



Tuesday, April 2, 2024
9:00 AM
Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

- A. Case#: VAC24-000001*; Address: 5322 Bayside Ct.; Applicant:
Thomas Collentine

3. DATE AND TIME OF NEXT HEARINGS

- A. Tuesday April 16, 2024, 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:	4/2/2024
Item Type:	HEARINGS

TITLE:

Case#: VAC24-000001*; Address: 5322 Bayside Ct.; Applicant: Thomas Collentine

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The vacation request includes a 2-lot platted site that recently received a demolition permit in October 2023 after obtaining substantial damage from Hurricane Ian. The applicant did apply for a building permit in March 2024. The applicant is requesting to vacate 212.4 square feet of canal right of way (ROW), and 408 sq. ft. of platted easements in Lots 9 and 10, Block 160, Unit 4, Part 2, Cape Coral Subdivision. The ROW and platted easements are a narrow unexcavated strip of land between the seawall and the western property line of the parcel, with no value for transportation, access, water management or utility functions. The vacation will extend the property line to the seawall. The address is 5322 Bayside Court, Cape Coral, 33904.

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, Development Services Director- interim (239) 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
Department

ATTACHMENTS:

Description	Type
▣ Novus Packet	Backup Material



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

For Internal Use Only

Case _____

Date _____

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

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

VACATIONS REQUIREMENTS

1. ☐ Application, Acknowledgement Form, Authorization to Represent.
 - All forms must be filled out completely and legible.
 - All forms must be signed by the property owner(s) and must be notarized.
 - If the owner does not own the property in his/her personal name (e.g. LLC, trust, etc.), the owner must sign all applicable forms in his/her corporate capacity.
 - If the authorized representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney, and an Authorization to Represent Property Owner Form is not required.
2. ☐ Letter of intent clearly identifying the request and why the vacation is sought.
3. ☐ Proof of title to the tract or parcel of land covered by the plat or, of the plat of which vacation is sought.
4. ☐ Letters of approval from the following utility companies:

LCEC (Electric)	Century Link (Telephone)	Comcast (Cable)
Steve Sousa	Bill Paul	Timothy Green
Right-of-Way Agent	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
steve.sousa@lcec.net	William.d.paul@centurylink.com	Timothy_Green@Comcast.com
PH: (239) 656-2228	PH: (727) 449-3544	PH: (239) 707-3998

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



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VACATIONS OF PLAT REQUEST TO THE HEARING EXAMINER AND CITY COUNCIL

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise the case may be continued to a future hearing date.

If the vacation is approved, the applicant shall be responsible for reimbursing the City to record the final resolution or ordinance with the Lee County Clerk of Court. Until these fees are paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the City from issuing any applicable building permits, site plans, or certificates of occupancy for any property covered by the resolution or ordinance.

PROPERTY INFORMATION	
Project Name: <u>Proposed Collentine Residence and Site Improvements</u>	
Location/Address <u>5322 Bayside Court Cape Coral, FL 33904</u>	
Strap Number <u>23-45-23-C2-00160.0090</u>	Unit <u>4</u> PT <u>2</u> Block <u>160</u> Lot (s) <u>9 + 10</u>
Strap Number _____	Unit _____ Block _____ Lot (s) _____
Plat Book <u>12</u> Page <u>13</u>	Future Land Use <u>SF</u> Current Zoning <u>R-1</u>
PROPERTY OWNER (S) INFORMATION	
Owner <u>Thomas Collentine</u>	Address <u>PO Box 701</u>
Phone <u>508 561-4737</u>	City <u>Southborough</u>
Email <u>tom.collentine@gmail.com</u>	State <u>MA</u> Zip <u>01772</u>
Owner <u>Daisy Collentine</u>	Address <u>PO Box 701</u>
Phone <u>508 561-4737</u>	City <u>Southborough</u>
Email <u>tom.collentine@gmail.com</u>	State <u>MA</u> Zip <u>01772</u>
APPLICANT INFORMATION (If different from owner)	
Applicant <u>Thomas Collentine</u>	Address <u>4722 SE 17th Ave Suite 100271</u>
Phone <u>508 561-4737</u>	City <u>Cape Coral</u>
Email <u>tom.collentine@gmail.com</u>	State <u>FL</u> Zip <u>33910</u>
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative <u>Thomas Collentine</u>	Address <u>4722 SE 17th Ave Suite 100271</u>
Phone <u>508 561-4737</u>	City <u>Cape Coral</u>
Email <u>tom.collentine@gmail.com</u>	State <u>FL</u> Zip <u>33910</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.

(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)

Thomas Collentine

OWNER'S NAME (TYPE OR PRINT)

Thomas Collentine
OWNER'S SIGNATURE

Daisy Collentine

OWNER'S NAME (TYPE OR PRINT)

Daisy Collentine
OWNER'S SIGNATURE

Thomas Collentine

APPLICANT NAME (TYPE OR PRINT)

Thomas Collentine
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

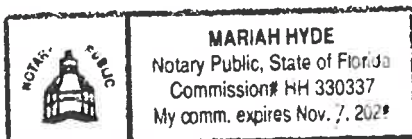
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online

notarization, on this 19 day of December, 2023 by Daisy/Thomas Collentine

know is personally known to me or produced Drivers Licenses as identification.

Exp Date: 11/07/2026 Commission Number: HH 330337



Signature of Notary Public:

Printed Name of Notary Public:

Mariah Hyde
Mariah Hyde



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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Fax (239) 574-0591
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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Thomas Collentine

(Name of person giving presentation)

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

Vacation of Plat

(Type of Public Hearing, PUD, Rezone, Special Exception, Vacation of Plat, Variance, etc.)

UNIT 4 PT 2 BLOCK 160 LOT(S) 9 + 10 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Daisy Collentine

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online

notarization, on this 19 day of December, 2023 by Daisy collentine

know is personally known to me or produced Drivers License as identification.

Exp Date: 11/07/2026 Commission Number: H14330337



Signature of Notary Public: Mariah Hyde

Printed Name of Notary Public: Mariah Hyde

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



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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 19 Day
of December, 2023.

CORPORATION/COMPANY NAME

Thomas Collentine

OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online

notarization, on this 19 day of December, 2023 by Thomas collentine

know is personally known to me or produced Drivers License as identification.

Exp Date: 11/07/2026 Commission Number: HH 330337

Signature of Notary Public:

Printed Name of Notary Public:



[Signature]

Mariah Hyde



DEPARTMENT OF DEVELOPMENT SERVICES
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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.

Thomas Collentine

OWNER/APPLICANT

(PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online

notarization, on this 19 day of December, 2023 by Thomas Collentine

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Exp Date: 11/07/26 Commission Number: HH 330337

Signature of Notary Public:

Printed Name of Notary Public:

Mariah Hyde



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.



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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 Community Development.
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.

December 28, 2023

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

RE: Letter of Intent – Rear Vacation of Plat – 5322 Bayside Court

To: Development Services Manager

I am requesting vacation of the rear portion of land between our property line and the seawall. The vacation will allow for a more suitable rebuilding area of our home destroyed by Hurricane Ian, and increase the tax base for the City of Cape Coral. I am 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 application, warranty deed, letters of no objections from the utility companies and sketches and legal descriptions of the areas proposed to be vacated.

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

Sincerely,

Thomas Collentine

INSTR # 2010000077031, Doc Type D, Pages 2, Recorded 03/26/2010 at 11:15 AM,
Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D \$1925.00 Rec. Fee
\$18.50 Deputy Clerk NFERGUSON

Prepared By:
Lauren Harmon
Security Title and Trust, Inc.
12820 Kenwood Lane, Suite 4
Fort Myers FL 33907
File No. 1-10-0009
Parcel ID Number: 23-45-23-C2-00160.0090

Warranty Deed

This Indenture, Made this 13th day of March, 2010 A.D. Between

David Foster and Vicki Foster, husband and wife
whose address is: P.O. Box 100976 Cape Coral, FL 33910
Grantors, and

Thomas Collentine and Daisy Collentine, husband and wife
whose address is: P.O. Box 701 Southborough, MA 01772
of the County of Worcester, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of
-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the
receipt whereof is hereby acknowledged, have granted, bargained and sold to the said
GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described
land, situate, lying and being in the County of Lee State of Florida to wit:

Lots 9 and 10, Block 160, Cape Coral Unit Four Part Two,
according to the map or plat thereof as recorded in Plat Book 12,
pages 13 through 22 inclusive, of the Public Records of Lee
County, Florida.

and the grantors do hereby fully warrant the title to said land, and will defend the same against
lawful claims of all persons whomsoever.

Warranty Deed continued

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Signature

Printed Name:

Witness #2 Signature

Printed Name:

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 13th day of March, 2010 by David Foster and Vicki Foster, husband and wife who are personally known to me.

seal/stamp



Notary Public Signature

Printed Name:

My Commission Expires:

1/5/2024

Thomas & Daisy Collentine
4722 SE 17TH AVE, Suite 100271
Cape Coral, FL 33910-2513

P860061
No Reservations/No Objection

SUBJECT: The intent of this request appears to be for a vacation of a Portion of Bimini Canal Right-of-Way (Exhibit "A") and the vacation of a Portion of Public Utility and Drainage Easement (Exhibit "B"), Lot 9 and Lot 10, Block 160, Cape Coral Unit Four, Part Two, Recorded in Lee County Public Records Plat Book 12, Pages 12-22.

To Whom It May Concern:

CenturyLink of Florida, Inc., ("CenturyLink") has reviewed the request. CenturyLink Engineering has no Reservations with this request.

It is the intent and understanding of CenturyLink that this Encroachment shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This encroachment response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the abandonment area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions, please contact Bill Paul 727-449-3544 or bill.paul@lumen.com.

Sincerely yours,

Network Infrastructure Services
CenturyLink of Florida, Inc.
P860061

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

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

VACATION OF A PORTION OF BIMINI CANAL RIGHT-OF-WAY, CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PORTION OF LAND LYING IN A PORTION OF THE BIMINI CANAL RIGHT-OF-WAY, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PORTION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO, FOR A POINT OF BEGINNING;
THENCE RUN WEST TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE SEAWALL, FOR 2.51 FEET; THENCE RUN N.00°12'28"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN EAST TO THE NORTHWEST CORNER OF LOT 9, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO, FOR 2.80 FEET; THENCE RUN SOUTH TO THE AFORESAID SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO, FOR 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 212.4 SQUARE FEET, MORE OR LESS.

Phillip M Mould,
LS6515, State
of Florida

Digitally signed
by Phillip M
Mould, LS6515,
State of Florida
Date: 2023.12.28
12:30:06 -05'00'

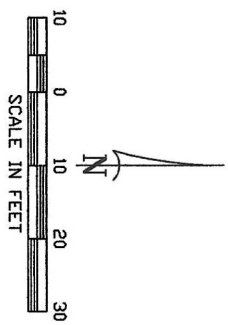
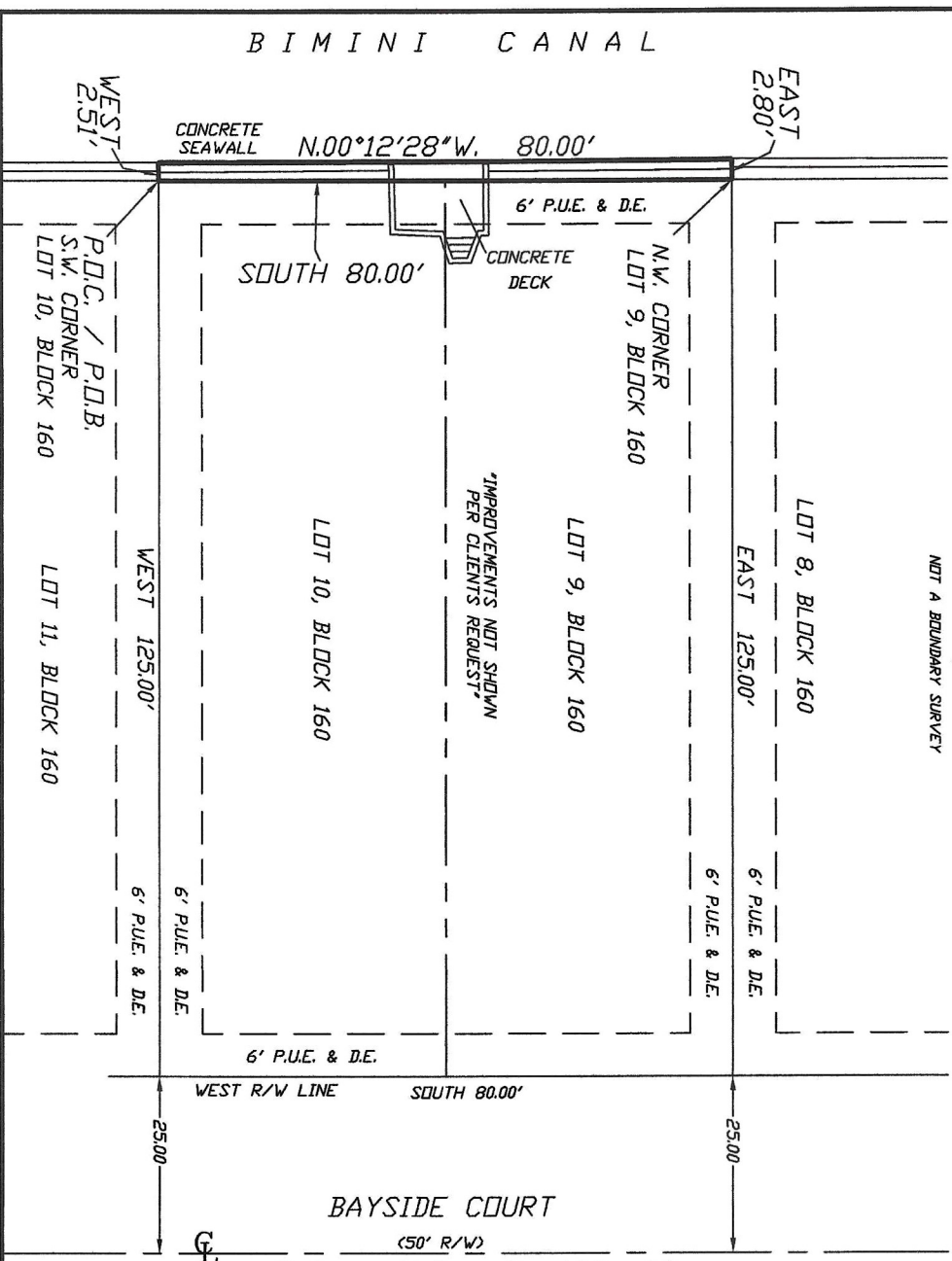
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

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

DRAWN: PMM	CHECK: FBH	PROJ. # CC-U4-160-9
SKETCH DATE: 12/27/2023	FILE NO. 45-23-14	SHT.-2 OF - 2

SKETCH TO ACCOMPANY DESCRIPTION (PROPOSED)
 VACATION OF A PORTION OF BIMINI CANAL RIGHT-OF-WAY,
 CAPE CORAL UNIT FOUR, PART TWO,
 (PLAT BOOK 12, PAGES 13-22)
 SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA
 NOT A BOUNDARY SURVEY

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



- LEGEND:**
- R/W RIGHT OF WAY
 - P.U.E. & D.E. PUBLIC UTILITY & DRAINAGE EASEMENT
 - P.D.C. POINT OF COMMENCEMENT
 - P.L.B. POINT OF BEGINNING

- SKETCH / DESCRIPTION NOTES:**
1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF BAYSIDE COURT AS BEING SOUTH.
 2. FIELD NOTES IN CAPE CORAL, BLOCK 160.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
 6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.501, FS 472.0251, 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 9. THE SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.

HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD, S.W. CAPE CORAL, FL 33904 PHONE (239) 257-2634 FAX (239) 257-2921			
CERTIFICATE OF AUTHORIZATION L86921			
DRAWN	CHECK	SCALE	PROJ. #
PMH	FBH	1"=20'	CC-04-160-9
SKETCH DATE	FILE NO.	SHT. - 1	
12/27/2023	45-23-14	OF - 2	

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH

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

VACATION OF A PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT, IN LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PORTION OF LAND LYING IN A PORTION OF LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PORTION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO; THENCE RUN NORTH FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH FOR 68.00 FEET; THENCE RUN EAST 6.00 FEET; THENCE RUN SOUTH FOR 68.00 FEET; THENCE RUN WEST FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 408.0 SQUARE FEET, MORE OR LESS.

Phillip M Mould, LS6515, State of Florida	Digitally signed by Phillip M Mould, LS6515, State of Florida Date: 2023.12.28 12:31:04 -05'00'
--	--

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

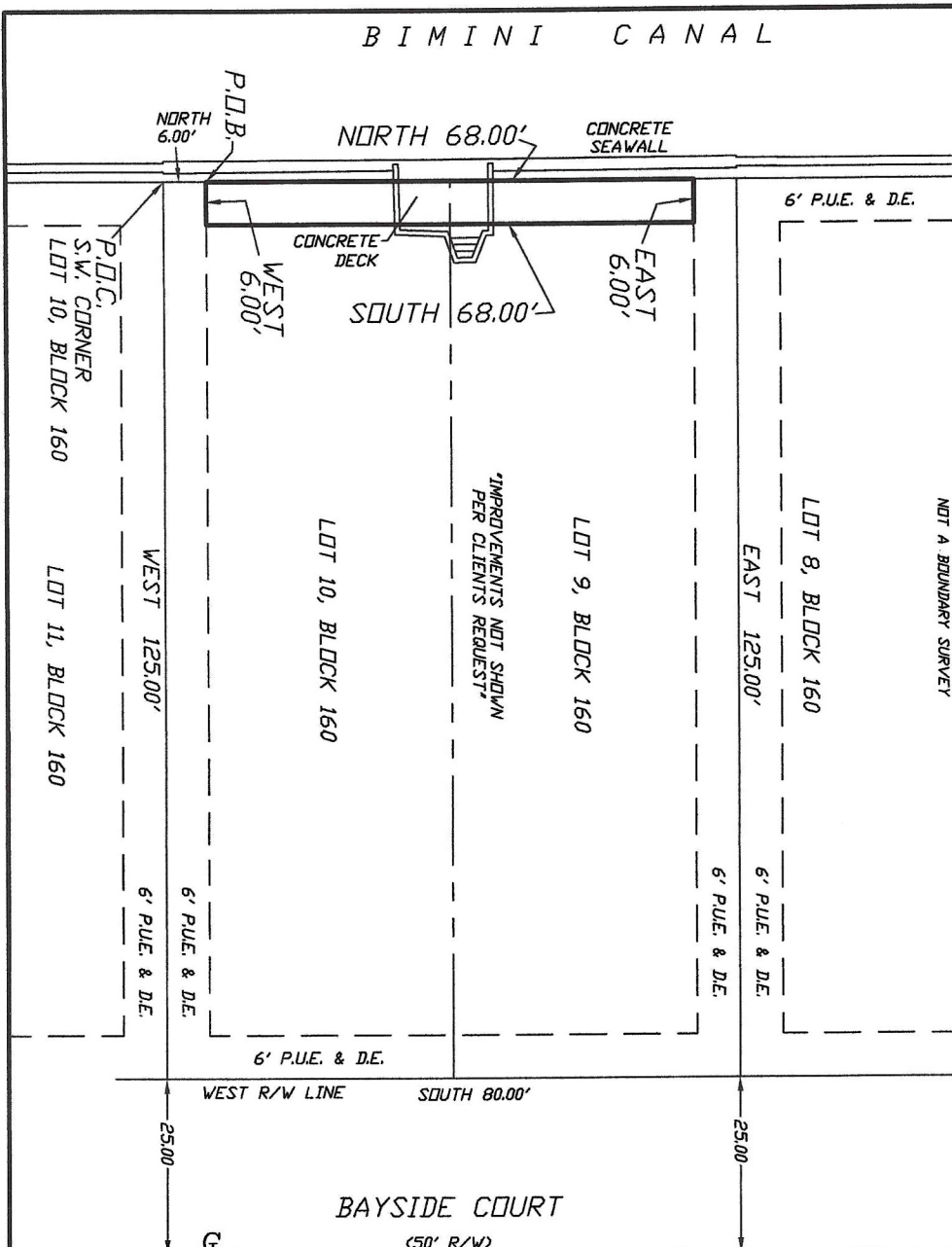
HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DRAWN: PMM	CHECK: FBH	PROJ. # CC-U4-160-9
SKETCH DATE: 12/27/2023	FILE NO. 45-23-14	SHT.-2 OF - 2

SKETCH TO ACCOMPANY DESCRIPTION PROPOSED
DIVISION OF PUBLIC UTILITY AND DRILL
LOT 10, BLOCK 160, CAPE CORAL UNIT
PLAT BOOK 12, PAGES 13-22
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA
NOT A BOUNDARY SURVEY

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

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF BAYSIDE COURT AS BEING SOUTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 160.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORDED.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAN IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.50, FS 478.025, 5.1-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THE SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.



HARRIS-JURGENSEN, LLC 3048 DEL PALMO BLVD. S. #100 CAPE CORRAL, FLORIDA 33904 PHONE: (239) 857-8624 FAX: (239) 857-2921			
CERTIFICATE OF AUTHORIZATION LB5921			
DRAWN	CHECK	SCALE	PROJ. #
PMW	FBI	1"=20'	CC-04-160-9
SKETCH DATE		SHEET - 1	
12/27/2023		OF - 2	



November 27th, 2023

Attn: Thomas & Daisy Collentine

RE- Letter of Review and Recommendation – Vacation Utility Easement
5322 Bayside Ct Cape Coral FL, 33904 Strap: 23-45-C2-00160.0090

Dear Mr. Collentine,

Thank you for contacting Comcast regarding your proposed vacation. This is to inform you that Comcast does not have facilities within the site's development area. We currently do not have an 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

December 29, 2023

Thomas Collentine
4722 SE 17th Avenue, Suite 100271
Cape Coral, Florida 33910

Re: Letter of No Objection to Vacation of Canal Right of Way and Platted Easements- **5322 Bayside Court, Cape Coral FL 33904**; Lots 9 and 10, Blk. 160, Cape Coral Subdivision, Unit 4 Part 2, Plat Book 12, Page 13, Owner: Thomas and Daisy Collentine, PO Box 701 Southborough, MA 01772

Dear Mr. Collentine:

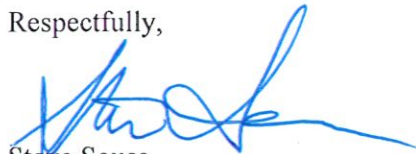
You have opened up discussions with LCEC concerning proposed easements contained within the aforementioned subdivision plat.

We have reviewed your request, submitted related documents, and our internal files. **LCEC has no objection** to the vacation of the Canal Right-of-Way and Platted Easements, as created by Phillip M. Mould, PSM, dated, 12/28/2023 known as Project 45-23-14.

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 you have any questions, please contact me at 239-656-2228, or if you prefer steve.sousa@lcec.net.

Respectfully,



Steve Sousa
Right-of-Way Agent

LEE COUNTY ELECTRIC COOPERATIVE, INC.

RE:400856082

AS-BUILT SURVEY OF
LOTS 9 & 10, BLOCK 160,
CAPE CORAL,
UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

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
- D.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 CENTERLINE
- R.W.B. RECLAIM WATER BOX
- W.M. WATER METER
- D/H WATER 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' TYPICAL ELEVATION
- A/C AIR CONDITIONER
- W.S. WATER SYSTEM
- P.E. POOL EQUIPMENT
- CMP CORRUGATED METAL PIPE
- CONCRETE DRAINAGE ARROW

SURVEY NOTES:

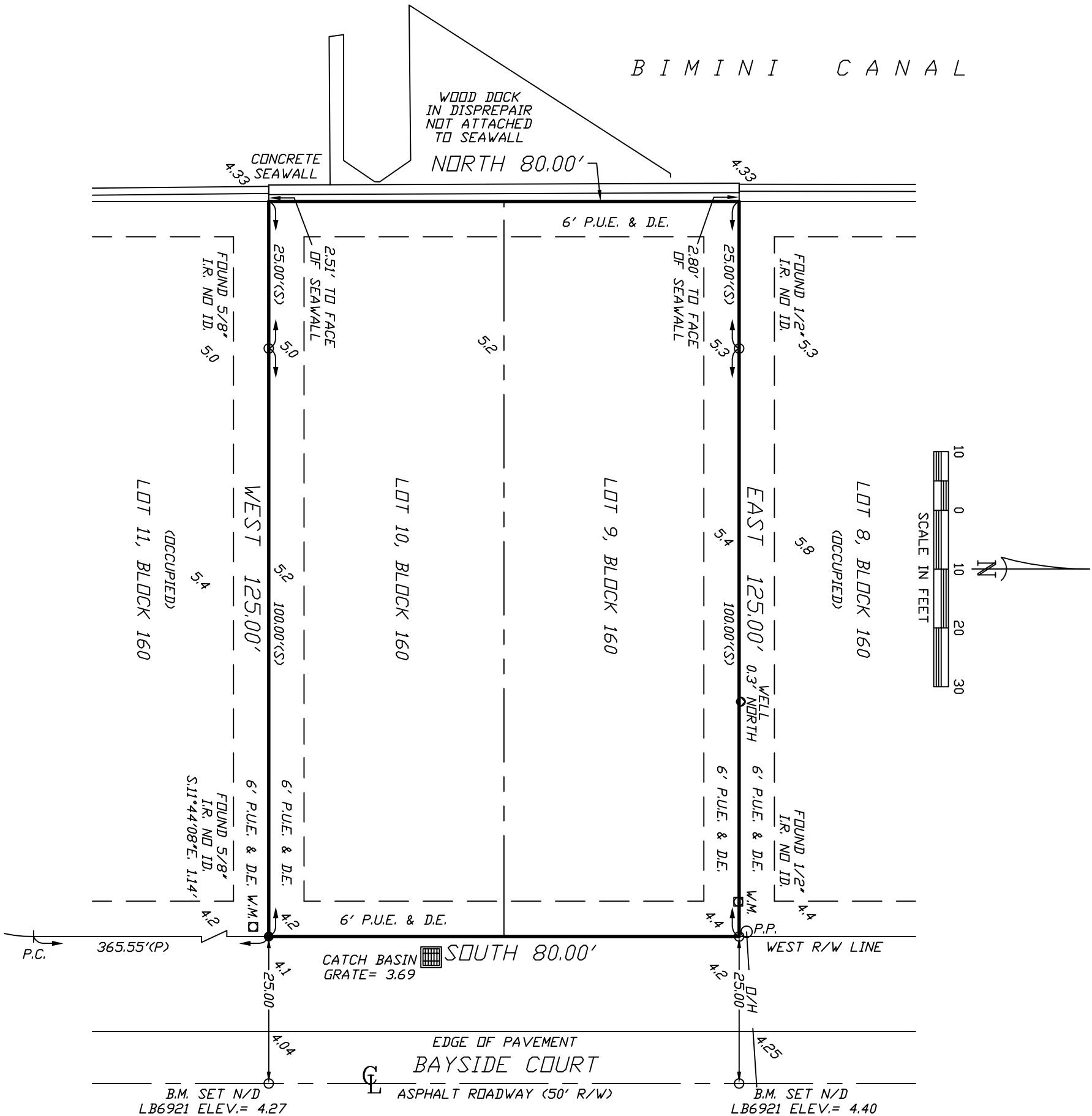
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF BAYSIDE COURT, AS BEING SOUTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 160.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
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7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.501, FS 472.0251, SJ-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 433-73-01, ELEVATION 4.39 NGVD 1929, 3.21 NAVD 1988.

FLOOD ZONE: 'AE' ELEVATION: 8' NAVD 1988
& 'AE' ELEVATION: 10' NAVD 1988
COMMUNITY No.: 125095 PANEL No.: 0411
SUFFIX --- G REVISION DATE: 11/17/2022
MAP NUMBER: 12071C0411G

THIS SURVEY IS CERTIFIED TO:
THOMAS AND DAISY COLENTINE
TRACEY QUALITY BUILDING INC.

REVISED:	DESCRIPTION:	BY:	
DATE OF LAST FIELD WORK: 12/26/23			PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA
DRAWN:	CHECK:	SCALE	PRD. #
JPB	PMW	1"=20'	CC-U4-160-9
SURVEY DATE	FILE NO.	SHT. - 1	
12/26/23	45-23-23	DF - 1	
HARRIS-JORGENSEN, LLC, 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			

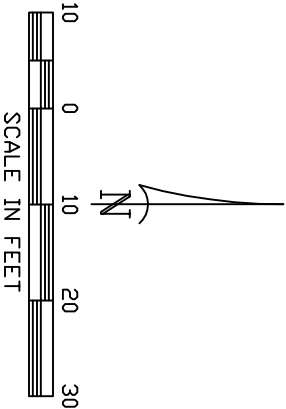
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921



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

SKETCH TO ACCOMPANY DESCRIPTION (PROPOSED)
VACATION OF A PORTION OF BIMINI CANAL RIGHT-OF-WAY,
CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA
NOT A BOUNDARY SURVEY

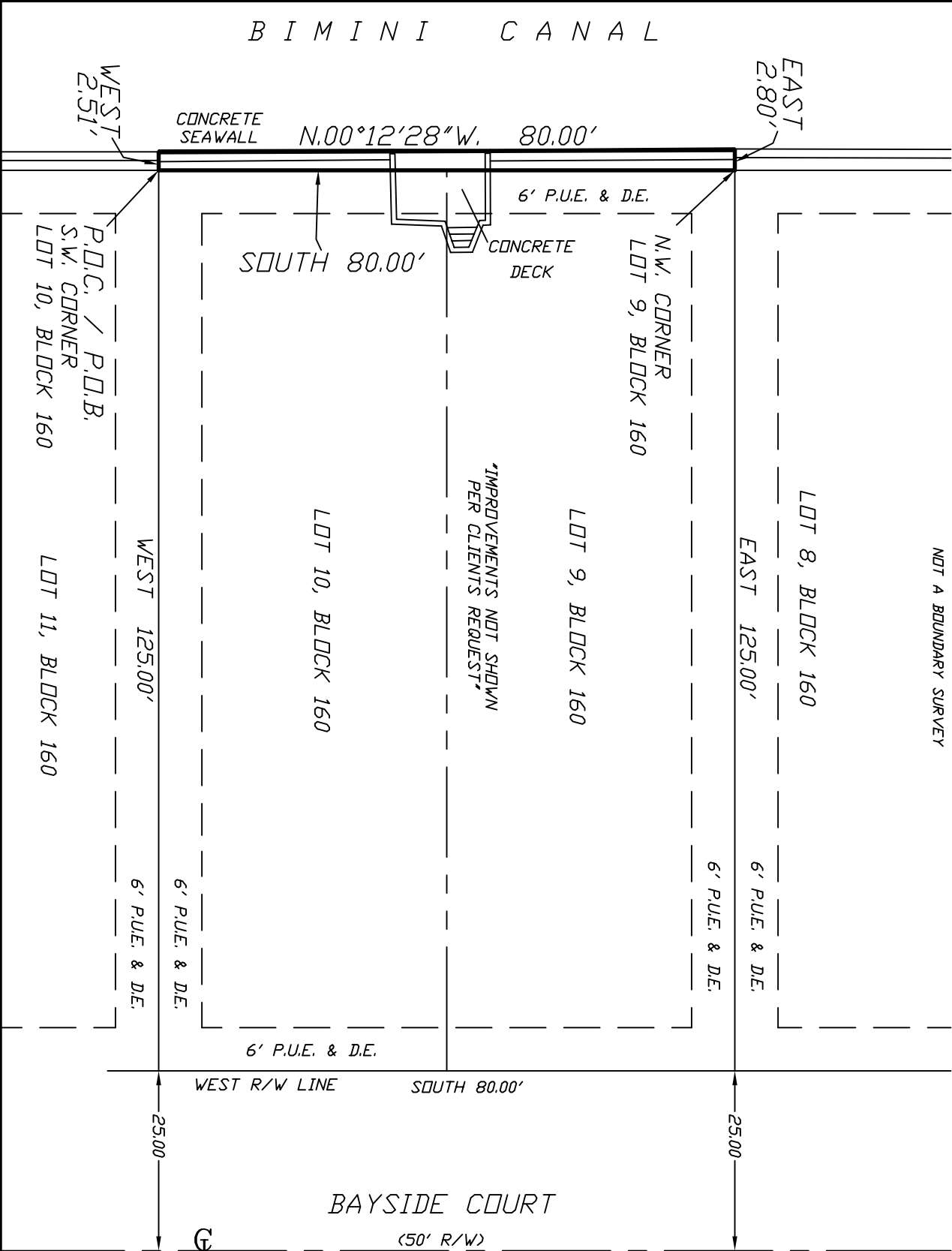


LEGEND:

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

SKETCH / DESCRIPTION NOTES:

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF BAYSIDE COURT AS BEING SOUTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 160.
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HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD, S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
CERTIFICATE OF AUTHORIZATION LB6921			
DRAWN:	CHECK:	SCALE:	PROJ. #
PMW	FBH	1"=20'	CC-04-160-9
SKETCH DATE	FILE NO.	SHT. - 1	OF - 2
12/27/2023	45-23-14		

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

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

VACATION OF A PORTION OF BIMINI CANAL RIGHT-OF-WAY, CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PORTION OF LAND LYING IN A PORTION OF THE BIMINI CANAL
RIGHT-OF-WAY, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12,
PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PORTION,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL
UNIT FOUR, PART TWO, FOR A POINT OF BEGINNING;
THENCE RUN WEST TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE
SEAWALL, FOR 2.51 FEET; THENCE RUN N.00°12'28"W. ALONG SAID WATERS EDGE FACE
OF SEAWALL FOR 80.00 FEET; THENCE RUN EAST TO THE NORTHWEST CORNER OF LOT
9, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO, FOR 2.80 FEET; THENCE RUN
SOUTH TO THE AFORESAID SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE
CORAL UNIT FOUR, PART TWO, FOR 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 212.4 SQUARE FEET, MORE OR LESS.

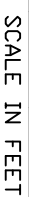
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

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

DRAWN: PMM	CHECK: FBH	PROJ. # CC-U4-160-9
SKETCH DATE: 12/27/2023	FILE NO. 45-23-14	SHT.-2 OF - 2

SKETCH TO ACCOMPANY DESCRIPTION (PROPOSED)
 EXTENSION OF PUBLIC UTILITY AND DRAINAGE
 DISTRICT NO. 10, BLOCK 160, CAPE CORAL UNIT
 (PLAT BOOK 12, PAGES 13-22)
 SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA
 NOT A BOUNDARY SURVEY

NOT A BOUNDARY SURVEY

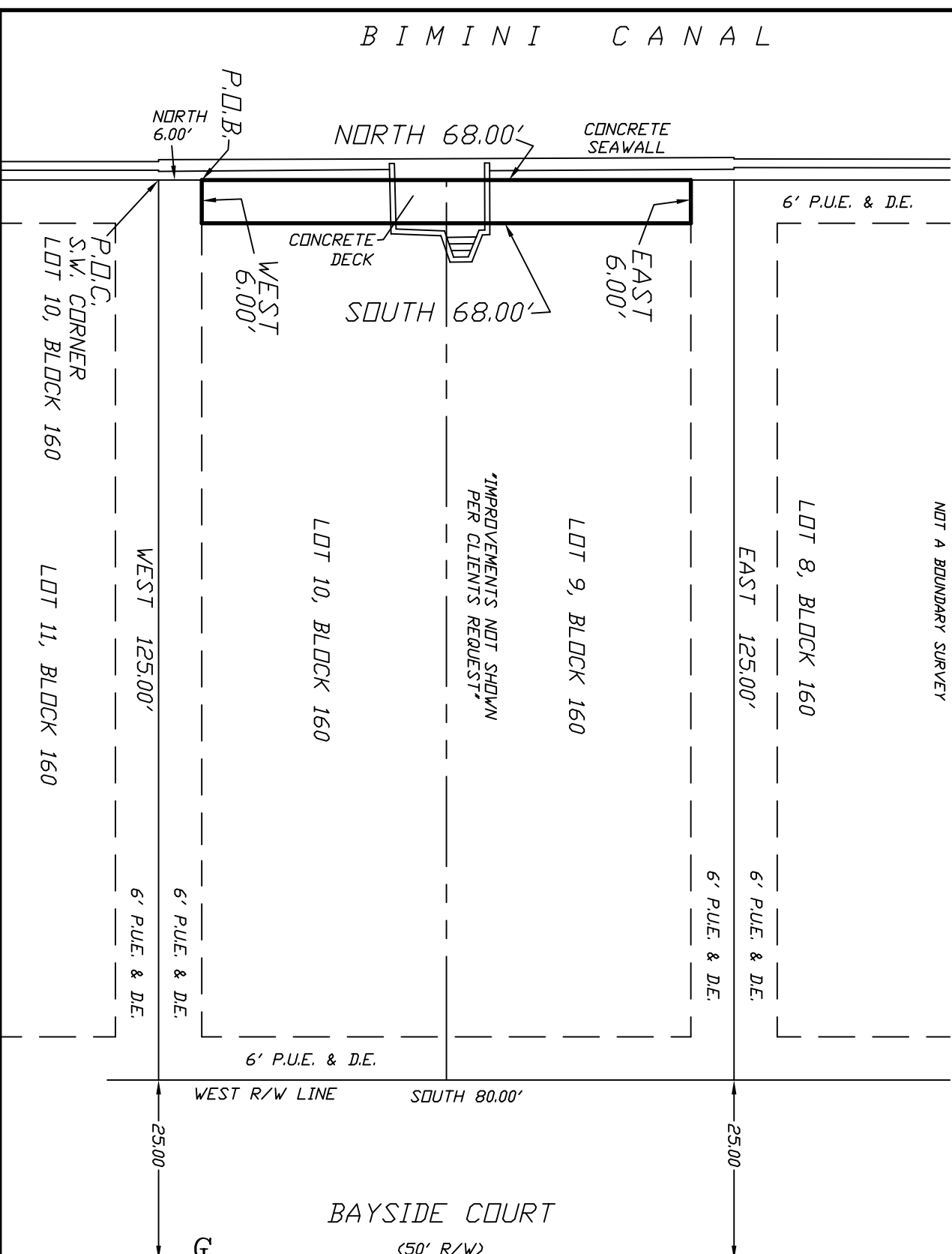


LEGEND:

- Centerline**

SKETCH / DESCRIPTION NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF BAYSIDE COURT AS BEING SOUTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 160.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
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HARRIS-JORGENSEN, LLC 3048 DEL PRADO BL VD, S #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-6624 FAX: (239) 257-2921			
CERTIFICATE OF AUTHORIZATION: LB6921			
DRAWN:	CHECK:	SCALE	PRD. #
PMM	FHM	1"=20'	CC-U4-160-9
SKETCH DATE		FILE NO.	SHT - 1
12/27/2023		45-23-14	DF - 2

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH

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

(PROPOSED)

VACATION OF A PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT, IN LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PORTION OF LAND LYING IN A PORTION OF LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PORTION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO; THENCE RUN NORTH FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH FOR 68.00 FEET; THENCE RUN EAST 6.00 FEET; THENCE RUN SOUTH FOR 68.00 FEET; THENCE RUN WEST FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 408.0 SQUARE FEET, MORE OR LESS.

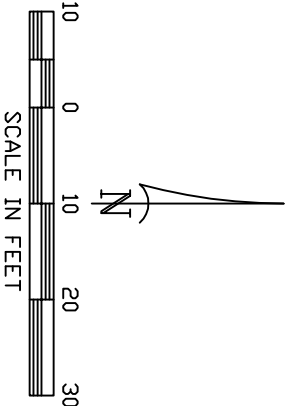
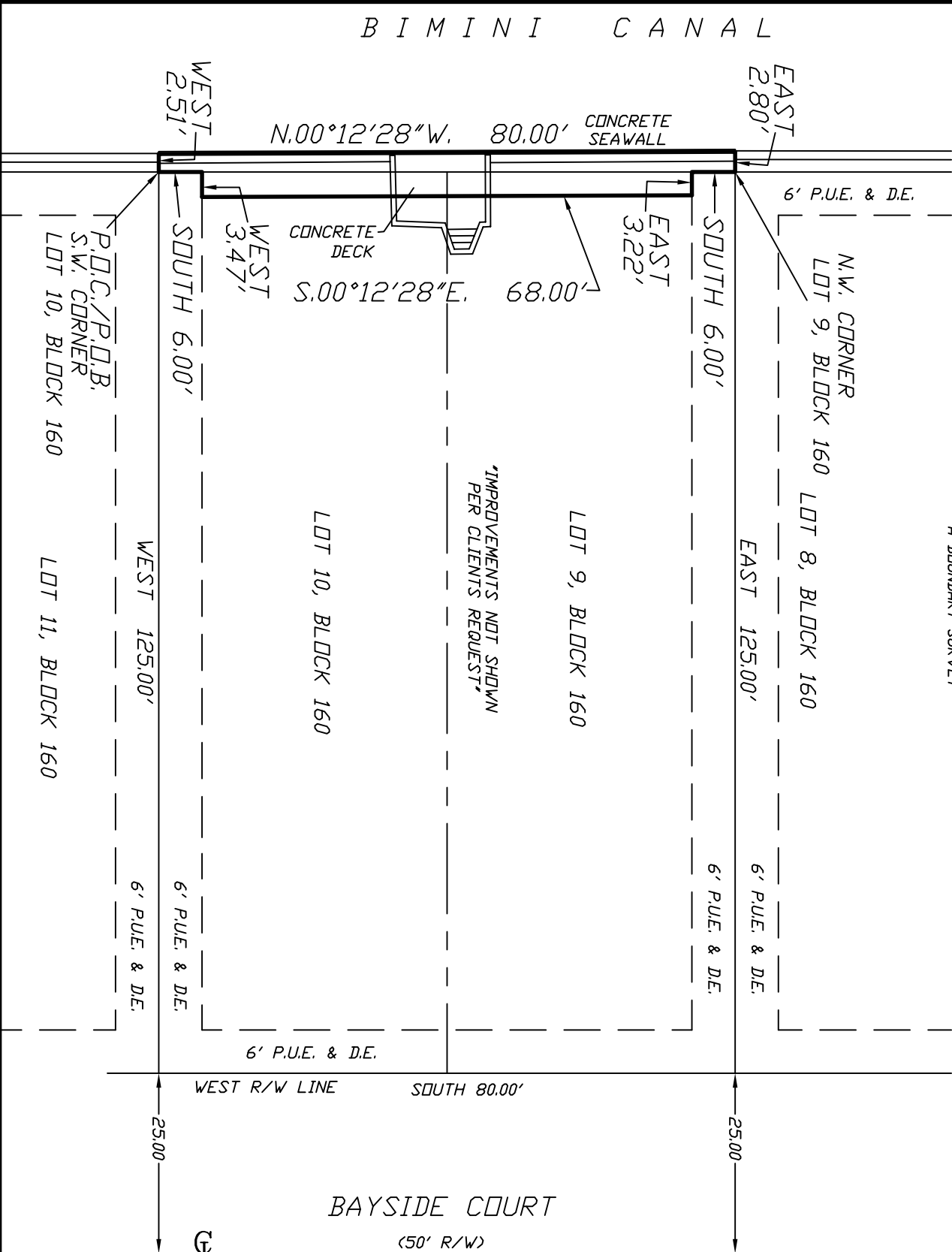
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

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

DRAWN: PMM	CHECK: FBH	PROJ. # CC-U4-160-9
SKETCH DATE: 12/27/2023	FILE NO. 45-23-14	SHT.-2 OF - 2

SKETCH TO ACCOMPANY DESCRIPTION (PROPOSED)
**PUBLIC UTILITY AND DRAINAGE EASEMENT, IN LOT 9,
AND LOT 10, BLOCK 160, AND BIMINI CANAL,
CAPE CORAL UNIT FOUR, PART TWO,**

PLAT BOOK 12, PAGES 13-22) SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA NOT
A BOUNDARY SURVEY



LEGEND:

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

SKETCH / DESCRIPTION NOTES:

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF BAYSIDE COURT AS BEING SOUTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 160.
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HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
CERTIFICATE OF AUTHORIZATION LB6921			
DRAWN	CHECK	SCALE	PROJ. #
PMW	FBH	1"=20'	CC-04-160-9
SKETCH DATE	FILE NO.	SHT. - 1	OF - 2
12/27/2023	45-23-14		

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH

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

(PROPOSED)

PUBLIC UTILITY AND DRAINAGE EASEMENT, IN LOT 9, AND LOT 10, BLOCK 160, AND BIMINI CANAL, CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)

SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PORTION OF LAND LYING IN A PORTION OF THE BIMINI CANAL
RIGHT-OF-WAY, AND LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART
TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY,
FLORIDA, SAID PLOT OR PORTION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL
UNIT FOUR, PART TWO, FOR A POINT OF BEGINNING;
THENCE RUN WEST TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE
SEAWALL, FOR 2.51 FEET; THENCE RUN N.00°12'28"W. ALONG SAID WATERS EDGE FACE
OF SEAWALL FOR 80.00 FEET; THENCE RUN EAST TO THE NORTHWEST CORNER OF LOT
9, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO, FOR 2.80 FEET; THENCE RUN
SOUTH FOR 6.00 FEET; THENCE RUN EAST FOR 3.22 FEET; THENCE RUN SOUTH FOR
68.00 FEET; THENCE RUN WEST FOR 3.47 FEET; THENCE RUN SOUTH TO THE
AFDRESAID SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL UNIT FOUR,
PART TWO, FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 439.86 SQUARE FEET, MORE OR LESS.

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

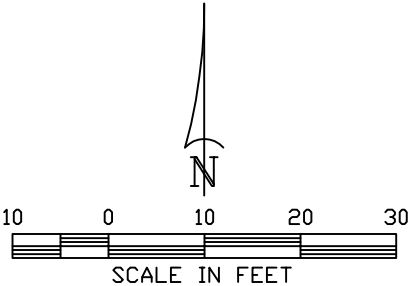
HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DRAWN: PMM	CHECK: FBH	PROJ. # CC-U4-160-9
SKETCH DATE: 12/27/2023	FILE NO. 45-23-14	SHT.-2 OF - 2

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

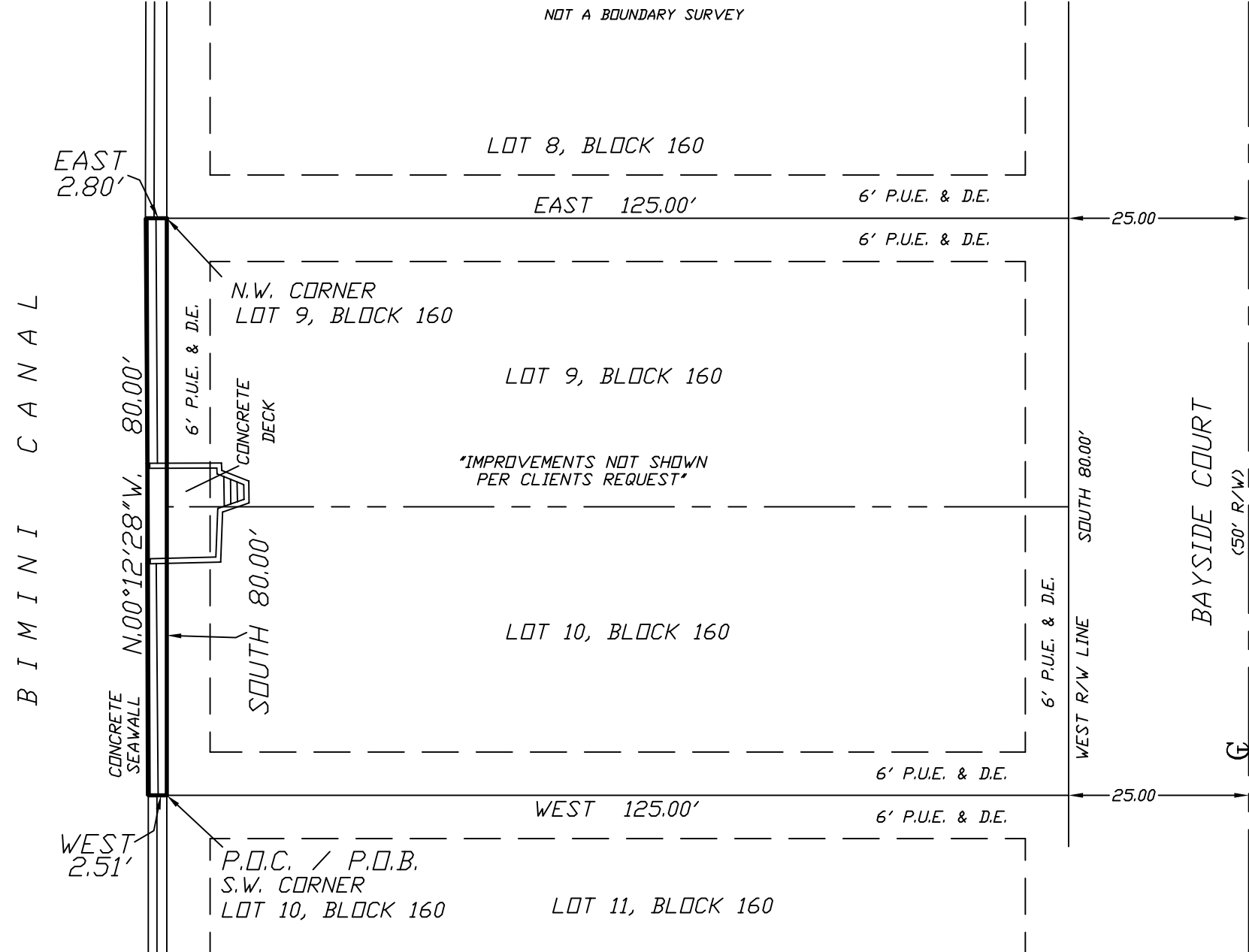
SKETCH TO ACCOMPANY DESCRIPTION (PROPOSED)
VACATION OF A PORTION OF BIMINI CANAL RIGHT-OF-WAY,
CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA
NOT A BOUNDARY SURVEY



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

- SKETCH / DESCRIPTION NOTES:**
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF BAYSIDE COURT AS BEING SOUTH.
 2. FIELD NOTES IN CAPE CORAL, BLOCK 160.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
 6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 7. THIS MAP/PLAT IS 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. THE SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 20 SCALE DRAWING.



HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
CERTIFICATE OF AUTHORIZATION: LB6921			
DRAWN: PMM	CHECK: FBH	SCALE: 1"=20'	PROJ. # CC-U4-160-9
SKETCH DATE 12/27/2023		FILE NO. 45-23-14	SHT.- 1 OF - 2

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

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

VACATION OF A PORTION OF BIMINI CANAL RIGHT-OF-WAY,
CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

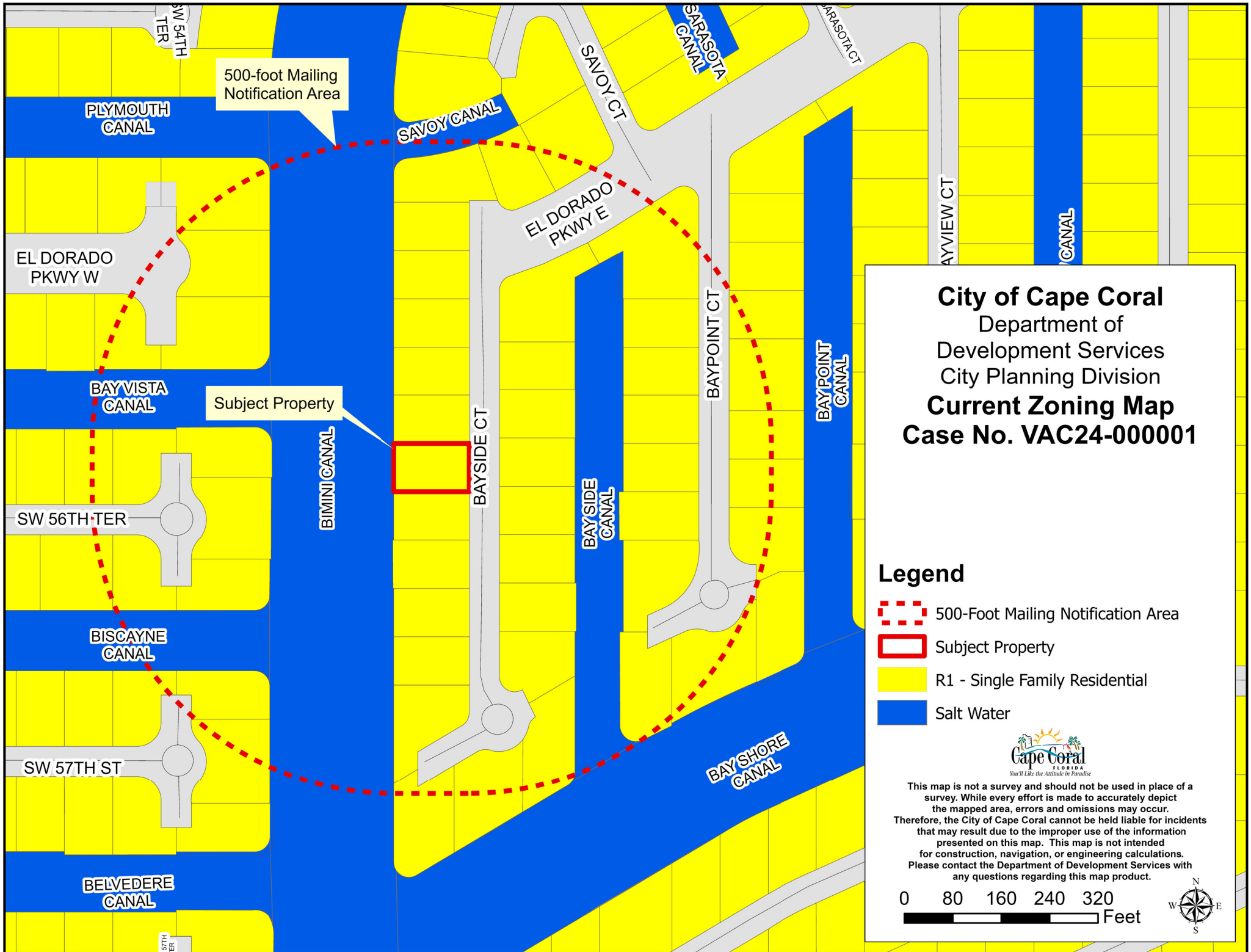
A PLOT OR PORTION OF LAND LYING IN A PORTION OF THE BIMINI CANAL
RIGHT-OF-WAY, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12,
PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PORTION,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL
UNIT FOUR, PART TWO, FOR A POINT OF BEGINNING;

THENCE RUN WEST TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE
SEAWALL, FOR 2.51 FEET; THENCE RUN N.00°12'28"W. ALONG SAID WATERS EDGE FACE
OF SEAWALL FOR 80.00 FEET; THENCE RUN EAST TO THE NORTHWEST CORNER OF LOT
9, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO, FOR 2.80 FEET; THENCE RUN
SOUTH TO THE AFORESAID SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE
CORAL UNIT FOUR, PART TWO, FOR 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 212.4 SQUARE FEET, MORE OR LESS.

Phillip M Mould, LS6515, State of Florida		Digitally signed by Phillip M Mould, LS6515, State of Florida Date: 2023.12.28 12:30:06 -05'00'	
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA			
HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
DRAWN: PMM	CHECK: FBH	PROJ. # CC-U4-160-9	
SKETCH DATE: 12/27/2023		FILE NO. 45-23-14	SHT.-2 OF - 2



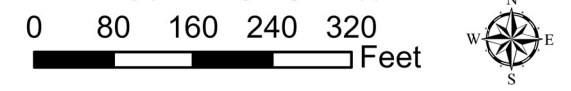
City of Cape Coral
Department of
Development Services
City Planning Division
Current Zoning Map
Case No. VAC24-000001

Legend

- 500-Foot Mailing Notification Area
- Subject Property
- R1 - Single Family Residential
- 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.

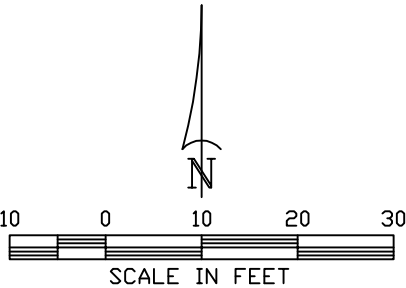


B I M I N I C A N A L

SKETCH TO ACCOMPANY DESCRIPTION (PROPOSED)
VACATION OF A PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT,
IN LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART TWO,

(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA
NOT A BOUNDARY SURVEY

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

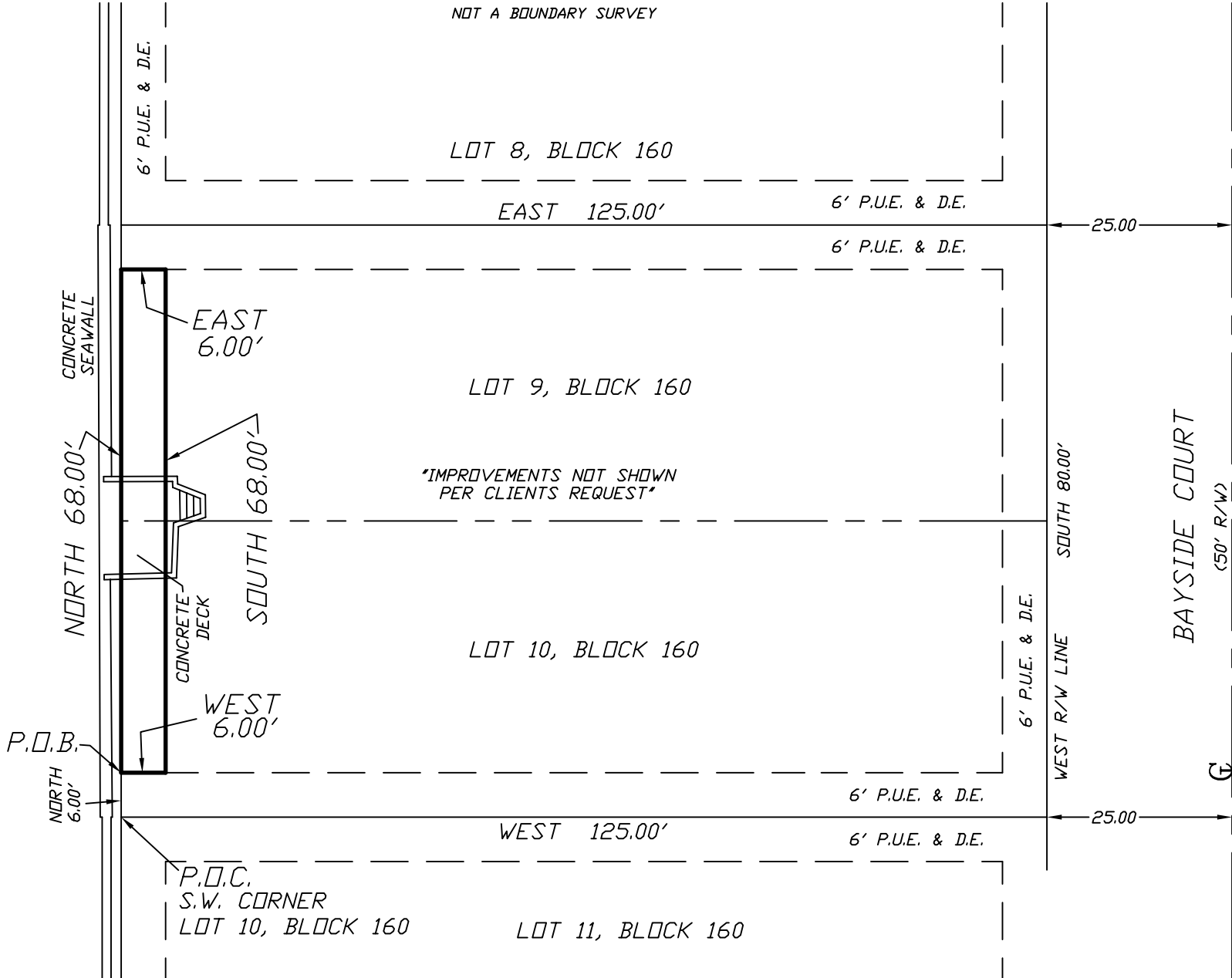


LEGEND:

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

SKETCH / DESCRIPTION NOTES:

1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF BAYSIDE COURT AS BEING SOUTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 160.
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.
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HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

CERTIFICATE OF AUTHORIZATION: LB6921

DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U4-160-9
SKETCH DATE 12/27/2023		FILE NO. 45-23-14	SHT.- 1 OF - 2

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH

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

(PROPOSED)

**VACATION OF A PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT,
IN LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART TWO,**(PLAT BOOK 12, PAGES 13-22)
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PORTION OF LAND LYING IN A PORTION OF LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PORTION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO; THENCE RUN NORTH FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH FOR 68.00 FEET; THENCE RUN EAST 6.00 FEET; THENCE RUN SOUTH FOR 68.00 FEET; THENCE RUN WEST FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 408.0 SQUARE FEET, MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed
by Phillip M
Mould, LS6515,
State of Florida
Date: 2023.12.28
12:31:04 -05'00'

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

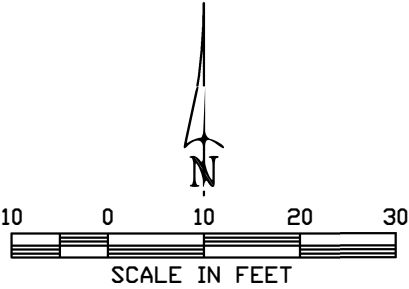
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DRAWN: PMM	CHECK: FBH	PROJ. # CC-U4-160-9
SKETCH DATE: 12/27/2023	FILE NO. 45-23-14	SHT.-2 OF - 2

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

SKETCH TO ACCOMPANY DESCRIPTION (PROPOSED)
**PUBLIC UTILITY AND DRAINAGE EASEMENT, IN LOT 9,
AND LOT 10, BLOCK 160, AND BIMINI CANAL,
CAPE CORAL UNIT FOUR, PART TWO,**

(PLAT BOOK 12, PAGES 13-22) SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA NOT
A BOUNDARY SURVEY



LEGEND:

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

SKETCH / DESCRIPTION NOTES:

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HARRIS-JORGENSEN, LLC
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CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

CERTIFICATE OF AUTHORIZATION: LB6921

DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U4-160-9
SKETCH DATE 12/27/2023		FILE NO. 45-23-14	SHT.- 1 OF - 2

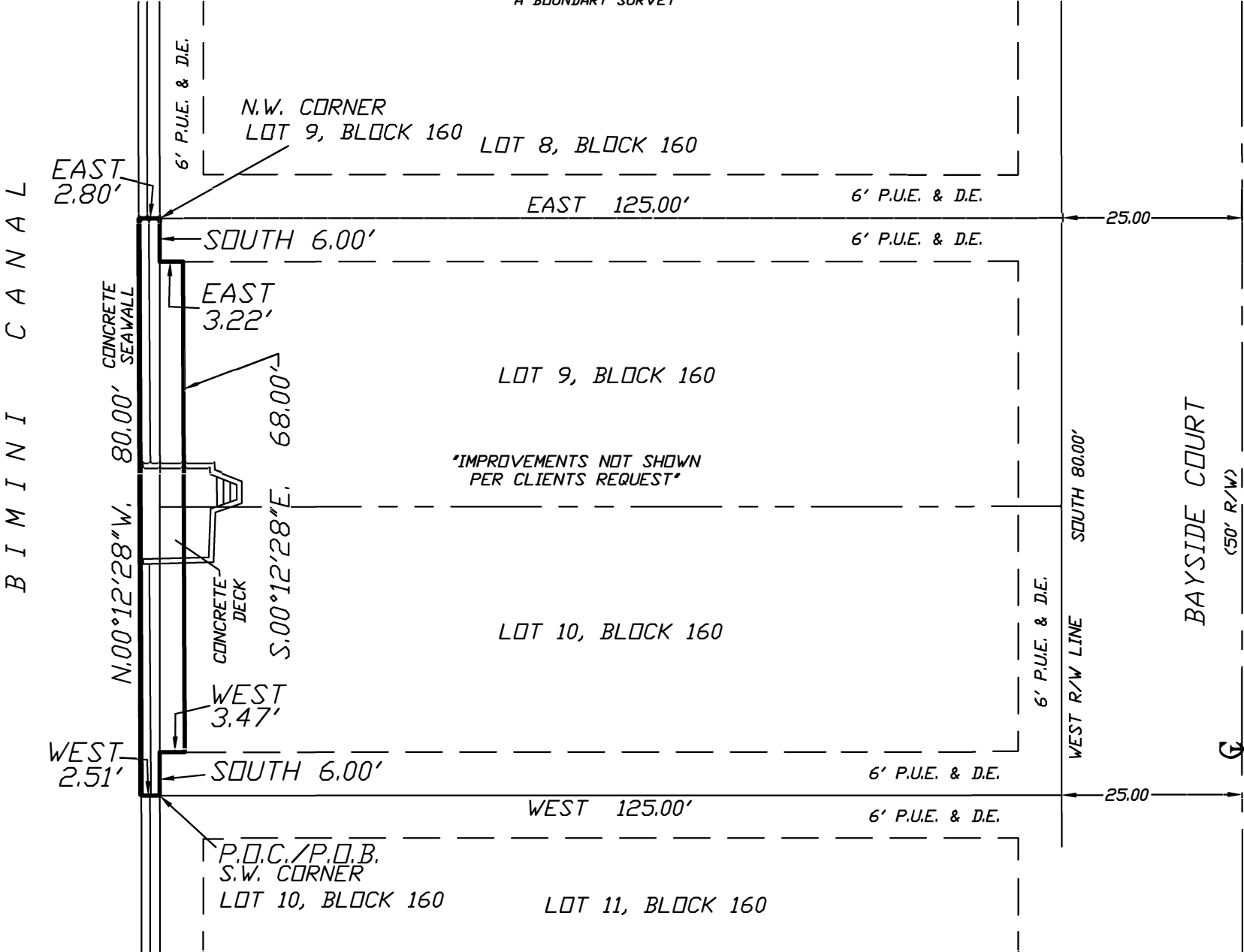


EXHIBIT "C"**DESCRIPTION TO ACCOMPANY SKETCH**

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

(PROPOSED)

**PUBLIC UTILITY AND DRAINAGE EASEMENT, IN
LOT 9, AND LOT 10, BLOCK 160, AND BIMINI
CANAL, CAPE CORAL UNIT FOUR, PART TWO,**

(PLAT BOOK 12, PAGES 13-22)

SECTION 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PORTION OF LAND LYING IN A PORTION OF THE BIMINI CANAL
RIGHT-OF-WAY, AND LOT 9, AND LOT 10, BLOCK 160, CAPE CORAL UNIT FOUR, PART
TWO, AS RECORDED IN PLAT BOOK 12, PAGES 13-22, PUBLIC RECORDS OF LEE COUNTY,
FLORIDA, SAID PLOT OR PORTION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL
UNIT FOUR, PART TWO, FOR A POINT OF BEGINNING;
THENCE RUN WEST TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE
SEAWALL, FOR 2.51 FEET; THENCE RUN N.00°12'28"W. ALONG SAID WATERS EDGE FACE
OF SEAWALL FOR 80.00 FEET; THENCE RUN EAST TO THE NORTHWEST CORNER OF LOT
9, BLOCK 160, SAID CAPE CORAL UNIT FOUR, PART TWO, FOR 2.80 FEET; THENCE RUN
SOUTH FOR 6.00 FEET; THENCE RUN EAST FOR 3.22 FEET; THENCE RUN SOUTH FOR
68.00 FEET; THENCE RUN WEST FOR 3.47 FEET; THENCE RUN SOUTH TO THE
AFDRESAID SOUTHWEST CORNER OF LOT 10, BLOCK 160, SAID CAPE CORAL UNIT FOUR,
PART TWO, FOR 6.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 439.86 SQUARE FEET, MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed
by Phillip M
Mould, LS6515,
State of Florida
Date: 2023.12.28
12:32:22 -05'00'

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

HARRIS-JORGENSEN, LLC
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DRAWN: PMM	CHECK: FBH	PROJ. # CC-U4-160-9
SKETCH DATE: 12/27/2023	FILE NO. 45-23-14	SHT.-2 OF - 2

Planning Division Case Report

VAC24-000001

Review Date: February 26, 2024

Property Owners: Thomas and Daisy Collentine

Owner Address: PO Box 701
Southborough, MA, 01772

Requests: The owners request vacating:

1. 212.4 sq. ft. of canal right-of-way (ROW) adjacent to Lots 9 and 10, Block 160, Unit 4, Part 2, Cape Coral Subdivision.
2. 408.0 sq. ft. of platted easements occupying Lots 9 and 10, Block 160, Unit 4, Part 2, Cape Coral Subdivision.

Property Location: 5322 Bayside Ct
Cape Coral, Florida, 33904
Lots 9 and 10, Block 160, Unit 4, Part 2, Cape Coral Subdivision
Strap Number: 23-45-23-C2-00160.0090.

Prepared By: Candise Forde, Associate Planner

Approved By: Amy Yearsley, City Planning Manager

Recommendation: Approval with conditions

Urban Service: Infill

Property Description:

The applicant owns a two-lot platted site in southern Cape Coral, about 425 feet south of El Dorado Parkway East. The site is along the Bimini Canal, which has an estimated width of about 200 feet and has frontage along Bayside Court. The site has a Single-Family (SF) Future Land Use Classification and Single Family Residential (R-1) zoning. All sites to the north, east, west, and south 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.

Until this past year, the site had a single-family home. According to the Lee County Property Appraiser, this house was constructed in 1962. However, the dwelling was substantially damaged by Hurricane Ian. A demolition permit (DEMO23-000141) was issued by the City for razing this dwelling on September 28, 2023, and the site passed a final inspection on December 21.

Request:

The applicant requests to vacate unexcavated canal right-of-way (ROW) and platted easements adjacent to Bimini Canal. The vacation is sought to provide a more suitable building site for the construction of a new single-family dwelling. The applicant is seeking to vacate the 212.4 sq. ft. of unexcavated canal ROW, and 408.0 sq. ft. of platted easements, to extend the new rear property line of the site westward to the edge of Bimini 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 owners are eligible to file this vacation request as this application provides the following:

- Color of title or ownership of the site by the owners 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 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 property line and canal. This ROW is not part of the functioning canal system and therefore does not support mobility or provide a transportation benefit. Based on these factors, this ROW does not appear to have any foreseeable value for transportation purposes, access, water management, or utility functions.

- Platted easements requested to be vacated are not needed to provide drainage or utility functions for the site, as such the applicant will provide a new 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 underlying the canal ROW will be retained by the City for providing a continuous perimeter easement around the site. No additional easements will be necessary.

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 ROW vacation involves a narrow strip of land between the applicant's west property line and the seawall. 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 Bimini 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 $\pm 10,212.4$ 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 212.4 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 entitled "Vacation of a portion of Bimini Canal right-of-way, Cape Coral Unit four, Part two", or "Exhibit A".
2. The vacation of 408.0 square feet of platted easements shall be consistent with that show in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, entitled "Vacation of a portion of public utility and drainage easement, in lot 9, and lot 10, block 160, Cape Coral Unit four, Part Two", or "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 sketches and legal descriptions prepared by Harris-Jorgensen, LLC., entitled "Public Utility and Drainage Easement in Lot 9, and Lot 10, Block 160, and Bimini Canal, Cape Coral Unit Four, Part Two", or Exhibit "C".
4. In order to ensure that this vacation request complies with the City's duty to hold certain platted lands in trust for the public interest, the Owners will make a one-time, nonrefundable contribution totaling a minimum of \$2,800.00 into the General Tree Fund. The City may use these funds to acquire and plant two black (*Avicennia germinans*) or red (*Rhizophora mangle*) mangrove trees on property owned by the City of Cape Coral to enhance water quality, or any other appropriate purposes in accordance with the City of Cape Coral Land Development Code. The General Tree Fund contribution must be completed prior to advertising the adoption of the Resolution approving this vacation request.

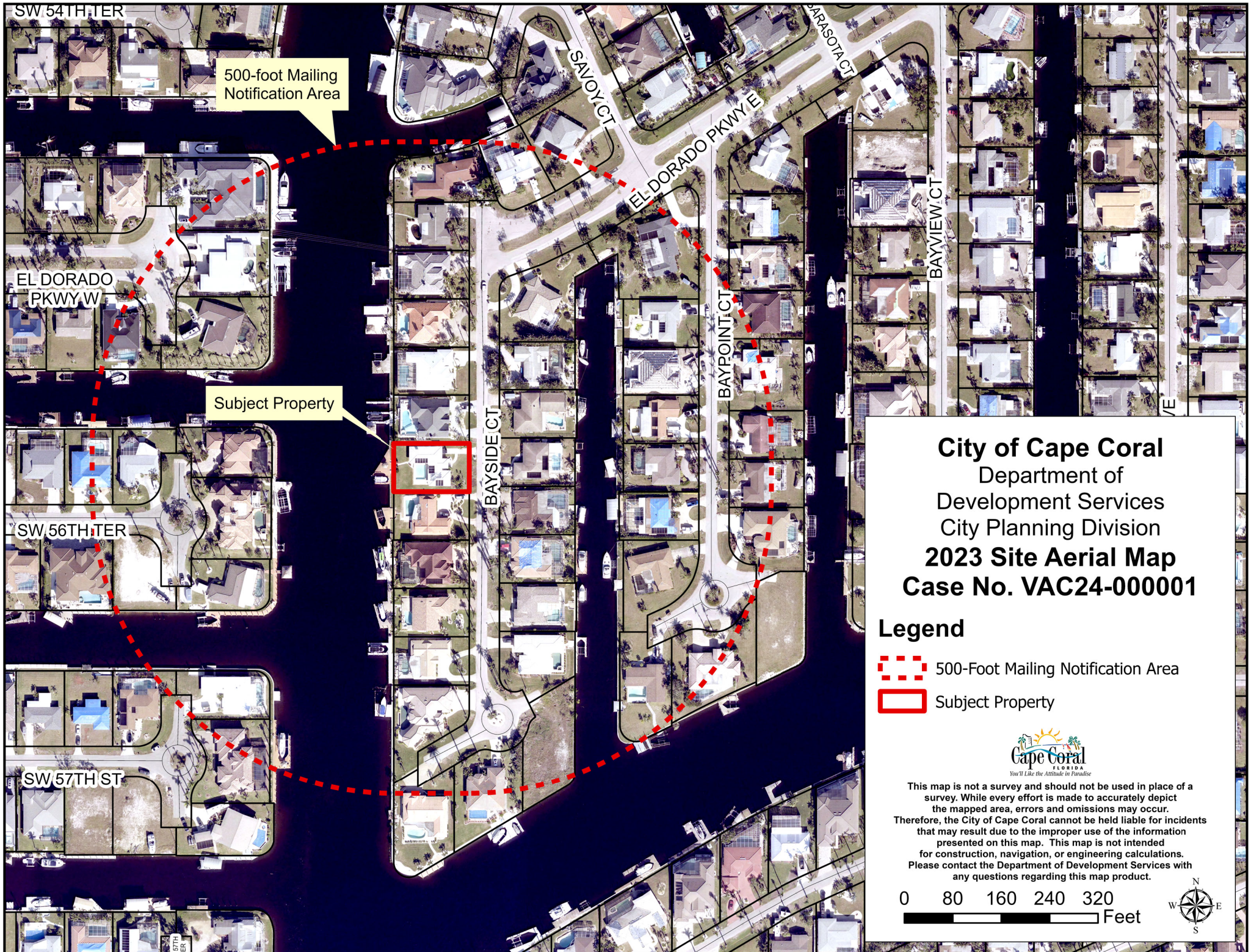
5. The Petitioner shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.
6. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the Petitioner.

Staff Contact Information:

Candise Forde, Associate Planner

Phone: 239-242-3204

Email: Cforde@capecoral.gov



City of Cape Coral
Department of
Development Services
City Planning Division
2023 Site Aerial Map
Case No. VAC24-000001

Legend

-  500-Foot Mailing Notification Area
-  Subject Property



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0 80 160 240 320
Feet



