



Tuesday, November 7, 2023

9:00 AM

Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

- A. Case#: DEV23-000008*; Address: 5809 CHIQUITA BLVD S;
Applicant: Keith Leander
- B. Case#: VAC23-000010*; Address: 1729 SE 39TH ST; Applicant:
Brian Haag
- C. Case#: VAC23-000011*; Address: 1110 LORRAINE CT.;
Applicant: Arnold Egan
- D. Case#: VAC23-000013*; Address: 5211 SKYLARK CT.; Applicant:
ERIC P. FEICHTHALER, ESQ
- E. Case#: RZN23-000008*; Address: 2304 SW 8TH PL.; Applicant:
Hungry Catfish Farms, LLC

3. DATE AND TIME OF NEXT HEARINGS

- A. Tuesday December 5, 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:	11/7/2023
Item Type:	HEARINGS

TITLE:

Case#: DEV23-000008*; Address: 5809 CHIQUITA BLVD S; Applicant: Keith Leander

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The applicants are requesting a seven-foot deviation from Section 5.4.3.3.b of the LDC, to allow a marine improvement on a canal end located at 5809 Chiquita Boulevard South to project a maximum of 37 feet into Beethoven Canal. The LDC currently limits marine improvements on canal ends to project a maximum of 30 feet into a waterway.

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

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Interim Development Services Director; 574-0446

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

N/A

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

PREPARED BY:

Vanessa Sberna, Planning
Technician

Division- City
Planning

Department- Development
Services

ATTACHMENTS:**Description**

▢ Novus Packet

Type

Backup Material



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0776

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

PUBLIC HEARING DEVIATION APPLICATION

Please Select Proper Application Type: ☐ Landscape Deviation
☐ Non-Residential Design Standard in the NC District
☐ Marine Improvements

PUBLIC HEARING DEVIATION REQUIREMENTS

****Letter of Intent and Application Requirements applies to all deviation requests****

1. Letter of Intent including the following:

- The sub section of the Land Development Code for which the deviation is sought, and the general intent and purpose of this section where either of the following applies:
 - Actual request.
 - Existing conditions that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship.
 - Literal conformity with the regulations would inhibit innovation or creativity in design.

2. 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.

****Please select the type of deviation you are applying for (checkmark your selection)***

3. ☐ Landscape Deviation request must include:

- A narrative that clearly defines the section(s) of the regulations of the requested deviation(s).
- An explanation as to the reason for the deviation and why it should be approved.
- Sample detail drawings, elevations, and perspectives that graphically demonstrate the proposed deviation and illustrate how each deviation would operate to the benefit of the public.
- Legal description and certified survey done within past six months is required.
- If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners with the above area. List to include name, address, zip code, and block and lots. Computer lists are not acceptable.



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4. ☐ **Non-Residential Design Standard in the NC Zoning DIST deviation request must include:**
- Sample detail drawings
 - Schematic architectural drawings
 - Site plans
 - Floor plans
 - Elevations
 - Perspectives that graphically demonstrate how each deviation would operate to the benefit of the public interest
 - Legal description and certified survey done within past six months is required.
 - If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners with the above area. List to include name, address, zip code, and block and lots. Computer lists are not acceptable.
5. ☒ **Marine Improvement deviation request must include:**
- Letter of Intent-Should address the standards in Section 5.4.11.A.2 of the Land Development Code.
 - Sample detail drawings
 - Site plan
 - Boundary survey
 - If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners with the above area. List to include name, address, zip code, and block and lots. Computer lists are not acceptable

FEE: Per City Code of Ordinances, Section 5-4(a)(1)a., a \$150.00 application fee (residential) or \$455 (non-residential) application fee is due at time of submittal. Following the approval of your request, if applicable 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.



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PUBLIC HEARING DEVIATION APPLICATION

PROPERTY INFORMATION

Project Name: Leander Deviation Request

Location/Address 5809 Chiquita Blvd S

Strap Number 22-45-23-C1-03451-005B Unit 67 Block 3451 Lot (s) 5

Plat Book _____ Page _____ Future Land Use _____ Current Zoning _____

PROPERTY OWNER (S) INFORMATION

Owner Keith & Daniela Leander Address 5809 Chiquita Blvd S

Phone 847-942-7524 City Cape Coral

Email kleander444@gmail.com State FL Zip 33914

Owner _____ Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant Keith Leander Address 5809 Chiquita Blvd S

Phone 847-942-7524 City Cape Coral

Email kleander444@gmail.com State FL Zip 33914

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative _____ Address _____

Phone _____ City _____

Email _____ State _____ Zip _____



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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.

CORPORATION/COMPANY NAME (IF APPLICABLE)

Keith Leander

OWNER'S NAME (TYPE OR PRINT)

Daniela Leander

OWNER'S NAME (TYPE OR PRINT)

Keith Leander

APPLICANT NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S SIGNATURE

APPLICANT SIGNATURE

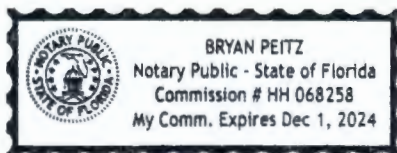
I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 30th day of June,

20 23, by Keith & Daniela Leander who is personally known or produced

DL as identification.



Exp Date: 12/1/24 Commission Number: HH 068258

Signature of notary Public:

Printed Name of Notary Public:

Bryan Peitz



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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 _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____,

by _____ who is personally known or produced _____ as
identification.

Exp Date: _____ Commission Number: _____

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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PUBLIC HEARING DEVIATION REGULATIONS

Section 3.4.2 Deviations.

- A. Purpose and Intent. To grant relief from strict application of LDC requirements to allow minor deviations.
- B. Scope. Deviations may be granted for the following:
 - 1. Non-residential design standards in Article 5, Chapter 8.
 - 2. Landscaping deviations in Article 5, Chapter 5, which do not qualify for an administrative deviation.
 - 3. Design standards in the NC district.
- C. Review Criteria. A Deviation may be approved based on the following criteria:
 - 1. The proposed deviation will not result in development that is inconsistent with the intended character of the applicable zoning district.
 - 2. The normally required code standard(s) is determined to significantly inhibit development of the site.
 - 3. The deviation will not impede the ability of the project or site to adequately provide for service areas and other development features for the project.
 - 4. Access for service and emergency vehicles will not be impeded.
 - 5. The proposed deviations will result in a building and site design of equal or superior quality.
- D. Effective date of approval. A deviation shall take effect upon approval by the Hearing Examiner.

Section 5.4.11.A.2. Marine Improvements

- 1. The deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of this section.
- 2. The effect the proposed deviation would have on the navigability of the waterway involved.
- 3. Whether the proposed deviation would infringe upon the use of neighboring properties or any extant marine improvements in the subject waterway.
- 4. Whether there are special conditions related to the subject property or waterway which justify the proposed deviation.
- 5. Whether conditions exist that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship.



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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.

Keith Leander
OWNER/APPLICANT NAME
(TYPE OR PRINT)

[Signature]
OWNER/APPLICANT SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 30th day of June, 2023.

by Keith Leander who is personally known or produced
DL as identification.



Exp Date: 11/1/24 Commission Number: HH 068258

Signature of notary Public:

[Signature]

Printed Name of Notary Public:

Bryan Peitz

June 29, 2023

To: The Department of Development Services – City Planning Division

From: Keith Leander; 5809 Chiquita Blvd S, Cape Coral FL 33914

I reside at the end of the 150-foot Beethoven canal at 5809 Chiquita Blvd S. My dock was destroyed as part of hurricane Ian; and as such I must rebuild it (dock was 30 feet). As part of the rebuilding process, I am requesting a deviation. The deviation request is to have my dock extend out 25% (37 feet) of the canal or as close to that as possible.

As part of the deviation process, I want to ensure that you are aware of the fact that none of my neighbors will be negatively impacted by the proposed request. Specifically, the neighbor to the North shares a dock with me as highlighted in the attached drawing and his dock is configured East to West straight into the canal exactly like mine was before the storm so he will have no negative impact. Nothing is changing with the shared finger dock to the North. However, I am requesting a free-standing pole to be placed 7 feet out on my side of the shared dock (please see drawing). The pole will be used along with poles on the North finger dock and South finger dock to secure a boat lift. Boat accessibility will be from the front of my boat or from the South finger dock. I have attached the most current shared dock agreement that will be updated if and when a deviation is approved. To ensure I don't encroach on the neighbor to the South I am requesting to change my well size from 16 feet (well size before hurricane Ian) to 14 feet. This will allow more room for my neighbor to maneuver. Please see attached, I have her signed approval.

Given the fact that the Beethoven canal is 150 feet wide provides more room for everyone on the canal. Additionally, since we are at the end of the canal, we do not have the option of parking on the outside of our slip for ease of boarding. Our neighbors on the canal are able to build their docks out 25% and can park their boats on the outside of their slips with 15-foot beams which means they can stick out even further. It doesn't impede anyone, but it is an example to show that being out further doesn't impede on others ability to navigate in the canal.

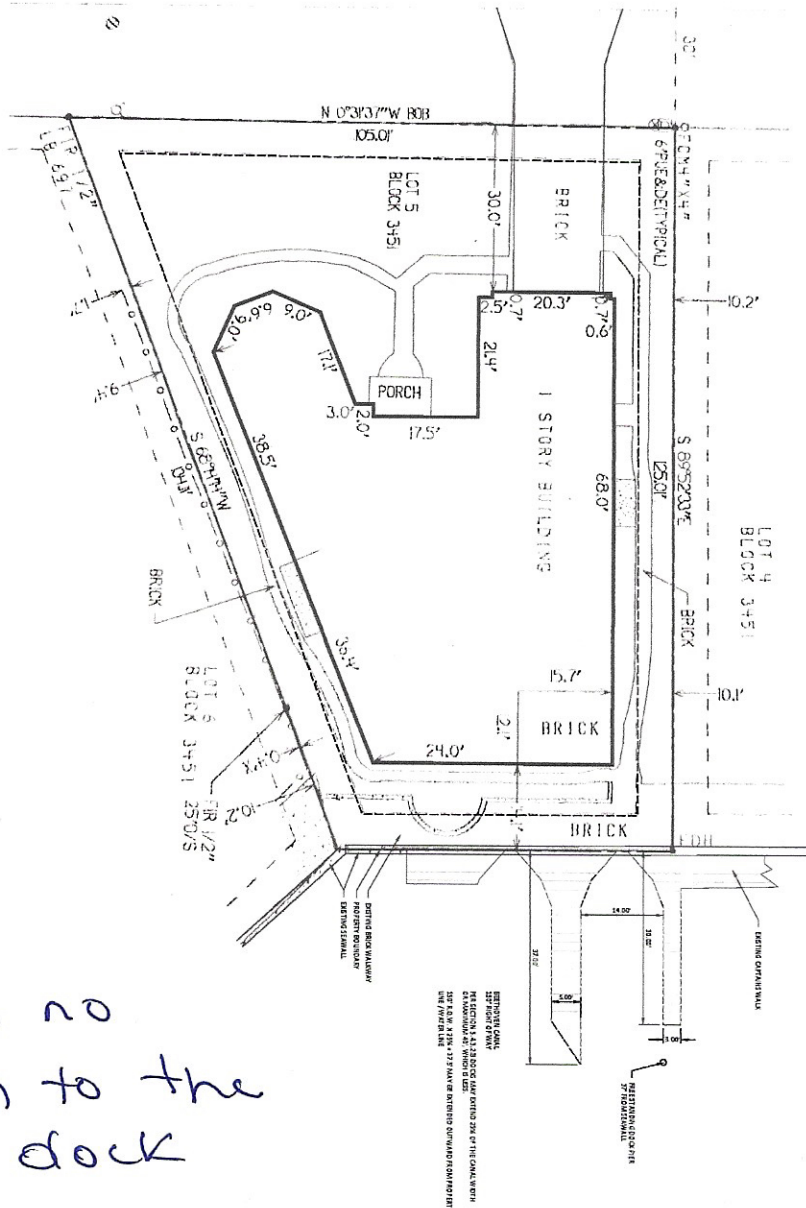
Your consideration for this request is greatly appreciated. If you have any questions, please give me a call at 847-942-7524 or kleander444@gmail.com.

Sincerely,

Keith Leander

A handwritten signature in dark ink, appearing to read 'Keith Leander', written over a light blue horizontal line.

60' RIGHT OF WAY
19' ASPHALT ROAD



I have no
objection to the
Leander dock
rebuild

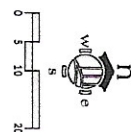
[illegible]

DOCK RE-BUILD

EXH-01

LEANDER
DOCK REBUILD
5809 CHIQUITA BLVD. S

KEITH LEANDER
5809 CHIQUITA BLVD. S
CAPE CORAL, FL 33914



ensite
2401 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239) 226-0024
EB-26544 CA-CT600374

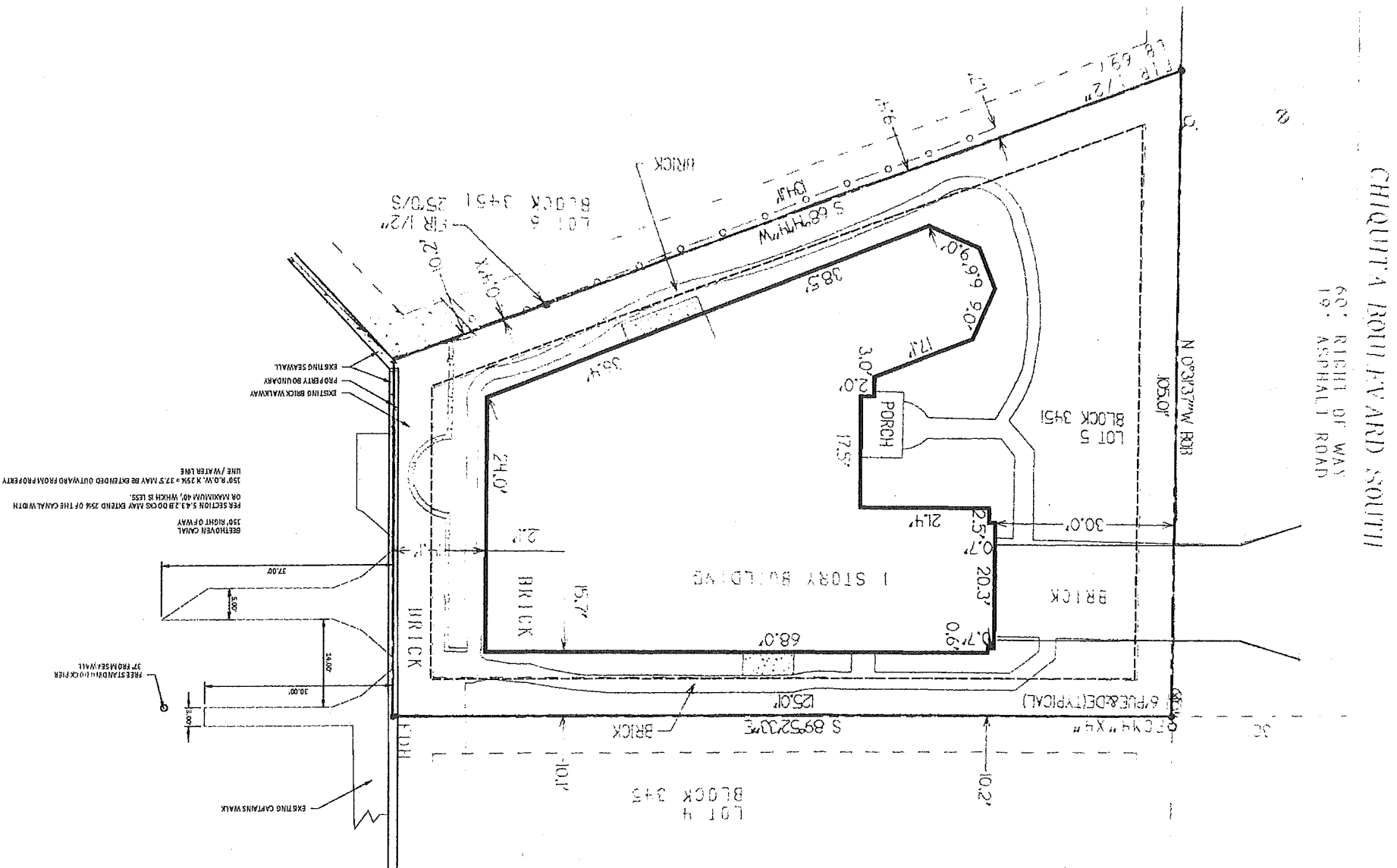
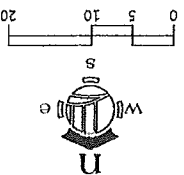
DATE:	04-30-23
PROJECT NO.	KL
FILE NO.	DOCK.dwg
SCALE:	AS SHOWN

[illegible]

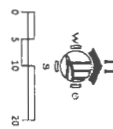
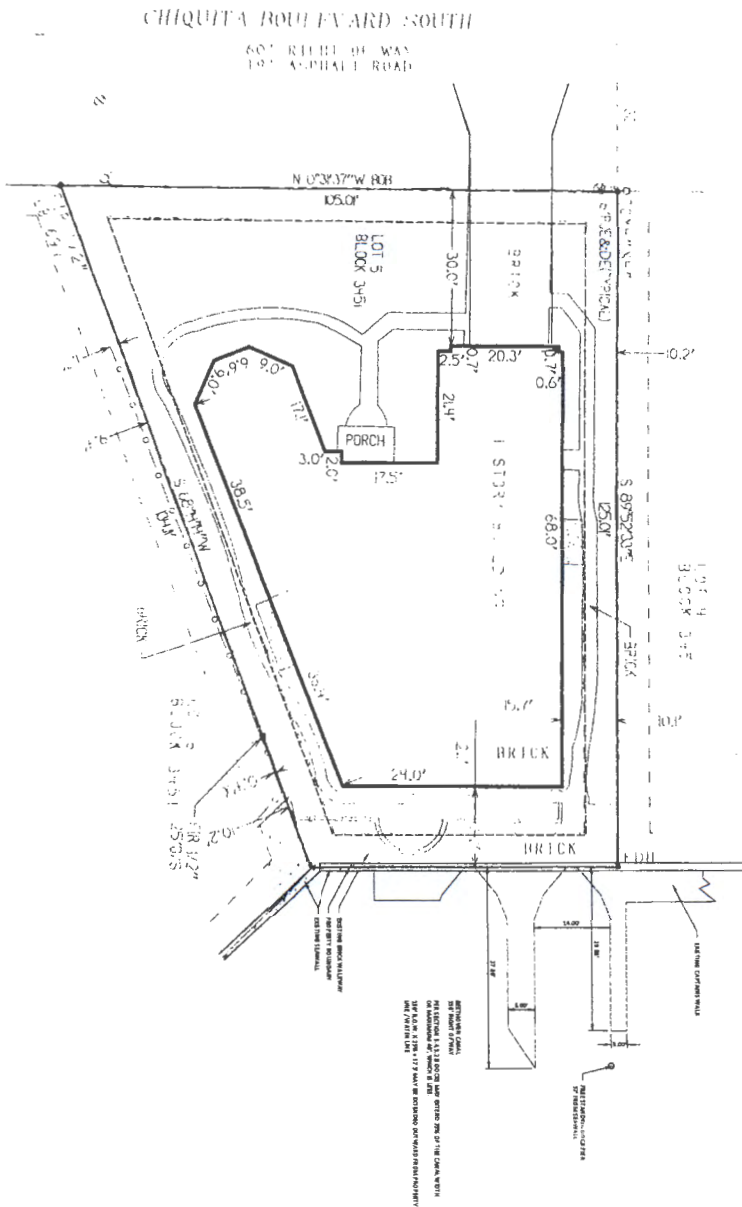
**LEANDER
DOCK REBUILD
5809 CHIQUITA BLVD. S**

KEITH LEANDER
5809 CHIQUITA BLVD. S
CAPE CORAL, FL 33914

2401 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239) 226-0024
EB-26544 CA-1C26000374



1"=20'-0" (SEE NOTE 1)



ensite
2401 FIRST STREET, SUITE 201
PORT HARBOR, FLORIDA 33601
TEL: 813-944-1111
FAX: 813-944-1112
WWW.ENSITE.COM

KEITH LEANDER
5809 CHIKITA BLVD. S
CAPE CORAL, FL 33914

LEANDER
DOCK REBUILD
5809 CHIKITA BLVD. S

NO.		REVISION	DATE
1	PER CITY REQUEST		06-15-01

DATE: 04-22-01
PROJECT NO. 11
FILE NO. 0000, 0001
SCALE: AS SHOWN

REVISIONS DESCRIPTION

DOCK RE-BUILD
SHEET 001
EXH-01
DATE: 06-15-01
PROJECT NO.: 06-011
FILE NO.: DOCK-01
SCALE: AS SHOWN



✕	STRAP	Folio	Owner Name	Site Address
i	22-45-23-C1-03451.005B	10555262	LEANDER KEITH & DANIELA TR	5809 CHIQUITA BLVD S, CAPE

Keep w/ Blog

NOT # 0000433 ON BK 00706 PG 0046 RECORDED 11/28/2002 12:57:38 PM
 CHARLES GREEN, CLERK OF COURT, LEE COUNTY
 DEPUTY CLERK WILDER

JOINT USE AGREEMENT

Permit 02-17710
 Keep with 04-10850
 Same property

This is an agreement between MICHAEL A. MESSIAH owner(s) of property located at 5705 CHAUNTA BLVD S. CAPE CORAL and more particularly described as:

BLOCK 3451, LOT 4, UNIT 67, PB 25 PG 38, STRAT# 22-45-23-C1-03451.0040

And: BOB & PHYLLIS PASCALE owner(s) of property located at 5709 CHAUNTA BLVD S. CAPE CORAL and more particularly described as: BLOCK 3451, LOT 5, UNIT 67, PB 25, PG 58 STRAT# 22-45-23-C1-03451.0050

The aforesaid properties from the BEETHOVEN Canal and the property owners wish to construct the dock and/or boat lift improvements as show on Addendum A attached hereto (see attached drawings) and made a part hereof.

A survey of the aforesaid properties is attached hereto as Example B and incorporated by reference herein.

Both lot owners shall have the right to freely use the 3 foot common dock, but since the shared 3 foot dock fronts 1 1/2 feet on each owners property no ingress or egress easements are necessary nor are any included or implied in this agreement.

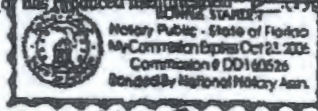
Cost of construction and maintenance of any dock or lift directly in front of each lot shall be borne by each lot owner except that cost of construction and maintenance of the 3 foot common dock shall be divided equally between the lot owners. However, the parties understand and agree that the foregoing identification and/or division of responsibilities shall not affect the ability of the City of Cape Coral to enforce any and all provisions of its Code of Ordinances or Land Use Regulations against the property owner(s) of the joint structure, jointly and severally. The above Parties agree to abide by all applicable Federal, State, and Local regulations pertaining to the construction, maintenance, and use of the facilities.

This agreement shall run with the land and be binding upon the Parties, their Successors, Heirs, and Assigns, and shall not be rescinded or amended without the written consent of the City of Cape Coral.

Michael A. Messiah Date _____ Owner _____ Date _____
Barbara Ann Balaban 11-25-02 _____
 Witness(Print Name) (Signature) Date Witness(Print Name) (Signature) Date
DANA J. JACO 11-25-02 _____
 Witness(Print Name) (Signature) Date Witness(Print Name) (Signature) Date

STATE OF FLORIDA
 COUNTY OF LEE

Sworn and subscribed before me this 25 Day of MAY, 2002 by MICHAEL MESSIAH who are personally known _____ of I.D. produced) OLD DRIVERS LIC# 92-153-4178
 Public Notary Bonnie Stahler
 My commission Expires: 10-28-06

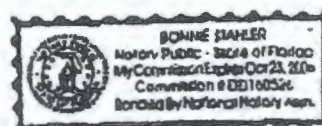


Phyllis Pascale Date _____ Owner _____ Date _____
Barbara Ann Balaban 11-25-02 _____
 Witness(Print Name) (Signature) Date Witness(Print Name) (Signature) Date
DANA J. JACO 11-25-02 _____
 Witness(Print Name) (Signature) Date Witness(Print Name) (Signature) Date

STATE OF FLORIDA
 COUNTY OF LEE

Sworn and subscribed before me this 25 Day of MAY, 2002 by BOB PASCALE and PHYLLIS PASCALE who are personally known _____ or has produced identification _____ (Type of I.D. produced)

Public Notary Bonnie Stahler
 My commission Expires: 10-28-06



CITY PLANNING DIVISION STAFF REPORT
DEV23-000008

PROPERTY ADDRESSES: 5809 Chiquita Blvd S Block 3451, Lot 5 Strap: 22-45-23-C1-03451-00SB	APPLICANTS: Keith & Daniela Leander
SUMMARY OF REQUEST The applicant is requesting a 7-foot deviation from marine improvement standard Section 5.4.3.3.b of the LDC, to allow a marine improvement on a canal end to project a maximum of 37 feet into the waterway. The LDC currently limits marine improvements on canal ends to project a maximum of 30 feet into a waterway.	

Review Date: October 16, 2023

Prepared By: Justin Heller, Senior Planner

Background

The 10,068 ± square foot site is improved with a single-family home and dock. The site is at the end of Beethoven Canal and has approximately 55 ft. of water frontage as measured by GIS. This canal has a platted width of 150 ft. The surrounding area consists primarily of single-family homes. The property has a Joint Marine Improvement Agreement with the property to the north at 5805 Chiquita Boulevard South. The site and all surrounding properties have Single Family (SF) Future Land Use Classification and Residential (R-1) Zoning.

Figure 1: 2023 Aerial of the Subject Parcel.

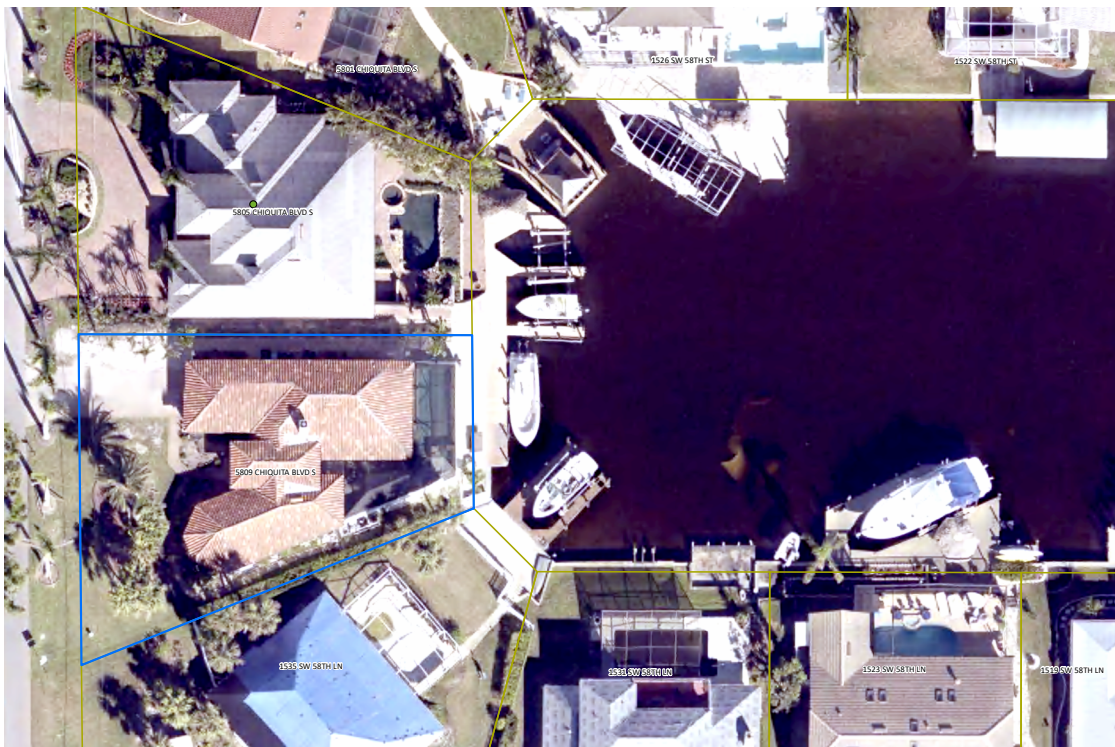
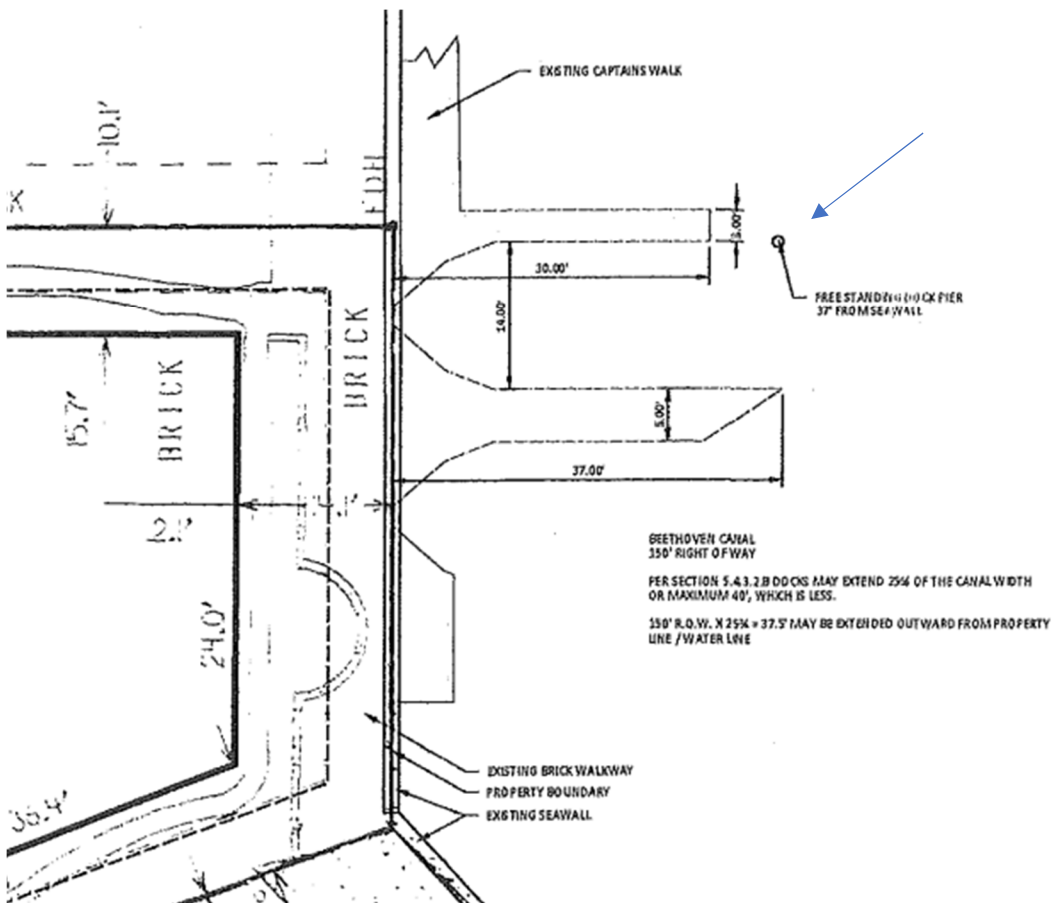


Figure 2: Proposed Sketch of Proposed Marine Improvement



Analysis:

Section 5.4.11.A authorizes the Hearing Examiner to approved deviation requests related to marine improvements subject to the following factors listed below. Staff findings appear after each factor.

1. The effect the proposed deviation would have on the navigability of the waterway involved.
 - The proposed piling will be located at the end of a canal near and will not impact the navigability of the waterway.
2. Whether the proposed deviation would infringe upon the use of neighboring properties or any extant marine improvements upon the use of neighboring properties or any extant marine improvements in the subject waterway.
 - The adjacent neighbor to the north, whom the applicant shares a joint marine improvement with has provided a letter of no objection.

- The location and orientation of the marine improvement are such that the requested deviation should not interfere with any adjacent property owner continuing to use their respective marine improvement.
3. Whether there are any special conditions related to the subject property or waterway which justify the proposed deviation.
- The subject property along with the proposed marine improvement is near the center of the end of a canal, which places this structure about as far as possible from the adjacent marine improvements, apart from the shared joint marine improvement.
4. Whether conditions exist that are not the result of the applicant, and which are such a literal enforcement of the regulations involved would result in unnecessary or undue hardship.
- The site has 55 feet of waterfrontage which is less than an average 80-foot-wide lot and creates conditions not a result of the applicant. The safest way to store a longer boat on the narrower site is perpendicular to the seawall, allowing them to pull in and back straight out.
 - A literal enforcement of the regulations would not result in an unnecessary or undue hardship as the applicant has an existing permitted dock. However, staff finds that this deviation would allow them to safely moor their boat perpendicular to the seawall without having to reconfigure the dock at an angle to stay within their marine improvement area. Having the dock extend perpendicular to the seawall as opposed to an angle allows for the best access without interfering with adjacent marine improvements, and as such would be in the public interest.
 - The applicant has reduced their original deviation request down to a single proposed piling with a 37 ft. projection. The rest of the dock would be within the 30 ft maximum projection allowed by code. Therefore, staff finds this would be the minimum deviation needed to allow them to safely secure a larger boat perpendicular to their seawall.

Recommendation:

Staff finds that the proposed deviation will not affect navigability or visibility, will not be an endangerment to existing marine structures, and is consistent with the general intent of the LDC and the public interest. Therefore, staff recommends **approval** of the requested deviation with the following conditions:

1. The dock piling shall be installed with a maximum 37-foot projection into Beethoven Canal consistent with the design of the marine improvement depicted in Figure 2.
2. The Joint Marine Improvement Agreement between 5809 and 5805 Chiquita Boulevard South shall be revised to include the new configuration of the existing and proposed marine improvements. A copy of the updated agreement shall be submitted to the City Planning Division for review and approval.

3. The revised Joint Marine Improvement Agreement shall be recorded by the applicant with the Office of the Lee County Clerk of Court prior to any marine improvement building permits being issued for the site.
4. The City shall record the deviation with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the Petitioner.



500' Mailing Notification Buffer

CAPE HARBOUR DR

CHIKITA BLVD S

SW 58TH ST

SW 58TH LN

HERMITAGE LN

Subject Parcel

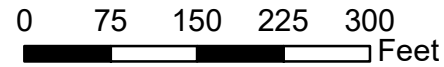
City of Cape Coral
Department of
Development Services
City Planning Division
2023 Aerial Map
DEV23-000008

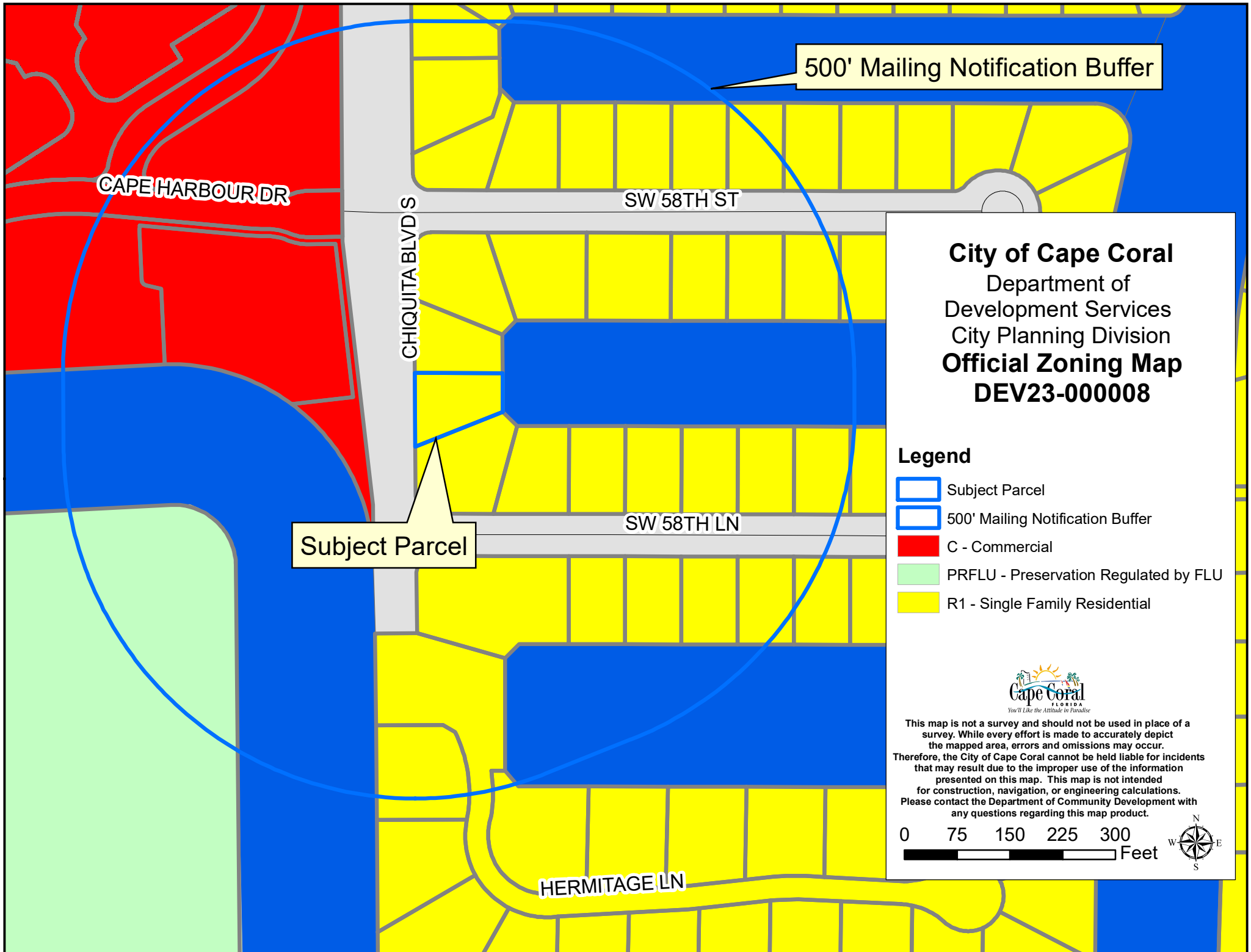
Legend

-  Subject Parcel
-  500' Mailing Notification 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 Notification Buffer

CAPE HARBOUR DR

CHIQUITA BLVD S

SW 58TH ST






Subject Parcel

SW 58TH LN

HERMITAGE LN

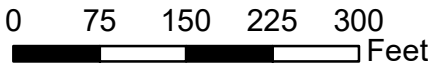
City of Cape Coral
Department of
Development Services
City Planning Division
Official Zoning Map
DEV23-000008

Legend

-  Subject Parcel
-  500' Mailing Notification Buffer
-  C - Commercial
-  PRFLU - Preservation Regulated by FLU
-  R1 - Single Family Residential



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AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.B.
Meeting Date:	11/7/2023
Item Type:	HEARINGS

TITLE:

Case#: VAC23-000010*; Address: 1729 SE 39TH ST; Applicant: Brian Haag

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The applicants are requesting to vacate 2,000 sq. ft. of street right-of-way (ROW) and underlying easements and to vacate 504 sq. ft. of platted easements in Lots 34-35, Block 544, Unit 11, Cape Coral Subdivision. The vacations are proposed on or near properties addressed as 1733 and 1729 SE 39th Street. If approved this will enlarge the property 1733 SE 39th Street and increase taxable property.

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:

Matt Grambow, Interim Development Services Director; 574-0446

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

N/A

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

PREPARED BY:

Vanessa Sberna, 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 11C23-000010

Date 5/10/23

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

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

VACATIONS REQUIREMENTS

1. ☒ Application, Acknowledgement Form, Authorization to Represent.
 - All forms must be filled out completely and legible.
 - All forms must be signed by the property owner(s) and must be notarized.
 - If the owner does not own the property in his/her personal name (e.g. LLC, trust, etc.), the owner must sign all applicable forms in his/her corporate capacity.
 - If the authorized representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney, and an Authorization to Represent Property Owner Form is not required.

2. ☒ Letter of intent clearly identifying the request and why the vacation is sought.

3. ☒ Proof of title to the tract or parcel of land covered by the plat or, of the plat of which vacation is sought.

4. ☒ Letters of approval from the following utility companies:

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

5. ☒ Sketches and legal descriptions of the area proposed to be vacated.
6. ☐ If there are any deed restrictions on the property, a copy of the restrictions will be required.
7. ☒ Certified topographic survey (done within the past six months, and showing all pavement, utility and drainage features in said area, including but not limited to water, sewer and irrigation lines and manholes; power, cable and utility lines and poles; catch basins, inlets, pipes, and swales. In the case where no features exist, a signed, sealed and dated certification by a Florida registered Professional Engineer can be submitted which certifies that there are no such roadway, utility or drainage features within the limits of and adjacent to the proposed vacated area.
8. ☐ Any additional required supporting documents.
9. ☒ Refer to LDC, Section 3.4.5 for information on regulations concerning vacations.



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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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: <u>Johanneck - Carlisle Hammerhead Vacation</u>	
Location/Address <u>1733 SE 39th St & 1729 SE 39th St</u>	
Strap Number <u>05-45-24-C4-00544.0340</u>	Unit <u>11</u> Block <u>544</u> Lot (s) <u>34+35</u>
Strap Number <u>05-45-24-C4-00544.0360</u>	Unit <u>11</u> Block <u>544</u> Lot (s) <u>36+37</u>
Plat Book _____	Page _____ Future Land Use _____ Current Zoning _____
PROPERTY OWNER (S) INFORMATION	
Owner <u>David Carlisle</u>	Address <u>2924 Greenfield Rd</u>
Phone <u>412-486-6703</u>	City <u>Glenshaw</u>
Email <u>dcar2924@yahoo.com</u>	State <u>PA</u> Zip <u>15116</u>
Owner <u>Robert Carlisle</u>	Address <u>110 Shadycrest Dr</u>
Phone <u>724-612-1657</u>	City <u>Glenshaw</u>
Email <u>dcar2924@yahoo.com</u>	State <u>PA</u> Zip <u>15116</u>
APPLICANT INFORMATION (If different from owner)	
Applicant <u>Brian Haag - Windward Const.</u> Address <u>4731 Vincennes Blvd</u>	
Phone <u>412.486.6703</u>	City <u>Cape Coral</u>
Email <u>kellie@imaginewindward.com</u>	State <u>FL</u> Zip <u>33904</u>
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative <u>Brian Haag</u> Address <u>4731 Vincennes Blvd</u>	
Phone <u>239-318-0384</u>	City <u>Cape Coral</u>
Email <u>kellie@imaginewindward.com</u>	State <u>PA</u> Zip <u>33904</u>



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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.

CORPORATION/COMPANY NAME (IF APPLICABLE)

David Carlisle

OWNER'S NAME (TYPE OR PRINT)

David Carlisle
OWNER'S SIGNATURE

Robert Carlisle

OWNER'S NAME (TYPE OR PRINT)

Robert Carlisle
OWNER'S SIGNATURE

Brian Haag

APPLICANT NAME (TYPE OR PRINT)

Brian Haag
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 24 day of February, 2023 by DAVID & ROBERT CARLISLE & Brian Haag who is personally known to me or produced _____ as identification.



Exp Date: 11/1/25 Commission Number: HH160782

Signature of notary Public:

Cindy Hawkins

Printed Name of Notary Public:

Cindy Hawkins



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 Brian Haag
(Name of person giving presentation)

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

UNIT 11 BLOCK 544 LOT(S) 36-37 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION CAPE CORAL UNIT 11 BLK.544 PB 13 PG 45 LOTS 36 + 37

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

David Carlisle
PROPERTY OWNER (Please Print)

David Carlisle
PROPERTY OWNER (Signature & title)

Robert Carlisle
PROPERTY OWNER (Please Print)

Robert Carlisle
PROPERTY OWNER (Signature & title)

STATE OF FL

COUNTY OF Lee

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Exp Date: 11/1/25 Commission Number: HH160782

Signature of notary Public: Cindy Hawkins

Printed Name of Notary Public: Cindy Hawkins

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 24 Day of February, 2023.

CORPORATION/COMPANY NAME

David Carlisle

OWNER'S NAME (TYPE or PRINT)

David Carlisle
OWNER'S SIGNATURE

STATE OF FL

COUNTY OF Lee

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Signature of notary Public:

Cindy Hawkins
Printed Name of Notary Public:



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CORPORATION/COMPANY NAME

Robert Carlisle

OWNER'S NAME (TYPE or PRINT)

Robert Carlisle
OWNER'S SIGNATURE

STATE OF FL

COUNTY OF Lee

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Exp Date: 11/1/25 Commission Number: HH 160782

Signature of notary Public:

Printed Name of Notary Public:

Cindy Hawkins



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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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.

Brian Haag

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 24 day of February, 2023 by Brian Haag who is personally known to me or produced _____ as identification.

Exp Date: 11/1/25 Commission Number: HH160782

Signature of Notary Public:

Printed Name of Notary Public: Cindy Hawkins





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

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Design and Engineering Coordinator	Network Infrastructure Services	Construction Specialist II
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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.
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DEPARTMENT OF DEVELOPMENT SERVICES
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VACATIONS OF PLAT REQUEST TO THE HEARING EXAMINER AND CITY COUNCIL

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PROPERTY INFORMATION	
Project Name: <u>Johanneck - Carlisle Hammerhead Vacation</u>	
Location/Address <u>1733 SE 39th St & 1729 SE 39th St</u>	
Strap Number <u>05-45-24-C4-00544.0340</u>	Unit <u>11</u> Block <u>544</u> Lot (s) <u>34+35</u>
Strap Number <u>05-45-24-C4-00544.0360</u>	Unit <u>11</u> Block <u>544</u> Lot (s) <u>36+37</u>
Plat Book _____ Page _____	Future Land Use _____ Current Zoning _____
PROPERTY OWNER (S) INFORMATION	
Owner <u>Rick Johanneck</u>	Address <u>411 Congress St W.</u>
Phone <u>320.267.2338</u>	City <u>Maple Lake</u>
Email <u>rickj@wavearmor.com</u>	State <u>MN</u> Zip <u>55358</u>
Owner _____	Address _____
Phone _____	City _____
Email _____	State <u>FL</u> Zip <u>33904</u>
APPLICANT INFORMATION (If different from owner)	
Applicant <u>Brian Haag - Windward Const.</u>	Address <u>4731 Vincennes Blvd</u>
Phone <u>412.486.6703</u>	City <u>Cape Coral</u>
Email <u>kellie@imaginewindward.com</u>	State <u>FL</u> Zip <u>33904</u>
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Representative <u>Brian Haag</u>	Address <u>4731 Vincennes Blvd</u>
Phone <u>239-318-0384</u>	City <u>Cape Coral</u>
Email <u>kellie@imaginewindward.com</u>	State <u>FL</u> Zip <u>33904</u>

22

82 111



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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.

CORPORATION/COMPANY NAME (IF APPLICABLE)

Rick Johanneck

OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

Brian Haag

APPLICANT NAME (TYPE OR PRINT)

OWNER'S SIGNATURE


APPLICANT SIGNATURE

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STATE OF FL

COUNTY OF Lee

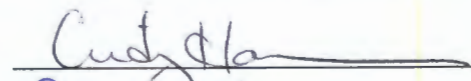
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Exp Date: 11/1/25 Commission Number: HH 160782

Signature of notary Public:

Printed Name of Notary Public:


Cindy Hawkins



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Brian Haag

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER
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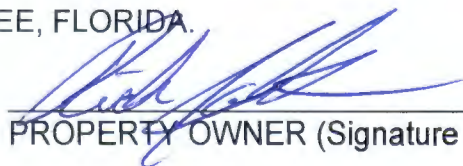
UNIT 11 BLOCK 544 LOT(S) 34+35 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION CAPE CORAL UNIT 11 BLK 544 PB 13 PG 45 LOTS 34 + 35

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

Rick Johanneck

PROPERTY OWNER (Please Print)



PROPERTY OWNER (Signature & title)

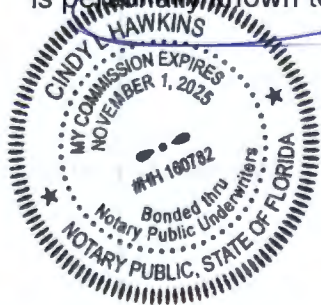
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF FL

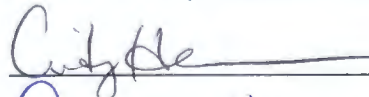
COUNTY OF Lee

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is personally known to me or produced _____ as identification.



Exp Date: 11/1/25 Commission Number: HH160782

Signature of notary Public:



Printed Name of Notary Public:

Cindy Hawkins

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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ACKNOWLEDGEMENT FORM

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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 24 Day of February, 2023.

CORPORATION/COMPANY NAME

Rick Johanneck

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 24 day of Feb, 2023 by Rick Johanneck who is personally known to me or produced _____ as identification.



Exp Date: 11/1/25 Commission Number: HH160782

Signature of notary Public: [Signature]

Printed Name of Notary Public: Cindy Hawkins



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.

Brian Haag

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 24 day of Feb, 2023 by Brian Haag who is personally known to me or produced _____ as identification.



Exp Date: 11/1/25 Commission Number: HH160782

Signature of Notary Public: Cindy Hawkins

Printed Name of Notary Public: Cindy Hawkins



May 8, 2023

Department of Community Development
City of Cape Coral
PO Box 150027
Cape Coral, FL 33915-0027

RE: Hammerhead Vacation – 1729 & 1733 SE 39th St

To Whom it May Concern,

As the Building Contractor for 1733 SE 39th St, I am requesting to vacate the hammerhead, giving 1733 SE 39th St all of the vacated hammerhead. Both property owners are in agreement and have authorized us to apply for the vacate on their behalf. We are willing to deed to the City of Cape Coral a contiguous 6 ft wide easement around the perimeter of the property.

Attached please find my applications, letters of no objections from the utility companies and sketches and legal descriptions of the areas proposed and to be vacated and deeded to the City.

I appreciate your consideration of this request. Please do not hesitate to contact me should you have any questions.

Sincerely,

Brian Haag
Building Contractor
Windward Construction, LLC
Bhaag@imaginewindward.com
(239) 229-1199



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

April 28, 2023

Kellie J. Michaels
Permitting Coordinator
Windward Construction, LLC
4731 Vincennes Blvd.
Cape Coral, FL 33904

Re: Letter of No Objection to Vacation of a portion SE 39th Street Right of Way, Lot 34 + 35 and 36 + 37, Block 544, CAPE CORAL UNIT 11, according to the plat thereof as recorded in Plat Book 13, Pages 42-48, inclusive, of the Public Records of Lee County, Florida. Address: 1729 SE 39th St, Owners: Robert Carlisle, 110 Shadycrest Dr, Glenshaw PA 15116, and David Carlisle, Address: 2924 Greenfield Rd, Glenshaw PA 15116, STRAP: 05-45-24-C4-00544.0360; 1733 SE 39th St, Owner: Rick Johanneck, STRAP: 05-45-24-C4-00544.0340

Dear Ms. Michaels,

Concerning the vacation of a portion of SE 39th Street Right of Way platted easement and lot lines that exists on Lots 34 + 35 and 36 + 37 recorded amongst the Public Records of Lee County, Florida, at Plat Book 13, Pages 742-48 inclusive.

Your company, Windward Construction, LLC, has opened up discussions on behalf of your clients, David Carlisle and Robert Carlisle, and Rick Johanneck with LCEC concerning the proposed vacation of a portion of SE 39th Street, Cape Coral Unit 11.

We have reviewed your request, submitted related documents, and our internal files. LCEC has no **objection** as submitted and reflected, in the vacation request of the SE 39th Street, Cape Coral Unit 11 as depicted in Sketch (Exhibit A) created by Phillip M. Mould, P.S.M. of Harris-Jorgensen, LLC dated 04/14/23. However, LCEC requires the remaining perimeter easement surrounding the property in order to serve you.

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 239-656-2207, or, if you prefer, I can be reached by email at allan.ruth@lcec.net.

Very truly yours,

LEE COUNTY ELECTRIC COOPERATIVE, INC.

Allan Ruth
Manager, Operations Business Support



Attention:

Kellie J. Michaels
Permitting Coordinator
Windward Construction, LLC

4731 Vincennes Blvd.

Cape Coral, FL 33904
Mobile: 239-318-0384

Subject: No Objection to Replat Development

Site Address: 1729 SE 39th St, Cape Coral, FL

STRAP: 05-45-24-C4-00544.0340

To Whom it may concern:

Regarding the property referenced above, Lumen has **No Objection** to re-plat this development provided by Windward Construction, LLC.

Sincerely

Brian Williams

THANK YOU!

Brian Williams

Network Implementation Engineer II

Port Charlotte District

4195 Kings Hwy

Port Charlotte FL 33980

Office: 863-668-1013

Brian.williams@lumen.com



April 18th, 2023

Attn: Kellie Michaels
Windward Construction LLC.

RE- LONO -1733/1729 SE 39th St Cape Coral Hamerhead Vacation

Dear Kellie,

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 Lesczynski
Manager, Construction SWFL

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

Review Date: October 20, 2023

Property Owners: Rick Johanneck - 1733 SE 39th Street
David Carlisle and Robert Carlisle - 1729 SE 39th Street

Applicant: Brian Haag, Windward Construction

Location: 1733 SE 39th Street
Cape Coral, FL 33904
Unit 11 Block 544 Lots 34-35, Cape Coral Subdivision
Strap: 05-45-24-C4-00544.0340

1729 SE 39th Street
Cape Coral, FL 33904
Unit 11 Block 544 Lots 36-37, Cape Coral Subdivision
Strap: 05-45-24-C4-00544.0360

Requests: 1. Vacate 2,000 sq. ft. of street right-of-way (ROW) and underlying easements.
2. Vacate 504 sq. ft. of platted easements in Lots 34-35, Block 544.

Prepared By: Patrick Carlton White, Senior Planner

Approved By: Mike Struve, AICP, Planning Team Coordinator

Recommendation: **Approval with conditions**

Background:

This vacation application was submitted by Brian Haag of Windward Construction who is the authorized representative of the owners of both of the subject properties. A single-family dwelling was demolished on the eastern property (at 1733 SE 39th Street) in January 2019 and the owner plans to construct a new home on the property.

The western property (at 1729 SE 39th Street) was improved with a single-family home in 1975. Both properties have Single-Family Residential (R-1) Zoning and a Future Land Use Classification of Single-Family (SF). All sites within 500 feet of the subject sites share the same future land use and zoning classifications.

By mutual agreement between the two owners, the vacated right-of-way will enlarge the area of the eastern property only. New perimeter easements with a minimum width of six feet will be retained by the City coincident with the perimeter of the site at 1733 SE 39th Street.

Analysis:

LDC, Section 3.4.5.B. 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: *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.*

The City has a stormwater inlet and drainage pipe which will be relocated into the public right-of-way to accommodate the proposed vacation. The Public Works Department recommends conditions which are included at the end of this report.

Platted easements in Lots 34 and 35 will be vacated. These easements will not be needed as the City will retain easements sufficient for maintaining a perimeter easement around the eastern site with a minimum width of six feet.

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

Staff analysis: *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 the eastern 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 street directly adjacent to the applicants' site, the public will not be affected. The cul-de-sac will not be impacted by this vacation request and will continue to function as designed. 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.*

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 the eastern site. Comcast stipulated that if facilities are found or damaged within the vacated area as described, the owners 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 both sites will be developed with a density less than the maximum 4.4 dwelling units per acre allowed within the Single Family FLUC; neither property shall exceed this maximum density.

Recommendation:

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

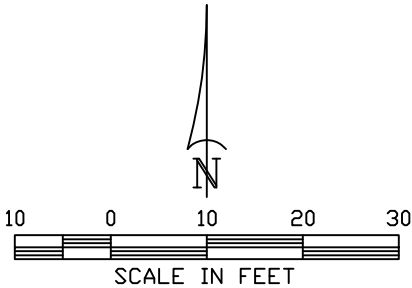
Conditions of Approval

1. The vacation of the 2,000 sq. ft. of ROW and underlying easements shall be consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., entitled "*Exhibit A*".
2. The vacation of 504 sq. ft. of platted easements in Lots 34-35, Block 544, shall be consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., entitled "*Exhibit B*".
3. The City shall retain easements sufficient for maintaining a minimum six-foot-wide public utility and drainage easement around the perimeter of the site located at 1733 SE 39th Street consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., entitled "*Exhibit C*".
4. In the event utilities are found within the vacated area, the owners shall be responsible for bearing the cost for relocating the facilities to a new easement. In the event utilities are damaged during construction activities, the owners shall bear the cost of relocating the utilities to a new easement and repairing said utilities.
5. The vacated right-of-way will be private property and shall no longer be maintained by the City of Cape Coral. All publicly maintained infrastructure must be removed and/or relocated to the new location of the right-of-way or public utility easements. Therefore, within 180 days of approval of this vacation request:
 - a. The owners shall remove the pavement associated with the vacated street that occupies their site. The area shall be sodded following the removal of this pavement or may be improved as permitted by the Land Development Code; and

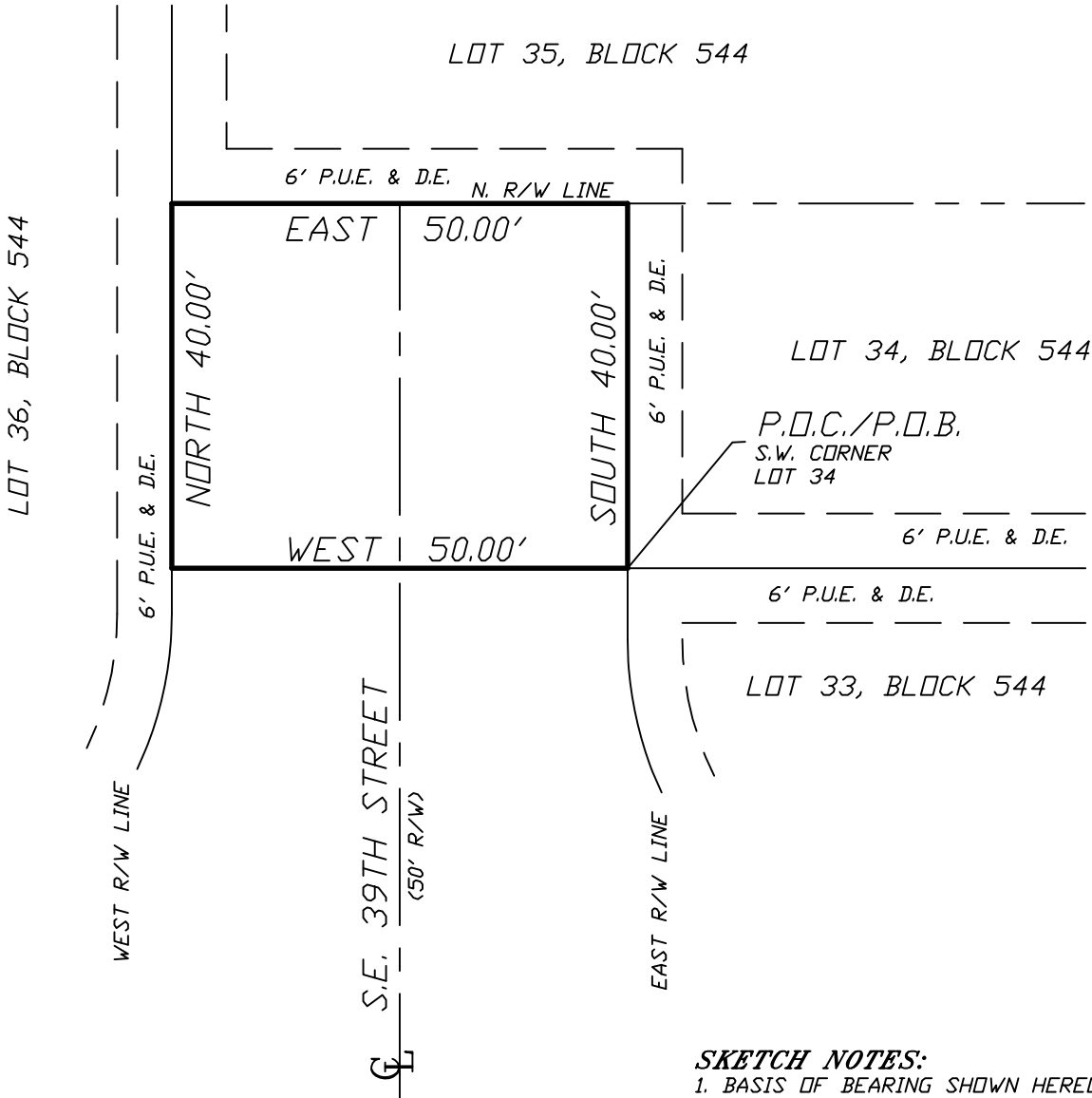
- b. The owners shall obtain the necessary permits to remove the existing stormwater inlet located within the vacation area, relocate the inlet into the City right-of-way, and install the necessary pipe to connect the existing pipe to the new inlet. At the sole discretion of the City, the owners shall grant all necessary easements for any new or modified stormwater system if required. All improvements shall be permitted through and inspected by the City. The costs of all improvements identified in these conditions shall be borne by the owners.
6. 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.
7. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the owners.

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

*S.E. 39TH STREET,
CAPE CORAL UNIT 11,*
AS RECORDED IN PLAT BOOK 13, PAGES 742-48, PUBLIC RECORDS
OF LEE COUNTY, FLORIDA



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



- 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.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT

- SKETCH NOTES:**
1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF S.E. 39TH STREET, AS BEING NORTH.
 2. FIELD NOTES IN CAPE CORAL, BLOCK 544 FILE.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
 6. THIS 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 8½ x 14", 20 SCALE DRAWING.

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=20'</i>	PROJ. # <i>CC-U11-544-34</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>04-14-2023</i>		FILE NO. <i>45-24-5</i>	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

EXHIBIT "A"
DESCRIPTION TO ACCOMPANY SKETCH
(PROPOSED) VACATION OF A PORTION OF
S.E. 39TH STREET,
CAPE CORAL UNIT 11,
AND ANY AND ALL UNDERLYING EASEMENTS, AS
RECORDED IN PLAT BOOK 13, PAGES 42-48,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF THE S.E. 39TH STREET RIGHT OF WAY, CAPE CORAL UNIT 11, AS RECORDED IN PLAT BOOK 13, PAGES 42-48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 34, BLOCK 544, CAPE CORAL UNIT 11, AS RECORDED IN PLAT BOOK 13, PAGES 42-48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN WEST TO A POINT ALONG THE WEST RIGHT OF WAY LINE OF SAID S.E. 39TH STREET, FOR 50.00 FEET; THENCE RUN NORTH ALONG SAID WEST RIGHT OF WAY LINE FOR 40.00 FEET; THENCE RUN EAST ALONG THE NORTH RIGHT OF WAY LINE OF SAID S.E. 39TH STREET FOR 50.00 FEET; THENCE RUN SOUTH ALONG THE EAST RIGHT OF WAY LINE OF SAID S.E. 39TH STREET FOR 40.00 FEET, TO THE POINT OF BEGINNING.

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

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed by
Phillip M Mould,
LS6515, State of
Florida
Date: 2023.06.06
10:07:15 -04'00'

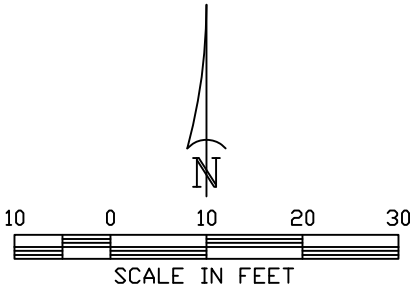
PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515

DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U11-544-34	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 04/14/2023		FILE NO. 45-24-15	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

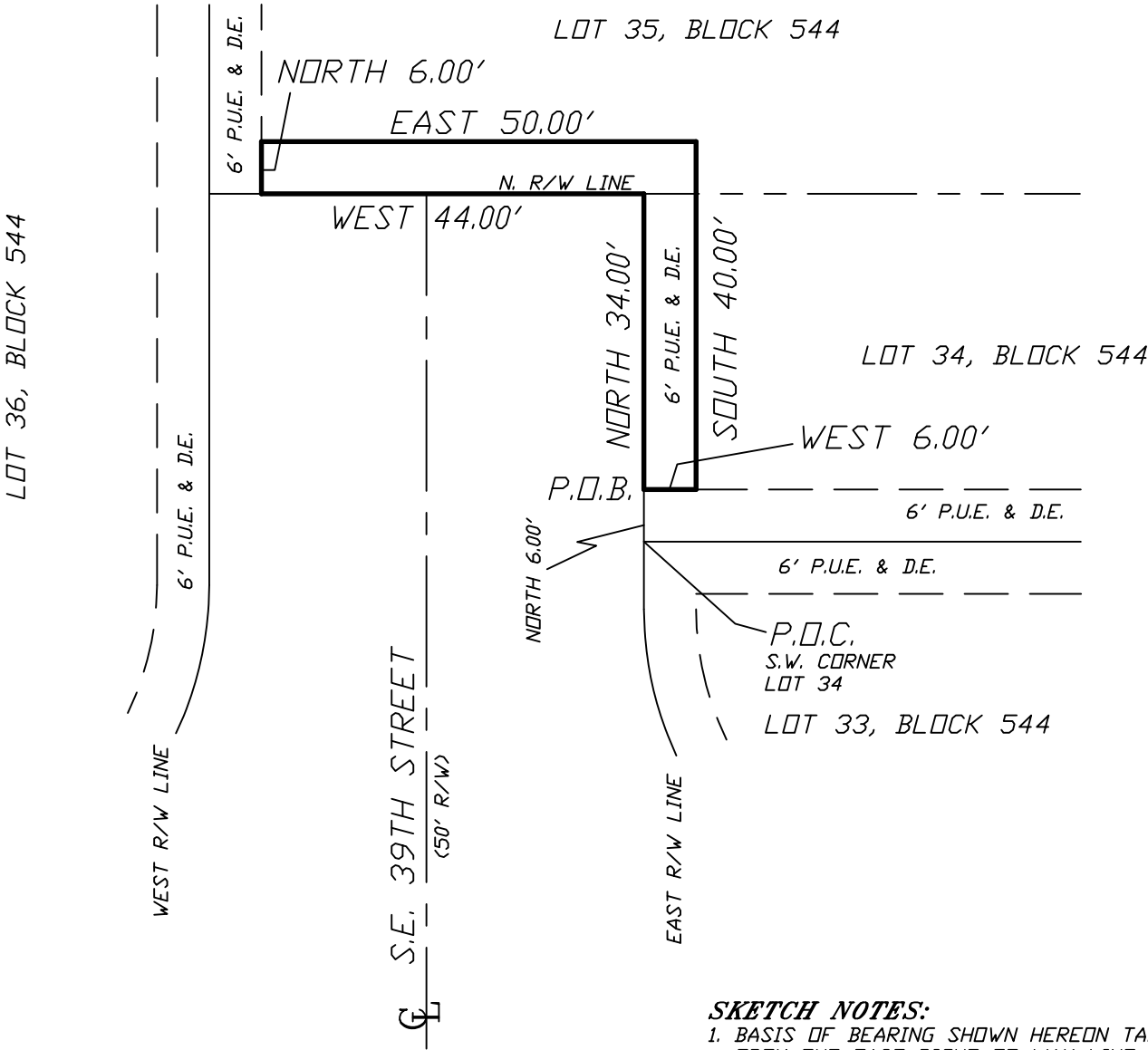
SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A PORTION OF
PUBLIC UTILITY AND DRAINAGE EASEMENT IN:

LOTS 34 & 35, BLOCK 544,
CAPE CORAL UNIT 11,

AS RECORDED IN PLAT BOOK 13, PAGES 742-48, PUBLIC RECORDS
OF LEE COUNTY, FLORIDA



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



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.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF S.E. 39TH STREET, AS BEING NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 544 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.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. 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"=20'</i>	PROJ. # <i>CC-U11-544-34</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>04-14-2023</i>		FILE NO. <i>45-24-5</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 IN

LOTS 34 & 25, BLOCK 544, CAPE CORAL UNIT 11,

AS RECORDED IN PLAT BOOK 13, PAGES 42-48,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOTS 34 AND 35, BLOCK 544, CAPE CORAL UNIT 11, AS RECORDED IN PLAT BOOK 13, PAGES 42-48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 34, BLOCK 544, CAPE CORAL UNIT 11, AS RECORDED IN PLAT BOOK 13, PAGES 42-48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTH ALONG THE EAST RIGHT OF WAY LINE OF S.E 39TH STREET, SAID CAPE CORAL UNIT 11, FOR 6.00 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE FOR 34.00 FEET; THENCE RUN WEST ALONG THE NORTH RIGHT OF WAY LINE OF SAID S.E 39TH STREET FOR 44.00 FEET; THENCE RUN NORTH FOR 6.00 FEET; THENCE RUN EAST FOR 50.00 FEET; THENCE RUN SOUTH FOR 40.00 FEET; THENCE RUN WEST TO A POINT ALONG THE AFORESAID EAST RIGHT OF WAY LINE OF S.E. 39TH STREET FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 504.0 SQUARE FEET, MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

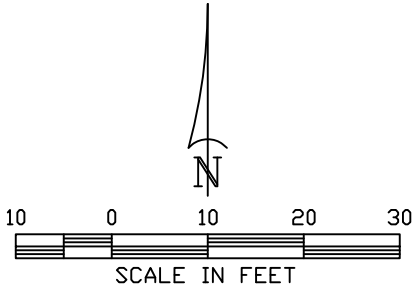
Digitally signed by
Phillip M Mould,
LS6515, State of
Florida
Date: 2023.06.06
10:08:00 -04'00'

PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515

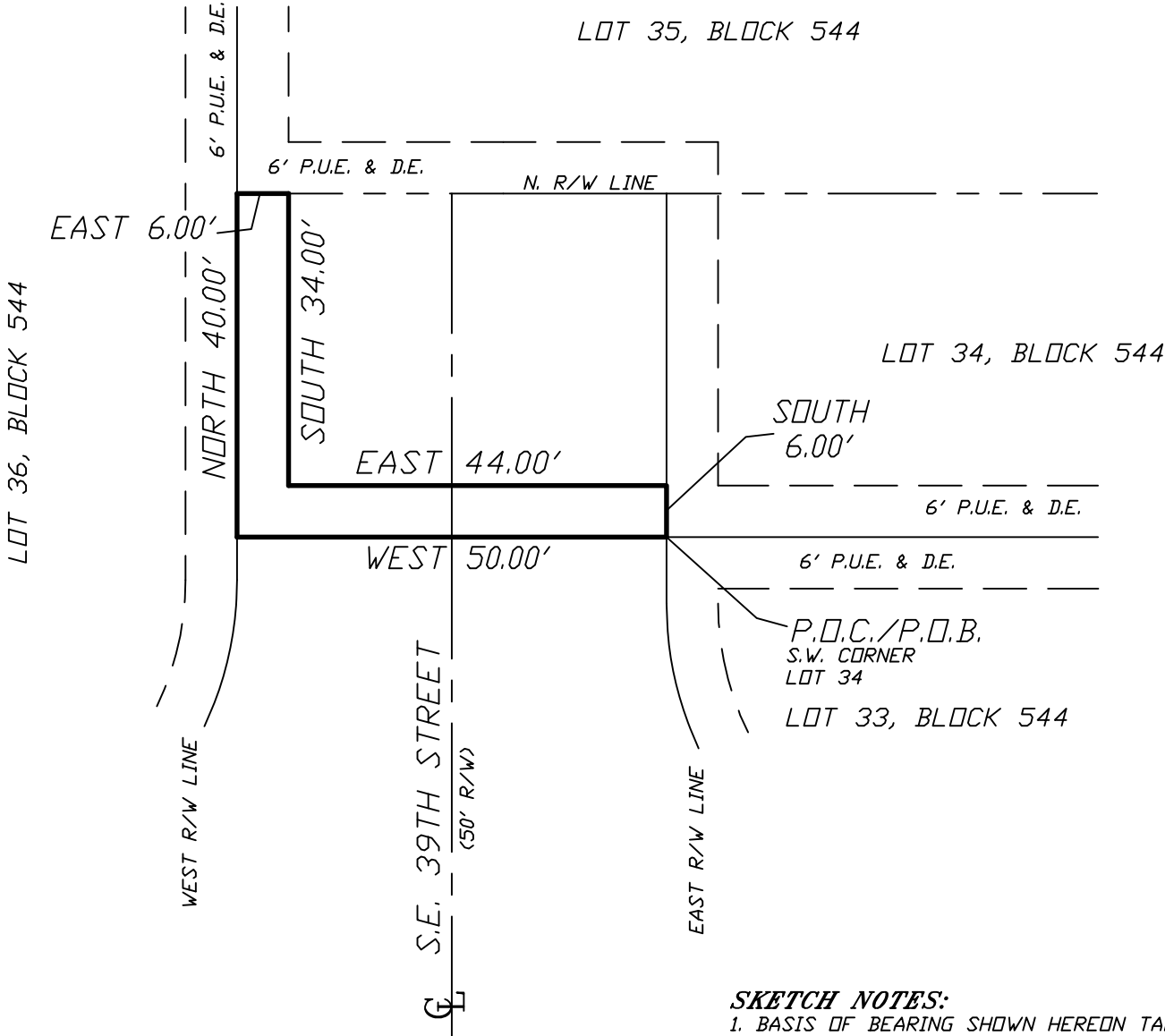
DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U11-544-34	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 04/14/2023		FILE NO. 45-24-15	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED)
PUBLIC UTILITY AND DRAINAGE EASEMENT IN:

A PORTION OF S.E. 39TH STREET RIGHT OF WAY,
CAPE CORAL UNIT 11,
AS RECORDED IN PLAT BOOK 13, PAGES 742-48, PUBLIC RECORDS
OF LEE COUNTY, FLORIDA



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



- 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.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT

- SKETCH NOTES:
1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF S.E. 39TH STREET, AS BEING NORTH.
 2. FIELD NOTES IN CAPE CORAL, BLOCK 544 FILE.
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 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 20 SCALE DRAWING.

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=20'</i>	PROJ. # <i>CC-U11-544-34</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>04-14-2023</i>		FILE NO. <i>45-24-5</i>	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH

(PROPOSED)

PUBLIC UTILITY AND DRAINAGE EASEMENT IN:

A PORTION OF S.E. 39TH STREET RIGHT OF WAY, CAPE CORAL UNIT 11,

AS RECORDED IN PLAT BOOK 13, PAGES 742-48, PUBLIC RECORDS
OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF S.E. 39TH STREET RIGHT OF WAY, CAPE CORAL UNIT 11, AS RECORDED IN PLAT BOOK 13, PAGES 42-48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 34, BLOCK 544, CAPE CORAL UNIT 11, AS RECORDED IN PLAT BOOK 13, PAGES 42-48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN WEST TO A POINT ALONG THE WEST RIGHT OF WAY LINE OF SAID S.E. 39TH STREET, FOR 50.00 FEET; THENCE RUN NORTH ALONG SAID WEST RIGHT OF WAY LINE FOR 40.00 FEET; THENCE RUN EAST ON THE NORTH RIGHT OF WAY LINE OF SAID S.E. 39TH STREET FOR 6.00 FEET; THENCE RUN SOUTH FOR 34.00 FEET; THENCE RUN EAST TO A POINT ALONG THE EAST RIGHT OF WAY LINE SAID S.E. 39TH STREET FOR 44.00 FEET; THENCE RUN SOUTH ALONG THE EAST RIGHT OF WAY LINE SAID S.E. 39TH STREET FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 504.0 SQUARE FEET, MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed by
Phillip M Mould,
LS6515, State of
Florida
Date: 2023.06.06
10:08:48 -04'00'

PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515

DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U11-544-34	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 04/14/2023		FILE NO. 45-24-15	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

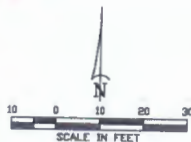
Boundary Survey

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF S.E. 39TH STREET, AS BEING NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 544.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. IT IS NOT A CERTIFICATION OF TITLE OR OF ANY ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OF 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 IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND 65C.S. 668.001-006; 65C.668.001; 35.472.025; 5J-17.064, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. DISTANCES AND BEARINGS ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
9. THIS SURVEY IS MADE FROM THIS PLAT AND I SHALL NOT BELIEVE THE BUYER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO ANY CONSTRUCTION. BUYER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION OF ANY OTHER STRUCTURES EXIST.
10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 18264, 20 SCAL, DOWING.
11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
12. BENCHMARK DERIVED FROM CAPE CORAL BENCHMARK NUMBER 334-40-01, ELEVATION 1659.900 1929, 9.51 NAVD 1988.

FLOOD ZONE: AE* ELEVATION: 8' NAVD 1988
& "X" 0.2% ANNUAL CHANCE FLOOD HAZARD
ELEVATION: N/A COMMUNITY No: 120393 PANEL No: 0408
SUFFIX --- G REVISION DATE: 11/17/82
MAP NUMBER: 12071C0408G

THIS SURVEY IS CERTIFIED TO
WINDYARD

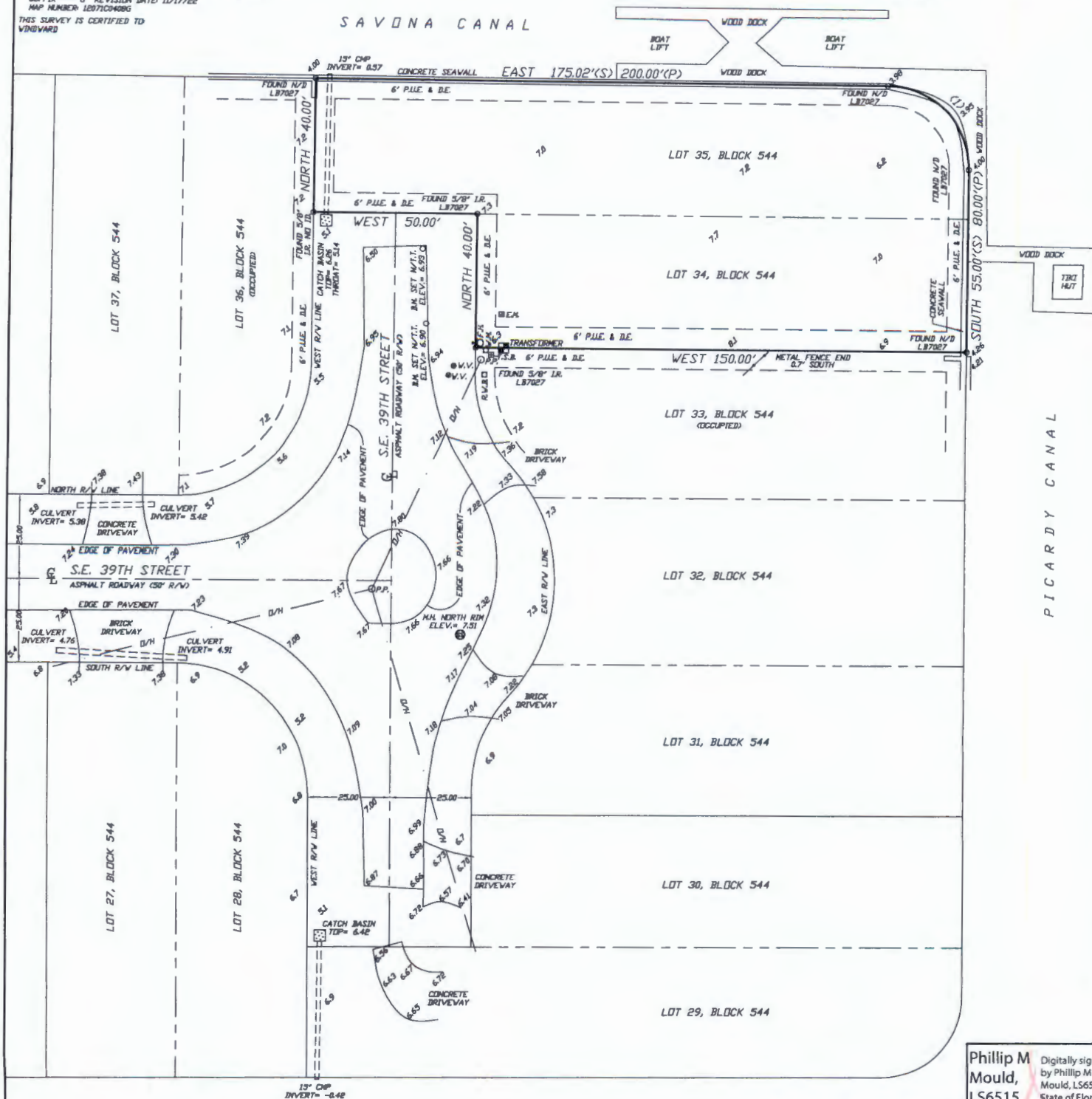


BOUNDARY SURVEY OF
LOTS 34 & 35, BLOCK 544,
CAPE CORAL, UNIT 11.

SECTION 5, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

LEGEND:

- | | | | |
|--------|-------------------------------|--------|-----------------------|
| ○ | SET 1/2" IRON ROD (CAP LMBR2) | R.V.B. | RECLAIM WATER BOX |
| ○ | FOUND IRON ROD (GR) | W.A. | WATER METER |
| ○ | CONCRETE MONUMENT | D/H | OVERHEAD POWER |
| P.R.M. | PERMANENT REFERENCE MONUMENT | W.P. | WATER PIPE |
| D.E. | PUBLIC UTILITY EASEMENT | G.A.W. | GUY ANCHOR & WIRE |
| P.E. | PERMANENT EASEMENT | TELEPH | TELEPHONE SERVICE BOX |
| P.C. | POINT OF CURVATURE | N/S | MAIL & DINK |
| P.C. | OFFICIAL CORNER BOOK | N/T.T. | MAIL & TISB |
| P.S. | AS PER SURVEY | ELEV. | ELEVATION |
| P.J. | AS PER PLAN | B.M. | BENCHMARK |
| P.J. | PIPER NUMBER | ○ | TYPICAL ELEVATION |
| P.J. | FIRE HYDRANT | ○ | AIR CONDENSER |
| R.V.W. | RIGHT-OF-WAY | P.E. | WATER SYSTEM |
| R.V.W. | CENTERLINE | V.S. | POOL EQUIPMENT |
| V.H. | CONCRETE | ○ | TORQUELESS METAL PIPE |
| V.H. | WATER VALVE | ○ | DRAINAGE ARROW |
| V.H. | ELECTRIC NERVE | | |
| V.H. | SANITARY SEWER MANHOLE | | |



Curve number 1

Radius= 25.00'
Delta= 90°00'00"
Arc= 39.27'
Chord= 35.36'
Chord Brg.= S.45°00'00"E.

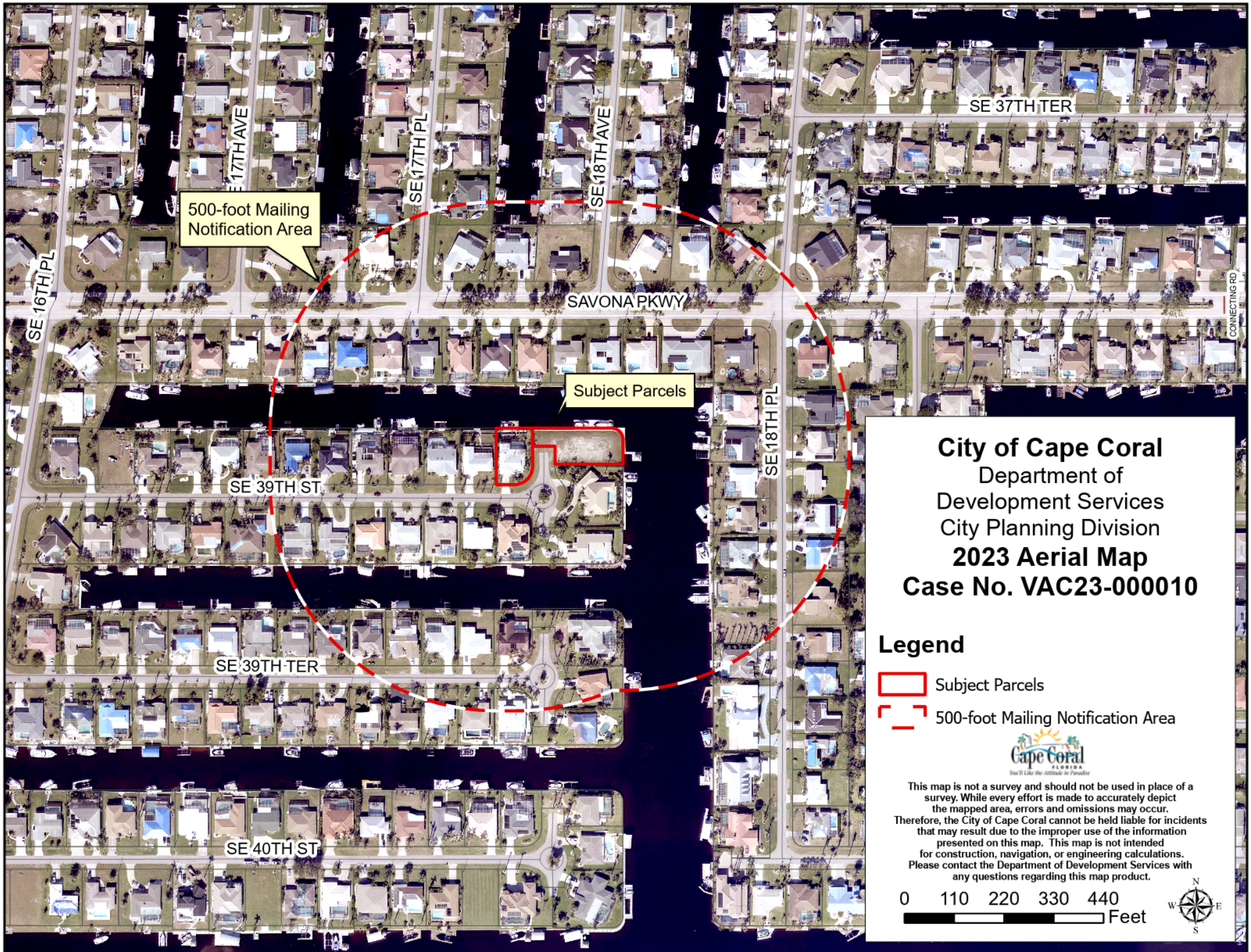
Phillip M Mould,
LS6515,
State of
Florida

Digitally signed
by Phillip M
Mould, LS6515,
State of Florida
Date:
2023.04.17
09:11:06 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6915 - STATE OF FLORIDA

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

REVISED	DESCRIPTION	BY	Date:
			2025.04.17
			09:11:06 -04'00"
State of Florida			
PHILLIP M. MOLES PROFESSIONAL SURVEYOR AND MAPPER LICENSED - STATE OF FLORIDA			
DATE OF LAST FIELD WORK 4/6/23			
DRAWN	CHECKED	SCALE	PRIILL 0
GSM	PMH	1"=60'	CC-011-34A-34
SURVEY DATE	FILE NO.	SHT - 1	
4/6/23	42-24-5	DP - 1	
HARRIS-JENSEN, LLC 3040 80' PAV. BLVD. SUITE 100 CAPE CORRAL, FLORIDA 33904 PHONE (888) 257-2664 FAX (888) 257-2664			
FLORIDA CERTIFICATE OF AUTHORIZATION LMB681			





500-foot Mailing
Notification Area

Subject Parcels

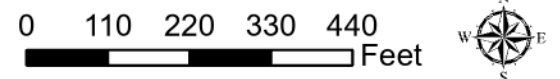
City of Cape Coral
Department of
Development Services
City Planning Division
2023 Aerial Map
Case No. VAC23-000010

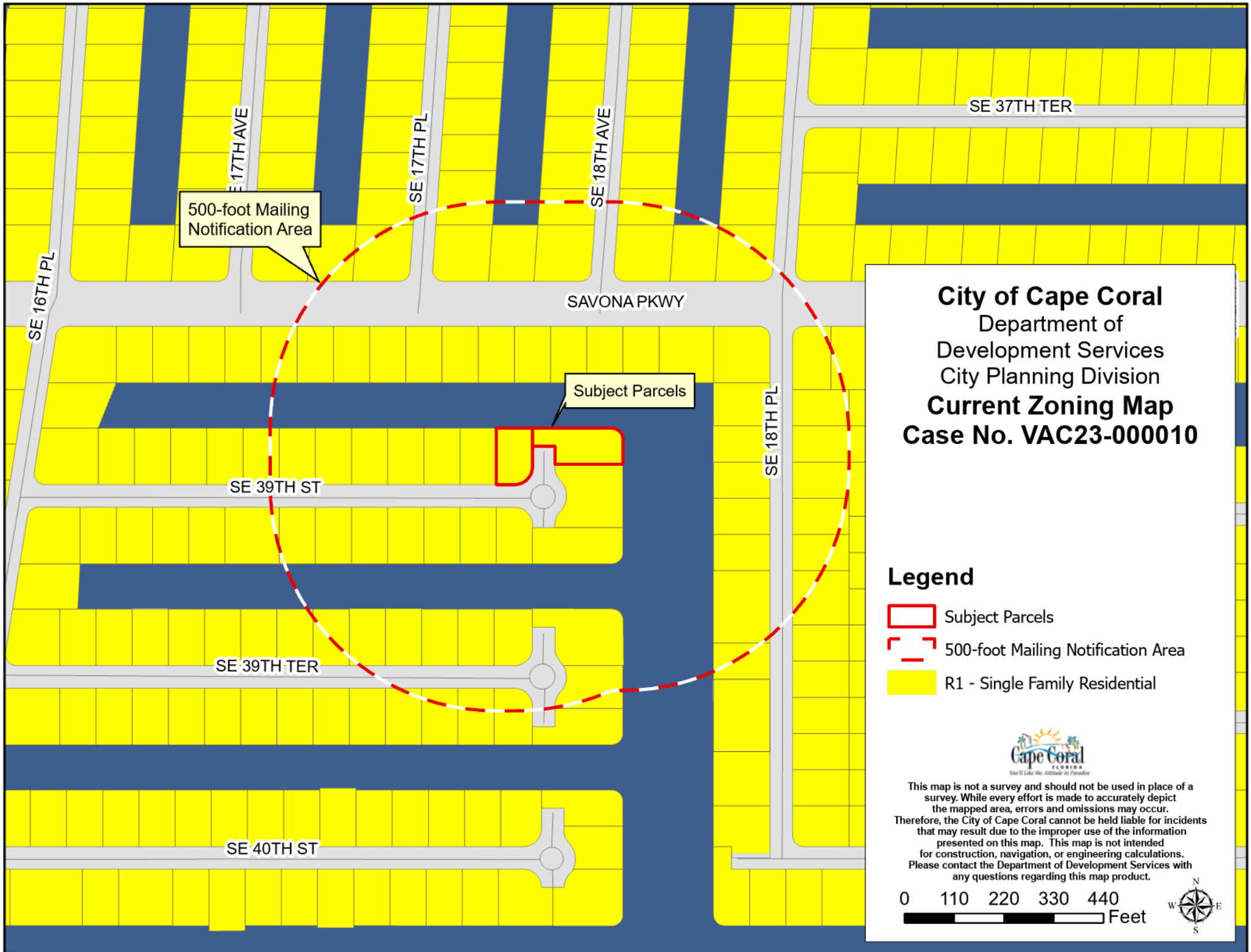
Legend

-  Subject Parcels
-  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.





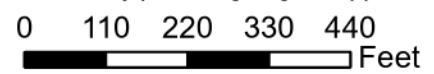
City of Cape Coral
Department of
Development Services
City Planning Division
Current Zoning Map
Case No. VAC23-000010

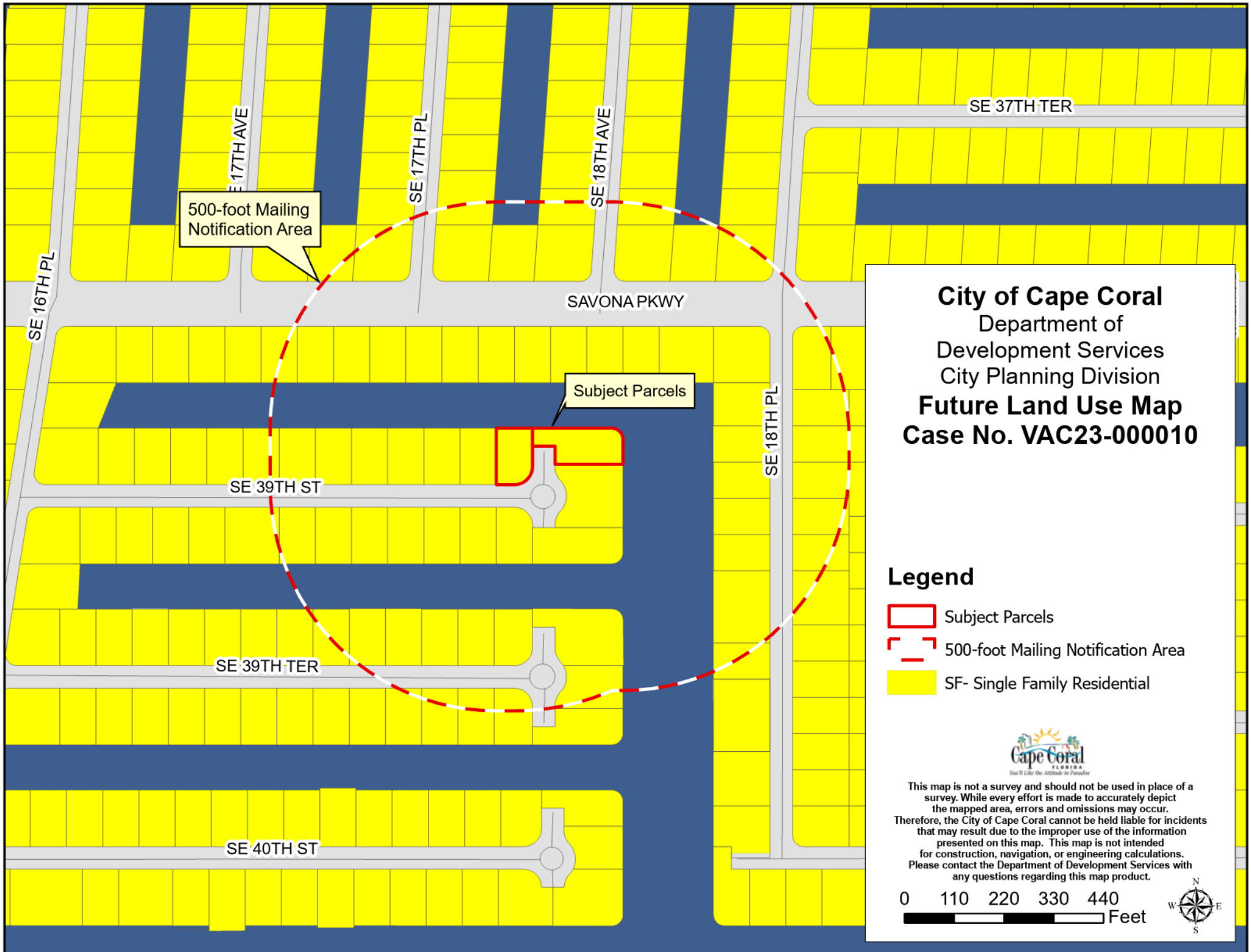
Legend

-  Subject Parcels
-  500-foot Mailing Notification Area
-  R1 - Single Family Residential






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





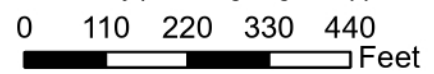
City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. VAC23-000010

Legend

-  Subject Parcels
-  500-foot Mailing Notification Area
-  SF- Single Family Residential



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





Case #VAC23-000010
Hearing Examiner Presentation
November 7, 2023

Applicants:

- 1. Rick Johanneck - 1733 SE 39th Street**
- 2. David Carlisle and Robert Carlisle - 1729 SE 39th Street**

Locations:

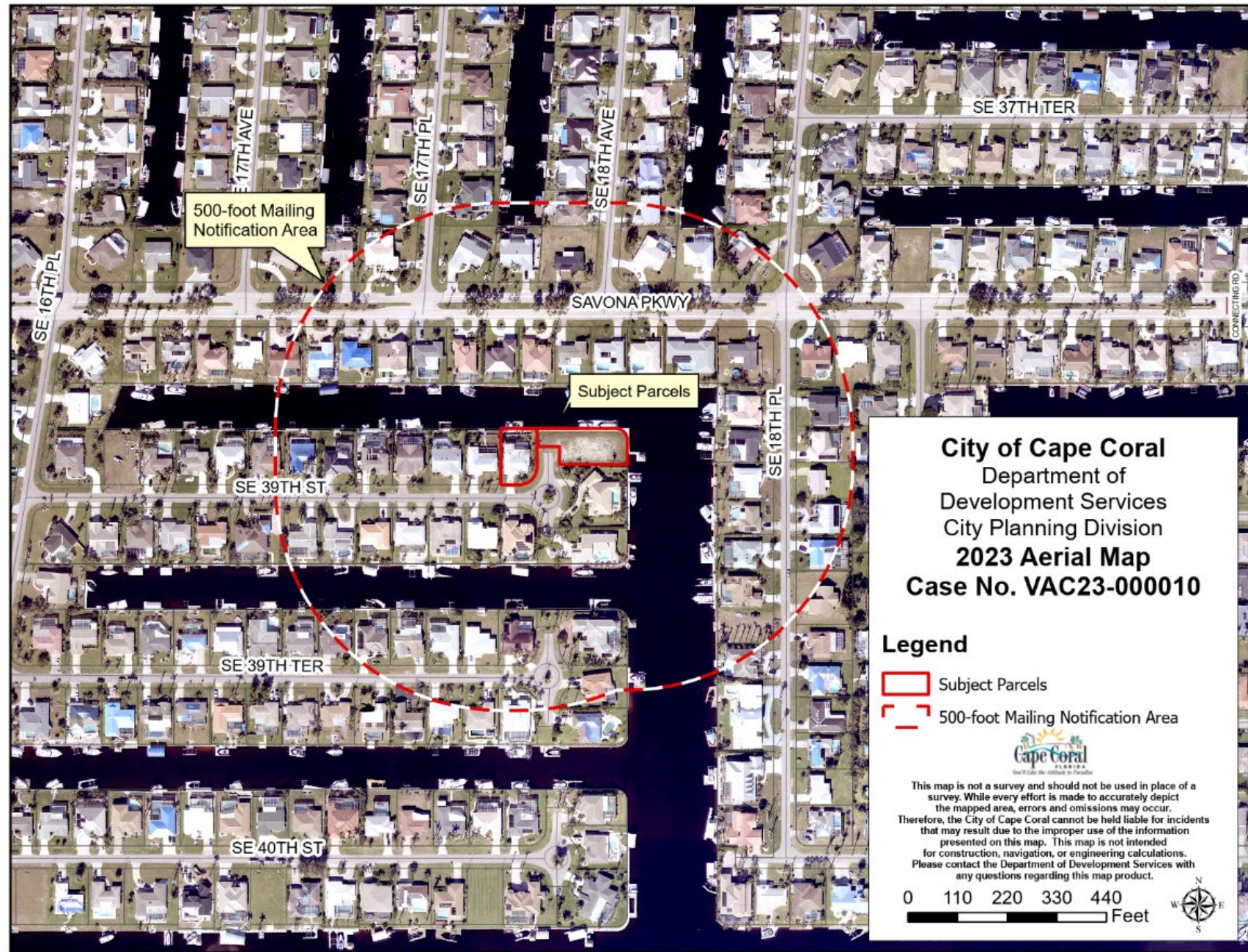
- 1. 1733 SE 39th Street, Unit 11 Block 544 Lots 34-35**
- 2. 1729 SE 39th Street, Unit 11 Block 544 Lots 36-37,**

The applicants are requesting to:

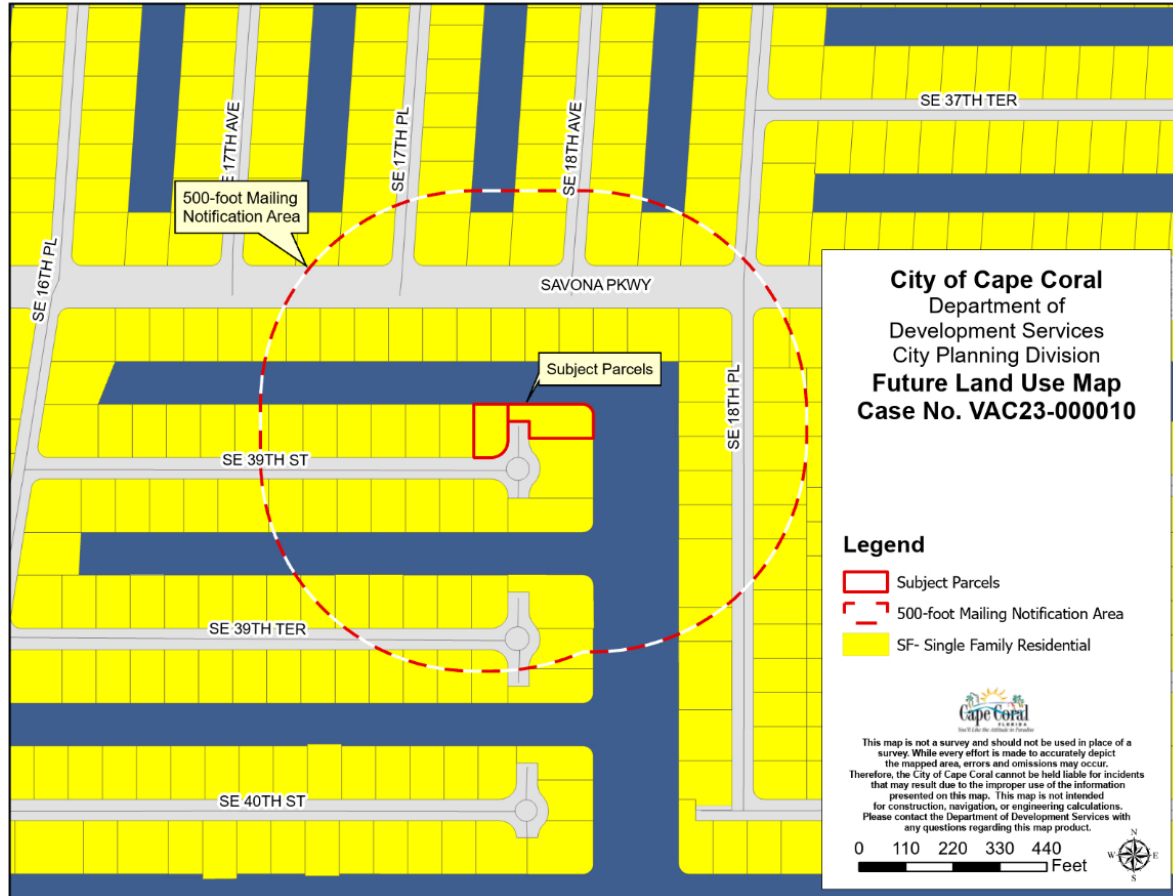
- 1. Vacate 2,000 sq. ft. of street right-of-way (ROW) and underlying easements, and**
- 2. Vacate 504 sq. ft. of platted easements in Lots 34-35, Block 544.**



Site Location



FLU Map



Zoning Map

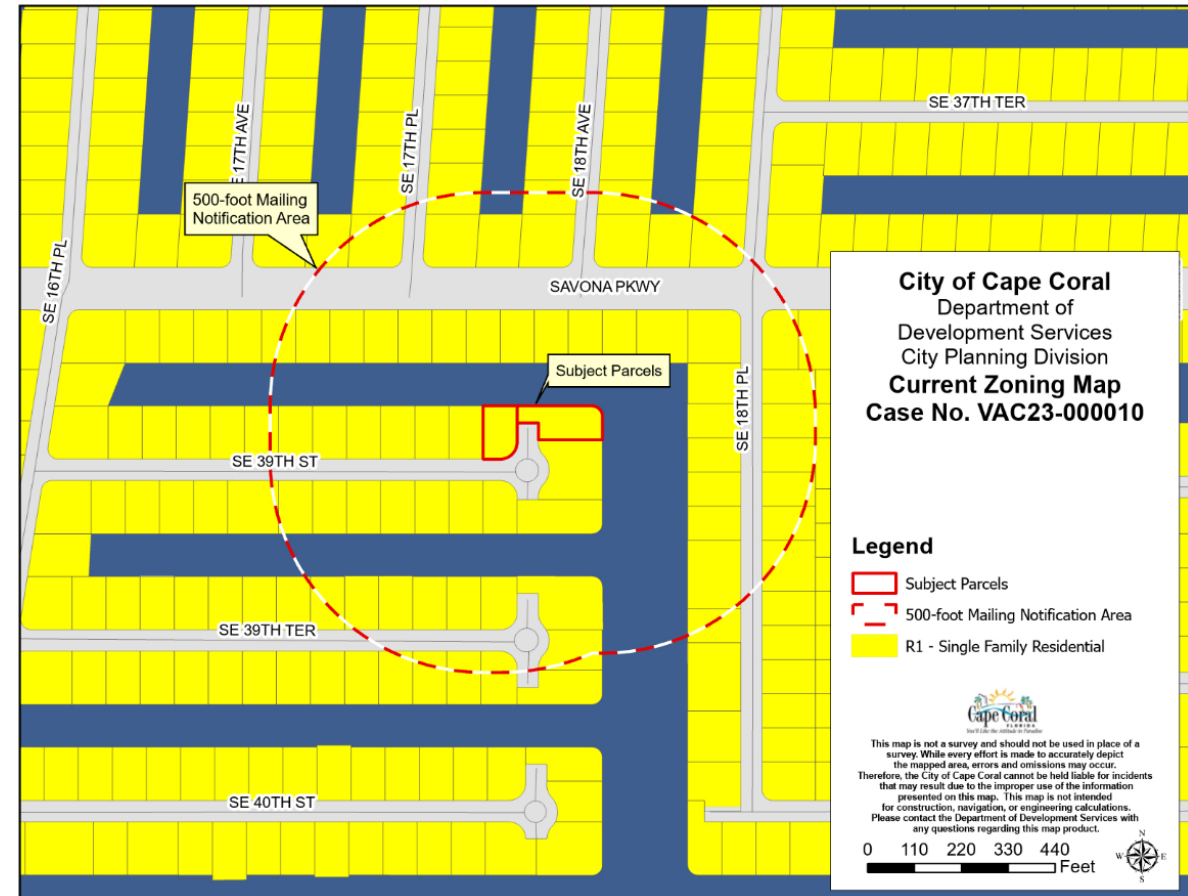
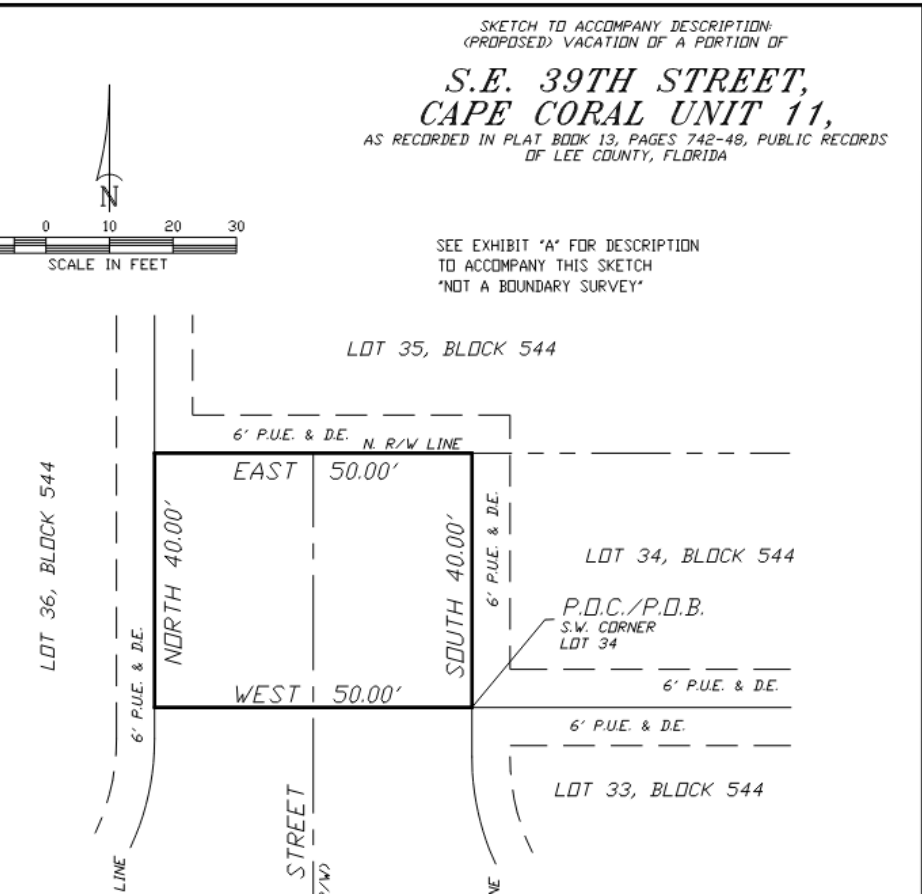
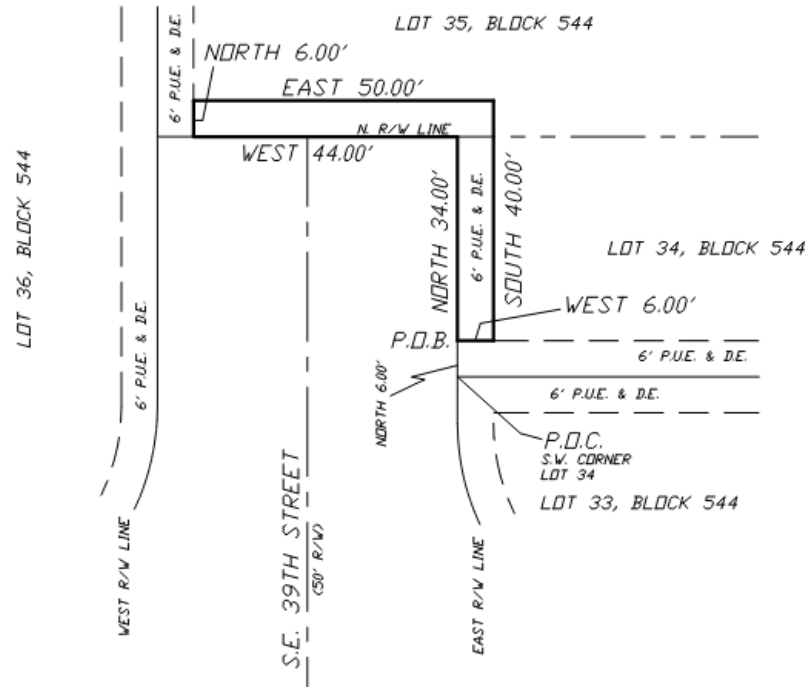
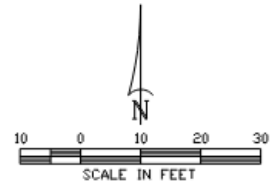


Exhibit A – Vacation in Blue



SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A PORTION OF
PUBLIC UTILITY AND DRAINAGE EASEMENT IN:
**LOTS 34 & 35, BLOCK 544,
CAPE CORAL UNIT 11,**
AS RECORDED IN PLAT BOOK 13, PAGES 742-48, PUBLIC RECORDS
OF LEE COUNTY, FLORIDA





Background:

- 1. This vacation application was initiated by Brian Haag, Windward Construction who is the authorized representative of the owners of both of the subject properties.**
- 2. The eastern property was cleared in January 2019 and the owner plans to construct a new home on the property.**
- 3. The subject properties have a Future Land Use of Single-Family (SF) and are zoned Single-Family Residential (R-1); all surrounding properties share this combination.**
- 4. The vacation will enlarge the area of the eastern property.**

Analysis: LDC, Section 3.4.5.B.1-5

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

☐ The ROW is at the end of SW 39th Street and constitutes a dead-end street between the applicants' sites.

☐ The City has a stormwater inlet and drainage pipe which will be relocated to accommodate the proposed vacation. The applicant will relocate the inlet and pipe in the City right-of-way in coordination with the Public Works Department as conditioned.

Analysis: LDC, Section 3.4.5.B.1-5

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.

☐ Platted easements in Lots 34 and 35 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.

Analysis: LDC, Section 3.4.5.B.1-5

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

- ☐ 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 site.**

Analysis: LDC, Section 3.4.5.B.1-5

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

- ☐ The existing 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.**

Analysis: LDC, Section 3.4.5.B.1-5

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

☐ The vacation will not impede the ability of vehicles to turn around and exit the area by using the existing cul-de-sac.

Analysis: LDC, Section 3.4.5.B.1-5

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

- ☐ All three utility providers have provided letters of no objection. LCEC, however, does require that a continuous easement be provided around the perimeter of each site. Comcast stipulated that if facilities are found or damaged within the vacated area as described, the applicant will bear the cost of relocation and repair of said facilities.**

Analysis: Comprehensive Plan

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

Recommendation and Conditions

City Planning Staff recommends approval with conditions:

- 1. The vacation of the 2,000 sq. ft. of ROW and underlying easements shall be consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., entitled “Exhibit A”.**
- 2. The vacation of 504 sq. ft. of platted easements in Lots 34-35, Block 544, shall be consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., entitled “Exhibit B”.**
- 3. The City shall retain easements sufficient for maintaining a minimum six-foot-wide public utility and drainage easement around the perimeter of the site located at 1733 SE 39th Street consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC., entitled “Exhibit C”.**

Recommendation and Conditions

- 4. In the event utilities are found within the vacated area, the owners shall be responsible for bearing the cost for relocating the facilities to a new easement. In the event utilities are damaged during construction activities, the owners shall bear the cost of relocating the utilities to a new easement and repairing said utilities.**
- 5. The vacated right-of-way will be private property and shall no longer be maintained by the City of Cape Coral. All publicly maintained infrastructure must be removed and/or relocated to the new location of the right-of-way or public utility easements. Therefore, within 180 days of approval of this vacation request:
 - a. The owners shall remove the pavement associated with the vacated street that occupies their site. The area shall be sodded following the removal of this pavement or may be improved as permitted by the Land Development Code; and****

Recommendation and Conditions

- b. The owners shall obtain the necessary permits to remove the existing stormwater inlet located within the vacation area, relocate the inlet into the City right-of-way, and install the necessary pipe to connect the existing pipe to the new inlet. At the sole discretion of the City, the owners shall grant all necessary easements for any new or modified stormwater system if required. All improvements shall be permitted through and inspected by the City. The costs of all improvements identified in these conditions shall be borne by the owners.**

Recommendation and Conditions

- 6. 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.**
- 7. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the Owner.**

Thank You





AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.C.
Meeting Date:	11/7/2023
Item Type:	HEARINGS

TITLE:

Case#: VAC23-000011*; Address: 1110 LORRAINE CT.; Applicant: Arnold Egan

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The applicant requests to vacate 354 sq. ft. of canal right-of-way (ROW) and 408 sq. ft. of platted easements adjacent or occupying Lots 5 and 6, Block 0010, Unit 1 Part 2, Cape Coral Subdivision. The property is located at 1110 Lorraine Court. If approved this will enlarge the subject property and increase taxable property.

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:

Matt Grambow, Interim Development Services Director, 574-0446

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

N/A

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

PREPARED BY:

Vanessa Sberna, Planning
Technician

Division- Planning
Division

Department- Development
Services

ATTACHMENTS:**Description**

▣ Novus Packet

Type

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. *attached*
3. ☒ Proof of title to the tract or parcel of land covered by the plat or, of the plat of which vacation is sought. *Waiting for Acknowledgement*
4. ☒ Letters of approval from the following utility companies: *Mailed & emailed 3/24*

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

5. ☒ Sketches and legal descriptions of the area proposed to be vacated.
6. ☒ If there are any deed restrictions on the property, a copy of the restrictions will be required.
7. ☒ Certified topographic survey (done within the past six months, and showing all pavement, utility and drainage features in said area, including but not limited to water, sewer and irrigation lines and manholes; power, cable and utility lines and poles; catch basins, inlets, pipes, and swales. In the case where no features exist, a signed, sealed and dated certification by a Florida registered Professional Engineer can be submitted which certifies that there are no such roadway, utility or drainage features within the limits of and adjacent to the proposed vacated area.
8. ☐ Any additional required supporting documents.
9. ☐ Refer to LDC, Section 3.4.5 for information on regulations concerning vacations.



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:	<u>Patriot</u>
Location/Address	<u>1110 Lorraine Ct. Cape Coral, FL 33904</u>
Strap Number	<u>19-45-24-C1-00010.0050</u> Unit <u>1</u> Block <u>10</u> Lot (s) <u>5+6</u>
Strap Number	<u>n/a</u> Unit <u> </u> Block <u> </u> Lot (s) <u> </u>
Plat Book	<u>11</u> Page <u>34</u> Future Land Use <u> </u> Current Zoning <u> </u>
PROPERTY OWNER (S) INFORMATION	
Owner	<u>Team Patriot SWFL, LLC.</u> Address <u>21 Shear Water Trail</u>
Phone	<u>239-872-1083</u> City <u>Ormond Beach</u>
Email	<u>Bob.Heidorn@yahoo.com</u> State <u>FL</u> Zip <u>32174</u>
Owner	<u> </u> Address <u> </u>
Phone	<u>n/a</u> City <u> </u>
Email	<u> </u> State <u> </u> Zip <u> </u>
APPLICANT INFORMATION (If different from owner)	
Applicant	<u>Arnold Egan</u> Address <u>421 SW 33rd Ave</u>
Phone	<u>239-340-3793</u> City <u>Cape Coral</u>
Email	<u>Aeganjr@aol.com</u> State <u>FL</u> Zip <u>33991</u>
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative	<u>Arnold Egan</u> Address <u>421 SW 33rd Ave.</u>
Phone	<u>239-340-3793</u> City <u>Cape Coral</u>
Email	<u>Aeganjr@aol.com</u> State <u>FL</u> Zip <u>33991</u>



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.

TEAM PATRIOT SWFL LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

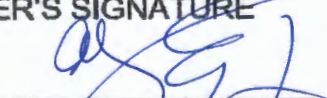
ROBERT HEIDORN

OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

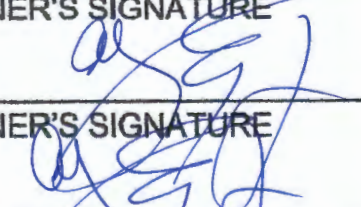
ARNOLD EGAN

OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

Arnold Egan

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 7th day of April, 2023 by Robert Heidorn who is personally known to me or produced n/a as identification. Arnold Egan



Exp Date: 2/24/27 Commission Number: HH 361048

Signature of notary Public:

K. Garcia

Printed Name of Notary Public:

Kaitlin Garcia



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 ARNOLD EGAN

(Name of person giving presentation)

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

UNIT 1 BLOCK 10 LOT(S) 5+6 SUBDIVISION CAPE CORAL

OR LEGAL DESCRIPTION 19-45-24-C1-00010.0050 1110 LORRAINE CT.

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

ROBERT HEIDORN
PROPERTY OWNER (Please Print)

[Signature] president
PROPERTY OWNER (Signature & title)

ARNOLD EGAN
PROPERTY OWNER (Please Print)

[Signature] VICE PRESIDENT
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 7th day of April, 2023 by Robert Heidorn who
is personally known to me or produced n/a as identification. & Arnold Egan



Exp Date: 2/24/27 Commission Number: HH361048

Signature of notary Public:

K. Garcia

Printed Name of Notary Public:

Kaitlin Garcia

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



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Cape Coral, FL 33915-0027

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

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

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 7th Day of April, 20 23.

Team Patriot SWFL, LLC.
CORPORATION/COMPANY NAME

Arnold Egan
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 7th day of April, 20 23 by Arnold Egan who is personally known to me or produced n/a as identification.



Exp Date: 2/24/27 Commission Number: HH 361048

Signature of notary Public:

K. Garcia

Printed Name of Notary Public:

Kaitlin Garcia



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.

Arnold Egan
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

[Signature]
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 7th day of April, 2023 by Arnold Egan who is personally known to me or produced n/a as identification.



Exp Date: 2/24/27 Commission Number: HH361048

Signature of Notary Public: K. Garcia

Printed Name of Notary Public: Kaitlin Garcia



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
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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.

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L22000531138
FILED 8:00 AM
December 20, 2022
Sec. Of State
jafason

Article I

The name of the Limited Liability Company is:
TEAM PATRIOT SWFL, LLC.

Article II

The street address of the principal office of the Limited Liability Company is:
421 SW 33RD AVE.
CAPE CORAL, FL. US 33991

The mailing address of the Limited Liability Company is:
421 SW 33RD AVE.
CAPE CORAL, FL. US 33991

Article III

The name and Florida street address of the registered agent is:
HOWARD FREIDIN
2245 MCGREGOR BLVD.
FT. MYERS, FL. 33901

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: HOWARD FREIDIN

Article IV

The name and address of person(s) authorized to manage LLC:

Title: PRES
ROBERT HEIDORN
21 SHEAR WATER TRAIL
ORMOND BEACH, FL. 32174 US

Title: VP
ARNOLD EGAN
421 SW 33RD AVE
CAPE CORAL, FL. 33991 US

Title: TRES
MARYAN EGAN
421 SW 33RD AVE
CAPE CORAL, FL. 33991 US

L22000531138
FILED 8:00 AM
December 20, 2022
Sec. Of State
jafason

Article V

The effective date for this Limited Liability Company shall be:

12/20/2022

Signature of member or an authorized representative

Electronic Signature: ARNOLD EGAN

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

Property Data

STRAP: 19-45-24-C1-00010.0050 Folio ID: 10205094

Generated on 4/7/2023 10:13 AM

Owner Of Record - Sole Owner

[\[Change Address\]](#)



TEAM PATRIOT SWFL LLC
21 SHEAR WATER TRAIL
ORMOND BEACH FL 32174

Site Address

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

1110 LORRAINE CT
CAPE CORAL FL 33904

Property Description

Do not use for legal documents!



CAPE CORAL UNIT 1 PART 2
BLK 10 PB 11 PG 34
LOTS 5 + 6

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



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



Current Working Values



Tax Roll Value Letter

Tax Refund Status



Just

302,030

Attributes

Land Units Of Measure

UT

Units

1.00

Total Number of Buildings

1

Total Bedrooms / Bathrooms

2 / 2.0

Gross Living Area

1,271

1st Year Building on Tax Roll

1966

Historic Designation

No

Image of Structure



◀ Photo Date February of 2023 ▶ ☐ View other photos

Last Inspection Date: 02/13/2023

Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	106,850	70,250	106,850	106,850	0	106,850
1993	104,270	70,250	104,270	104,270	25,000	79,270
1994	103,660	70,250	103,660	103,660	0	103,660
1995	105,430	70,250	105,430	105,430	0	105,430
1996	106,390	70,500	106,390	106,390	0	106,390
1997	99,350	63,820	99,350	99,350	0	99,350
1998	89,670	53,890	89,670	89,670	0	89,670
1999	95,790	53,890	95,790	95,790	0	95,790
2000	111,340	66,530	111,340	111,340	0	111,340
2001	126,420	69,760	126,420	126,420	0	126,420
2002	147,950	69,760	147,950	147,950	0	147,950
2003	224,050	138,470	224,050	224,050	0	224,050
2004	242,530	175,880	242,530	242,530	0	242,530
2005	340,650	298,160	340,650	340,650	0	340,650
2006	487,400	400,840	487,400	487,400	0	487,400
2007	456,300	360,600	456,300	456,300	0	456,300
2008	265,750	202,400	265,750	265,750	0	265,750
2009	188,390	130,000	188,390	188,390	50,500	137,890
2010	172,795	115,000	172,795	172,795	50,500	122,295
2011	153,061	121,000	153,061	153,061	0	153,061
2012	143,797	95,206	143,797	143,797	0	143,797
2013	171,701	159,100	171,701	158,177	0	158,177
2014	203,698	160,000	203,698	173,995	0	173,995
2015	216,095	198,000	216,095	191,395	0	191,395



TEAM PATRIOT SWFL, LLC

City of Cape Coral Planning Division

1015 Cultural Park Blvd.

Cape Coral, FL 33990

Re: Vacation of Plat application for 1110 Lorraine Ct. Cape Coral, FL 33904

3/13/2023

To whom it may concern:

As you are aware, TEAM PATRIOT SWFL, LLC. Is applying for a vacation of plat as a result of the accretion of land resulting from a seawall installation with the City of Cape Coral. The existing seawall is in line with the seawalls of the two adjacent properties. This vacation will only affect the rear property line of the lot as depicted in the attached sketches and site plan. We are requesting the right-of-way at the south lots 5 + 6 of block 10 in unit 1 part 2 be vacated along with all underlying easements. We will provide a new 6' PUE extending along the length of the new property line, as set forth in the enclosed sketches and descriptions. The resulting condition will match what has been done on similar lots in this area of the City, where the rear lot was extended as a result of the land accreted during seawall construction.

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 easement is currently unused and being simply moved back with the property line, and there are no objections from any of the utilities using them, there will be no negative impact to the City or any of the adjoining or neighboring properties. The current right-of-way design is unusual, and the requested vacations will improve the use of the land without causing any detrimental effects.

We will provide all of the requested documents set forth in the application packet and look forward to working with the City to accomplish this vacation. Requests have been made to the utility providers specified, but we have not yet received responses. Documents being provided at this time include the following site plan, surveys, sketches, and descriptions.

1110 Lorraine Survey- CC-U1-10-5

Exhibit A- ROW to be Vacated.

Exhibit B- PUE to be Vacated.

Exhibit C- PUT to be Created.

Exhibit D- Underlying easements to be Vacated.

SP-1 Site Plan.

Deed evidencing TEAM PATRIOT SWFL, LLC'S ownership of the Property.

Sincerely,

Robert Heidorn

President, Team Patriot SWFL, LLC.

TEAM PATRIOT SWFL, LLC



May 4th, 2023

Attn: Kaiti Garcia

RE- LONO – 1110 Lorraine Ct. Cape Coral

Dear Kaiti,

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 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,

Christopher Plank
Supervisor, Construction SWFL

12600 Westlinks Dr. Suite #4
Fort Myers, FL 33913
Cell (574) 808-8943
Christopher_plank@Comcast.com

May 5, 2023

Robert Heidorn
Arnold Roberts Signature Homes
421 SW 33rd. Ave.
Cape Coral, FL 33991

MAY 24 '23 AM 7:03

Re: Letter of No Objection to Vacation of Platted Lot Line located at **1110 LORRAINE CT CAPE CORAL FL 33904**; Owner: TEAM PATRIOT SWFL LLC; ADDRESS: 21 SHEAR WATER TRAIL, ORMOND BEACH FL 32174; STRAP: 19-45-24-C1-00010.0050

Dear Mr. Heidorn:

We are in receipt of your request to ask LCEC for a letter to vacate the easements of record for the lots described as follows:

Cape Coral Unit 1, Part 2, Block 10 Lots 5 + 6, according to Plat Book 11, Page 34 Lying in Section 2, Township 45 South, Range 23 East of the Public Records of Lee County, Florida.
Sketch(es) attached here to for reference.

You have supplied a sketch and description created by Phillip M. Mould, PSM, of Harris-Jorgensen, LLC under Project number CC-U1-10-5 dated 03/07/2023.

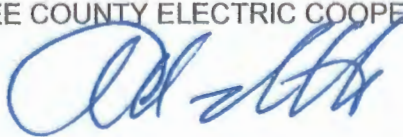
We have reviewed the Plat, the request submitted, and our internal records. LCEC has **no objection** to the vacation, as submitted and reflected, in the request. However, LCEC requires a continuous perimeter easement surrounding your property in order to serve you. Therefore, in the after situation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

However, should there be any substantial changes to the plans as submitted, LCEC reserves its rights to additional, and further review and comment with additional conditions, if necessary, consistent with its findings. 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 239-656-2207, or, if you prefer, I may be reached by email at Allan.Ruth@lcec.net.

Very truly yours,

LEE COUNTY ELECTRIC COOPERATIVE, INC.



Allan Ruth, Manager
LCEC Operations and Business Support

5/23/2023



Kaiti Garcia

P848354
No Reservations/No Objection

SUBJECT: Vacation request for certain portions of Lincoln Canal and platted easements on Lots 5 & 6, Block 10, Cape Coral, Unit One, Part Two as recorded in Plat Book 11, Pages 29-36, in Lee County, Florida.

To Whom It May Concern:

CenturyLink of 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

City Planning Division Case Report

VAC23-000011

Review Date: September 20, 2023

Property Owners: Team Patriot SWFL, LLC

Owner Address: 21 Shear Water Trail
Ormond Beach, FL, 32174

Authorized Rep. Arnold Egan

Property Location: 1110 Lorraine Court
Cape Coral, Florida, 33904
Lots 5 and 6, Block 0010, Unit 1 Part 2, Cape Coral Subdivision

Strap Number: 19-45-24-C1-00010.0050

Requests: The owner requests vacating:

1. 354 sq. ft. of canal right-of-way (ROW) adjacent to Lots 5 and 6, Block 0010, Unit 1 Part 2, Cape Coral Subdivision.
2. 408 sq. ft. of platted easements occupying Lots 5 and 6, Block 0010, Unit 1 Part 2, Cape Coral Subdivision.

Prepared By: Patrick Carlton White, Senior Planner

Approved By: Mike Struve, Planning Team Coordinator

Recommendation: Approval with conditions

Urban Service: Infill

Property Description:

The applicant owns a two-lot platted site in southeast Cape Coral, about 160 feet east of Driftwood Parkway. The site is along the Lincoln Canal, which has a platted width of 80 feet. The site has a Single-Family (SF) Future Land Use Classification and Single Family Residential (R-1) zoning. All sites to the north, east, south, and west within 500 feet share the same future land use and zoning classifications. The site is in a predominately residential area of the City that is built out with single-family homes.

Request:

The applicant requests to vacate unexcavated canal right-of-way (ROW) and platted easements adjacent to the Lincoln Canal. The applicant is seeking to vacate 354 sq. ft. of canal ROW, and 408 sq. ft. of platted easements, to extend the rear property line of the site southward to the edge of Lincoln Canal. A six-foot wide easement will be retained by the City to provide a continuous perimeter easement around the expanded site.

Zoning History of the Site:

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

Minimum Standards:

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

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

Analysis:

Staff analyzed this vacation 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.

LDC, Section 3.4.5.B state vacations shall be reviewed in accordance with the following five 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: The ROW consists of a narrow unexcavated strip of land, which lies between the south property line and canal. This ROW is not part of the functioning canal system and therefore does not provide any type of mobility or transportation benefit. Based on these factors, this ROW does not appear to have any foreseeable value for transportation, access, water management, or utility functions.

- Platted easements requested to be vacated are not needed as the applicant will provide a six-foot-wide perimeter easement around the expanded site.
2. *Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way.*
- Staff analysis: Sufficient easements will be retained by the City for providing a continuous perimeter easement around the expanded site. No additional easements will be necessary.
3. *If alternate routes are required or available that do not cause adverse impacts to surrounding areas.*
- Staff analysis: The canal ROW proposed to be vacated is not part of any functioning waterway system; therefore, navigability and visibility will not be affected. This vacation will not cause any adverse impacts to surrounding properties.
4. *If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area.*
- Staff analysis: The vacation will not result in the closure or alteration of a canal, and will, therefore, have no effect on the movement of boats traveling in the Lincoln Canal.
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 issued letters of no objection regarding the requested vacation. LCEC requires that a continuous easement be provided around the perimeter of the site. Conditions of approval recommended by staff will ensure a perimeter easement around the expanded site is provided.

Consistency with the Comprehensive Plan

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

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

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

Policy 1.15: Single Family Residential: Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.

- Staff analysis: This request is also consistent with Policy 1.15.a. as the site will be \pm 10,354 sq. ft. following the ROW vacation. Following the vacation, this site will have a density of 4.2 dwelling units (DU) per acre, less than the maximum density of 4.4 DU per acre allowed in this FLUC.

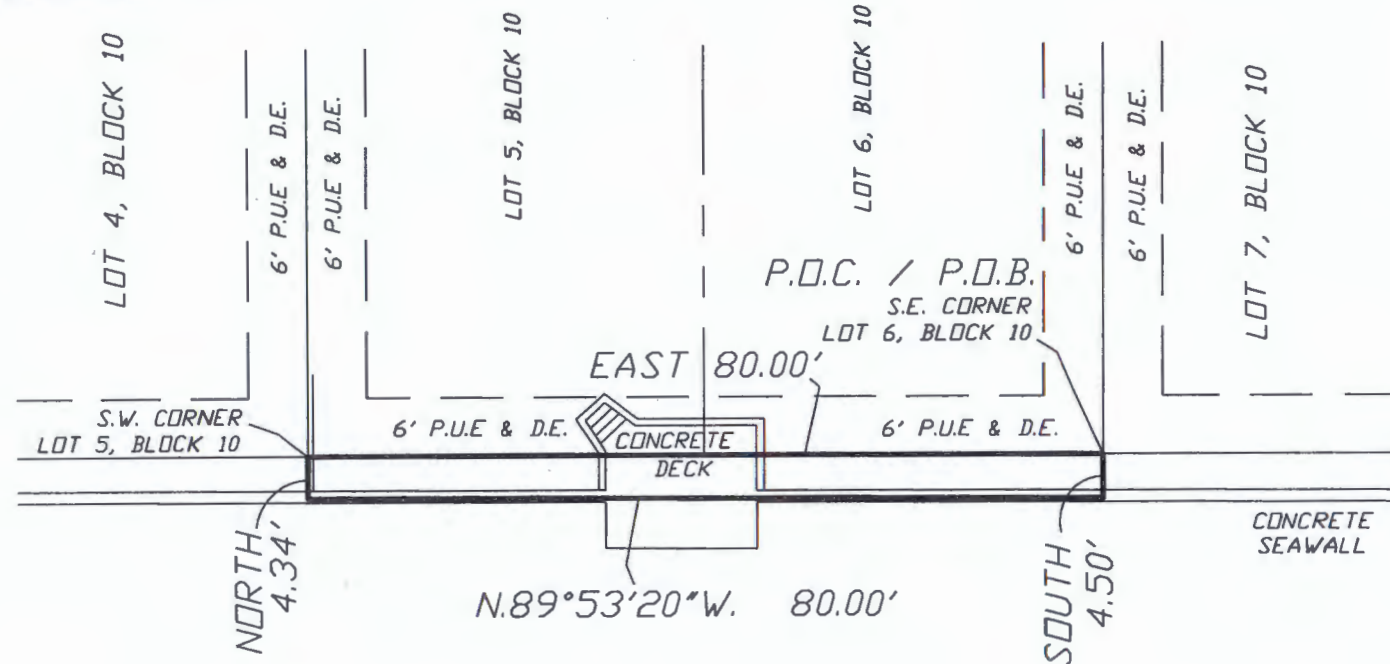
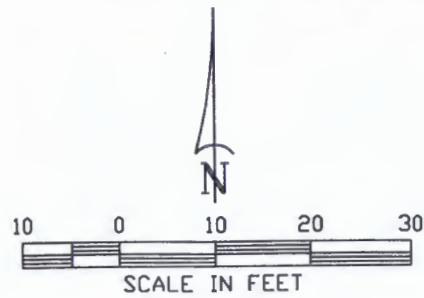
Recommendation:

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

Conditions of Approval

1. The vacation of the 354 square feet of canal ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, labeled "Exhibit A".
2. The vacation of 408 square feet of platted easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, labeled "Exhibit B".
3. The City shall retain easements sufficient for maintaining a six-foot wide perimeter easement around the site as depicted in the accompanying sketch and legal description prepared by Harris-Jorgensen, LLC, labeled "Exhibit C".
4. The Petitioner shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.
5. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the Petitioner.

Staff Contact Information
Patrick Carlton White, Senior Planner
Phone: 239-574-0605
Email: PWhite@capecoral.gov



L I N C O L N C A N A L

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

LINCOLN CANAL, CAPE CORAL UNIT ONE, PART TWO,,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "A"
FOR DESCRIPTION
TO ACCOMPANY THIS
SKETCH

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LORRAINE COURT, AS BEING EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 10.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. THIS SKETCH/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 20 SCALE DRAWING.

LEGEND:

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

DRAWN:	CHECK:	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMM	FBH	1"=20'	CC-UI-10-5	
SKETCH DATE	FILE NO.	SHT.- 1	OF - 2	
03/07/2023	45-23-24			
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF A PORTION OF:

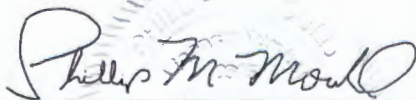
LINCOLN CANAL, CAPE CORAL UNIT ONE, PART TWO,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

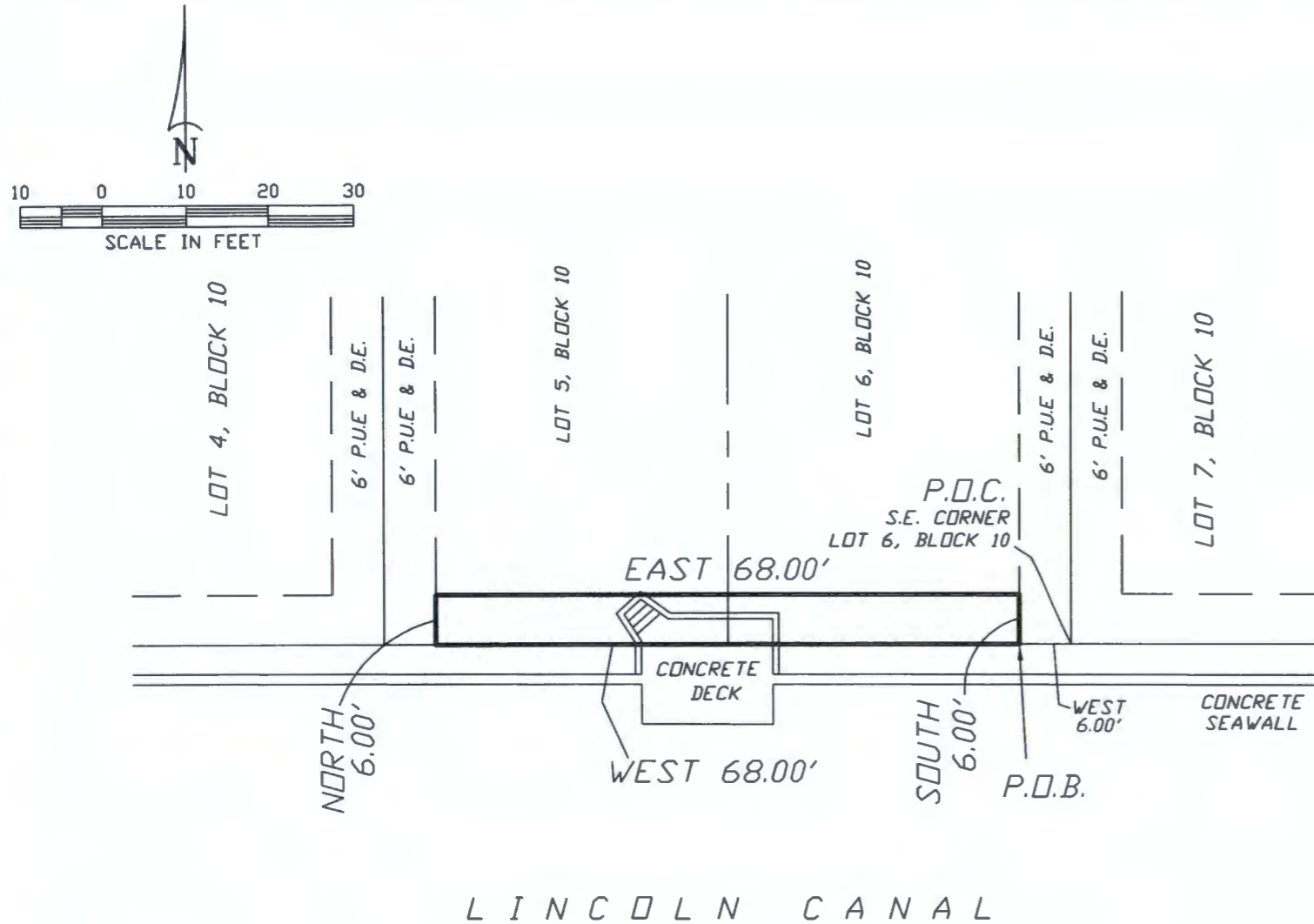
COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN SOUTH TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 4.50 FEET; THENCE RUN N.89°53'20"W. ALONG SAID FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN NORTH TO THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK 10, FOR 4.34 FEET; THENCE RUN EAST TO THE AFORESAID SOUTHEAST CORNER OF LOT 6, BLOCK 10, FOR 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 353.79 SQ. FT., MORE OR LESS.



PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
03/07/2023

CC-U1-10-5



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

**PUBLIC UTILITY AND
DRAINAGE EASEMENT IN
LOTS 5 & 6, BLOCK 10,
CAPE CORAL UNIT ONE,
PART TWO,**

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "B"
FOR DESCRIPTION
TO ACCOMPANY THIS
SKETCH

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LORRAINE COURT, AS BEING EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 10.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. THIS SKETCH/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.

LEGEND:

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

DRAWN:	CHECK:	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMM	FBH	1"=20'	CC-UI-10-5	
SKETCH DATE	FILE NO.	SHT.- 1	OF - 2	
03/07/2023	45-23-24			
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF A PORTION OF:

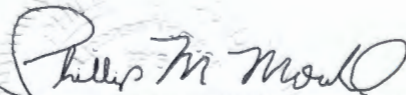
PUBLIC UTILITY AND DRAINAGE EASEMENT IN LOTS 5 & 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

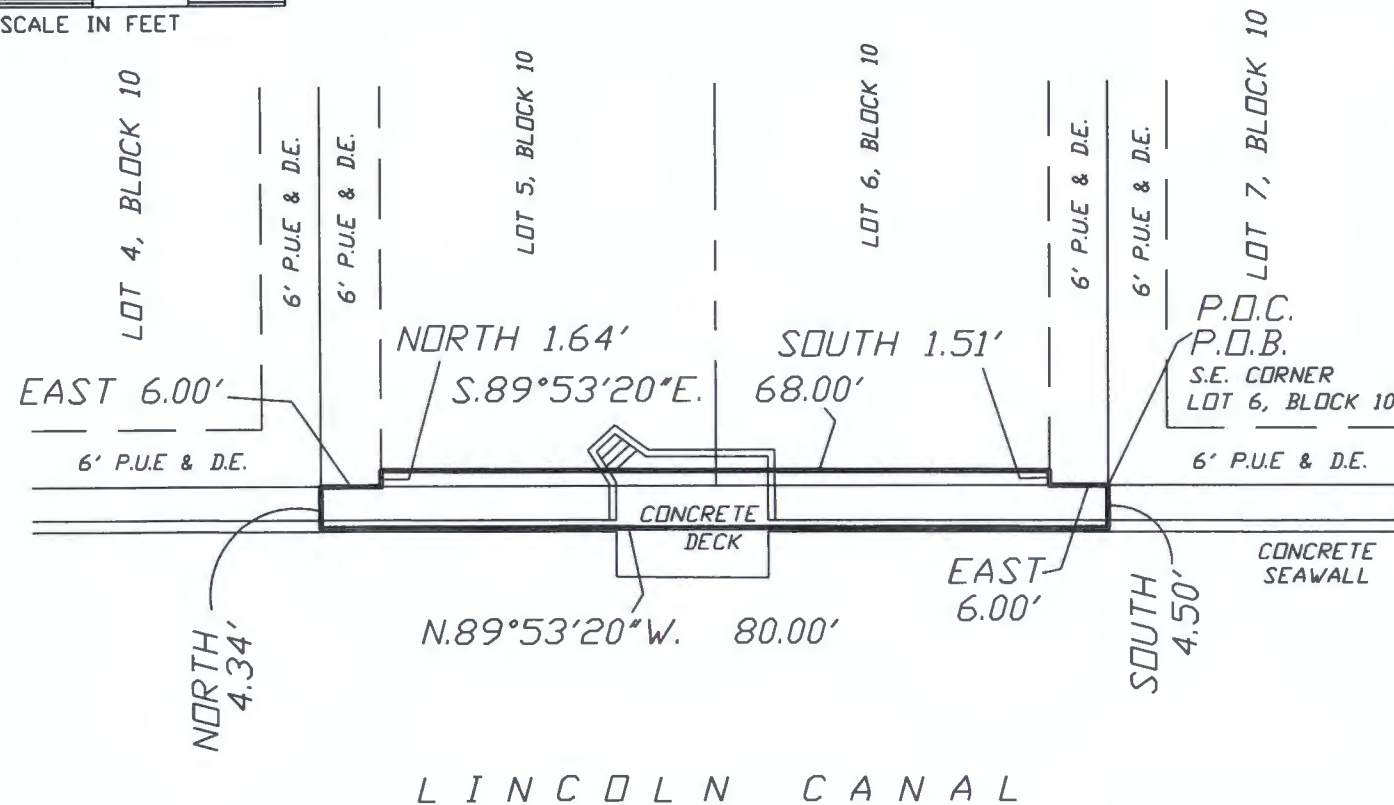
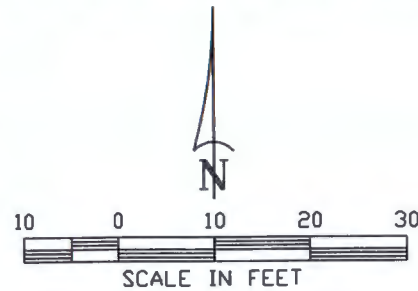
COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN WEST FOR 6.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN WEST FOR 68.00 FEET; THENCE RUN NORTH 6.00 FEET; THENCE RUN EAST FOR 68.00 FEET; THENCE RUN SOUTH FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 408.00 SQUARE FEET.



PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
03/07/2023

CC-U1-10-5



LEGEND:

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

SKETCH TO ACCOMPANY DESCRIPTION:
 (PROPOSED)

**PUBLIC UTILITY AND
 DRAINAGE EASEMENT IN
 LINCOLN CANAL AND LOTS
 5 & 6, BLOCK 10,
 CAPE CORAL UNIT ONE,
 PART TWO,**

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
 SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "C"
 FOR DESCRIPTION
 TO ACCOMPANY THIS
 SKETCH

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LORRAINE COURT, AS BEING EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 10.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. THIS SKETCH/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.

DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-UI-10-5	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 03/07/2023		FILE NO. 45-23-24	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED)

PUBLIC UTILITY AND DRAINAGE EASEMENT IN LINCOLN CANAL AND LOTS 5 & 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN SOUTH TO A POINT ALONG THE WASTERS EDGE FACE OF A CONCRETE SEAWALL FOR 4.50 FEET; THENCE RUN N89°53'20"W. ALONG SAID SEAWALL FOR 80.00 FEET; THENCE RUN NORTH FOR 4.34 FEET; THENCE RUN EAST FOR 6.00 FEET; THENCE RUN NORTH FOR 1.64 FEET; THENCE RUN S.89°53'20"E. FOR 68.00 FEET; THENCE RUN SOUTH FOR 1.51 FEET; THENCE RUN EAST TO THE AFORESAID SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO, FOR 6.00 FEET, TO THE POINT OF BEGINNING.

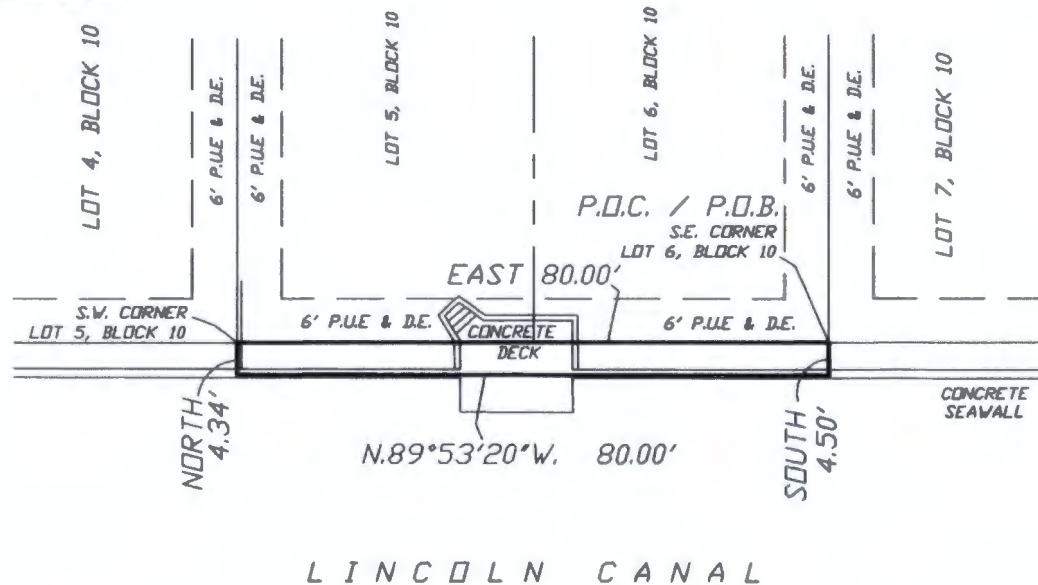
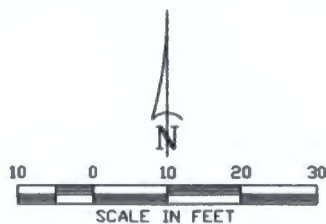
CONTAINING: 461.07 SQUARE FEET, MORE OR LESS.



PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
03/07/2023

CC-U1-10-5

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



LEGEND:

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

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

LINCOLN CANAL, CAPE CORAL UNIT ONE, PART TWO,,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
 SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "A"
 FOR DESCRIPTION
 TO ACCOMPANY THIS
 SKETCH

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LORATNE COURT, AS BEING EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 10.
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; SJ-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: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-UI-10-5	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 03/07/2023	FILE NO. 45-23-24	SHT.- 1 OF - 2		
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF A PORTION OF:

LINCOLN CANAL, CAPE CORAL UNIT ONE, PART TWO,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

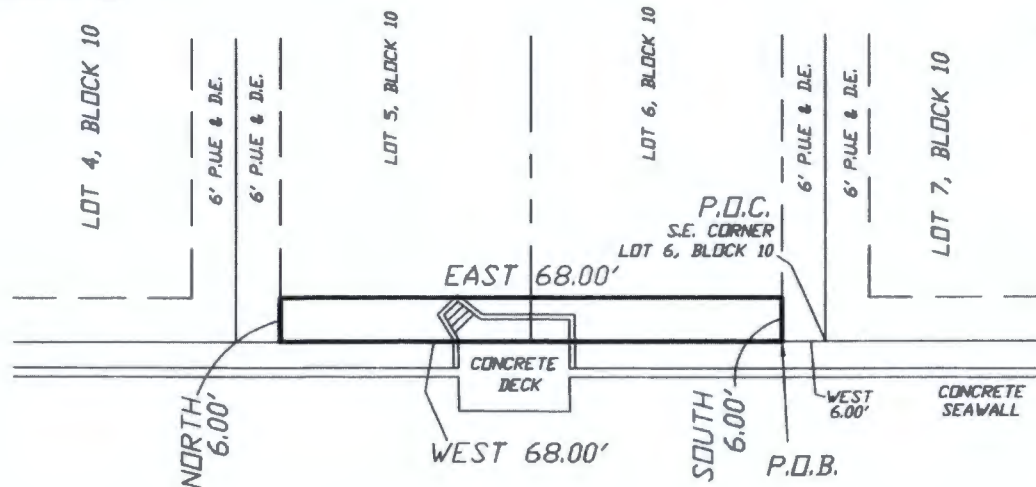
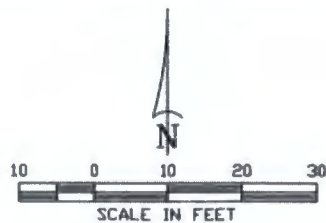
DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN SOUTH TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 4.50 FEET; THENCE RUN N.89°53'20"W. ALONG SAID FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN NORTH TO THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK 10, FOR 4.34 FEET; THENCE RUN EAST TO THE AFORESAID SOUTHEAST CORNER OF LOT 6, BLOCK 10, FOR 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 353.79 SQ. FT., MORE OR LESS.

Phillip M	Digitally
Mould,	signed by
P.S.M.	Phillip M
6515	Mould, P.S.M.
State of	6515 State of
Florida	Florida
	Date:
	2023.03.13
	12:31:40
	-04'00'

CC-U1-10-5



LINCOLN CANAL

LEGEND:

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

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

**PUBLIC UTILITY AND
 DRAINAGE EASEMENT IN
 LOTS 5 & 6, BLOCK 10,
 CAPE CORAL UNIT ONE,
 PART TWO,**

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
 SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA

"NOT A BOUNDARY SURVEY"

SEE EXHIBIT "B"
 FOR DESCRIPTION
 TO ACCOMPANY THIS
 SKETCH

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDIN TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LORRAINE COURT, AS BEING EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 10.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDIN. 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; SJ-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.

DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-UI-10-5	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 237-2624 FAX: (239) 237-2921
SKETCH DATE 03/07/2023		FILE NO. 45-23-24	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 IN LOTS 5 & 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN WEST FOR 6.00 FEET, TO THE POINT OF BEGINNING, THENCE RUN WEST FOR 68.00 FEET, THENCE RUN NORTH 6.00 FEET, THENCE RUN EAST FOR 68.00 FEET, THENCE RUN SOUTH FOR 6.00 FEET, TO THE POINT OF BEGINNING.
CONTAINING: 408.00 SQUARE FEET.

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

Digitally signed by Phillip M
Mould, P.S.M. 6515 State of
Florida

Date: 2023.03.13 12:33:08
-04'00'

CC-U1-10-5

PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
03/07/2023

SHEET 2 OF 2

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

SKETCH TO ACCOMPANY DESCRIPTION
(PROPOSED)

**PUBLIC UTILITY AND
DRAINAGE EASEMENT IN
LINCOLN CANAL AND LOTS
5 & 6, BLOCK 10,
CAPE CORAL UNIT ONE,
PART TWO,**

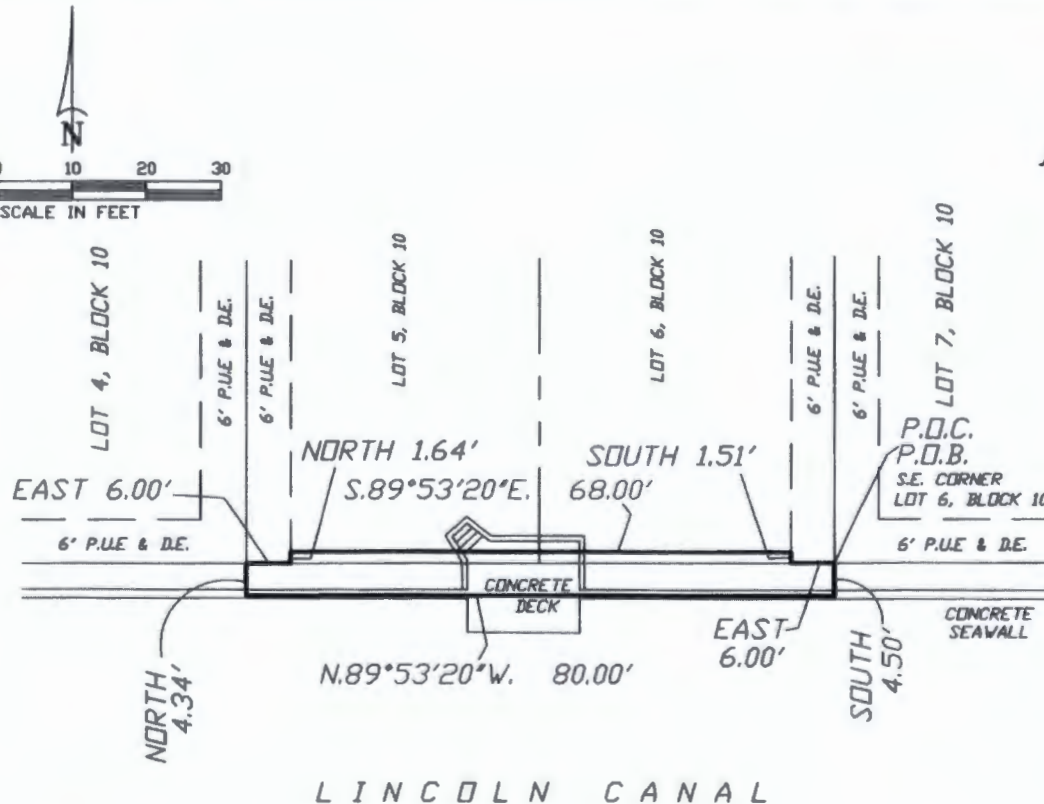
AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

'NOT A BOUNDARY SURVEY'

SEE EXHIBIT "C"
FOR DESCRIPTION
TO ACCOMPANY THIS
SKETCH

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LORRAINE COURT, AS BEING EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 10.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
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8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.



LEGEND:

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

DRAWN: PMW	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-UI-10-5	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 03/07/2023	FILE NO. 45-23-24	SHT.- 1 OF - 2		
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED)

PUBLIC UTILITY AND DRAINAGE EASEMENT IN LINCOLN CANAL AND LOTS 5 & 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN SOUTH TO A POINT ALONG THE WASTERS EDGE FACE OF A CONCRETE SEAWALL FOR 4.50 FEET; THENCE RUN N89°53'20"W. ALONG SAID SEAWALL FOR 80.00 FEET; THENCE RUN NORTH FOR 4.34 FEET; THENCE RUN EAST FOR 6.00 FEET; THENCE RUN NORTH FOR 1.64 FEET; THENCE RUN S.89°53'20"E. FOR 68.00 FEET; THENCE RUN SOUTH FOR 1.51 FEET; THENCE RUN EAST TO THE AFORESAID SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE CORAL UNIT ONE, PART TWO, FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 461.07 SQUARE FEET, MORE OR LESS.

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

Digitally signed
by Phillip M
Mould, P.S.M.
6515 State of
Florida
Date:
2023.03.13
12:34:12 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
03/07/2023

CC-U1-10-5

*LINCOLN CANAL,
CAPE CORAL UNIT ONE,
PART TWO,,*

SEE EXHIBIT "D"
FOR DESCRIPTION
TO ACCOMPANY THIS
SKETCH

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LORRAINE COURT, AS BEING EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 10.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. 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.

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

DRAWN: PMM	CHECK: FBH	SCALE: 1"=20'	PROJ. #: CC-UI-10-5	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE: 03/07/2023	FILE NO.: 45-23-24	SHT. - 1 OF - 2		

EXHIBIT "D"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF ANY AND ALL UNDERLYING
EASEMENTS LYING IN A PORTION OF:

LINCOLN CANAL, CAPE CORAL UNIT ONE, PART TWO,

AS RECORDED IN PLAT BOOK 11, PAGES 29-36, LYING IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

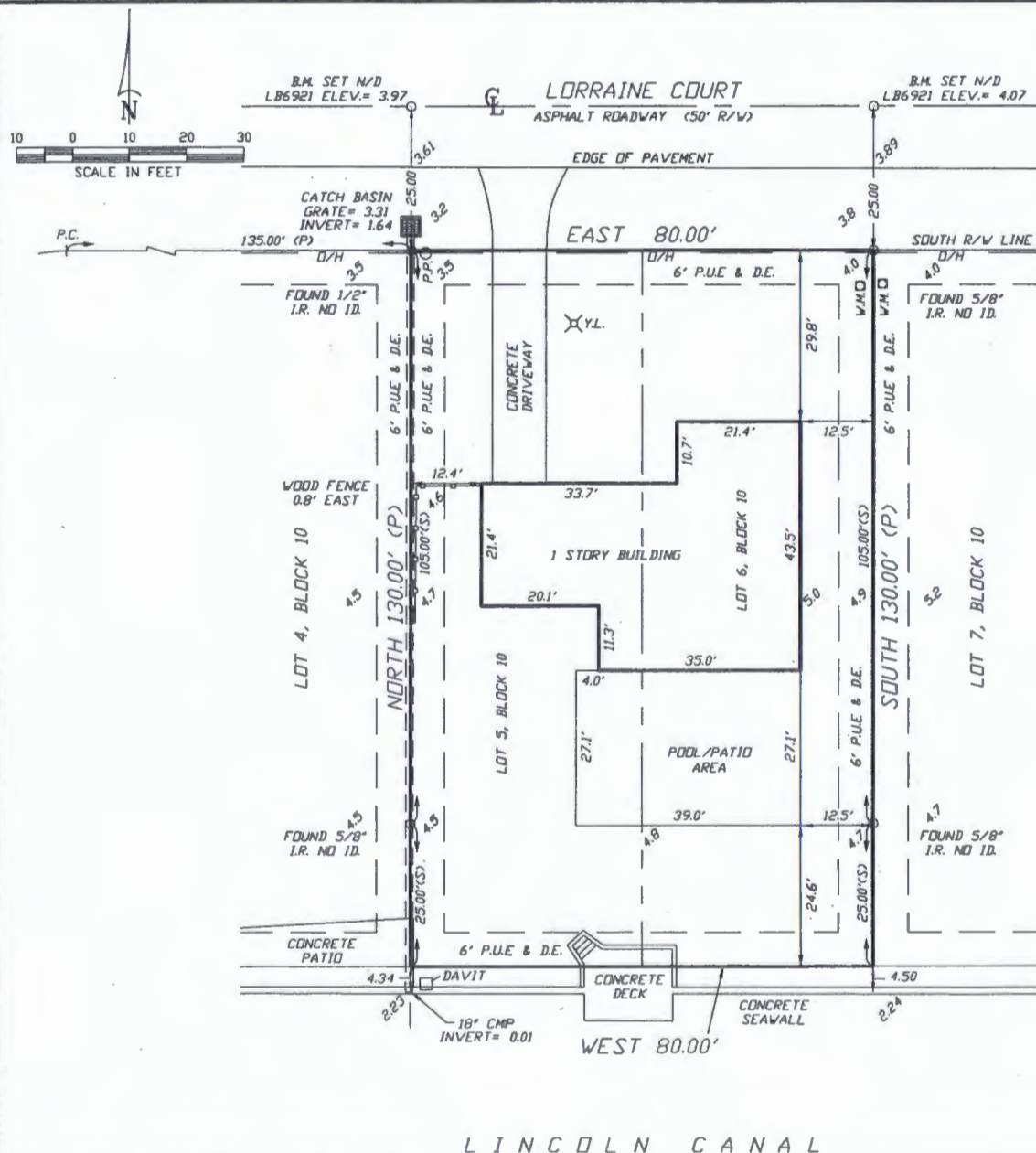
COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 10, CAPE
CORAL UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES
29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF
BEGINNING; THENCE RUN SOUTH TO A POINT ALONG THE WATERS EDGE
FACE OF A CONCRETE SEAWALL FOR 4.50 FEET; THENCE RUN
N.89°53'20"W. ALONG SAID FACE OF SEAWALL FOR 80.00 FEET; THENCE
RUN NORTH TO THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK
10, FOR 4.34 FEET; THENCE RUN EAST TO THE AFORESAID SOUTHEAST
CORNER OF LOT 6, BLOCK 10, FOR 80.00 FEET, TO THE POINT OF
BEGINNING.
CONTAINING: 353.79 SQ. FT., MORE OR LESS.

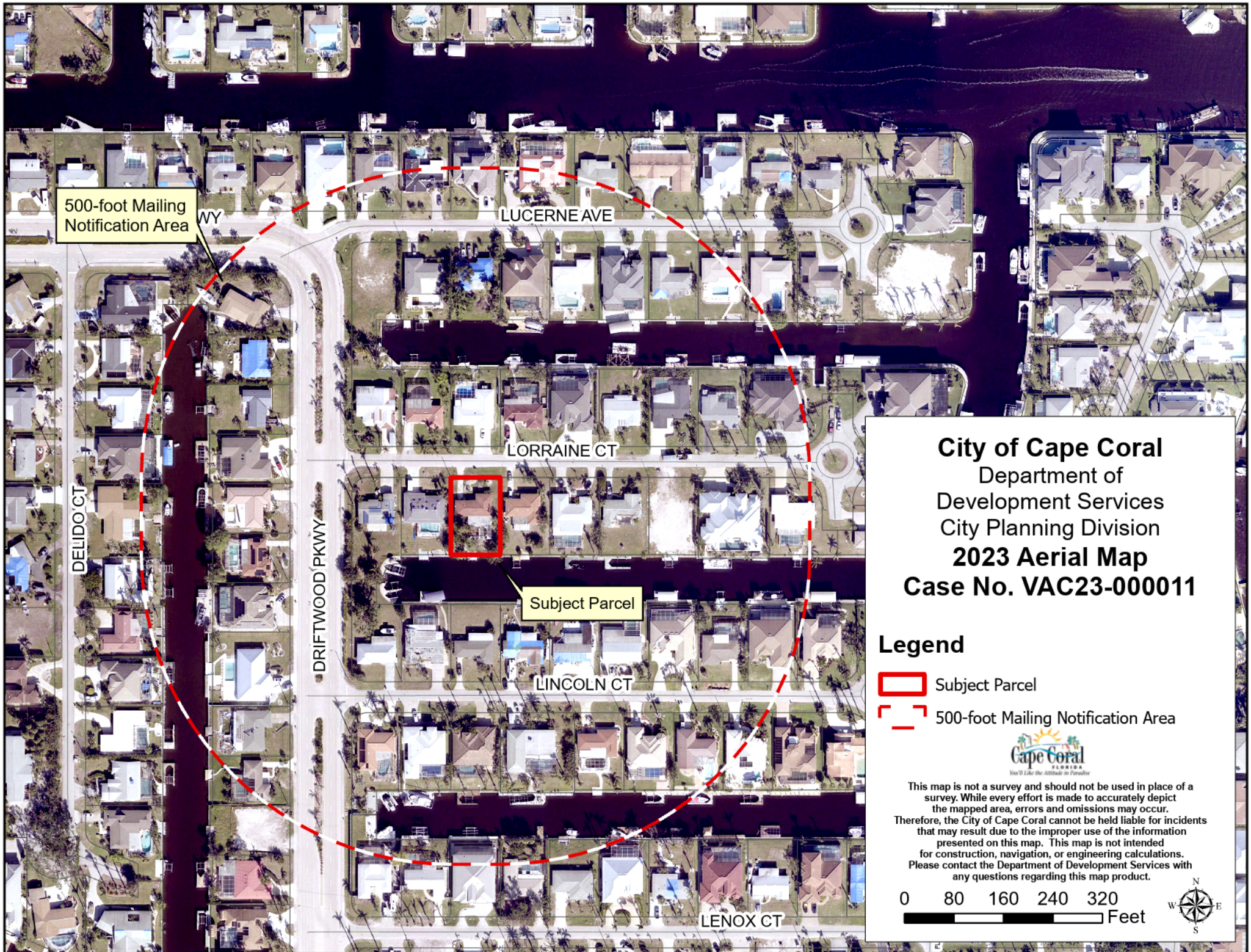
Phillip M
Mould,
LS6515,
State of
Florida

Digitally signed
by Phillip M
Mould, LS6515,
State of Florida
Date: 2023.04.25
14:43:37 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
03/07/2023

CC-U1-10-5





City of Cape Coral
Department of
Development Services
City Planning Division
2023 Aerial Map
Case No. VAC23-000011

Legend

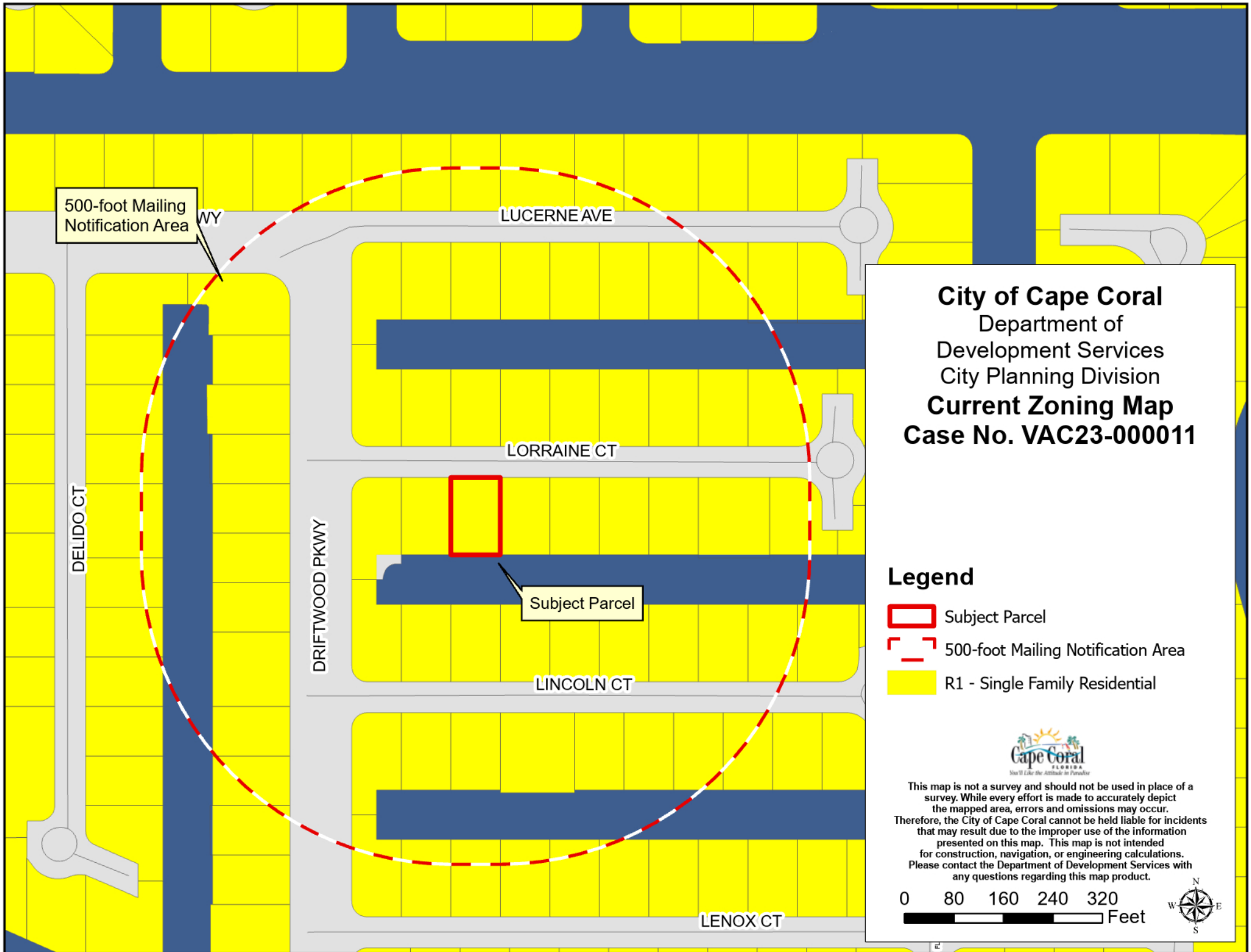
-  Subject Parcel
-  500-foot Mailing Notification Area



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 80 160 240 320 Feet





City of Cape Coral
Department of
Development Services
City Planning Division
Current Zoning Map
Case No. VAC23-000011

Legend

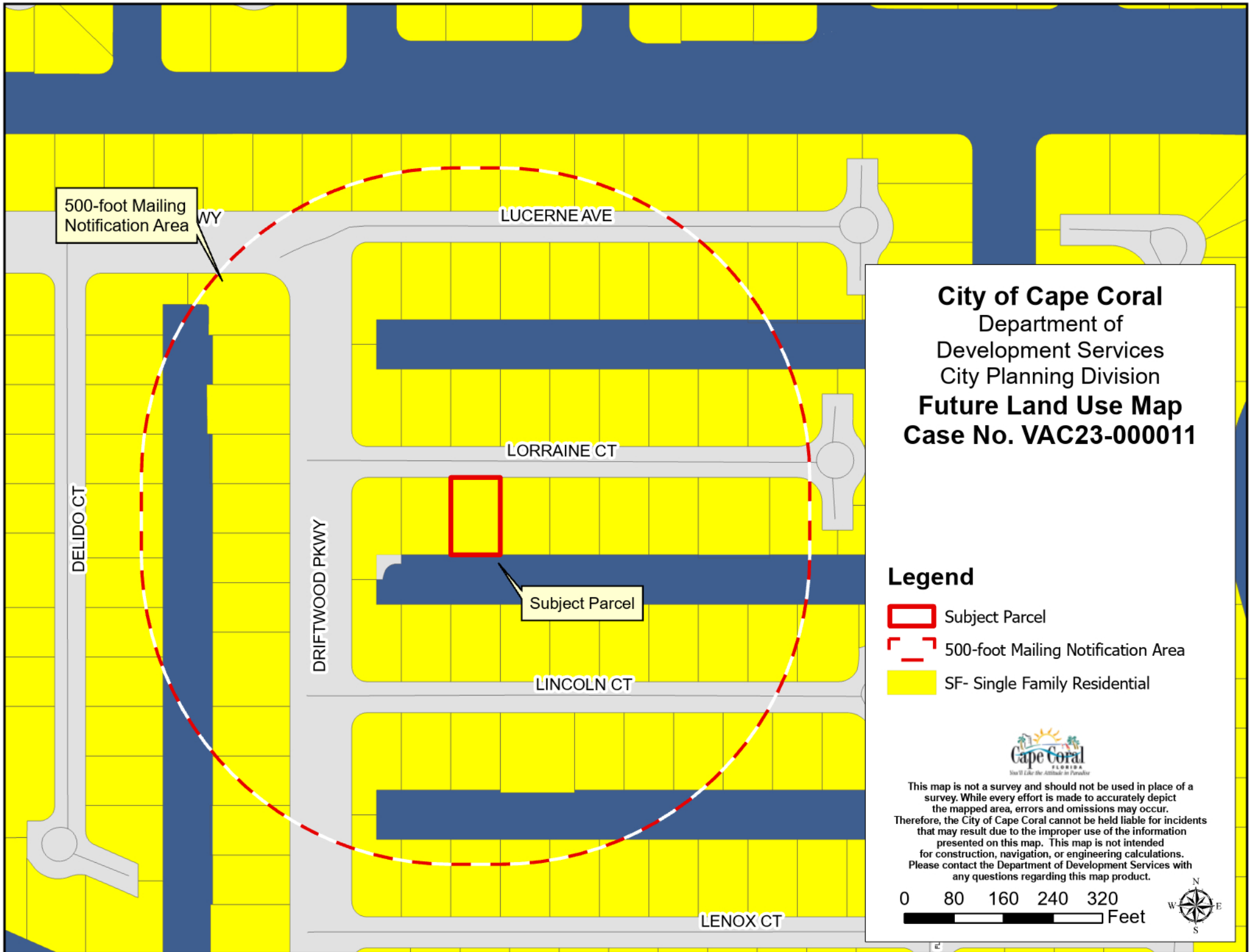
-  Subject Parcel
-  500-foot Mailing Notification Area
-  R1 - Single Family Residential



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




0 80 160 240 320 Feet





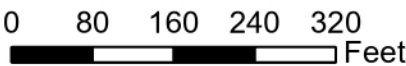
City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. VAC23-000011

Legend

-  Subject Parcel
-  500-foot Mailing Notification Area
-  SF- Single Family Residential



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Case #VAC23-000011
Hearing Examiner Presentation
November 7, 2023

Applicant:

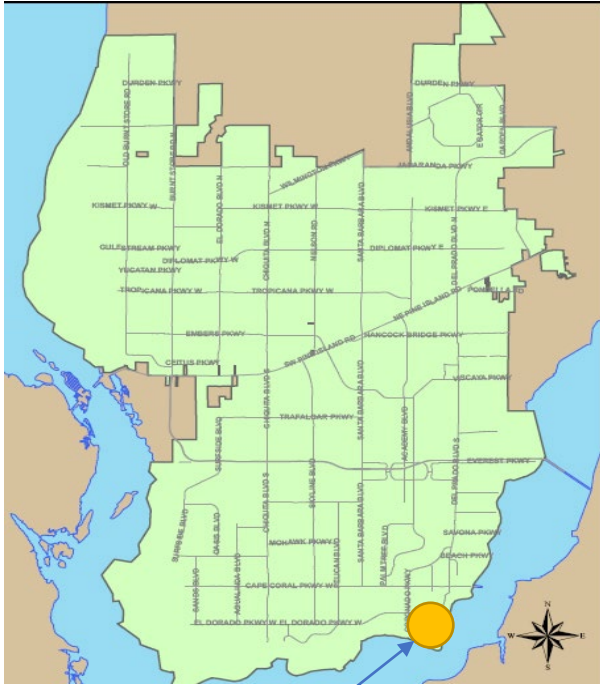
1. Team Patriot SWFL, LLC

Location:

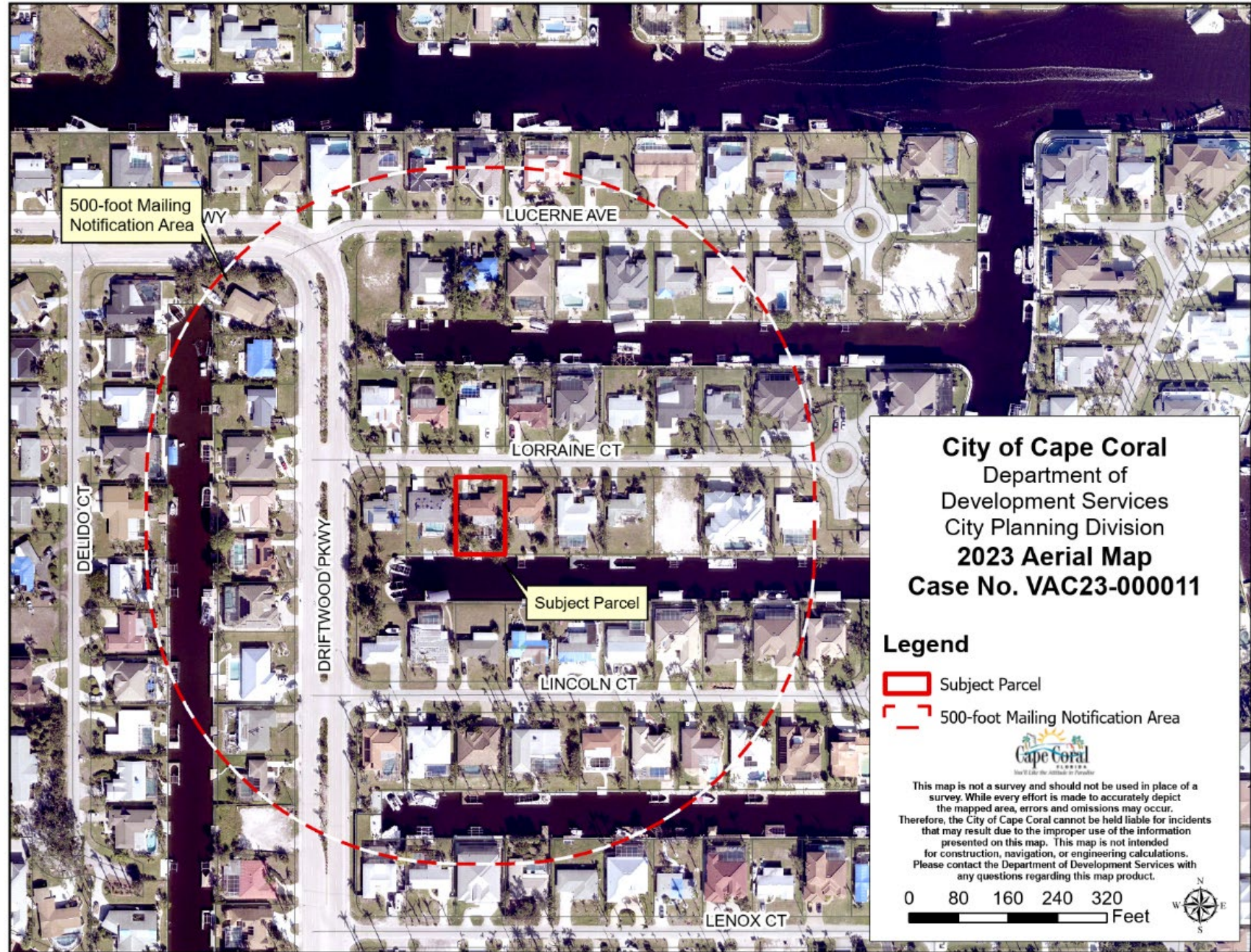
1. 1110 Lorraine Court, Unit 1 Part 2, Block 0010, Lots 5-6

The applicants are requesting to:

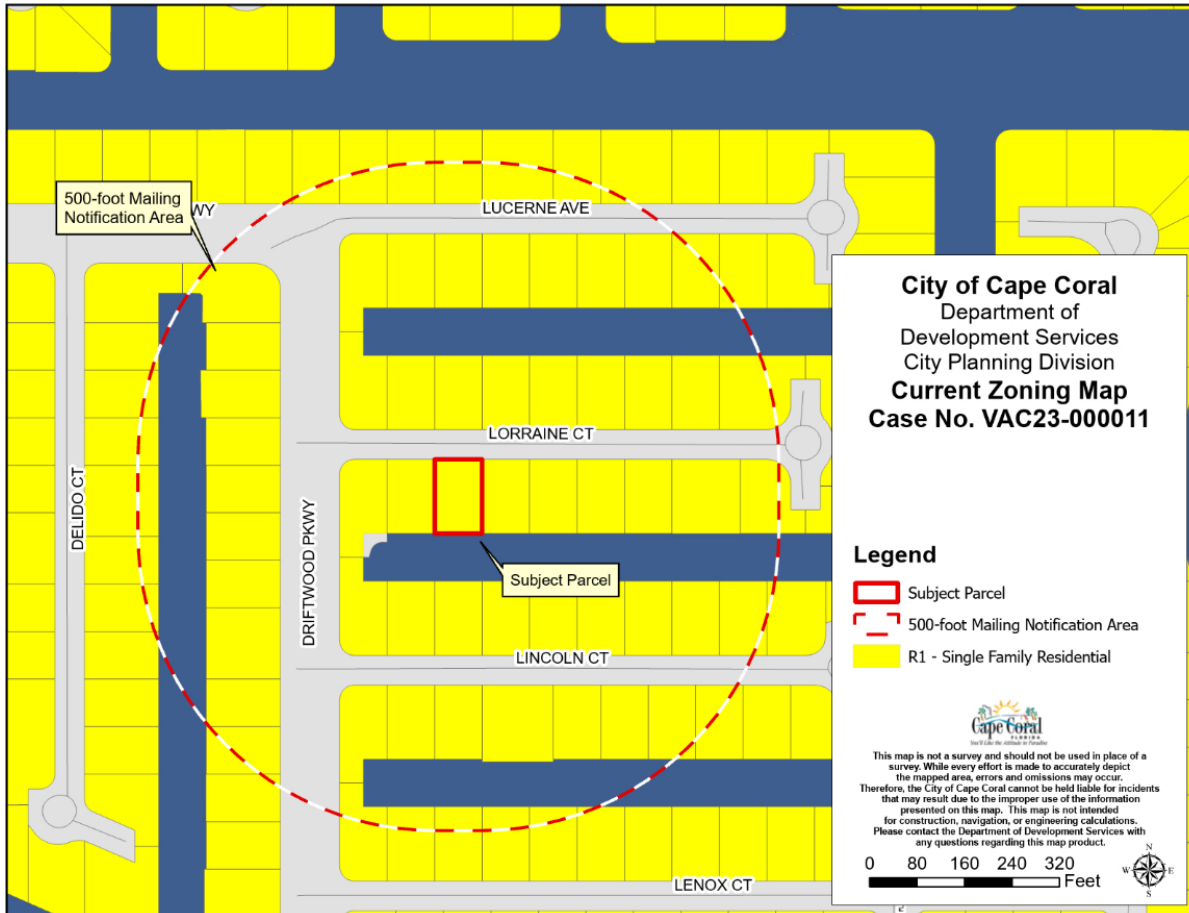
- 1. Vacate 1.354 sq. ft. of canal right-of-way (ROW) adjacent to Lots 5 and 6, Block 0010, and**
- 2. Vacate 2.408 sq. ft. of platted easements occupying Lots 5 and 6, Block 0010.**



Site Location



FLU Map



Zoning Map

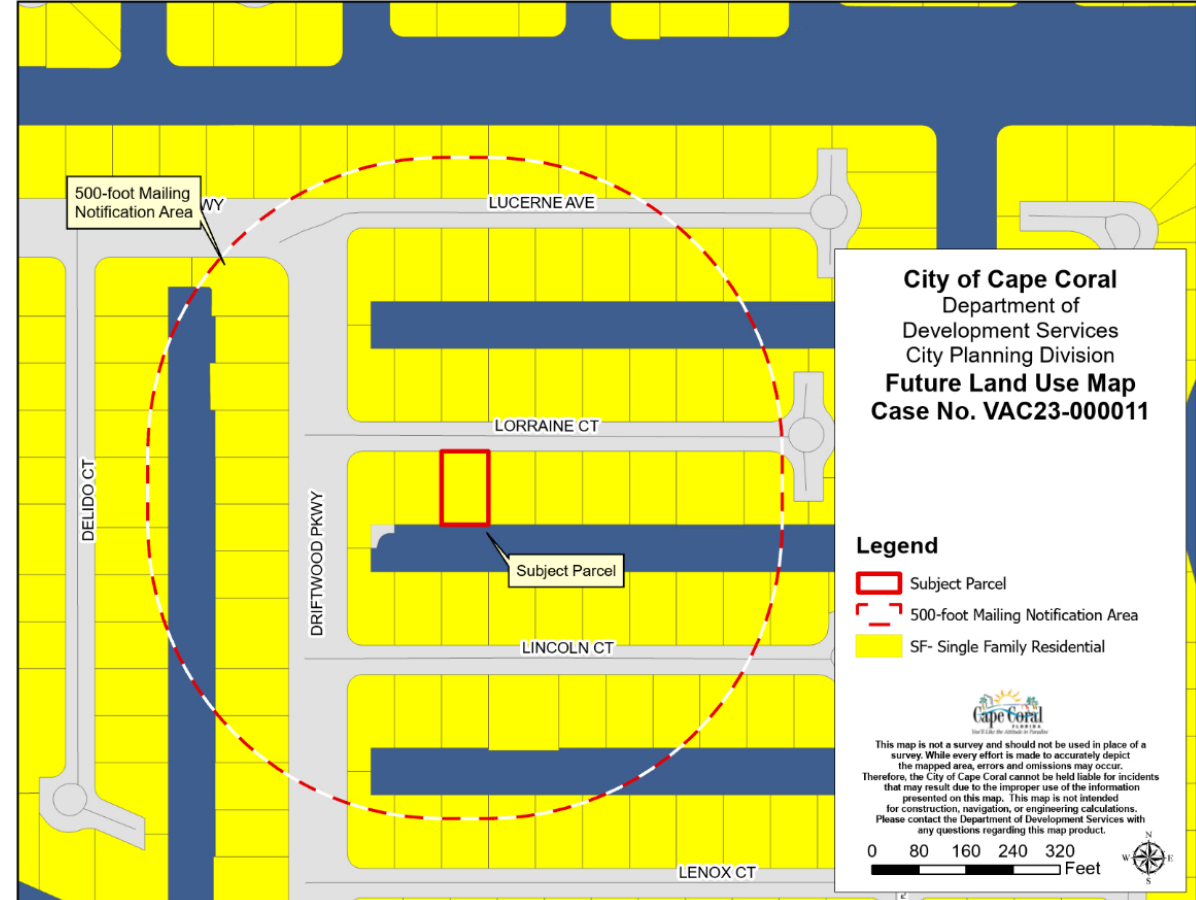


Exhibit A – ROW Vacation in Blue

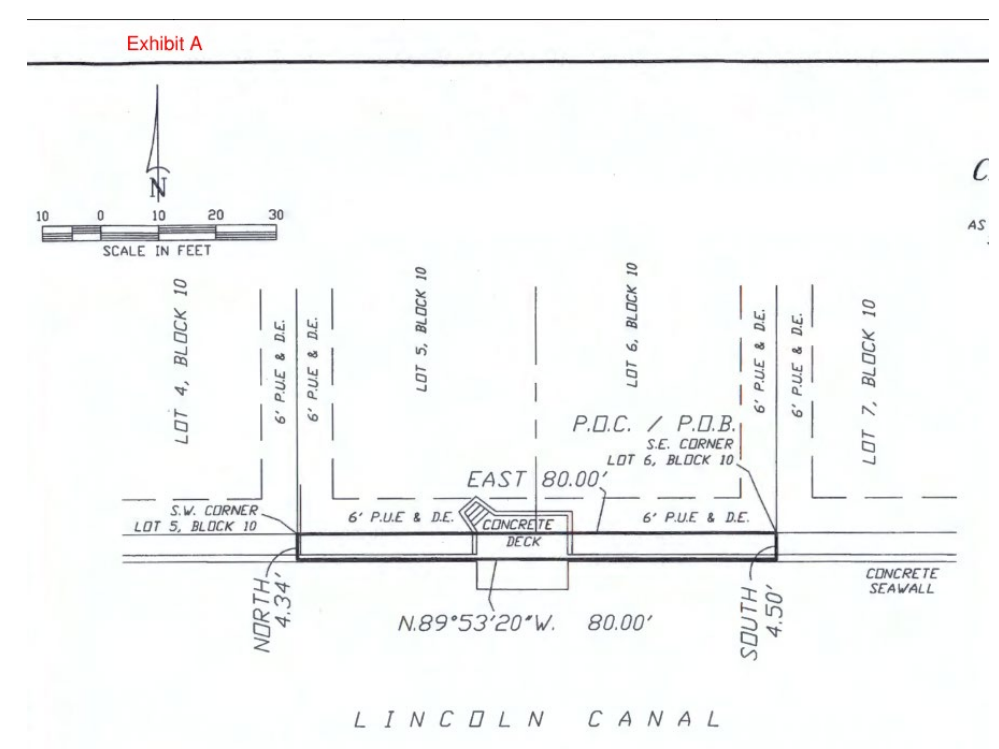


Exhibit B – ROW Vacation in Blue; PUE Vacation in Red

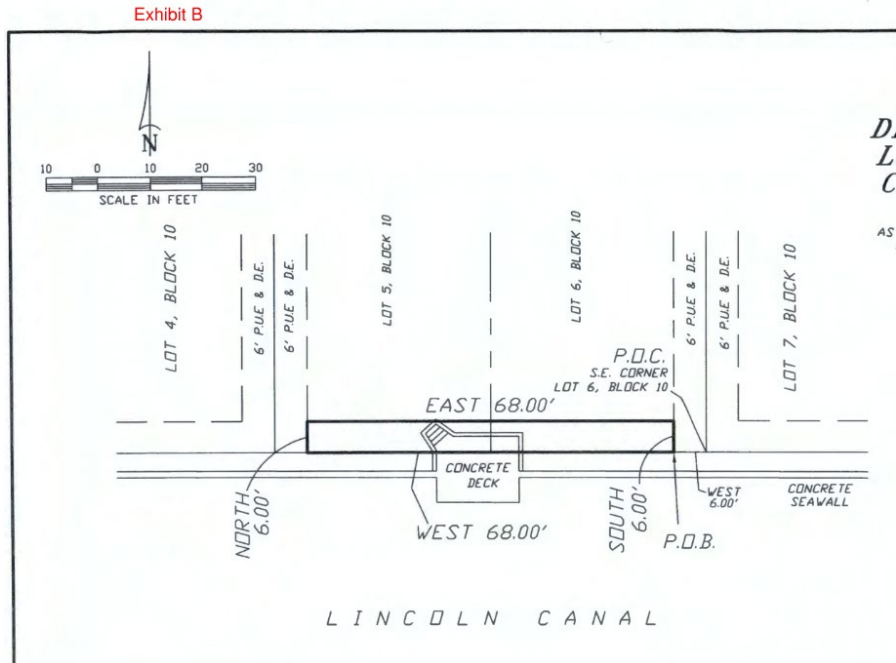
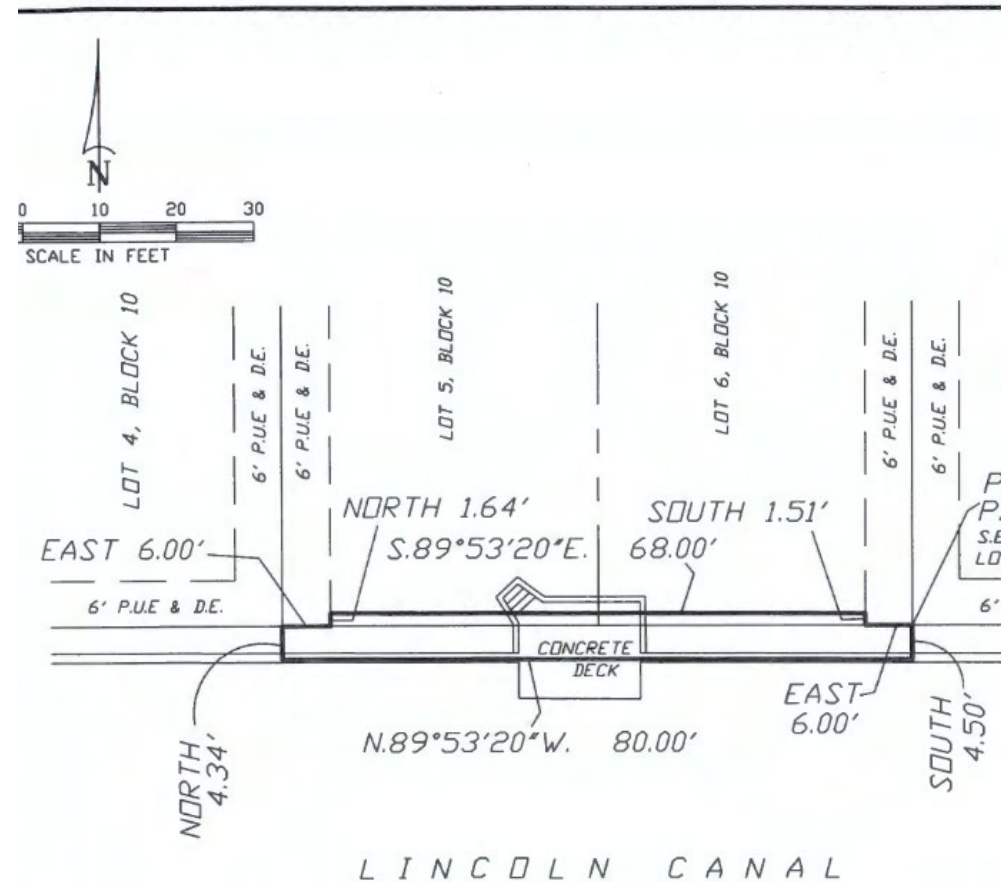


Exhibit C



Background:

- 1. The property has a Future Land Use of Single-Family (SF) and are zoned Single-Family Residential (R-1); all surrounding properties share this combination.**
- 2. The vacation will enlarge the area of the property by vacating upland canal right-of-way.**
- 3. The owner is eligible to file the vacation request.**

Analysis: LDC, Section 3.4.5.B.1-5

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

☐ The ROW consists of a narrow unexcavated strip of land, which lies between the south property line and canal. This ROW is not part of the functioning canal system and therefore does not provide any type of mobility or transportation benefit.

☐ The applicant will provide a six-foot-wide perimeter easement around the expanded site.

Analysis: LDC, Section 3.4.5.B.1-5

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

☐ Sufficient easements will be retained by the City for providing a continuous perimeter easement around the expanded site. No additional easements will be necessary.

Analysis: LDC, Section 3.4.5.B.1-5

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

☐ The canal ROW proposed to be vacated is not part of any functioning waterway system; therefore, navigability and visibility will not be affected. This vacation will not cause any adverse impacts to surrounding properties.

Analysis: LDC, Section 3.4.5.B.1-5

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

☐ The vacation will not result in the closure or alteration of a canal, and will, therefore, have no effect on the movement of boats traveling in the Lincoln Canal.

Analysis: LDC, Section 3.4.5.B.1-5

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

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

Analysis: Comprehensive Plan

- ☐ **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...**
- ☐ **This request is consistent with Policy 1.15 that identifies the 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 and Conditions

City Planning Staff recommends approval with conditions:

- 1. The vacation of the 354 square feet of canal ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, labeled “Exhibit A”.**
- 2. The vacation of 408 square feet of platted easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, labeled “Exhibit B”.**

Recommendation and Conditions

- 3. The City shall retain easements sufficient for maintaining a six-foot wide perimeter easement around the site as depicted in the accompanying sketch and legal description prepared by Harris-Jorgensen, LLC, labeled “Exhibit C”.**
- 4. The Petitioner shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.**
- 5. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the Petitioner**

Thank You





AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.D.
Meeting Date:	11/7/2023
Item Type:	HEARINGS

TITLE:

Case#: VAC23-000013*; Address: 5211 SKYLARK CT.; Applicant: ERIC P. FEICHTHALER, ESQ

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The application is a privately initiated vacation request. The property owner intends to vacate +/- 2,620 sq. ft. of hammerhead extension right-of-way (ROW) and +/- 892 sq. ft. of platted easements along the hammerhead extension for lot 36, 37, 38, & 39, block 126, unit 5, addressed as 5211 and 5215 Skylark Ct. The vacation would allow for more buildable lots on the subject properties and not affect all other properties along the hammerhead extension. The vacation request would not affect any other platted easements on the subject properties, which would remain in perpetuity.

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:

Matt Grambow, Interim Development Services Director, 574-0446

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

N/A

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

PREPARED BY:

Vanessa Sberna, Planning
Technician

Division- Planning
Division

Department- Development
Services

ATTACHMENTS:

Description	Type
▣ Novus Packet	Backup Material



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

JUL 25 '23 PM1:23

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: <u>Sklyark Court Hammerhead Vacation</u>	
Location/Address <u>5211 and 5215 Skylark Court Cape Coral</u>	
Strap Number <u>13-45-23-C1-00126.0360</u>	Unit <u>5</u> Block <u>126</u> Lot (s) <u>36-37</u>
Strap Number <u>13-45-23-C1-00126.0380</u>	Unit <u>5</u> Block <u>126</u> Lot (s) <u>38-39</u>
Plat Book _____	Page _____ Future Land Use _____ Current Zoning _____
PROPERTY OWNER (S) INFORMATION	
Owner <u>Frederick and Wendy Leek</u> Address <u>5211 Skylark Ct</u>	
Phone <u>248-767-0278</u>	City <u>Cape Coral</u>
Email <u>wendyleek@rainbowcoatingsmi.cc</u>	State <u>FL</u> Zip <u>33904</u>
Owner <u>Carlos and Kimberly Vazquez</u> Address <u>5215 Skylark Court</u>	
Phone <u>239-542-4733</u>	City <u>Cape Coral</u>
Email <u>eric@capecoralattorney.com</u>	State <u>FL</u> Zip <u>33904</u>
APPLICANT INFORMATION (If different from owner)	
Applicant <u>Eric P. Feichthaler, Esq</u> Address <u>1714 Cape Coral Pkwy E</u>	
Phone <u>239-542-4733</u>	City <u>Cape Coral</u>
Email <u>eric@capecoralattorney.com</u>	State <u>FL</u> Zip <u>33904</u>
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative <u>Eric P. Feichthaler, Esq.</u> Address <u>1714 Cape Coral Pkwy E</u>	
Phone <u>239-542-4733</u>	City <u>Cape Coral</u>
Email <u>eric@capecoralattorney.com</u>	State <u>FL</u> Zip <u>33904</u>



DEPARTMENT OF DEVELOPMENT SERVICES
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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)

Frederick Leek

OWNER'S NAME (TYPE OR PRINT)

Wendy Leek

OWNER'S NAME (TYPE OR PRINT)

Eric Feichtthaler

APPLICANT NAME (TYPE OR PRINT)

Frederick Leek

OWNER'S SIGNATURE

Wendy Leek

OWNER'S SIGNATURE

Eric Feichtthaler

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 24th day of July, 2023 by Frederick and Wendy Leek who is personally known to me or produced Florida Drivers License as identification. + Eric Feichtthaler



Exp Date: _____ Commission Number: _____

Signature of notary Public:

Printed Name of Notary Public:

Leanne Ramos
Leanne Ramos



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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CORPORATION/COMPANY NAME (IF APPLICABLE)

Carlos Vazquez

OWNER'S NAME (TYPE OR PRINT)

Kimberly Vazquez

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

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COUNTY OF Lee

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Exp Date: _____ Commission Number: _____

Signature of notary Public:

Printed Name of Notary Public:

Leanne Ramos



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 Eric P. Feichthaler, Esq.

(Name of person giving presentation)

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

UNIT 5 BLOCK 126 LOT(S) 36-39 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Carlos Vazquez
PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Signature & title)

Kimberly Vazquez
PROPERTY OWNER (Please Print)

[Signature]
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 July, 2023 by Carlos + Kimberly Vazquez who
is personally known to me or produced FL DL as identification.



Exp Date: _____ Commission Number: _____

Signature of notary Public: _____

Printed Name of Notary Public: _____

Leanne Ramos

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
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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Eric P. Feichthaler, Esq.

(Name of person giving presentation)

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

UNIT 5 BLOCK 126 LOT(S) 36-39 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Frederick Leek

PROPERTY OWNER (Please Print)

Wendy Leek

PROPERTY OWNER (Please Print)

Frederick Leek

PROPERTY OWNER (Signature & title)

Wendy Leek

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 24th day of July, 2023 by Frederick Leek who
is personally known to me or produced Florida Oath Card as identification.



Exp Date: _____ Commission Number: _____

Signature of notary Public: _____

Printed Name of Notary Public: _____

Leanne Ramos

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

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.

Frederick & Wendy Leek

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Frederick & Wendy Leek
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida

COUNTY OF Lee

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Exp Date: _____ Commission Number: _____

Signature of Notary Public: *Leanne Ramos*

Printed Name of Notary Public: Leanne Ramos





DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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Carlos & Kimberly Vazquez

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)


OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida

COUNTY OF Lee

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Exp Date: _____ Commission Number: _____

Signature of Notary Public: 

Printed Name of Notary Public: Leanne Ramos





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 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 20th Day of July 20²³.

CORPORATION/COMPANY NAME

Carlos and Kimberly Vazquez

OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

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Leanne Ramos



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CORPORATION/COMPANY NAME

Frederick and Wendy Leek

OWNER'S NAME (TYPE or PRINT)

Frederick Leek
Wendy Leek

OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

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Exp Date: _____ Commission Number: _____

Signature of notary Public:

Leanne Ramos

Printed Name of Notary Public:

Leanne Ramos

BURANDT, ADAMSKI, FEICHTHALER & SANCHEZ, PLLC

ATTORNEYS AND COUNSELORS-AT-LAW

1714 CAPE CORAL PARKWAY EAST

CAPE CORAL, FLORIDA 33904

ROBERT B. BURANDT, ESQ.
ROBERT C. ADAMSKI, ESQ.
ERIC P. FEICHTHALER, ESQ. *†
ALVARO C. SANCHEZ, ESQ.
DAVID W. HOLLEY, ESQ.

* Board Certified in Real Estate

† Supreme Court Certified Circuit Civil Mediator

Telephone No.: (239) 542-4733

Facsimile No.: (239) 320-3121

E-mail:eric@capecoralattorney.com

July 24, 2023

Director Juan G. Guerra
Department of Development Services
City of Cape Coral
PO Box 150027
Cape Coral, FL 33915-0027

Re: LETTER OF INTENT FOR A VACATION OF PLAT – Skylark Court

Dear Director Guerra:

This letter shall serve as notice that we have been retained by Frederick and Wendy Leek to assist them in vacating the following:

- The right of way between 5211 and 5215 Skylark Court (commonly known as a “hammerhead”). The legal description of the area to be vacated is attached.
- The clients have agreed to have all public utility and drainage easements apply to the subject vacation, with the elimination of the current 6 foot easements. This is to accommodate the request of Centurylink, as well as recognition of city stormwater utilities access.

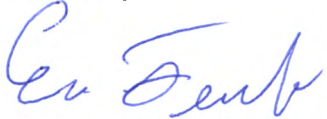
Enclosed is a certified copy of the surveys and full legal description of the above-referenced “hammerhead” area to be vacated (“Exhibit A”), as well as the existing easements on the “hammerhead” to be vacated (“Exhibits B and C”). I have also included letters from the utility providers showing no objection to the vacation, with the request for an easement to be maintained over the vacated area, for which we have no objection.

I have enclosed a copy of the agreement from the adjoining property owner with their consent to this vacation, as well as authorizing our Firm to represent them in this matter. Also enclosed is our fee of \$843.00. We will pay the advertising costs immediately upon request.

The vacation is requested to allow for a more suitable building area for the abutting properties. This will allow for an increase to the tax base for the City of Cape Coral as well, and remove maintenance responsibility for the city.

Should you need additional information, or should you have any questions, feel free to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Feichthaler". The signature is fluid and cursive, with the first name "Eric" and last name "Feichthaler" clearly distinguishable.

Eric P. Feichthaler, Esq.

Enclosures



PLANNING DIVISION STAFF REPORT

Case No.:	VAC23-000013	Prepared By:	Anthony Santora, Associate Planner	
Property Location:	5211 and 5215 Skylark Court		Applicant	
Authorized Representative			Name:	Eric P. Feichthaler, Esq.
Name:	Eric P. Feichthaler, Esq.		Address:	1714 Cape Coral Pkwy E Cape Coral, FL. 33904
Address:	1714 Cape Coral Pkwy E. Cape Coral, FL.		Phone No.:	239-542-4733
Phone No.:	239-542-4733		Email:	eric@capecoralattorney.com
Property Owners:	5211 Skylark Ct.: Fredrick and Wendy Leek 5215 Skylark Ct.: Carlos and Kimberly Vasquez			

SUMMARY OF REQUEST:

This is a privately initiated vacation request.

The applicant has requested a vacation of the terminus of a hammerhead between 2 parcels (+/- 2,620 SF), as well as the vacation of accompanying platted Drainage and Utility easements for 2 subject parcels, addressed as 5211 and 5215 Skylark Court (+/- 892 SF).



MAP SOURCE: City of Cape Coral

STAFF RECOMMENDATION: | Approval with Conditions

Conditions: | Refer to “Conditions of Approval” contained on sheet 8 of this report.



PLANNING DIVISION STAFF REPORT

SITE INFORMATION

Street Addresses: 5211 and 5215 Skylark Court, Cape Coral, FL. 33904

Location: Within a Hammerhead Right-of-Way

Urban Service Area: Infill

City Water & Sewer: City Water: Yes City Sewer: Yes Service Area: ----

Right-of-Way Access: A paved 2 lane hammerhead extension from a paved cul-de-sac at Skylark Ct.

STRAP Number(s): N/A

Block / Lot(s): Block: 126

Lot(s): 36, 37, 38, & 39

Subdivision: Cape Coral

Site Area: SQ. FT. (+/-): 2,620 Acres (+/-): 0.06

Case Planner: Anthony Santora, Associate Planner

Review Approved By: Wyatt Daltry, Planning Team Coordinator

PURPOSE OF REQUEST

The applicant has requested this vacation to remove a portion of the hammerhead that exists along the cul-de-sac along with platted drainage and utility easements along the vacated area of hammerhead. This removal of the hammerhead, and easements, will allow for a suitable building area and layout for the abutting properties according to the applicants LOI dated 7/24/2023.

Exhibit List

Exhibit #	Exhibit Description	Dated
Exhibit A	(Proposed) Vacation of a portion of Skylark Court Sketch & Legal Description	05/11/2023
Exhibit B	(Proposed) Vacation of a portion of PUD Easement Sketch & Legal Description	05/11/2022
Exhibit C	(Proposed) Vacation of a portion of PUD Easement Sketch & Legal Description	05/11/2023
Exhibit D	Boundary Survey of Lots 36 & 37, Block 126, Cape Coral	04/10/2023
Exhibit E	Utility Approval Letters and accompanying Exhibits	----
Exhibit F	(Proposed) Vacation of a portion of Skylark Court Sketch & Legal Description	08/11/2023
Exhibit G	(Proposed) Vacation of a portion of Skylark Court Sketch & Legal Description	08/11/2023



PLANNING DIVISION STAFF REPORT

BACKGROUND

This is a privately initiated vacation request regarding an existing hammerhead along an existing cul-de-sac between property located at 5211 & 5215 Skylark Court. This vacation is for approximately 2,620 square feet (more or less) as identified in the applicants exhibits. This vacation is being requested so as to allow for more suitable building areas to for the abutting properties as indicated in the applicants LOI submitted as part of this application. Included in this request is the vacation of +/- 892 square feet of platted drainage and utility easements which abut the vacated right-of-way.

All required utilities have voiced approval of the vacation, with Century Link requesting to maintain an easement over the whole of the vacated area for service requirements. The applicant, has stated that the property owners are acceptable to maintain a city-controlled easement over the whole of the vacated area, along with maintaining the existing 6' perimeter easements along the rest of the property lines.

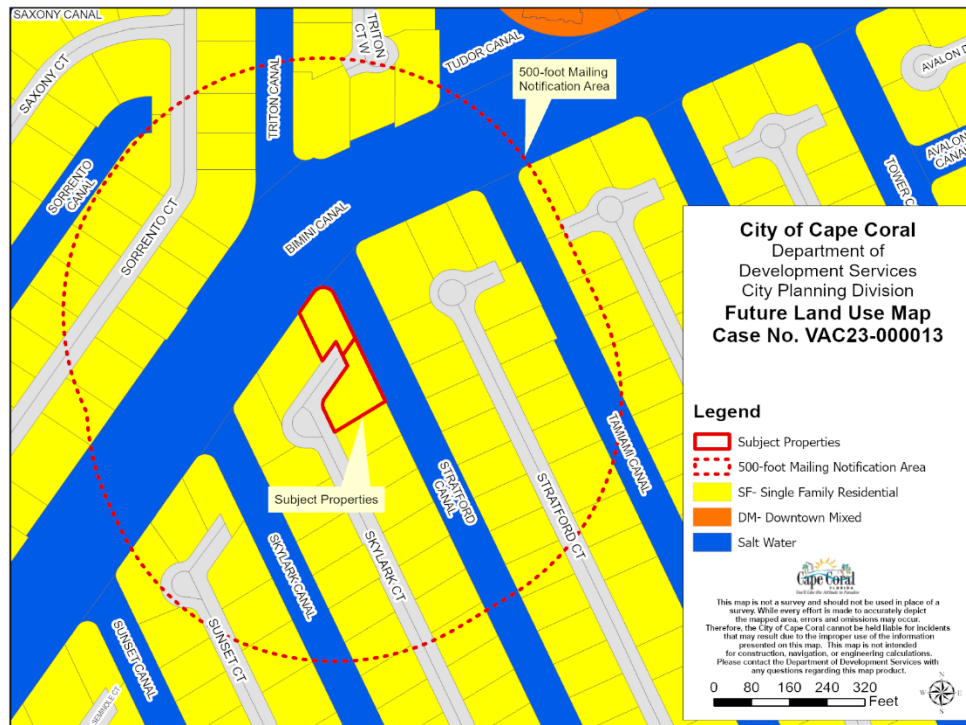
Aerial Map



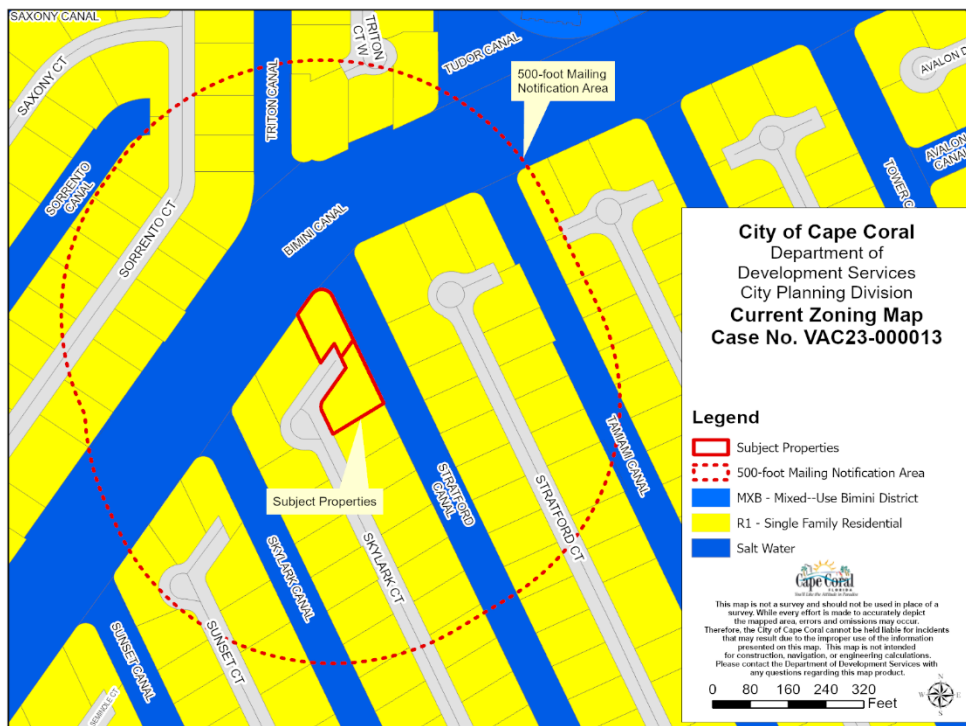


PLANNING DIVISION STAFF REPORT

Current Future Land Use Map



Current Zoning Map





PLANNING DIVISION STAFF REPORT

APPLICATION ANALYSIS

Land Development Code Analysis:

Staff reviewed this application based on the review criteria found in the City of Cape Coral Land Development Code, Section 3.4.5.B for evaluating vacations of plats, easements, and rights-of-way. Below will be found a breakdown of review criteria as well as an in-depth analysis of the proposed vacation in based upon conformance with the 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 purpose;*

Analysis: The area of vacation sits along the terminus of an existing hammerhead extension off of an existing cul-de-sac along Skylark Court. The removal of the portion of the hammerhead will not inhibit any access, or utility terminuses, as the request is not to completely vacate the hammerhead, but remove a slight portion at the terminus, thereby reducing the overall length of the hammerhead without effecting overall service/access to the sites. Therefore the subject area of right-of-way is not required by the City for any future transportation, access, water management or public utility purposes.

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

Analysis: The area of vacation includes a few short runs of the existing 6'-0" DUE (Drainage and Utility Easement) which exist on the 2 abutting properties, 5211 and 5215 Skylark Court. Typically, the City would request the re-establishment of the Drainage and Utility easements at the new property boundaries, however one of the local utility companies is requesting that an easement over the entirety of the vacated area be maintained for service reasons. The applicant has agreed to this as is stated in their LOI submitted with their application package. Provided that the City maintain a easement over the whole of the vacated right-of-way the need for additional easements within the vacated area to preserve the 6'-0" DUE is not required. The proposed blanket easement can serve the purpose the vacated DUE and, given the area of the easement, would result in a continuous easement around the entirety of the property.

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

Analysis: The requested area of vacation sits at the terminus of an existing hammerhead extension. The hammerhead extension is a 2-lane paved local roadway which terminates into the 2 subject properties, 5211 & 5215 Skylark Court. The requested vacated area will not adversely impact the access or routings to the property as the hammerhead extension, after vacation, would still terminate into the subject properties. This vacation would also have no impact on the access or vehicular routing of adjacent properties as the area of vacation is localized to the very terminus of the hammerhead. The remaining hammerhead will still have access to the cul-de-sac and Skylark Court and still provide the same level of access as is existing to all properties along the extension. Therefore, there are no alternate routes that are required given this proposed vacation. Provided that no alternate routes are required, staff did not examine whether there are available alternate routes and if they would cause adverse impacts to the surrounding area.



PLANNING DIVISION STAFF REPORT

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

Analysis: The proposed vacation of the hammerhead terminus sits within an alcove enclosed by the 2 subject properties, 5211 and 5215 Skylark Court. The vacated area will remove a portion of the vehicular access, however this is only for a limited area limited to the 2 subject properties, 5211 and 5215 Skylark Court, and then only for an area that will still allow the same level of access to the subject properties. All existing access to and from the properties, all properties, will be maintained at the same level as existing. Therefore the requested vacation will not negatively affect the access to and from the properties along the entire length of the hammerhead.

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 utility facilities to complete the vacation.;*

Analysis: The local utility providers have reviewed the vacation requested and have provided consent for the approval of the vacation. CenturyLink has stipulated in their approval letter that a easement be maintained over the entirety of the vacated area so as to be able to maintain their existing level of service(refer to Exhibit E). The applicant has agreed to this stipulation as specified in their LOI which was submitted to with the application. Additionally, LCEC noted that all perimeter Public Drainage and Utility easements along the properties should be retained for existing and future services. The applicant has not requested that the easements be removed, outside of the area of the vacation, so the existing easements shall be retained around the properties, with the exception of area to be vacated. Furthermore, the applicant has agreed to a blanket easement on the entirety of the vacated area, which would encompass the purposes of the 6' DUE which existed and is being removed.

Comprehensive Plan Analysis:

Staff reviewed this application for compliance for consistency with the Goals, Objectives, and Policies of the Comprehensive Plan. While the Comprehensive Plan lacks specific policies or objectives outlined involving residential-zoned lands, the City did examine the effected properties for consistency with the goals and policies of the Comprehensive Plan. Below will be found an in-depth analysis of the proposed vacation on the effected properties based upon the applicable Goals, Objectives and Polices:

Chapter 4, 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. Table 1 shows the zoning district which are consistent with and implement the respective future land use map 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.

Table 1:

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 (MF)	RML, RMM
Low Density Residential (LDR)	RE, A
Commercial / Professional (CP)	C, P



PLANNING DIVISION STAFF REPORT

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

- a. Single-Family Residential: Densities not to exceed 4.4 units per acre, except for micro-cottage communities. Densities in micro-cottage communities are restricted to 8.8 units per acre, for sites with a minimum of 3 acres.

The Single Family (R-1) District is proposed to permit a variety of single-family residential products including traditional single-family residences and micro-cottages.

Analysis: The proposed zoning district of R-1 is consistent with the SF future land use classification. Additionally, where dwelling units have been constructed on parcels within the subject area, the achieved density is within the required 4.4 units / acre. Given all of these factors the proposed zoning district or R-1 is consistent with Policy 1.15 and 1.15a of Chapter 4, Future Land Use Element of the Comprehensive Plan.

Conclusion:

Given the analysis conducted in regard to the requested vacation application, the proposed application seeking to vacate approximately 2,620 square feet of hammerhead area, along with the accompanying +/- 892 square feet of platted drainage and utility easements, is consistent with the criteria necessary for the vacation of right-of-way and easements. The area being vacated sits at the terminus of a hammerhead and vacating the said portion of the right-of-way does not negatively impact access, utilities or the public health welfare and safety of the surrounding neighborhood. Additionally, the retention of a blanket easement throughout the vacated area is consistent with the request of the utility company and maintains the standard drainage and utility easements that exist on the subject properties.

Therefore, it is the recommendation of staff that the proposed vacation be approved with specific conditions as set forth in the conditions section of the report.

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PLANNING DIVISION STAFF REPORT

RECOMMENDATION

Planning staff has reviewed this request in accordance with Section 3.4.5 of the Land Development Code of the City of Cape Coral as well as the City of Cape Coral Comprehensive Plan. Through analysis of the proposed request and analysis of compliance with applicable criteria the Planning Division staff recommends **Approval with Conditions** of the vacation of public right-of-way request.

Conditions of Approval

1. The vacation of the +/- 2,620.35 Sq. Ft. of right-of-way shall be consistent with the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, dated 5/11/2023, entitled "Exhibit A".
 2. The vacation of +/- 892.54 Sq. Ft. of platted easements in lots 36, 37, 38, & 39, block 126, shall be consistent with the and accompanying legal descriptions prepared by Harris-Jorgensen, LLC, dated 5/11/2023, entitled "Exhibit B" and "Exhibit C".
 3. The city shall retain an easement over the entire area of the vacated right-of-way, +/- 2,620.35 sq ft., as identified in the letter from LUMEN (identified as CenturyLink of Florida) to the applicant dated 7/4/2023, entitled "Exhibit A" within "Exhibit E". All other existing easements, including the existing perimeter drainage and utility easements, throughout the properties identified as 5211 and 5215 Skylark CT, shall be maintained in perpetuity and are not part of this vacation.
 4. In the event utilities are found within the vacated area, the owner shall be responsible for bearing the cost for relocating the facilities to a new easement. In the event utilities are damaged during construction activities, the owner shall bear the cost of relocating the utilities to a new easement and repairing said utilities.
 5. Within 180 days, the owners of the sites shall remove the existing stormwater inlet located within the vacation area and relocate the inlet into existing City right-of-way, and pipe to and from the new inlet, generally as depicted in "exhibit D". At the sole discretion of the City, the owners shall grant all necessary easements for any new or modified stormwater system if required. All improvements shall be inspected by the City. The costs of all improvements identified in this condition shall be borne by the owners.
 6. Within 180 days of approval of this vacation request, the owner shall remove the pavement associated with the vacated street that occupies each site. Each area shall be sodded following the removal of this pavement or may be improved as permitted by the Land Development Code.
 7. The Owner shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Courts.
 8. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the Owner.
-

Staff Contact Information

Anthony Santora, Associate Planner
Department of Community Development
Planning Division
Phone: (239) 573-3125
Email: asantora@capecoral.gov



PLANNING DIVISION STAFF REPORT

EXHIBIT A

(Proposed) Vacation of a portion of Skylark Court Sketch and Legal Description

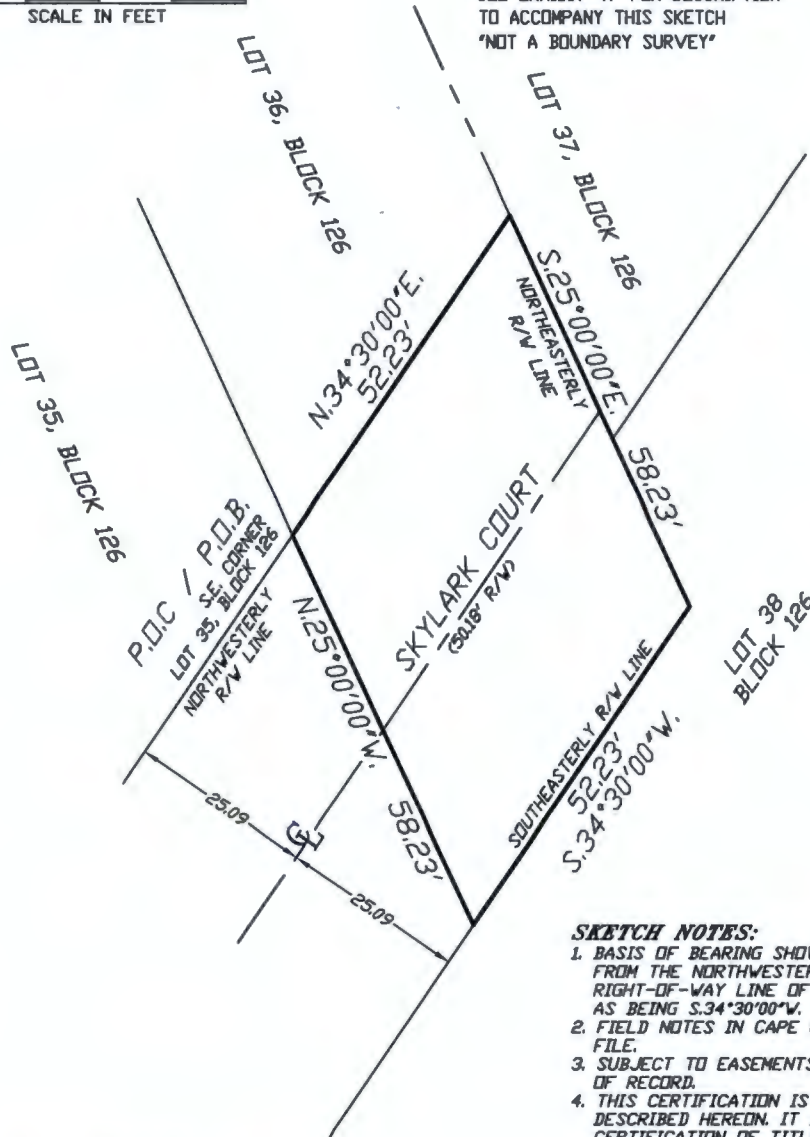
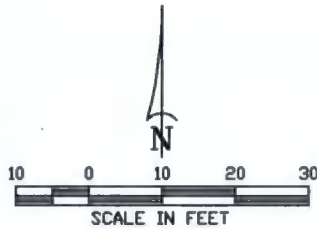
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SKETCH TO ACCOMPANY DESCRIPTION
(PROPOSED) VACATION OF A PORTION OF

**SKYLARK COURT,
CAPE CORAL
UNIT FIVE,**

AND ANY AND ALL UNDERLYING EASEMENTS,
AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA

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



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/L CENTERLINE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDIN TAKEN FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SKYLARK COURT, AS BEING S.34°30'00\"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 126 FILE.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDIN. 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.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14\", 20 SCALE DRAWING.

DRAWN: PMN	CHECK: FBH	SCALE: 1\"=20'	PROJ. # CC-U5-126-36	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 05/11/2023	FILE NO. 45-23-13	SHT.- 1 OF - 2	FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921	

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF A PORTION OF

SKYLARK COURT, CAPE CORAL UNIT FIVE,

AND ANY ALL UNDERLYING EASEMENTS,
AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SKYLARK COURT RIGHT OF WAY, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 35, BLOCK 126, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THE AFORESAID SKYLARK COURT, FOR A POINT OF BEGINNING; THENCE RUN N.34°30'00"E. ALONG SAID RIGHT OF WAY LINE, FOR 52.23 FEET; THENCE RUN S.25°00'00"E. ALONG THE NORTHEASTERLY RIGHT OF WAY LINE, OF SAID SKYLARK COURT, FOR 58.23 FEET; THENCE RUN S.34°30'00"W. ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID SKYLARK COURT, FOR 52.23 FEET; THENCE RUN N.25°00'00"W. TO THE AFORESAID SOUTHEAST CORNER LOT 35, BLOCK 126, FOR 58.23 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 2,620.35 SQUARE FEET, MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed by
Phillip M Mould,
LS6515, State of
Florida
Date: 2023.05.11
13:02:54 -04'00'

PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
MAY 11, 2023

DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U5-126-36	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 5/11/2023		FILE NO. 45-23-13	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				



PLANNING DIVISION STAFF REPORT

EXHIBIT B

(Proposed) Vacation of a portion of PUD Easement Sketch and Legal Description

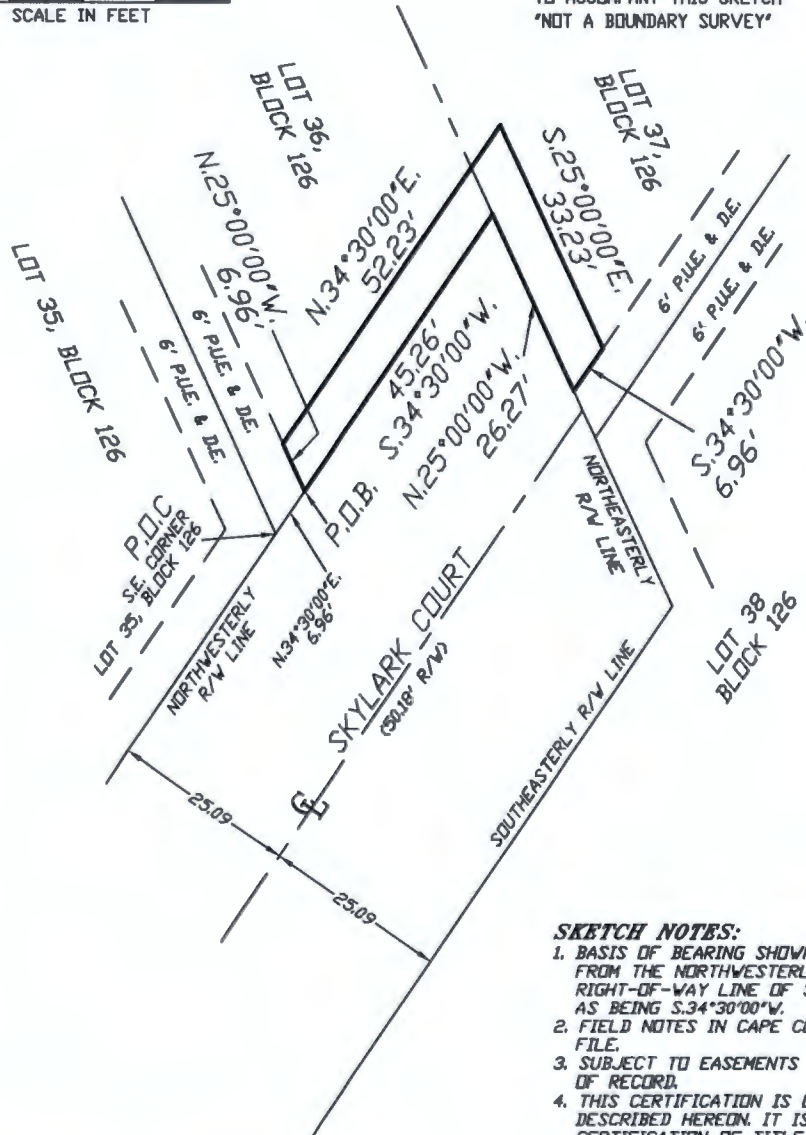
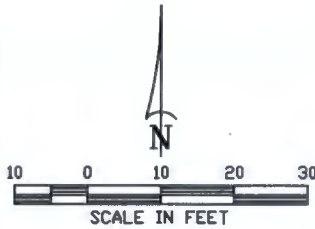
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SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A PORTION OF
PUBLIC UTILITY AND DRAINAGE EASEMENT IN:

**LOTS 36 & 37,
BLOCK 126,
CAPE CORAL UNIT FIVE,**

AS RECORDED IN PLAT BOOK 11, PAGES 80-90,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

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



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

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SKYLARK COURT, AS BEING S.34°30'00\"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 126 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; SJ-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:	CHECK:	SCALE:	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMN	FBH	1\"=20'	CC-U5-126-36	
SKETCH DATE	FILE NO.	SHT.- 1	OF - 2	
05/11/2023	45-23-13			

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

EXHIBIT "B"

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

LOTS 36 & 37, BLOCK 126, CAPE CORAL UNIT FIVE,

AS RECORDED IN PLAT BOOK 11, PAGES 80-90,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOTS 36 AND 37, BLOCK 126, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 35, BLOCK 126, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.34°30'00"E. ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SKYLARK COURT, OF SAID CAPE CORAL UNIT 5, FOR 6.96 FEET TO THE POINT OF BEGINNING; THENCE RUN N.25°00'00"W. FOR 6.96 FEET; THENCE RUN N.34°30'00"E. FOR 52.23 FEET; THENCE RUN S.25°00'00"E. FOR 33.23 FEET; THENCE RUN S.34°30'00"W. TO A POINT ALONG THE NORTHEASTERLY RIGHT OF WAY LINE SAID SKYLARK COURT, CAPE CORAL UNIT FIVE, FOR 6.96 FEET; THENCE RUN N.25°00'00"W. ALONG SAID RIGHT OF WAY LINE, FOR 26.27 FEET; THENCE RUN S.34°30'00"W. ALONG THE AFORESAID NORTHWESTERLY RIGHT OF WAY LINE OF SKYLARK COURT, FOR 45.26 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 470.96 SQUARE FEET, MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed by
Phillip M Mould,
LS6515, State of
Florida
Date: 2023.05.11
13:03:50 -04'00'

PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
MAY 11, 2023

DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U5-126-36	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 5/11/2023	FILE NO. 45-23-13	SHT.- 2 OF - 2	FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921	



PLANNING DIVISION STAFF REPORT

EXHIBIT C

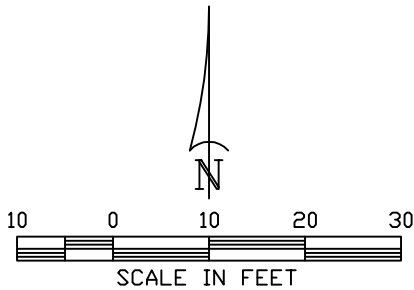
(Proposed) Vacation of a portion of PUD Easement Sketch and Legal Description

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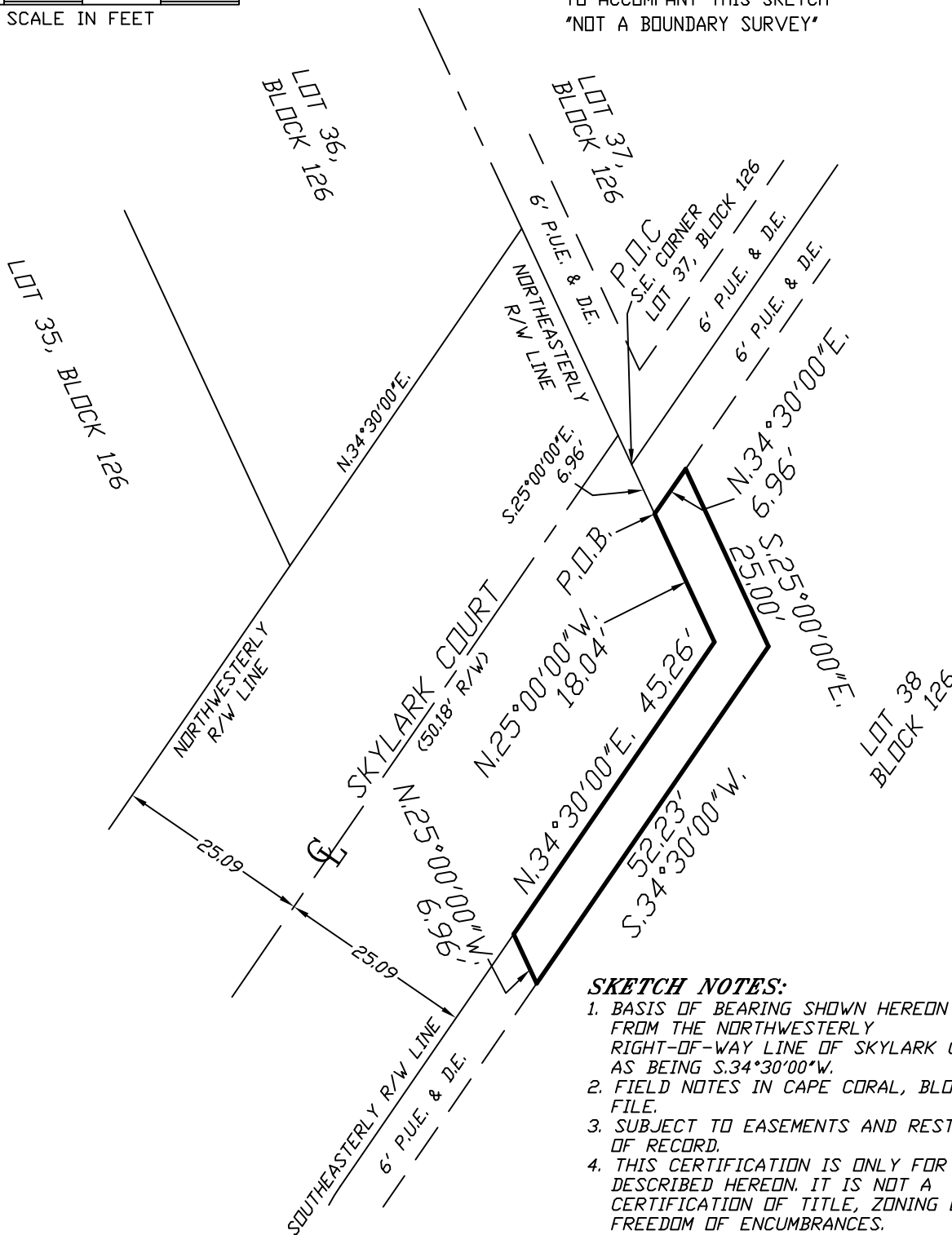
SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A PORTION OF
PUBLIC UTILITY AND DRAINAGE EASEMENT IN:

**LOT 38, BLOCK 126,
CAPE CORAL UNIT FIVE,**

AS RECORDED IN PLAT BOOK 11, PAGES 80-90,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA



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



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.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SKYLARK COURT, AS BEING S.34°30'00\"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 126 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.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8½ x 14\", 20 SCALE DRAWING.

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=20'</i>	PROJ. # <i>CC-U5-126-36</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>05/11/2023</i>		FILE NO. <i>45-23-13</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 IN:

LOT 38, BLOCK 126, CAPE CORAL UNIT FIVE,

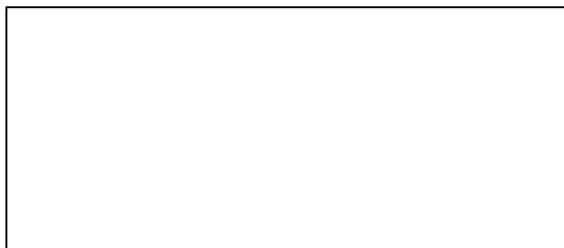
AS RECORDED IN PLAT BOOK 11, PAGES 80-90,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOT 38, BLOCK 126, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 37, BLOCK 126, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.25°00'00"E. ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SKYLARK COURT, OF SAID CAPE CORAL UNIT 5, FOR 6.96 FEET TO THE POINT OF BEGINNING; THENCE RUN N.34°30'00"E. FOR 6.96 FEET; THENCE RUN S.25°00'00"E. FOR 25.00 FEET; THENCE RUN S.34°30'00"W. FOR 52.23 FEET; THENCE RUN N.25°00'00"W. TO A POINT ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID SKYLARK COURT, FOR 6.96 FEET; THENCE RUN N.34°30'00"E. ALONG SAID RIGHT OF WAY LINE, FOR 45.26 FEET; THENCE RUN N.25°00'00"W. ALONG THE AFORESAID NORTHEASTERLY RIGHT OF WAY LINE OF SKYLARK COURT, FOR 18.04 FEET, TO THE POINT OF BEGINNING.

CONTAINING 421.58 SQUARE FEET, MORE OR LESS.



PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
MAY 11, 2023

DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U5-126-36	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 5/11/2023		FILE NO. 45-23-13	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				



PLANNING DIVISION STAFF REPORT

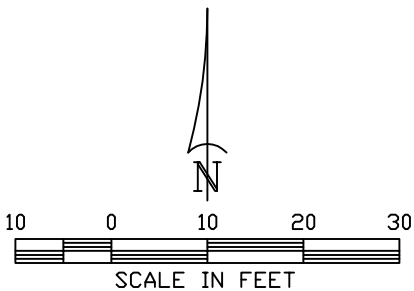
EXHIBIT D

Boundary Survey of Lots 36, 37 , 38, & 39, Block 126, Cape Coral

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BOUNDARY SURVEY OF
**LOTS 36 & 37, BLOCK 126,
CAPE CORAL, UNIT FIVE,**

(PLAT BOOK 11, PAGES 80-90)
SECTION 13, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA



CURVE NUMBER 1
Radius=25.00'
Delta=120°30'00"
Arc=52.58'
Chord=43.41'
Chord Brg=
S.85°15'00"E.

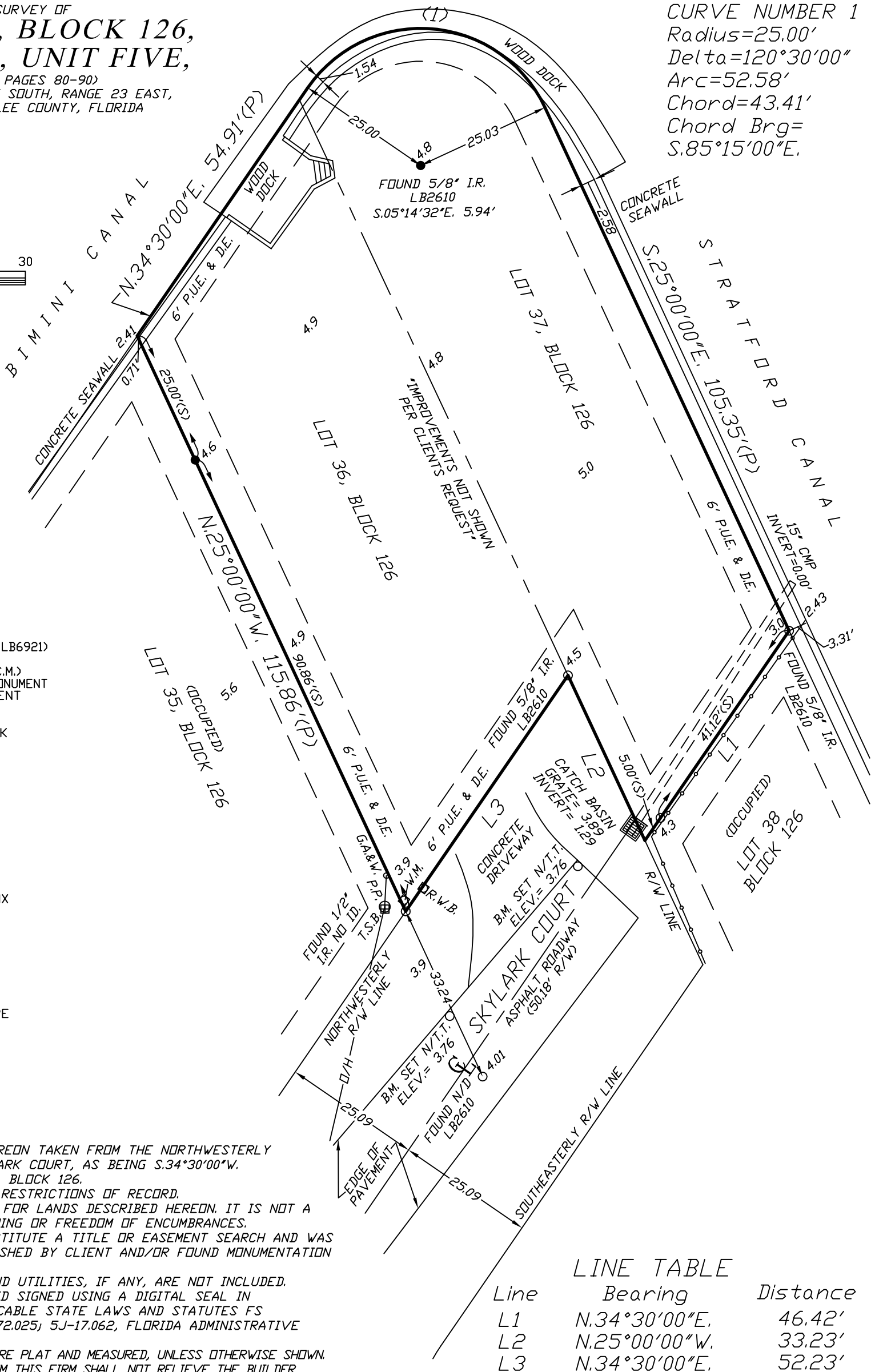
- LEGEND:
- SET 1/2" IRON ROD (CAP LB6921)
 - FOUND IRON ROD (I.R.)
 - CONCRETE MONUMENT (C.M.)
 - P.R.M. PERMANENT REFERENCE MONUMENT
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - P.C. POINT OF CURVATURE
 - O.R. OFFICIAL RECORDS BOOK
 - (S) AS PER SURVEY
 - (P) AS PER PLAT
 - (C) COMPUTED
 - (1) CURVE NUMBER
 - L1 LINE NUMBER
 - R/W RIGHT-OF-WAY
 - CL CENTERLINE
 - R.W.B. RECLAIM WATER BOX
 - W.M. WATER METER
 - O/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
 - 0.0 TYPICAL ELEVATION
 - A/C AIR CONDITIONER
 - W.S. WATER SYSTEM
 - P.E. POOL EQUIPMENT
 - CMP CORRUGATED METAL PIPE
 - CONCRETE
 - DRAINAGE ARROW

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SKYLARK COURT, AS BEING S.34°30'00"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 126.
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 OR APPLY.
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 433-72-01, ELEVATION 4.22 NGVD 1929, 3.04 NAVD 1988.

FLOOD ZONE: "AE" ELEVATION: 8' NAVD 1988
COMMUNITY No.: 125095 PANEL No.: 0411, 0412
SUFFIX --- G REVISION DATE: 11/17/2022
MAP NUMBER: 12071C0411G, 12071C0412G

THIS SURVEY IS CERTIFIED TO:
FREDERICK AND WENDY LEEK



Line	Bearing	Distance
L1	N.34°30'00"E.	46.42'
L2	N.25°00'00"W.	33.23'
L3	N.34°30'00"E.	52.23'

REVISED:	DESCRIPTION:	BY:
DATE OF LAST FIELD WORK: 4/10/23		
DRAWN:	CHECK:	SCALE
GSM	PMM	1"=20'
SURVEY DATE		PROJ. #
4/10/23		CC-U5-126-36
FILE NO.		SHT.- 1
45-23-13		OF - 1

PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA	
HARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921	

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921



PLANNING DIVISION STAFF REPORT

EXHIBIT E

Utility Approval Letters and Accompanying Exhibits

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June 23th, 2023

Attn: Eric P. Feichthaler

RE- Lots 36 & 37 Block 126 Skylark Ct Cape Coral

Dear Mr. Feichthaler,

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

If you have any further question or concerns, please do not hesitate to contact me at (574) 808-8943.

Sincerely,

Christopher Plank

Supervisor, Construction SWFL

12600 Westlinks Dr. Suite #4
Fort Myers, FL 33913
574-808-8943
Christopher.Plank@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

May 19, 2023

Eric P. Feichthaler, Esq.
Burandt, Adamski, Feichthaler & Sanchez, PLLC
1714 Cape Coral Parkway East
Cape Coral, FL 33904

Re: Letter of No Objection to Vacation of a portion Skylark Court Right of Way, LOTS 36 & 37, BLOCK 126, CAPE CORAL, UNIT FIVE, SECTION 13, TOWNSHIP 45 SOUTH, RANGE 23 EAST, according to the plat thereof as recorded in Plat Book 11, Pages 80-90, inclusive, of the Public Records of Lee County, Florida.

Address: 5211 Skylark Court, Owners: LEEK FREDERICK J & WENDY E, Address: 5254 SKYLARK CT, CAPE CORAL FL 33904, STRAP: 13-45-23-C1-00126.0360

Address: 5215 Skylark Court, Owner: VAZQUEZ CARLOS M & VAZQUEZ KIMBERLY E, Address: 5215 SKYLARK CT, CAPE CORAL FL 33904, STRAP: 13-45-23-C4-00126.0380

Dear Mr. Feichthaler,

Concerning the vacation of a portion of Skylark Court Right of Way platted easement and lot lines that exists on Lots 36 + 37 recorded amongst the Public Records of Lee County, Florida, at Plat Book 11, Pages 80-90 inclusive.

Your firm, Burandt, Adamski, Feichthaler & Sanchez, PLLC, has opened up discussions on behalf of your client, Wendy Leek with LCEC concerning the proposed vacation of a portion of Skylark Court, Cape Coral Unit 5.


We have reviewed your request, submitted related documents, and our internal files. LCEC has **no objection** as submitted and reflected, in the vacation request of the Skylark Court, Cape Coral Unit 5 as depicted in Sketch and Boundary Survey (File NO. 45-23-13) created by Phillip M. Mould, P.S.M. of Harris-Jorgensen, LLC dated 05/11/23. However, LCEC requires the remaining perimeter easement surrounding the property in order to serve you.

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 239-656-2207, or, if you prefer, I can be reached by email at allan.ruth@lcec.net.

Very truly yours,

LEE COUNTY ELECTRIC COOPERATIVE, INC.


Allan Ruth, Manager
Manager, Operations Business Support



7/4/2023

Eric P. Feichthaler, Esq.
Burandt, Adamski, Feichthaler & Sanchez, PLLC
1714 Cape Coral Parkway East
Cape Coral, FL 33904

P850265
WITH Reservations

SUBJECT: Vacation request for a portion of Skylark Court as platted within Cape Coral, Unit Five, as recorded in Plat Book 11, Pages 80-90, Lee County, Florida.

To Whom It May Concern:

CenturyLink of Florida, Inc. d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that in order to protect its facilities an easement must be reserved in the area subject to the vacation.

Please save and except easements to CenturyLink over, under, above, and upon the following areas as shown and/or described on Exhibit "A"; said Exhibit "A" attached hereto and incorporated by this reference.

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

Exhibit "A"

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SKYLARK COURT RIGHT OF WAY, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 35, BLOCK 126, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THE AFORESAID SKYLARK COURT, FOR A POINT OF BEGINNING; THENCE RUN N.34°30'00"E. ALONG SAID RIGHT OF WAY LINE, FOR 52.23 FEET; THENCE RUN S.25°00'00"E. ALONG THE NORTHEASTERLY RIGHT OF WAY LINE, OF SAID SKYLARK COURT, FOR 58.23 FEET; THENCE RUN S.34°30'00"W. ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID SKYLARK COURT, FOR 52.23 FEET; THENCE RUN N.25°00'00"W, TO THE AFORESAID SOUTHEAST CORNER LOT 35, BLOCK 126, FOR 58.23 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 2,620.35 SQUARE FEET, MORE OR LESS.



PLANNING DIVISION STAFF REPORT

EXHIBIT F

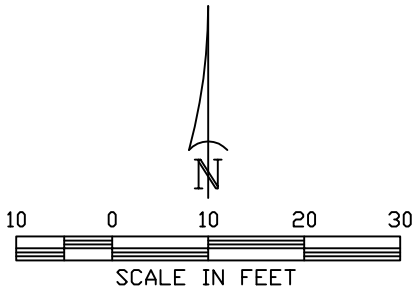
(Proposed) Vacation of a portion of Skylark Court Sketch and Legal Description

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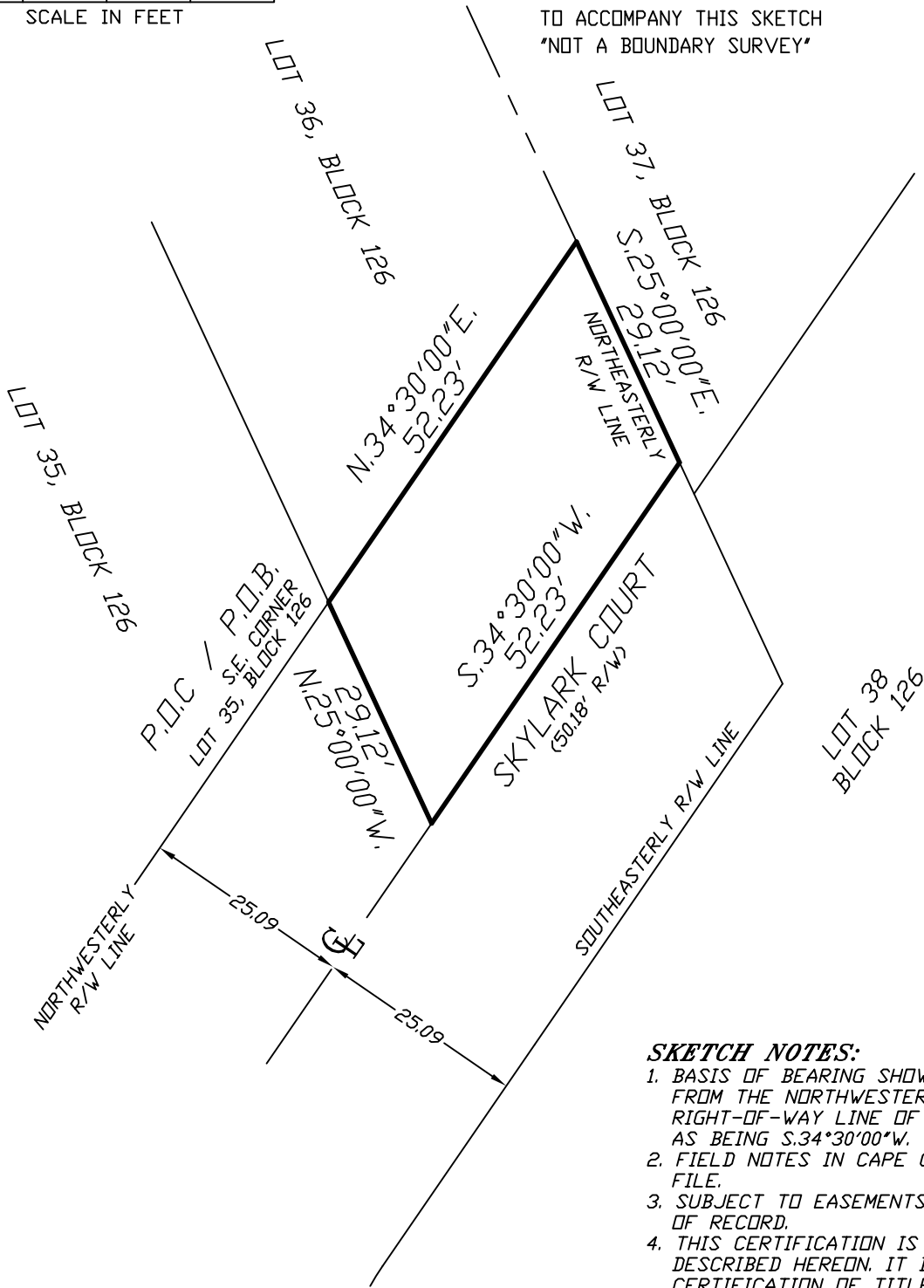
SKETCH TO ACCOMPANY DESCRIPTION:
(PROPOSED) VACATION OF A PORTION OF

SKYLARK COURT,
CAPE CORAL
UNIT FIVE,

AND ANY AND ALL UNDERLYING EASEMENTS,
AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA



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



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.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SKYLARK COURT, AS BEING S.34°30'00\"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 126 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 8½ x 14\", 20 SCALE DRAWING.

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=20'</i>	PROJ. # <i>CC-U5-126-36</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>08/11/2023</i>		FILE NO. <i>45-23-13</i>	SHT.- 1 OF - 2	

EXHIBIT "F"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF A PORTION OF

SKYLARK COURT, CAPE CORAL UNIT FIVE,

AND ANY ALL UNDERLYING EASEMENTS,
AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SKYLARK COURT RIGHT OF WAY, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 35, BLOCK 126, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THE AFORESAID SKYLARK COURT, FOR A POINT OF BEGINNING; THENCE RUN N.34°30'00"E. ALONG SAID RIGHT OF WAY LINE, FOR 52.23 FEET; THENCE RUN S.25°00'00"E. ALONG THE NORTHEASTERLY RIGHT OF WAY LINE, OF SAID SKYLARK COURT, FOR 29.12 FEET; THENCE RUN S.34°30'00"W. ALONG THE CENTERLINE OF SKYLARK COURT, FOR 52.23 FEET; THENCE RUN N.25°00'00"W. TO THE AFORESAID SOUTHEAST CORNER LOT 35, BLOCK 126, FOR 29.12 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 1,310.17 SQUARE FEET, MORE OR LESS.



PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
AUGUST 11, 2023

DRAWN: PMM	CHECK: FBH	SCALE 1"=30'	PROJ. # CC-U5-126-36	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 8/11/2023		FILE NO. 45-23-13	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				



PLANNING DIVISION STAFF REPORT

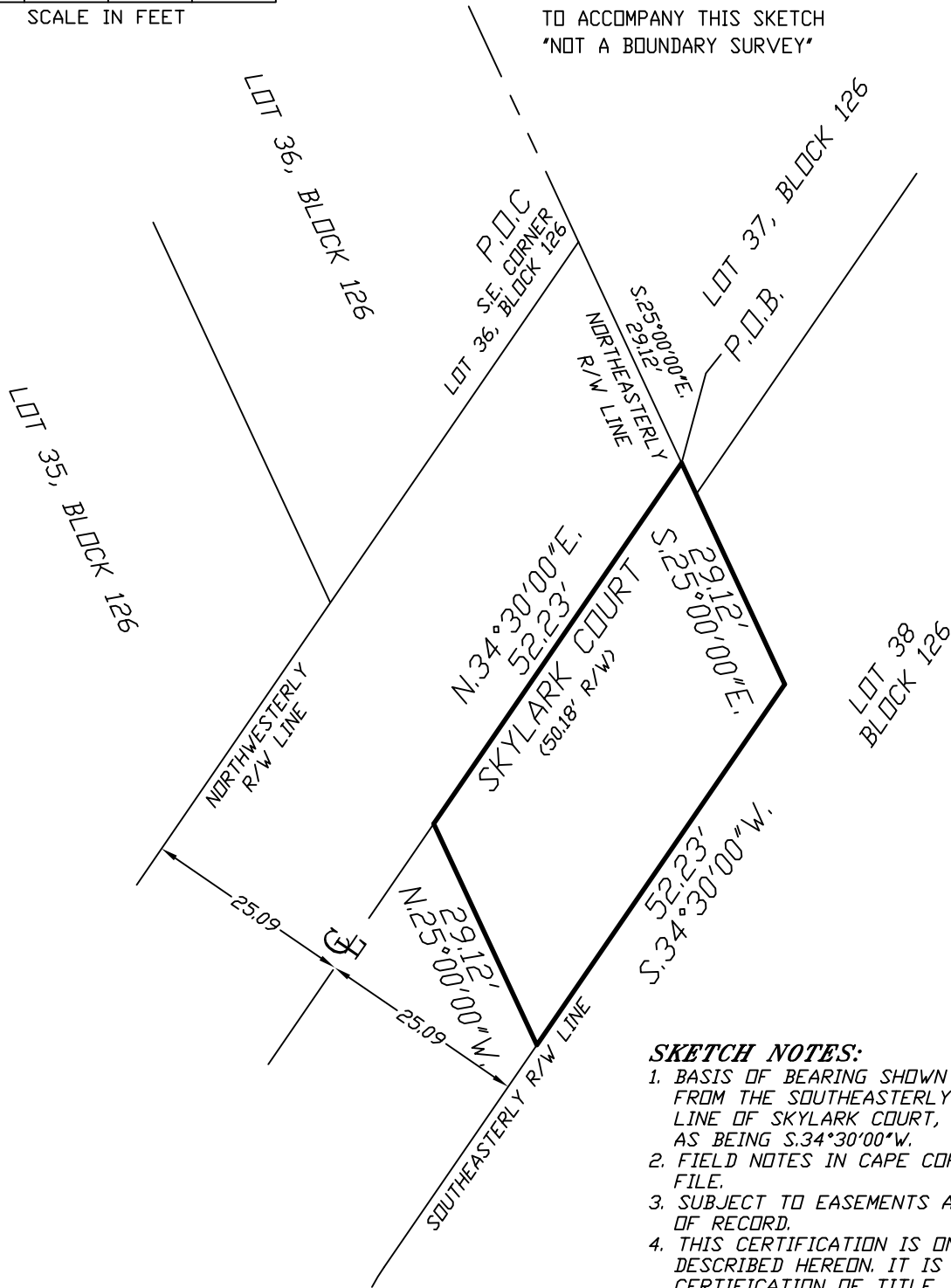
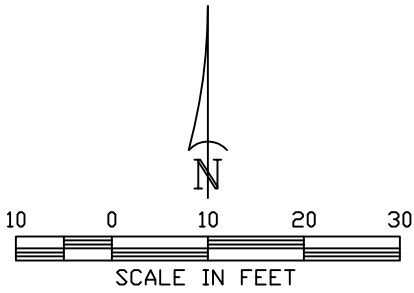
EXHIBIT G

(Proposed) Vacation of a portion of Skylark Court Sketch and Legal Description

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*SKYLARK COURT,
CAPE CORAL
UNIT FIVE,*

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



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 SOUTHEASTERLY RIGHT-OF-WAY LINE OF SKYLARK COURT, AS BEING S.34°30'00"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 126 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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8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8½ x 14", 20 SCALE DRAWING.

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=20'</i>	PROJ. # <i>CC-U5-126-36</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>08/11/2023</i>		FILE NO. <i>45-23-13</i>	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				

EXHIBIT "G"

DESCRIPTION TO ACCOMPANY SKETCH:

(PROPOSED) VACATION OF A PORTION OF

SKYLARK COURT, CAPE CORAL UNIT FIVE,

AND ANY ALL UNDERLYING EASEMENTS,
AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SKYLARK COURT RIGHT OF WAY, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

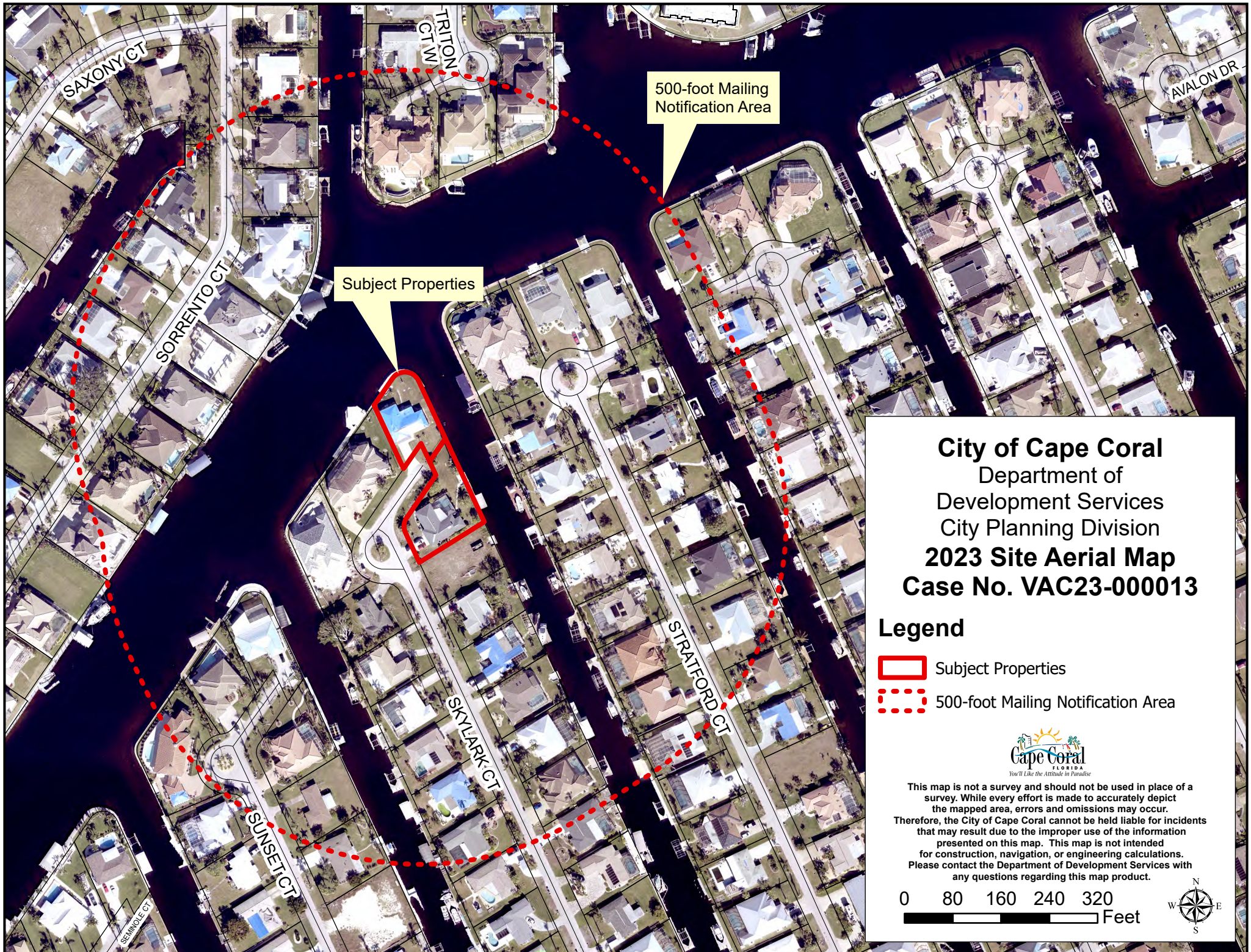
COMMENCING AT THE SOUTHEAST CORNER OF LOT 36, BLOCK 126, CAPE CORAL UNIT FIVE, AS RECORDED IN PLAT BOOK 11, PAGES 80-90, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.25°00'00"E. ALONG THE NORTHEASTERLY RIGHT OF WAY LINE, OF SAID SKYLARK COURT, FOR 29.12 FEET TO THE POINT OF BEGINNING; THENCE RUN S.25°00'00"E. ALONG THE NORTHEASTERLY RIGHT OF WAY LINE, OF SAID SKYLARK COURT, FOR 29.12 FEET; THENCE RUN S.34°30'00"W. ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID SKYLARK COURT, FOR 52.23 FEET; THENCE RUN N.25°00'00"W. TO A POINT ALONG THE CENTERLINE OF SAID SKYLARK COURT, FOR 29.12 FEET; THENCE RUN N.34°30'00"E. ALONG SAID CENTERLINE FOR 52.23 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 1,310.17 SQUARE FEET, MORE OR LESS.





PHILLIP M MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515
AUGUST 11, 2023

DRAWN: <i>PMM</i>	CHECK: <i>FBH</i>	SCALE <i>1"=30'</i>	PROJ. # <i>CC-U5-126-36</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>8/11/2023</i>		FILE NO. <i>45-23-13</i>	SHT.- 2 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				



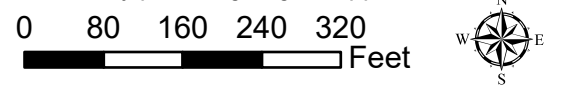
City of Cape Coral
Department of
Development Services
City Planning Division
2023 Site Aerial Map
Case No. VAC23-000013

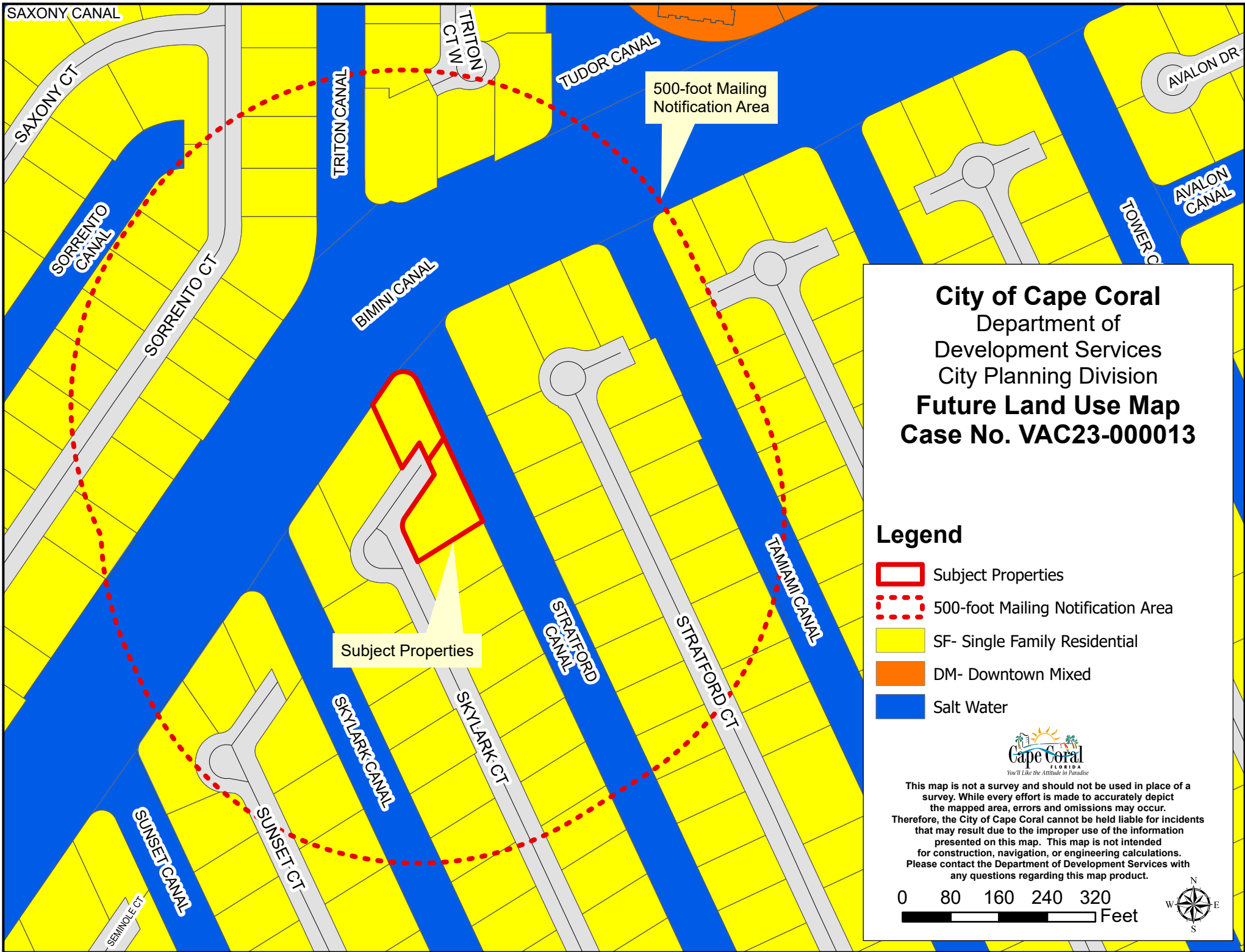
Legend

-  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.





City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. VAC23-000013

Legend

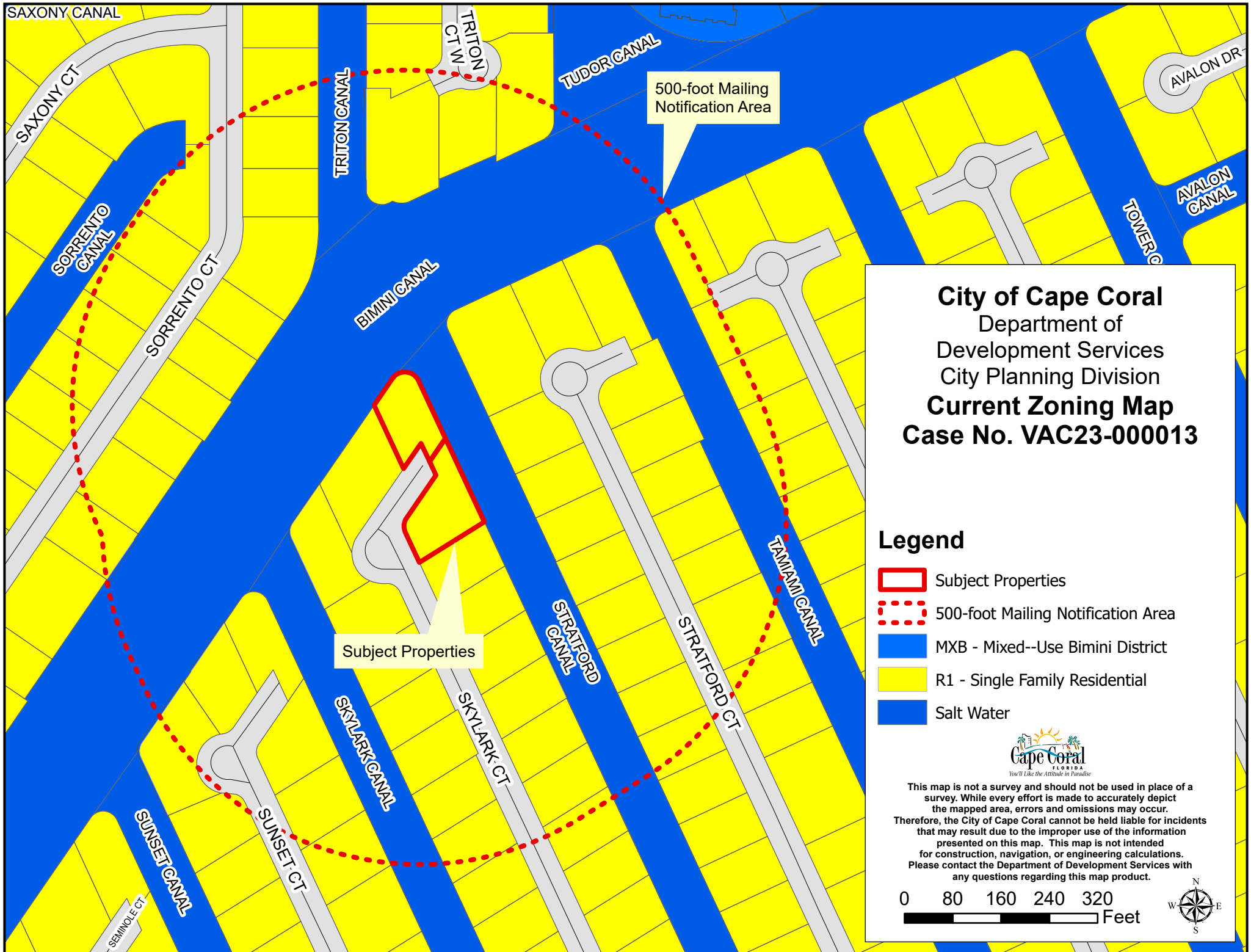
- Subject Properties
- 500-foot Mailing Notification Area
- SF- Single Family Residential
- DM- Downtown Mixed
- Salt Water



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 80 160 240 320 Feet





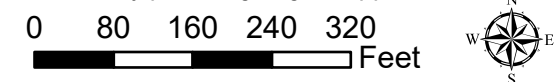
City of Cape Coral
Department of
Development Services
City Planning Division
Current Zoning Map
Case No. VAC23-000013

Legend

- Subject Properties
- 500-foot Mailing Notification Area
- MXB - Mixed--Use Bimini District
- R1 - Single Family Residential
- Salt Water



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AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.E.
Meeting Date:	11/7/2023
Item Type:	HEARINGS

TITLE:

Case#: RZN23-000008*; Address: 2304 SW 8TH PL.; Applicant: Hungry Catfish Farms, LLC

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The applicant is requesting a rezone from Professional Office (P-1) to Single-Family Residential (R-1) for 12 properties totaling 3.06 acres. The parcels were placed in the Single-Family Residential (SF) future land use classification in 2022. The rezone will allow for construction of single-family homes. The parcels have frontage on SW 8th Place and SW 24th Street.

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

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Interim Development Services Director; 574-0446

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

N/A

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

PREPARED BY:

Vanessa Sberna, Planning
Technician

Division- Planning
Division

Department- Development
Services

ATTACHMENTS:

Description	Type
Novus Packet	Backup Material



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION**

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0776

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.

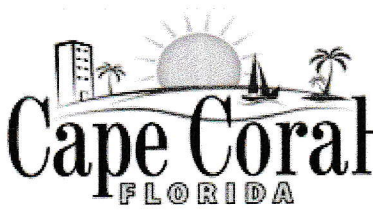
REZONING REQUIREMENTS

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.



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION**

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

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 See Property List

Strap Number See Property List Unit 63 Block 4380/4381/4382 Lot (s) 49 / 1-18 / 25-29

Plat Book 21 Page 52 Future Land Use SF

Current Zoning P (Professional) Proposed Zoning R1

PROPERTY OWNER (S) INFORMATION

Owner Hungry Catfish Farms, L.L.C. Address 7008 Woodstock Drive

Phone 239-851-1093 City Baton Rouge

Email dean@pulley.org State LA Zip 70809

Owner _____ Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant Same as owner. Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Avalon Engineering, Inc. Address 2503 Del Prado Boulevard South

Phone 239-573-2077 Extension 216 City Cape Coral

Email linda@avaloneng.com State FL Zip 33904



DEPARTMENT OF COMMUNITY DEVELOPMENT
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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.

Hungry Catfish Farms, L.L.C.

CORPORATION/COMPANY NAME (IF APPLICABLE)

Hungry Catfish Farms, LLC By: W. Dean Pulley its manager

OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

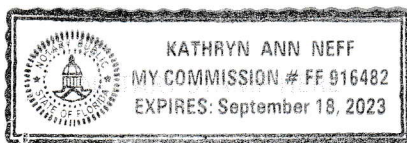
APPLICANT SIGNATURE

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

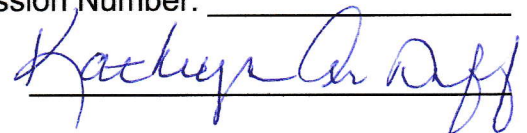
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 9 day of MAR, 2023 by W. Dean Pulley who is personally known to me or produced FLDL as identification.



Exp Date: _____ Commission Number: _____

Signature of notary Public:



Printed Name of Notary Public: _____



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
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 63 BLOCK 4380/4381/4382 LOT(S) 49 / 1-18 / 25-29 SUBDIVISION _____

OR LEGAL DESCRIPTION _____

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

Hungry Catfish Farms, L.L.C. By: W. Dean Pulley its manager

PROPERTY OWNER (Please Print)

W. Dean Pulley
PROPERTY OWNER (Signature & title)

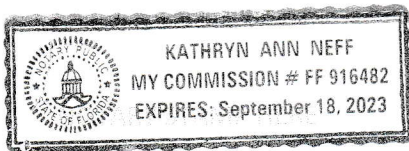
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 9 day of MAR, 2023 by W. Dean Pulley who
is personally known to me or produced FLDL as identification.



Exp Date: _____ Commission Number: _____

Signature of notary Public:

Kathryn Ann Neff

Printed Name of Notary Public:

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



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
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 _____ Day of _____, 2023.

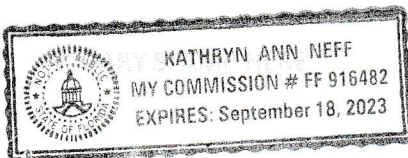
Hungry Catfish Farms, L.L.C.
CORPORATION/COMPANY NAME

Hungry Catfish Farms, L.L.C. by W. Dean Pulley its manager
OWNER'S NAME (TYPE or PRINT)
W. Dean Pulley
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 9 day of MAR, 2023 by W. Dean Pulley who is personally known to me or produced FLDL as identification.

Exp Date: _____ Commission Number: _____



Signature of notary Public:

Printed Name of Notary Public:

Kathryn Ann Neff



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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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.

Hungry Catfish Farms, L.L.C. by W. Dean Pulley its manager

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

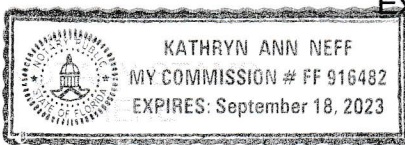
OWNER/APPLICANT SIGNATURE

(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 9 day of MAR, 2023 by W. Dean Pulley who is personally known to me or produced FLDL as identification.



Exp Date: _____ Commission Number: _____

Signature of Notary Public: Kathryn Ann Neff

Printed Name of Notary Public: _____



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION**

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

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.



Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

March 13, 2023

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

PROJECT: SW 8th Place and SW 24th Street (See Property Information Sheet)
UNIT 63: BLOCK 4380 LOT 49; BLOCK 4381 LOTS 1-18; BLOCK 4382 LOTS
25-29

SUBJECT: ZONING MAP AMENDMENT LETTER OF INTENT

Dear Mr. Cautero:

As provided for in Section 3.4.6 of the City of Cape Coral Land Development Code, and on behalf of the property owner, Hungry Catfish Farms, L.L.C., we respectfully request an Amendment to the Zoning Map to change the zoning designation of the subject 3.06-acre parcel. The property has a current zoning of P (Professional). The applicant is requesting a zoning of R1 (Residential Single Family). The subject parcels have a SF (Single Family) Future Land Use. The current professional (P) zoning is not consistent with the SF (Single Family) Future Land Use.

The subject parcel is located on the north side of SW 24th Street and the west side of SW 8th Place. The subject parcel consists of 24 platted lots within Unit 63, Block 4380 Lot 49; Block 4381 Lots 1-18 and Block 4382 Lots 25-29, in Section 27, Township 44 South, and Range 23 East.

MANNER OF INITIATION

Applications for a Zoning Map Amendment (ZA) may be initiated in the following manner:

By a petition of one or more property owners of at least 51% of the property owners of an area proposed for amendment.

The property owner submitting this petition has 75 percent of the parcels requesting approval of this Zoning Map Amendment to R-1 (Residential Single Family) under their control.

REVIEW CRITERIA

Per Article 3, Section 3.4.6.B, an application for a rezone shall be reviewed in accordance with the following criteria:

1. Whether the proposed zoning district is consistent with the City's Comprehensive Plan:

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. Table 1 shows the zoning districts which are consistent with and implement the respective future land use map classifications.

Table 1:

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

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

The parcels adjacent to the subject parcel to the north, west, and south have single-family land use and zoning. Several of the adjacent lots have been developed with a single-family residential home. Adjacent to the subject lots along the east side of SW 8th Place is a commercial development. Most of the lots with frontage on Skyline Blvd, also are zoned and have a future land use designation of Commercial/Professional that will support commercial development.

The city's single family zoning district permits a limited amount of uses with single family homes being the only residential use. Commercial uses within this district consist of a Family Day Care Home, Community Residential Home for up to 6 residents, home-based business, primary and secondary educational facilities, and religious facilities.

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

The character of the neighborhood is mainly single family residential along the two canals. A R-1 Zoning District would permit a single-family home on the lots within this amendment. The uses proposed in the R1 zoning are compatible with the potential and existing uses within the area of the subject parcels.

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

Currently the lots are not buildable. The Future Land Use of the lots is SF (Single Family) which is not consistent with the current zoning of Professional (P). A zoning amendment is required to bring the lots into consistency and permit the development of these lots with a single-family residential home.

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

The subject parcel is a combination of 24 lots or 12 building sites, containing a total of 3 acres. The depth of the lots is 125 feet. Most of the lots are located along the Highlander and Cormorant Canals. Because of the characteristics of this area, the R-1 zoning which would permit a single family home is suitable for the surrounding neighborhood.

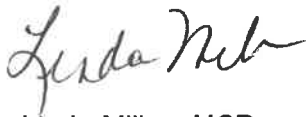
6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.

The SF (Single Family) Future Land Use category is only consistent with the City's R1 (Residential Single Family) or RE (Residential Estates) Zoning Districts. The RE (Residential Estates) Zoning District requires a minimum lot area of 40,000 square feet which is not consistent with the size of the subject parcels as most of the lots contain only 10,000 square feet.

We request your approval of this Zoning Amendment. Should you or your staff have questions or require additional information, please let us know.

Sincerely,

AVALON ENGINEERING, INC.

A handwritten signature in dark ink, appearing to read "Linda Miller", is positioned above the printed name.

Linda Miller, AICP
Senior Planner

Zoning Map Amendment from P (Professional) to R-1(Residential Single Family)

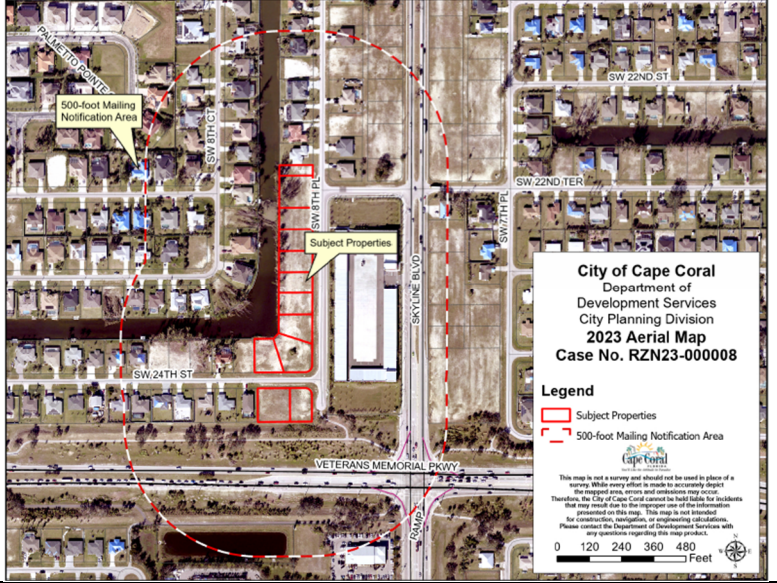
Lot 49, Block 4380, Lots 1- 18, Block 4381, and Lots 25-29, Block 4382, Unit 63 CAPE CORAL SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book 21, Page(s) 48 through 81, in the Public Records of Lee County, Florida.

Unit	Block	Lots	STRAP	Owner	Address	Acres	SF	Current Zoning	Proposed Zoning	Current Land Use
63	4380	49	27-44-23-C3-04380.0490	Hungry Catfish Farms LLC	2222 SW 8th Place	0.12	5000.13	P	R1	SF
63	4381	1 - 3	27-44-23-C3-04381.0010	Hungry Catfish Farms LLC	2226 SW 8th Place	0.34	15000.29	P	R1	SF
63	4381	4 & 5	27-44-23-C3-04381.0040	Hungry Catfish Farms LLC	2230 SW 8th Place	0.23	10000.15	P	R1	SF
63	4381	6 & 7	27-44-23-C3-04381.0060	Hungry Catfish Farms LLC	2234 SW 8th Place	0.23	10000.27	P	R1	SF
63	4381	8 & 9	27-44-23-C3-04381.080	Hungry Catfish Farms LLC	2238 SW 8th Place	0.23	10000.15	P	R1	SF
63	4381	10 & 11	27-44-23-C3-04381.0100	Hungry Catfish Farms LLC	2242 SW 8th Place	0.23	10000.25	P	R1	SF
63	4381	12 & 13	27-44-23-C3-04381.0120	Hungry Catfish Farms LLC	2304 SW 8th Place	0.23	10000.18	P	R1	SF
63	4381	14 & 15	27-44-23-C3-04381.0140	Hungry Catfish Farms LLC	2308 SW 8th Place	0.26	11250.93	P	R1	SF
63	4381	16	27-44-23-C3-04381.0160	Borges, Antonio and Lucia	2314 SW 8th Place	0.36	15693.97	P	R1	SF
63	4381	17 & 18	27-44-23-C3-04381.0170	Hungry Catfish Farms LLC	819 SW 24th Street	0.26	11253.7	P	R1	SF
63	4382	25 - 27	27-44-23-C3-04381.0250	Private Equity Solutions LLC	818 SW 24th Street	0.34	14999.97	P	R1	SF
63	4382	28 & 29	27-44-23-C3-04382.0280	Private Equity Solutions LLC	812 SW 24th Street	0.23	10170.44	P	R1	SF
		24 Lots				3.06	133,370.43			

PLANNING DIVISION STAFF REPORT
RZN23-000008

Staff Report prepared by Chad Boyko, AICP, Principal Planner

SITE ADDRESSES Multiple addresses along SW 8 th Place and SW 24 th Street	APPLICANT/PROPERTY OWNER Hungry Catfish Farms, LLC Antonio and Lucia Borges Private Equity Solutions, LLC
AUTHORIZED REPRESENTATIVE Avalon Engineering, Inc.	

SUMMARY OF REQUEST The applicant requests a rezone from Professional Office (P-1), to Single-Family Residential (R-1) for 12 properties totaling 3.06 acres . The parcels were amended to the Single-Family Residential (SF) future land use classification in 2022.	 <p>City of Cape Coral Department of Development Services City Planning Division 2023 Aerial Map Case No. RZN23-000008</p> <p>Legend Subject Properties 500-foot Mailing Notification Area</p> <p><small>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, engineering or engineering calculations. Please contact the Department of Development Services with any questions regarding this map product.</small></p> <p>0 120 240 360 480 Feet</p> <p>MAP SOURCE</p>
--	--

STAFF RECOMMENDATION: **Approval**

Positive Aspects of Application:	Rezone will allow for residential uses on parcels that were amended to the SF designation in 2022.
Negative Aspects of Application:	Properties will represent a small loss of commercial property.
Mitigating Factors:	The parcels lack the characteristics necessary for quality commercial development.

SITE INFORMATION

Urban Service Area:	The site is within the Urban Services Transition area.
City Water and Sewer:	Municipal utilities including water, sewer, and irrigation are available for the site.
Street Access:	Nine parcels within the site have frontage on SW 8 th Place which is classified as a local street. The other three parcels in the site have access from SW 24 th Street which is a local road. Final access will be determined upon development.
STRAP Numbers:	See attached list as Exhibit “A”
Block/Lot(s):	Parcels are within Blocks 4380, 4381, and 4382.
Site Area:	3.06 acres

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
Current:	Single-Family Residential (SF)	Professional Office (P-1)
Proposed:	N/A	Single-Family Residential (R-1)
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>
North:	SF	R-1
South:	Commercial/Professional (CP)	Commercial (C)
East:	CP	C
West:	SF	R-1

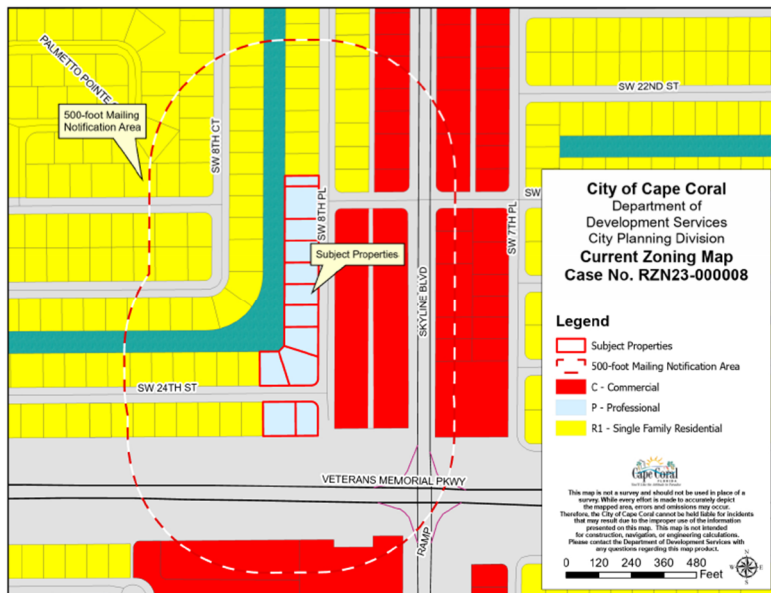
FINDINGS OF FACT

The 3-acre site consists of 12 undeveloped parcels that are west of Skyline Boulevard and north of Veterans Parkway. The site has three owners – Hungry Catfish Farms, LLC, Private Equity Solutions, LLC and Antonio and Lucia Borges. Hungry Catfish Farms, LLC owns nine of the parcels in the site while the other three are split up amongst the other two owners.

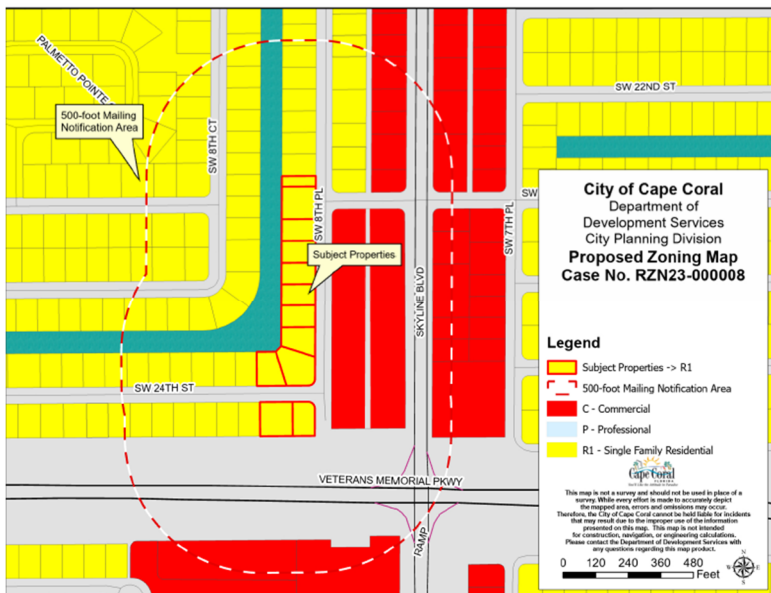
The site is undeveloped and nine parcels within the site have frontage on SW 8th Place which is classified as a local street, while three parcels in the site have access from SW 24th Street which is a local road. The site is surrounded by residential homes to the north and west, Veterans Parkway to the south and a storage facility to the east. The site has access to municipal utilities.

The future land use of the site was amended from the CP designation to the SF designation in 2022. The applicant is now seeking a rezone to the R-1 district to develop the 12 parcels with single-family homes.

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 Single-Family Residential (R-1) 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 R-1 district is primarily intended to allow for the development of single-family homes. Other than the storage facility that is to the east of the site, the surrounding development to the north and west is single-family homes. The area to the south is Veterans Parkway and some commercial development on the opposite side of Veterans Parkway and any development on the site is not likely to have much impact on the area to the south.

The R-1 district will be compatible with the existing residential uses in the area as the homes will be similar to what is currently developed.

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 surrounding area is primarily built out with single-family homes or the aforementioned storage facility. The few remaining undeveloped lots are entitled for single-family homes. The proposed R-1 district will be compatible with both the existing homes and the parcels that are likely to develop with single-family residences in the future.

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 will take away the possibility of commercial development for these 12 parcels, however, analysis had previously shown that non-residential development was not ideal for the parcels due to several factors such as frontage, roadway access, depth, and configuration.

While the rezone will allow for single-family homes, which the City has an abundance of, the rezone will allow for housing in an area that is appropriate for such development. One of the goals of the City's Comprehensive Plan is to provide housing in an area suitable for residential development.

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

The site is 12 undeveloped parcels that have frontage on local streets and only have 125 feet of depth. The parcels have few characteristics that would make them as attractive commercial sites. Similarly, the surrounding area is mostly residential with the exception of the storage facility to the east. These factors make the site suitable for the proposed R-1 zoning district.

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 Single-Family Residential (SF) future land use designation is the R-1 district. Planned Unit Developments (PUD) are also allowed within the SF designation.

ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS

The rezone is neither supported nor in conflict with the City Economic Development Master Plan. The site is not within an Economic Opportunity Area, however, the rezone will remove any potential commercial or mixed-use development.

PUBLIC NOTIFICATION

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

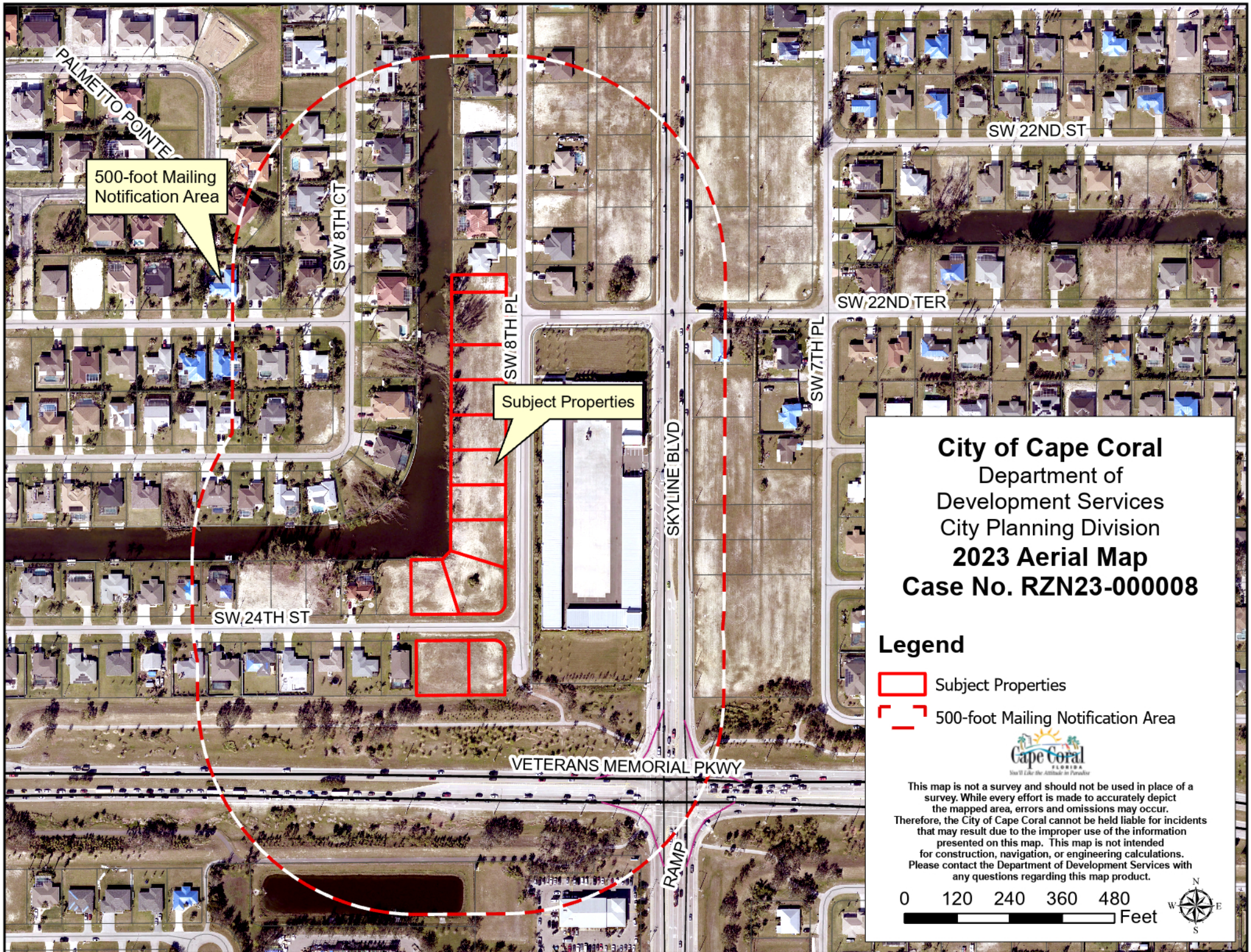
Publication: A display ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to amend the land use of the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Cape Coral 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 Single-Family Residential (R-1) zoning is consistent with the Comprehensive Plan, the Land Development Code, and is compatible with the surrounding area, therefore, Planning Division staff recommends **approval** of the rezone request.



City of Cape Coral
Department of
Development Services
City Planning Division
2023 Aerial Map
Case No. RZN23-000008

Legend

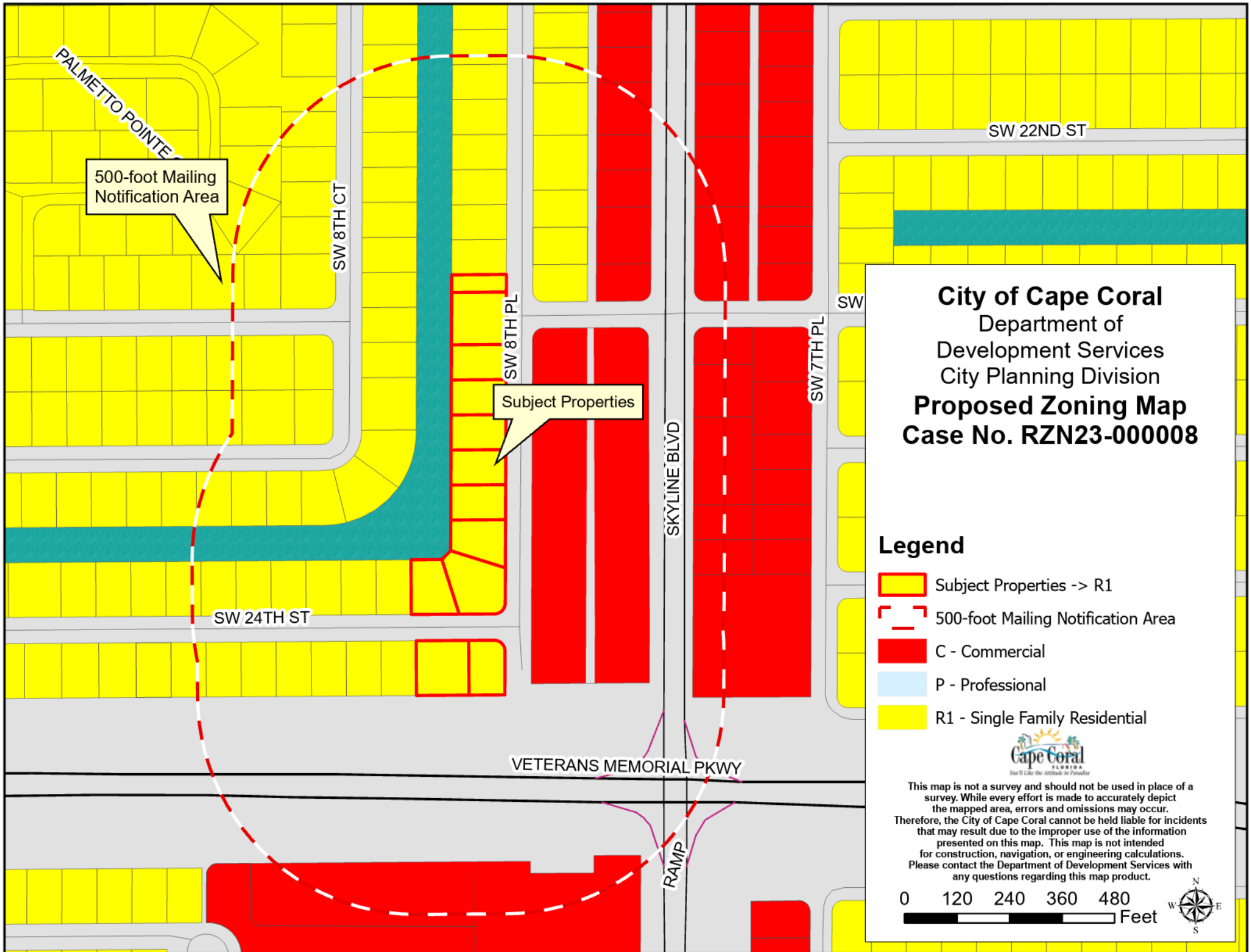
-  Subject Properties
-  500-foot Mailing Notification Area



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.






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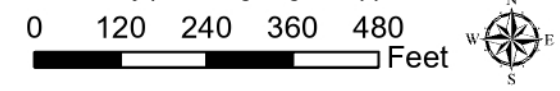
City of Cape Coral
Department of
Development Services
City Planning Division
Proposed Zoning Map
Case No. RZN23-000008

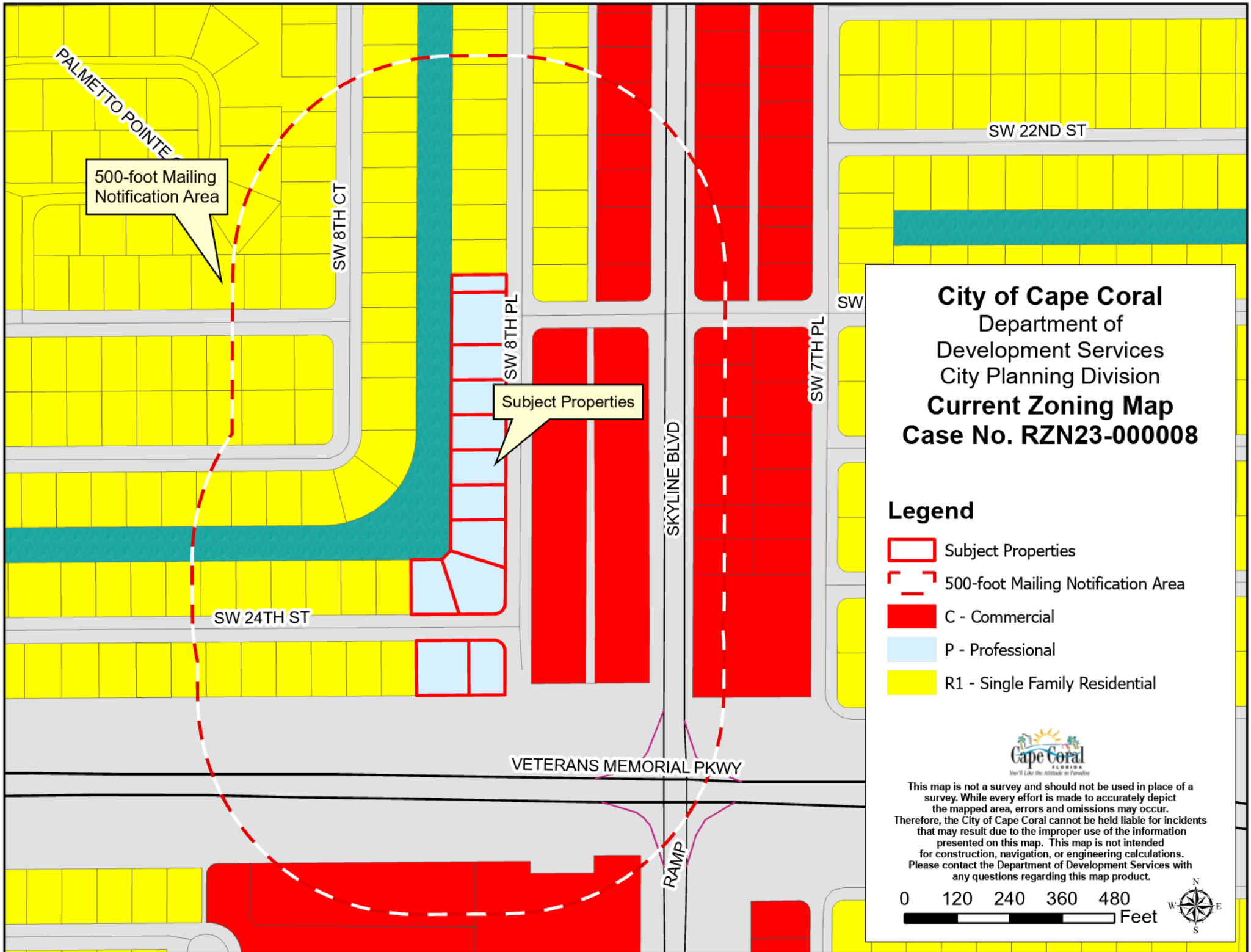
Legend

-  Subject Properties -> R1
-  500-foot Mailing Notification Area
-  C - Commercial
-  P - Professional
-  R1 - Single Family Residential



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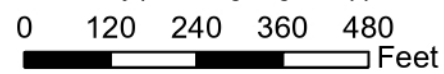
City of Cape Coral
Department of
Development Services
City Planning Division
Current Zoning Map
Case No. RZN23-000008

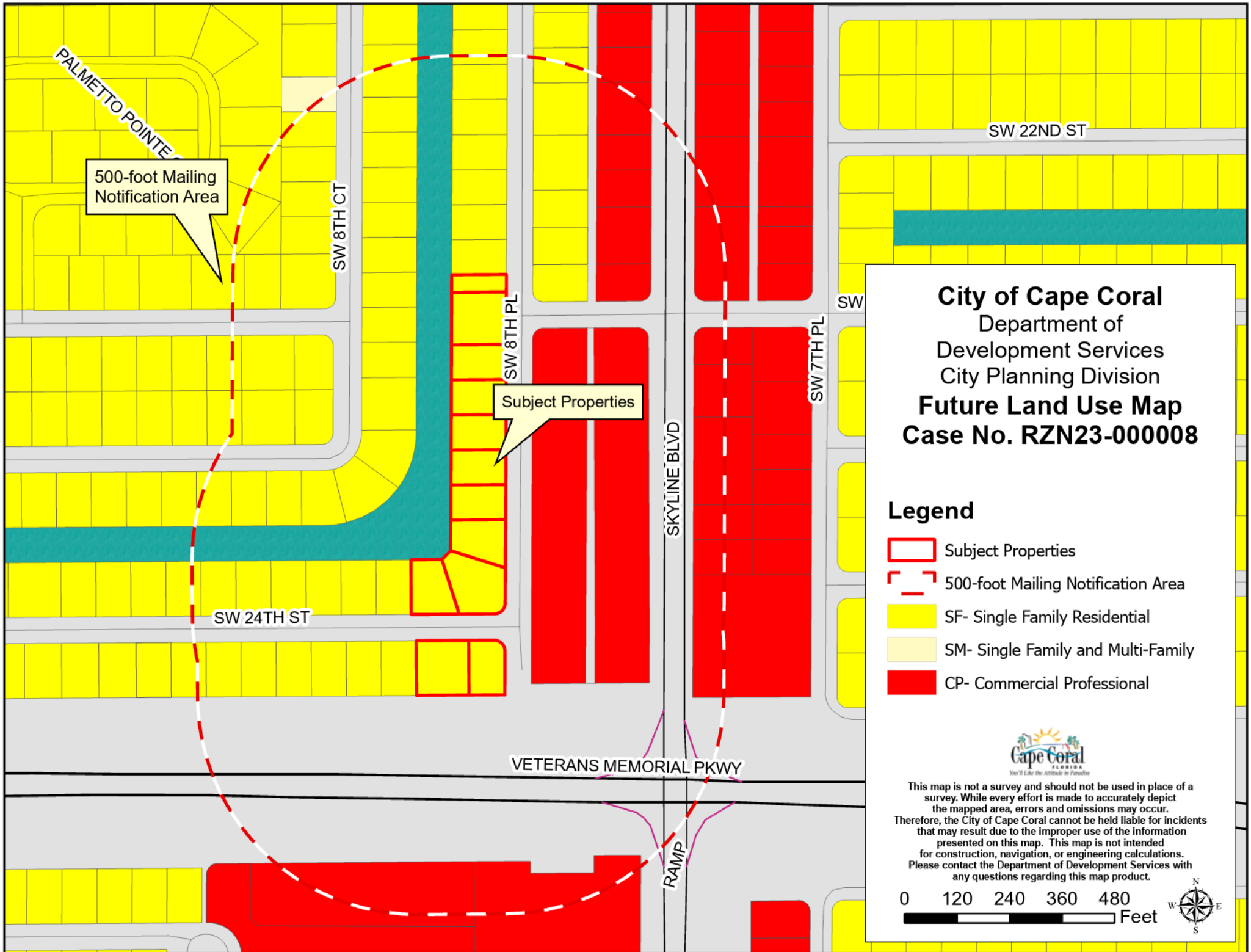
Legend

-  Subject Properties
-  500-foot Mailing Notification Area
-  C - Commercial
-  P - Professional
-  R1 - Single Family Residential








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City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. RZN23-000008

Legend

-  Subject Properties
-  500-foot Mailing Notification Area
-  SF- Single Family Residential
-  SM- Single Family and Multi-Family
-  CP- Commercial Professional



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