



Tuesday, September 17, 2024  
9:00 AM  
Council Chambers

**1. HEARINGS CALLED TO ORDER**

**2. HEARINGS**

- A. WITHDRAWN BY THE APPLICANT: Case#: VAR24-000003\*;  
(Continued from the 8/20/24 Hearing Examiner Hearings)
- B. Case#: RZN24-000004\*; Address: 1011 SW 4th Ter.; Applicant:  
Synergy Homes LLC (Continued from the 8/20/24 Hearing  
Examiner Hearings)
- C. Case#: VAC24-000003\*; Address: 2504 SW 4th Pl.; Applicant: Lee  
Memorial Health System

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

- A. Tuesday October 1, 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:
  - o 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.
  - o 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.
  - o 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.
  - o The Applicant may cross-examine any witness and respond to any testimony presented.
  - o Staff may cross-examine any witness and respond to any testimony presented.
  - o 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.
  - o The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
  - o Final argument may be made by the Applicant, related solely to the evidence in the record.
  - o Final argument may be made by the staff, related solely to the evidence in the record.
  - o For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
  - o 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: 9/17/2024**  
**Item Type: HEARINGS**

**TITLE:**

WITHDRAWN BY THE APPLICANT: Case#: VAR24-000003\*; (Continued from the 8/20/24 Hearing Examiner Hearings)

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant has requested a variance to the front yard setback dimension for a single-family residential property zoned R1. The variance seeks a relief of 11.2', reducing the front yard setback from the required 25.0' to 13.8'. The variance would allow for the construction of a new addition to the structure to assist with in home medical treatments for the property owner and maintain vehicular access to the rear of the property. The change would be for a single parcel measuring approximately 18,667 Square Feet, or 0.43 Acres, and would not affect the setback requirements, zoning, or future land use of the surrounding properties. The City Planning Division has recommended denial of the variance as it was deemed that the applicant failed to meet 6 of the 7 criteria for approval listed in the LDC Section 3.4.3.B, specifically criteria 1, 2, 3, 4, 5, and 7.

**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: Denial

**SOURCE OF ADDITIONAL INFORMATION:**

Matt Grambow, Interim Development Services Director (239) 574-0600

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

N/A

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

**PREPARED BY:**

Janna Balsley, Planning  
Technician

Division- City  
Planning

Department- Development  
Services



**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL

**Item Number: 2.B.**  
**Meeting Date: 9/17/2024**  
**Item Type: HEARINGS**

**TITLE:**

Case#: RZN24-000004\*; Address: 1011 SW 4th Ter.; Applicant: Synergy Homes LLC (Continued from the 8/20/24 Hearing Examiner Hearings)

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

The proposed rezone area recently had its future land use classification amended. This request is a follow up rezone, where the applicant seeks to change the zoning for a property within Block 3623, along Southwest 4<sup>th</sup> Terrace, from Commercial Corridor (CC) to Single Family Residential (R-1). This rezone will align the zoning with the future land use classification.

**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 (239) 574-0600

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

N/A

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

**PREPARED BY:**

Janna Balsley, Planning Technician	Division- City Planning	Department- Development Services
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**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Backup Materials	Backup Material



For Internal Use Only

Case \_\_\_\_\_

Date \_\_\_\_\_

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

**REZONING APPLICATION**

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

**REZONING REQUIREMENTS**

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

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

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

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



**DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION**

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

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

**PROPERTY INFORMATION**

Location/Address 1011 SW 4TH TER CAPE CORAL FL 33991

Strap Number 15-44-23-C2-03623.0460 Unit 49 Block 3623 Lot (s) 46+47

Plat Book 17 Page 153 Future Land Use SF

Current Zoning CC Proposed Zoning SF

**PROPERTY OWNER (S) INFORMATION**

Owner SYNERGY HOMES LLC Address 581 NW MERCANTILE PL STE 106

Phone 239-443-6923 City PORT SAINT LUCIE

Email S.JUNKIN@SYNERGYHOMESFL.COM State FL Zip 34986

Owner \_\_\_\_\_ Address \_\_\_\_\_

Phone \_\_\_\_\_ City \_\_\_\_\_

Email \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**APPLICANT INFORMATION (If different from owner)**

Applicant \_\_\_\_\_ Address \_\_\_\_\_

Phone \_\_\_\_\_ City \_\_\_\_\_

Email \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)**

Representative SARAH JUNKIN Address 6640 TAYLOR RD # 111

Phone 239-443-6923 City PUNTA GORDA

Email S.JUNKIN@SYNERGYHOMESFL.COM State FL Zip 33950



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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.

SYNERGY HOMES LLC  
CORPORATION/COMPANY NAME (IF APPLICABLE)

RYAN DAVIS - AUTHORIZED AGENT  
OWNER'S NAME (TYPE OR PRINT)

*Ryan Davis*  
OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

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

STATE OF FLORIDA

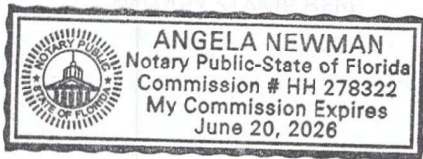
COUNTY OF CHARLOTTE

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, this 6th day of JUNE, 2024 by RYAN DAVIS who is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 6/20/26 Commission Number: HH 278322

Signature of notary Public: *Angela Newman*

Printed Name of Notary Public: ANGELA NEWMAN





DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

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Cape Coral, FL 33915-0027

**AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)**

PLEASE BE ADVISED THAT SARAH JUNKIN  
(Name of person giving presentation)

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

UNIT 49 BLOCK 3623 LOT(S) 46+47 SUBDIVISION \_\_\_\_\_

OR LEGAL DESCRIPTION CAPE CORAL UNIT 49 BLK 3623 PB 17 PG 153 LOTS 46 + 47

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

RYAN DAVIS - AUTHORIZED AGENT  
PROPERTY OWNER (Please Print)

*Ryan Davis*  
PROPERTY OWNER (Signature & title)

\_\_\_\_\_  
PROPERTY OWNER (Please Print)

\_\_\_\_\_  
PROPERTY OWNER (Signature & title)

STATE OF FLORIDA

COUNTY OF CHARLOTTE

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, this 6th day of JUNE, 2024 by RYAN DAVIS who is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 6/20/26 Commission Number: HH 278322

Signature of notary Public:

*Angela Newman*

Printed Name of Notary Public:

ANGELA NEWMAN



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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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 6th Day of June, 2024.

SYNERGY HOMES LLC  
CORPORATION/COMPANY NAME

RYAN DAVIS - AUTHORIZED AGENT  
OWNER'S NAME (TYPE or PRINT)

Ry. Davis  
OWNER'S SIGNATURE

STATE OF FLORIDA

COUNTY OF CHARLOTTE

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, this 6th day of JUNE, 2024 by RYAN DAVIS who is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 6/20/26 Commission Number: HH278322

Signature of notary Public: Angela Newman

Printed Name of Notary Public: ANGELA NEWMAN





DEPARTMENT OF DEVELOPMENT SERVICES  
CITY 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.

RYAN DAVIS - AUTHORIZED AGENT

*Ryan Davis*  
OWNER/APPLICANT SIGNATURE

OWNER/APPLICANT  
(PLEASE TYPE OR PRINT)

**(SIGNATURE MUST BE NOTARIZED)**

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, this 6th day of JUNE, 2024 by RYAN DAVIS who is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 6/20/24 Commission Number: HH278322



Signature of Notary Public: *Angela Newman*

Printed Name of Notary Public: ANGELA NEWMAN

## Letter of Intent

Synergy Homes LLC is requesting the rezoning of 1011 SW 4<sup>th</sup> Ter Cape Coral FL 33991 to the proposed zoning of Single Family. The Future Land Use has been approved for Single Family in November 2023 (FLUM22-000030).

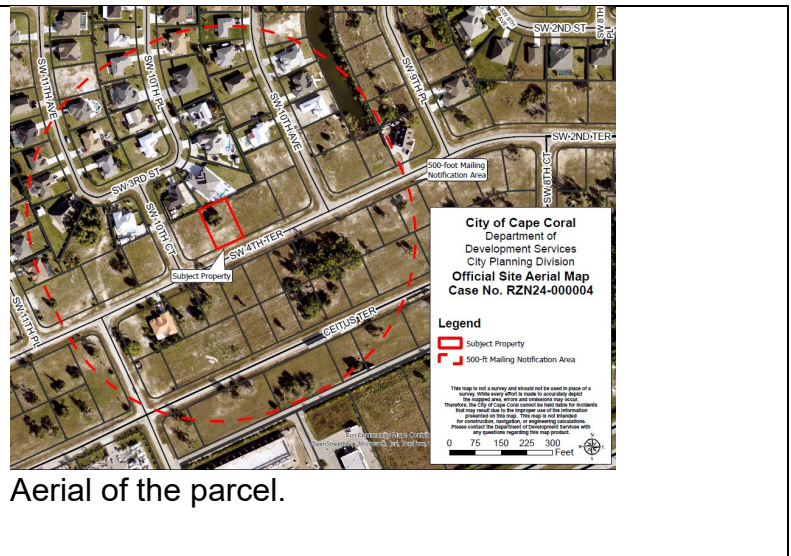
**PLANNING DIVISION STAFF REPORT  
RZN24-000004**

**Staff Report prepared by Candise Forde, Planner**

<p><b>SITE ADDRESSES</b> 1011 Southwest 4<sup>th</sup> Terrace Block 3623, Lots 46-47, Unit 49</p>	<p><b>APPLICANT</b> Sarah Junkin, Authorized Representative for Synergy Homes</p> <p><b>OWNERS</b> Synergy Homes LLC</p>
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**SUMMARY OF REQUEST**

The applicant is requesting a rezone from Commercial Corridor (CC) to Single-Family Residential (R-1) for one site in Block 3623, Lots 46 and 47. The requested zoning change involves one parcel that is 10,624 square feet.



**STAFF RECOMMENDATION:** Approval

<p><b>Positive Aspects of Application:</b></p>	<p>This rezone will bring the zoning into consistency with the Single-Family future land use classification.</p>
<p><b>Negative Aspects of Application:</b></p>	<p>This rezone will result in a small loss of commercial corridor land.</p>
<p><b>Mitigating Factors:</b></p>	<p>The site has small area, lacks frontage on a collector or arterial roadway, and is surrounded by single-family homes and vacant lots.</p>

**SITE INFORMATION**

**Location:** 1011 Southwest 4<sup>th</sup> Terrace,

**STRAP Numbers:** 15-44-23-C2-03623.0460

**Site Area:** ~10,624 square feet

<b>Site:</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>Current:</b>	<b>Single-Family (MF)</b>	<b>Commercial Corridor (CC)</b>
<b>Proposed:</b>	<b>N/A</b>	<b>Single-Family Residential (R-1)</b>
	<b>Surrounding Future Land Use</b>	<b>Surrounding Zoning</b>
<b>North:</b>	<b>Single Family</b>	<b>R-1</b>
<b>South:</b>	<b>Single-family</b>	<b>CC</b>
<b>East:</b>	<b>Pine Island Road District</b>	<b>CC</b>
<b>West:</b>	<b>Pine Island Road District</b>	<b>CC</b>

**Urban Service**

**Area:** Transition

**City Water/Sewer:** Yes

**Access:** The site has frontage on Southwest 4<sup>th</sup> Terrace, which is a local street.

**FINDINGS OF FACT**

The rezone area consists of a parcel in Block 3623 in central Cape Coral. The site is ~10,624 square feet and is currently cleared with little to no vegetation. The site has frontage on Southwest 4<sup>th</sup> Terrace, which is approximately 900 feet north of Pine Island Road.

Surrounding uses include single family residences to the north of the site and vacant parcels to the east, south and west. The subject parcel has access to municipal water and sewer.

Originally, the site had a Single-Family/Multi-Family (SM) future land use classification until 2000. In 2000 the Future Land Use Classification was amended to Commercial/Professional (CP), and in 2002 to the Pine Island Road District (PIRD). In 2023, the subject parcel had the future land use classification amended from Pine Island Road District (PIRD) to Single Family Residential (SF) by ORD 79-23.

The property has been zoned Corridor (CORR) or Commercial Corridor (CC) dating back to 2004.

Building permits for a single-family home were filed with the City in 2022 and 2024 (BLDR22-001533 and BRC24-000413, respectively). Neither permit was reviewed, however, because new single-family homes are prohibited in the CC District.

## ANALYSIS

Staff reviewed this application based on the review criteria found in LDC, Section 3.4.6 for evaluating rezones.

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

The proposed Single-Family Residential (R-1) District is consistent with the current future land use classification of Single-Family (SF). The Residential Estate (RE) zoning district is also consistent with the SF Future Land Use classification, however, the RE District requires a minimum area of 40,000 square feet. The site is less than 40,000 square feet and does not meet this criterion.

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

Surrounding uses include a mix of single-family homes to the north and vacant parcels to the east, south and west. The nearest commercial development is about 530 feet to the south.

Uses allowed in the R-1 District will be compatible with the surrounding area that consists of single-family homes and vacant sites.

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 R-1 District allows single-family uses. The site is currently vacant, as are parcels to the east, south and west. Development of the site in question will be a single-family residence, whereas the properties to the east, south and west will have commercial development. When the adjacent parcels are developed for commercial uses compatible with the CC zoning, they will include enhancements as outlined in the LDC sections for architecture, lighting, landscaping, and screening requirements.

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

The rezone will result in a minimal loss of commercial land. However, with the lack of collector and arterial frontage and small size of the parcel, the site by itself is a poor candidate for commercial development. The proposed zoning will be compatible with surrounding properties and will allow the site to be developed consistent with the future land use classification of this property.

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

The site is relatively small and is adjacent to existing single-family dwellings to the north. The site is on a local street that lacks both visibility and convenient access to the public.

The likelihood of property assembly to occur in the future appears poor. For these reasons, the site appears best suited for the development of a single-family home.

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 SF future land use designation has two zoning districts that are consistent, the R-1 District and the Residential Estate (RE) District. However, the RE District requires a minimum of 40,000 square feet, which the subject parcel lacks.

### **Impact of the Proposed Rezone on Fire and Police Services**

Based on the requested rezone, staff assumes the remaining site will be developed with a single-family dwelling.

Fire and Police Department staff were contacted to determine the proposed impact of the rezone on fire and police services. Those anticipated impacts are reported below.

Fire Department personnel reported Fire Station #8 will be responding to service calls for the subject parcels. The number of calls generated annually is anticipated to be less than 15. The rezone will create a low impact on fire services attributed to a call volume increase.

Police Department personnel reported the subject parcel is part of the Southwest District, Zone 3. Minimal impact to service demands is anticipated. Less than a 1% increase to recorded calls for service in Zone 3 are anticipated. This small increase in the number of calls is statistically insignificant citywide.

Since the rezone area consists of only one parcel, the impact to emergency services is anticipated to be minimal.

### **Comprehensive Plan:**

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

The rezone is consistent with the following goals and policies in the Comprehensive Plan.

#### **Future Land Use Element**

***Policy 1.15, Table 1. Staff comment: Both the Single-Family Residential (R-1) and Residential Estate (RE) Districts are identified in Table 1 as being consistent with the Single Family FLUC.***

***Policy 1.15.b: Single-Family Residential: Densities up to 4.4 units per acre are permitted in this zoning district. Staff comment: The R-1 District only permits a maximum density of 4.4 units***

**per acre and the RE District only permits a maximum density of 1.1 units per acre.**

### Housing Element

**GOAL:** *To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.* **Staff comment:** Although the City has many single-family homes and numerous undeveloped lots zoned for such development, adding another single-family residential lot offers minimal benefit to the community. Additionally, the site's size makes it unsuitable for commercial development.

### **ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS**

The rezone is neither supported by or in conflict with the City Economic Development Master Plan. The site is not within an Economic Opportunity Area.

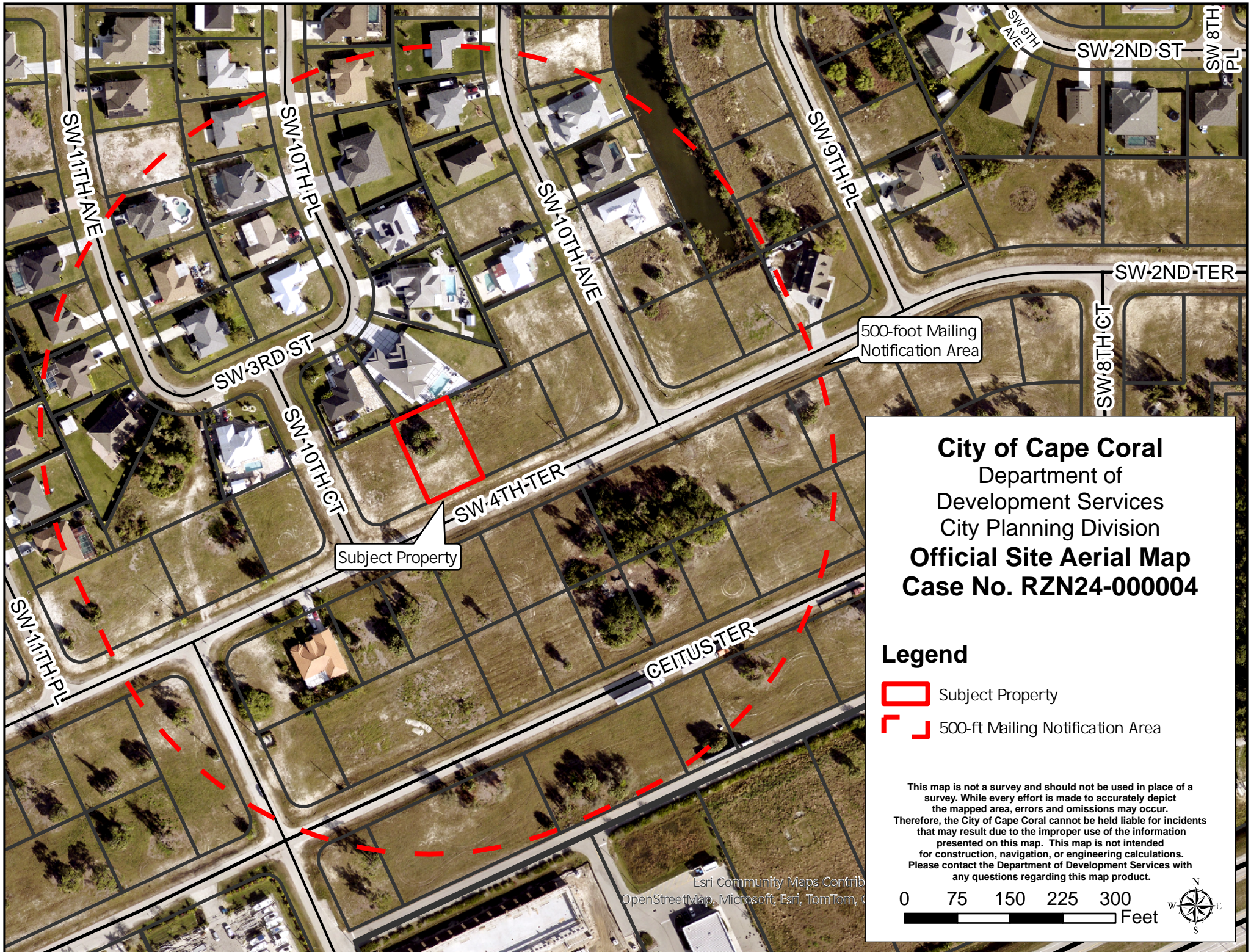
### **RECOMMENDATION**

Staff recommends **approval** of the rezone request.

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Candise Forde, Planner  
239-242-3204, [cforde@capecoral.gov](mailto:cforde@capecoral.gov)



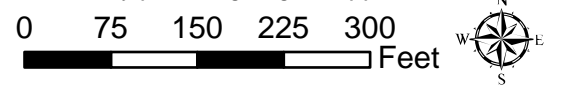


**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Site Aerial Map**  
**Case No. RZN24-000004**

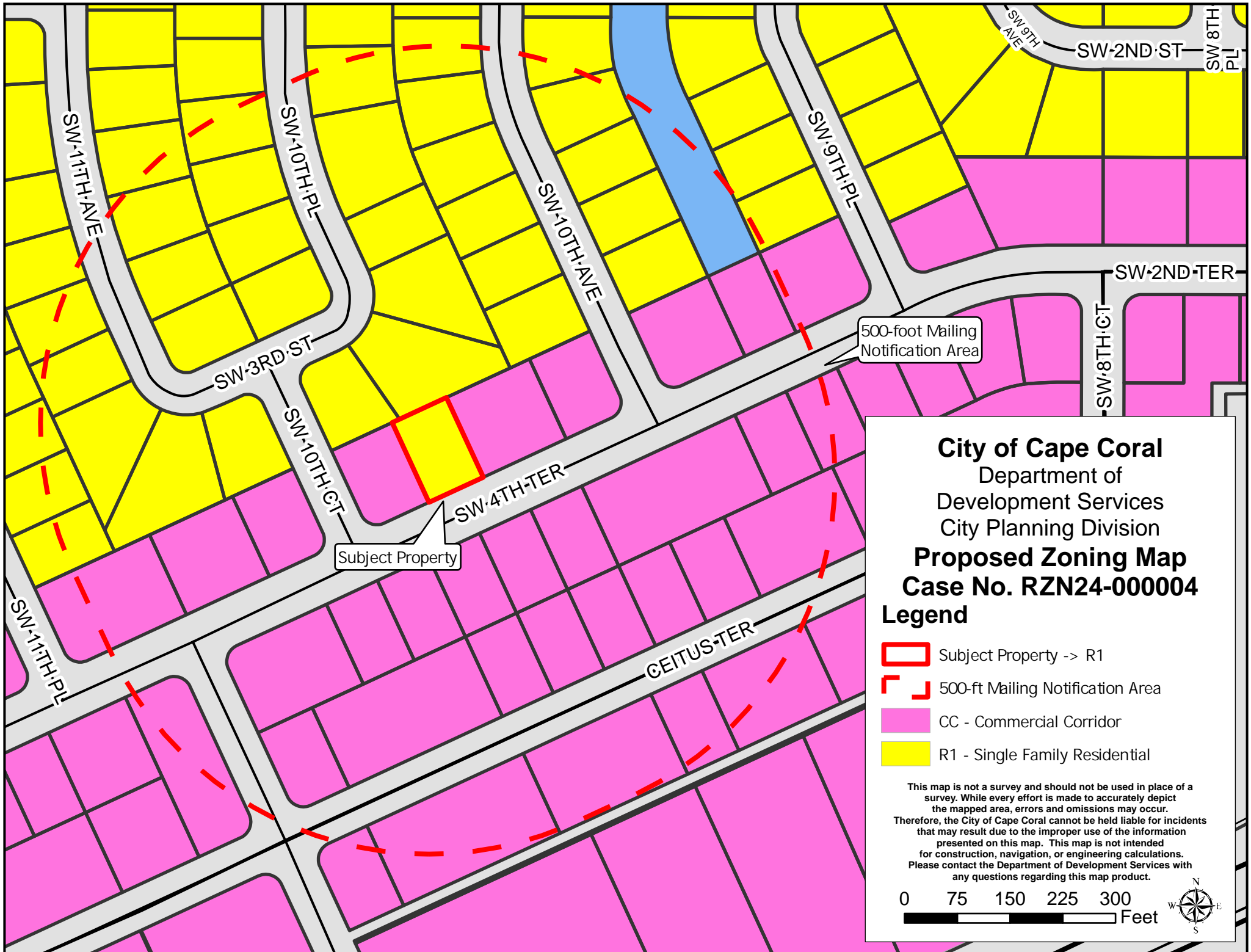
**Legend**

-  Subject Property
-  500-ft 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.



Esri Community Maps Contributor  
OpenStreetMap, Microsoft, Esri, TomTom, ©



Subject Property

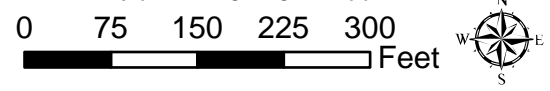
500-foot Mailing Notification Area

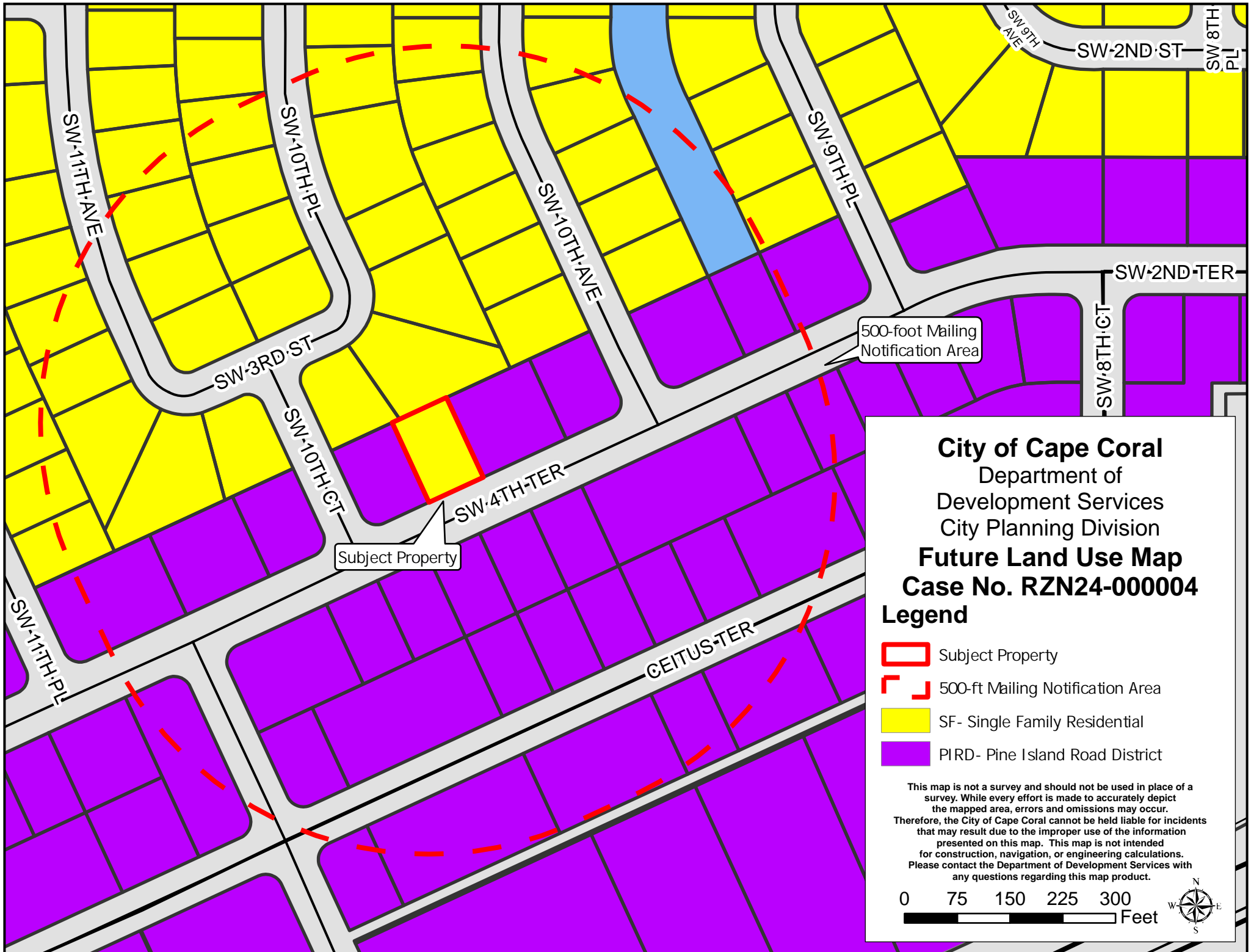
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Proposed Zoning Map**  
**Case No. RZN24-000004**

**Legend**

- Subject Property -> R1
- 500-ft Mailing Notification Area
- CC - Commercial Corridor
- R1 - Single Family Residential

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500-foot Mailing Notification Area

Subject Property

**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division

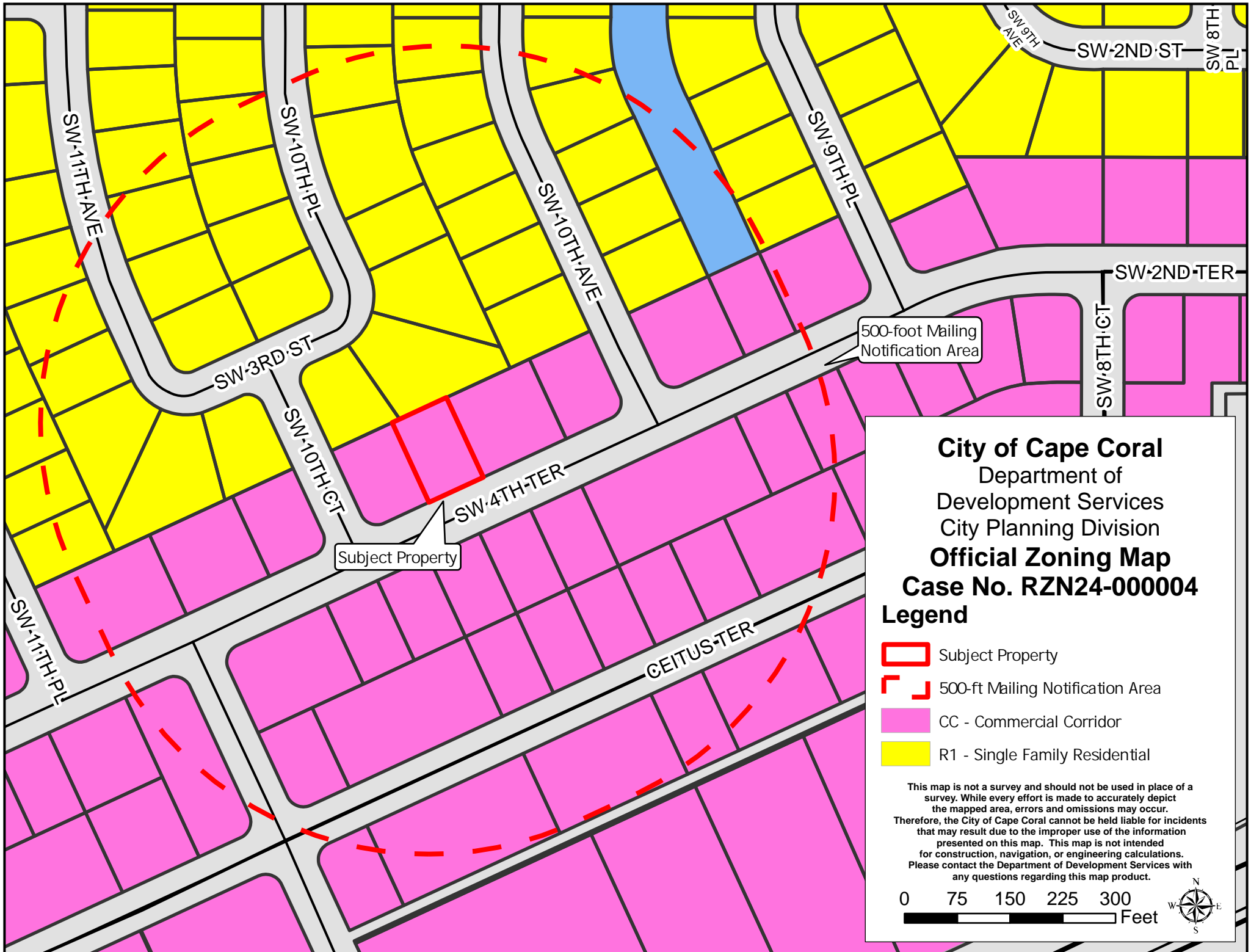
**Future Land Use Map**  
**Case No. RZN24-000004**

**Legend**

- Subject Property
- 500-ft Mailing Notification Area
- SF- Single Family Residential
- PIRD- Pine Island Road District

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 75 150 225 300 Feet



500-foot Mailing Notification Area

Subject Property

**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Official Zoning Map**  
**Case No. RZN24-000004**

**Legend**

- Subject Property
- 500-ft Mailing Notification Area
- CC - Commercial Corridor
- 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 75 150 225 300 Feet



**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL

**Item Number:** 2.C.  
**Meeting Date:** 9/17/2024  
**Item Type:** HEARINGS

**TITLE:**

Case#: VAC24-000003\*; Address: 2504 SW 4th Pl.; Applicant: Lee Memorial Health System

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

A vacation of plat is requested by Lee Memorial Health System for multiple sites that are bound by SW 24<sup>th</sup> Street to the north, SW 2<sup>nd</sup> Court to the east, and Veteran’s Memorial Parkway to the south. Within this project area, the owners are requesting to vacate portions of five street rights-of-way, totaling about 2.34 acres, along with underlying easements. The rights-of-way that will be vacated are SW 3<sup>rd</sup> Avenue, SW 3<sup>rd</sup> Place, SW 4<sup>th</sup> Avenue, SW 4<sup>th</sup> Place, and SW 25<sup>th</sup> Street. The owner also requests to vacate platted public utility and drainage easements within the project area, and easements underlying the previously vacated portions of the Defender and Malabar Canals. The owner will provide a perimeter easement around the site. This request meets those standards appearing in the Land Development Code for considering vacation requests, and the request is consistent with the Comprehensive Plan. Staff recommends approval of all vacation requests with conditions.

**STRATEGIC PLAN ALIGNMENT:**

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

**RECOMMENDATIONS:**

City Planning Staff Recommendation: Approval with conditions

**SOURCE OF ADDITIONAL INFORMATION:**

Matt Grambow, Interim Development Services Director (239) 574-0600

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

N/A

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

**PREPARED BY:**

Janna Balsley, Planning  
Technician

Division- City  
Planning

Department- Development  
Services

**ATTACHMENTS:**

**Description**

▫ Backup Materials

**Type**

Backup Material



<b>For Internal Use Only</b>	
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.



**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.

<b>PROPERTY INFORMATION</b>	
Project Name:	Lee Health -Veterans Plaza Plat Vacation
Location/Address	2504 SW 4th Place Cape Coral, Florida 33914 <b>**</b> (multiple -see attached)
Strap Number	35-44-23-C1-01877.0230 Unit _____ Block _____ Lot (s) _____
Strap Number	<b>**</b> (multiple -see attached) Unit _____ Block _____ Lot (s) _____
Plat Book	21 Page 149 Future Land Use C/P Current Zoning C
<b>PROPERTY OWNER (S) INFORMATION</b>	
Owner	Lee Memorial Health System Address 4211 Metro Parkway, Suite 100
Phone	239-424-2341 City Fort Myers
Email	Dave.Kistel@leehealth.org State Florida Zip 33916
Owner	_____ Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____
<b>APPLICANT INFORMATION (if different from owner)</b>	
Applicant	Same as Owner Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____
<b>AUTHORIZED REPRESENTATIVE INFORMATION (if Applicable)</b>	
Representative	Johnson Engineering, Inc. Address 2122 Johnson Street (Debi Pendlebury)
Phone	239-461-2439 City Fort Myers
Email	dlp@johnsoneng.com State Florida Zip 33901





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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

**(SIGNATURE MUST BE NOTARIZED)**

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

Lee Memorial Health System

CORPORATION/COMPANY NAME (IF APPLICABLE)

David E. Kistel

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

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

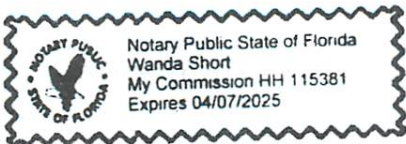
STATE OF FL

COUNTY OF LEE

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

notarization, on this 9 day of February, ~~2020~~ <sup>2024</sup> by David E. Kistel,

know is personally known to me or produced n/a as identification.



Exp Date: 4/7/25 Commission Number: HH 115381

Signature of Notary Public:

Printed Name of Notary Public:

Wanda Short



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 Johnson Engineering, Inc.  
(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 \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT(S) \_\_\_\_\_ SUBDIVISION Cape Coral Unit 45 Part 1

OR LEGAL DESCRIPTION see attached

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

David E. Kistel  
PROPERTY OWNER (Please Print)

[Signature]  
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, on this 9 day of February, ~~2020~~ 2024 by David E. Kistel

know is personally known to me or produced na as identification.



Exp Date: 4/7/25 Commission Number: HH 115381

Signature of Notary Public: [Signature]

Printed Name of Notary Public: Wanda Short

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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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 9<sup>th</sup> Day of Feb, 2024.

Lee Memorial Health System  
CORPORATION/COMPANY NAME

David E. Kistel  
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, on this 9 day of February, 2024 by David E. Kistel,  
know is personally known to me or produced na as identification.

Exp Date: 4/7/25 Commission Number: HH 115381



Signature of Notary Public: Wanda Short

Printed Name of Notary Public: Wanda Short



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY 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.

David E. Kistel  
\_\_\_\_\_  
OWNER/APPLICANT  
(PLEASE TYPE OR PRINT)

  
\_\_\_\_\_  
OWNER/APPLICANT SIGNATURE

**(SIGNATURE MUST BE NOTARIZED)**

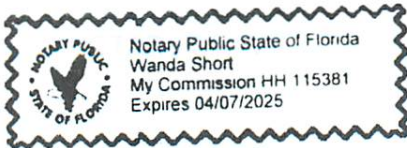
STATE OF FL

COUNTY OF LEE

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

notarization, on this 9 day of February, ~~2020~~ <sup>2024</sup> by David E. Kistel,

know is personally known to me or produced n/a as identification.



Exp Date: 4/7/25 Commission Number: HH 115381

Signature of Notary Public: Wanda Short

Printed Name of Notary Public: Wanda Short



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

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

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

##### A. General.

1. The city may retain an easement for utilities or drainage over any vacated right-of-way and that no use may be made of vacated right-of-way which will be inconsistent with or interfere with the retained easement. The party seeking vacation of a plat, city street, alley, canal, other right-of-way, public easement, or other property must show or submit the following:
  - a. Petitioner has color of title to the tract or parcel of land covered by the plat or portion of 1796 the plat of which vacation is sought, unless the petitioner is the City of Cape Coral;
  - b. Letter of approval from Lee County Electric Cooperative, Inc.;
  - c. Letter of approval from affected telephone companies;
  - d. Letter of approval from affected cable companies; and
  - e. Letter of approval from any other affected utility companies (e.g., water, sewer);
2. Applicants requesting to vacate rights-of-way or easements shall provide a recent boundary survey or survey sketch of the property prepared by a registered surveyor showing the area to be vacated and provide a complete legal description(s). The survey or sketch shall show all pavement and all utility and drainage facilities, including water, sewer, cable lines, utility poles, swales, ditches, manholes, and catch basins. Separate drawings and legal descriptions are required for each vacation area when right-of-way and easement configurations differ.

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

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



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

Tel. (239) 574-0553

Fax (239) 574-0591

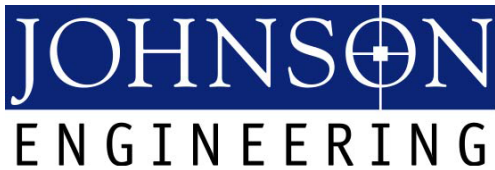
P.O. Box 150027

Cape Coral, FL 33915-0027

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.



May 1, 2024

Mike Struve, AICP, LEED Green Associate  
Planning Team Coordinator  
City of Cape Coral  
P.O. Box 150027  
Cape Coral, Florida 33915

RE: Lee Health – Veterans Plaza Vacation  
VAC24-000003  
1<sup>st</sup> Resubmittal

Dear Mike:

Please accept this letter as our response to your March 15, 2024, request for additional information for the above referenced project. Our responses are in bold and in order in which received.

**Comments:**

A required letter of no objection is lacking from CenturyLink.

**Response: In lieu of the “Letter of No Objection” from Century Link/Lumen please find a copy of the email chain between Lumen and Johnson Engineering, Inc. This email chain supports the “move” of the existing Lumen/Century Link facilities located within the proposed plat vacation area by providing the scope/estimate to relocate the existing facilities.**

A sketch and accompanying legal description identifying the rights-of-way proposed to be vacated is missing.

**Response: The City of Cape Coral staff have determined separate sketch and descriptions are not required because the entire area will be vacated. Please see attached email correspondence dated April 17, 2024. The estimated area of right-of-way being vacated is 102,007+/- square feet or 2.34+/- acres.**

A sketch and accompanying legal description identifying all platted easements proposed to be vacated is missing.

**Response: The City of Cape Coral staff have determined separate sketch and descriptions are not required because the entire area will be vacated. Please see attached email correspondence dated April 17, 2024.**

Written documentation is lacking that Mr. David E. Kistel is authorized to sign the vacation application on behalf of Lee Health.

**Response: Written documentation is attached authorizing David E. Kistel to sign on behalf of Lee Health.**

If you have questions or require additional information, please contact us.

Very truly yours,

**JOHNSON ENGINEERING, INC.**

*Debi Pendlebury*

Debi Pendlebury

dlp/cmg

cc: 20236050-007



**2024 FLORIDA NOT FOR PROFIT CORPORATION ANNUAL REPORT**

DOCUMENT# N95000005961

**Entity Name:** LEE MEMORIAL HEALTH SYSTEM FOUNDATION, INC.

**Current Principal Place of Business:**

9800 S. HEALTHPARK DRIVE  
405  
FORT MYERS, FL 33908

**Current Mailing Address:**

P.O. BOX 2218  
FORT MYERS, FL 33902 US

**FEI Number:** 65-0645343

**Certificate of Status Desired:** No

**Name and Address of Current Registered Agent:**

MCGILLICUDDY, MARY  
4211 METRO PKWY, LEGAL SERVICES  
LEE HEALTH CORPORATE CENTER  
FORT MYERS, FL 33916 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

**SIGNATURE:**

\_\_\_\_\_  
Electronic Signature of Registered Agent

\_\_\_\_\_  
Date

**Officer/Director Detail :**

Title           CHAIRPERSON  
Name           CATTI, JOSEPH R.  
Address        FINEMARK BANK  
                  8695 COLLEGE PARKWAY SUITE 100  
City-State-Zip: FORT MYERS FL 33919

Title           TREASURER  
Name           CAMERATTA, DOMINIC  
Address        CAMERATTA COMPANIES  
                  21101 DESIGN PARC LANE 103  
City-State-Zip: ESTERO FL 33928

Title           SECRETARY  
Name           GEZELLA, JENNY  
Address        550 PORT O CALL WAY  
City-State-Zip: NAPLES FL 34102

Title           VICE CHAIRPERSON  
Name           ORR, JAMES W.  
Address        REGIONAL CANCER CENTER  
                  8931 COLONIAL CENTER DRIVE 400  
City-State-Zip: FORT MYERS FL 33905

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

**SIGNATURE:** JOSEPH CATTI

**CHAIRPERSON**

**04/10/2024**

\_\_\_\_\_  
Electronic Signature of Signing Officer/Director Detail

\_\_\_\_\_  
Date



April 23, 2024

**Re: Signatory Authority of David E. Kistel, Vice President and Chief Facilities Executive**

To whom it may concern:

David E. Kistel, Vice President and Chief Facilities Executive of Lee Memorial Health System, d/b/a Lee Health, is authorized to sign on behalf of Lee Health with respect to the development, construction, renovation, platting and re-platting or vacating plats, subdividing and combining, and other activities relating to the construction and operation of Lee Health's facilities ("Facility Activities"). Mr. Kistel's signatory authority includes the authority to sign government applications, contracts, affidavits, and other documents relating to Facility Activities.

If there are any questions, feel free to contact either of the following individuals:

Benjamin A. Spence  
Chief Financial and Business Services Officer  
Lee Memorial Health System  
9800 S. Healthpark Drive, Suite 405  
Fort Myers, FL 33908  
ben.spence@leehealth.org

Mary McGillicuddy  
Chief Legal Officer  
Lee Memorial Health System  
P.O. Box 2218  
Fort Myers, FL 33902  
mary.mcgillicuddy@leehealth.org

Respectfully,

A handwritten signature in blue ink that reads "Benjamin A. Spence".

Benjamin A. Spence  
Chief Financial and Business Services Officer

LEE MEMORIAL HEALTH SYSTEM BOARD OF DIRECTORS

DISTRICT ONE  
Stephen R. Brown, M.D.  
Therese Everly, BS, RRT

DISTRICT TWO  
Donna Clarke  
Nancy M. McGovern, RN, MSM

DISTRICT THREE  
David F. Collins  
David Klein

DISTRICT FOUR  
Diane Champion  
Dane Allen

DISTRICT FIVE  
Kathy Bridge-Liles, RN, MS  
Daniel Adler

Prepared by and return to:

Mark A. Ebelini  
Attorney at Law  
Knott Ebelini Hart  
1625 Hendry Street Third Floor  
Fort Myers, FL 33901  
239-334-2722

Parcel Identification Nos.: SEE ATTACHED LIST

[Space Above This Line For Recording Data]

## Warranty Deed

This Indenture made this 19<sup>th</sup> day of July, 2023 between Donald E. Hinks a/k/a Donald Hinks a/k/a Don Hinks, whose post office address 130-160 Santa Barbara Boulevard, Unit 100, Cape Coral FL 33991 grantor, and Lee Memorial Health System, a public body created by Chapter 2000-439, Laws of Florida, whose post office address is c/o Ambulatory Facility Management, 4211 Metro Parkway, Suite 100, Fort Myers FL 33916, grantee,

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

**LOTS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, BLOCK 1874, CAPE CORAL SUBDIVISION, UNIT 45, PART 1, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 135 THROUGH 150, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

**LOTS 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, BLOCK 1875, CAPE CORAL SUBDIVISION, UNIT 45, PART 1, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 135 THROUGH 150, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

**LOTS 22 AND 23, BLOCK 1876, CAPE CORAL SUBDIVISION, UNIT 45, PART 1, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 135 THROUGH 150, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

**LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, BLOCK 1877, CAPE CORAL SUBDIVISION, UNIT 45, PART 1, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 135 THROUGH 150, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.**

**PART OF LOTS 13 AND 14 OF BLOCK 1874, CAPE CORAL SUBDIVISION, UNIT 45, PART I, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 135 THROUGH 150, INCLUSIVE, PUBLIC RECORDS OF LEE**

COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EASTERLY LINE OF SAID LOTS 13 AND 14, RUN S00°06'22" W FOR 76.88 FEET, TO THE NORTHERLY RIGHT-OF-WAY LINE OF S.W. 25TH LANE (VARIABLE WIDTH); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF S.W. 25TH LANE FOR THE FOLLOWING TWO COURSES, RUN N68°59'26"W FOR 88.02 FEET TO A POINT OF CURVATURE, AND RUN NORTHWESTERLY ALONG AN ARC OF SAID CURVE TO THE RIGHT OF RADIUS 62.49 FEET (DELTA 56°29'45") (CHORD BEARING N40°44'33"W) (CHORD 59.15 FEET) FOR 61.62 FEET, TO THE NORTHERLY LINE OF SAID LOT 14; THENCE ALONG SAID NORTHERLY LINE OF LOT 14, RUN N89°45'39"E FOR 120.92 FEET TO THE POINT OF BEGINNING.

PART OF LOT 31, OF BLOCK 1874, CAPE CORAL SUBDIVISION, UNIT 45, PART 1, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 135 THROUGH 150, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 31, SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST (A RADIAL LINE THROUGH SAID POINT BEARS N86°39'46"W), AND BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF S.W. 25TH LANE (VARIABLE WIDTH); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF S.W. 25TH LANE, FOR THE FOLLOWING TWO COURSES, RUN SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, TO THE RIGHT OF RADIUS 20.00 FEET (DELTA 98°11'51 ") (CHORD BEARING S52°26'09"W) (CHORD 30.23 FEET) FOR 34.28 FEET, AND RUN N78°27'55"W FOR 89.84 FEET, TO THE NORTHERLY LINE OF SAID LOT 31; THENCE ALONG SAID NORTHERLY LINE OF LOT 31, RUN N89°45'39"E FOR 111.99 FEET TO THE POINT OF BEGINNING.

PART OF LOT 28 OF BLOCK 1875, CAPE CORAL SUBDIVISION, UNIT 45, PART 1, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 135 THROUGH 150, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 28. SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 3RD PLACE (50' WIDE); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF S.W. 3RD PLACE, RUN S00°06'22"W FOR 27.41 FEET, TO THE NORTHERLY RIGHT-OF-WAY LINE OF VETERANS PARKWAY (VARIABLE WIDTH), TO A POINT ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH (A RADIAL LINE THROUGH SAID POINT BEARS S36°48'34"W); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF VETERAN'S PARKWAY FOR THE FOLLOWING TWO COURSES, RUN WESTERLY ALONG AN ARC OF SAID CURVE TO THE LEFT OF RADIUS 78.01 FEET (DELTA 37°02'49") (CHORD BEARING N71°42'50" W) (CHORD 49.56 FEET) FOR 50.44 FEET, AND RUN S89°45'45"W FOR 77.91 FEET, TO THE WESTERLY LINE OF SAID LOT 28; THENCE ALONG SAID WESTERLY LINE OF LOT 28, RUN N00°06'22"E FOR 11.66 FEET. TO THE NORTHWEST CORNER OF

**SAID LOT 28; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 28, RUN N89°45'39"E FOR 125.00 FEET TO THE POINT OF BEGINNING.**

**PART OF LOTS 24 AND 25 OF BLOCK 1876, CAPE CORAL SUBDIVISION, UNIT 45, PART 1, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 135 THROUGH 150, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 24. SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 4TH AVENUE (50' WIDE); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF S.W. 4TH AVENUE, RUN S00°06'22"W FOR 71.88 FEET, TO THE NORTHERLY RIGHT-OF-WAY LINE OF VETERAN'S PARKWAY (VARIABLE WIDTH); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO COURSES, RUN N59°09'15"W FOR 9.12 FEET, AND RUN N64°55'26"W FOR 129.24 FEET, TO THE WESTERLY LINE OF SAID LOT 24; THENCE ALONG SAID WESTERLY LINE OF LOT 24, RUN N00°06'22"E FOR 11.91 FEET, TO THE NORTHWEST CORNER OF SAID LOT 24; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 24, RUN N89°45'39"E FOR 125.00 FEET TO THE POINT OF BEGINNING.**

**LOTS 11, 32, 33, 34, AND 35, BLOCK 3041, CAPE CORAL SUBDIVISION, UNIT 62, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 21 THROUGH 38, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

**LOTS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, BLOCK 3048, CAPE CORAL SUBDIVISION, UNIT 62, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 21 THROUGH 38, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.**

**THIS CONVEYANCE IS SUBJECT TO:**

- 1. Taxes for the current and subsequent years.**
- 2. Conditions, easements, restrictions and reservations of record, provided, however, that this conveyance shall not operate to reimpose the same.**
- 3. Zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities.**

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

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

**NOTE: THIS PROPERTY IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR, NOR IS IT CONTIGUOUS THERETO.**

And the grantor does hereby covenant with grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land and will warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Melanie C. Legare  
Witness #1 Signature

Donald E. Hinks  
Donald E. Hinks a/k/a Donald Hinks a/k/a Don Hinks

Melanie C. Legare  
Witness #1 Printed Name

Mark A. Ebelini  
Witness #2 Signature

Mark A. Ebelini  
Witness #2 Printed Name

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 19<sup>th</sup> day of July 2023 by Donald E. Hinks a/k/a Donald Hinks a/k/a Don Hinks. He is personally known to me  or has  produced FL D.L. as identification.

Melanie C. Legare  
Notary Public

Printed Name: Melanie C. Legare  
My Commission  
Expires: 11/3/25



## PARCEL LIST

PARCEL ID NO.	ADDRESS
26-44-23-C3-03041.0110	320 SW 23rd Terrace
26-44-23-C3-03041.0320	321 SW 24th Street
26-44-23-C3-03041.0340	325 SW 24th Street
35-44-23-C2-03048.0050	242 SW 24th Street
35-44-23-C2-03048.0070	246 SW 24th Street
35-44-23-C2-03048.0090	316 SW 24th Street
35-44-23-C2-03048.0110	322 SW 24th Street
35-44-23-C2-03048.0130	324 SW 24th Street
35-44-23-C2-03048.0150	328 SW 24th Street
35-44-23-C2-03048.0200	338 SW 24th Street
35-44-23-C2-03048.0040	240 SW 24th Street
35-44-23-C2-03048.0160	330 SW 24th Street
35-44-23-C2-03048.0180	334 SW 24th Street
35-44-23-C2-03048.0220	342 SW 24th Street
35-44-23-C2-03048.0240	420 SW 24th Street
35-44-23-C2-01874.0150	2519 SW 3rd Place
35-44-23-C2-01874.0180	2513 SW 3rd Place
35-44-23-C2-01874.0200	2509 SW 3rd Place
35-44-23-C2-01874.0220	2512 SW 3rd Avenue
35-44-23-C2-01874.0250	2516 SW 3rd Avenue
35-44-23-C2-01874.0270	2520 SW 3rd Avenue
35-44-23-C2-01874.0290	2524 SW 3rd Avenue
35-44-23-C1-01875.0180	2513 SW 4th Avenue
35-44-23-C1-01875.0200	2509 SW 4th Avenue
35-44-23-C1-01875.0220	2510 SW 3rd Place
35-44-23-C1-01875.0240	2514 SW 3rd Place
35-44-23-C2-01875.0260	2518 SW 3rd Place
35-44-23-C1-01876.0220	2510 SW 4th Avenue
35-44-23-C2-01877.0010	303 SW 25th Street
35-44-23-C2-01877.0030	307 SW 25th Street
35-44-23-C2-01877.0050	311 SW 25th Street
35-44-23-C2-01877.0070	315 SW 25th Street
35-44-23-C2-01877.0090	319 SW 25th Street
35-44-23-C1-01877.0110	325 SW 25th Street
35-44-23-C1-01877.0140	401 SW 25th Street
35-44-23-C1-01877.0170	405 SW 25th Street
35-44-23-C1-01877.0190	409 SW 25th Street
35-44-23-C1-01877.0210	2500 SW 4th Place
35-44-23-C1-01877.0230	2504 SW 4th Place
35-44-23-C2-01873.012A	SW 3rd Avenue
35-44-23-C2-01874.031A	SW 3rd Avenue
35-44-23-C2-01874.013A	SW 3rd Avenue
35-44-23-C2-01875.028A	SW 3rd Avenue
35-44-23-C1-01876.024A	SW 4th Avenue



December 18th, 2023

Attn: Christian Gray

RE- Letter of Review and Recommendation – Vacation Utility Easement  
Cape Coral Unit 45 Part1, Plat Book 21, Pg 149

Dear Ms. Gray,

Thank you for contacting Comcast regarding your proposed project. 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*  
Construction Manager SWFL

12600 Westlinks Dr. Suite #4  
Fort Myers, FL 33913  
574-808-8943  
[Christopher.Plank@Comcast.com](mailto:Christopher.Plank@Comcast.com)



January 12, 2024

Ms. Debi Pendlebury  
Johnson Engineering, Inc  
2122 Johnson Street  
Fort Myers, FL 33901

Re: PROJECT: Lee Memorial Health System-Plat Vacation  
A vacation of a portion of "Cape Coral Unit 45 Part 1", Plat Book 21 Page 149 of the public records of Lee County Florida.  
Owner(s): Lee Memorial Health System

Dear Ms. Pendlebury,

Your company, Johnson Engineering, Inc, has opened up discussions on behalf of your customers, Lee Memorial Health System with LCEC concerning the vacation of the submitted plat.

We have reviewed your request, submitted related documents, and our internal files. LCEC has **no objection** to the vacation of the underlying plat as shown on the boundary survey from your company, Johnson Engineering, Inc. However, LCEC will require all LCEC facilities and easements surrounding your client's property are retained in order to serve your client. Therefore, in the after situation to the vacation, your client, the petitioner, will have to provide to the appropriate local jurisdiction, an imposed six-foot wide easement so that there is a continuous perimeter easement.

Please be advised there is an active residential meter and an active lift station meter that belongs to the City of Cape Coral within the plat boundary.

Should there be any substantial changes to the plans as submitted, LCEC reserves its rights to perform 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 239-656-2228, or, if you prefer, I can be reached by email at [steve.sousa@lcec.net](mailto:steve.sousa@lcec.net).

Very truly yours,



Steve Sousa  
Right of Way Agent

LEE COUNTY ELECTRIC COOPERATIVE, INC.

REFERENCE: 400866374

**From:** [Steven C. Ball](#)  
**To:** [Debi Pendlebury](#)  
**Cc:** [Dana Hume](#)  
**Subject:** Fwd: Lumen Facility Adjustments @ CAPE CORAL-UNIT 45 - P.219325  
**Date:** Monday, April 29, 2024 11:55:55 AM

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Debi, below is what I have from Lumen for that email chain.

**Steven C. Ball, P.E.**  
**JOHNSON ENGINEERING, INC.**

2122 Johnson Street  
Fort Myers, FL 33901  
Direct Phone: (239) 461-3346  
Main Phone: (239) 334-0046  
[scb@johnsoneng.com](mailto:scb@johnsoneng.com)  
[www.johnsonengineering.com](http://www.johnsonengineering.com)

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**From:** Disbrow, Heather <Heather.Disbrow@lumen.com>  
**Sent:** Thursday, March 7, 2024 10:04:50 AM  
**To:** Steven C. Ball <scb@johnsoneng.com>  
**Cc:** Julio Figueroa <julio.figueroa@lambertcable.com>; Knotts, Camille <Camille.Knotts@lumen.com>; Donaldson, Darren <Darren.Donaldson@lumen.com>  
**Subject:** Lumen Facility Adjustments @ CAPE CORAL-UNIT 45 - P.219325

Hello Steven,

I am with LUMEN Relocations Reimbursements team. In recent coordination with our engineering team, we are looking at your requested move of LUMEN/CenturyLink facilities at CAPE CORAL-UNIT 45. Please see the scope and cost estimate below.

**Scope of Work:** Lumen will remove approximately 1,100' of aerial 48F, remove approximately 1,500' of aerial 100pr copper, remove 5 copper pedestals, remove 14 poles and hardware, hand dig approximately 160' of 48f cable, place one new HH. Estimate includes labor, material, splicing, engineering, and permit.

**Project Estimate:** \$23,698.45

Please confirm that you want to move forward with this relocation work and a formal proposal will be sent out to you.

I have included our engineering team on this email for visibility.

Please verify the billing contact information below:

Contact & Signatory  
Attn: Steven C. Ball  
Company: Johnson Engineering  
Full Billing Address: 2122 Johnson St, Fort Myers, FL 33901  
Email: scb@johnsoneng.com  
Telephone: 239-461-3346

Full Service Address:

Kind regards,

**Heather Disbrow**  
Reimbursable Relocations/Project Billing  
Tulsa, OK



[heather.disbrow@lumen.com](mailto:heather.disbrow@lumen.com)

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

June 27, 2024

Ms. Debi Pendlebury  
Johnson Engineering, Inc  
2122 Johnson Street  
Fort Myers, FL 33901

Re: PROJECT: Lee Memorial Health System-Plat Vacation  
A vacation of a portion of "Cape Coral Unit 45 Part 1", Plat Book 21 Page 149 of the public records of Lee County Florida.  
Owner(s): Lee Memorial Health System

Dear Ms. Pendlebury,

Your company, Johnson Engineering, Inc, has opened up discussions on behalf of your customers, Lee Memorial Health System with LCEC concerning the vacation of the submitted plat.

We have reviewed your request, submitted related documents, and our internal files. LCEC has **no objection** to the vacation of the underlying plat as shown on the boundary survey from your company, Johnson Engineering, Inc. However, LCEC will require all LCEC facilities and easements surrounding your client's property are retained in order to serve your client. Therefore, in the after situation to the vacation, your client, the petitioner, will have to provide to the appropriate local jurisdiction, an imposed six-foot wide easement so that there is a continuous perimeter easement.

Please be advised there is an active residential meter and an active lift station meter that belongs to the City of Cape Coral within the plat boundary.

Should there be any substantial changes to the plans as submitted, LCEC reserves its rights to perform 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 239-656-2228, or, if you prefer, I can be reached by email at [steve.sousa@lcec.net](mailto:steve.sousa@lcec.net).

Very truly yours,

  
Steve Sousa  
Right of Way Agent

LEE COUNTY ELECTRIC COOPERATIVE, INC.

REFERENCE: 400866374

Rader and Associates  
Miami, Florida

# Cape Coral

Unit 45 Part 1

JOB # 3080

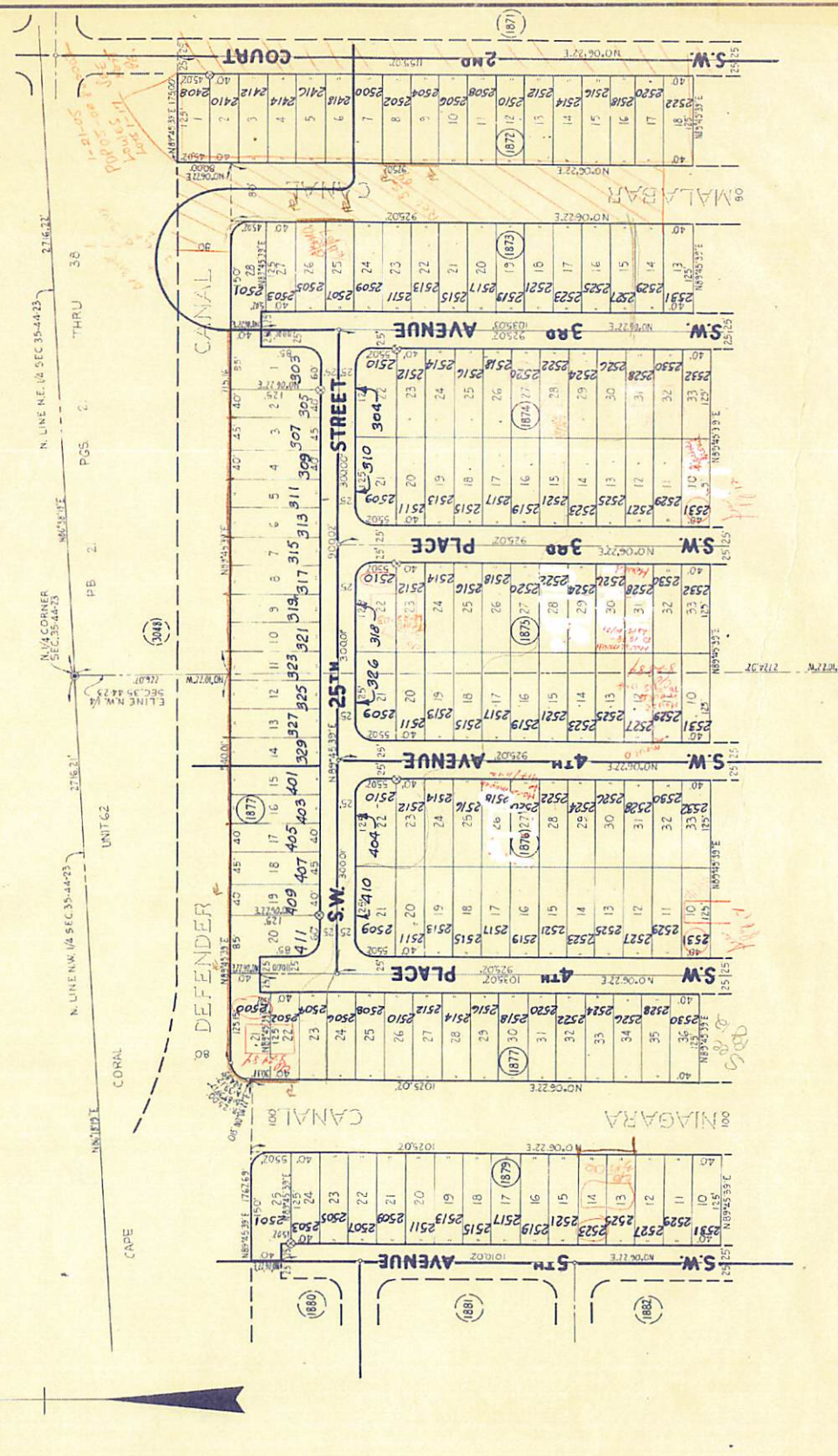
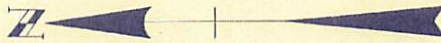
MARCH, 1965

SCALE 1" = 100'

PLAT BOOK 2L PAGE 149  
HOUSE NUMBER PLAN

DATE 10/3/69

363



CALCULATIONS  
DRAWN BY  
CHECKED BY  
APPROVED BY

# BOUNDARY SURVEY

## FOR

# "LEEHEALTH VETERANS PLAZA"

## PLAT VACATION

# PART OF CAPE CORAL, UNIT 45 PART 1

## (PLAT BOOK 21, PAGE 135)

## AND

# PART OF CAPE CORAL, UNIT 62

## (PLAT BOOK 21, PAGE 21)

# OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

## ALL LYING IN

# SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST

# CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

**DESCRIPTION**  
(PREPARED BY SURVEYOR)

A PARCEL OF LAND CONSISTING OF ALL OF LOTS 1 THROUGH 23, BLOCK 1877, TOGETHER WITH ALL OF LOTS 15 THROUGH 28 AND PORTIONS OF LOTS 13 AND 14, BLOCK 1873, TOGETHER WITH ALL OF LOTS 15 THROUGH 30 AND PORTIONS OF LOTS 13, 14 AND 31, BLOCK 1874, TOGETHER WITH ALL OF LOTS 18 THROUGH 27 AND PORTIONS OF LOTS 16, 17 AND 28, BLOCK 1875, TOGETHER WITH ALL OF LOTS 22 AND 23 AND PORTIONS OF LOTS 19, 20, 21, 24 AND 25, BLOCK 1876, TOGETHER WITH PORTIONS OF THE RIGHTS-OF-WAY OF SW 4TH PLACE, SW 25TH STREET, SW 4TH AVENUE, SW 3RD PLACE, AND SW 3RD AVENUE, TOGETHER WITH VACATED PORTIONS OF MALABAR CANAL ACCORDING TO THE PLAT OF CAPE CORAL UNIT 45, PART 1, AS RECORDED IN PLAT BOOK 21, AT PAGE 135 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH VACATED PORTIONS OF DEFENDER CANAL ACCORDING TO THE PLAT OF CAPE CORAL UNIT 62, AS RECORDED IN PLAT BOOK 21, AT PAGE 21 OF THE AFOREMENTIONED PUBLIC RECORDS, TOGETHER WITH ALL UNDERLYING PLATTED EASEMENTS LYING WITHIN SAID PARCEL, ALL LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGIN** AT THE NORTHWEST CORNER OF LOT 24, BLOCK 1877 OF THE AFOREMENTIONED PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF SAID BLOCK 1877 FOR THE FOLLOWING THREE (3) COURSES:

1. N.00°06'22"E., 110.17 FEET;
2. ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°39'17", A CHORD OF 35.25 FEET, A CHORD BEARING OF N.44°58'00"E., AN ARC OF 39.12 FEET;
3. N.89°45'39"E., 1,125.17 FEET;

THENCE N.00°06'22"E., 80.00 FEET TO THE NORTH LINE OF DEFENDER CANAL (80 FEET WIDE) (VACATED) ACCORDING TO THE AFOREMENTIONED PLAT OF CAPE CORAL UNIT 62; THENCE, ALONG SAID NORTH LINE OF DEFENDER CANAL (VACATED), N.89°45'39"E., 130.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID DEFENDER CANAL (VACATED); THENCE, ALONG SAID EAST LINE OF DEFENDER CANAL (VACATED) AND ALONG THE EAST LINE OF MALABAR CANAL (80 FEET WIDE) (VACATED) ACCORDING TO THE AFOREMENTIONED PLAT OF CAPE CORAL UNIT 45, PART 1, S.00°06'22"W., 685.02 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4749, PAGE 1968 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTH LINE, S.89°45'39"W., 80.00 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 1873 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED ON OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. S.00°06'22"W., 6.88 FEET;
2. N.78°37'57"W., 111.04 FEET;

THENCE N.76°58'05"W., 92.37 FEET; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS, N.78°27'55"W., 89.84 FEET TO A POINT LYING ON THE SOUTH LINE OF LOT 30, BLOCK 1874 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF SAID LOT 30 FOR THE FOLLOWING TWO (2) COURSES:

1. S.89°45'39"W., 12.99 FEET;
2. N.00°06'22"E., 3.12 FEET;

THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. N.68°59'26"W., 88.02 FEET;
2. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 62.49 FEET, A CENTRAL ANGLE OF 56°29'39", A CHORD OF 59.15 FEET, A CHORD BEARING OF N.40°44'33"W., AN ARC OF 61.62 FEET

TO A POINT LYING ON THE SOUTH LINE OF LOT 15, BLOCK 1874 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF SAID LOT 15 FOR THE FOLLOWING TWO (2) COURSES:

1. S.89°45'39"W., 4.08 FEET;
2. N.00°06'22"E., 12.31 FEET;

THENCE N.89°53'38"W., 50.00 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF SW 3RD PLACE (50 FEET WIDE) ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING THREE (3) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING FOR ITS ELEMENTS A RADIUS OF 78.01 FEET, A CENTRAL ANGLE OF 37°02'49", A CHORD OF 49.56 FEET, A CHORD BEARING OF N.71°42'50"W., AN ARC OF 50.44 FEET;
2. S.89°45'17"W., 77.91 FEET;
3. N.00°06'22"E., 11.66 FEET;

THENCE, ALONG THE RIGHT-OF-WAY OF VETERANS PARKWAY (ACCORDING TO LEE COUNTY PROJECTS 4034 AND 96054 DATED 3/22/00) FOR THE FOLLOWING TWO (2) COURSES:

1. S.89°45'45"W., 16.61 FEET;
2. N.60°29'15"W., 181.82 FEET;

THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS THE FOLLOWING THREE (3) COURSES:

1. S.00°06'22"W., 2.11 FEET;
2. N.59°09'15"W., 9.12 FEET;
3. N.64°55'26"W., 129.24 FEET;

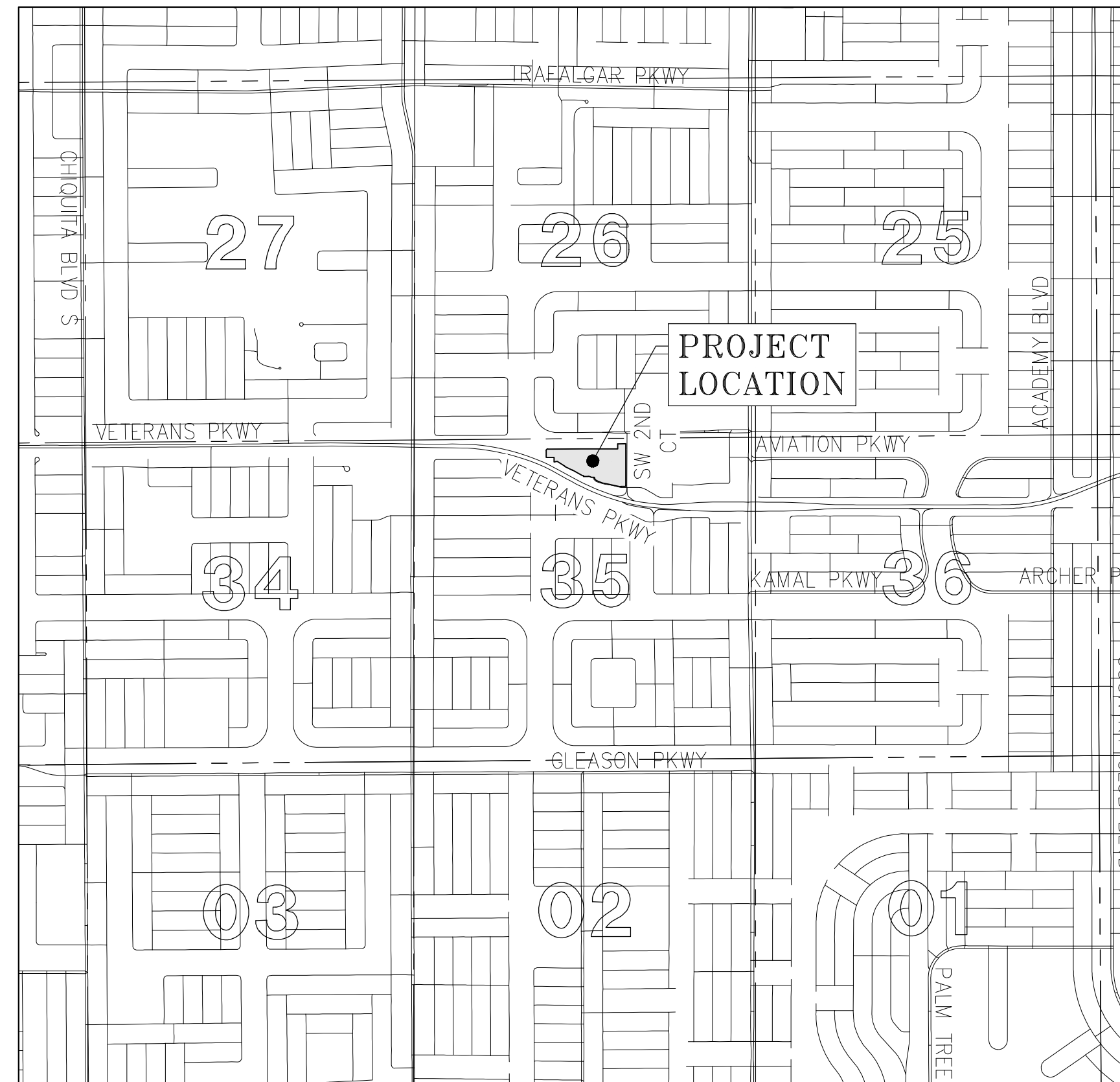
THENCE, ALONG THE AFOREMENTIONED RIGHT-OF-WAY OF VETERANS PARKWAY (ACCORDING TO LEE COUNTY PROJECTS 4034 AND 96054 DATED 3/22/00) FOR THE FOLLOWING FOUR (4) COURSES:

1. N.00°06'22"E., 8.86 FEET;
2. N.62°49'31"W., 8.07 FEET
3. N.57°43'54"W., 136.25 FEET
4. S.78°57'23"W., 53.48 FEET;

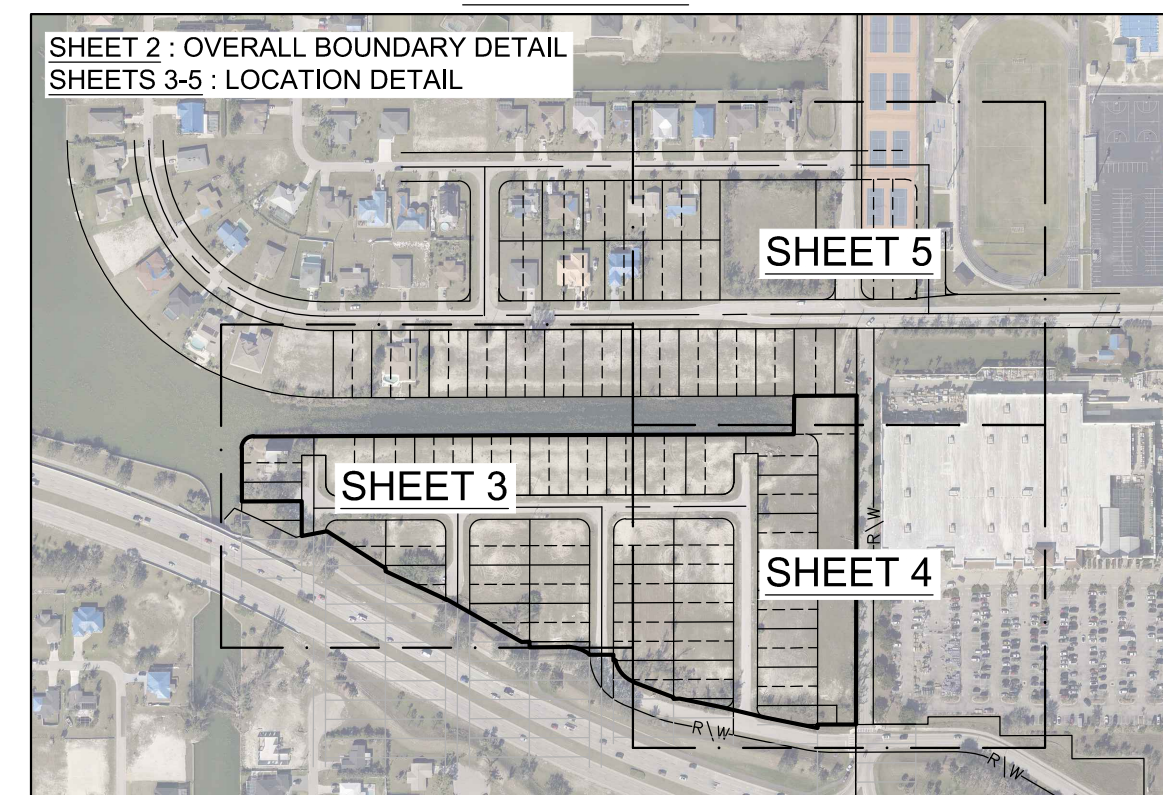
TO AN INTERSECTION WITH THE EAST LINE OF LOT 25, BLOCK 1877 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG SAID EAST LINE OF LOT 25 AND LOT 24, BLOCK 1877, N.00°06'22"E., 73.13 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED LOT 24, BLOCK 1877; THENCE, ALONG THE NORTH LINE OF SAID LOT 24, BLOCK 1877, S.89°45'39"W., 125.00 FEET TO THE **POINT OF BEGINNING**

SAID PARCEL CONTAINS 12.39 ACRES, MORE OR LESS.

VICINITY MAP  
1"=2000'



KEY SHEET



**NOTES:**

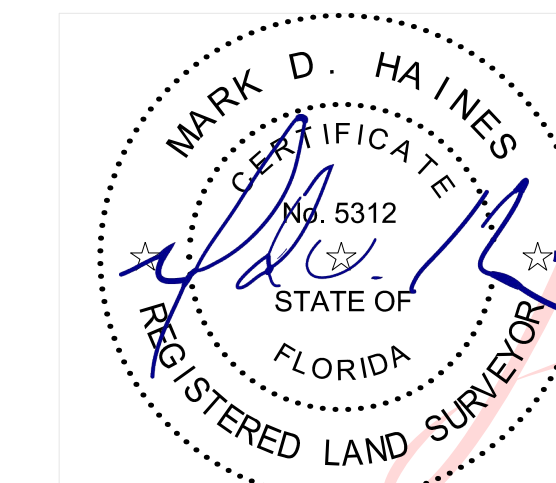
1. DATE OF LAST FIELDWORK: JANUARY 29, 2024.
2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, FIXING THE NORTH LINE OF BLOCK 1877 AS N.89°45'39"E.
4. THE MAJORITY OF THE SURVEYED PARCEL LIES IN F.E.M.A. FLOOD ZONE X (NO BASE FLOOD ELEVATION DETERMINED) AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S DIGITAL FLOOD INSURANCE RATE MAP (D.F.I.R.M.) MAP NUMBER(S) 12071C0401G, WITH AN EFFECTIVE DATE OF NOVEMBER 17, 2022. THE AREAS OF THE VACATED CANALS STILL LIE WITHIN FLOOD ZONE AE WITH BASE FLOOD ELEVATION OF +08.0 FEET NAVD88. FLOOD ZONES ARE SHOWN ON THE SURVEY.
5. UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS WERE NOT LOCATED AS A PART OF THIS SURVEY.
6. THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
7. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED. THIS SURVEY DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.
8. THERE WERE SEVERAL AREAS ON THE SURVEYED PARCEL THAT WERE POSTED AS BURROWING OR NESTING AREAS. THE INDIVIDUAL NESTS WERE NOT EXAMINED OR LOCATED AS A PART OF THIS SURVEY.
9. INFORMATION FOR ADJOINING PARCELS WAS TAKEN FROM THE LEE COUNTY PROPERTY APPRAISER'S WEBSITE: [HTTPS://WWW.LEEPA.ORG/](https://www.leepra.org/).
10. THIS SURVEY DOES NOT DETERMINE PROPERTY OWNERSHIP OR PROPERTY RIGHTS. THIS SURVEY LOCATED THE BOUNDARY IN ACCORDANCE WITH AND IN RELATION TO THE LEGAL DESCRIPTION.
11. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
12. LEGAL AND PHYSICAL ACCESS TO THE SURVEYED PARCEL IS VIA ADJACENT PUBLIC ROADS AS SHOWN HEREON.
13. SURVEYED PARCEL CONTAINS 539,472 SQUARE FEET OR 12.39 ACRES, MORE OR LESS.
14. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. A TITLE COMMITMENT AND/OR ABSTRACT OF TITLE WAS NOT PROVIDED TO THE SURVEYOR.

THIS SURVEY IS ONLY FOR THE BENEFIT OF:

- LEE MEMORIAL HEALTH SYSTEM
- KNOTT EBELINI HART
- OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

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



Digitally signed by  
Mark D. Haines  
PSM LS5312 State  
of Florida  
Date: 2024.02.26  
15:02:13 -05'00'

THIS SURVEY HAS BEEN DIGITALLY SIGNED BY:  
MARK D. HAINES (FOR THE FIRM L.B. 642)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5312  
ON THE DATE ADJACENT TO THE SEAL.

THIS CERTIFICATION IS TO THE DATE OF LAST FIELD WORK AS SHOWN IN NOTE 1 AND NOT THE SIGNATURE DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED, AND THE DIGITAL SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

REVISIONS	DESCRIPTION	DATE

COVER

SHEET NUMBER

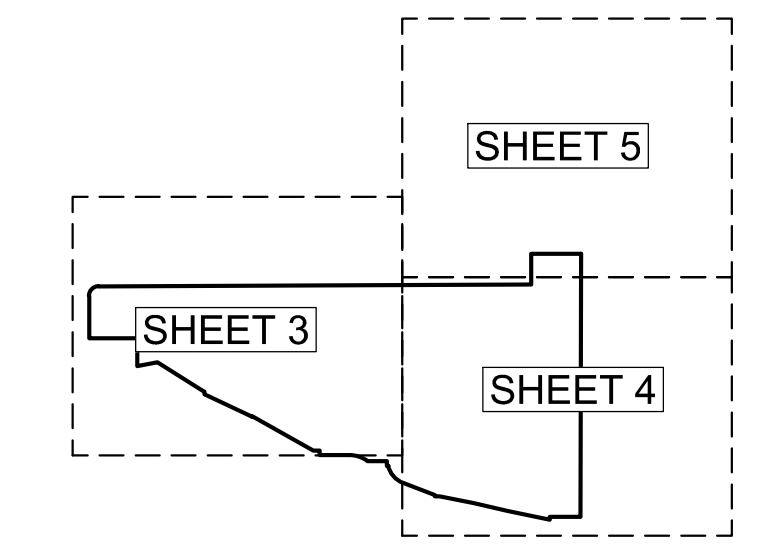
1 OF 5

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.

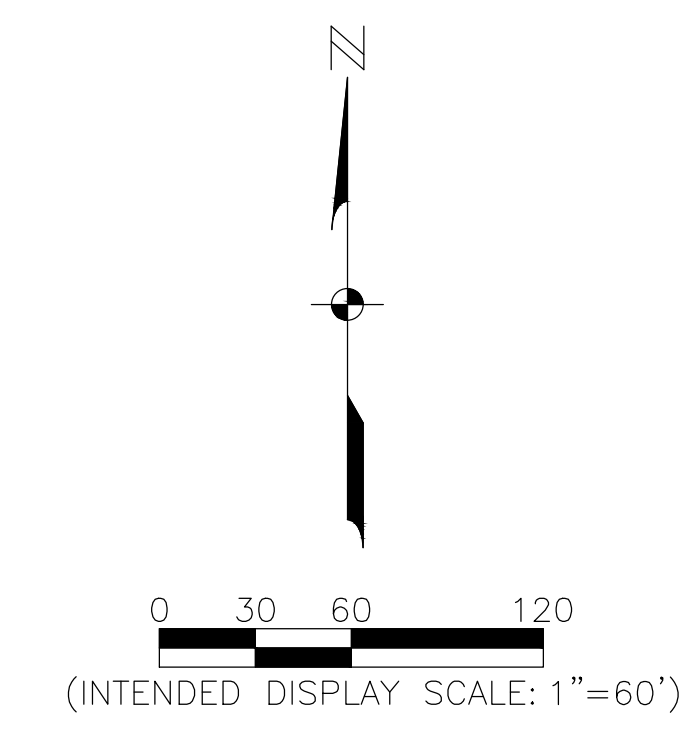
DATE	DESCRIPTION

DATE: 01/29/24  
PROJECT NO. 20236050-007  
FILE NO. 35-44-23  
SCALE: 1"=60'

**IMPROVEMENT LOCATION DETAIL  
SHEET KEY**



**\*SEE SHEETS 3, 4 & 5 FOR  
IMPROVEMENT LOCATIONS\***



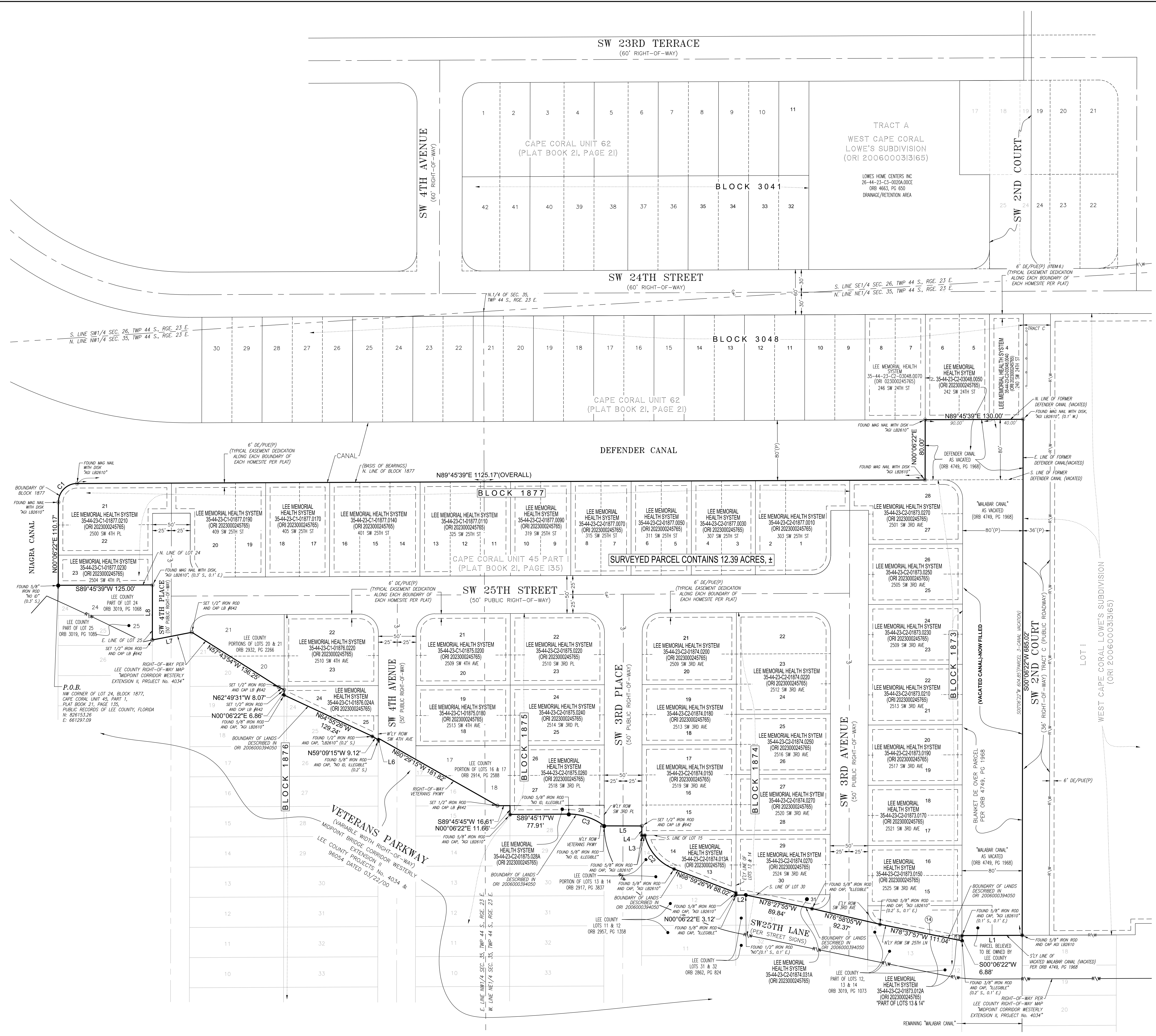
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  - ⊕ = WOODEN POWER POLE
  - ⊕ = GUY ANCHOR
  - ⊕ = ELECTRIC SERVICE BOX
  - ⊕ = TELEPHONE PEDESTAL
  - ⊕ = SIGN

**CURVE TABLE**

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	25.00'	89°39'17"	N44°56'00"E	35.25'	39.12'
C2	62.49'	56°29'39"	N40°44'33"W	59.15'	61.62'
C3	78.01'	37°02'49"	N71°42'50"W	49.56'	50.44'

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S89°45'39"W	80.00'
L2	S89°45'39"W	12.99'
L3	S89°45'39"W	4.08'
L4	N00°06'22"E	12.31'
L5	N89°53'38"W	50.00'
L6	S00°06'22"W	2.11'
L7	S78°57'23"W	53.48'
L8	N00°06'22"E	73.13'



**BOUNDARY SURVEY**

**LEEHEALTH VETERANS PLAZA  
PLAT VACATION**

SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

**REVISIONS**

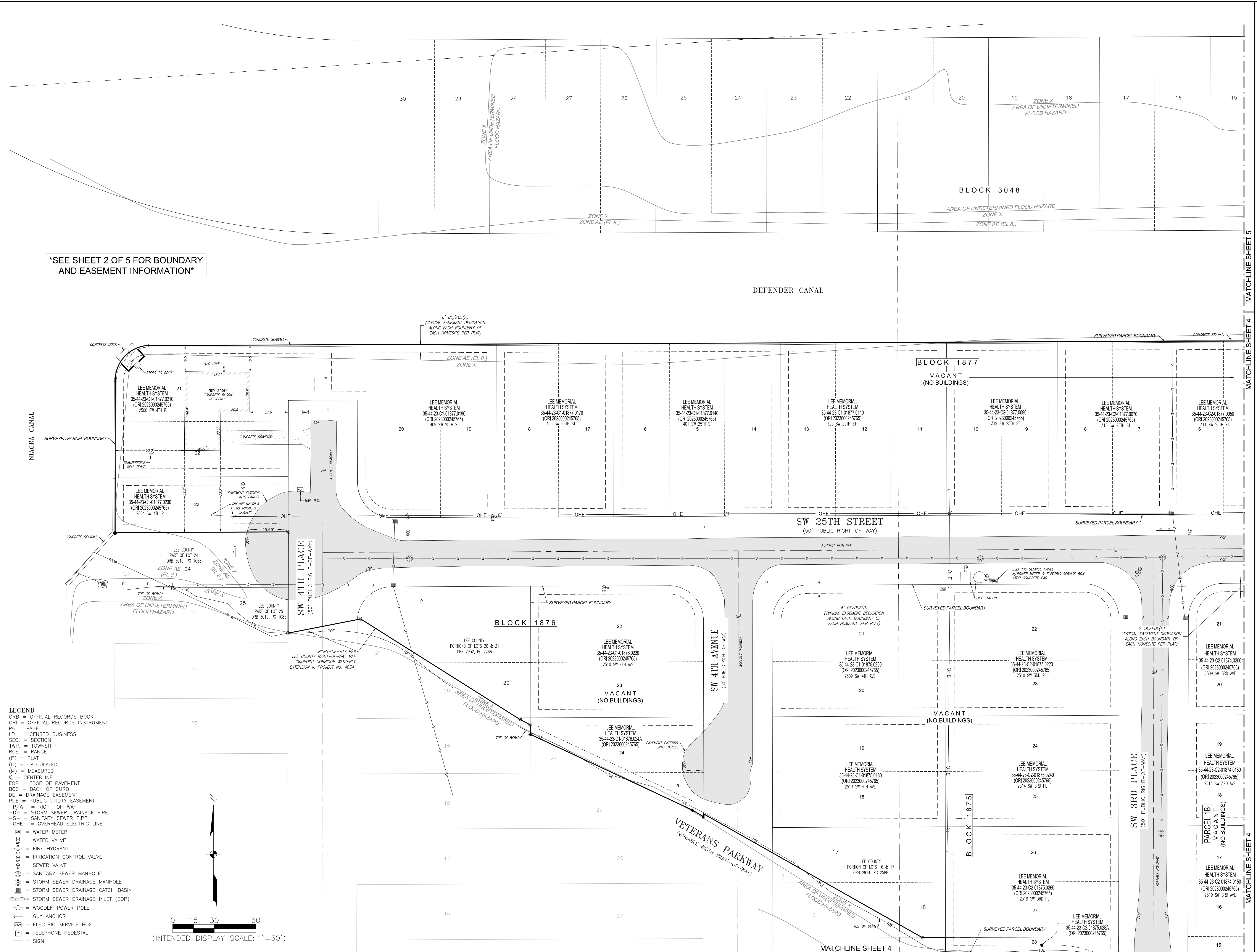
DATE	DESCRIPTION

DATE: 01/29/24  
PROJECT NO. 20236050-007  
FILE NO. 35-44-23  
SCALE: 1"=30'

**LOCATION  
DETAIL**

SHEET NUMBER

**3 OF 5**



\*SEE SHEET 2 OF 5 FOR BOUNDARY AND EASEMENT INFORMATION\*



**BOUNDARY SURVEY**

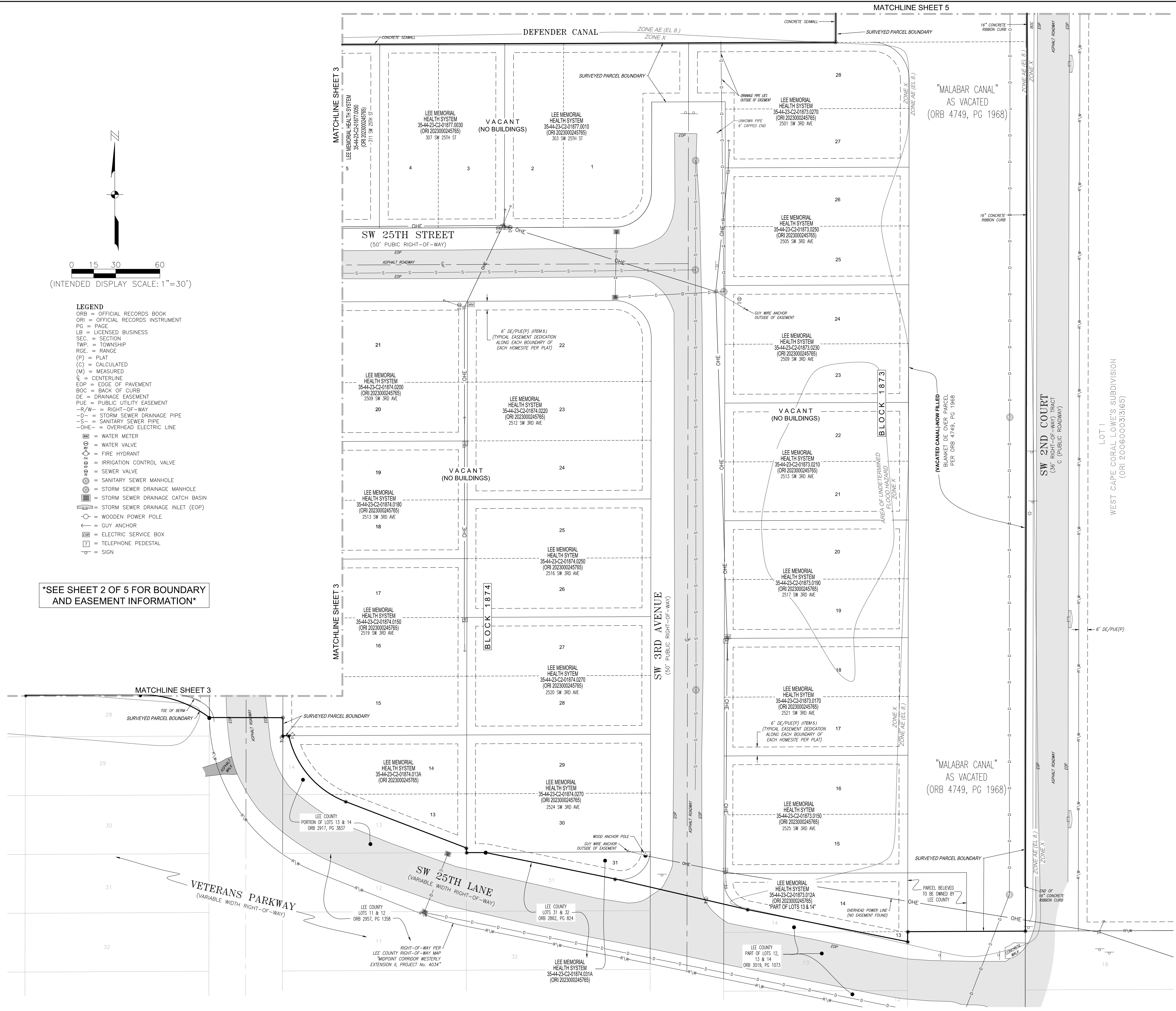
**LEEHEALTH VETERANS PLAZA  
PLAT VACATION**

SECTION 35, TOWNSHIP44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

REVISIONS	DESCRIPTION	DATE

LOCATION  
DETAIL

SHEET NUMBER  
**4 OF 5**



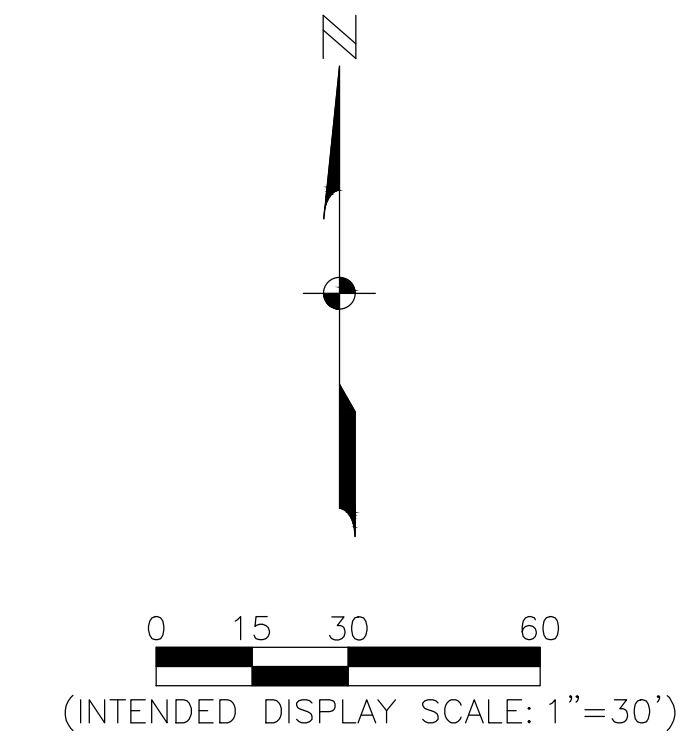
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\*SEE SHEET 2 OF 5 FOR BOUNDARY AND EASEMENT INFORMATION\*

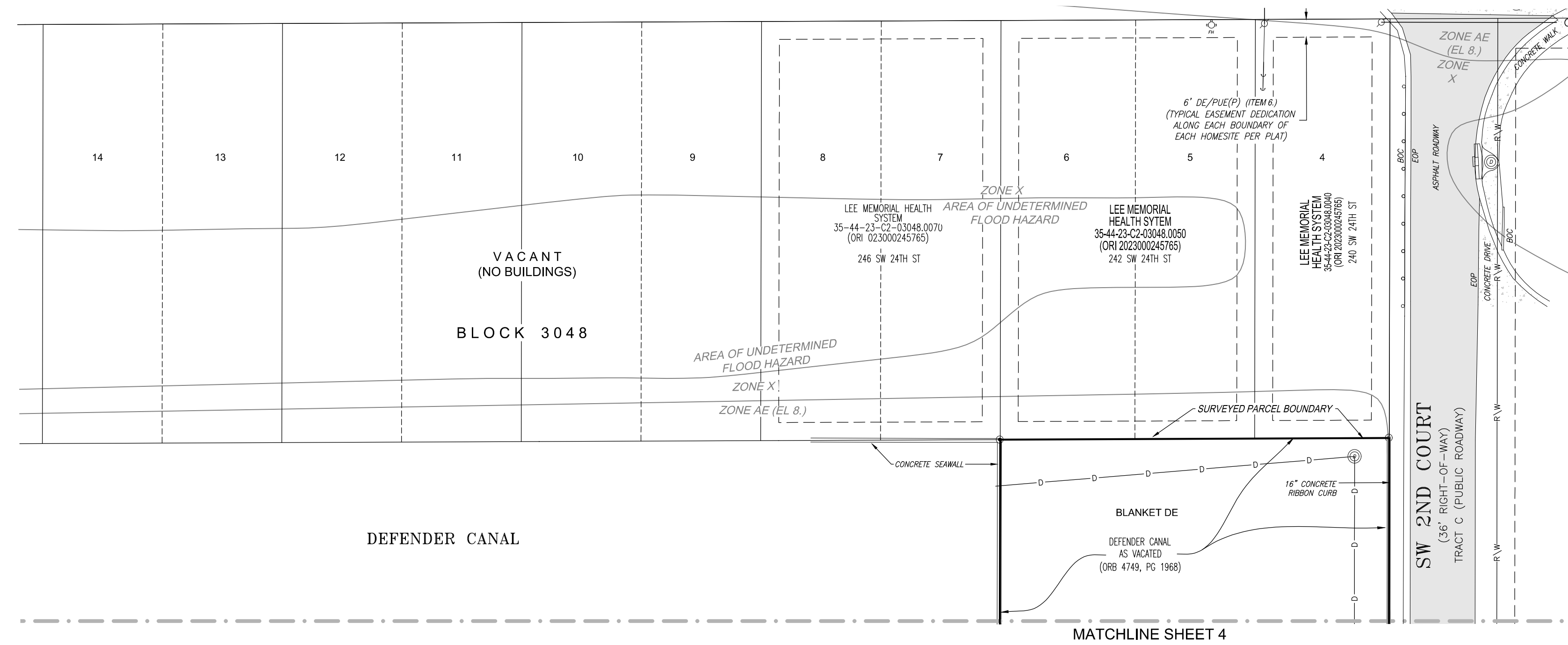
**BOUNDARY SURVEY**

**LEEHEALTH VETERANS PLAZA  
PLAT VACATION**

SECTION 35, TOWNSHIP44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA



**\*SEE SHEET 2 OF 5 FOR BOUNDARY  
AND EASEMENT INFORMATION\***



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**REVISIONS**

DATE	DESCRIPTION

DATE: 01/29/24  
PROJECT NO. 20236050-007  
FILE NO. 35-44-23  
SCALE: 1"=30'

**LOCATION  
DETAIL**

SHEET NUMBER

**Review Date:** September 10, 2024

**Property Owner:** Lee Memorial Health System

**Owner Address:** 4211 Metro Parkway  
Suite 100  
Fort Myers, FL 33916

**Authorized Rep:** Johnson Engineering, Inc.

**Request:** Lee Memorial Health System request vacating:

1. ±102,007 sq. ft. or 2.34 acres of street right-of-way (ROW) along with all underlying easements associated with portions of SW 3<sup>rd</sup> Avenue, SW 3<sup>rd</sup> Place, SW 4<sup>th</sup> Avenue, SW 4<sup>th</sup> Place, and SW 25<sup>th</sup> Street.
2. All platted easements associated with those sites identified in Attachment #1 and shown within the subject vacation area appearing in Figure 1.
3. All drainage and utility easements associated with the previously vacated Malabar Canal and part of the previously vacated Defender Canal.

**Property Locations:** Multiple sites – see Attachment #1.

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

**Approved By:** Amy Yearsley, AICP, City Planning Manager

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

**Urban Service** Infill

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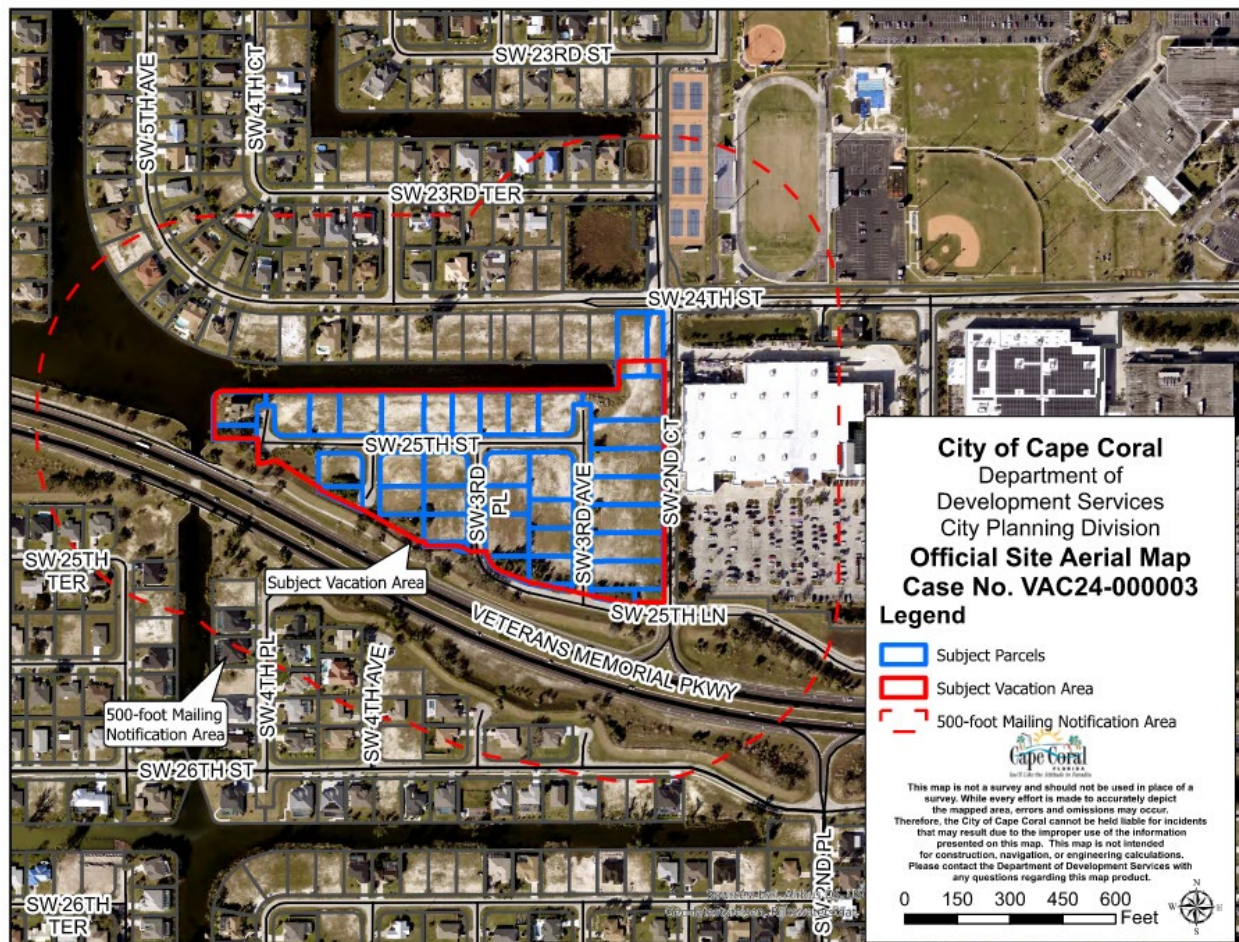
#### **PROPERTY DESCRIPTION**

The applicant, Lee Memorial Health System, owns 36 parcels totaling 9.53 acres within the proposed vacation area, adjacent to and north of Veteran’s Memorial Parkway, about 0.4 miles west of Santa Barbara Boulevard (Figure 1). Most sites are relatively small with an average area of 11,534 sq. ft. These sites have a Commercial/Professional Future Land Use Classification (FLUC) and Commercial (C) zoning. All parcels are vacant except for one site at 2500 SW 4<sup>th</sup> Place that has a single-family dwelling.

Surrounding sites to the north, south, and west have a Single Family FLUC and Single-Family Residential (R-1) zoning. Sites to the east have a Commercial/Professional FLUC and C zoning and include a Lowe’s Home Improvement Store and a commercial shopping center anchored by Target.

North of the project area, Lee Memorial Health System owns an additional 14 sites totaling 3.44 acres. All sites have a Single Family FLUC and R-1 zoning with frontage on SW 24<sup>th</sup> Street.

**Figure 1. Aerial of the Lee Memorial Health System sites outlined in red below. The applicant requests vacating all streets and underlying easements, as well as all platted easements in the project area.**



## REQUEST

The applicant requests vacating parts of SW 3<sup>rd</sup> Avenue, SW 3<sup>rd</sup> Place, SW 4<sup>th</sup> Avenue, SW 4<sup>th</sup> Place, and SW 25<sup>th</sup> Street along with all underlying easements. Platted easements are also requested to be vacated on all lots within the project area. Lastly, the applicant requests to vacate all easements underlying the previously vacated Malabar Canal and part of the previously vacated Defender Canal. The vacation of these two canals was approved by Resolution 55-04. Both canals were platted with widths of 80 feet.

## FLU AND ZONING HISTORY

Block 1874: Lots 18-30 had the FLUC amended from Single Family and Multi Family to Commercial/Professional by Ordinance 57-04. The zoning for these lots was amended from Single-Family Residential (R-1B) to Pedestrian Commercial (C-1) by Ordinance 5-05.

Block 1875: Lots 18-27 had the FLUC amended from Single Family and Multi Family to Commercial/Professional by Ordinance 57-04. The zoning for these lots was amended from R-1B to C-1 by Ordinance 5-05.

Block 1876: Lots 22-23 had the FLUC amended from Single Family and Multi Family to Commercial/Professional by Ordinance 57-04. The zoning for these lots was amended from R-1B to C-1 by Ordinance 5-05.

Lots 24-25 had the FLUC amended from Single Family and Multi Family to Single Family by Ordinance 28-06, and to Commercial/Professional by Ordinance 37-10. The zoning was amended from R-1B to C-1 by Ordinance 16-11.

Block 1877: Lots 1-22 had the FLUC amended from Single Family and Multi Family to Commercial/Professional by Ordinance 57-04. The zoning for these lots was amended from R-1B to C-1 by Ordinance 5-05.

Lot 23 had the FLUC amended from Single Family and Multi Family to Single Family by Ordinance 28-06 and to Commercial/Professional by Ordinance 37-10. The zoning was amended from R-1B to C-1 by Ordinance 16-11.

#### MINIMUM STANDARDS

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

- Color of title or ownership of all sites by the owner for which the vacations are sought.
- Correspondence from Lumen/Century Link, Comcast, and Lee County Electric Cooperative (LCEC).
- Sketches and accompanying legal descriptions of the ROW and easements that will be vacated.

#### ANALYSIS

Staff analyzed this request consistent LDC, Section 3.4.5, “*Vacation of Plats, Easements, and Rights-of-Way.*” The Comprehensive Plan was also reviewed for policies on vacations. Staff analysis and recommended findings appear immediately after each criterion.

1. Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes. ***Staff response: All rights-of-way requested to be vacated are surrounded by sites owned by Lee Memorial Health System. These streets are not needed for access to any sites owned by parties other than Lee Memorial. The current street network is no longer needed for access to platted residential lots under multiple ownership as envisioned when the subdivision plat was recorded in the 1960s. Currently, the existing streets within the project area are an impediment to the owner’s plans to develop this site as a medical center. Following the approval of this vacation, new streets to serve the future medical center will be designed and constructed consistent with the current owner’s vision for redeveloping this area.***

***Easements underlying the subject street rights-of-way are also requested to be vacated. Comcast and LCEC lack facilities in these easements. The City has facilities in these easements including a lift station in the right-of-way south of SW 25<sup>th</sup> Street, water and sewer lines, and drainage pipes. Water and sewer lines will be capped, and the remaining facilities will be removed by the owner at the owner’s expense.***

***Six-foot-wide platted easements within the project area will be vacated. These platted easements are no longer necessary as the owner will provide six-foot-wide easements around the north and west sides of the site, and a 10-foot-wide easement around the east and south sides of the project***

**area. Combined, these two easements will be 29,639 sq. ft., and together will provide a continuous perimeter easement around the project area.**

**Easements underlying the previously vacated Malabar and Defender Canals will also be eliminated. Six- or 10-foot-wide easements, provided by the owner, and described in the preceding paragraph, will provide a continuous perimeter easement along the eastern periphery of these vacated waterways.**

2. Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way. **Staff response: The City will retain or receive from the owner an estimated 29,639 sq. ft. of easements for providing a perimeter easement around the project area. The width of these easements will be either six or 10 feet as described previously. No additional easements will be needed by the City. While not involving the City, the owner is working with Lee County to provide drainage easements for conveying runoff into the Veteran's Memorial Parkway right-of-way.**
3. If alternate routes are required or available that do not cause adverse impacts to surrounding areas. **Staff response: While portions of several City streets will be vacated, alternative routes are not needed. The project area will continue to have frontage along SW 2<sup>nd</sup> Court and SW 25<sup>th</sup> Lane following the vacation. Both streets will provide direct access to the Lee Memorial site.**
4. If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area. **Staff response: The vacation of SW 3<sup>rd</sup> Place will result in SW 25<sup>th</sup> Lane abruptly ending where this street intersects with SW 3<sup>rd</sup> Place. A condition is recommended by staff to require a cul-de-sac or similar turn-around improvement on the owner's site directly north of where SW 25<sup>th</sup> Lane terminates at the intersection with the vacated SW 3<sup>rd</sup> Place right-of-way. This improvement will provide fire trucks and other first responders with space for turning around should an emergency occur near the western end of SW 25<sup>th</sup> Lane.**
5. Whether local utility providers have given consent to the vacation of the plat, easements, or rights-of-way. The local utility providers may require additional easements or relocation of existing utilities facilities to complete the vacation. **Staff response: All three utility providers have issued letters of no objection regarding the requested vacations, although two of the providers have done so conditionally. LCEC requires a perimeter easement with a minimum width of six feet around the project area. Lumen requires the owner to pay for the relocation of existing utility facilities in the project area at an estimated cost of \$23,698.45. Recommended conditions appear at the end of this report to address each utility concern.**

## CONSISTENCY WITH THE COMPREHENSIVE PLAN

**Staff analysis:** The C zoning of the subject properties is consistent with the Commercial/Professional FLUC as shown in Table 1 of Policy 1.15.

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

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

### Policy 3.6.

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

**Staff analysis:** Approval of these vacations will unify over 30 sites that lack cohesiveness because of the presence of several platted streets that separate these sites from one another. This vacation will facilitate the assembly of property under common ownership thereby increasing the area and depth of the consolidated site. In turn, this single, expanded site will provide the owner with greater flexibility in designing a medical center for this property. This vacation will also eliminate a number of easements internal to the site that will become superfluous as the owner will provide a continuous perimeter easement around the project area that will suffice for future utility installation and maintenance purposes.

## RECOMMENDATION

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

### Conditions of Approval

1. The rights-of-way and all underlying easements associated with SW 3<sup>rd</sup> Avenue, SW 3<sup>rd</sup> Place, SW 4<sup>th</sup> Avenue, SW 4<sup>th</sup> Place, and SW 25<sup>th</sup> Street shall be vacated within the area that is described by the sketch and accompanying legal description prepared by Johnson Engineering entitled "*Sketch and Description Lee Health Veterans Plaza Proposed Plat Vacation*," dated February 2, 2024, that appears in Exhibit "A."
2. All platted easements and easements underlying the previously vacated portions of the Defender and Malabar Canals shall be vacated as described by the sketch and accompanying legal description prepared by Johnson Engineering entitled "*Sketch and Description Lee Health Veterans Plaza Proposed Plat Vacation*," dated February 2, 2024, that appears in Exhibit "A."
3. The owner shall provide the City with easements sufficient for maintaining a minimum six-foot-wide public utility and drainage easement coincident with the perimeter of the project area as shown in Exhibit "B" and Exhibit "C", that are entitled "*Sketch and Description Lee Health Veterans Plaza 6-Foot-Wide Public Utility Easement*" and "*Sketch and Description Lee Health Veterans Plaza 10-Foot-Wide Public Utility Easement*," respectively. Both sketches and accompanying legal descriptions were prepared by Johnson Engineering and are dated February 2, 2024.
4. The owner shall reimburse Lumen for the relocation of the company's existing utilities located within the vacation area prior to the City approving a site development plan for the site.
5. To prevent fire and emergency management vehicles from encountering a dead-end street when reaching the terminus of SW 25<sup>th</sup> Lane following the approval of the vacation, the owner shall provide a temporary paved turn-around area on the owner's site immediately north of the intersection of SW 25<sup>th</sup> Lane and the vacated segment of SW 3<sup>rd</sup> Place. This improvement shall be sufficient to accommodate a fire truck with a minimum length of 48 feet, 4 inches, and shall be constructed by the developer and inspected by the City as part of the construction plans associated with SDPL24-000019.
6. In order to ensure that this vacation complies with the City's duty to hold certain platted lands in trust for the public interest, the owner agrees to make improvements in the SW 2<sup>nd</sup> Court right-of-way between SW 25<sup>th</sup> Lane and SW 24<sup>th</sup> Court. These improvements shall include widening this street and installing a sidewalk on the west side of the street. A grass strip shall be provided between the curb and the sidewalk that shall contain canopy trees. The canopy trees within this area shall be installed every 30 feet and shall have a minimum height of 12 feet and a caliper of three inches as measured at a height of 12 inches above the ground at the time of planting. The installation and maintenance of these trees shall conform to those standards appearing in the Land Development Code. Additionally, the developer, at developer's discretion, may provide a gathering place for the public on developer's site that may include one or more of the following: a pavilion, benches, picnic tables, or similar improvements.



The developer shall keep and maintain an itemized list of the cost of all improvements constructed under this provision and make such records available for City review. In the event the total cost of said improvements is less than \$250,000, the developer shall make a contribution of any documented shortage to the General Tree Fund. All improvements as well as any contribution to the General Tree Fund shall be completed by the developer prior to the first certification of completion for the site approved by the City.

7. The owner shall reimburse the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.
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 of the property.

---

**Staff Contact Information**

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

PH: 239-242-3255

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

**EXHIBIT "1" Information on Individual Sites Owned by Lee Memorial Health System in the Vacation Area. All Site has a C/P FLU Classification and C Zoning.**

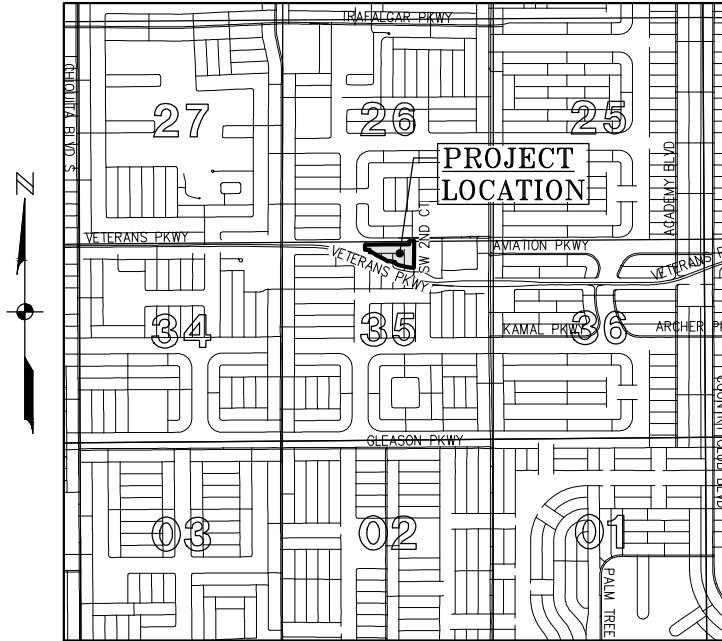
<b>STRAP</b>	<b>SITE ADDRESS</b>	<b>IMPROVED</b>	<b>LEGAL</b>	<b>AREA (sq. ft.)</b>
35-44-23-C2-01873.012A	Unaddressed	N	Cape Coral Unit 45, Part 1, Block 1873, PB 21, PG 146, Portion of Lot 14 as described in INSTR#2006-394050	4,189
35-44-23-C2-01873.0150	2525 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1873, PB 21, PG 149, Lots 15-16	16,435
35-44-23-C2-01873.0170	2521 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1873, PB 21, PG 149, Lots 17-18	16,407
35-44-23-C2-01873.0190	2517 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1873, PB 21, PG 149, Lots 19-20	16,450
35-44-23-C2-01873.0210	2513 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1873, PB 21, PG 149, Lots 21-22	16,380
35-44-23-C2-01873.0230	2509 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1873, PB 21, PG 149, Lots 23-24	16,380
35-44-23-C2-01873.0250	2505 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1873, PB 21, PG 149, Lots 25-26	16,417
35-44-23-C2-01873.0270	2501 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1873, PB 21, PG 149, Lots 27-28	23,637
35-44-23-C2-01874.0150	Unaddressed	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 149, Portion of Lot 14 as described in INSTR#2006-394050	6,191
35-44-23-C2-01874.0150	2519 SW 3rd Pl	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 149, Lots 15-17	15,000
35-44-23-C2-01874.0180	2513 SW 3rd Pl	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 150, Lots 18-19	10,000
35-44-23-C2-01874.0200	2509 SW 3rd Pl	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 149, Lots 20-21	11,744
35-44-23-C2-01874.0220	2512 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 149, Lots 22-24	16,741
35-44-23-C2-01874.0250	2516 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 149, Lots 25-26	10,000
35-44-23-C2-01874.0270	2520 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 149, Lots 27-28	10,000
35-44-23-C2-01874.0290	2524 SW 3rd Ave	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 149, Lots 29-30	10,002
35-44-23-C2-01874.031A	Unaddressed	N	Cape Coral Unit 45, Part 1, Block 1874, PB 21, PG 149, Portion of Lot 31 as described in INSTR#2006-394050	1,170
35-44-23-C1-01875.0180	2513 SW 4th Ave	N	Cape Coral Unit 45, Part 1, Block 1875, PB 21, PG 149, Lots 18-19	10,000
35-44-23-C1-01875.0200	2509 SW 4th Ave	N	Cape Coral Unit 45, Part 1, Block 1875, PB 21, PG 149, Lots 20-21	11,744
35-44-23-C1-01875.0220	2510 SW 4th Ave	N	Cape Coral Unit 45, Part 1, Block 1875, PB 21, PG 149, Lots 22-23	11,741
35-44-23-C1-01875.0240	2514 SW 4th Ave	N	Cape Coral Unit 45, Part 1, Block 1875, PB 21, PG 149, Lots 24-25	10,000
35-44-23-C1-01875.0260	2518 SW 4th Ave	N	Cape Coral Unit 45, Part 1, Block 1875, PB 21, PG 149, Lots 26-27	10,000
35-44-23-C1-01875.028A	Unaddressed	N	Cape Coral Unit 45, Part 1, Block 1875, PB 21, PG 149, Portion of Lot 28 as described in INSTR#2006-394050	1,949
35-44-23-C1-01876.0220	2510 SW 4th Ave	N	Cape Coral Unit 45, Part 1, Block 1876, PB 21, PG 149, Lots 22-23	11,741
35-44-23-C1-01876.024A	Unaddressed	N	Cape Coral Unit 45, Part 1, Block 1876, PB 21, PG 149, Portion of Lots 24-25 as described in INSTR#2006-394050	5,173
35-44-23-C2-01877.0010	303 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 1-2	13,367
35-44-23-C2-01877.0030	307 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 3-4	10,625
35-44-23-C2-01877.0050	311 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 5-6	10,000
35-44-23-C2-01877.0070	315 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 7-8	10,000
35-44-23-C2-01877.0090	319 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 9-10	10,000
35-44-23-C2-01877.0110	325 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 11-13	15,000
35-44-23-C1-01877.0140	401 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 14-16	15,000
35-44-23-C1-01877.0170	405 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 17-18	10,625
35-44-23-C1-01877.0190	409 SW 25th St	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 19-20	13,363
35-44-23-C1-01877.0210	2500 SW 4th Pl	Y	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 21-22	12,744
35-44-23-C1-01877.0230	2504 SW 4th Pl	N	Cape Coral Unit 45, Part 1, Block 1877, PB 21, PG 149, Lots 23	4,997
<b>TOTAL</b>				<b>415,212 (9.53 acres)</b>

# SKETCH AND DESCRIPTION

## LEE HEALTH VETERANS PLAZA PROPOSED PLAT VACATION

LYING IN  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

VICINITY MAP  
1"=5000'



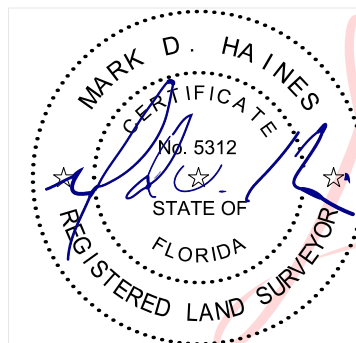
0 1250 2500 5000  
(INTENDED DISPLAY SCALE: 1"=5000')

**THIS IS NOT A SURVEY.**

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

**NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF CAPE CORAL UNIT 45, PART 1 AS RECORDED IN PLAT BOOK 21, PAGE 135 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHEREIN THE WEST LINE OF BLOCK 1877 BEARS N.00°06'22"E.
3. DESCRIBED PARCEL CONTAINS 12.39 ACRES, MORE OR LESS.
4. P.O.B. = POINT OF BEGINNING
5. PUE = PUBLIC UTILITY EASEMENT
6. ORI = OFFICIAL RECORDS INSTRUMENT
7. ORB = OFFICIAL RECORDS BOOK/PAGE
8. R/W - RIGHT-OF-WAY
9. PB = PLAT BOOK
10. PG = PAGE
11. R = RADIUS
12. Δ = DELTA
13. CB = CHORD BEARING
14. C = CHORD LENGTH
15. L = ARC LENGTH
16. NOT VALID WITHOUT SHEETS 1 THROUGH 5 OF 5.



**Digitally signed by**  
**Mark D. Haines**  
**PSM LS5312 State**  
**of Florida**  
**Date: 2024.02.05**  
**07:43:00 -05'00'**

THIS SKETCH HAS BEEN DIGITALLY SIGNED BY:  
MARK D. HAINES (FOR THE FIRM L.B. 642)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5312  
ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED, AND THE DIGITAL SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



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

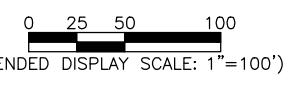
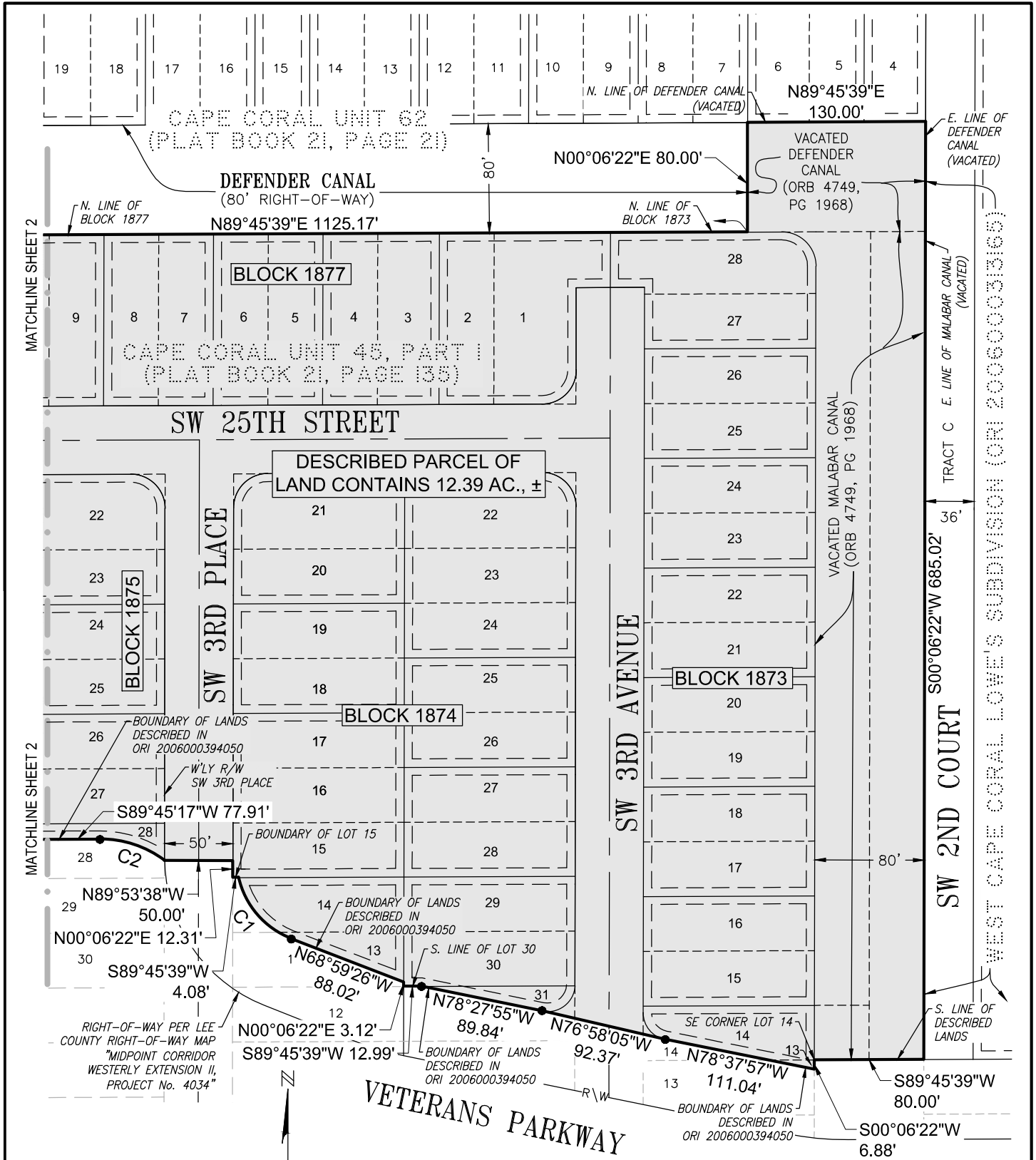
**SKETCH & DESCRIPTION**  
LEE HEALTH VETERANS PLAZA PROPOSED PLAT VACATION  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	AS SHOWN	1 OF 5

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.



\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007\Lee Health plat vacation S&D.dwg (3) MDH Feb 02, 2024 -- 8:03am



**THIS IS NOT A SURVEY.**  
**\*\*NOT VALID WITHOUT SHEETS 1 THROUGH 5 OF 5.\*\***

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	62.49'	56°29'39"	N40°44'33"W	59.15'	61.62'
C2	78.01'	37°02'49"	N71°42'50"W	49.56'	50.44'



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 E.B. #642 & L.B. #642

SKETCH & DESCRIPTION				
LEE HEALTH VETERANS PLAZA PROPOSED PLAT VACATION SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST CITY OF CAPE CORAL - LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	1"=100'	3 OF 5

**LEGAL DESCRIPTION**

LEEHEALTH VETERAN'S PLAZA  
PLAT VACATION  
PART OF CAPE CORAL UNIT 45, PART 1  
PLAT BOOK 21, PAGE 135  
PART OF PLAT OF CAPE CORAL UNIT 62  
PLAT BOOK 21, PAGE 21  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL – LEE COUNTY, FLORIDA

A PARCEL OF LAND CONSISTING OF ALL OF LOTS 1 THROUGH 23, BLOCK 1877, TOGETHER WITH ALL OF LOTS 15 THROUGH 28 AND PORTIONS OF LOTS 13 AND 14, BLOCK 1873, TOGETHER WITH ALL OF LOTS 15 THROUGH 30 AND PORTIONS OF LOTS 13, 14 AND 31, BLOCK 1874, TOGETHER WITH ALL OF LOTS 18 THROUGH 27 AND PORTIONS OF LOTS 16, 17 AND 28, BLOCK 1875, TOGETHER WITH ALL OF LOTS 22 AND 23 AND PORTIONS OF LOTS 19, 20, 21, 24 AND 25, BLOCK 1876, TOGETHER WITH PORTIONS OF THE RIGHTS-OF-WAY OF SW 4TH PLACE, SW 25TH STREET, SW 4TH AVENUE, SW 3RD PLACE, AND SW 3RD AVENUE, TOGETHER WITH VACATED PORTIONS OF MALABAR CANAL ACCORDING TO THE PLAT OF CAPE CORAL UNIT 45, PART 1, AS RECORDED IN PLAT BOOK 21, AT PAGE 135 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH VACATED PORTIONS OF DEFENDER CANAL ACCORDING TO THE PLAT OF CAPE CORAL UNIT 62, AS RECORDED IN PLAT BOOK 21, AT PAGE 21 OF THE AFOREMENTIONED PUBLIC RECORDS, TOGETHER WITH ALL UNDERLYING PLATTED EASEMENTS LYING WITHIN SAID PARCEL, ALL LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 24, BLOCK 1877 OF THE AFOREMENTIONED PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF SAID BLOCK 1877 FOR THE FOLLOWING THREE (3) COURSES:

1. N.00°06'22"E., 110.17 FEET;
2. ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°39'17", A CHORD OF 35.25 FEET, A CHORD BEARING OF N.44°56'00"E., AN ARC OF 39.12 FEET;
3. N.89°45'39"E., 1,125.17 FEET;

THENCE N.00°06'22"E., 80.00 FEET TO THE NORTH LINE OF DEFENDER CANAL (80 FEET WIDE) (VACATED) ACCORDING TO THE AFOREMENTIONED PLAT OF CAPE CORAL UNIT 62; THENCE, ALONG SAID NORTH LINE OF DEFENDER CANAL (VACATED), N.89°45'39"E., 130.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID DEFENDER CANAL (VACATED); THENCE, ALONG SAID EAST LINE OF DEFENDER CANAL (VACATED) AND ALONG THE EAST LINE OF MALABAR CANAL (80 FEET WIDE) (VACATED) ACCORDING TO THE AFOREMENTIONED PLAT OF CAPE CORAL UNIT 45, PART 1, S.00°06'22"W., 685.02 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4749, PAGE 1968 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTH LINE, S.89°45'39"W., 80.00 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 1873 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED ON OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. S.00°06'22"W., 6.88 FEET;
2. N.78°37'57"W., 111.04 FEET;

THENCE N.76°58'05"W., 92.37 FEET; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS, N.78°27'55"W., 89.84 FEET TO A POINT LYING ON THE SOUTH LINE OF LOT 30, BLOCK 1874 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF SAID LOT 30 FOR THE FOLLOWING TWO (2) COURSES:

1. S.89°45'39"W., 12.99 FEET;
2. N.00°06'22"E., 3.12 FEET;

THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. N.68°59'26"W., 88.02 FEET;
2. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 62.49 FEET, A CENTRAL ANGLE OF 56°29'39", A CHORD OF 59.15 FEET, A CHORD BEARING OF N.40°44'33"W., AN ARC OF 61.62 FEET

(DESCRIPTION CONTINUED ON SHEET 5 OF 5)

**THIS IS NOT A SURVEY.**

\*\*NOT VALID WITHOUT SHEETS 1 THROUGH 5 OF 5.\*\*



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

SKETCH & DESCRIPTION				
LEE HEALTH VETERANS PLAZA PROPOSED PLAT VACATION SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST CITY OF CAPE CORAL - LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	N/A	4 OF 5

\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health plat vacation S&D.dwg (4) MDH Feb 02, 2024 - 8:03am

(DESCRIPTION CONTINUED FROM SHEET 4 OF 5)

TO A POINT LYING ON THE SOUTH LINE OF LOT 15, BLOCK 1874 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF SAID LOT 15 FOR THE FOLLOWING TWO (2) COURSES:

- 1. S.89°45'39"W., 4.08 FEET;
- 2. N.00°06'22"E., 12.31 FEET;

THENCE N.89°53'38"W., 50.00 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF SW 3RD PLACE (50 FEET WIDE) ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING THREE (3) COURSES:

- 1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING FOR ITS ELEMENTS A RADIUS OF 78.01 FEET, A CENTRAL ANGLE OF 37°02'49", A CHORD OF 49.56 FEET, A CHORD BEARING OF N.71°42'50"W., AN ARC OF 50.44 FEET;
- 2. S.89°45'17"W., 77.91 FEET;
- 3. N.00°06'22"E., 11.66 FEET;

THENCE, ALONG THE RIGHT-OF-WAY OF VETERANS PARKWAY (ACCORDING TO LEE COUNTY PROJECTS 4034 AND 96054 DATED 3/22/00) FOR THE FOLLOWING TWO (2) COURSES:

- 1. S.89°45'45"W., 16.61 FEET;
- 2. N.60°29'15"W., 181.82 FEET;

THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS THE FOLLOWING THREE (3) COURSES:

- 1. S.00°06'22"W., 2.11 FEET;
- 2. N.59°09'15"W., 9.12 FEET;
- 3. N.64°55'26"W., 129.24 FEET;

THENCE, ALONG THE AFOREMENTIONED RIGHT-OF-WAY OF VETERANS PARKWAY (ACCORDING TO LEE COUNTY PROJECTS 4034 AND 96054 DATED 3/22/00) FOR THE FOLLOWING FOUR (4) COURSES:

- 1. N.00°06'22"E., 6.86 FEET;
- 2. N.62°49'31"W., 8.07 FEET
- 3. N.57°43'54"W., 136.25 FEET
- 4. S.78°57'23"W., 53.48 FEET;

TO AN INTERSECTION WITH THE EAST LINE OF LOT 25, BLOCK 1877 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG SAID EAST LINE OF LOT 25 AND LOT 24, BLOCK 1877, N.00°06'22"E., 73.13 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED LOT 24, BLOCK 1877; THENCE, ALONG THE NORTH LINE OF SAID LOT 24, BLOCK 1877, S.89°45'39"W., 125.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 12.39 ACRES, MORE OR LESS.

**THIS IS NOT A SURVEY.**

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SKETCH & DESCRIPTION				
LEE HEALTH VETERANS PLAZA PROPOSED PLAT VACATION SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST CITY OF CAPE CORAL - LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	N/A	5 OF 5

\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health plat vacation S&D.dwg (5) MDH Feb 02, 2024 - 8:03am

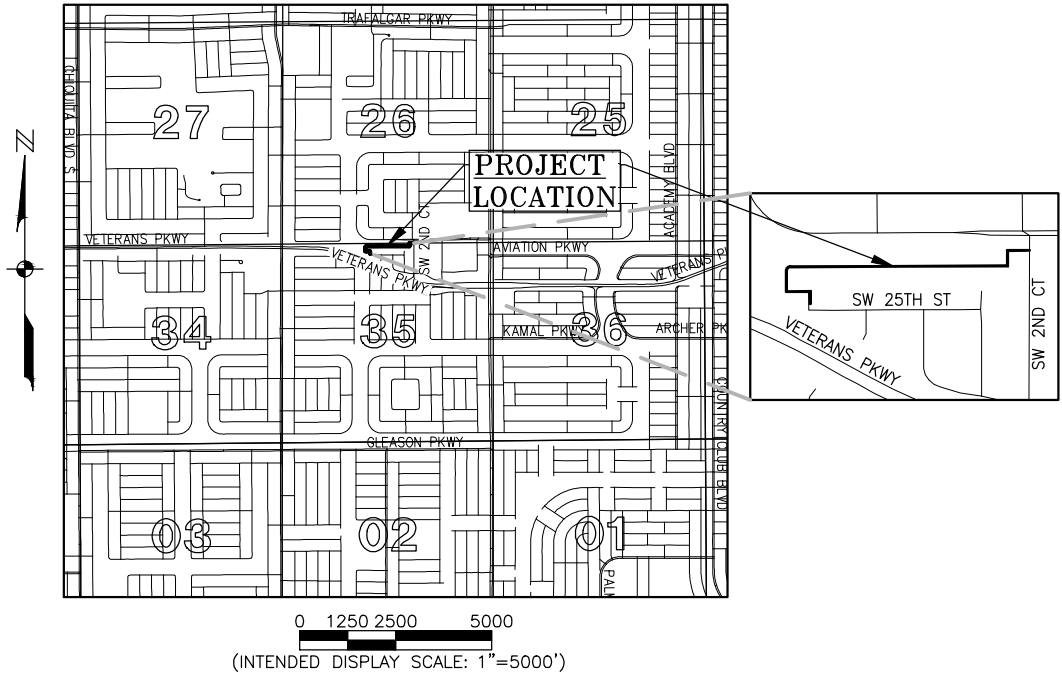
# SKETCH AND DESCRIPTION

## LEE HEALTH VETERANS PLAZA

### 6-FOOT WIDE PUBLIC UTILITY EASEMENT

LYING IN  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

VICINITY MAP  
1"=5000'



**THIS IS NOT A SURVEY.**

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



**Digitally signed by**  
**Mark D. Haines**  
**PSM LS5312 State**  
**of Florida**  
**Date: 2024.02.26**  
**15:03:36 -05'00'**

**NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF CAPE CORAL UNIT 45, PART 1 AS RECORDED IN PLAT BOOK 21, PAGE 135 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHEREIN THE NORTH LINE OF LOT 24, BLOCK 1877 BEARS S.89°45'39"W.
3. DESCRIBED PARCEL CONTAINS 9,943 SQUARE FEET, MORE OR LESS.
4. P.O.B. = POINT OF BEGINNING
5. ORI = OFFICIAL RECORDS INSTRUMENT
6. ORB = OFFICIAL RECORDS BOOK/PAGE
7. -R/W- = RIGHT-OF-WAY
8. PG = PAGE
9. SQ. FT. = SQUARE FEET
10. NOT VALID WITHOUT SHEETS 1 THROUGH 4 OF 4.

THIS SKETCH HAS BEEN DIGITALLY SIGNED BY:  
MARK D. HAINES (FOR THE FIRM L.B. 642)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5312  
ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED, AND THE DIGITAL SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



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

**SKETCH & DESCRIPTION**  
LEE HEALTH VETERANS PLAZA 6-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	AS SHOWN	1 OF 4

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.



\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health Veterans Plaza 6' PUE - S&D.dwg (2) MDH Feb 02, 2024 - 9:33am

NIAGRA CANAL

N00°06'22"E  
110.17'

C2

C7

DESCRIBED PARCEL OF LAND  
CONTAINS 9,943 SQ. FT., ±

6.00' WIDE

N89°45'39"E 1125.17'

CAPE CORAL UNIT 62  
(PLAT BOOK 21, PAGE 21)

DEFENDER CANAL  
(80' RIGHT-OF-WAY)

S89°45'39"W 1131.14'

BLOCK 1877

CAPE CORAL UNIT 45, PART 1  
(PLAT BOOK 21, PAGE 135)

SW 25TH STREET

MATCHLINE SHEET 3

L8  
24  
(BASIS OF BEARINGS)  
N. LINE OF LOT 24

25  
E. LINE OF  
LOTS 24 & 25

P.O.B.

NW CORNER OF LOT 24, BLOCK 1877,  
CAPE CORAL UNIT 45, PART 1  
AS RECORDED IN PLAT BOOK 21, PAGE 135  
OF THE PUBLIC RECORDS OF  
LEE COUNTY, FLORIDA

PROPOSED 10' WIDE  
PUBLIC UTILITY EASEMENT

VETERANS PARKWAY

BLOCK 1876

SW 4TH AVENUE

BLOCK 1875



0 25 50 100

(INTENDED DISPLAY SCALE: 1"=100')

LINE TABLE

LINE	BEARING	DISTANCE
L4	N89°45'39"E	125.00'
L5	S00°06'22"W	67.79'
L6	S78°57'23"W	6.12'
L7	N00°06'22"E	62.93'
L8	S89°45'39"W	125.00'

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	19.00'	89°39'17"	S44°56'00"W	26.79'	29.73'
C2	25.00'	89°39'17"	N44°56'00"E	35.25'	39.12'

THIS IS NOT A SURVEY.

\*\*NOT VALID WITHOUT SHEETS 1 THROUGH 4 OF 4.\*\*

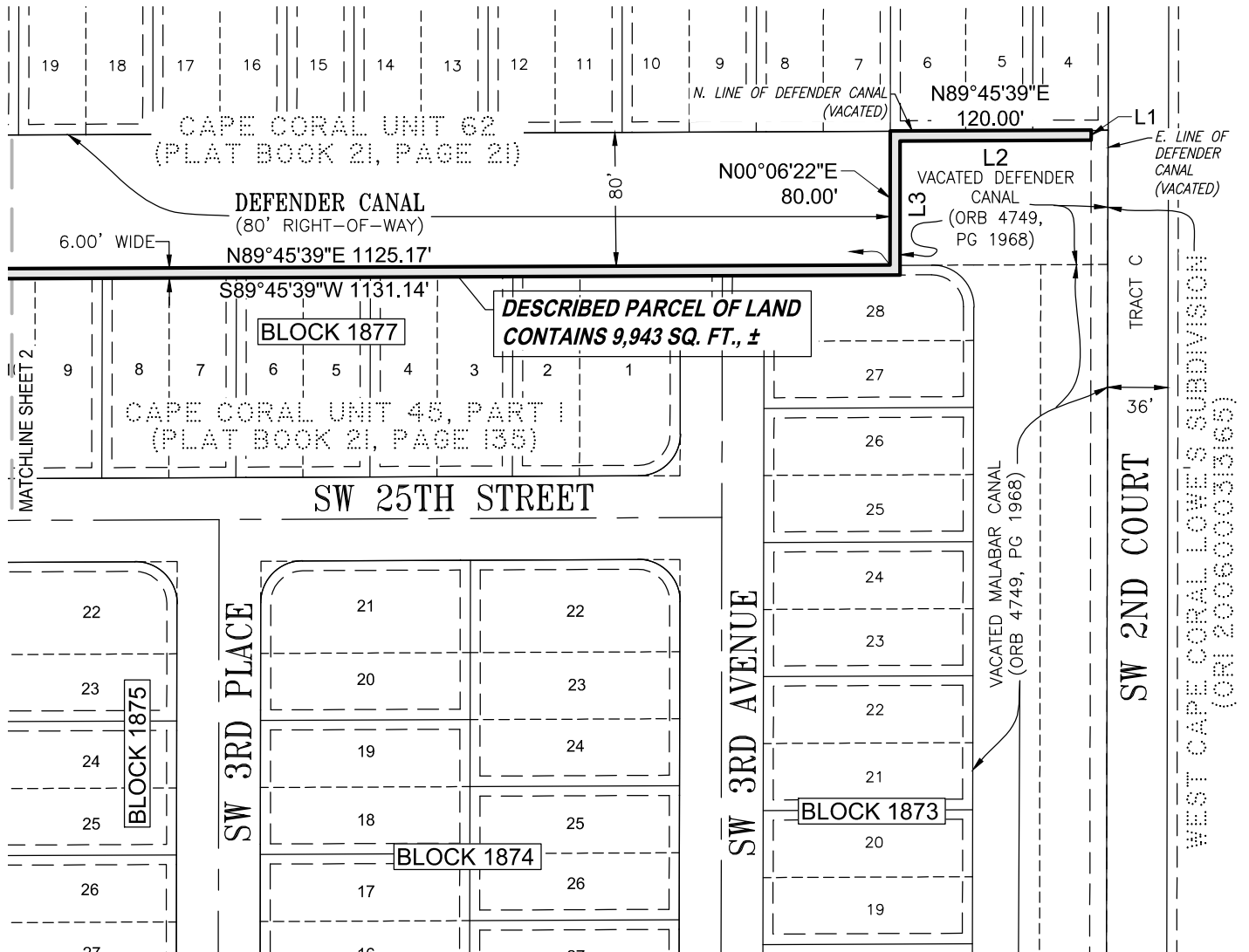


JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
FORT MYERS, FLORIDA 33902-1550  
PHONE: (239) 334-0046  
E.B. #642 & L.B. #642

SKETCH & DESCRIPTION  
LEE HEALTH VETERANS PLAZA 6-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

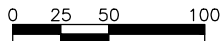
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	1"=100'	2 OF 4

\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health Veterans Plaza 6' PUE - S&D.dwg (3) MDH Feb 02, 2024 - 9:33am



**DESCRIBED PARCEL OF LAND  
CONTAINS 9,943 SQ. FT., ±**

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°06'22"W	6.00'
L2	S89°45'39"W	114.00'
L3	S00°06'22"W	80.00'



(INTENDED DISPLAY SCALE: 1"=100')

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SKETCH & DESCRIPTION  
LEE HEALTH VETERANS PLAZA 6-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	1"=100'	3 OF 4

**LEGAL DESCRIPTION**

LEEHEALTH VETERAN'S PLAZA  
6-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGIN** AT THE NORTHWEST CORNER OF LOT 24, BLOCK 1877 ACCORDING TO THE PLAT OF CAPE CORAL UNIT 45, PART 1 AS RECORDED IN PLAT BOOK 21 AT PAGE 135 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE, N.00°06'22"E., 110.17 FEET; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°39'17", A CHORD OF 35.25 FEET, A CHORD BEARING OF N.44°56'00"E., AN ARC OF 39.12 FEET; THENCE N.89°45'39"E., 1125.17 FEET; THENCE N.00°06'22"E., 80.00 FEET TO THE NORTH LINE OF DEFENDER CANAL (80 FEET WIDE) (VACATED) ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG SAID NORTH LINE OF DEFENDER CANAL (VACATED), N.89°45'39"E., 120.00 FEET; THENCE S.00°06'22"W., 6.00 FEET; THENCE S.89°45'39"W., 114.00 FEET; THENCE S.00°06'22"W., 80.00 FEET; THENCE S.89°45'39"W., 1131.14 FEET; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 19.00 FEET, A CENTRAL ANGLE OF 89°39'17", A CHORD OF 26.79 FEET, A CHORD BEARING OF S.44°56'00"W., AN ARC OF 29.73 FEET; THENCE S.00°06'22"W., 104.13 FEET; THENCE N.89°45'39"E., 125.00 FEET; THENCE S.00°06'22"W., 67.79 FEET; THENCE S.78°57'23"W., 6.12 FEET TO AN INTERSECTION WITH THE EAST LINE OF LOT 25, BLOCK 1877 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG SAID EAST LINES OF LOT 25 AND LOT 24, BLOCK 1877 ACCORDING TO THE AFOREMENTIONED PLAT OF CAPE CORAL UNIT 45, PART 1, N.00°06'22"E., 62.93 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED LOT 24, BLOCK 1877; THENCE, ALONG THE NORTH LINE OF SAID LOT 24, BLOCK 1877, S.89°45'39"W., 125.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 9,943 SQUARE FEET, MORE OR LESS.

**THIS IS NOT A SURVEY.**

\*\*NOT VALID WITHOUT SHEETS 1 THROUGH 4 OF 4.\*\*



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SKETCH & DESCRIPTION  
LEE HEALTH VETERANS PLAZA 6-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	N/A	4 OF 4

\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health Veterans Plaza 6' PUE - S&D.dwg (4) MDH Feb 02, 2024 - 9:33am

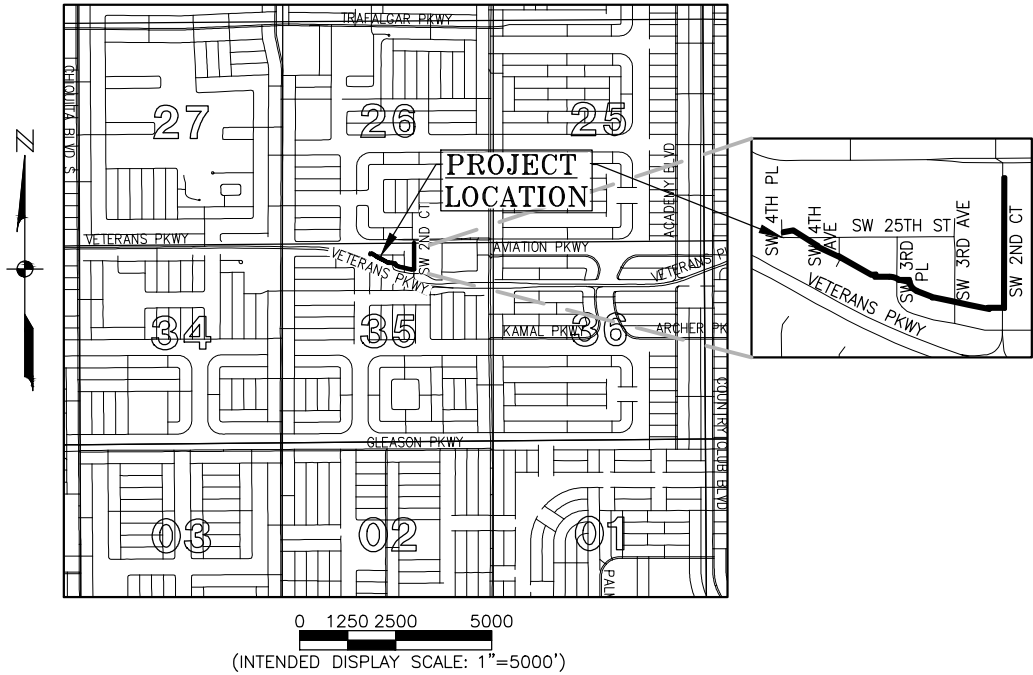
# SKETCH AND DESCRIPTION

## LEE HEALTH VETERANS PLAZA

### 10-FOOT WIDE PUBLIC UTILITY EASEMENT

LYING IN  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

VICINITY MAP  
1"=5000'



**THIS IS NOT A SURVEY.**

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



Digitally signed by  
Mark D. Haines PSM  
LS5312 State of Florida  
Date: 2024.02.26  
15:04:57 -05'00'

THIS SKETCH HAS BEEN DIGITALLY SIGNED BY:  
MARK D. HAINES (FOR THE FIRM L.B. 642)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5312  
ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED, AND THE DIGITAL SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

**NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF CAPE CORAL UNIT 45, PART 1 AS RECORDED IN PLAT BOOK 21, PAGE 135 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHEREIN THE NORTH LINE OF LOT 24, BLOCK 1877 BEARS N.89°45'39"E.
3. DESCRIBED PARCEL CONTAINS 19,696 SQUARE FEET, MORE OR LESS.
4. P.O.B. = POINT OF BEGINNING
5. P.O.C. = POINT OF COMMENCEMENT
6. ORI = OFFICIAL RECORDS INSTRUMENT
7. ORB = OFFICIAL RECORDS BOOK/PAGE
8. -R/W- = RIGHT-OF-WAY
9. PG = PAGE
10. SQ. FT. = SQUARE FEET
11. NOT VALID WITHOUT SHEETS 1 THROUGH 5 OF 5.



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SKETCH & DESCRIPTION  
LEE HEALTH VETERANS PLAZA 10-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	AS SHOWN	1 OF 5

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.

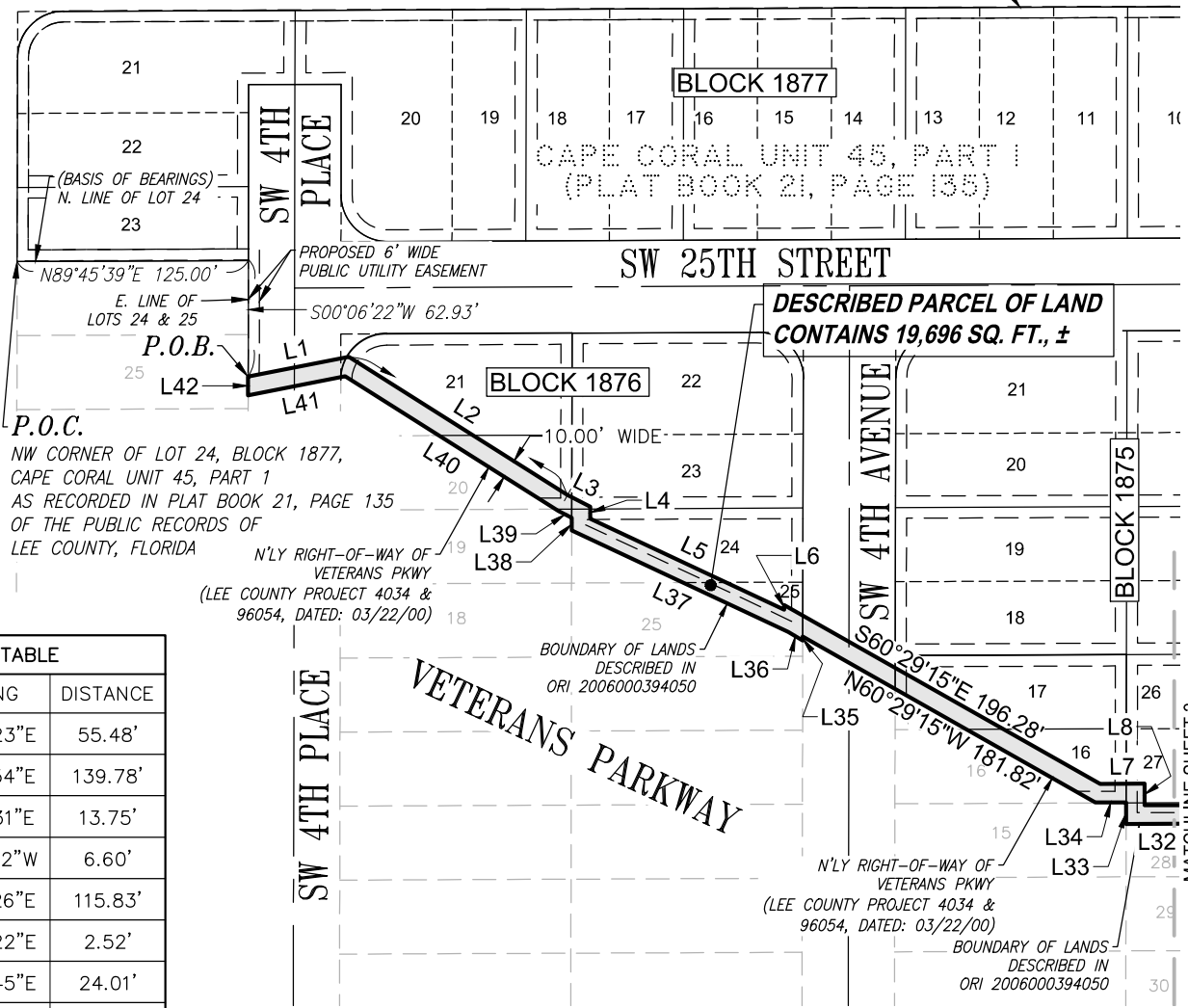
\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health Veterans Plaza 10' PUE -- S&D.dwg (2) MDH Feb 02, 2024 -- 8:38am

NIAGRA CANAL

31 30 29 28 27 26 25 24 23 22 21 20

CAPE CORAL UNIT 62  
(PLAT BOOK 21, PAGE 21)

DEFENDER CANAL  
(80' RIGHT-OF-WAY)



**DESCRIBED PARCEL OF LAND  
CONTAINS 19,696 SQ. FT., ±**

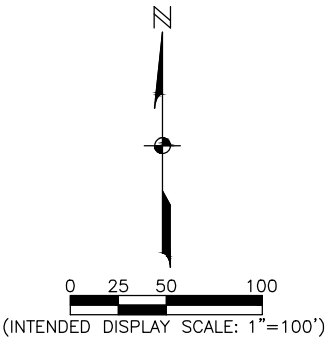
**P.O.C.**  
NW CORNER OF LOT 24, BLOCK 1877,  
CAPE CORAL UNIT 45, PART 1  
AS RECORDED IN PLAT BOOK 21, PAGE 135  
OF THE PUBLIC RECORDS OF  
LEE COUNTY, FLORIDA

N'LY RIGHT-OF-WAY OF  
VETERANS PKWY  
(LEE COUNTY PROJECT 4034 &  
96054, DATED: 03/22/00)

N'LY RIGHT-OF-WAY OF  
VETERANS PKWY  
(LEE COUNTY PROJECT 4034 &  
96054, DATED: 03/22/00)

BOUNDARY OF LANDS  
DESCRIBED IN  
ORI 2006000394050

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N78°57'23"E	55.48'
L2	S57°43'54"E	139.78'
L3	S62°49'31"E	13.75'
L4	S00°06'22"W	6.60'
L5	S64°55'26"E	115.83'
L6	N00°06'22"E	2.52'
L7	N89°45'45"E	24.01'
L8	S00°06'22"W	11.66'
L32	S89°45'17"W	77.91'
L33	N00°06'22"E	11.66'
L34	S89°45'45"W	16.61'
L35	S00°06'22"W	2.11'
L36	N59°09'15"W	9.12'
L37	N64°55'26"W	129.24'
L38	N00°06'22"E	6.86'
L39	N62°49'31"W	8.07'
L40	N57°43'54"W	136.25'
L41	S78°57'23"W	53.48'
L42	N00°06'22"E	10.19'



**THIS IS NOT A SURVEY.**  
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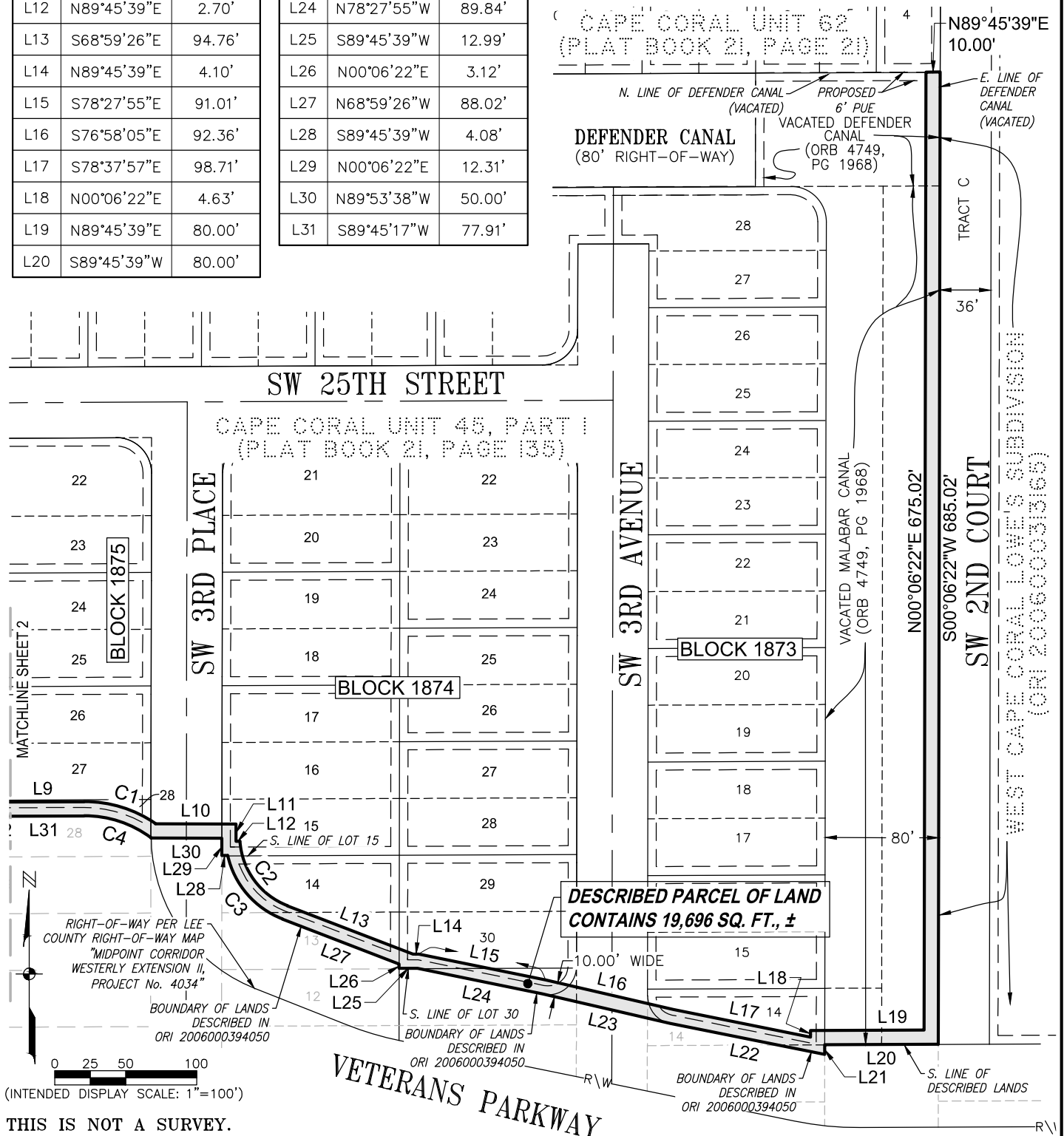
SKETCH & DESCRIPTION				
LEE HEALTH VETERANS PLAZA 10-FOOT WIDE PUBLIC UTILITY EASEMENT SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST CITY OF CAPE CORAL - LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	1"=100'	2 OF 5

\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health Veterans Plaza 10' PUE -- S&D.dwg (3) MDH Feb 02, 2024 -- 8:38am

LINE TABLE		
LINE	BEARING	DISTANCE
L9	N89°45'17"E	67.85'
L10	S89°53'38"E	56.79'
L11	S00°06'22"W	12.25'
L12	N89°45'39"E	2.70'
L13	S68°59'26"E	94.76'
L14	N89°45'39"E	4.10'
L15	S78°27'55"E	91.01'
L16	S76°58'05"E	92.36'
L17	S78°37'57"E	98.71'
L18	N00°06'22"E	4.63'
L19	N89°45'39"E	80.00'
L20	S89°45'39"W	80.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L21	S00°06'22"W	6.88'
L22	N78°37'57"W	111.04'
L23	N76°58'05"W	92.37'
L24	N78°27'55"W	89.84'
L25	S89°45'39"W	12.99'
L26	N00°06'22"E	3.12'
L27	N68°59'26"W	88.02'
L28	S89°45'39"W	4.08'
L29	N00°06'22"E	12.31'
L30	N89°53'38"W	50.00'
L31	S89°45'17"W	77.91'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	88.01'	34°49'45"	S72°49'50"E	52.68'	53.50'
C2	52.49'	65°11'01"	S36°23'52"E	56.55'	59.72'
C3	62.49'	56°29'39"	N40°44'33"W	59.15'	61.62'
C4	78.01'	37°02'49"	N71°42'50"W	49.56'	50.44'



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SKETCH & DESCRIPTION  
LEE HEALTH VETERANS PLAZA 10-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	1"=100'	3 OF 5

**LEGAL DESCRIPTION**

LEEHEALTH VETERAN'S PLAZA  
10-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCE** AT THE NORTHWEST CORNER OF LOT 24, BLOCK 1877 ACCORDING TO THE PLAT OF CAPE CORAL UNIT 45, PART 1, AS RECORDED IN PLAT BOOK 21 AT PAGE 135 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE, ALONG THE NORTH LINE OF SAID LOT 24, BLOCK 1877, N.89°45'39"E., 125.00 FEET; THENCE, ALONG THE EAST LINES OF SAID LOT 24 AND LOT 25, BLOCK 1877, S.00°06'22"W., 62.93 FEET TO THE **POINT OF BEGINNING**; THENCE N.78°57'23"E., 55.48 FEET; THENCE S.57°43'54"E., 139.78 FEET; THENCE S.62°49'31"E., 13.75 FEET; THENCE S.00°06'22"W., 6.60 FEET; THENCE S.64°55'26"E., 115.83 FEET; THENCE N.00°06'22"E., 2.52 FEET; THENCE S.60°29'15"E., 196.28 FEET; THENCE N.89°45'45"E., 24.01 FEET; THENCE S.00°06'22"W., 11.66 FEET; THENCE N.89°45'17"E., 67.85 FEET; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING FOR ITS ELEMENTS A RADIUS OF 88.01 FEET, A CENTRAL ANGLE OF 34°49'45", A CHORD OF 52.68 FEET, A CHORD BEARING OF S.72°49'50"E., AN ARC OF 53.50 FEET; THENCE S.89°53'38"E., 56.79 FEET; THENCE S.00°06'22"W., 12.25 FEET; THENCE N.89°45'39"E., 2.70 FEET; THENCE, ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 52.49 FEET, A CENTRAL ANGLE OF 65°11'01", A CHORD OF 56.55 FEET, A CHORD BEARING OF S.36°23'52"E., AN ARC OF 59.72 FEET; THENCE S.68°59'26"E., 94.76 FEET; THENCE N.89°45'39"E., 4.10 FEET; THENCE S.78°27'55"E., 91.01 FEET; THENCE S.76°58'05"E., 92.36 FEET; THENCE S.78°37'57"E., 98.71 FEET; THENCE N.00°06'22"E., 4.63 FEET; THENCE N.89°45'39"E., 80.00 FEET; THENCE N.00°06'22"E., 675.02 FEET TO AN INTERSECTION WITH THE NORTH LINE OF DEFENDER CANAL (VACATED) ACCORDING TO THE PLAT OF CAPE CORAL UNIT 62 AS RECORDED IN PLAT BOOK 21 AT PAGE 21 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID NORTH LINE OF DEFENDER CANAL (VACATED), N.89°45'39"E., 10.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID DEFENDER CANAL (VACATED); THENCE, ALONG THE EAST LINE OF SAID DEFENDER CANAL (VACATED) AND ALONG THE EAST LINE MALABAR CANAL (VACATED) ACCORDING TO THE AFOREMENTIONED PLAT OF CAPE CORAL UNIT 45, PART 1, S.00°06'22"W., 685.02 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4749, PAGE 1968 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID SOUTH LINE, S.89°45'39"W., 80.00 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 1873 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

- 1. S.00°06'22"W., 6.88 FEET;
- 2. N.78°37'57"W., 111.04 FEET;

THENCE N.76°58'05"W., 92.37 FEET; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS, N.78°27'55"W., 89.84 FEET TO A POINT LYING ON THE SOUTH LINE OF LOT 30, BLOCK 1874 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF SAID LOT 30 FOR THE FOLLOWING TWO (2) COURSES:

- 1. S.89°45'39"W., 12.99 FEET;
- 2. N.00°06'22"E., 3.12 FEET;

THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

- 1. N.68°59'26"W., 88.02 FEET;
- 2. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 62.49 FEET, A CENTRAL ANGLE OF 56°29'39", A CHORD OF 59.15 FEET, A CHORD BEARING OF N.40°44'33"W., AN ARC OF 61.62 FEET

TO A POINT LYING ON THE SOUTH LINE OF LOT 15, BLOCK 1874 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF SAID LOT 15 FOR THE FOLLOWING TWO (2) COURSES:

- 1. S.89°45'39"W., 4.08 FEET;
- 2. N.00°06'22"E., 12.31 FEET;

(DESCRIPTION CONTINUED ON SHEET 5 OF 5)

**THIS IS NOT A SURVEY.**

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SKETCH & DESCRIPTION  
LEE HEALTH VETERANS PLAZA 10-FOOT WIDE PUBLIC UTILITY EASEMENT  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	N/A	4 OF 5

\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health Veterans Plaza 10' PUE - S&D.dwg (4) MDH Feb 02, 2024 - 8:38am

(DESCRIPTION CONTINUED FROM SHEET 4 OF 5)

THENCE N.89°53'38"W., 50.00 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF SW 3RD PLACE (50 FEET WIDE) ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING THREE (3) COURSES:

- 1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING FOR ITS ELEMENTS A RADIUS OF 78.01 FEET, A CENTRAL ANGLE OF 37°02'49", A CHORD OF 49.56 FEET, A CHORD BEARING OF N.71°42'50"W., AN ARC OF 50.44 FEET;
- 2. S.89°45'17"W., 77.91 FEET;
- 3. N.00°06'22"E., 11.66 FEET;

THENCE, ALONG THE RIGHT-OF-WAY OF VETERANS PARKWAY (ACCORDING TO LEE COUNTY PROJECTS 4034 AND 96054 DATED 3/22/00) FOR THE FOLLOWING TWO (2) COURSES:

- 1. S.89°45'45"W., 16.61 FEET;
- 2. N.60°29'15"W., 181.82 FEET;

THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2006000394050 OF THE AFOREMENTIONED PUBLIC RECORDS THE FOLLOWING THREE (3) COURSES:

- 1. S.00°06'22"W., 2.11 FEET;
- 2. N.59°09'15"W., 9.12 FEET;
- 3. N.64°55'26"W., 129.24 FEET;

THENCE, ALONG THE AFOREMENTIONED RIGHT-OF-WAY OF VETERANS PARKWAY (ACCORDING TO LEE COUNTY PROJECTS 4034 AND 96054 DATED 3/22/00) FOR THE FOLLOWING FOUR (4) COURSES:

- 1. N.00°06'22"E., 6.86 FEET;
- 2. N.62°49'31"W., 8.07 FEET
- 3. N.57°43'54"W., 136.25 FEET
- 4. S.78°57'23"W., 53.48 FEET;

TO AN INTERSECTION WITH THE EAST LINE OF LOT 25, BLOCK 1877 ACCORDING TO SAID PLAT OF CAPE CORAL UNIT 45, PART 1; THENCE, ALONG SAID EAST LINE OF LOT 25, BLOCK 1877, N.00°06'22"E., 10.19 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 19,696 SQUARE FEET, MORE OR LESS.

**THIS IS NOT A SURVEY.**

\*\*NOT VALID WITHOUT SHEETS 1 THROUGH 5 OF 5.\*\*



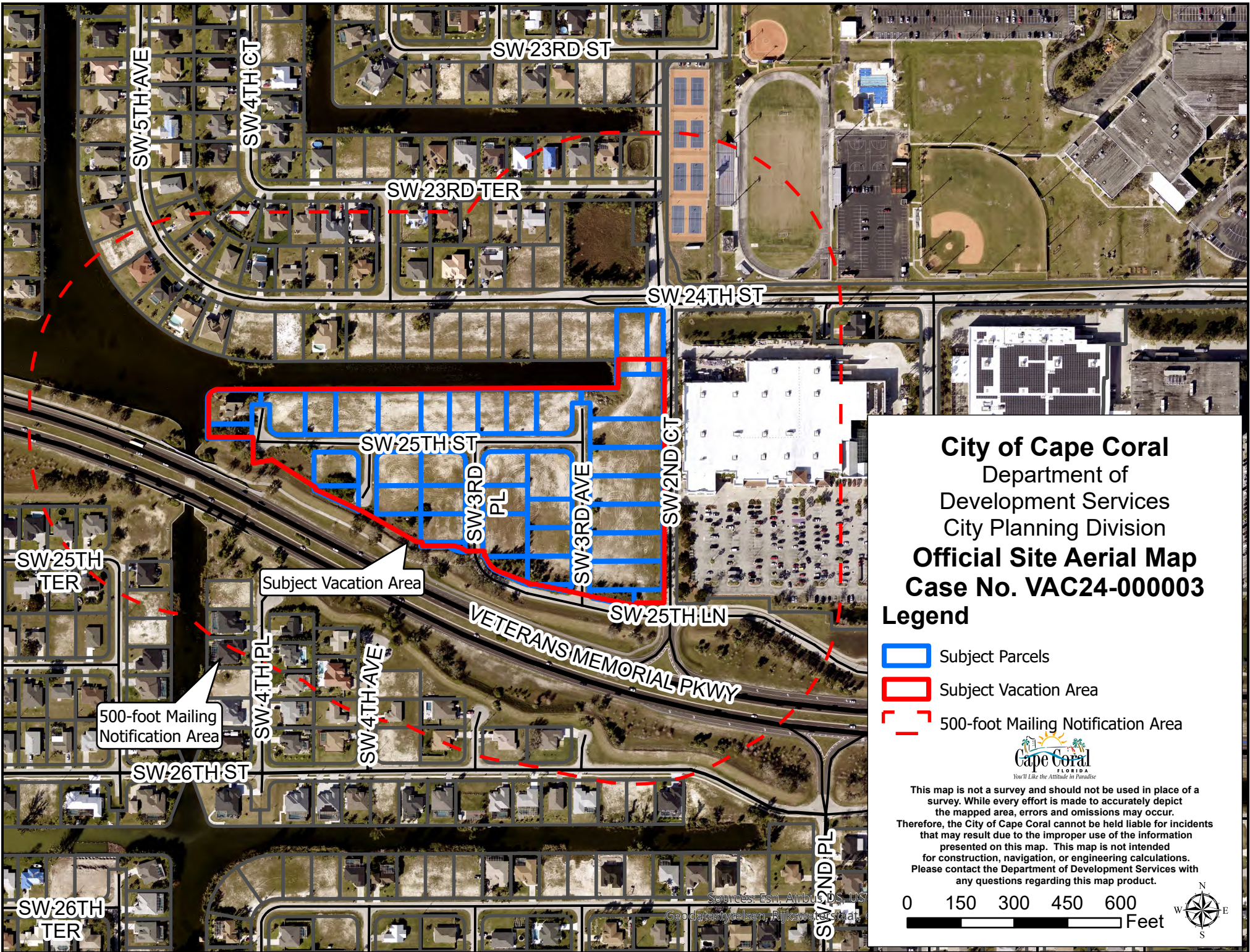
JOHNSON ENGINEERING, INC.  
 2122 JOHNSON STREET  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE: (239) 334-0046  
 E.B. #642 & L.B. #642

SKETCH & DESCRIPTION  
 LEE HEALTH VETERANS PLAZA 10-FOOT WIDE PUBLIC UTILITY EASEMENT  
 SECTION 35, TOWNSHIP 44 SOUTH, RANGE 23 EAST  
 CITY OF CAPE CORAL - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/02/24	20236050-007	35-44-23	N/A	5 OF 5

\\fms01\Drawings\2023\20236050-007\Surveying\Sketches\20236050-007 Lee Health Veterans Plaza 10' PUE - S&D.dwg (5) MDH Feb 02, 2024 - 8:38am





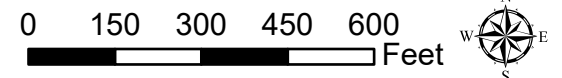
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Official Site Aerial Map**  
**Case No. VAC24-000003**

**Legend**

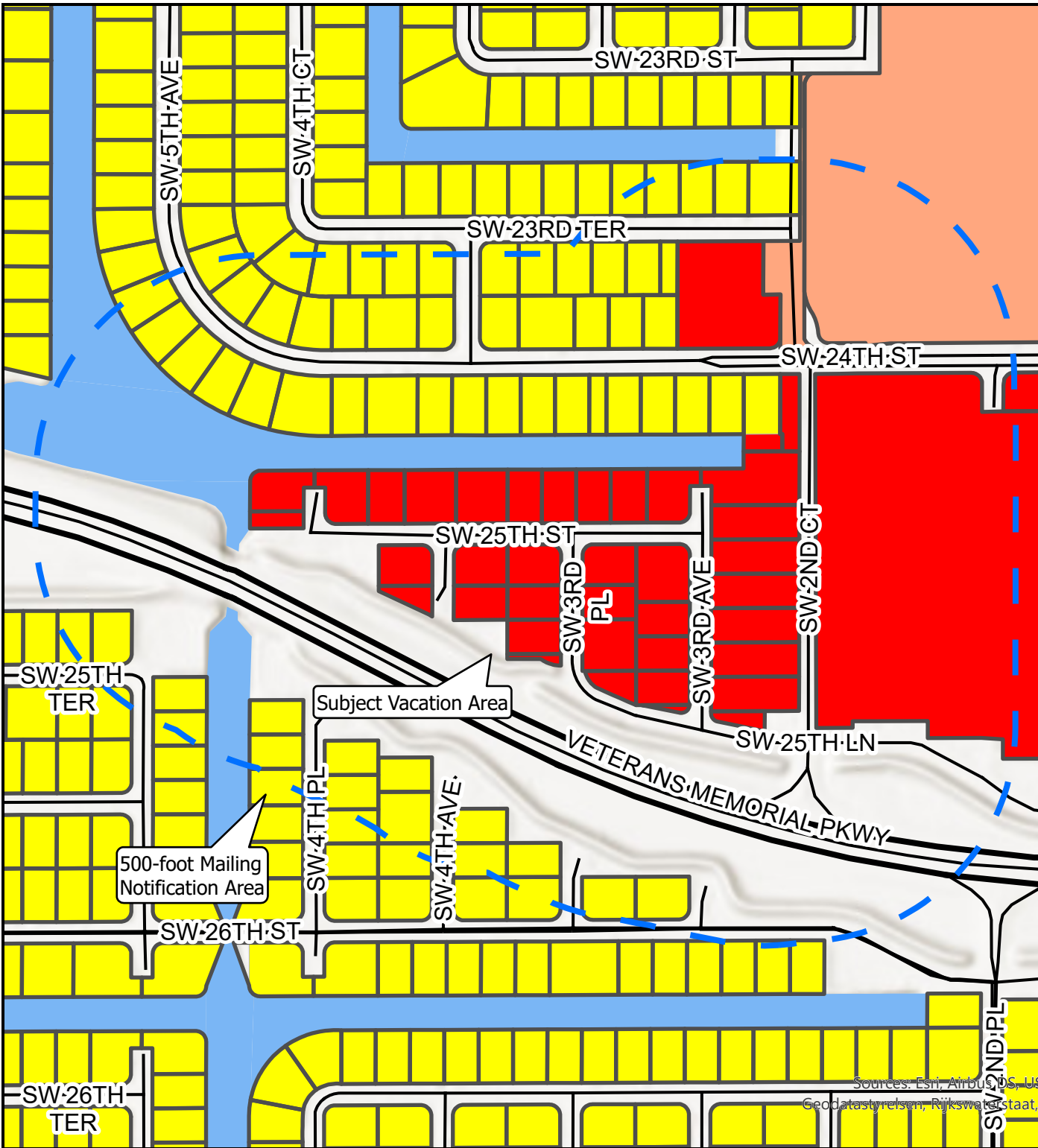
- Subject Parcels
- Subject Vacation Area
- 500-foot Mailing Notification Area



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.






Sources: Esri, Airbus DS, US  
 Geodatastyrelsen, Rijkswaterstaat



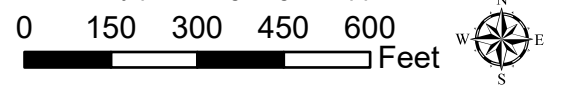
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Official Zoning Map**  
**Case No. VAC24-000003**

**Legend**

-  Subject Parcels
-  Subject Vacation Area
-  500-ft Mailing Notification Area



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Sources: Esri, Airbus DS, US  
 Geodatastyrelsen, Rijkswaterstaat, ©