



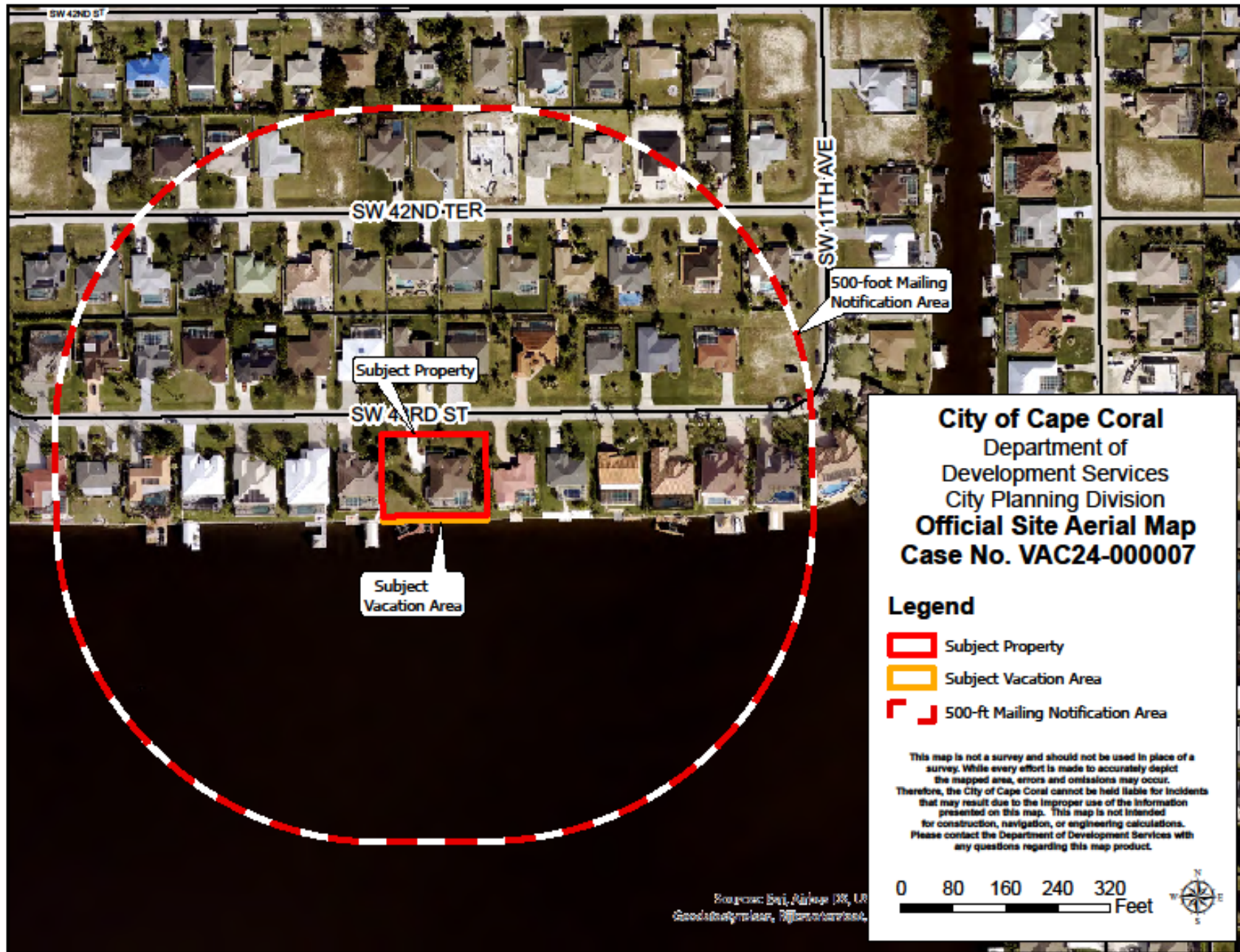
| **Case #VAC24-000007**
Resolution 116-25
Council Presentation
May 7, 2025

Owner/Applicant: MRC PROPERTY MANAGEMENT LLC.

Location: 1130 SW 43RD ST

Request

1. The owner requests to vacate 1,001 sq. ft. of lake right of way (ROW), and all underlying easements; and 888 sq. ft. of platted easements associated with the south property line of Lots 19-22, Block 3347, Unit 65.

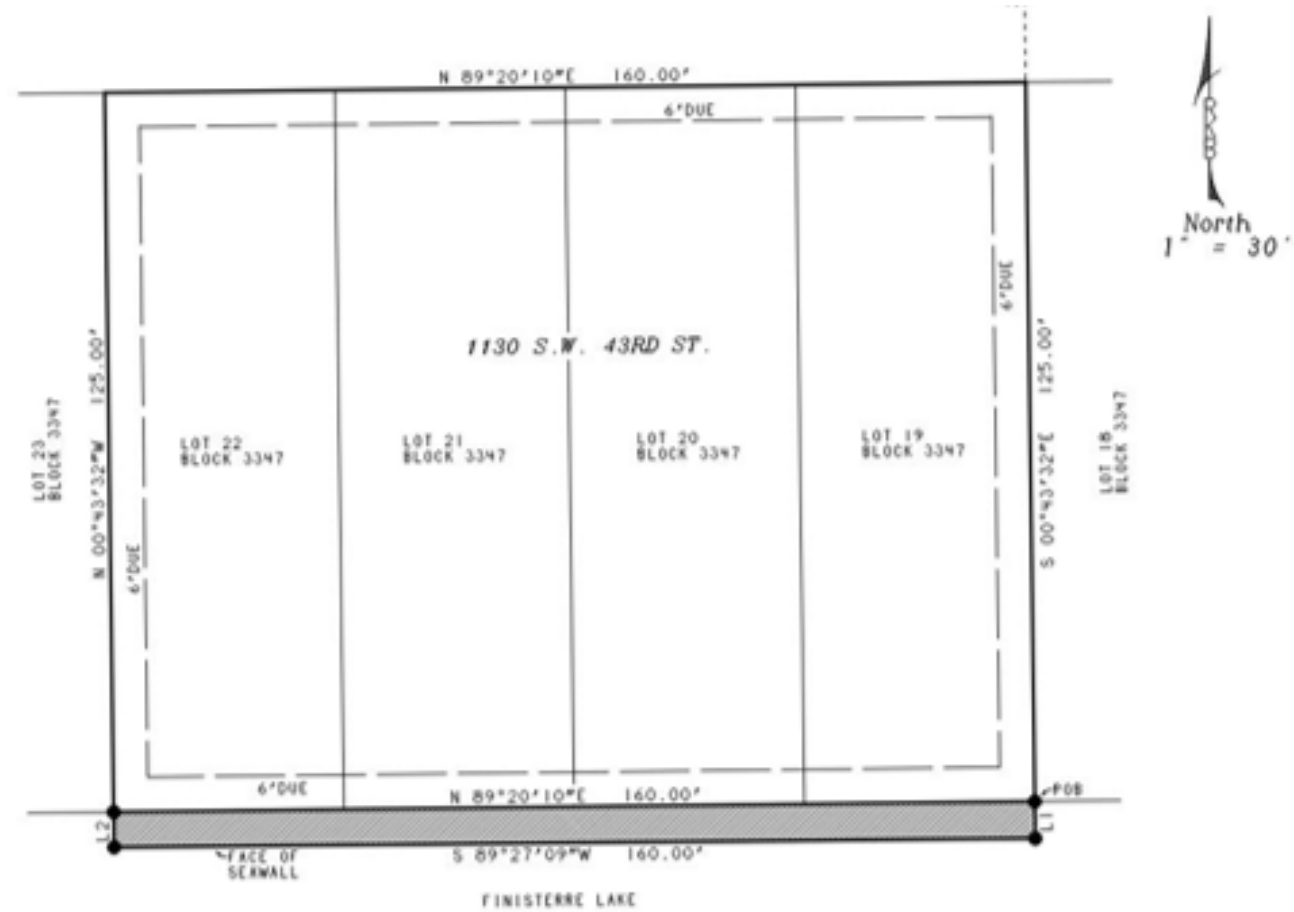


Background

- 1. The 20,000 sq. ft. site is improved with a single-family home and has about 160 ft. of frontage on Finisterre Lake.**
- 2. Site has R1 Single Family Residential Zoning and Single Family (SF) FLU, as do all surrounding properties.**
- 3. A small strip of unexcavated lake ROW exists along the south property line and the seawall. The owners wish to vacate the ROW to extend the property line to the edge of the seawall.**

Proposed vacation area:

Figure 1: Snippet from Exhibit A showing the ROW to be vacated.



Criteria in LDC, Section 3.4.5

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

The unexcavated ROW and underlying easements are small in area and isolated. As a result, the ROW and easements will not provide a future transportation, public access, water management or other foreseeable public benefit.

Criteria in LDC, Section 3.4.5

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

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

Criteria in LDC, Section 3.4.5

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

As this vacation does not include a request to vacate either an alley or street ROW, this criterion is not applicable. The requested vacations will not negatively affect the navigability or visibility of boaters using the Lake.

Criteria in LDC, Section 3.4.5

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

Approval of this vacation will not result in the closure or partial closure of any ROW, including Finisterre Lake.

Criteria in LDC, Section 3.4.5

V. Whether local utility providers have given consent to the vacation of the plat, easements, or rights-of-way.

All three utility providers have provided letters of no objection to the requested vacations. The owner has provided a sketch and a legal description showing the easements that will be retained by the City for ensuring a continuous perimeter easement exists.

Recommendation

Planning Staff recommends approval of the vacation with conditions.

The Hearing Examiner recommends approval of the vacation with the conditions outlined in the HEX recommendation. A hearing was held on March 4, 2025.

Correspondence: None

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.**

Thank you

