUNDARY SURVEY	
REVISIONS	
DATE:	02/23/22
PROJECT NO.	20203033-027
FILE NO.	20-44-23
SCALE:	AS SHOWN
COVER SHEET	
SHEET NUMBER	
1 OF 2	
LEE HEALTH RECREATION PARK LEE HEALTH RECREATION PARK "2810 SW PINE ISLAND ROAD"- STRAP No. 20-44-23-00-00007.0000 (OFFICIAL RECORDS INSTRUMENT No. 2021000353214) AND "2850 SW PINE ISLAND ROAD"- STRAP No. 20-44-23-00-00006.0000 (OFFICIAL RECORDS INSTRUMENT No. 2021000349966) PUBLIC RECORDS OF LEE COUNTY, FLORIDA LYING IN SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA	

\\ftms01\Drawings\2020\20203033-027\Surveying\Surveys\20203033-027 Lee Health Annexation Parcel Boundary Survey.dwg (S1) MDH Apr 13, 2022 - 9:06am

2 OF 2

500-foot Mailing Notification Area

SW PINE ISLAND RD

LITTLE QUAIL LN

GRANT COVE CIR

CAYES CIR

ROYAL TEE CIR

Subject Properties

SANDOVAL PKWY

MALAIT



PRINCESS GRACE CT

CHARLES CT

KING JAMES CT

City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. RZN22-000029

Legend

-  Subject Properties
-  500-foot Mailing Notification Area

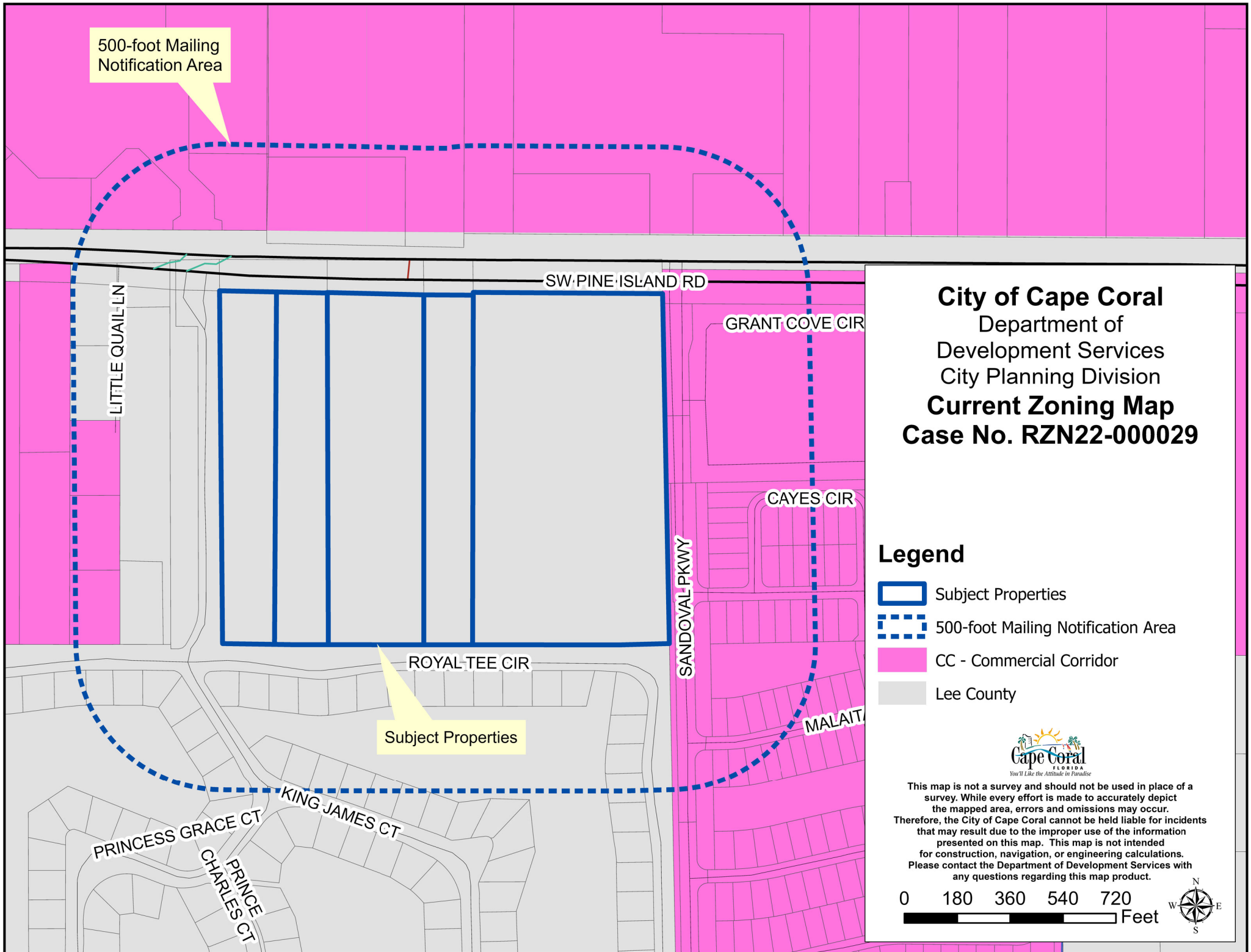


This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation, or engineering calculations. Please contact the Department of Development Services with any questions regarding this map product.

0 180 360 540 720 Feet



500-foot Mailing Notification Area



City of Cape Coral
Department of
Development Services
City Planning Division
Current Zoning Map
Case No. RZN22-000029

Legend

-  Subject Properties
-  500-foot Mailing Notification Area
-  CC - Commercial Corridor
-  Lee County

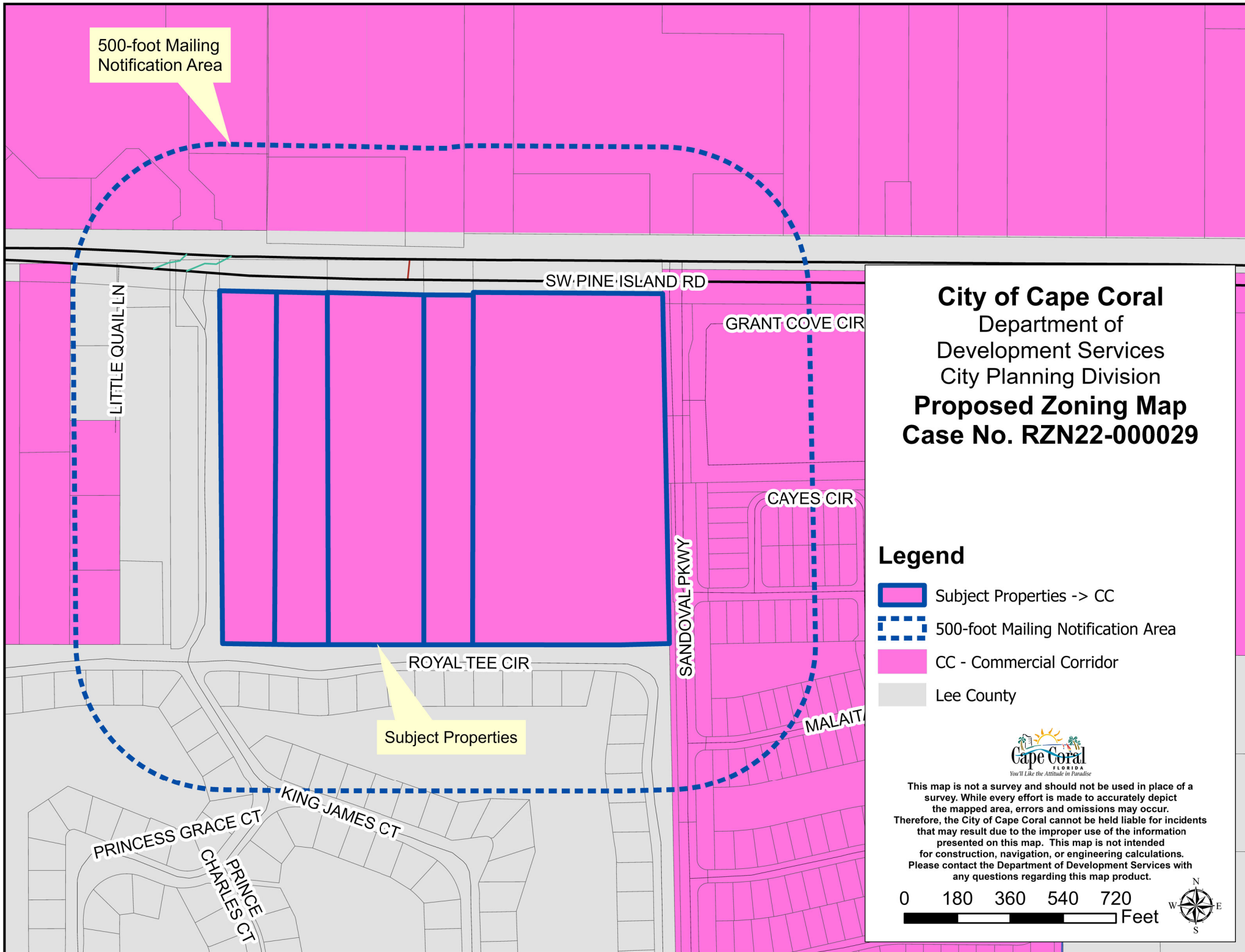


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0 180 360 540 720 Feet



500-foot Mailing Notification Area



City of Cape Coral
Department of
Development Services
City Planning Division
Proposed Zoning Map
Case No. RZN22-000029

Legend

-  Subject Properties -> CC
-  500-foot Mailing Notification Area
-  CC - Commercial Corridor
-  Lee County



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 Development Services with any questions regarding this map product.

0 180 360 540 720 Feet





AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.B.
Meeting Date:	5/16/2023
Item Type:	HEARINGS

TITLE:

Case#: VAC22-000034*; Address: 5414 & 5418 SW 3rd Avenue; Applicant: Mark and Valerie Prusaitis

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

This vacation was initiated by the owners of property at 5418 SW 3rd Avenue. The owners plan to construct a new home on the site. They are requesting to vacate 2,000 square feet of street right-of-way and 708 square feet of platted easements on a hammerhead cul-de-sac between their property and 5414 SW 3rd avenue. The vacation will enlarge the area of both properties. The vacation will provide the owners of 5418 SW 3rd Avenue with greater flexibility in designing and constructing a new single-family home on the site. Underlying easements in the vacated right-of-way will be retained by the city.

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:

Juan Guerra, Interim Director of Development Services, 573-3050

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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

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) <input checked="" type="checkbox"/>	Century Link (Telephone) <input checked="" type="checkbox"/>	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.



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Fax (239) 574-0591
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Cape Coral, FL 33915-0027

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: <u>Mark and Valerie Prusaitis</u>	
Location/Address <u>5418 SW 3rd Ave, Cape Coral, FL 33914</u>	
Strap Number <u>14-45-23-C3-00188.0410</u>	Unit <u>3</u> Block <u>188</u> Lot (s) <u>41&42</u>
Strap Number <u>14-45-23-C3-00188.0430</u>	Unit <u>3</u> Block <u>188</u> Lot (s) <u>43&44</u>
Plat Book <u>12</u> Page <u>77</u>	Future Land Use <u>SF</u> Current Zoning <u>R1</u>
PROPERTY OWNER (S) INFORMATION	
Owner <u>Mark and Valerie Prusaitis</u>	Address <u>38044 Seaway CT</u>
Phone _____	City <u>Harrison Township</u>
Email _____	State <u>MI</u> Zip <u>48045</u>
Owner <u>Holly Steeves and David Little</u>	Address <u>10800 Stroganof Dr.</u>
Phone _____	City <u>Anchorage</u>
Email _____	State <u>AK</u> Zip <u>99507</u>
APPLICANT INFORMATION (If different from owner)	
Applicant <u>Mark and Valerie Prusaitis</u>	Address <u>see above</u>
Phone _____	City _____
Email _____	State _____ Zip _____
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative <u>Scott J. Hertz</u>	Address <u>2222 Second Street</u>
Phone <u>239-791-7950</u>	City <u>Fort Myers</u>
Email <u>shertz@lawdefined.com</u>	State <u>FL</u> Zip <u>33901</u>



DEPARTMENT OF DEVELOPMENT SERVICES
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Cape Coral, FL 33915-0027

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)

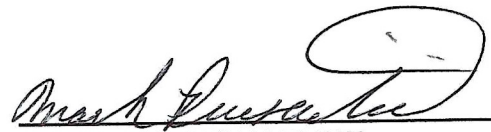
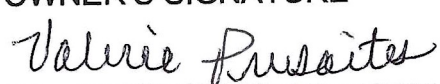
The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

CORPORATION/COMPANY NAME (IF APPLICABLE)

Mark Prusatis
OWNER'S NAME (TYPE OR PRINT)

Valerie Prusatis
OWNER'S NAME (TYPE OR PRINT)

APPLICANT NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

OWNER'S SIGNATURE

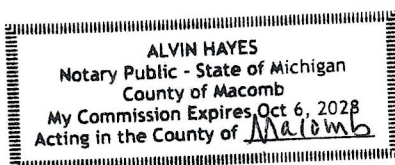
APPLICANT SIGNATURE

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~~ MI

COUNTY OF ~~Lee~~ Macomb


Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of January, 2023 by Mark and Valerie Prusatis who is personally known to me or produced Michigan Driver License as identification.



Exp Date: 10/6/2028 Commission Number: _____

Signature of notary Public: _____

Printed Name of Notary Public: _____


Alvin Hayes



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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.

CORPORATION/COMPANY NAME (IF APPLICABLE)

Mark Prusaitis

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

Valerie Prusaitis

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

Scott Hertz, Esq. - attorney for owners

APPLICANT NAME (TYPE OR PRINT)

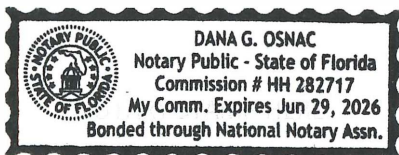
APPLICANT SIGNATURE

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 1st day of December, 2022 by Scott Hertz who is personally known to me or produced _____ as identification.



Exp Date: 6/29/2026 Commission Number: HH 282717

Signature of notary Public:

Printed Name of Notary Public:

[Signature]
Dana G. Osnac



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Fax (239) 574-0591
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Cape Coral, FL 33915-0027

Not required as authorized representative Scott Hertz is a licensed Florida attorney
AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT _____
(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 _____

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

PROPERTY OWNER (Please Print) _____

PROPERTY OWNER (Signature & title) _____

PROPERTY OWNER (Please Print) _____

PROPERTY OWNER (Signature & title) _____

STATE OF _____

COUNTY OF _____

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

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
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 1st Day of December, 2022.

CORPORATION/COMPANY NAME

Scott Hertz, as attorney for owners
OWNER'S NAME (TYPE or PRINT)

[Signature]
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 1st day of December, 2022 by Scott Hertz who is personally known to me or produced _____ as identification.

Exp Date: 6/29/2026 Commission Number: HH 282 717

NOTARY STAMP HERE

Signature of notary Public:

Printed Name of Notary Public:

[Signature]
Dana G. Osnac



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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.

Scott Hertz, attorney for owners

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

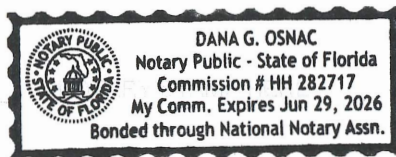

OWNER/APPLICANT SIGNATURE

(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 1st day of December, 2022 by Scott Hertz who is personally known to me or produced _____ as identification.



Exp Date: 6/29/2026 Commission Number: HH 282717

Signature of Notary Public: 

Printed Name of Notary Public: Dana G. Osnac



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 show 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.



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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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.



Aloia, Roland, Lubell & Morgan, PLLC
2222 Second Street
Fort Myers, FL 33901

Phone: (239) 791-7950
Facsimile: (239) 791-7951
shertz@lawdefined.com

December 1, 2022

Mike Struve
City of Cape Coral
Planning Division
1015 Cultural Park Boulevard
Cape Coral, FL 33990
Email: mstruve@capecoral.net

VIA EMAIL ONLY

Re: Vacation of Plat - 5418 SW 3rd Ave, Cape Coral, FL 33914
– Mark and Valerie Prusaitis

Dear Mr. Struve:

As you are aware, my client is applying for a vacation of plat related to the ROW to remove an unused “hammerhead” ending of the street with the City of Cape Coral. This vacation will affect 5418 SW 3rd Ave, Cape Coral, FL 33914 and 5414 SW 3rd Ave. Cape Coral, FL. We are requesting the right-of-way between lots 41-42 and 43-44 of Block 188 in Unit 3 of Plat Book 12 Pg 77 be vacated and split between those parcels as depicted. The proposed area is not in active use by the City as right-of-way. The resulting condition will match what has been done on similar streets in this area of the City, and will not impact any of the current services, such as waste and recycling pickup that are currently being provided to residents SW 3rd Ave. The City does have some stormwater utilities in that area, but they will not be impacted by the vacation because the underlying easements will remain. This will provide for the existing catch basin and pipe in that area. The owners of lots 43&44 Holly Steeves and David Little have agreed with the requested vacation of the ROW, and understand they will receive a deed to the portion of land adjacent to their property.

Please find enclosed with this letter drawings and descriptions depicting the vacations and creations of easements, per the understanding we have of City Staff’s comments regarding similar vacations.

Vacating the requested land will return this land to the tax rolls and improve the City by enabling full development of these parcels, thus increasing the value of the land and taxable income to the City. As the easements are being maintained, and we have not recieved objections from any of the utilities, there will no negative impact to the City or any of the adjoining/ neighboring properties. The current right-of-way design has been vacated in similar areas many times, and the requested vacations will improve the use of the land without causing any detrimental effects.

Mike Struve
Page 2
December 1, 2022

As discussed with you and Mr. Vincent Cautero we have received letters of no objection from LCEC and Century Link, but not have not been able to get any response from Comcast, despite our repeated efforts to do so since July 2022. As a result, Mr. Cautero has authorized us to submit this application prior to receiving a response from Comcast. We will continue to follow up with Comcast and attempt to get a response regarding this request. We have uploaded the requested documents set forth in the application packet and look forward to working with the City to accomplish this vacation.

Sincerely,

ALOIA ROLAND LUBELL & MORGAN, PLLC

A handwritten signature in black ink, appearing to read "Scott J. Hertz". The signature is fluid and cursive, with the first name "Scott" and last name "Hertz" clearly distinguishable.

Scott J Hertz, Esq.
For the Firm

SJH/do
cc:

Prepared by and Return To:
Marcy McKamey
Assured Title Services, LLC
1103 Cape Coral Pkwy. E, Suite A
Cape Coral, Florida 33904
File No: CC2018-008
Parcel ID#14-45-23-C3-00188.0410
Consideration \$390,000.00

WARRANTY DEED

THIS DEED, made effective as of February 22, 2018 , between

Linda G. Potter, a married woman and Deborah G. Warrell, a married woman, whose address is 16004 Shinnecock Drive, Odessa, Florida 33556, first party (Grantor), and

Mark Edward Prusaitis and Valerie Ann Prusaitis, husband and wife, whose address is 38044 Seaway Court, Harrison Township, Michigan 48045, second party (Grantee);

WITNESSETH, that Grantor, for and in consideration of the sum of 10.00, and other valuable consideration to Grantor in hand paid by Grantee, the receipt of which is acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms, unto Grantee and Grantee's heirs, executors, administrators, and assigns forever the following described land situate in Lee County, State of Florida:

Lots 41 and 42, Block 188, CAPE CORAL SUBDIVISION, UNIT 3, according to plat thereof as recorded in Plat Book 12, Pages 70 through 80, of the Public Records of Lee County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

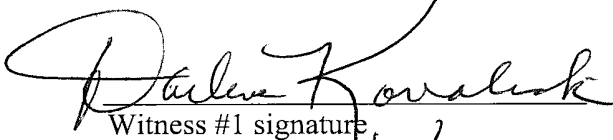
TO HAVE AND TO HOLD, the same in fee simple forever.

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 covenants, reservations, restrictions and easements of record and taxes accruing for the current year and all subsequent years.

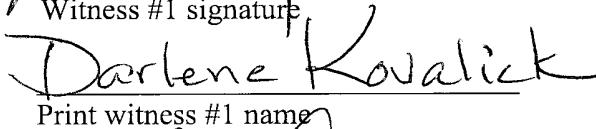
Said property is not Grantor's Homestead property nor is said property contiguous to Grantor's Homestead. Grantor resides at 16004 Shinnecock Drive, Odessa, Florida 33556.

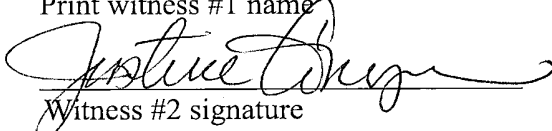
IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

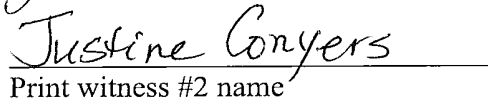
Signed, sealed and delivered in our presence:


Witness #1 signature


Linda G. Potter

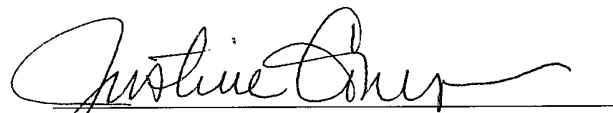

Print witness #1 name


Witness #2 signature


Print witness #2 name

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me on February 16th, 2018, by **Linda G. Potter, a married woman** () who is/are personally known to me or (x) who produced FL ID as identification.

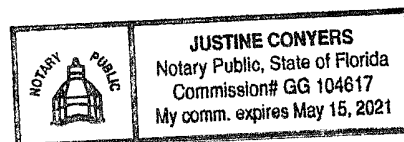


NOTARY PUBLIC

Printed Name of Notary Justine Conyers

My Commission Expires: May 15, 2021

SEAL:



Prepared by and return to:

Kristen Pacifico
Precision Title Company, Inc.
1222 Southeast 47th Street
Suite 102
Cape Coral, FL 33904
(239) 673-2042
File No 2021-1290

Parcel Identification No 14-45-23-C3-00188.0430

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 15th day of June, 2021 between Terry Quam and Shelley Quam, husband and wife, whose post office address is 4921 Sorrento Court, Cape Coral, FL 33904, of the County of Lee, State of Florida, Grantors, to Holly J. Steeves, a married woman and David Little, as tenants by the entirety, whose post office address is 10800 Stroganof Drive, Anchorage, AK 99507, of the County of Anchorage, State of Alaska, Grantees:

Witnesseth, that said Grantors, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantors in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Lee, Florida, to-wit:

LOT 43 AND 44, IN BLOCK 188, OF CAPE CORAL SUBDIVISION UNIT THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, AT PAGE 70 THROUGH 80, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Situate in the County of Lee, State of Florida.

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

Subject to taxes for 2021 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantors hereby covenant with the Grantees that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]

WITNESS

PRINT NAME: Edm mari & Dandag

[Signature]

Terry Quam

[Signature]

Shelley Quam

[Signature]

WITNESS

PRINT NAME: Precious Henderson

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 11th day of June, 2021, by Terry Quam and Shelley Quam.

[Signature]

Signature of Notary Public

Print, Type/Stamp Name of Notary

Personally Known: _____ OR Produced Identification: ☒

Type of Identification

Produced: FL Driver License



Nicole Montenegro
Notary Public
State of Florida
Comm# HH106609
Expires 3/21/2025

Said property is not Grantor's Homestead property nor is said property contiguous to Grantor's Homestead. Grantor resides at 1090 Buckhurst Drive, Spring Hill, FL 34609.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Debbie Borras

Witness #1 signature

Deborah G. Warrell

Deborah G. Warrell

Debbie Borras

Print witness #1 name

Debra Hagland

Witness #2 signature

Debra Hagland

Print witness #2 name

State of Florida

County of Hernando

The foregoing instrument was acknowledged before me on February 20, 2018, by **Deborah G. Warrell, a married woman** (✓) who is/are personally known to me or () who produced _____ as identification.

Patricia A. Holbrook

NOTARY PUBLIC

Printed Name of Notary Patricia A. Holbrook

My Commission Expires: 5/23/20

SEAL:





November 8, 2022

Steven J. Hertz, Esq.
Aloia, Roland, Lubell & Morgan, PLLC
2222 Second Street
Fort Myers, FL 33901

Re: Letter of No Objection to Vacation of Right of Way; Address: 5418 SW 3rd Avenue; Owners: Mark Edward Prusaitis and Valerie Ann Prusaitis, husband and wife; Strap: 14-45-23-C3-00188.0410

Dear Mr. Hertz:

You have opened up negotiations on behalf of clients, the Prusaitis's, concerning the vacation of a particular right of way located in front of their property. 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. You supplied an overall sketch and description by Phillip M. Mould, PSM of Harris Jorgensen, LLC. dated 8/31/2022, Survey number: CC-U3-188-41. For the purposes of vacation of right of way, it appears to be insufficient.

You should have:

- A sketch and description of the western easement and the southern easement where the-to-be vacated right of way abuts your property. These easements need to be vacated as well. If you do not, then you will not be able to build on top of the PUE.
- The placing of a **new** PUE that extends northward along the new west boundary and along your Northern property line that extends and meets with the new western boundary.

LCEC requires a continuous perimeter easement surrounding your property in order to serve you. Therefore, in the after situation to the vacation, the petitioner will have to provide to the appropriate local jurisdiction, and impose a six-foot wide easement along the boundary as a continuous perimeter easement located upon the parcel.

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,

Russel Goodman, Digitally signed by Russel
SR/WA Goodman, SR/WA
SR/WA Date: 2022.11.08 15:03:00
-05'00'

Russel Goodman, SR/WA
Design & Engineering Coordinator – Land Rights

10/25/2022



Dana Osnac
2222 Second Street
Fort Myers, FL 33901

P842730
No Reservations/No Objection

SUBJECT: Partial vacation request for a portion of a platted roadway known as S.W. 3rd Avenue within Block 188, CAPE CORAL SUBDIVISION, UNIT 3, according to plat thereof as recorded in Plat Book 12, Pages 70 through 80, of the public records of Lee County, Florida.

To Whom It May Concern:

Embarq Florida, Inc. d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink 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 CenturyLink 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 questions please contact Jerry Peacock at 850-933-8440 or jerry.a.peacock@lumen.com.

Sincerely yours,

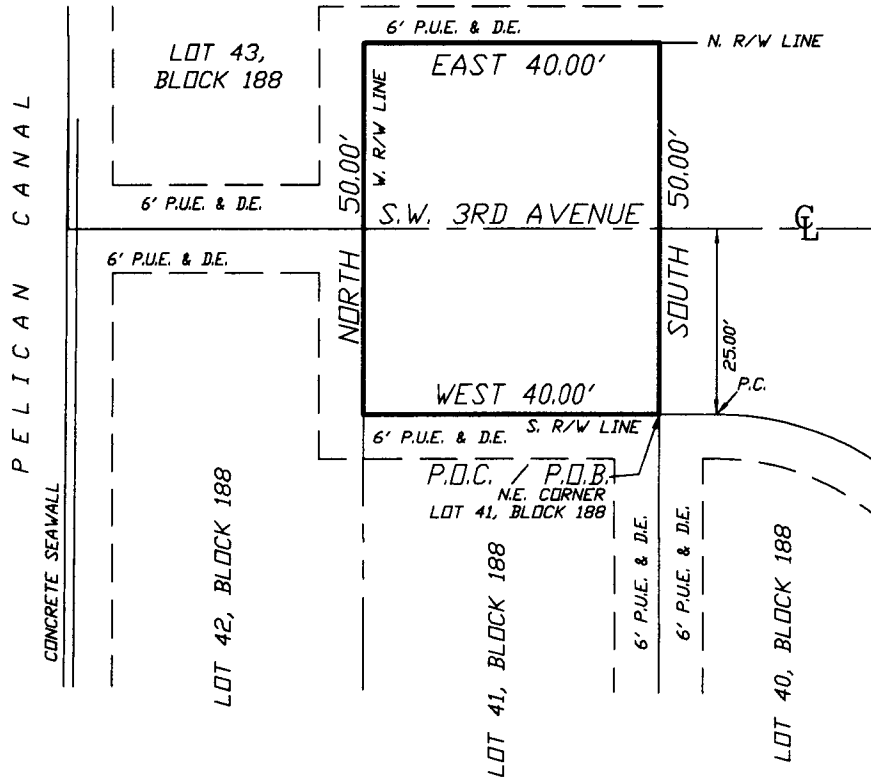
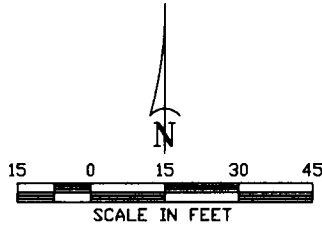
Victoria S. Bucher, SR/WA, R/W-NAC, R/W-AMC
Network Real Estate- ROWA
33 North Main Street
Winter Garden, FL 34787
Victoria.bucher@lumen.com

SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A PORTION OF

*S.W. 3RD AVENUE,
CAPE CORAL UNIT
THREE,*

AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA

SKETCH TO ACCOMPANY DESCRIPTION
SEE EXHIBIT 'A' FOR DESCRIPTION
TO ACCOMPANY THIS SKETCH
'NOT A BOUNDARY SURVEY'



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT OF WAY LINE OF S.W. 3RD AVENUE AS BEING 'ASSUMED' AS WEST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 188 FILE.
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 MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 20 SCALE DRAWING.

LEGEND:

P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
O.R.	OFFICIAL RECORDS BOOK
(S)	AS PER SURVEY
R/W	RIGHT OF WAY
C	CENTERLINE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

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"=30'	CC-U3-188-41	
SKETCH DATE 08/31/2022		FILE NO. 45-23-14	SHT.- 1 DF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

EXHIBIT "A"
DESCRIPTION TO ACCOMPANY SKETCH

(PROPOSED) VACATION OF A PORTION OF

*S.W. 3RD AVENUE,
CAPE CORAL UNIT
THREE,*

*AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA*

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF THE S.W. 3RD AVENUE RIGHT OF WAY, CAPE CORAL UNIT THREE, AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 41, BLOCK 188, CAPE CORAL UNIT THREE, AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING ALONG THE SOUTH RIGHT OF WAY LINE OF THE AFORESAID S.W. 3RD AVENUE, FOR A POINT OF BEGINNING; THENCE RUN WEST ALONG SAID SOUTH RIGHT OF WAY LINE FOR 40.00 FEET; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID S.W. 3RD AVENUE FOR 50.00 FEET; THENCE RUN EAST ALONG THE NORTH RIGHT OF WAY LINE SAID S.W. 3RD AVENUE FOR 40.00 FEET; THENCE RUN SOUTH TO A POINT LYING ALONG THE SOUTH RIGHT OF WAY LINE OF SAID S.W. 3RD AVENUE AND THE NORTHEAST CORNER OF LOT 41, BLOCK 188, FOR 50.00 FEET, TO THE POINT OF BEGINNING, CONTAINING: 2,000.00 SQUARE FEET, MORE OR LESS.

THE AFORESAID PLOT OR PARCEL AS DESCRIBED AND SHOWN HEREDON TO RETAIN ANY AND ALL UNDERLYING EASEMENTS.

Phillip M Mould, P.S.M. 6515 State of Florida	Digitally signed by Phillip M Mould, P.S.M. 6515 State of Florida Date: 2022.08.31 10:09:28 -04'00'
--	--

PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
AUGUST 31, 2022

DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U3-188-41	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 08/31/2022		FILE NO. 45-23-14	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				



January 26th, 2023

Attn: Scott Hertz

RE- LONO -5418 SW 3rd Avenue, Cape Coral, FL
STRAP-14-45-23-C3-00188.0410

Dear Scott,

Thank you for contacting Comcast regarding your proposed vacation of easement and replat. This is to inform you that Comcast does not have facilities within the site's development area. We have no objection to your plans at this location.

If Comcast facilities are found and/or damaged within the area as described, the Applicant will bear the cost of repairs 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

BOUNDARY SURVEY OF
**LOTS 41 & 42, BLOCK 188,
CAPE CORAL, UNIT THREE,**

(PLAT BOOK 12, PAGES 70-80)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

Curve number 1
Radius= 25.00'
Delta= 90°00'00"
Arc= 39.27'
Chord= 35.36'
Chord Brg.= N.45°00'00"W.

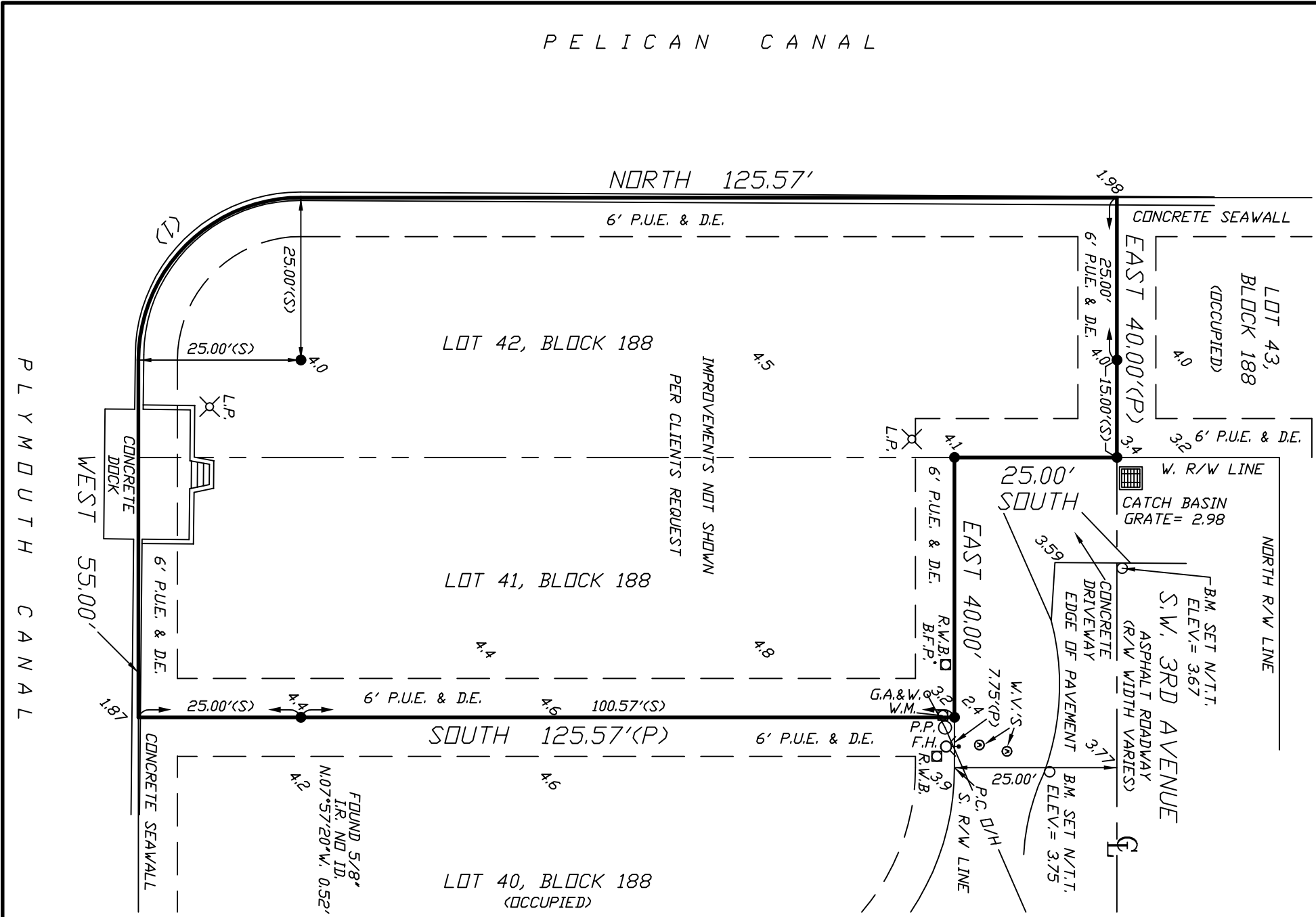
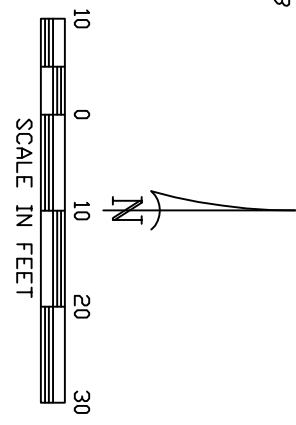
LEGEND:

- SET 1/2" IRON ROD (CAP LB6921)
- FOUND IRON ROD (IR)
- CONCRETE MONUMENT (C.M.)
- ▣ PERMANENT REFERENCE MONUMENT
- P.R.M. PUBLIC UTILITY EASEMENT
- P.U.E. DRAINAGE EASEMENT
- D.E. POINT OF CURVATURE
- DR. OFFICIAL RECORDS BOOK
- (S) AS PER SURVEY
- (P) AS PER PLAT
- (1) CURVE NUMBER
- F.H. FIRE HYDRANT
- R/W RIGHT-OF-WAY
- ☒ CENTERLINE
- CONCRETE
- R.W.B. RECLAIM WATER BOX
- W.M. WATER METER
- D/H OVERHEAD POWER
- P.P. POWER POLE
- G.A.&W. GUY ANCHOR & WIRE
- T.S.B. TELEPHONE SERVICE BOX
- N/D NAIL & DISK
- N/T.T. NAIL & TINTAB
- ELEV. ELEVATION
- B.M. BENCHMARK
- TYPICAL ELEVATION
- A/C AIR CONDITIONER
- W/V WATER VALVE
- P.E. POOL EQUIPMENT
- L.P. LIGHT POLE
- CMP CORRUGATED METAL PIPE

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF S.W. 3RD AVENUE, AS BEING EAST.
 2. FIELD NOTES IN CAPE CORAL, BLOCK 188.
 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 SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
 6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 9. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
 10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
 11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
 12. BENCHMARK DERIVED FROM CAPE CORAL BENCHMARK NUMBER 318-62-01, ELEVATION 4.52 NGVD 1929, 3.34 NAVD 1988.
- FLOOD ZONE: *AE* ELEVATION: 7' NAVD 1988
COMMUNITY No.: 125095 PANEL No.: 0415
SUFFIX ---- F REVISION DATE: 8/28/08
MAP NUMBER: 12071C0415F

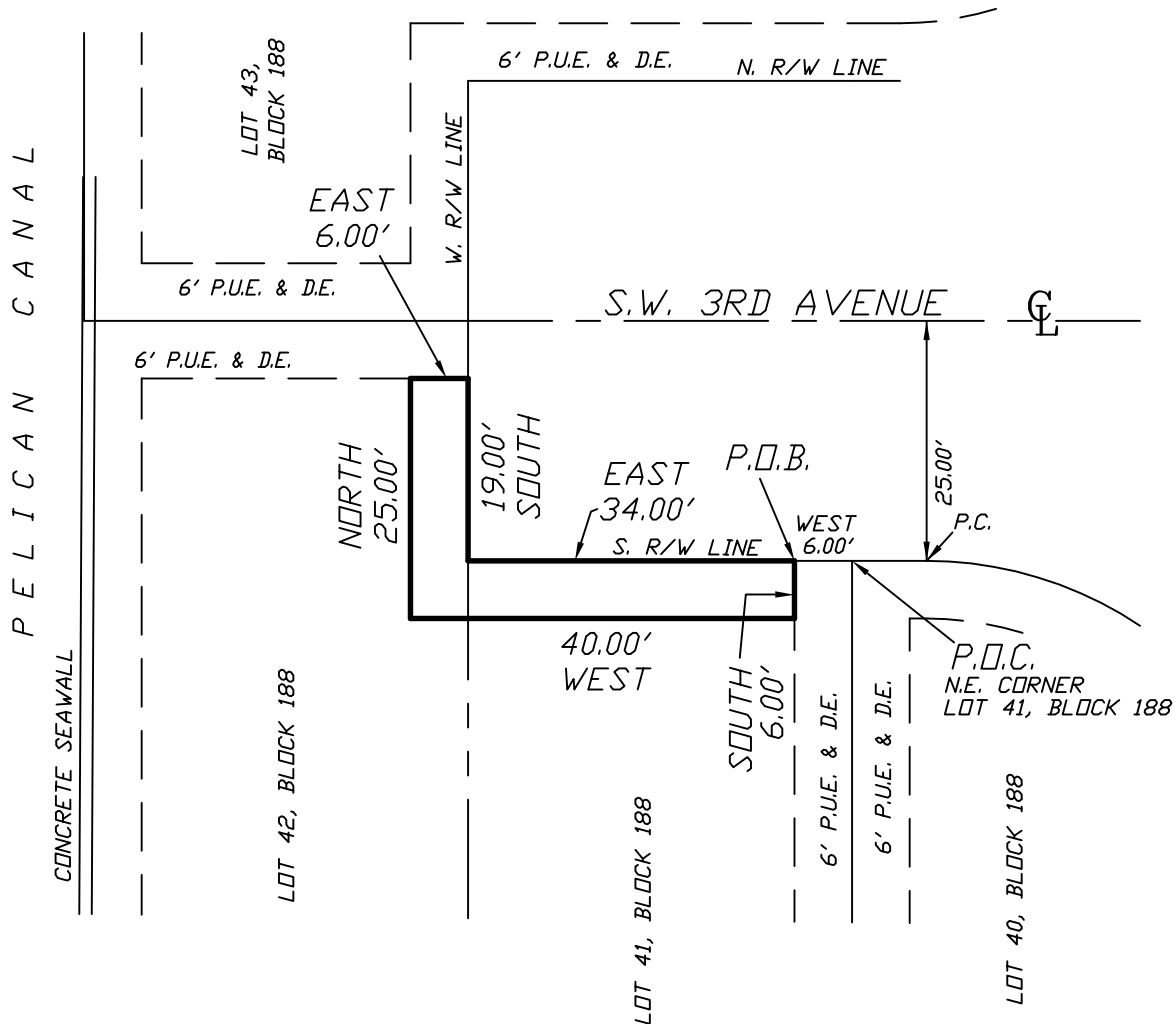
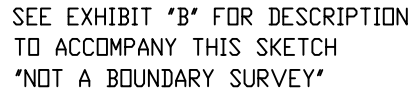
THIS SURVEY IS CERTIFIED TO:
MARK AND VALERIE PRUSAITIS
AUBUCHON HOMES, INC.



REVISED:	DESCRIPTION:	BY:
		Phillip M Mould,
		P.S.M. 6515
		State of Florida
		Date: 2022.12.06 10:23:01
		-05'00"
DATE OF LAST FIELD WORK: 3/8/22		
DRAWN:	CHECK:	SCALE
RBH	PMM	1"=20'
SURVEY DATE		FILE NO.
3/8/22		45-23-14
		OF - 1
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921		

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

*LOT 41 & LOT 42, BLOCK 188,
CAPE CORAL UNIT THREE,
AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA*



P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
O.R.	OFFICIAL RECORDS BOOK
(S)	AS PER SURVEY
R/W	RIGHT OF WAY
CL	CENTERLINE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT OF WAY LINE OF S.W. 3RD AVENUE AS BEING "ASSUMED" AS WEST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 188 FILE,
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 MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=30'</i>	PROJ. # <i>CC-U3-188-41</i>	<i>HARRIS-JORGENSEN, LLC</i> <i>3048 DEL PRADO BLVD. S. #100</i> <i>CAPE CORAL, FLORIDA 33904</i> <i>PHONE: (239) 257-2624</i> <i>FAX: (239) 257-2921</i>
SKETCH DATE <i>3/17/23</i>		FILE NO. <i>45-23-14</i>	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH

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

LOT 41 & LOT 42, BLOCK 188, CAPE CORAL UNIT THREE,

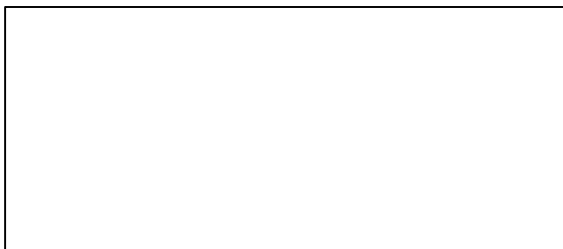
AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOT 41 AND LOT 42, BLOCK 188, CAPE CORAL UNIT THREE, AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 41, BLOCK 188, CAPE CORAL UNIT THREE, AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING ALONG THE SOUTH RIGHT OF WAY LINE OF THE S.W. 3RD AVENUE (50 FEET WIDE); THENCE RUN WEST ALONG SAID RIGHT OF WAY LINE FOR 6.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN SOUTH 6.00 FEET; THENCE RUN WEST FOR 40.00 FEET; THENCE RUN NORTH FOR 25.00 FEET; THENCE RUN EAST, TO A POINT ALONG THE WEST RIGHT OF WAY LINE OF SAID S.W. 3RD AVENUE FOR 6.00 FEET; THENCE RUN SOUTH ALONG SAID WEST RIGHT OF WAY FOR 19.00 FEET; THENCE RUN EAST ALONG THE AFORESAID SOUTH RIGHT OF WAY LINE OF S.W. 3RD AVENUE (50 FEET WIDE) FOR 34.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 354.004 SQUARE FEET, MORE OR LESS.



PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
03/17/2023

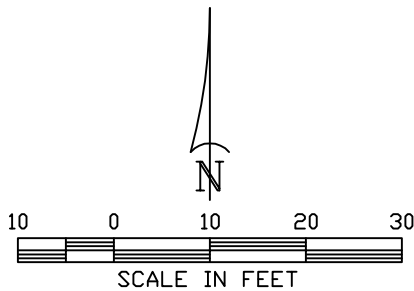
DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=30'</i>	PROJ. # <i>CC-U3-188-41</i>	<i>HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921</i>
SKETCH DATE <i>03/17/2023</i>		FILE NO. <i>45-23-14</i>	SHT.- 2 OF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

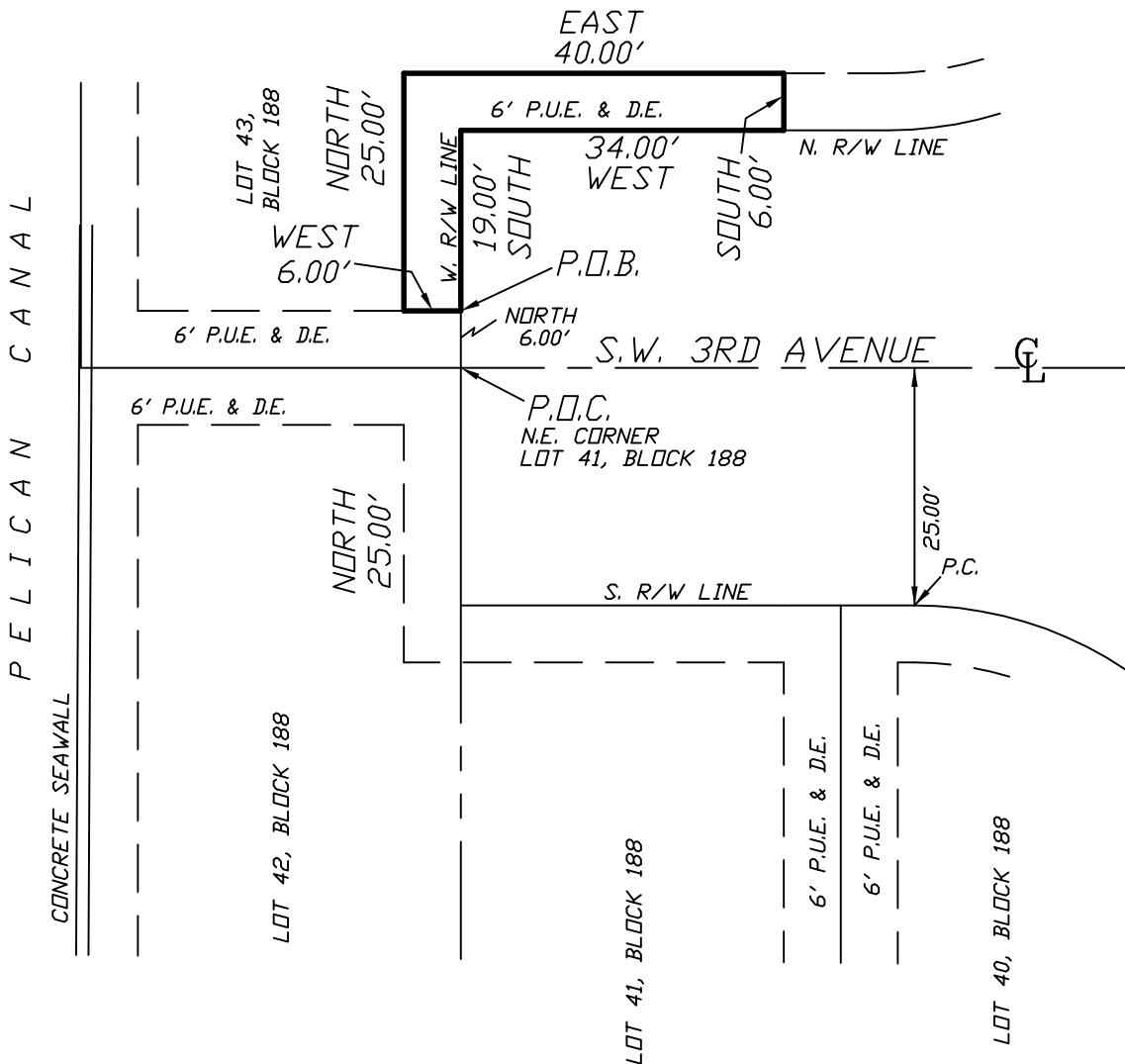
SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A PORTION OF PUBLIC UTILITY AND DRAINAGE
EASEMENT LYING IN

LOT 41 & LOT 42, BLOCK 188,
CAPE CORAL UNIT THREE,

AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA



SEE EXHIBIT "C" FOR DESCRIPTION
TO ACCOMPANY THIS SKETCH
"NOT A BOUNDARY SURVEY"



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT OF WAY LINE OF S.W. 3RD AVENUE AS BEING "ASSUMED" AS WEST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 188 FILE,
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.
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6. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 20 SCALE DRAWING.

LEGEND:

P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
P.C. POINT OF CURVATURE
P.T. POINT OF TANGENCY
O.R. OFFICIAL RECORDS BOOK
(S) AS PER SURVEY
R/W RIGHT OF WAY
CL CENTERLINE
P.D.B. POINT OF BEGINNING
P.D.C. POINT OF COMMENCEMENT

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=30'</i>	PROJ. # <i>CC-U3-188-41</i>	<i>HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921</i>
SKETCH DATE <i>3/17/23</i>		FILE NO. <i>45-23-14</i>	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH

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

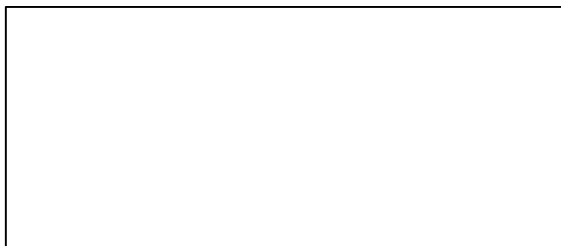
LOT 43, BLOCK 188, CAPE CORAL UNIT THREE,

AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOT 43, BLOCK 188, CAPE
CORAL UNIT THREE, AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 43, BLOCK 188, CAPE CORAL UNIT
THREE, AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA, LYING ALONG THE WEST RIGHT OF WAY LINE OF S.W. 3RD
AVENUE (50 FEET WIDE); THENCE RUN NORTH ALONG SAID RIGHT OF WAY LINE
FOR 6.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN WEST 6.00 FEET;
THENCE RUN NORTH FOR 25.00 FEET; THENCE RUN EAST FOR 40.00 FEET; THENCE
RUN SOUTH, TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE OF SAID S.W. 3RD
AVENUE FOR 50.00 FEET; THENCE RUN WEST ALONG THE SOUTH RIGHT OF WAY
LINE OF THE AFORESAID S.W. 3RD AVENUE FOR 19.00 FEET; THENCE RUN EAST
ALONG THE AFORESAID SOUTH RIGHT OF WAY LINE OF S.W. 3RD AVENUE (50 FEET
WIDE) FOR 34.00 FEET, TO THE POINT OF BEGINNING.
CONTAINING 354.004 SQUARE FEET, MORE OR LESS.



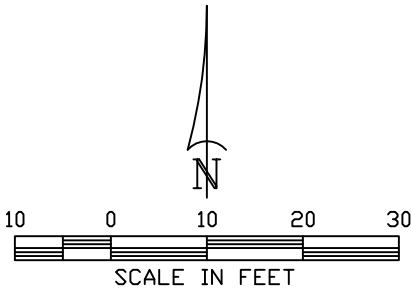
PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
03/17/2023

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=30'</i>	PROJ. # <i>CC-U3-188-41</i>	<i>HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921</i>
SKETCH DATE <i>03/17/2023</i>		FILE NO. <i>45-23-14</i>	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

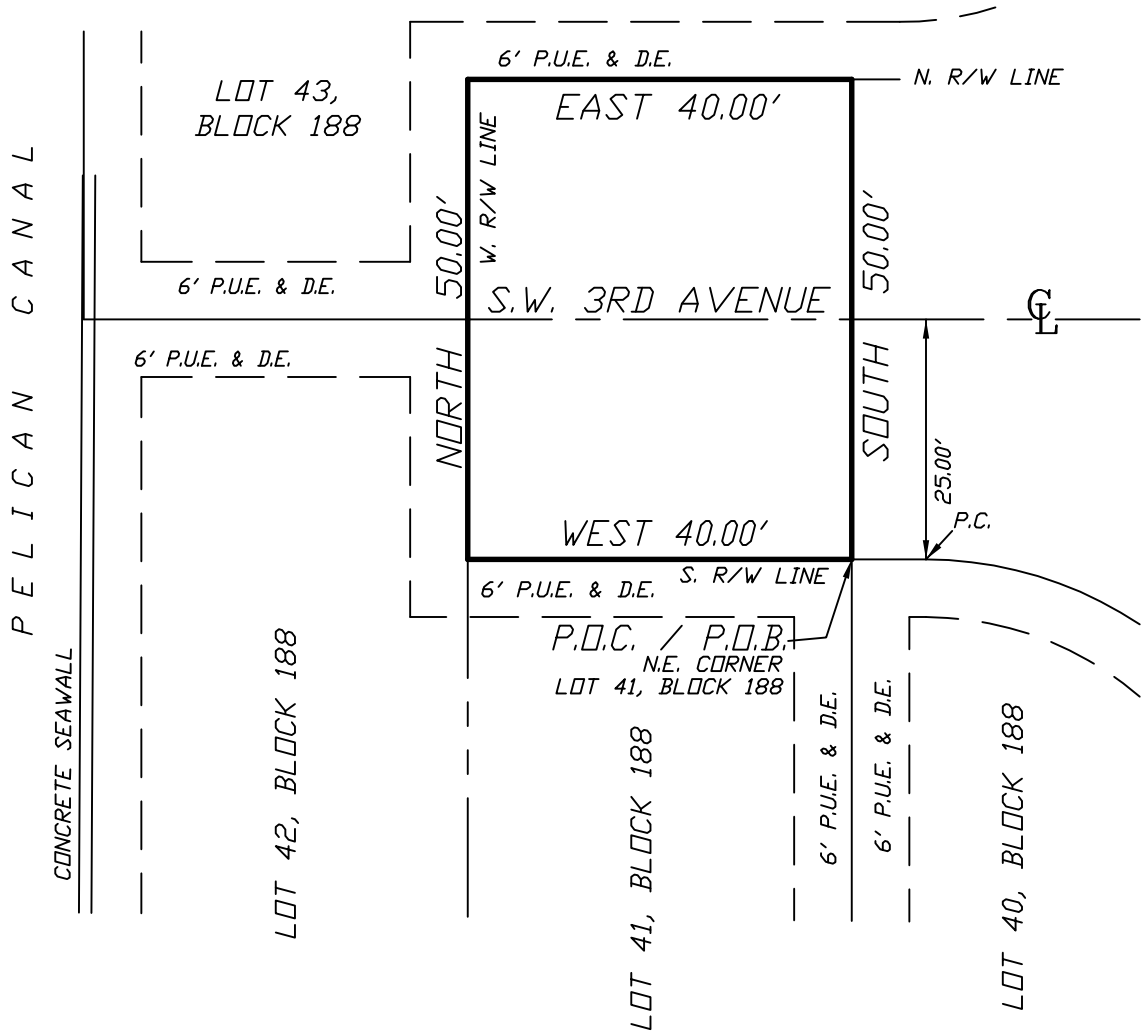
SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A PORTION OF

**S.W. 3RD AVENUE,
CAPE CORAL UNIT
THREE,**

AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA



SEE EXHIBIT "A" FOR DESCRIPTION
TO ACCOMPANY THIS SKETCH
'NOT A BOUNDARY SURVEY'



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT OF WAY LINE OF S.W. 3RD AVENUE AS BEING "ASSUMED" AS WEST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 188 FILE,
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LEGEND:

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D.E. DRAINAGE EASEMENT
P.C. POINT OF CURVATURE
P.T. POINT OF TANGENCY
O.R. OFFICIAL RECORDS BOOK
(S) AS PER SURVEY
R/W RIGHT OF WAY
CL CENTERLINE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=30'</i>	PROJ. # <i>CC-U3-188-41</i>	<i>HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921</i>
SKETCH DATE <i>08/31/2022</i>		FILE NO. <i>45-23-14</i>	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

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DESCRIPTION TO ACCOMPANY SKETCH

(PROPOSED) VACATION OF A PORTION OF

*S.W. 3RD AVENUE,
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AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC
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COMMENCING AT THE NORTHEAST CORNER OF LOT 41, BLOCK 188, CAPE CORAL UNIT THREE, AS RECORDED IN PLAT BOOK 12, PAGES 70-80, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING ALONG THE SOUTH RIGHT OF WAY LINE OF THE AFORESAID S.W. 3RD AVENUE, FOR A POINT OF BEGINNING; THENCE RUN WEST ALONG SAID SOUTH RIGHT OF WAY LINE FOR 40.00 FEET; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID S.W. 3RD AVENUE FOR 50.00 FEET; THENCE RUN EAST ALONG THE NORTH RIGHT OF WAY LINE SAID S.W. 3RD AVENUE FOR 40.00 FEET; THENCE RUN SOUTH TO A POINT LYING ALONG THE SOUTH RIGHT OF WAY LINE OF SAID S.W. 3RD AVENUE AND THE NORTHEAST CORNER OF LOT 41, BLOCK 188, FOR 50.00 FEET, TO THE POINT OF BEGINNING.
CONTAINING: 2,000.00 SQUARE FEET, MORE OR LESS.

THE AFORESAID PLOT OR PARCEL AS DESCRIBED AND SHOWN HEREDON TO RETAIN ANY AND ALL UNDERLYING EASEMENTS.



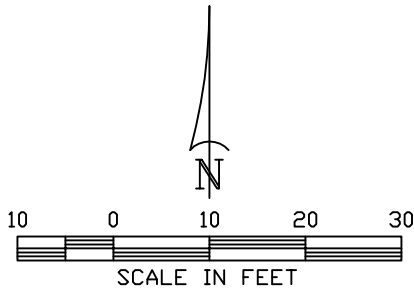
PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
AUGUST 31, 2022

DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U3-188-41	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 08/31/2022		FILE NO. 45-23-14	SHT.- 2 OF - 2	
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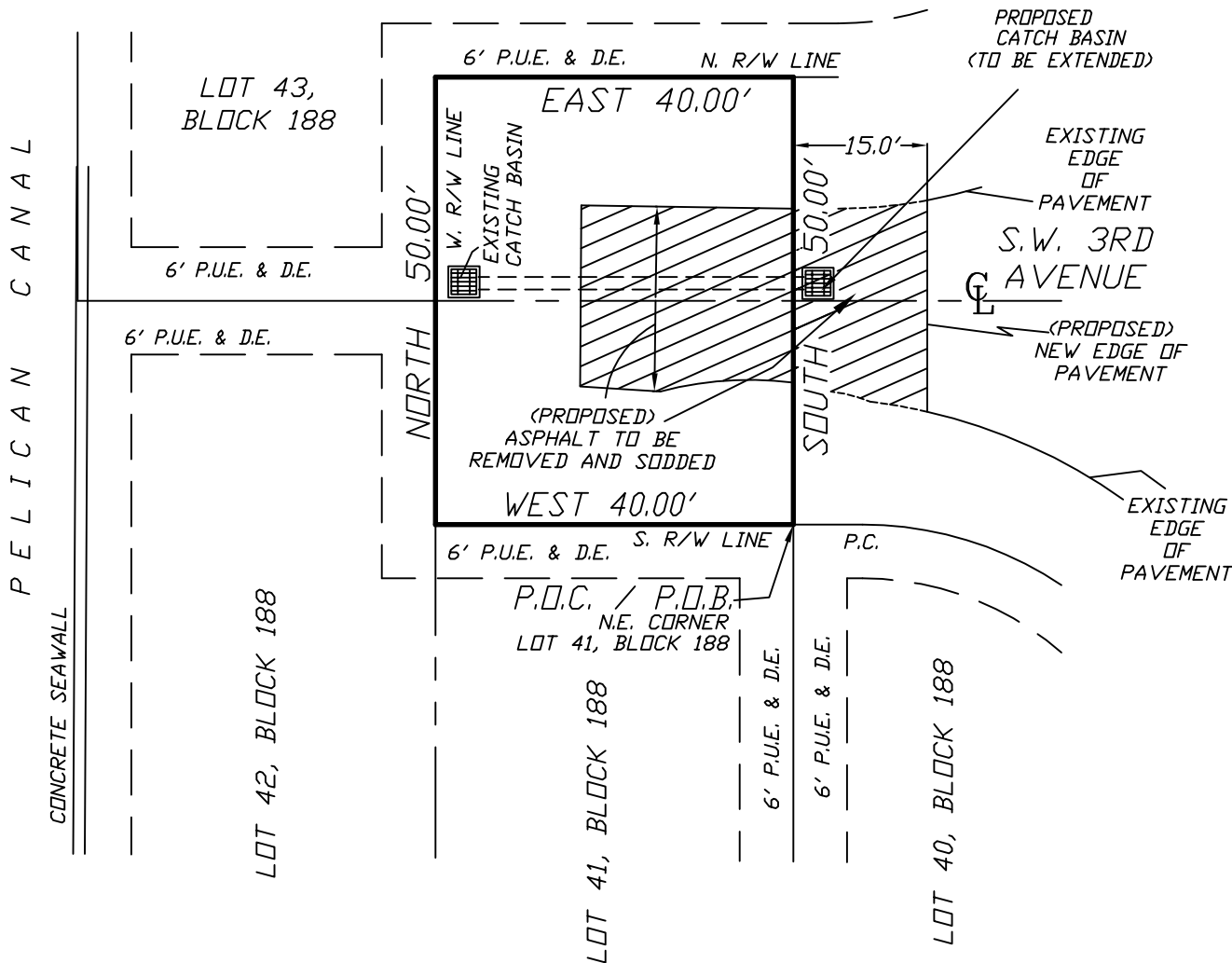
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SEE EXHIBIT "D" FOR DESCRIPTION
TO ACCOMPANY THIS SKETCH
"NOT A BOUNDARY SURVEY"



SKETCH NOTES:

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P.C. POINT OF CURVATURE
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SKETCH DATE 08/31/2022		FILE NO. 45-23-14	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

EXHIBIT "D"
DESCRIPTION TO ACCOMPANY SKETCH

(PROPOSED) VACATION OF A PORTION OF
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THREE,

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CONTAINING: 2,000.00 SQUARE FEET, MORE OR LESS.

THE AFORESAID PLOT OR PARCEL AS DESCRIBED AND SHOWN HEREON TO RETAIN ANY AND ALL UNDERLYING EASEMENTS.



PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
AUGUST 31, 2022

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=30'</i>	PROJ. # <i>CC-U3-188-41</i>	<i>HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921</i>
SKETCH DATE <i>08/31/2022</i>		FILE NO. <i>45-23-14</i>	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

Review Date: April 20, 2023

Property Owners: Mark and Valerie Prusaitis; Holly Steeves and David Little

Applicants: Mark and Valerie Prusaitis

Authorized Representative: Scott Hertz

Location: 5418 SW 3rd Ave, Lots 41-42 Block 188, Unit 3.
5414 SW 3rd Ave, Lots 43-44, Block 188, Unit 3.

Requests:

1. Vacate 2,000 sq. ft. of street right-of-way (ROW).
2. Vacate 354 sq. ft. of platted easements in Lots 41-42 Block 188.
3. Vacate 354 sq. ft. of platted easements in Lot 43, Block 188.

Prepared By: Justin Heller, Senior Planner

Reviewed By: Mike Struve, Planning Team Coordinator and Amy Yearsley, Planning Manager

Recommendation: **Approval with conditions**

Background:

This vacation application was initiated by the owners of property at 5418 SW 3rd Avenue. The property was improved with a single-family home which was demolished in 2023 (DEMO22-00046). The owners plan to construct a new home on the site. The adjacent owners to the north at 5414 SW 3rd Avenue provided a letter supporting the vacation requests provided the applicants (Mark and Valerie Prusaitis) remove the pavement and sod in the vacated area. Both properties have Single-Family Residential (R-1) Zoning and a Future Land Use Classification of Single-Family (SF).

The vacation will enlarge the area of both properties. New perimeter easements with a minimum width of six feet will be retained by the City around these two expanded sites. The vacation will provide the owners of 5418 SW 3rd Avenue with greater flexibility in designing and constructing a new single-family home on the site.

Analysis:

LDC, Section 3.4.5B state that 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. ***Staff analysis: All easements underlying the ROW will remain in place. The City has a stormwater pipe that appears to straddle the property line between Lots 42 and 43. The applicants have agreed to remove the existing pavement and sod this area and extend the drainage pipe and construct a new catch basin in the right-of-way, in coordination with the Public Works Department as***

depicted in "Exhibit D". Platted easements in Lots 41, 42, and 43 will be vacated. These easements will not be needed as the City will retain easements sufficient for maintaining a perimeter easement around each site with a minimum width of six feet.

The ROW vacation will not eliminate access to any property. An adequate turning radius will remain in the cul-de-sac to allow vehicles to maneuver sufficiently at the end of the street. As a result, the ROW is not needed to provide a future transportation, public access, or other foreseeable public benefit that does not already exist.

2. Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way. ***Staff analysis: The easements underlying the ROW will remain. The platted easements that will be vacated are not needed as the City will retain perimeter easements that will be sufficient for maintaining a continuous six-foot-wide public utility and drainage easement around each expanded site.***
3. If alternate routes are required or available that do not cause adverse impacts to surrounding areas. ***Staff analysis: As this vacation applies only to a portion of the hammerhead end of SW 3rd Avenue, only the applicants who have applied for this vacation request will be affected. The cul-de-sac will not be impacted by this vacation request. No alternate routes will be required, and this vacation will not have adverse impacts to the surrounding area.***
4. If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area. ***Staff analysis: The vacation will not impede the ability of vehicles to turn around and exit the area by using the existing cul-de-sac that will remain on SW 3rd Avenue.***
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 analysis: All three utility providers have provided letters of no objection. LCEC, however, does require that a continuous easement be provided around the perimeter of each expanded site. CenturyLink and Comcast stipulated that if 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.***

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 that identifies with R-1 District as being consistent with the Single Family FLUC. This request is consistent with Policy 1.15.a as the site will be developed with a density less than the maximum 4.4 dwelling units per acre allowed within the Single Family FLUC.

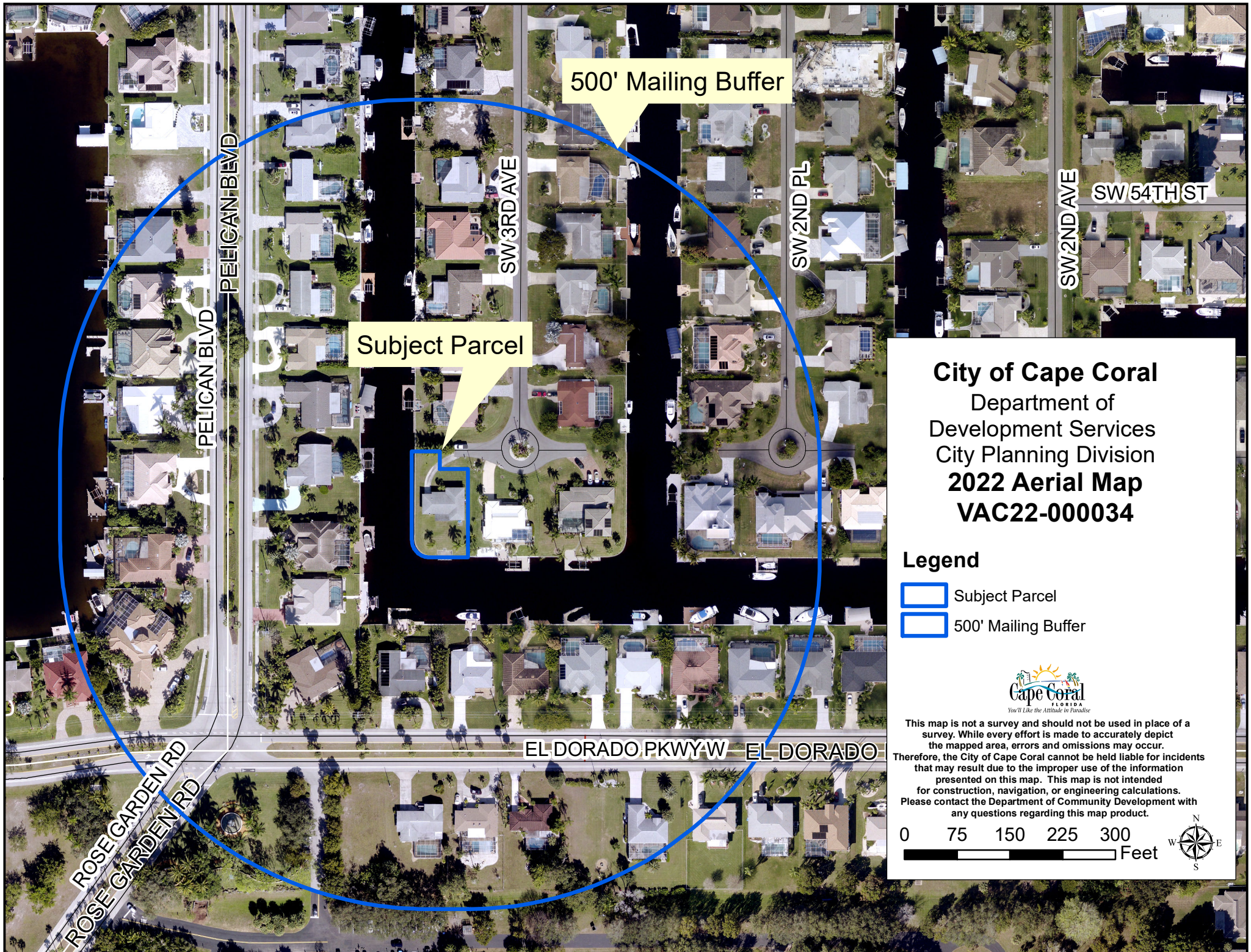
Recommendation:

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

Conditions of Approval

1. The vacation of the 2,000 sq. ft. of ROW shall be consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., dated August 31, 2022, entitled "*Exhibit A*".
2. The vacation of 354 sq. ft. of platted easements in Lots 41-42, Block 188, shall be consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., dated March 17, 2023, entitled "*Exhibit B*".
3. The vacation of 354 sq. ft. of platted easements in Lot 43, Block 188, shall be consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., dated March 17, 2023, entitled "*Exhibit C*".
4. The City shall retain easements sufficient for maintaining a minimum six-foot-wide public utility and drainage easement around the perimeter of each of the expanded sites.
5. If utilities are found and/or damaged within the vacated area as described, the applicant will bear the cost of relocation and repair of said facilities at the sole discretion of the affected utility provider or providers.
6. Prior to the issuance of a certificate of occupancy (CO) for a new house at 5418 SW 3rd Avenue, the owner of the site shall move or replace the existing stormwater pipe near the property line of Lots 42 and 43 and extend this pipe to a new inlet constructed within the City right-of-way. The relocated catch basin shall be reconnected with the existing storm-water management network by a like size and material storm pipe. At the sole discretion of the City, the applicant shall grant all necessary easements for any new or modified stormwater system if required. All improvements shall be inspected by the City prior to the issuance of a CO. Additionally, the pavement associated with the vacated street right-of-way shall be removed from each site. This area shall be sodded following the removal of this pavement. The costs of all improvements identified in this condition shall be borne by the owner of Lots 41 and 42.
7. "Exhibit D" is a proposed example of compliance with note # 6. The exact design and location of the drainage system is subject to change, within reason, to accommodate future use.

8. The Petitioners shall reimburse the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.





500' Mailing Buffer

Subject Parcel

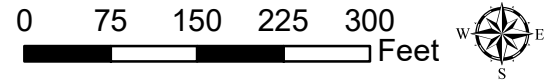
City of Cape Coral
Department of
Development Services
City Planning Division
2022 Aerial Map
VAC22-000034

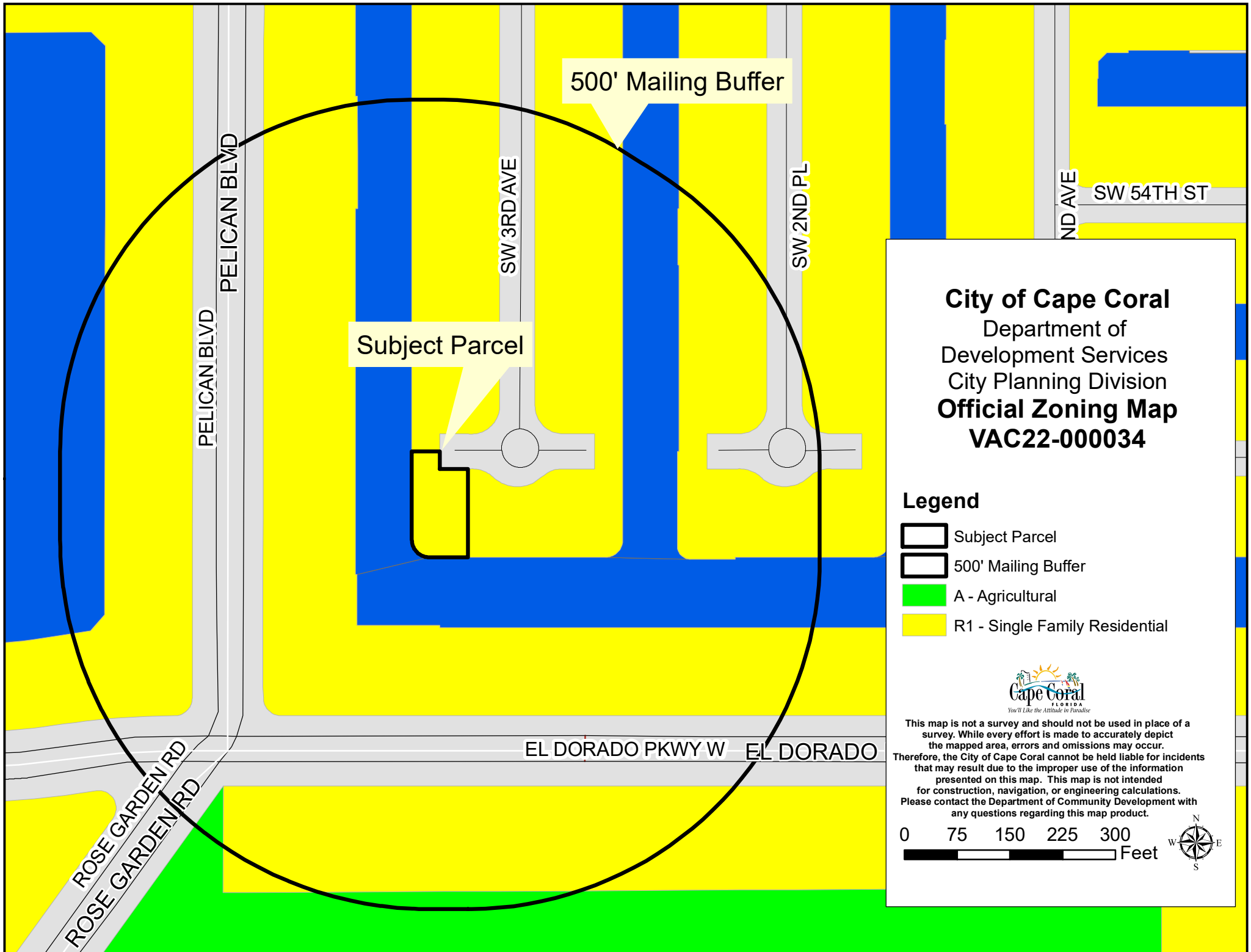
Legend

-  Subject Parcel
-  500' Mailing 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.









500' Mailing Buffer

Subject Parcel

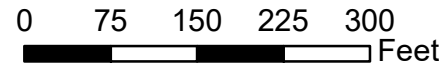
City of Cape Coral
Department of
Development Services
City Planning Division
Official Zoning Map
VAC22-000034

Legend

-  Subject Parcel
-  500' Mailing Buffer
-  A - Agricultural
-  R1 - Single Family Residential



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AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.C.
Meeting Date:	5/16/2023
Item Type:	HEARINGS

TITLE:

Case#: VAC22-000033*; Address: 6 Burnt Store Road North, 16 Burnt Store Road North, 5 NW 32nd Place & 13 NW 32nd Place; Applicant: Multiple Owners

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

Three property owners owning four sites, request to vacate a portion of a 20-foot-wide platted alley and underlying easements between Lots 1-8 and Lots 65-72 in Block 4127. These same owners also request to vacate platted public utility and drainage easements adjacent to the platted alley in Lots 1-8 and Lots 65-72. The three owners collectively own 2.36 acres of land at the southern end of Block 4127. The southern end of this block has frontage along three streets: Burnt Store Road (to the east), Embers Parkway (to the south), and NW 32nd Place (to the west). All four subject sites, as well as all properties in Block 4127 have a Commercial/Professional Future Land Use Classification and Commercial (C) zoning. The vacation of this alley will join two sites east of the alley with two sites to the west of this right-of-way. This alley vacation will facilitate property assemblage, increase the depth of the consolidated site, and increase the area of the site by 0.14 acres. The vacation of the platted easements will eliminate easements no longer necessary as the consolidated site will maintain a perimeter easement. The owners will provide a cross-access easement to allow vehicles traveling in this alley in the future to exit onto NW 32nd Place. Concurrent with this vacation application, staff is reviewing a site development plan for a self-service storage facility on this site. This application meets City standards established for vacation requests and is consistent with applicable policies appearing in the Comprehensive Plan. Planning staff recommends approval of these vacation requests with conditions.

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:

Juan Guerra, Interim Director of Development Services, 573-3050

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
▣ VOP Application Lots 7&8	Backup Material
▣ Burnt Store Road CCSS Ownership Documents	Backup Material



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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:	Commercial Development on Burnt Store and Embers Parkway
Location/Address	6 Burnt Store Rd. N, 16 Burnt Store Rd. N, 5 NW 32nd Pl, 13 NW 32nd Pl
Multiple Strap Numbers See attached Property Data List	
Strap Number	Unit _____ Block _____ Lot (s) _____
Strap Number	Unit _____ Block _____ Lot (s) _____
Plat Book	19 Page 143 Future Land Use CP Current Zoning c
PROPERTY OWNER (S) INFORMATION	
Owner	Multiple Owner's See attached Property Data List address _____
Phone	City _____
Email	State _____ Zip _____
Owner	Address _____
Phone	City _____
Email	State _____ Zip _____
APPLICANT INFORMATION (If different from owner)	
Applicant	same as owner's Address _____
Phone	City _____
Email	State _____ Zip _____
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative	Linda Miller, Avalon Engineering, Inc. Address 2503 Del Prado Blvd. So., Suite 200
Phone	239-573-2077 City Cape Coral, Florida
Email	linda@avaloneng.com State _____ Zip 33904

Vacation of Plat
Property Data List
Unit 59, Block 4127

STRAP NUMBER	UNIT	BLOCK	LOTS WITHIN THIS APPLICATION	OWNER OF RECORD
07-44-23-C3-04127.0010	59	4127	1 thru 6	Arkin Family Trust + Arkin Ronald & Jane ET AL
				Hal & Pamela Arkin
				Ronald & Jane Arkin
				Leonard Arkin
				Esta Y Rubinstein
07-44-23-C3-04127.0070	59	4127	7 + 8	HHT 0730 LLC
07-44-23-C3-04127.0630 Portion Of	59	4127	65 + 66	Esta Y Rubinstein Trust + Arkin Family Trust ET AL
				Esta Y Rubinstein
				Hal & Pamela Arkin
				Leonard Arkin
				Dan Read
07-44-23-C3-04127.0670	59	4127	67 thru 72	Arkin Family Trust + Arkin Ronald & Jane ET AL
				Hal & Pamela Arkin
				Ronald & Jane Arkin
				Leonard Arkin
				Esta Y Rubenstein



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

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

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.

Arkin Family Trust + Arkin Ronald & Jane ET AL
CORPORATION/COMPANY NAME (IF APPLICABLE)

Hal Arkin
OWNER'S NAME (TYPE OR PRINT)

Pamela Arkin
OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

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 16th day of May, 2022 by Hal + Pamela Arkin who is personally known to me or produced FL Drivers Lic as identification.
A 625-661-53-74-0



LINDA LEE MILLER
Commission # HH 117392
Expires May 4, 2025
Bonded Thru Budget Notary Services

Exp Date: May 4, 2025 Commission Number: HH 117392

Signature of notary Public:

Printed Name of Notary Public:

Linda Lee Miller



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Avalon Engineering Inc

(Name of person giving presentation)

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

UNIT 59 BLOCK 4127 LOT(S) 1-6 & 67-72 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Hal Arkin

PROPERTY OWNER (Please Print)

Pamela Arkin

PROPERTY OWNER (Please Print)

Hal Arkin
PROPERTY OWNER (Signature & title)

Pamela Arkin
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 16th day of May, 2022 by Pamela + Hal Arkin who
is personally known to me or produced JJ Drivers Lic as identification.
A625-661-53-741-0

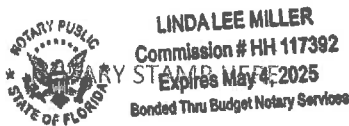
Exp Date: May 4, 2025 Commission Number: HH 117392

Signature of notary Public:

Linda Lee Miller

Printed Name of Notary Public:

Linda Lee Miller



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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Fax (239) 574-0591
P.O. Box 150027
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 16th Day of May 16, 2022.

CORPORATION/COMPANY NAME

Hal Arkin

OWNER'S NAME (TYPE or PRINT)

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 16th day of May, 2022 by Hal Arkin who is personally known to me or produced _____ as identification.



LINDA LEE MILLER
Commission # HH 117392
Expires May 4, 2025
Bonded thru Budget Notary Services

Exp Date: May 4, 2025 Commission Number: HH 117392

Signature of notary Public:

Printed Name of Notary Public:

Linda Lee Miller

Linda Lee Miller



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
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 16th Day of May, 2022.

CORPORATION/COMPANY NAME

Pamela Arkin

OWNER'S NAME (TYPE or PRINT)

Pamela Arkin

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 16th day of May, 2022 by Pamela Arkin who is personally known to me or produced Fla Drivers Lic as identification.
A 625-661-53-741-0



LINDALEE MILLER
Commission # HH 117392
Expires May 4, 2025
Bonded Third Budget Notary Services

Exp Date: May 4, 2025 Commission Number: HH 117392

Signature of notary Public:

Linda Lee Miller

Printed Name of Notary Public:

Linda Lee Miller



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

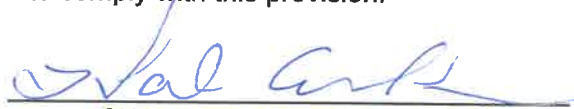
DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

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.

Hal Arkin

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)


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 16th day of May, 2022 by Hal Arkin who is personally known to me or produced _____ as identification.

Exp Date: May 4, 2025 Commission Number: HH 117392



Signature of Notary Public: Linda Lee Miller

Printed Name of Notary Public: Linda Lee Miller



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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.

Pamela Arkin

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Pamela Arkin

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 16th day of May, 2022 by Pamela Arkin who is personally known to me or produced FL Drivers Lic as identification.
A625-661-53-741-0

Exp Date: May 4, 2025 Commission Number: HH 117392



NOTARY PUBLIC
LINDA LEE MILLER
Commission # HH 117392
Expires May 4, 2025
Bonded Thru Budget Notary Services

Signature of Notary Public: *Linda Lee Miller*

Printed Name of Notary Public: Linda Lee Miller



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

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.

Arkin Family Trust + Arkin Ronald & Jane ET AL
 CORPORATION/COMPANY NAME (IF APPLICABLE)

Esta Y Rubinstein
 OWNER'S NAME (TYPE OR PRINT)

Esta Y. Rubinstein
 OWNER'S SIGNATURE

 OWNER'S NAME (TYPE OR PRINT)

 OWNER'S SIGNATURE

 APPLICANT NAME (TYPE OR PRINT)

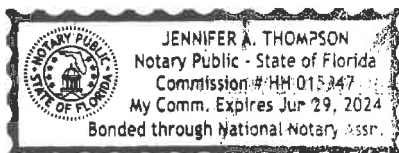
 APPLICANT SIGNATURE

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 Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of May, 2024 by Esta Y. Rubinstein who is personally known to me or produced _____ as identification.



Exp Date: 6/29/24 Commission Number: HH 015947

Signature of notary Public:

Jennifer A. Thompson

Printed Name of Notary Public:

Jennifer A. Thompson



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Avalon Engineering Inc

(Name of person giving presentation)

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

UNIT 59 BLOCK 4127 LOT(S) 1-6 & 67-72 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Esta Y. Rubinstein

PROPERTY OWNER (Please Print)

Esta Y. Rubinstein
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 20th day of May, 20 24 by Esta Y. Rubinstein who
is personally known to me or produced _____ as identification.

JENNIFER A. THOMPSON
Notary Public - State of Florida
Commission # HH 015947
Expires Jun 29, 2024
Bonded through National Notary Assn.

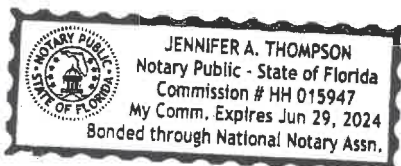
Exp Date: 6-29-24 Commission Number: HH015947

Signature of notary Public:

Printed Name of Notary Public:

Jennifer A. Thompson
Jennifer A. Thompson

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





DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
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.

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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 20 Day of May, 2022.

CORPORATION/COMPANY NAME

Esta Y. Rubinstein

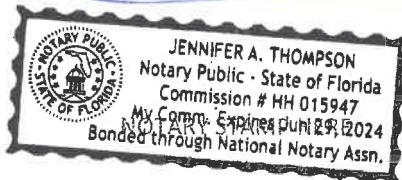
OWNER'S NAME (TYPE or PRINT)

Esta Y. Rubinstein
OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of May, 2024 by Esta Y. Rubinstein who is personally known to me or produced _____ as identification.



Exp Date: 6/29/24 Commission Number: HH 015947

Signature of notary Public:

Jennifer A. Thompson

Printed Name of Notary Public:

Jennifer A. Thompson



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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P.O. Box 150027
Cape Coral, FL 33915-0027

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.

Esta Y Rubinstein

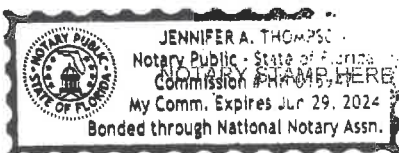
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Esta Y. Rubinstein
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of May, 2024 by Esta Y. Rubinstein who is personally known to me or produced _____ as identification.



Exp Date: 6/29/24 Commission Number: HH 015947

Signature of Notary Public:

Jennifer A. Thompson

Printed Name of Notary Public:

Jennifer A. Thompson

Prepared by:
Eric P. Feichthaler, Esq.
Burandt, Adamski, Feichthaler & Sanchez, PLLC
1714 Cape Coral Parkway
Cape Coral, FL 33904
239-542-4733

SPECIAL POWER OF ATTORNEY FOR SALE OR CONVEYANCE OF REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS:

I, Ronald Arkin, ("Principal"), of Lee County Florida, do hereby make and appoint Harold M. Arkin, ("Agent") my true and lawful attorney-in-fact for me and in my name and on my behalf with full power to:

To do all things necessary to negotiate the sale or transfer of lease of and close on the sale or transfer of lease of the property described as the following:

Lots 67, 68, 69, 70, 71 and 72, Block 4127, Unit 59, Cape Coral Subdivision, according to the plat thereof, as recorded in Plat Book 19, Pages 140 through 153, in the Public Records of Lee County, Florida.

and

Lots 1,2,3,4,5 and 6, Block 4127, Unit 59, Cape Coral Subdivision, according to the plat thereof, as recorded in Plat Book 19, Pages 140 through 153, in the Public Records of Lee County, Florida.

Otherwise known as 6 Burnt Store Road N., Cape Coral, FL 33993 and 5 NW 32nd Place, Cape Coral, FL 33993 ("address"), with full power and authority for me and in my name to execute any and all documents necessary to effect the sale, conveyance and settlement on said property to any person or persons of his choosing, including but not limited to, deeds, checks, receipts, releases, warranties, affidavits, contracts, addenda, settlement statements, loan commitments and disclosure statements, truth-in-lending statements, all forms of commercial papers, endorsements to checks, or the like, and any such other instrument or instruments in writing of whatever kind, character and nature as may be necessary to complete the sale, financing arrangements, and the settlement process.

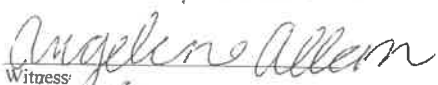
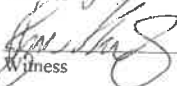
FURTHER GRANTING full power and authority to collect and receive any funds or proceeds of said sale in any manner which, in his sole discretion, he sees fit.

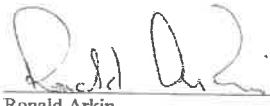
I hereby ratify and confirm all that said attorney-in-fact shall lawfully do or cause to be done by virtue of this Power of Attorney and the rights and powers herein granted. All acts done by means of this power shall be done in my name, and all instruments and documents executed by my Attorney hereunder shall contain my name, followed by that of my attorney and the description "Attorney-in-Fact", excepting however any situation where local practice differs from the procedure set forth herein, in that event local practice may be followed.

This SPECIAL POWER OF ATTORNEY shall be valid and may be relied upon by any third parties until such time as any revocation is recorded in the recorder's office of the county where the land is located.

DATED this the 10 day of FEB (Feb) 2021.

Witness


Ronald Arkin

Acknowledgement:

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10 day of ~~January~~, 2021 by Ronald Arkin, ☐ who is personally known to me or ☒ who has produced a driver's license as identification. FEB. (16)



A large, stylized handwritten signature in black ink, written over a horizontal line. Below the signature, the words "Notary Public" are printed.

Prepared by:
Eric P. Feichthaler, Esq.
Burandt, Adamski, Feichthaler & Sanchez, PLLC
1714 Cape Coral Parkway
Cape Coral, FL 33904
239-542-4733

SPECIAL POWER OF ATTORNEY FOR SALE OR CONVEYANCE OF REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS:

I, Leonard Arkin, ("Principal"), of Lee County Florida, do hereby make and appoint Harold M. Arkin, ("Agent") my true and lawful attorney-in-fact for me and in my name and on my behalf with full power to:

To do all things necessary to negotiate the sale or transfer of lease of and close on the sale or transfer of lease of the property described as the following:

Lots 67, 68, 69, 70, 71 and 72, Block 4127, Unit 59, Cape Coral Subdivision, according to the plat thereof, as recorded in Plat Book 19, Pages 140 through 153, in the Public Records of Lee County, Florida.

and

Lots 1,2,3,4,5 and 6, Block 4127, Unit 59, Cape Coral Subdivision, according to the plat thereof, as recorded in Plat Book 19, Pages 140 through 153, in the Public Records of Lee County, Florida.

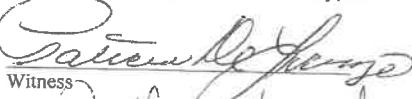
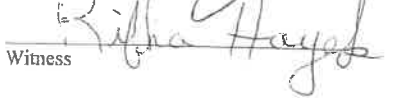
Otherwise known as **6 Burnt Store Road N., Cape Coral, FL 33993 and 5 NW 32nd Place, Cape Coral, FL 33993** ("address"), with full power and authority for me and in my name to execute any and all documents necessary to effect the sale, conveyance and settlement on said property to any person or persons of his choosing, including but not limited to, deeds, checks, receipts, releases, warranties, affidavits, contracts, addenda, settlement statements, loan commitments and disclosure statements, truth- in- lending statements, all forms of commercial papers, endorsements to checks, or the like, and any such other instrument or instruments in writing of whatever kind, character and nature as may be necessary to complete the sale, financing arrangements, and the settlement process.

FURTHER GRANTING full power and authority to collect and receive any funds or proceeds of said sale in any manner which, in his sole discretion, he sees fit.

I hereby ratify and confirm all that said attorney-in- fact shall lawfully do or cause to be done by virtue of this Power of Attorney and the rights and powers herein granted. All acts done by means of this power shall be done in my name, and all instruments and documents executed by my Attorney hereunder shall contain my name, followed by that of my attorney and the description "Attorney- in-Fact", excepting however any situation where local practice differs from the procedure set forth herein, in that event local practice may be followed.

This **SPECIAL POWER OF ATTORNEY** shall be valid and may be relied upon by any third parties until such time as any revocation is recorded in the recorder's office of the county where the land is located.

DATED this the _____ day of January, 2021.



Witness

Witness


Leonard Arkin

Acknowledgement:

STATE OF New Jersey
COUNTY OF Passaic

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 25th day of January, 2021 by Leonard Arkin, ☐ who is personally known to me or ☒ who has produced a driver's license as identification.



Notary Public

Ruchika J Master
Notary Public
New Jersey
My Commission Expires 5-2-2021
No. 50037645



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL


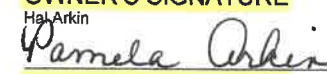
CORPORATION/COMPANY NAME (IF APPLICABLE)

Hal Arkin

OWNER'S NAME (TYPE OR PRINT)

Pamela Arkin

OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE
Hal Arkin

OWNER'S SIGNATURE
Pamela Arkin

APPLICANT NAME (TYPE OR PRINT)

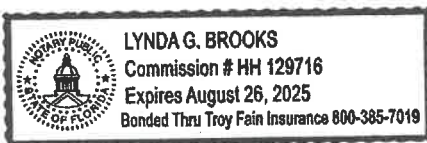
APPLICANT SIGNATURE

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 FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 16 day of JUNE, 2022 by HAL + PAMELA ARKIN who is personally known to me or produced _____ as identification.



Exp Date: 8/26/2025 Commission Number: HH129716
Signature of notary Public: 
Printed Name of Notary Public: LYNDA G. BROOKS



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Linda Miller

(Name of person giving presentation)

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

UNIT 59 BLOCK 4127 LOT(S) 63-66 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL
PROPERTY OWNER (Please Print)

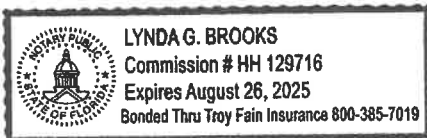
PROPERTY OWNER (Please Print)

Hal Arkin
PROPERTY OWNER (Signature & title)
Hal Arkin
Pamela Arkin
PROPERTY OWNER (Signature & title)
Pamela Arkin

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 16 day of JUNE, 2022 by HAL + PAMELA ARKIN who
is personally known to me or produced _____ as identification.



Exp Date: 8/26/2025 Commission Number: HH129716
Signature of notary Public: Lynda G. Brooks
Printed Name of Notary Public: LYNDA G. BROOKS

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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
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.

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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.

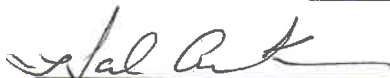
I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

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 JUNE, 2022.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

CORPORATION/COMPANY NAME



OWNER'S NAME (TYPE or PRINT)

Hal Arkin



OWNER'S SIGNATURE

Pamela Arkin

STATE OF FLORIDA

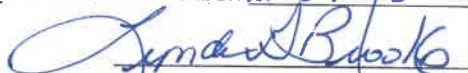
COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 16 day of JUNE, 2022 by HAL + PAMELA ARKIN who is personally known to me or produced _____ as identification.



Exp Date: 8/26/2025 Commission Number: HH129716

Signature of notary Public:



Printed Name of Notary Public:

LYNDA G. BROOKS



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

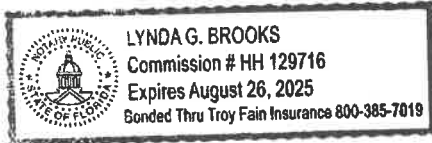
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

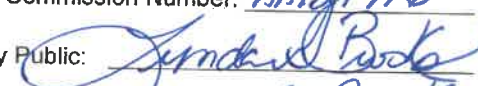

OWNER/APPLICANT SIGNATURE
Hal Arkin

(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA
COUNTY OF LEE

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



Exp Date: 8/26/2025 Commission Number: HH129716
Signature of Notary Public: 
Printed Name of Notary Public: LYNDA G. BROOKS



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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I have read the above requirement and agree to comply with this provision.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Pamela Arkin

OWNER/APPLICANT SIGNATURE
Pamela Arkin

(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA
COUNTY OF LEE

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



Exp Date: 8/26/2025 Commission Number: HH129716
Signature of Notary Public: *Lynda G. Brooks*
Printed Name of Notary Public: LYNDA G. BROOKS



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Cape Coral, FL 33915-0027

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.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

CORPORATION/COMPANY NAME (IF APPLICABLE)

Esta Y. Rubinstein

OWNER'S NAME (TYPE OR PRINT)

Esta Y. Rubinstein, Trustee
OWNER'S SIGNATURE

Esta Y. Rubinstein

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 Fla.

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 24 day of June, 2022 by Esta Rubinstein who is personally known to me or produced _____ as identification.



JAMES MASSEY
Commission # HH 241084
Expires May 20, 2028

Exp Date: MAY 20, 2028 Commission Number: HH 241084

Signature of notary Public:

James Massey

Printed Name of Notary Public:

James Massey



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Linda Miller

(Name of person giving presentation)

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

UNIT 59 BLOCK 4127 LOT(S) 65 + 66 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

PROPERTY OWNER (Please Print)

Esta Y. Rubinstein, Trustee
PROPERTY OWNER (Signature & title)
Esta Y. Rubinstein

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 24 day of June, 2022 by Esta Rubinstein who
is personally known to me or produced _____ as identification.

Exp Date: May 26, 2026 Commission Number: HH 241084



JAMES MASSEY
Commission # HH 241084
Expires May 26, 2026

Signature of notary Public:

Printed Name of Notary Public:

James Massey
James Massey

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



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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 _____ Day of _____, 20_____.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

CORPORATION/COMPANY NAME

Esta Y. Rubinstein, trustee
Esta Y. Rubinstein, trustee
OWNER'S NAME (TYPE or PRINT)
Esta Y. Rubinstein
Esta Y. Rubinstein, trustee
OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 24 day of June, 2022 by Esta Rubinstein who is personally known to me or produced _____ as identification.

Exp Date: May 26, 2026 Commission Number: HH 241084



JAMES MASSEY
Commission # HH 241084
Expires May 26, 2026

Signature of notary Public:

Printed Name of Notary Public:

James Massey
James Massey



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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I have read the above requirement and agree to comply with this provision.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Esta Y. Rubinstein, Trustee

OWNER/APPLICANT SIGNATURE

Esta Y. Rubinstein

(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 24 day of June, 2022 by Esta Rubinstein who is personally known to me or produced _____ as identification.

Exp Date: May 26, 2026 Commission Number: HH 241084



JAMES MASSEY
Commission # HH 241084
Expires May 26, 2026

Signature of Notary Public:

James Massey

Printed Name of Notary Public:

James Massey



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Cape Coral, FL 33915-0027

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(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.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

CORPORATION/COMPANY NAME (IF APPLICABLE)

Dan Read

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

Dan Read

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

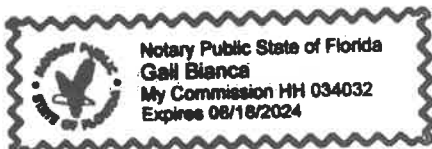
APPLICANT SIGNATURE

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STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 23rd day of June, 2022 by Daniel D. Read who is personally known to me or produced _____ as identification.



Exp Date: 08/18/2024 Commission Number: HH 034032

Signature of notary Public:

Gail Bianca

Printed Name of Notary Public:

GAIL BIANCA



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Linda Miller

(Name of person giving presentation)

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

UNIT 59 BLOCK 4127 LOT(S) 63-66 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

PROPERTY OWNER (Please Print)


PROPERTY OWNER (Signature & title)
Dan Read

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 23rd day of June, 2023 by Daniel V. Read who
is personally known to me or produced _____ as identification.

Exp Date: 08/18/2024 Commission Number: HH034032



Signature of notary Public:

Printed Name of Notary Public:



GAIL BIANCA

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



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CITY PLANNING DIVISION

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Cape Coral, FL 33915-0027

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I have read the above requirement and agree to comply with this provision.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)


OWNER/APPLICANT SIGNATURE
Dan Read

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 23rd day of June, 2022 by DANIEL D. READ who is personally known to me or produced _____ as identification.

Exp Date: 08/18/2024 Commission Number: HH 034032



Signature of Notary Public: Gail Bianca
Printed Name of Notary Public: GAIL BIANCA



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

ACKNOWLEDGEMENT FORM

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I hereby acknowledge that I have read and understood the above affidavit on the 23rd Day of June, 2022.

Esta Y. Rubinstein Trust + Arkin Family Trust ET AL

CORPORATION/COMPANY NAME

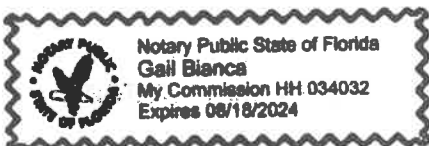
OWNER'S NAME (TYPE or PRINT)
Dan Read

OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

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Exp Date: 08/18/2024 Commission Number: H H 034032

Signature of notary Public:

Printed Name of Notary Public:

GAIL BIANCA



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Cape Coral, FL 33915-0027

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: <u>Commercial Development on Burnt Store Road and Embers Parkway</u>			
Location/Address <u>13 NW 32nd Place</u>			
Strap Number <u>07-44-23-C3-04127.0070</u>	Unit <u>59</u>	Block <u>4127</u>	Lot (s) <u>7+8</u>
Strap Number _____	Unit _____	Block _____	Lot (s) _____
Plat Book <u>19</u>	Page <u>143</u>	Future Land Use <u>CP</u>	Current Zoning <u>c</u>
PROPERTY OWNER (S) INFORMATION			
Owner <u>HUANG, HSIU-TING</u>		Address <u>6F, No 143 Gongjian Rd. Xizhi Dist.</u>	
Phone <u>+886 918027610</u>		City <u>New Taipei</u>	
Email <u>earthahuang@yahoo.com.tw</u>		State <u>Taiwan</u> Zip _____	
Owner <u>HSIEH, CHUNG-MING</u>		Address <u>Same as above</u>	
Phone <u>+886 918027610</u>		City _____	
Email <u>earthahuang@yahoo.com.tw</u>		State _____ Zip _____	
APPLICANT INFORMATION (If different from owner)			
Applicant _____		Address _____	
Phone _____		City _____	
Email _____		State _____ Zip _____	
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)			
Representative <u>Linda Miller, Avalon Engineering, Inc.</u>		Address <u>2503 Del Prado Blvd. So., Suite 200</u>	
Phone <u>239-573-2077</u>		City <u>Cape Coral, Florida</u>	
Email <u>linda@avaloneng.com</u>		State <u>FL</u> Zip <u>33904</u>	



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(ALL SIGNATURE MUST BE NOTARIZED)

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HHT 0730 LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

HUANG, HSIU-TING

OWNER'S NAME (TYPE OR PRINT)

HSIEH, CHUNG-MING

OWNER'S NAME (TYPE OR PRINT)

Huang Hsiu Ting

OWNER'S SIGNATURE

Hsieh Chung Ming

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 R.O.C.

COUNTY OF Taiwan

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 10th day of Aug., 2022 by HUANG HSIU-TING & HSIEH CHUNG-MING who is personally known to me or produced passports as identification.

Exp Date: Jan 25, 2028 Commission Number: 0028

Signature of notary Public:

Li

Case No. (111) Pei Yuan Ming Lin Tzu

Printed Name of Notary Public:

113802

Last Revised 10_20_2021 (Subject to change)

Chen, Yu-Lin
Notary Public
3F-1, 235, Sec. 3, Nanjing E. Rd.,
Taipei, Taiwan, R. O. C.
The NanJing Notary Public Office
Registered with Taiwan Taipei District Court

Page 3 of 8



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Cape Coral, FL 33915-0027

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Linda Miller

(Name of person giving presentation)

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

UNIT 59 BLOCK 4127 LOT(S) 7+8 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

HUANG, HSIU-TING

PROPERTY OWNER (Please Print)

HSIEH, CHUNG-MING

PROPERTY OWNER (Please Print)

Huang Hsiu Ting
PROPERTY OWNER (Signature & title)

Hsieh Chung Ming
PROPERTY OWNER (Signature & title)

STATE OF R.O.C.

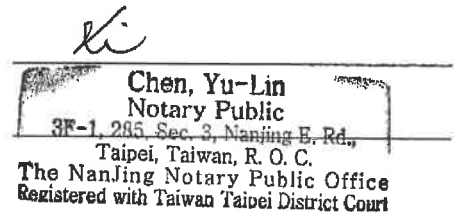
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is personally known to me or produced passports as identification.

Exp Date: Jan 25, 2028 Commission Number: 0028

Signature of notary Public:

Printed Name of Notary Public:



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



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I hereby acknowledge that I have read and understood the above affidavit on the _____ Day of _____, 20_____.

HHT 0730 LLC

CORPORATION/COMPANY NAME

HUANG, HSIU-TING HSIEH, CHUNG-MING

OWNER'S NAME (TYPE or PRINT)

Huang Hsiu Ting Hsieh Chung Ming

OWNER'S SIGNATURE

STATE OF R.O.C.

COUNTY OF Taiwan

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Exp Date: Jan 25, 2028 Commission Number: 0028

Signature of notary Public: Ki

Printed Name of Notary Public:

Chen, Yu-Lin
Notary Public

Last Revised on 10/20/2021 (Subject to change)

3F-1, 235, Sec. 3, Nanjing E. Rd.,
Taipei, Taiwan, R. O. C. Page 5 of 8
The NanJing Notary Public Office
Registered with Taiwan Taipei District Court



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Huang Hsiu Ting Hsieh, Chung-Ming
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Huang Hsiu Ting Hsieh Chung Ming
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF R.O.C.

COUNTY OF Taiwan

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 10th day of Aug., 2022 by HUANG HSIU-TING & HSIEH CHUNG-MING who is personally known to me or produced passports as identification.

Exp Date: Jan 25, 2028 Commission Number: 0028

Signature of Notary Public: Ki

Printed Name of Notary Public:

Chen, Yur-Lin
Notary Public
3F-1, 285, Sec. 3, Nanjing E. Rd.,
Taipei, Taiwan, R. O. C.
The Nanjing Notary Public Office
Registered with Taiwan Taipei District Court

Property Data

STRAP: 07-44-23-C3-04127.0010 Folio ID: 10056659

Generated on 5/26/2022 10:42 AM

Owner Of Record - Tenants in Common

[\[Change Address\]](#)

ARKIN FAMILY TRUST +
ARKIN RONALD & JANE ET AL
2324 SE 27TH ST
CAPE CORAL FL 33904

Site Address

Site Address maintained by [E911 Program Addressing](#)

5 NW 32ND PL
CAPE CORAL FL 33993

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 59 BLK 4127 PB 19 PG 143
LOTS 1 THRU 6

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)



Current Working Values

Just

52,500

Attributes

Land Units Of Measure

UT

Units

3.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	9,490	9,490	9,490	9,490	0	9,490
1993	9,490	9,490	9,490	9,490	0	9,490
1994	9,490	9,490	9,490	9,490	0	9,490
1995	9,250	9,250	9,250	9,250	0	9,250
1996	9,250	9,250	9,250	9,250	0	9,250
1997	7,110	7,110	7,110	7,110	0	7,110
1998	7,120	7,120	7,120	7,120	0	7,120
1999	7,120	7,120	7,120	7,120	0	7,120
2000	7,120	7,120	7,120	7,120	0	7,120
2001	8,780	8,780	8,780	8,780	0	8,780
2002	13,520	13,520	13,520	13,520	0	13,520
2003	18,500	18,500	18,500	18,500	0	18,500

Property Data

STRAP: 07-44-23-C3-04127.0670 Folio ID: 10056679

Generated on 5/26/2022 10:44 AM

Owner Of Record - Tenants in Common

[\[Change Address\]](#)

ARKIN FAMILY TRUST +
ARKIN RONALD & JANE ET AL
2324 SE 27TH ST
CAPE CORAL FL 33904

Site Address

Site Address maintained by E911 Program Addressing

6 BURNT STORE RD N
CAPE CORAL FL 33993

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 59 BLK 4127 PB 19 PG 143
LOTS 67 THRU 72

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)



Current Working Values

Just

52,500

Attributes

Land Units Of Measure	UT
Units	3.00
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	15,790	15,790	15,790	15,790	0	15,790
1993	15,790	15,790	15,790	15,790	0	15,790
1994	15,790	15,790	15,790	15,790	0	15,790
1995	15,530	15,530	15,530	15,530	0	15,530
1996	15,000	15,000	15,000	15,000	0	15,000
1997	15,000	15,000	15,000	15,000	0	15,000
1998	15,000	15,000	15,000	15,000	0	15,000
1999	15,000	15,000	15,000	15,000	0	15,000
2000	15,000	15,000	15,000	15,000	0	15,000
2001	15,000	15,000	15,000	15,000	0	15,000
2002	15,000	15,000	15,000	15,000	0	15,000
2003	20,530	20,530	20,530	20,530	0	20,530

Property Data

STRAP: 07-44-23-C3-04127.0630 Folio ID: 10056678

Generated on 6/13/2022 9:45 AM

Owner Of Record - Tenants in Common

[\[Change Address\]](#)

ESTA Y RUBINSTEIN TRUST +
ARKIN FAMILY TRUST ET AL
1375 JACKSON ST #304
FORT MYERS FL 33901

Site Address

Site Address maintained by E911 Program Addressing

16 BURNT STORE RD N
CAPE CORAL FL 33993

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 59 BLK 4127 PB 19 PG 143
LOTS 63 THRU 66

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)



Current Working Values

Just

70,760

Attributes

Land Units Of Measure

UT

Units

2.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	10,270	10,270	10,270	10,270	0	10,270
1993	10,270	10,270	10,270	10,270	0	10,270
1994	10,270	10,270	10,270	10,270	0	10,270
1995	10,100	10,100	10,100	10,100	0	10,100
1996	9,760	9,760	9,760	9,760	0	9,760
1997	9,760	9,760	9,760	9,760	0	9,760
1998	9,760	9,760	9,760	9,760	0	9,760
1999	9,760	9,760	9,760	9,760	0	9,760
2000	9,760	9,760	9,760	9,760	0	9,760
2001	9,760	9,760	9,760	9,760	0	9,760
2002	9,760	9,760	9,760	9,760	0	9,760
2003	13,350	13,350	13,350	13,350	0	13,350

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /[Previous On List](#)[Next On List](#)[Return to List](#)

HHT 0730 LLC

[Events](#)**No Name History**

Detail by Entity Name

Florida Limited Liability Company
HHT 0730,LLC

Filing Information

Document Number	L18000000067
FEI/EIN Number	N/A
Date Filed	12/29/2017
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	10/30/2020

Principal Address

6F., No. 143, Gongjian Rd., Xizhi Dist.,
New Taipei City, Taiwan 221012 TW

Changed: 10/30/2020

Mailing Address

6F., No. 143, Gongjian Rd., Xizhi Dist.,
New Taipei City, Taiwan 221012 TW

Changed: 10/30/2020

Registered Agent Name & Address

Registered Agents Inc.
7901 4th St N
STE 300
St. Petersburg, FL 33702



Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Web: AvalonEng.com
#EB 0003128

August 30, 2022

Mr. Vincent Cautero, Director
Department of Community Development
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

PROJECT: COMMERCIAL DEVELOPMENT ON BURNT STORE AND EMBERS PARKWAY

SUBJECT: VACATION OF THE SOUTHERN PORTION OF THE ALLEY WITHIN UNIT 69, BLOCK 4127, LOTS 1-8 AND 65-72

Dear Mr. Cautero:

As provided for in Section 3.4.5 of the City of Cape Coral's Land Development Code, and on behalf of the property owner and future developer we hereby request approval of the following:

1. To vacate the 20' alley and the underlying easement between Lots 1-8 on the west and Lots 65-72 on the east, in Block 4127.
2. To vacate the 6' PUE and DE on the east and west side to the alley.

The site will maintain a 6' perimeter easement.

The alley vacation consists of 6,400 square feet, 20 feet wide by 320 feet in length.

The subject property is located at 6 and 16 Burnt Store Road and 5 NW 32nd Place. The site consists of all of a portion of four (4) strap numbers 07-44-23-C3-04127.0010, 07-44-23-C3-04127.0070, 07-44-23-C3-04127.0630 and 07-44-23-C3-04127.0670.

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.

Block 4127 is suitable for full depth commercial development as there are only 6 residential homes that have been constructed within this Block. Two of the residential homes are within the southern half of the block while four residential homes are within the northern half of this block.

The entire Block is zoned commercial and has a land use designation of commercial/professional.

Most commercial uses site the building within the middle of the site, over the alley area to provide proper circulation, parking lot areas, and landscaping along the roadways, which would require the remaining portion of the alley in this Block to be vacated in the future.

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

A cross access easement will be provided to allow vehicle access from the alley to the north if the future development of the site improves the alley and utilizes the alley to enter and exist onto Burnt Store Road.

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

No, the alley where located does not meet the City or FDOT driveway spacing requirements from Burnt Store Road or meet the distance between a driveway and a city local street (NW 32nd Place). As such, the city transportation would not allow the proposed commercial development to utilize the alley and provide a driveway connection from Embers into the site.

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

If the northern portion of the alley will be developed and utilized as part of a development, vehicles will be able to have access through the proposed commercial site through a cross access easement in order to exit and enter from Burnt store Road.

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.

A Letter requesting approval of this vacation of plat has been provided to all the utility companies. Letters of No Objection and the utility provider's requirements for relocation of their facilities will be provided to the City upon receipt.

We respectfully request approval of this Vacation of Plat for a portion of the alley, the underlying and adjoining easements within Block 1427.

Please let us know if you have any questions or need further information.

Sincerely,

AVALON ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Linda Miller". The signature is fluid and cursive, with the first name "Linda" being more prominent than the last name "Miller".

Linda Miller, AICP
Vice President

**PROJECT
LOCATION**

MATLACHA PASS

CAPE

CORAL

RIVER

CALOOSAHATCHEE

LOCATION MAP

N.T.S.



THIS PLAN IS INTENDED FOR CONCEPTUAL PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE DESIGNER MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR QUALITY OF THE INFORMATION PROVIDED HEREON. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, OR NEGLIGENCE IN THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY OTHER ASPECTS OF THE PROJECT.

DATE BY REVISION DESCRIPTION

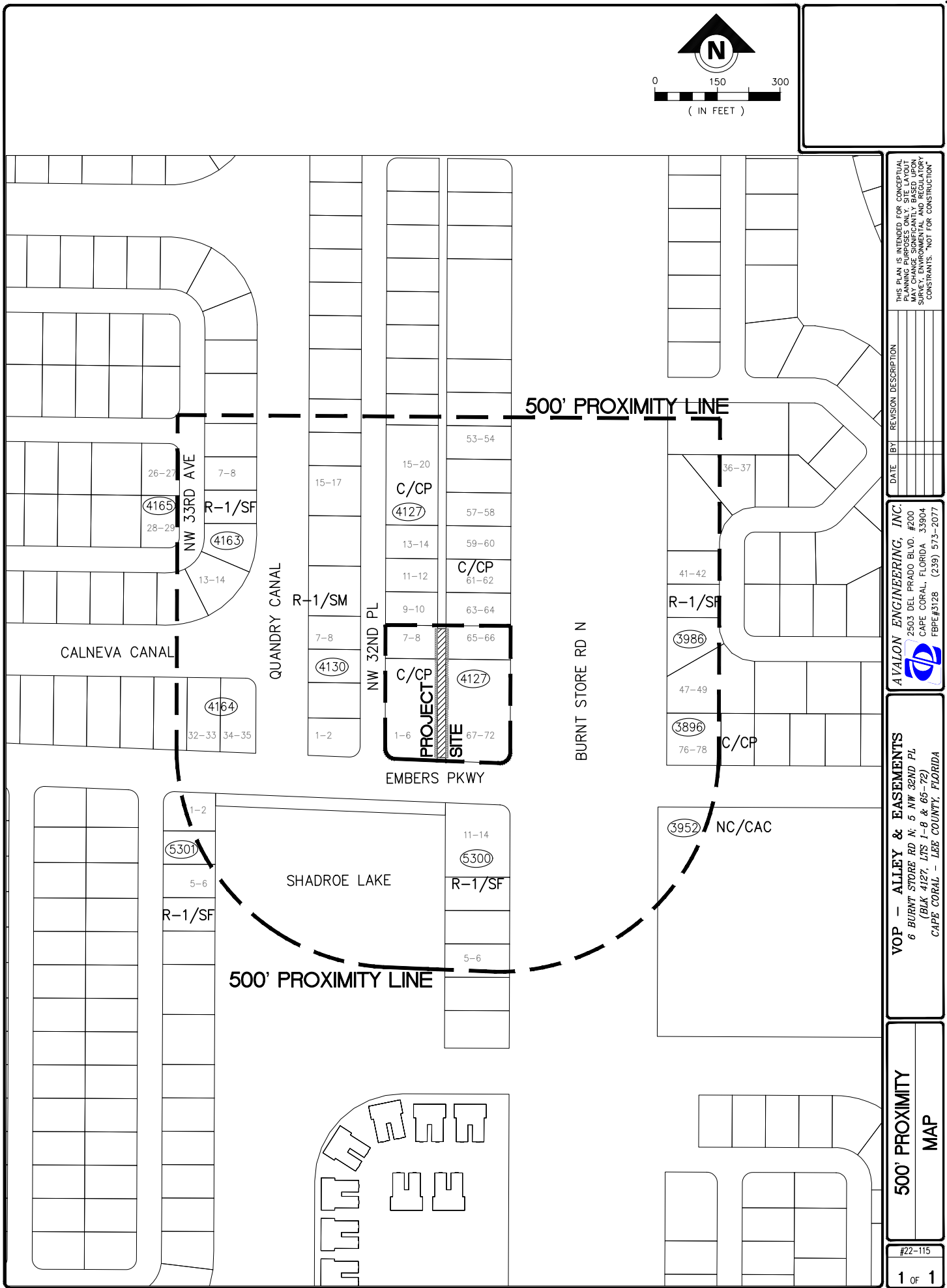
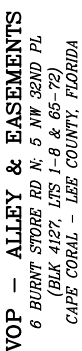
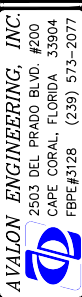
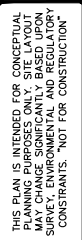
AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

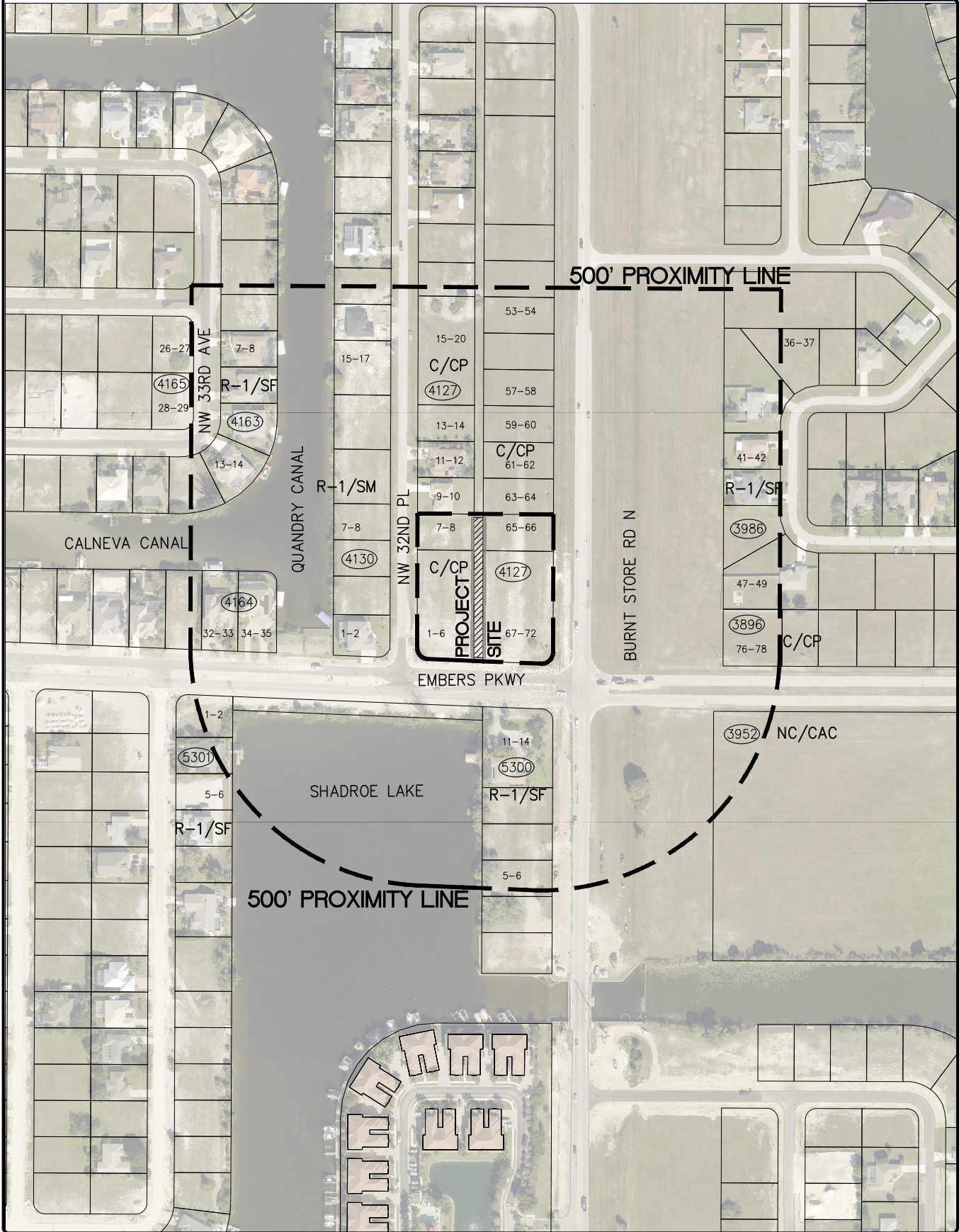
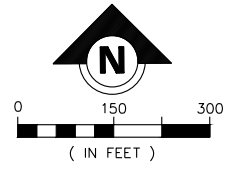
VOP - ALLEY & EASEMENTS
6 BURNT STORE RD N. 5 NW 32ND PL
(BLK 4127, LOTS 1-8 & 65-72)
CAPE CORAL - LEE COUNTY, FLORIDA

**LOCATION
MAP**

#22-115

1 of 1





THIS PLAN IS INTENDED FOR CONCEPTUAL PURPOSES ONLY. THE INFORMATION MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL AND REGULATORY CONSTRAINTS. NOT FOR CONSTRUCTION.

DATE	BY	REVISION DESCRIPTION

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

VOP - ALLEY & EASEMENTS
6 BURNT STORE RD N: 5 NW 32ND PL
(BLK 4127, LOTS 1-8 & 65-72)
CAPE CORAL - LEE COUNTY, FLORIDA

**VICINITY
MAP**

#22-115

1 of 1



7-20-2022

*Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077
AvalonEng.com #EB 0003128*

No Reservations/No Objection,

The purpose of this letter is to confirm the fact that Comcast has no objections to the release of part of the easement:

1. To vacate the 20' alley and the underlying easement between Lots 1-6 on the west and Lots 67-72 on the east, in Block 4127, while maintaining a 6' PUE around the perimeter of the site.
2. To vacate the 6' PUE and DE on the east and west side to the underlying easement. The site will maintain a 6' perimeter easement.

The subject property is located at 6 Burnt Store Road North and 5 NW 32nd Place. The site consists of two strap numbers 07-44-23-C3-04127.0010 and 07-44-23-C3-04127.0670.

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.

Sincerely,

*David Lescrynski
Manager, Construction SWFL*

12600 Westlinks Dr. Suite #4
Fort Myers, FL 33913
Cell (941) 914-7844
David_Lescrynski@comcast.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

March 20, 2023

Ms. Linda Miller, AICP
Vice President and
Director of Planning
Avalon Engineering
2503 Del Prado Boulevard
Suite 200
Cape Coral, FL 33904

Re: Letter of No Objection to Vacation of 20 foot Alley; Platted Lot Lines and Respective Platted Utility Easements between Lots 1-6, Lots 67-72, Block 4127, CAPE CORAL SUBDIVISION, Unit 59, according to the Plat thereof as recorded amongst the Public Records of Lee County, Florida, at Plat Book 19, Page 140-153, inclusive; Owner: Arkin Family Trust, et al; Strap: 07-44-23-C3-04127.0010 and 07-44-23-C3-04127.0670.

Dear Ms. Miller,

You have opened up negotiations on behalf of your client, Arkin Family Trust, et al, concerning the vacation of particular platted easements and lot lines that exists between Lots 1-6, and Lot 67-72, Block 4127, CAPE CORAL SUBDIVISION, Unit 59, according to the Plat thereof as recorded amongst the Public Records of Lee County, Florida, at Plat Book 19, Pages 140-153. Inclusive. As Depicted on a file from Avalon Engineering located at P:\CAD\2022\22-115\LUMA\PLOT\22-115 Vacation-of-Plat-Map.dwg, Layout1, 5/26/2022 11:01:53 AM

We have reviewed the Plat, the request submitted, and our internal records. LCEC has **no objection** to the vacation, as submitted and reflected, in the request. However, LCEC requires a continuous six-foot perimeter easement surrounding your client's property in order to serve him. Therefore, in the after situation to the vacation, your client, the petitioner, will have to provide to the appropriate local jurisdiction, an imposed six-foot wide easement so that there is a continuous perimeter easement located upon the parcel.

Should no definitive action, no approval, by local jurisdiction be received by the petitioner, this letter will terminate upon six months from the date listed above. This letter is not assignable to a third-party, and is non-recordable. This letter will become immediately void upon recordation.

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,

Russel Goodman, SR/WA
Senior Right of Way Agent



Attention:

Lynda Brooks
Senior Administrative Coordinator
Avalon Engineering, Inc
lynda@avalonEng.com
(239) 573-2077

Subject: No Objection Letter

Site Address: 6 Burnt Store Rd N, Cape Coral, FL 33993

To Whom it may concern:

Regarding the property referenced above, CenturyLink has **No Objection** to vacate the internal utility easement and Alley, Block 4127, Lots 1-6 and 67-72, Cape Coral) Block 4127, lots 1-6 and 67-72.

Sincerely

Henry L. Mena

THANK YOU!

Henry L. Mena

Network Implementation Engineer

Fort Myers District

2820 Cargo St, Fort Myers FL 33916

Office: (239)-634-8783

Henry.l.mena@Lumen.com

Protected Species Assessment

Unit 59, Block 4127, Lots 1 thru 8 and 65 thru 72
Cape Coral, Florida 33993
Section 07, Township 44S, Range 23E

June 3, 2022

Prepared for:

Arkin Family Trust
2324 SE 27th Street
Cape Coral, Florida 33904

Prepared by:

Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904

INTRODUCTION

This 2.23+/- acre site is located in Unit 59, Block 4127, Lots 1 thru 8 and 67 thru 72 at 6 Burnt Store Road N and 5 NW 32nd Place, Cape Coral, Florida 33993. Adjacent properties consist of the following: North residential/commercial; East Burnt Store Road N.; South Embers Parkway; and West residential.

SITE CONDITIONS

A site inspection was conducted by Chris Taylor on June 3, 2022. The weather was rainy with temperatures in the mid 70's.

VEGETATION CLASSIFICATIONS

The table below displays the (#1) vegetative associations found on the subject parcel. These vegetative associations were identified using the Florida Land Use Cover Classification System. (FLUCCS) and are shown on the table below. Also included is a description of each FLUCCS association below.

FLUCCS CODE	DESCRIPTION	APPROXIMATE ACREAGE
191	Undeveloped Land within Urban Areas	2.23+/-
TOTAL ACREAGE		2.23+/-

SURVEY METHOD

To provide at least 100% visual coverage, nine (9) centered transects were completed at 25' intervals within the construction area. This method was selected to examine for the presence or absence of protected or listed species within the entire construction area.

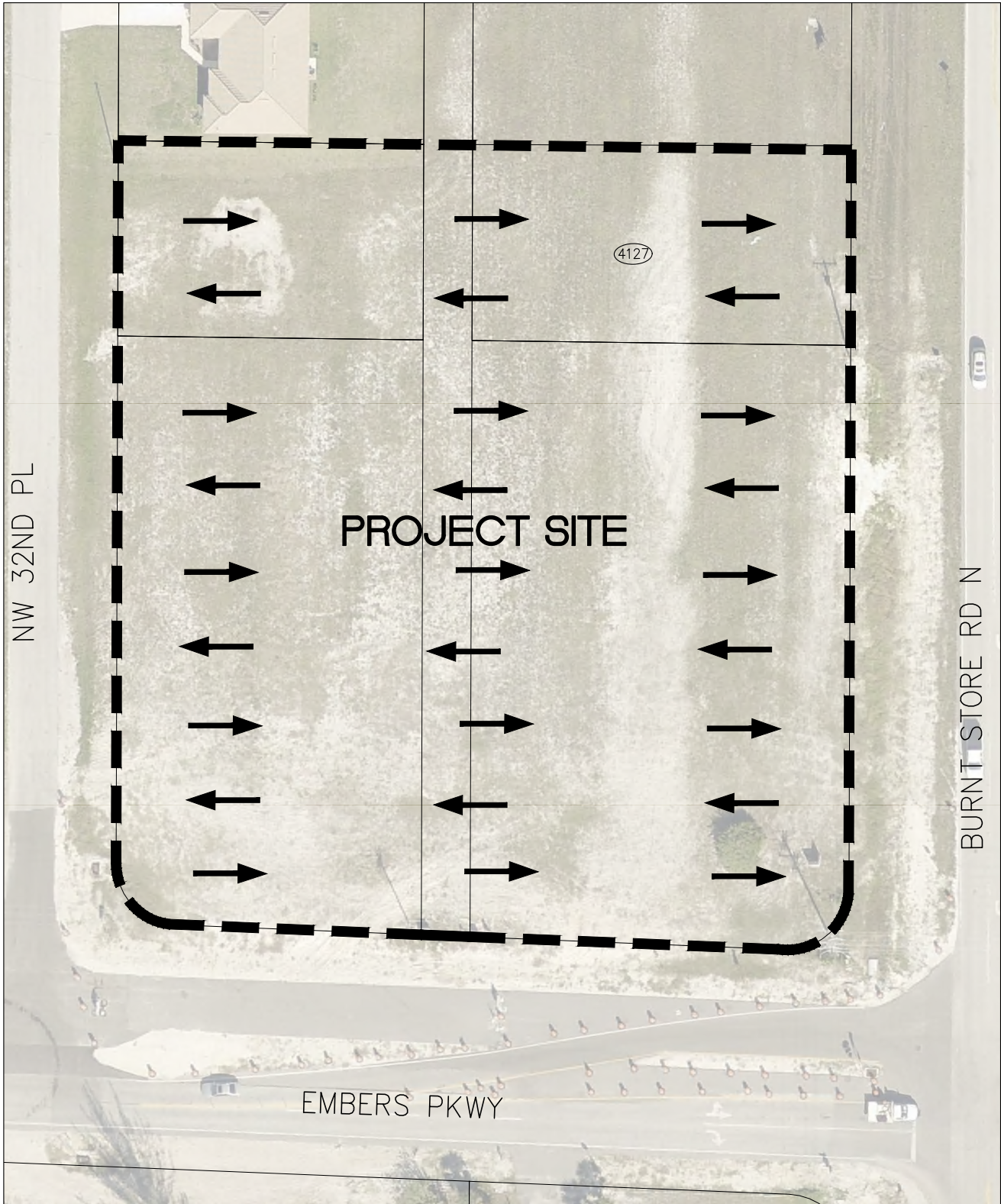
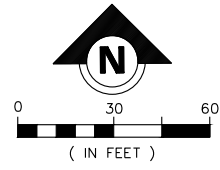
If a sign or sighting was observed, an aerial photograph was marked depicting the approximate location. The attached scale aerial map depicts the results of this survey. Other listed protected species which could occur on the subject parcel according to City of Cape Coral which were surveyed for are as follows:

SPECIES	SCIENTIFIC NAME	OBSERVED
Burrowing Owl	Athene cunicularia	No
Gopher Tortoise	Gopherus polyphemus	No

RESULTS

The Protected Species Survey revealed the presence of no species listed by either the U.S. Fish & Wildlife Service (USFWS) or by the Florida Fish & Wildlife Conservation Commission (FFWCC).

Attachment: Transect Line Map



PROTECTED SPECIES TRANSECT
LINE JUNE 3, 2022

THIS PLAN IS INTENDED FOR CONCEPTUAL PURPOSES ONLY. IT IS NOT A FINAL DESIGN. THE DESIGN MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL AND REGULATORY CONSTRAINTS. NOT FOR CONSTRUCTION.

DATE	BY	REVISION DESCRIPTION

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

VOP - ALLEY & EASEMENTS
6 BURNT STORE RD N: 5 NW 32ND PL
(BLK 4127, LTS 1-8 & 65-72)
CAPE CORAL - LEE COUNTY, FLORIDA

**TRANSECT
MAP**

#22-115

1 of 1

Review Date: May 5, 2023

Property Owners: Multiple owners – see Exhibit “1”

Authorized Rep: Linda Miller, Avalon Engineering, Inc.

Location: Four sites: 6 Burnt Store Road North, 16 Burnt Store Road North, 5 NW 32nd Place, and 13 NW 32nd Place. All sites are in Block 4127, Unit 59, Cape Coral Subdivision.

Representative: Linda Miller, Avalon Engineering, Inc.

Requests: The petitioners request vacating the following:

1. ±6,235 sq. ft. of platted alley right-of-way and all underlying public utility and drainage easements between Lots 1-8 and Lots 65-72 in Block 4127, Unit 59, Cape Coral Subdivision.
2. ±3,741 sq. ft. platted public utility and drainage easements adjacent to the platted alley occupying Lots 1-8 and Lots 65-72 in Block 4127, Unit 59, Cape Coral Subdivision.

Prepared By: Mike Struve, Planning Team Coordinator

Approved By: Amy Yearsley, Planning Manager

Street Frontage: Lots 1-8 have frontage on NW 32nd Place, a local street. Lots 65-72 have frontage on Burnt Store Road, a Lee County-maintained street that is classified as a principal arterial. Lots 1 and 72 also have frontage on Embers Parkway West, a minor arterial.

Recommendation: **Approval of both vacation requests with conditions.**

Background

The petitioners in this case own four sites at the south end of Block 4127 that collectively total 2.36 acres (Figure 1). Information on each individual site appears in Exhibit “1”. All four sites, as well as all sites in Block 4127, have a Commercial/Professional Future Land Use Classification (FLUC) and Commercial (C) zoning. Sites to the east, south, and west of the subject properties have a residential FLUC (either Single Family or Single Family and Multi-Family) and Single-Family Residential (R-1) zoning.

A platted, 20-foot-wide alley that runs north to south, separates Block 4127 into east and west halves. This alley is unimproved. Of the 27 parcels in Block 4127, six sites, all on the west side of the block, are developed with single-family dwellings. All other sites in the block are unimproved.

The FLUC of Lots 1-6 and Lots 67-72 was amended from Single Family and Multi-Family (SM) to SF by Ordinance 12-17 and to CP by Ordinance 4-18.

The FLUC of Lots 7-60 was amended from SM to CP by Ordinance 2-19. The FLUC of Lots 61-66 was amended from SM to CP by Ordinance 4-18.

The zoning of Lots 1-6 and Lots 61-72 was amended Multi-Family Residential (R-3) to Residential Development (RD) by Ordinance 61-90 and to C by Ordinance 4-18.

The zoning of Lots 7-60 was amended from R-3 to RD by Ordinance 61-90 and to C by Ordinance 4-19.

Minimum Standards

The petitioners are eligible to file the requested vacations as this application provides the following:

- Color of title or ownership of each site involved in the requested vacations has been demonstrated.
- Letters of no objection have been received from Comcast, Lee County Electric Cooperative (LCEC), and Lumen. LCEC as a condition of approval, requires a continuous, six-foot wide perimeter easement around the consolidated site.
- Survey sketches and legal descriptions have been received describing the alley right-of-way and platted perimeter easements that will be vacated.

Analysis

Staff analyzed this request 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.

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 analysis: Burnt Store Road is a Lee County-maintained road that is being widened from two to four lanes. Work on the north and middle segments of this road have been completed. The widening of the south segment from Tropicana Parkway to Pine Island Road is expected to be completed in 2023. The east side of the subject block has frontage on Burnt Store Road and is located within the south segment. Eventual plans call for this roadway to be widened to six lanes.

Burnt Store Road is a controlled access road with established permanent access points. Driveway permits on Burnt Store Road for the subject site will be reviewed by Lee County Department of Transportation. It is unclear whether the subject site would be issued a driveway permit from the County along Burnt Store Road because of a southbound right turn proposed for vehicles approaching the Embers Parkway intersection. However, the site has frontage on two other streets, Embers Parkway and NW 32nd Place. A proposed development for the site could meet driveway spacing requirements along NW 32nd Place as City requirements for local streets are relaxed compared to the more stringent requirements for access along major roads.

The alley right-of-way proposed to be vacated is not needed by the City to meet future transportation needs within Block 4127. The alley, if vacated, will end at Lot 9 and a cross-access easement on the developers’ site will be provided on Lot 8 to the City. Vehicles can enter and leave the alley from this cross-access easement that will be constructed by the developers. The cross-access easement will have a width of 24 feet, greater than the width (20 feet) of the

platted alley. As other sites are developed and redeveloped in the block, alley improvements will occur incrementally since the City requires alleys to be improved along the frontage of a site when developed in commercial and mixed-use zoning districts prior to the issuance of a certificate of occupancy.

Neither the easements underlying the alley right-of-way, nor the adjoining platted easements are needed. An engineered stormwater treatment facility will be required when the site is developed for treating stormwater generated on this site. The platted easements will not be needed as the City will retain easements sufficient for providing a continuous perimeter easement around the consolidated site.

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

Staff analysis: New easements are not needed. The City will retain existing easements that will provide a continuous perimeter easement around the site.

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

Staff analysis: Because a segment beginning at the south end of the alley is proposed to be vacated, an alternate route is required to ensure the remaining alley right-of-way does not result in a dead end. As a condition of approval, staff recommends the owners of Lot 8 and Lot 65 provide the City with a cross-access easement on this site that will provide a drive isle connecting the alley with NW 32nd Place to the west.

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

Staff analysis: The cross-access easement, referenced in Standard #3 above, will provide a connection for vehicles traveling between NW 32nd Place and the remaining alley in Block 4127. This easement will be 24 feet wide and will ensure vehicles traveling in the alley are not required to turn around or reverse their course to exit this right-of-way.

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 analysis: Comcast, LCEC, and Lumen provided letters stating they have no objection to the requested vacations. As a condition of approval, LCEC requires the petitioners to provide a six-foot wide perimeter easement around the site. Staff also recommends such an easement be provided as a condition of approval.

Consistency with the Comprehensive Plan

Future Land Use Element

Table 1, Policy 1.15. Identification of Zoning Districts Consistent with Various Future Land Use Classifications.

Future Land Use	Consistent Zoning Districts
Single-Family (SF)	R-1, RE
Single-Family and Multi-Family (SM)	R-1, RML, RMM, RE, A
Multi-Family	RML, RMM
Low Density Residential (LDR)	RE, A
Commercial/Professional	C, P
Mixed Use (MX)	All except MXB
Downtown Mixed (DM)	SC, MXB
Pine Island Road District (PIRD)	CC
Commercial Activity Center (CAC)	NC
Light Industrial (I)	I
Natural Resources/Preservation (PRES)	PV
Public Facilities (PF)	All
Parks and Recreation (PK)	ALL except MX7 and MXB
Open Space (OS)	PV

Staff analysis: Table 1. above shows the Commercial (C) Zoning of the site is consistent with the Commercial/Professional FLUC of this site. The vacation request is consistent with this policy.

Policy 1.15.c.

Commercial/Professional: Intensities of use in the Commercial/Professional (CP) land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Zoning districts compatible with this classification may also be used in conjunction with the Mixed Use (MX) future land use classification. When used in conjunction with the MX Classification, densities, intensities, and other parameters, as described for these districts may differ from those described for the CP Classification. Permitted uses will ultimately depend upon the zoning district of the subject parcel. Generally, two zoning districts are consistent with the Commercial/Professional future land use classification, identified below. However, the City may develop additional zoning districts, compatible with the CP future land use classification, in the future.

The Professional (P) District is designed to provide professional office and other compatible development in areas that are suitable for such activities. The P District is appropriate for development of both small-scale and large-scale office or professional development projects, or projects containing uses compatible with such development. The intensity of development within this district is based upon the size (including width, depth, and compactness) and location of the property, as well as on compatibility with adjacent future land use classifications and zoning districts.

The Commercial (C) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C District range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger-scale development.

In certain locations, fragmented ownership of relatively small properties, or other factors, may preclude the creation of larger properties with access onto a collector or arterial roadway. Under such circumstances, it may be appropriate for the C Zoning District to place additional limits on the intensities of commercial development on these properties. It may also be appropriate, under certain circumstances to place restrictions on some commercial uses, such as those with high trip generation rates, adverse aesthetic attributes, and generation of disturbing noises or odors. Factors to consider when establishing such limits on intensities or uses include the following: the depth of the property, whether the property is adjacent to a waterway, whether the property is adjacent to or proximate to future land use classifications or zoning districts that allow residential uses, or the functional classification of street(s) available for street access. The placement of limitations upon the types and intensities of uses allowed within the C Zoning District, in accordance with the factors described above, is intended to reduce conflicts between the C District and adjacent or nearby residential zoning districts...

Staff analysis: The vacation will allow sites on the east and west sides of Block 4127 to be combined into a single site for future development and will provide full block depth for a future development. The site is at the intersection of two major streets, a factor that is further supported by this policy. The vacation request is consistent with this policy.

Policy 3.6.

The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project.

Staff analysis: The vacation request will unify four sites currently separated by a platted alley. This request, if approved, would increase the area of the site, and provide full block depth for a consolidated future development.

Recommendation:

The proposed vacations are consistent with the five standards appearing in LDC, Section 3.4.5. for evaluating vacation requests and is consistent with those applicable policies appearing in the Comprehensive Plan. Staff recommends approval of all vacation requests with the following conditions.

Conditions of Approval

1. The owners shall be responsible for all costs associated with relocating any utility provider facilities occupying easements affected by this vacation.
2. The vacation of the alley and underlying easements located between Lots 1-8 and Lots 65-72 in Block 4127, Unit 59, Cape Coral Subdivision, shall be consistent with that shown in the sketch and

accompanying legal description prepared by Phillip M. Mould, entitled *“(Proposed) Vacation of a Portion of Alley and any and all Underlying Easements in Block 4127, Cape Coral, Unit 59”*, dated June 2, 2022, as shown in Exhibit “A”.

3. The vacation of the platted easements located in Lots 1-8 and Lots 65-72 in Block 4127, Unit 59, Cape Coral Subdivision, shall be consistent with that shown in the sketches and accompanying legal descriptions prepared by Phillip M. Mould, entitled *“(Proposed) Vacation of a Portion of a Public Utility and Drainage Easement Lying in a Portion of Lots 1-8, Block 4127, Cape Coral, Unit 59”* and *“(Proposed) Vacation of a Portion of a Public Utility and Drainage Easement Lying in a Portion of Lots 65-72, Block 4127, Cape Coral, Unit 59”*, dated June 2, 2022, as shown in Exhibit “B”.
4. Within 90 days from the date of adoption of this vacation, the owners of Lot 8 and Lot 65 shall provide to the City a perpetual cross-access easement on Lot 8 that provides a vehicular connection between the alley and NW 32nd Place. The cross-access easement shall be consistent with that shown on the sketch and legal description prepared by Phillip M. Mould, entitled *“Cross Access, Ingress, Egress Easement in a Portion of Lot 8, Lot 65, and a Portion of a 20 Foot Alley, Block 4127, Cape Coral, Unit 59”*, dated November 30, 2022, as shown in Exhibit “C”. This easement shall be approved by the City Land Development Manager and the Property Broker prior to execution.
5. The owners shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.
6. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the owners.

Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
PH: 239-242-3255
Email: mstruve@capecoral.gov

EXHIBIT "1" Information on Individual Sites in Block 4127 Involved in Case Number VAC22-000033

STRAP	ZONING	FLU	SITE ADDRESS	OWNER NAME	IMPROVED	LEGAL	AREA (sq. ft.)
07-44-23-C3-04127.0010	C	CP	5 NW 32nd Place	Arkin Family Trust et al.	N	Cape Coral Unit 59, Block 4127, Lots 1-6, PB 19, PG 140-153	30,095
07-44-23-C3-04127.0070	C	CP	13 NW 32nd Place	HHT 0730, LLC	N	Cape Coral Unit 59, Block 4127, Lots 7-8, PB 19, PG 140-153	10,000
07-44-23-C3-04127.0630	C	CP	16 Burnt Store Road North	Estay Rubinstein Trust et al.	N	Cape Coral Unit 59, Block 4127, Lots 63-66, PB 19, PG 140-153	24,800
07-44-23-C3-04127.0670	C	CP	6 Burnt Store Road North	Arkin Family Trust et al.	N	Cape Coral Unit 59, Block 4127, Lots 67-72, PB 19, PG 140-153	38,016
TOTAL							102,911 (2.36 acres)

SKETCH TO ACCOMPANY DESCRIPTION
(PROPOSED) VACATION OF A PORTION OF ALLEY
AND ANY AND ALL UNDERLYING EASEMENTS IN,

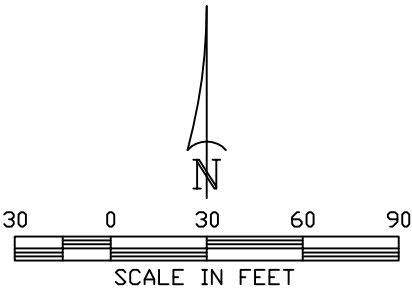
BLOCK 4127
CAPE CORAL, UNIT 59

SECTION 7, TOWNSHIP 44 SOUTH, RANGE 23 EAST
(PLAT BOOK 19, PAGES 140-153)
LEE COUNTY, FLORIDA

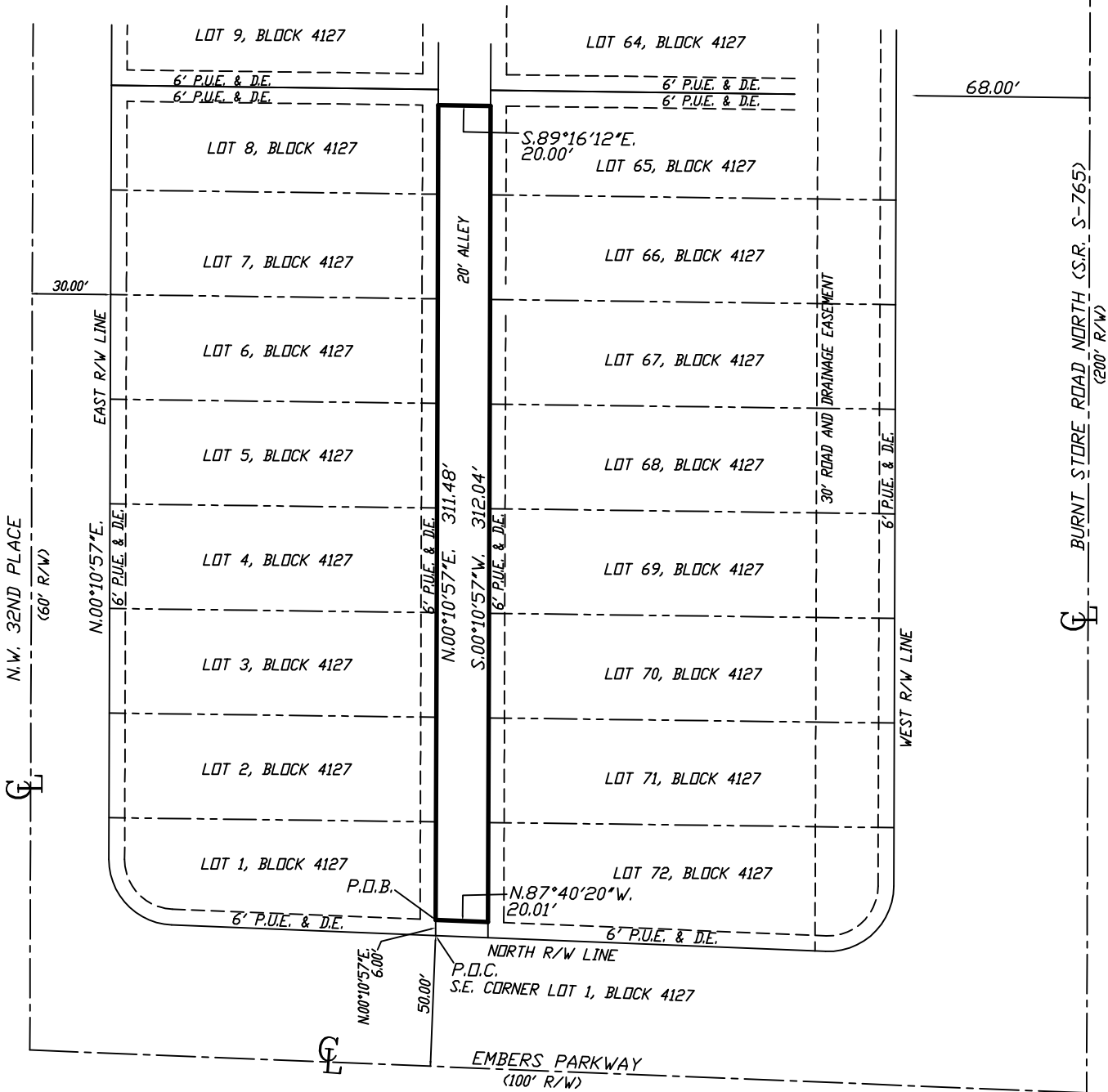
NOT A BOUNDARY SURVEY

LEGEND:

- R/W RIGHT OF WAY
CL CENTERLINE
P.U.E. & D.E. PUBLIC UTILITY & DRAINAGE EASEMENT
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT



SEE SHEET 2 OF 2 EXHIBIT "A"
FOR DESCRIPTION TO ACCOMPANY THIS SKETCH



NOT A BOUNDARY SURVEY

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

CERTIFICATE OF AUTHORIZATION: LB #6921

DRAWN: PMM	CHECK: FBH	SCALE 1"=60'	PROJ. # CC-U59-4127-1
SKETCH DATE 06/02/2022		FILE NO. 44-23-7	SHT.- 1 OF - 2

- SKETCH NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF N.W. 32ND PLACE, AS BEING N.00°10'57"E.
 2. FIELD NOTES IN CAPE CORAL, BLOCK 4127.
 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. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 60 SCALE DRAWING.

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

(PROPOSED) VACATION OF A PORTION OF ALLEY
AND ANY AND ALL UNDERLYING EASEMENTS IN,**BLOCK 4127**
CAPE CORAL, UNIT 59SECTION 7, TOWNSHIP 44 SOUTH, RANGE 23 EAST
(PLAT BOOK 19, PAGES 140-153)
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF BLOCK 4127, CAPE CORAL UNIT 59, AS RECORDED IN PLAT BOOK 19, PAGES 140 - 153, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, SAID BLOCK 4127, CAPE CORAL UNIT 59, AS RECORDED IN PLAT BOOK 19, PAGES 140 - 153, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°10'57"E. FOR 6.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN N.00°10'57"E. FOR 311.48 FEET; THENCE RUN S.89°16'12"E. FOR 20.00 FEET; THENCE RUN S.00°10'57"W. FOR 312.04 FEET; THENCE RUN N.87°40'20"W. FOR 20.01 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 6,235.22 SQUARE FEET, MORE OR LESS.

NOT A BOUNDARY SURVEY**CERTIFIED TO"**HAROLD ARKIN
CITY OF CAPE CORAL, FLORIDA**SKETCH / DESCRIPTION NOTES:**

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF N.W. 32ND PLACE, AS BEING N.00°10'57"E.
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9. THE SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 60 SCALE DRAWING.

Phillip M Mould,
P.S.M.
6515 State
of Florida

Digitally signed
by Phillip M
Mould, P.S.M.
6515 State of
Florida
Date:
2022.08.26
09:29:29 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DRAWN: PMM	CHECK: FBH	PROJ. # CC-U59-4127-1
SKETCH DATE: 9/26/17	FILE NO. 44-23-7	SHT.-2 OF - 2

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

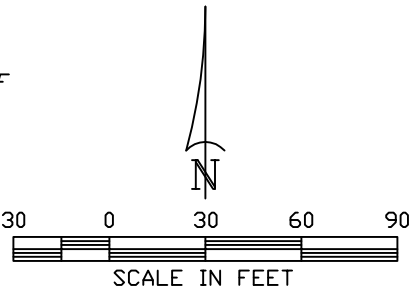
LOTS 1-8, BLOCK 4127,
CAPE CORAL, UNIT 59

SECTION 7, TOWNSHIP 44 SOUTH, RANGE 23 EAST
(PLAT BOOK 19, PAGES 140-153)
LEE COUNTY, FLORIDA

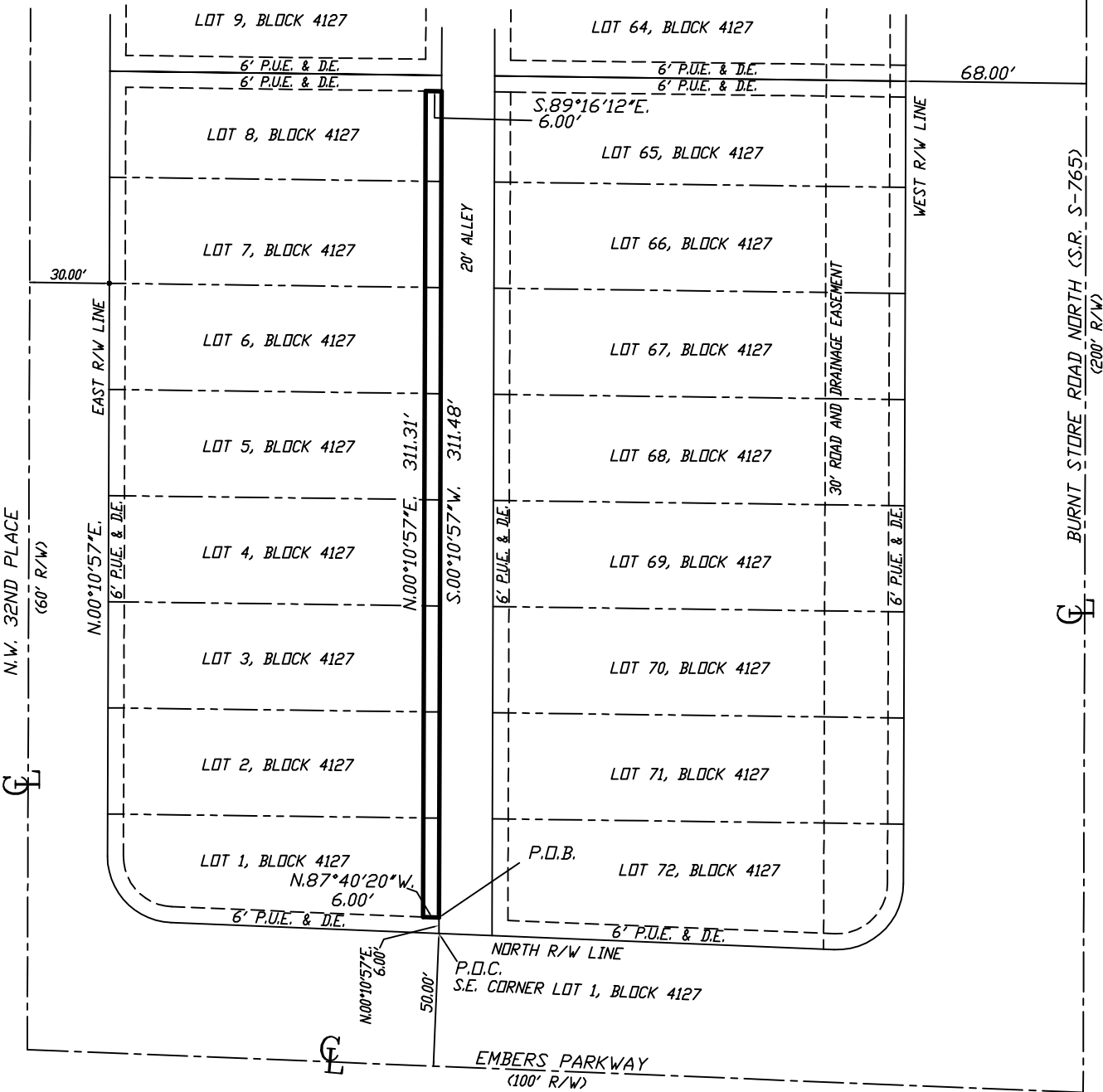
NOT A BOUNDARY SURVEY

LEGEND:

- R/W RIGHT OF WAY
CL CENTERLINE
P.U.E. & D.E. PUBLIC UTILITY & DRAINAGE EASEMENT
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT



SEE SHEET 2 OF 2 EXHIBIT "B"
FOR DESCRIPTION TO ACCOMPANY THIS SKETCH



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF N.W. 32ND PLACE, AS BEING N00°10'57"E.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4127.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
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9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 60 SCALE DRAWING.

NOT A BOUNDARY SURVEY

HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
CERTIFICATE OF AUTHORIZATION: LB #6921			
DRAWN: PMM	CHECK: FBH	SCALE 1"=60'	PROJ. # CC-U59-4127-1
SKETCH DATE 06/02/2022		FILE NO. 44-23-7	SHT.- 1 OF - 2

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

(PROPOSED) VACATION OF A PORTION OF PUBLIC
UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF**LOTS 1-8, BLOCK 4127,
CAPE CORAL, UNIT 59**SECTION 7, TOWNSHIP 44 SOUTH, RANGE 23 EAST
(PLAT BOOK 19, PAGES 140-153)
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOTS 1-8, BLOCK 4127, CAPE CORAL UNIT 59, AS RECORDED IN PLAT BOOK 19, PAGES 140 - 153, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, SAID BLOCK 4127, CAPE CORAL UNIT 59, AS RECORDED IN PLAT BOOK 19, PAGES 140 - 153, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°10'57"E. FOR 6.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN N.87°40'20"W. FOR 6.00 FEET; THENCE RUN N.00°10'57"E. FOR 311.31 FEET; THENCE RUN S.89°16'12"E. FOR 6.00 FEET; THENCE RUN S.00°10'57"W. FOR 311.48 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,868.39 SQUARE FEET, MORE OR LESS.

NOT A BOUNDARY SURVEY**CERTIFIED TO"**HAROLD ARKIN
CITY OF CAPE CORAL, FLORIDA**SKETCH / DESCRIPTION NOTES:**

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9. THE SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 60 SCALE DRAWING.

Phillip M Mould,
P.S.M.
6515 State of Florida

Digitally signed by Phillip M Mould, P.S.M.
6515 State of Florida
Date: 2022.11.29 12:19:01 -05'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DRAWN: PMM	CHECK: FBH	PROJ. # CC-U59-4127-1
SKETCH DATE: 9/26/17	FILE NO. 44-23-7	SHT.-2 OF - 2

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

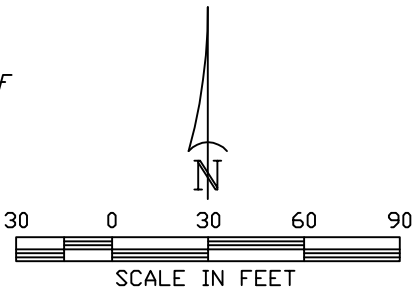
LOTS 65-72, BLOCK 4127,
CAPE CORAL, UNIT 59

SECTION 7, TOWNSHIP 44 SOUTH, RANGE 23 EAST
(PLAT BOOK 19, PAGES 140-153)
LEE COUNTY, FLORIDA

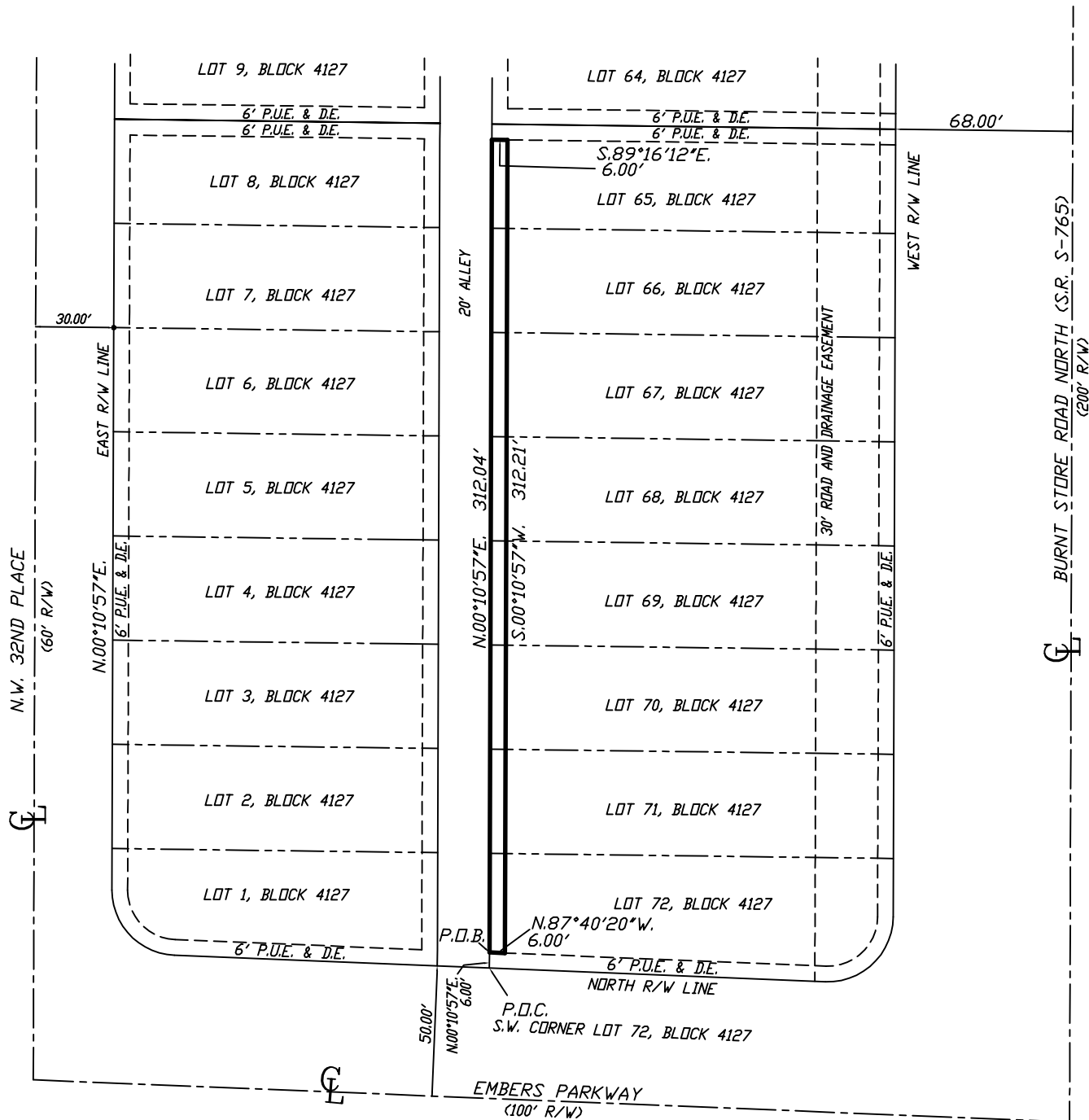
NOT A BOUNDARY SURVEY

LEGEND:

- R/W RIGHT OF WAY
CL CENTERLINE
P.U.E. & D.E. PUBLIC UTILITY & DRAINAGE EASEMENT
P.D.B. POINT OF BEGINNING
P.D.C. POINT OF COMMENCEMENT



SEE SHEET 2 OF 2 EXHIBIT "C"
FOR DESCRIPTION TO ACCOMPANY THIS SKETCH



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF N.W. 32ND PLACE, AS BEING N00°10'57"E.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4127.
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NOT A BOUNDARY SURVEY

HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
CERTIFICATE OF AUTHORIZATION: LB #6921			
DRAWN: PMM	CHECK: FBH	SCALE 1"=60'	PROJ. # CC-U59-4127-1
SKETCH DATE 06/02/2022		FILE NO. 44-23-7	SHT.- 1 OF - 2

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

(PROPOSED) VACATION OF A PORTION OF PUBLIC
UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF**LOTS 65-72, BLOCK 4127,
CAPE CORAL, UNIT 59**SECTION 7, TOWNSHIP 44 SOUTH, RANGE 23 EAST
(PLAT BOOK 19, PAGES 140-153)
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOTS 67-72, BLOCK 4127, CAPE CORAL UNIT 59, AS RECORDED IN PLAT BOOK 19, PAGES 140 - 153, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
COMMENCING AT THE SOUTHWEST CORNER OF LOT 72, SAID BLOCK 4127, CAPE CORAL UNIT 59, AS RECORDED IN PLAT BOOK 19, PAGES 140 - 153, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°10'57"E. FOR 6.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN N.00°10'57"E. FOR 312.04 FEET; THENCE RUN S.89°16'12"E. FOR 6.00 FEET; THENCE RUN S.00°10'57"W. FOR 312.21 FEET; THENCE RUN N.87°40'20"W. FOR 6.00 FEET, TO THE POINT OF BEGINNING.
CONTAINING: 1,872.74 SQUARE FEET, MORE OR LESS.

NOT A BOUNDARY SURVEY**CERTIFIED TO"**HAROLD ARKIN
CITY OF CAPE CORAL, FLORIDA**SKETCH / DESCRIPTION NOTES:**

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF N.W. 32ND PLACE, AS BEING N.00°10'57"E.
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8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THE SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 60 SCALE DRAWING.

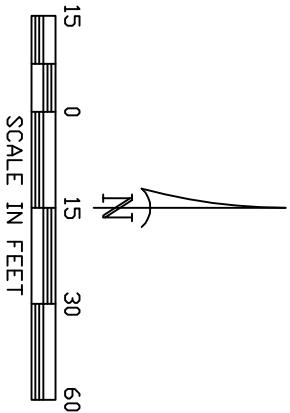
Phillip M Mould,
P.S.M.
6515 State of Florida

Digitally signed by Phillip M Mould, P.S.M.
6515 State of Florida
Date: 2022.08.26 09:31:06 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA

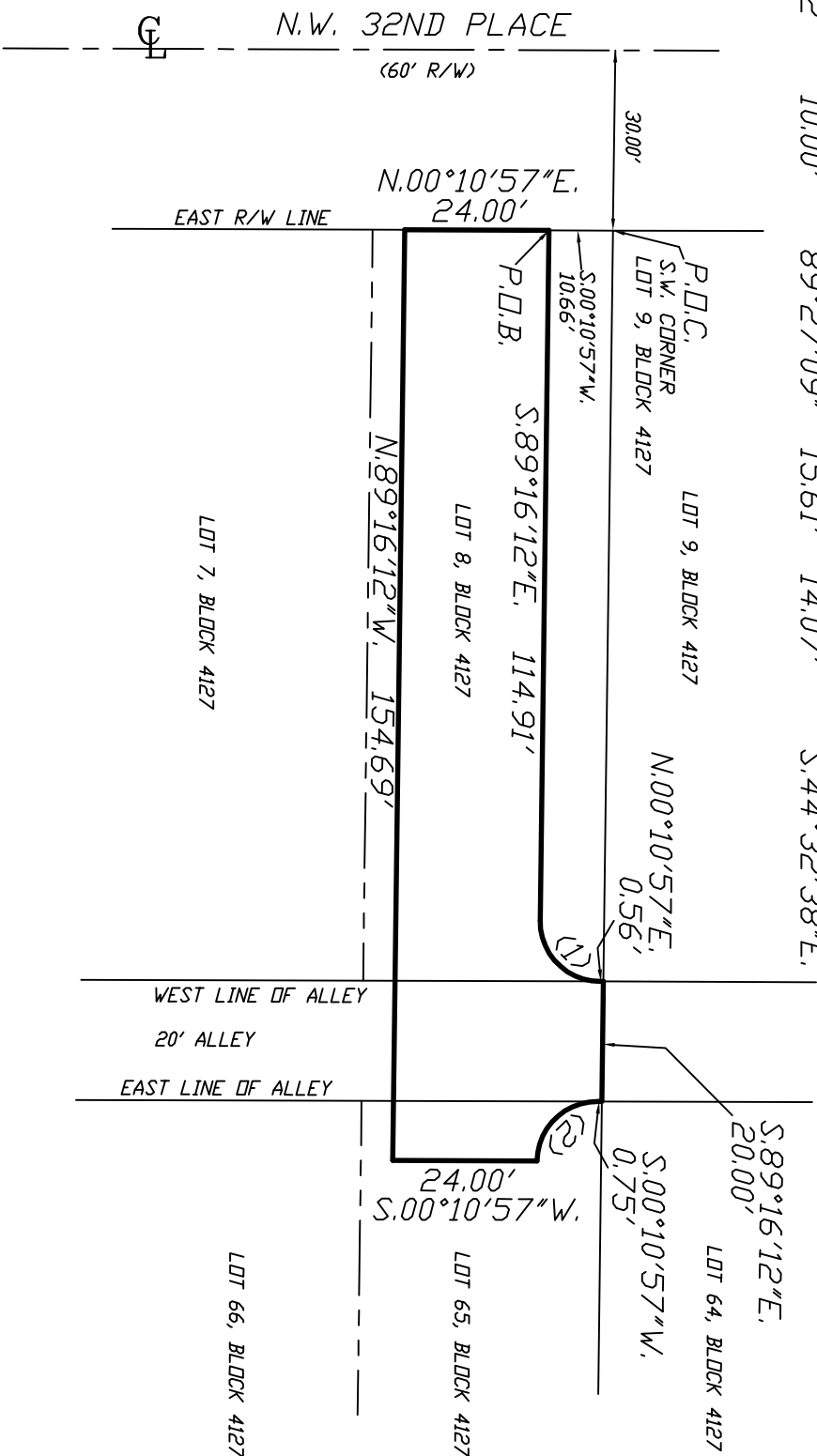
HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DRAWN: PMM	CHECK: FBH	PROJ. # CC-U59-4127-1
SKETCH DATE: 9/26/17	FILE NO. 44-23-7	SHT.-2 OF - 2



NO.	RADIUS	DEL TA	ARC	CHORD	CHORD BEARING
1	10.00'	90°32'51"	15.80'	14.21'	N 45°27'22"E.
2	10.00'	89°27'09"	15.61'	14.07'	S 44°32'38"E.

CURVE TABLE



CROSS ACCESS, INGRESS, EGRESS EASEMENT IN A
PORTION OF LOT 8, LOT 65, AND A
PORTION OF A 20 FOOT ALLEY, BLOCK 4127,
CAPE CORAL, UNIT 59

SECTION 7, TOWNSHIP 44 SOUTH, RANGE 23 EAST
(PLAT BOOK 19, PAGES 140-153)
LEE COUNTY, FLORIDA
NOT A BOUNDARY SURVEY

LEGEND:	
R/W	RIGHT OF WAY
E	CENTERLINE
PUE. & DE	PUBLIC UTILITY & DRAINAGE EASEMENT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING

SKETCH / DESCRIPTION NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF N.W. 32ND PLACE, AS BEING N.00°10'57"E.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4127.
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 SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.501, FS 472.0251, 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THE SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 30 SCALE DRAWING.

HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
CERTIFICATE OF AUTHORIZATION: LB6921			
DRAWN	CHECK	SCALE	PRD. #
PMW	FBH	1"=30'	CC-059-4127-1
SKETCH DATE	FILE NO.	SHT. - 1	
11/30/2022	44-23-7	OF - 2	

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

CROSS ACCESS, INGRESS, EGRESS EASEMENT IN A PORTION OF LOT 8, LOT 65, AND A PORTION OF A 20 FOOT ALLEY, BLOCK 4127, CAPE CORAL, UNIT 59

SECTION 7, TOWNSHIP 44 SOUTH, RANGE 23 EAST
(PLAT BOOK 19, PAGES 140-153)
LEE COUNTY, FLORIDA

DESCRIPTION:

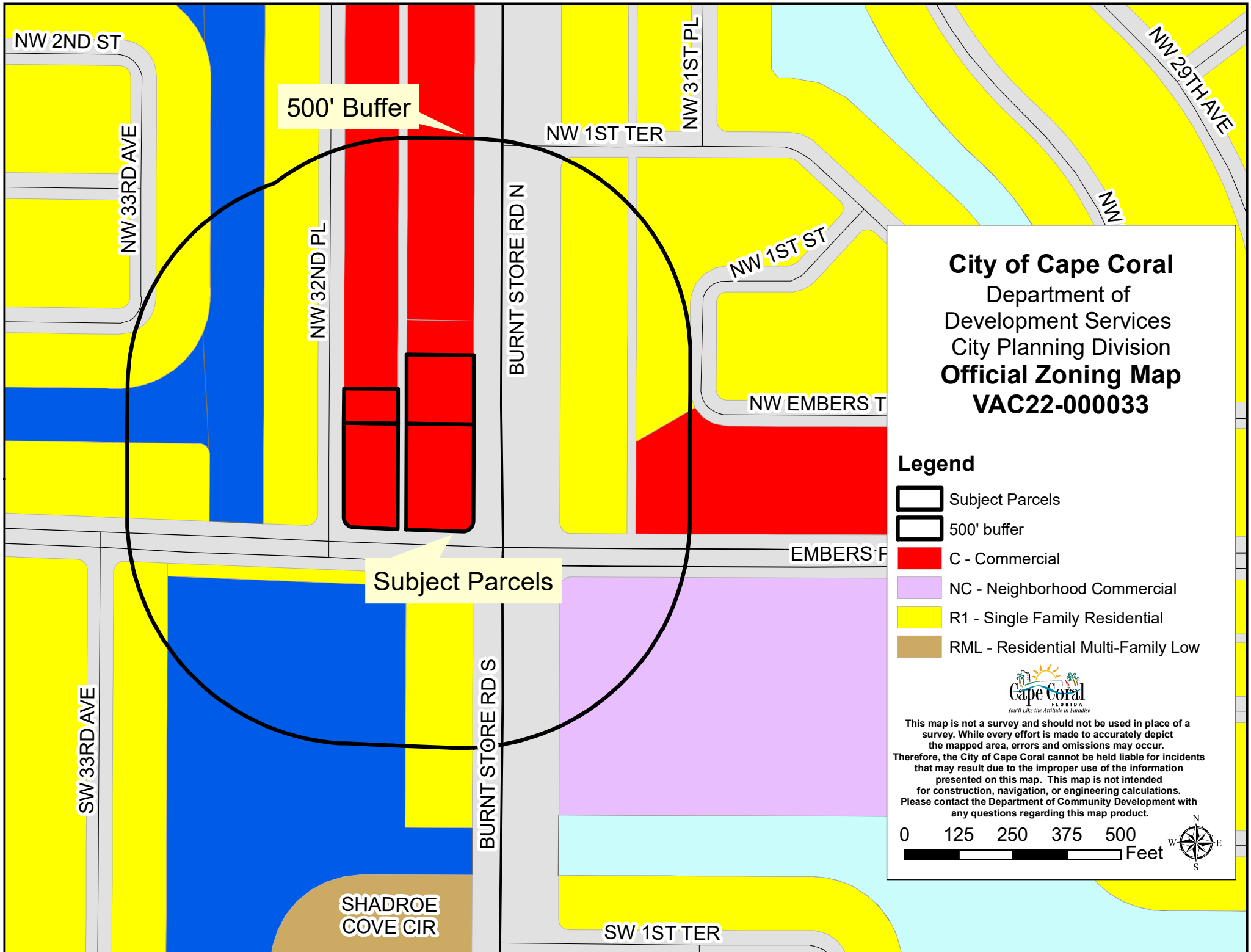
NOT A BOUNDARY SURVEY

A PLOT OR PORTION OF LAND LYING IN A PORTION OF LOTS 8, LOT 65, AND A PORTION OF A 20 FOOT WIDE ALLEY, BLOCK 4127, CAPE CORAL UNIT 59, AS RECORDED IN PLAT BOOK 19, PAGES 140-153, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF LOT 9, SAID BLOCK 4127; THENCE RUN S.00°10'57"W. ALONG THE EAST RIGHT OF WAY LINE OF N.W. 32ND PLACE (60 FEET WIDE) FOR 10.66 FEET, TO THE POINT OF BEGINNING; THENCE RUN S.89°16'12"E. TO A POINT OF CURVATURE FOR 114.91 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT FOR 15.80 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 10.00 FEET, A CENTRAL DELTA ANGLE OF 90°32'51", A CHORD THAT BEARS N.45°27'22"E., AND A CHORD DISTANCE OF 14.21 FEET; THENCE RUN N.00°10'57"E. ALONG THE WEST LINE OF THE AFORESAID 20 FOOT WIDE ALLEY FOR 0.56 FEET; THENCE RUN S.89°16'12"E. TO A POINT ALONG THE EAST LINE OF SAID 20 FOOT WIDE ALLEY, FOR 20.00 FEET; THENCE RUN S.00°10'57"W. TO A POINT OF CURVATURE, FOR 0.75 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT FOR 15.61 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 10.00 FEET, A CENTRAL DELTA ANGLE OF 89°27'09", A CHORD THAT BEARS S.44°32'48"E., AND A CHORD DISTANCE OF 14.07 FEET; THENCE RUN S.00°10'57"W. FOR 24.00 FEET; THENCE RUN N.89°16'12"W. TO A POINT ALONG THE AFORESAID EAST RIGHT OF WAY LINE OF N.W. 32ND PLACE (60 FEET WIDE) FOR 154.69 FEET; THENCE RUN N.00°10'57"E. ALONG SAID EAST RIGHT OF WAY LINE FOR 24.00 FEET, TO THE POINT OF BEGINNING. CONTAINING: 3,974.00 SQUARE FEET, MORE OR LESS.

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA







HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
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SKETCH DATE: 11/30/2022	FILE NO. 44-23-7	SHT.-2 OF - 2



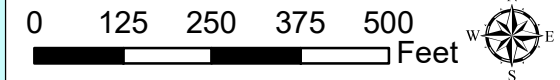
City of Cape Coral
Department of
Development Services
City Planning Division
Official Zoning Map
VAC22-000033

Legend

-  Subject Parcels
-  500' buffer
-  C - Commercial
-  NC - Neighborhood Commercial
-  R1 - Single Family Residential
-  RML - Residential Multi-Family Low



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.





**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

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

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: Vacation of a Portion of the Alley in Block 4127
Location/Address 13 NW 32nd Place
Strap Number 07-44-23-C3-04127.0070 Unit 59 Block 4127 Lot (s) 7+8
Strap Number _____ Unit _____ Block _____ Lot (s) _____
Plat Book 19 Page 143 Future Land Use CP Current Zoning C

PROPERTY OWNER (S) INFORMATION

Owner Burnt Store Road CCSS, LLC Address 9349 Waterstone Boulevard, Suite 200
Phone 843-766-3800 City Cincinnati
Email Aaron.rowley@millervallentine.com State Ohio Zip 45249

Owner _____ Address _____
Phone _____ City _____
Email _____ State _____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant _____ Address _____
Phone _____ City _____
Email _____ State _____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Linda Miller, Avalon Engineering, Inc. Address 2503 Del Prado Blvd. So., Suite 200
Phone 239-573-2077 City Cape Coral, Florida
Email linda@avaloneng.com State FL Zip 33904



DEPARTMENT OF DEVELOPMENT SERVICES
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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.

Burnt Store Road CCSS, LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

Stephen J. Koewler for Burnt Store Road CCSS, LLC

OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

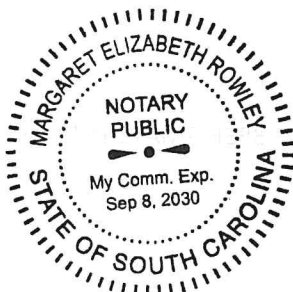
APPLICANT SIGNATURE

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 South Carolina

COUNTY OF Charleston

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 8th day of May, 2023 by Stephen Koewler who is personally known to me or produced SC Drivers License as identification.



Exp Date: Sept 8, 2030 Commission Number: _____

Signature of notary Public:



Printed Name of Notary Public:

Margaret Elizabeth Rowley



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Linda Miller

(Name of person giving presentation)

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

UNIT 59 BLOCK 4127 LOT(S) 7+8 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Burnt Store Road CCSS, LLC

PROPERTY OWNER (Please Print)

Stephen J. Koewler for Burnt Store Road CCSS, LLC

Stephen J. Koewler AUTHORIZED SIGNER
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF South Carolina

COUNTY OF Charleston

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 8th day of May, 2023 by Stephen Koewler who
is personally known to me or produced SC Drivers License as identification.



Exp Date: Sept 8, 2023 Commission Number: _____

Signature of notary Public:

Margaret Elizabeth Rowley

Printed Name of Notary Public:

Margaret Elizabeth Rowley

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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Fax (239) 574-0591
P.O. Box 150027
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 8th Day of May, 2023.

Burnt Store Road CCSS, LLC

CORPORATION/COMPANY NAME

Stephen J. Koewler for Burnt Store Road CCSS, LLC

OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

STATE OF South Carolina

COUNTY OF Charleston

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 8th day of May, 2023 by Stephen Koewler who is personally known to me or produced SC Drivers License as identification.



Exp Date: Sept 8, 2023 Commission Number: _____

Signature of notary Public:

Printed Name of Notary Public:

Margaret Elizabeth Rowley
Margaret Elizabeth Rowley



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
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Cape Coral, FL 33915-0027

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.

Burnt Store Road CCSS, LLC

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Stephen J. Koewler for Burnt Store Road CCSS, LLC

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF South Carolina
COUNTY OF Charleston

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 8th day of May, 2023 by Stephen Koewler who is personally known to me or produced SC Driver's License as identification.



Exp Date: Sep 8, 2030 Commission Number: _____

Signature of Notary Public: Margaret Elizabeth Rowley

Printed Name of Notary Public: Margaret Elizabeth Rowley

Tax Year **2022**

[Previous](#) [Parcel Number](#) [Next](#) [Parcel Number](#) [Tax Estimator](#) [Cape Coral Fees](#) [Tax Bills](#) [Print](#)

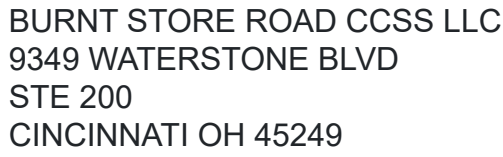
Property Data

STRAP: 07-44-23-C3-04127.0070 Folio ID: 10056660

Generated on 5/9/2023 9:22 AM

+ Owner Of Record - Sole Owner

[Change Address]



Site Address

Site Address maintained by E911 Program Addressing

13 NW 32ND PL
CAPE CORAL FL 33993

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 59 BLK 4127 PB 19 PG 143 LOTS 7 + 8

[Tax Map Viewer] **[View Comparables]**



[Pictometry Aerial Viewer]

Current Working Values



Tax Refund Status

Just	47,900
------	--------

Attributes

Land Units Of Measure UTUnits 1.00

Total Number of Buildings	0
---------------------------	---

Total Bedrooms / Bathrooms	0
----------------------------	---

1st Year Building on Tax Roll	N/A
---	-----

Historic Designation	No
----------------------	----

Image of Structure



Exemptions / Classified Use (Current)

Generated on 5/9/2023 9:22 AM

Exemptions / Classified Use (2022 Tax Roll)

Generated on 5/9/2023 9:22 AM

Values (2022 Tax Roll)

Generated on 5/9/2023 9:22 AM

Taxing Authorities

Generated on 5/9/2023 9:22 AM

[Sales / Transactions](#)




Generated on 5/9/2023 9:22 AM

Parcel Numbering History

Generated on 5/9/2023 9:22 AM

Location Information

Generated on 5/9/2023 9:22 AM

	<u>Solid Waste (Garbage) Roll Data</u> Generated on 5/9/2023 9:22 AM
	<u>Flood and Storm Information</u> Generated on 5/9/2023 9:22 AM
	<u>Address History</u> Generated on 5/9/2023 9:22 AM
	<u>Appraisal Details (2022 Tax Roll)</u> Generated on 5/9/2023 9:22 AM
	<u>Appraisal Details (Current Working Values)</u> Generated on 5/9/2023 9:22 AM

[Previous Parcel Number](#)
[Next Parcel Number](#) [New](#)
[Query](#) [Search Results](#)

Generated on 5/9/2023 9:22 AM
TRIM (proposed tax) Notices are available for the following tax years
[[2007](#) [2008](#) [2009](#) [2010](#) [2011](#) [2012](#) [2013](#) [2014](#) [2015](#) [2016](#) [2017](#) [2018](#) [2019](#) [2020](#) [2021](#) [2022](#)]
[Home](#)



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Officer/Registered Agent Name](#) /

Detail by Officer/Registered Agent Name

Foreign Limited Liability Company
BURNT STORE ROAD CCSS LLC

Filing Information

Document Number M22000015106
FEI/EIN Number NONE
Date Filed 09/29/2022
State OH
Status ACTIVE

Principal Address

9349 WATERSTONE BOULEVARD, SUITE 200
CINCINNATI, OH 45249

Mailing Address

9349 WATERSTONE BOULEVARD, SUITE 200
CINCINNATI, OH 45249

Registered Agent Name & Address

LEGALINC CORPORATE SERVICES INC.
476 RIVERSIDE AVE.
JACKSONVILLE, FL 32202

Authorized Person(s) Detail

Name & Address

Title MBR

MV COMMERCIAL DEVELOPMENT LLC
9349 WATERSTONE BOULEVARD, SUITE 200
CINCINNATI, OH 45249

Annual Reports

No Annual Reports Filed

Document Images

[09/29/2022 -- Foreign Limited](#) [View image in PDF format](#)

**BURNT STORE ROAD CCSS LLC,
AN OHIO LIMITED LIABILITY COMPANY**

WRITTEN CONSENT

Effective as of October 19, 2022

The undersigned, MVO Holdings, LLC, an Ohio limited liability company ("MVO"), being the sole member and sole manager of MV Commercial Development LLC, an Ohio limited liability company ("MVCD"), the sole member of Burnt Store Road CCSS LLC, an Ohio limited liability company (the "Company") by this consent in writing in accordance with its governing documents and the laws of the State of Ohio, does hereby consent to the adoption of the following resolutions.

WHEREAS, the Company proposes to purchase parcels of land located in Cape Coral, Florida (collectively the "Property") as more particularly described pursuant to that certain Agreement for the Sale of Land dated August 9, 2022 by and between Company (as assigned by MVO Acquisitions II LLC, an Ohio limited liability company), Esta Y. Rubenstein, as Trustee of the Esta Y. Rubenstein Trust under Agreement dated June 9, 1992, Leonard Arkin, Ronald Arkin, Big Marlin Properties, LLC, Harold M. Arkin and Pamela A. Arkin, Husband and Wife, Harold M. Arkin and Pamela A. Arkin, as Trustees of the Arkin Family Revocable Trust dated February 21, 2002, and Maritime Properties, Inc. (the "Agreement"), and pursuant to that certain Vacant Land Contract dated June 24, 2022 by and between Company (as assigned by MVO Acquisitions II LLC, an Ohio limited liability company) and HHT 0730 LLC (the "Vacant Land Contract"), respectively (the Vacant Land Contract and the Agreement collectively being the "Purchase Agreements").

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Elizabeth A. Mangan, Michael C. Dektas, II, and Stephen J. Koewler (only one (1) signature being required), as Authorized Signers of MVO Holdings, LLC, an Ohio limited liability company, which is the sole member and sole manager MVCD, who is the sole member of the Company, be and hereby are authorized and empowered to sign and deliver or cause to be signed and delivered on behalf of the undersigned all documents necessary to purchase the Property including, without limitation, the Purchase Agreements, deeds, closing statements, bills of sale, any amendments or releases related to the Property and all such other documents or instruments which shall be deemed necessary by the Company to carry out the interest of the foregoing resolutions and the transactions contemplated thereby. For all purposes herein, the term "on behalf of the Company" shall mean that the Authorized Signers are executing documents as Authorized Signers for MVO Holdings, LLC acting as sole member and sole manager of the sole member of the Company;

FURTHER RESOLVED, that the Authorized Signers are authorized to take all such actions and to execute and deliver or cause to be executed and delivered, on behalf of the sole member and sole manager of the sole member and sole manager of the Company or otherwise, all such documents, agreements, certificates and instruments as the Authorized Signers may deem

**BURNT STORE ROAD CCSS LLC,
AN OHIO LIMITED LIABILITY COMPANY**

WRITTEN CONSENT

necessary or advisable to carry out the intent of the foregoing resolutions and the transactions contemplated thereby;

FURTHER RESOLVED, that the execution by the Authorized Signers of the documents authorized by the foregoing resolutions shall be the enforceable and binding act and obligation of the Company, without the necessity of the signature or attestation of any other person or member of the Company;

FURTHER RESOLVED, that any and all actions taken by the Authorized Signers, which actions would have been authorized by the foregoing resolutions, except that such actions were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved, and adopted by the undersigned, as the acts of the Company including without limitation, the execution of any Purchase Agreement; and

FURTHER RESOLVED, that this document may be executed in counterparts, each of which shall be considered part of one and the same document, and that signatures transmitted by facsimile or other electronic means shall be treated as original signatures for the purposes of this document.

[Signature page to follow.]

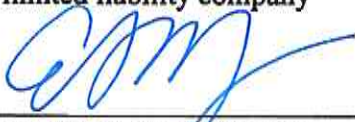
**BURNT STORE ROAD CCSS LLC,
AN OHIO LIMITED LIABILITY COMPANY**

WRITTEN CONSENT

Signature Page

IN WITNESS WHEREOF, the undersigned have executed this Written Consent of the sole member and sole manager of MV Commercial Development LLC, the sole member of Burnt Store Road CCSS LLC, effective as of the date first above written.

MVO HOLDINGS, LLC
an Ohio limited liability company

By: 
Print Name: Elizabeth A. Mangan
Title: Authorized Signer

By: 
Print Name: Michael C. Dektas II
Title: Authorized Signer

By: _____
Print Name: Stephen J. Koewler
Title: Authorized Signer

**BURNT STORE ROAD CCSS LLC,
AN OHIO LIMITED LIABILITY COMPANY**

WRITTEN CONSENT

Signature Page

IN WITNESS WHEREOF, the undersigned have executed this Written Consent of the sole member and sole manager of MV Commercial Development LLC, the sole member of Burnt Store Road CCSS LLC, effective as of the date first above written.

MVO HOLDINGS, LLC
an Ohio limited liability company

By: _____
Print Name: Elizabeth A. Mangan
Title: Authorized Signer

By: _____
Print Name: Michael C. Dektas II
Title: Authorized Signer

By: 
Print Name: Stephen J. Koewler
Title: Authorized Signer