



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

VAC 24-000007
Case _____

Date _____

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

MAY 24 '24 AM 8:20

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

VACATIONS REQUIREMENTS

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

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

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

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

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

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



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VACATIONS OF PLAT REQUEST TO THE HEARING EXAMINER AND CITY COUNCIL

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

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

PROPERTY INFORMATION	
Project Name:	<u>3191 Cupples</u>
Location/Address	<u>1130 SW 43rd ST</u>
Strap Number	<u>10-45-23-C2-03347.0190</u> Unit <u>65</u> Block <u>3347</u> Lot (s) <u>19-22</u>
Strap Number	_____ Unit _____ Block _____ Lot (s) _____
Plat Book	<u>21</u> Page <u>159</u> Future Land Use <u>Single Family Home</u> Current Zoning _____
PROPERTY OWNER (S) INFORMATION	
Owner	<u>MRC Property Management LLC</u> Address <u>1017 SW 44th ST</u>
Phone	<u>814 931-0369</u> City <u>Cape Coral</u>
Email	<u>Cupples.mr @ AOL.com</u> State <u>FL</u> Zip <u>33914</u>
Owner	<u>Martin Cupples (owner of LLC)</u> Address <u>1017 SW 44th ST</u>
Phone	<u>814-931-0369</u> City <u>Cape Coral</u>
Email	<u>Cupples.mr @ AOL.com</u> State <u>FL</u> Zip <u>33914</u>
APPLICANT INFORMATION (If different from owner)	
Applicant	_____ Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative	_____ Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____



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

(ALL SIGNATURE MUST BE NOTARIZED)

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

MRC Property Management LLC
CORPORATION/COMPANY NAME (IF APPLICABLE)

Martin R. Cupples Jr.
OWNER'S NAME (TYPE OR PRINT)

Martin R. Cupples Jr.
OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

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

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 7 day of May, 2024 by Martin R. Cupples Jr. who is personally known to me or produced Drivers license as identification.



Exp Date: 2/10/28 Commission Number: HH 467151

Signature of notary Public:

Printed Name of Notary Public:

Michelle Tomer
Michelle Tomer



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Martin Cupples
(Name of person giving presentation)

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

UNIT 65 BLOCK 3347 LOT(S) 19-22 SUBDIVISION _____

OR LEGAL DESCRIPTION 1130 SW 43ST

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

Martin R Cupples
PROPERTY OWNER (Please Print)

Martin R Cupples owner
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 7 day of May, 2024 by Martin R. Cupples, Jr. who
is personally known to me or produced Driver license as identification.

Exp Date: 2/10/28 Commission Number: HH 467151



Signature of notary Public:

Printed Name of Notary Public:

Michelle Tomer
Michelle Tomer

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



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ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 7 Day of May, 2024.

MRC Property Management LLC
CORPORATION/COMPANY NAME

Martin R. Cupples Jr.
OWNER'S NAME (TYPE or PRINT)

Martin R. Cupples Jr.
OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 7th day of May, 2024 by Martin R. Cupples Jr. who is personally known to me or produced DL as identification.



Exp Date: 2/10/28 Commission Number: HH 467151

Signature of notary Public:

Printed Name of Notary Public:

Michelle Tomer
Michelle Tomer



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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.

Martin R. Cappelletti
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Martin R. Cappelletti
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 7th day of May, 2024 by Martin R. Cappelletti, Jr. who is personally known to me or produced DL as identification.

Exp Date: 2/10/28 Commission Number: HH 467151



Signature of Notary Public: Michelle Tomer

Printed Name of Notary Public: Michelle Tomer



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

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

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

A. General.

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

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

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



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

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

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

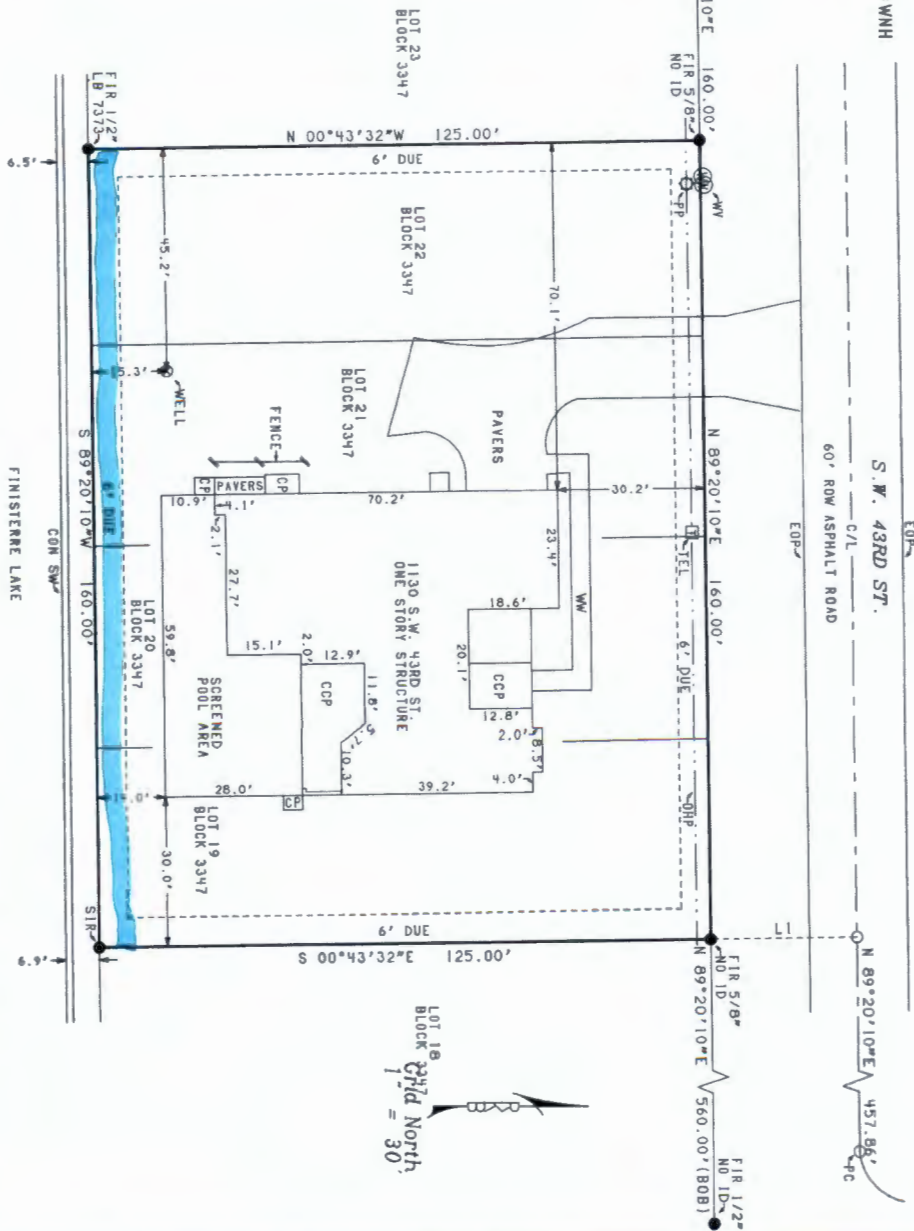
DRAWN BY: WNH

FIR 5/8"
LB 6921→

PREPARED FOR:
MARTIN CUPPLES

PARCEL DESCRIPTION:
LOTS 19 THROUGH 22, BLOCK 3347, UNIT 65, CAPE CORAL SUBDIVISION,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK
21, PAGE 159, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THIS SURVEY IS ONLY OF THE LAND DESCRIBED IN THIS MAINTENANCE OF THE LANDS. IT IS NOT A CRIMINAL INVESTIGATION OF THE FREEDOM OF ENCUMBRANCE, OWNERSHIP OR ANY ADDITIONS OR DELETIONS TO THE SURVEY MADE BY OTHERS WITHOUT THE WRITTEN CONSENT OF THE SURVEYING PARTY OR PARTIES. THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE PERSONS LISTED AND SHOULD NOT BE RELIED ON FOR PURPOSES OF THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.



SHEET 1 OF 1

LEGEND:
 (C) = CALCULATED
 (F) = FIELD MEASURED
 (NR) = NON-RADIAL
 (R) = RECORD
 (RAD) = RADIAL
 BOB = BASIS OF BEARINGS
 (BRID-NAD 83-FL WEST ZONE)
 C/L = CENTERLINE
 CATV = CABLE TV BOX
 CCED = CAPE CORAL ENGINEERING DEPT.
 CCP = COVERED CONCRETE PAD
 CLN = CHAIN LINK FENCE
 CON = CONCRETE
 CP = CONCRETE PAD
 DE = DRAINAGE EASEMENT
 DUE = DRAINAGE & UTILITY EASEMENT
 EOP = EDGE OF PAVEMENT
 FC = FENCE CORNER
 FCM = FOUND CONCRETE MONUMENT
 FT = FINISHED FLOOR ELEVATION
 FIR = FOUND IRON ROD
 FNL = FOUND NAIL
 FNBt = FOUND NAIL & TAB
 GF = GARAGE FLOOR ELEVATION
 GW = GUY WIRE
 HYD = FIRE HYDRANT
 LB = LICENSED BUSINESS
 LS = LICENSED SURVEYOR
 MH = MANHOLE
 NAD = NORTH AMERICAN DATUM

NAYD = NORTH AMERICAN
 VERTICAL DATUM
 Q/S = OFFSET
 QHP = OVERHEAD POWER LINE
 OL = OUTDOOR LIGHT
 PC = POINT OF CURVE
 PCP = PERMANENT CONTROL POINT
 PC = POWER POLE
 PSalt = PROFESSIONAL SURVEYOR
 & MAPPER
 PT = POINT OF TANGENCY
 PUE = PUBLIC UTILITY EASEMENT
 ROW = RIGHT OF WAY
 SD = STORM DRAIN
 SEP = APPROXIMATE LOCATION OF
 SET
 SIR = SET 5/8" X 18" IRON
 ROD AND CAP STAMPED
 "RKB LB 6133"
 SNA&T = SET NAIL & TAB
 SP = SCREENED PORCH
 SW = SEAWALL
 TBM = TOP BANK
 TBM = TEMPORARY BENCHMARK
 TEL = TELEPHONE BOX
 TYP = TYPICAL
 UE = UTILITY EASEMENT
 USCA&D = UNITED STATES COAST &
 & GEODETIC SURVEY
 W = WATER METER
 WV = WATER VALVE
 WW = WALKWAY

NOTES:

- 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2) UNDERGROUND UTILITIES, FOUNDATIONS, AND STRUCTURES WERE NOT FIELD LOCATED OR SHOWN.
- 3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.
- 4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED BY THE CLIENT.
- 5) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 6) NO WETLANDS OR JURISDICTION LINES WERE LOCATED.
- 7) ABSTRACT NOT REVIEWED.
- 8) PARCEL LIES IN FLOOD ZONE AE 8.0' (FIRM 12071C 04036 11/17/2022).

Digitally
signed by
John Burns
Date:
2023.09.15
09:58:34
-04'00'



R.K.BURNS SURVEYING, INC. LB 6133

3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED: 08/31/2023

By: John J. Kuran

November 4, 2024

Martin Cupples
MRC Property Management, LLC
11 Wildwood Circle
Hollidaysburg, PA 16648

Re: Letter of No Objection to Vacation of Easement
STRAP: 10-45-23-C2-03347.0190

Dear Mr. Cupples:

We are in receipt of your request to ask LCEC for a letter to vacate the easements of record along the seawall on the north portion of the property at **1130 SW 43rd Street, Cape Coral, FL 33914.**

CAPE CORAL UNIT 65 BLOCK 3347 PAGE BOOK 21 PAGE 159 LOTS 19 thru 22 AS DESCRIBED IN PUBLIC RECORDS OF LEE COUNTY, FL.

We have reviewed the request submitted, and our internal records. LCEC has **no objection** to the vacation of the easement along the seawall on the north side of the property.

However, should there be any substantial changes to the plans as submitted, LCEC reserves its rights to additional, and further review and comment with additional conditions, if necessary, consistent with its findings. Should no definitive action, no approval, by local jurisdiction be received by the petitioner, this letter will terminate upon six months from the date listed above. This letter is not assignable to a third-party, and is non-recordable. This letter will become immediately void upon recordation.

Should there be any questions please call me at 239-656-2228, or, if you prefer, I may be reached by email at steve.sousa@lcec.net.

Very truly yours,



Steve Sousa
Right-of-Way Agent

LEE COUNTY ELECTRIC COOPERATIVE, INC.

RE: 400935916

May 24, 2024

City of Cape Coral
Department of Development Services
1015 Cultural Park Blvd
Cape Coral, FL 33990

Re: Vacation of Right-Of-Way Request 1130 SW 43rd St Cape Coral

To Whom it May Concern,

My name is Martin Cupples, owner of 1130 SW 43rd Street, Cape Coral, FL 33914 under, MRC Property Management LLC.

Please accept this letter and application as my formal request to vacate right-of way for the 6 ½ feet at the rear of the property along the existing seawall.

Enclosed you will find the following:

- Application, Acknowledgement Form, Authorization to Represent
- Property Title
- Letters of approval from LCEC, Century Link, Comcast
- Sketches and legal descriptions of the area proposed to be vacated provided by our builder, Ray Scalero, Latitude 26.
- Survey provided by R.K. Burns Surveying, Inc.

If you have any questions, please do not hesitate to contact me.

Respectfully,



Martin Cupples
MRC Property Management LLC
(814) 931-0369
cupples.mr@aol.com

Review Date: January 24, 2025

Owner/Applicant: MRC PROPERTY MANAGEMENT LLC.

Location: 1130 SW 43RD ST
Lots 19-22, Block 3347, Unit 65

Request: The owner requests to vacate approximately 1001 sq. ft. of lake right-of-way (ROW), and all underlying easements; and approximately 888 sq. ft. of platted easements associated with the south property line of Lots 19-22, Block 3347, Unit 65.

Prepared By: Justin Heller, Senior Planner

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

Recommendation: **Approval with conditions**

Property Description:

The 20,000 sq. ft. site is improved with a single-family home. The site has a Single Family (SF) Future Land Use Classification and Single Family Residential (R-1) zoning. All properties within 500 feet share the same future land use and zoning classifications.

The site has about 160 ft of frontage on Finisterre Lake. This saltwater platted lake has a width of approximately 745 ft. A small strip of unexcavated lake ROW exists along the south property line and the seawall. The owners wish to vacate ROW to extend the property line to the edge of the seawall.

Analysis:

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

1. Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes. **Staff response: The lake ROW and underlying easements are small in area and isolated. As a result, the ROW and underlying easements will not provide a future transportation, public access, water management, or other foreseeable public benefit. The platted easements requested to be vacated are not needed because the City will retain easements along the south property line of the expanded site to provide a continuous perimeter easement.**
2. Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way. **Staff response: As a condition of approval, the City will retain easements sufficient for maintaining a continuous six-foot-wide public utility and drainage easement around the site.**
3. If alternate routes are required or available that do not cause adverse impacts to surrounding areas. **Staff response: As this vacation does not include a request to vacate either an alley or street ROW,**

this criterion is not applicable. However, the requested vacations will not negatively affect the navigability or visibility of boaters using the Finisterre Lake.

4. If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area. ***Staff response: As this vacation does not include a request to vacate either an alley or street ROW, this criterion is not applicable. Approval of this vacation will not result in the closure of any ROW.***
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 utility providers have provided letters of no objection to the requested vacations. The owners have provided a sketch and a legal description showing the easements that will be retained by the City for ensuring a continuous perimeter easement exists around the site.***

Consistency with the Comprehensive Plan

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

This request is consistent with Policy 1.15 of the Future Land Use Element.

Policy 1.15: *Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.*

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

Staff comment: The site has R-1 zoning that is consistent with the Single Family Future Land Use Classification (FLUC). The site is an estimated 20,000 sq. ft. and the property is developed with one single-family home. The density on this site does not exceed the maximum 4.4 dwelling units per acre allowed within the FLUC.

Recommendation:

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

Conditions of Approval

1. The vacation of lake ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by R. K. Burns Surveying Inc., dated October 30, 2024, entitled Exhibit "A" in this report.
2. The vacation of platted easements, shall be consistent with that shown in the sketch and accompanying legal description prepared by R. K. Burns Surveying Inc., dated October 30, 2024, entitled Exhibit "B" in this report.
3. The City shall retain a public utility and drainage easement with a minimum width of six feet around the perimeter of the expanded site as shown in the sketch and accompanying legal description prepared by R. K. Burns Surveying Inc., dated October 30, 2024, entitled Exhibit "C" in this report.
4. 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 Petitioners.

Staff Contact Information

Justin Heller, Senior Planner

PH: 239-574-0587

Email: jheller@capecoral.gov

Exhibits:

Exhibit "A"-Lake ROW and Underlying Easement Vacation

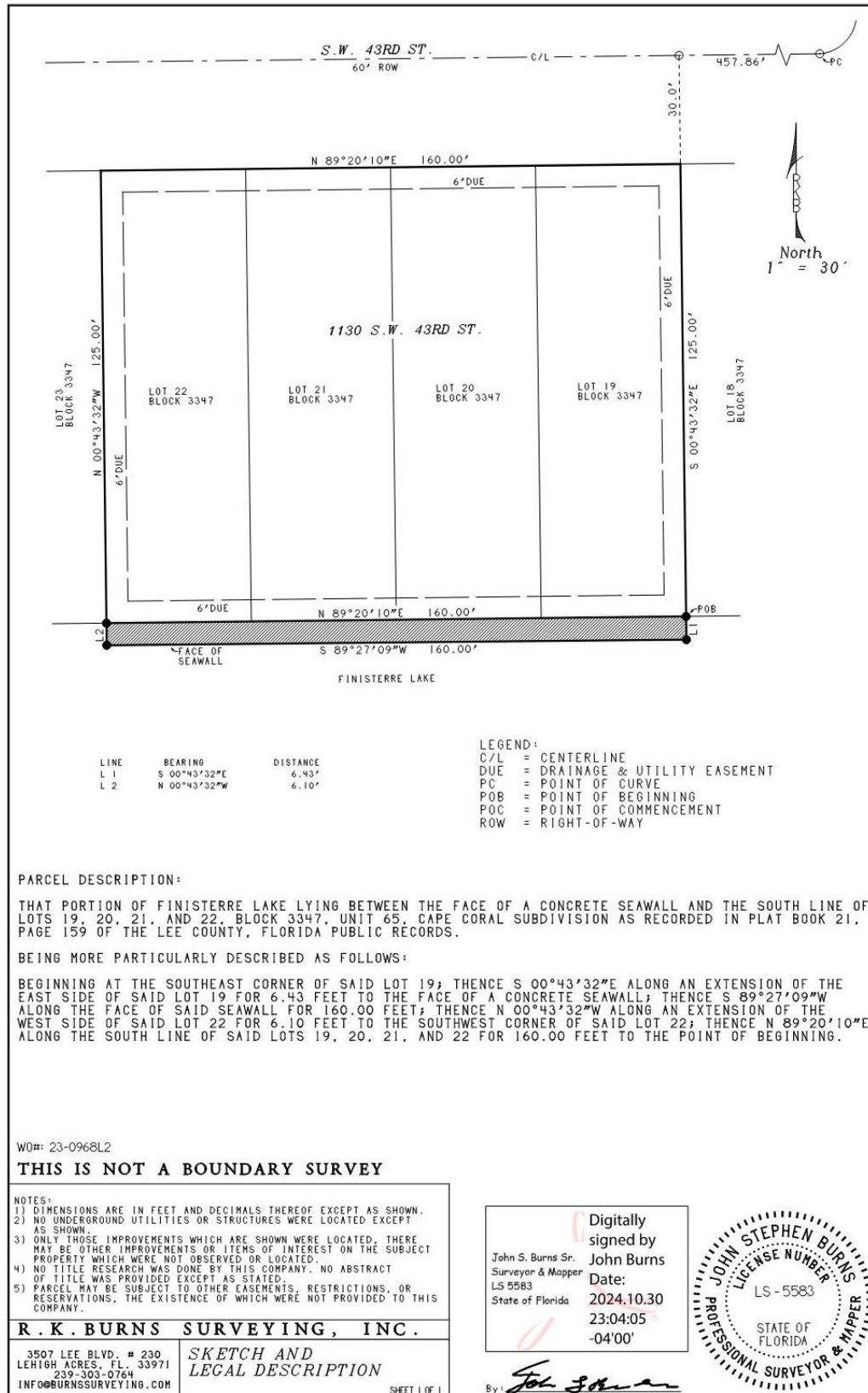


Exhibit "B" - Vacation of Platted Easements

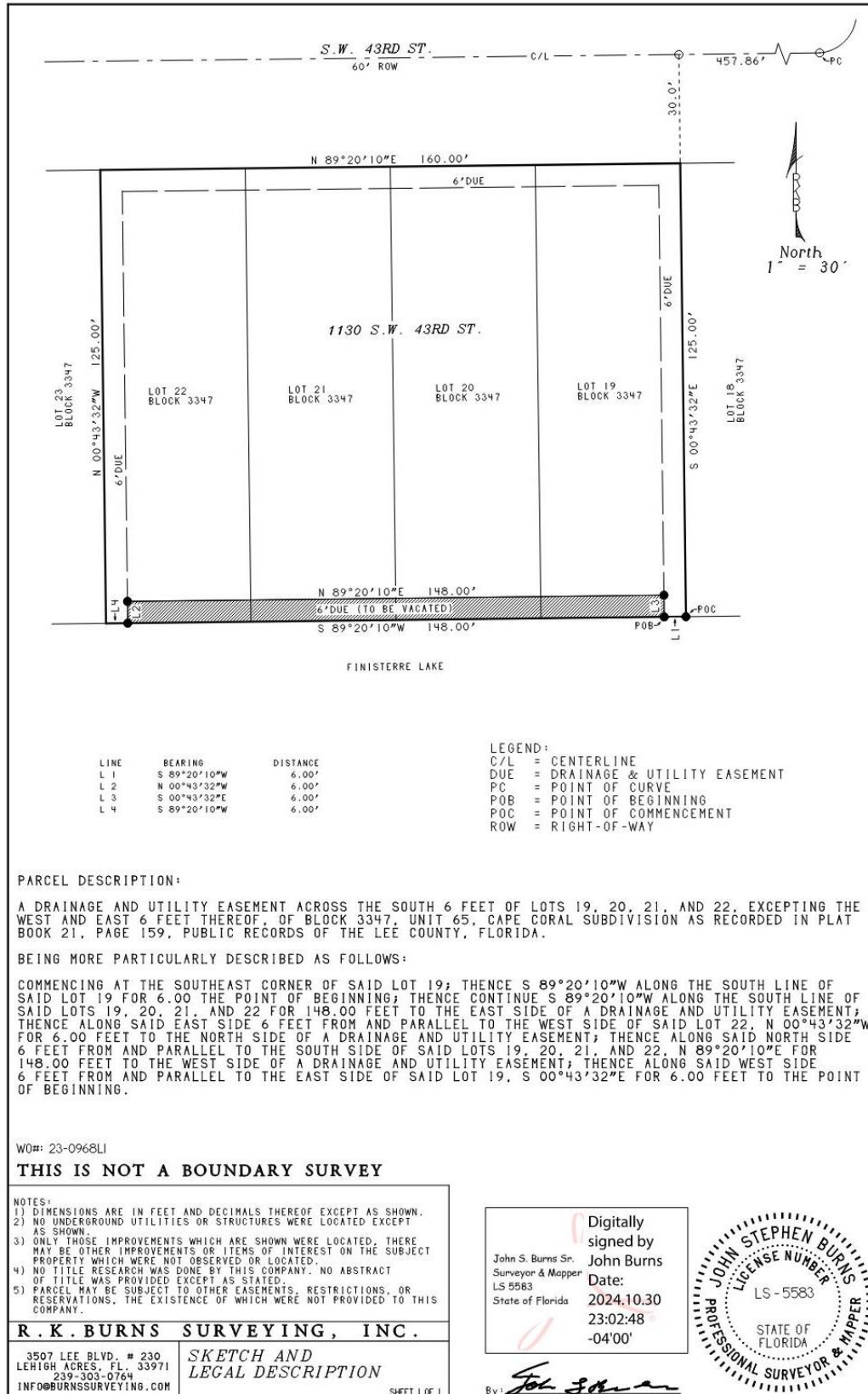
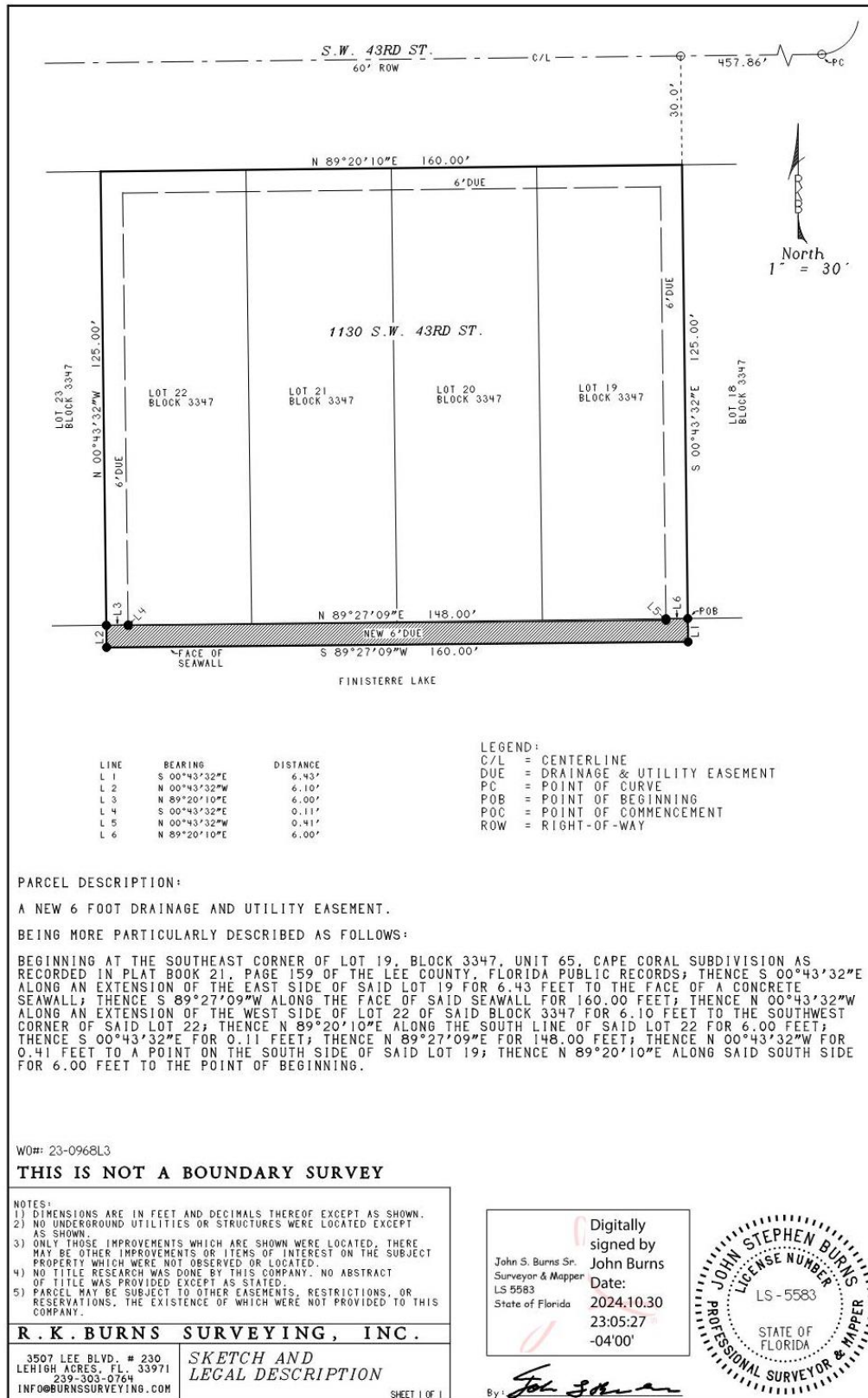


Exhibit "C" - Public Utility and Drainage Easements to be Retained by the City

5/19/2024

Martin Cupples
814-931-0369
Cupples.mr@aol.com

P861874
No Reservations/No Objection

SUBJECT: Request to vacate a portion of Clemens Way, Hardee County.

To Whom It May Concern:

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

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

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

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

Sincerely yours,

Network Infrastructure Services
CenturyLink of Florida, Inc.
P861874

May 8, 2024

Martin Cupples
MRC Property Management, LLC
11 Wildwood Circle
Hollidaysburg, PA 16648

Re: Letter of No Objection to Vacation of Easement
STRAP: 10-45-23-C2-03347.0190

Dear Mr. Cupples:

We are in receipt of your request to ask LCEC for a letter to vacate the easements of record along the seawall on the north portion of the property at **1130 SW 43rd Street, Cape Coral, FL 33914.**

CAPE CORAL UNIT 65 BLOCK 3347 PAGE BOOK 21 PAGE 159 LOTS 19 thru 22 AS DESCRIBED IN PUBLIC RECORDS OF LEE COUNTY, FL.

We have reviewed the request submitted, and our internal records. LCEC has **no objection** to the vacation of the easement along the seawall on the north side of the property.

However, should there be any substantial changes to the plans as submitted, LCEC reserves its rights to additional, and further review and comment with additional conditions, if necessary, consistent with its findings. Should no definitive action, no approval, by local jurisdiction be received by the petitioner, this letter will terminate upon six months from the date listed above. This letter is not assignable to a third-party, and is non-recordable. This letter will become immediately void upon recordation.

Should there be any questions please call me at 239-656-2228, or, if you prefer, I may be reached by email at steve.sousa@lcec.net.

Very truly yours,



Steve Sousa
Right-of-Way Agent

LEE COUNTY ELECTRIC COOPERATIVE, INC.

RE: 400935916



May 7th , 2024

Attn: Martin Cupples

RE- Letter of No Objection- Release of Easement 1130 SW 43rd st Cape Coral

Dear Martin Cupples,

Thank you for contacting Comcast regarding your request to vacate easement. This is to inform you that Comcast is has no facilities within the site's development area. We currently have no objection to your plans at this location.

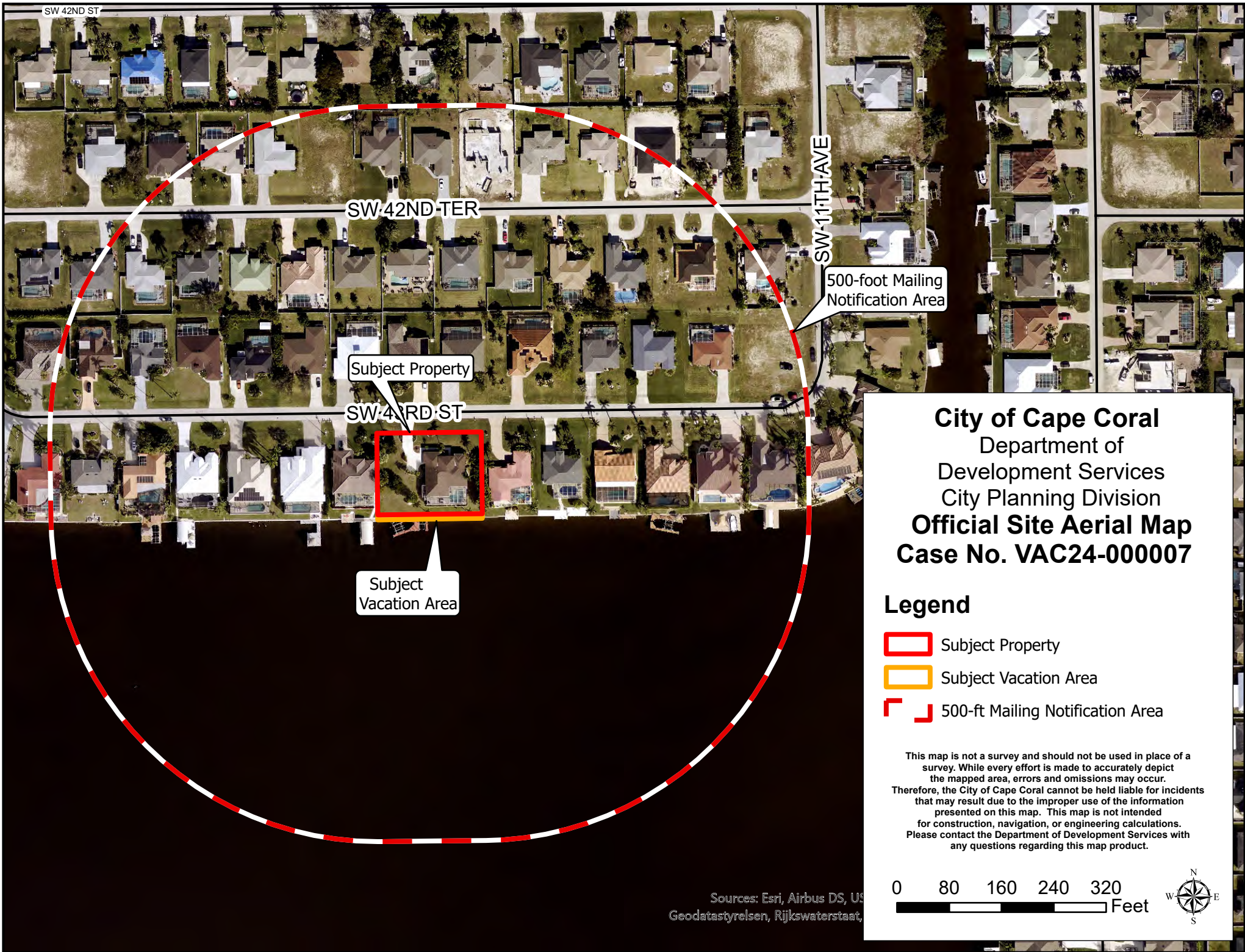
If you have any further question or concerns, please do not hesitate to contact me at (574) 808-8943.

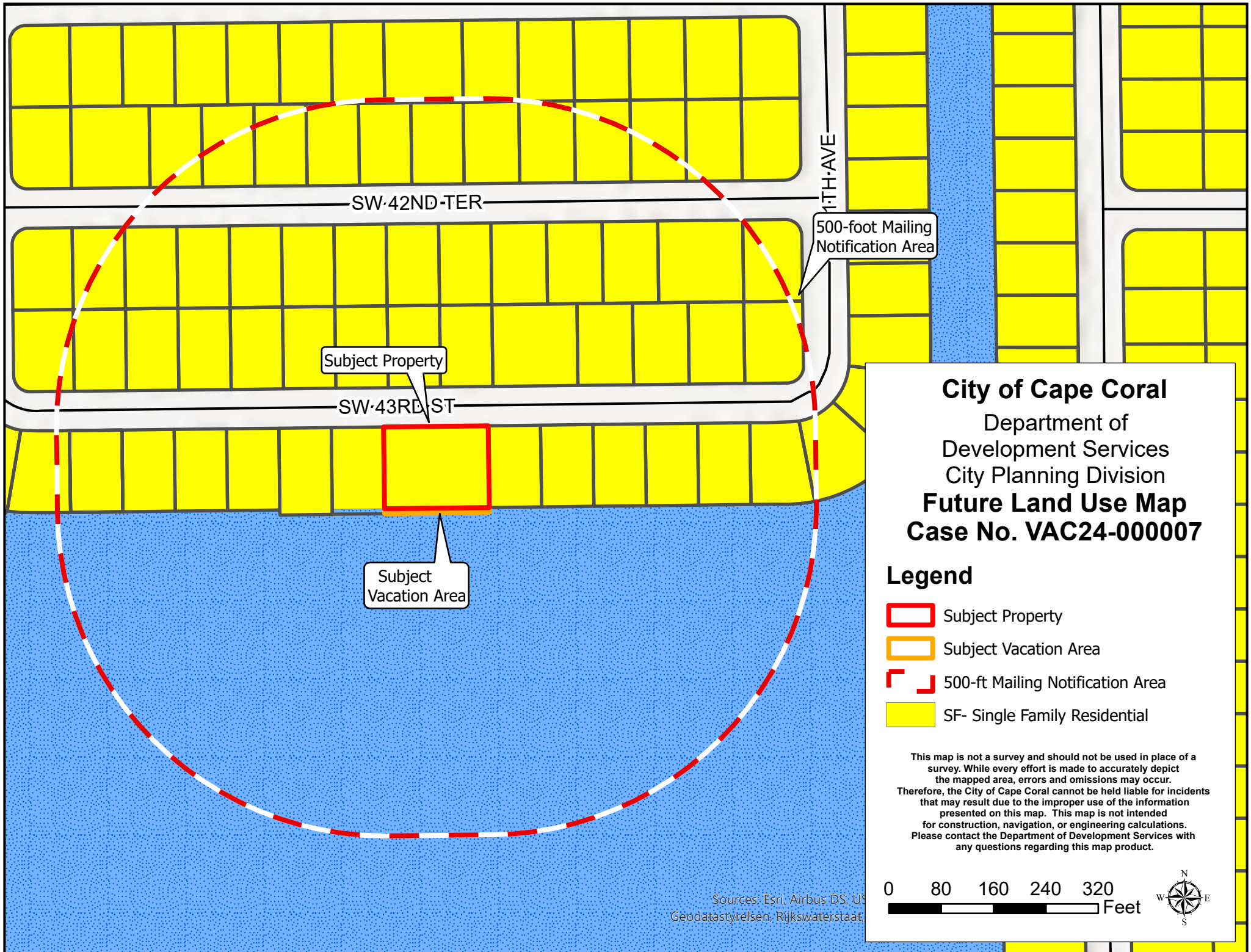
Sincerely,

Christopher Plank

Construction Manager SWFL





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





City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. VAC24-000007

Legend

-  Subject Property
-  Subject Vacation Area
-  500-ft Mailing Notification Area
-  SF- Single Family Residential

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

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

