

## RESOLUTION 116 - 25

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, PROVIDING FOR THE VACATION OF PLAT FOR A PORTION OF FINISTERRE LAKE RIGHT-OF-WAY AND UNDERLYING EASEMENTS ADJACENT TO LOTS 19, 20, 21 AND 22, BLOCK 3347, UNIT 65, CAPE CORAL SUBDIVISION; PROVIDING FOR THE VACATION OF PLAT FOR PLATTED EASEMENTS LYING IN LOTS 19, 20, 21 AND 22, BLOCK 3347, UNIT 65, CAPE CORAL SUBDIVISION; PROPERTY LOCATED AT 1130 SW 43<sup>RD</sup> STREET; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by MRC PROPERTY MANAGEMENT, LLC, for the vacation of plat on properties described herein; and

WHEREAS, the Petition meets the requirements of the City of Cape Coral Land Development Code, Article 3, Chapter 4, Section 3.4.5, "Vacations of Plats, Easements, and Rights-of-Way" and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Petition meets the requirements of the City of Cape Coral Land Development Code, Article 3, Chapter 4, Section 3.4.5, and it is in the best interest of the public that such Petition be granted. The following-described Finisterre Lake right-of-way and all underlying easements, as shown in Exhibit "A", are hereby vacated by the City of Cape Coral, to wit:

THAT PORTION OF FINISTERRE LAKE LYING BETWEEN THE FACE OF A CONCRETE SEAWALL AND THE SOUTH LINE OF LOTS 19, 20, 21, AND 22, BLOCK 3347, UNIT 65, CAPE CORAL SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 159 OF THE LEE COUNTY, FLORIDA PUBLIC RECORDS.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 19: THENCE S 00°43'32"E ALONG AN EXTENSION OF THE EAST SIDE OF SAID LOT 19 FOR 6.43 FEET TO THE FACE OF A CONCRETE SEAWALL; THENCE S 89°27'09"W ALONG THE FACE OF SAID SEAWALL FOR 160.00 FEET; THENCE N 00°43'32"W ALONG AN EXTENSION OF THE WEST SIDE OF SAID LOT 22 FOR 6. 10 FEET TO THE SOUTHWEST CORNER OF SAID LOT 22 THENCE N 89°20' 10"E ALONG THE SOUTH LINE OF SAID LOTS 19, 20, 21, AND 22 FOR 160.00 FEET TO THE POINT OF BEGINNING.

Section 2. The Petition meets the requirements of the City of Cape Coral Land Development Code, Article 3, Chapter 4, Section 3.4.5, and it is in the best interest of the public that such Petition be granted. The following-described platted easements, as shown in Exhibit "B", are hereby vacated by the City of Cape Coral, to wit:

A DRAINAGE AND UTILITY EASEMENT ACROSS THE SOUTH 6 FEET OF LOTS 19, 20, 21 AND 22, EXCEPTING THE WEST AND EAST 6 FEET THEREOF, OF BLOCK 3347, UNIT 65, CAPE CORAL SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 159, PUBLIC RECORDS OF THE LEE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 19; THENCE S 89°20'10"W ALONG THE SOUTH LINE OF SAID LOT 19 FOR 6.00 THE POINT OF BEGINNING; THENCE CONTINUE S 89°20' 10"W ALONG THE SOUTH LINE OF SAID LOTS 19, 20, 21, AND 22 FOR 148.00 FEET TO THE EAST SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE ALONG SAID EAST SIDE 6 FEET FROM AND PARALLEL TO THE WEST SIDE OF SAID LOT 22, N 00°43'32"W FOR 6.00 FEET TO THE NORTH SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE ALONG SAID NORTH SIDE 6 FEET FROM AND PARALLEL TO THE SOUTH SIDE OF SAID LOTS 19, 20, 21, AND 22, N 89°20'

10"E FOR 148.00 FEET TO THE WEST SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE ALONG SAID WEST SIDE 6 FEET FROM AND PARALLEL TO THE EAST SIDE OF SAID LOT 19, S 00°43'32"E FOR 6.00 FEET TO THE POINT OF BEGINNING.

Section 3. The applicant shall meet the following terms and conditions:

1. The vacation of Finisterre 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".
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".
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".
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.

Section 4. This Resolution shall take effect upon its recording within the Office of the Lee County Clerk of Court by the City of Cape Coral.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	LAstra	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

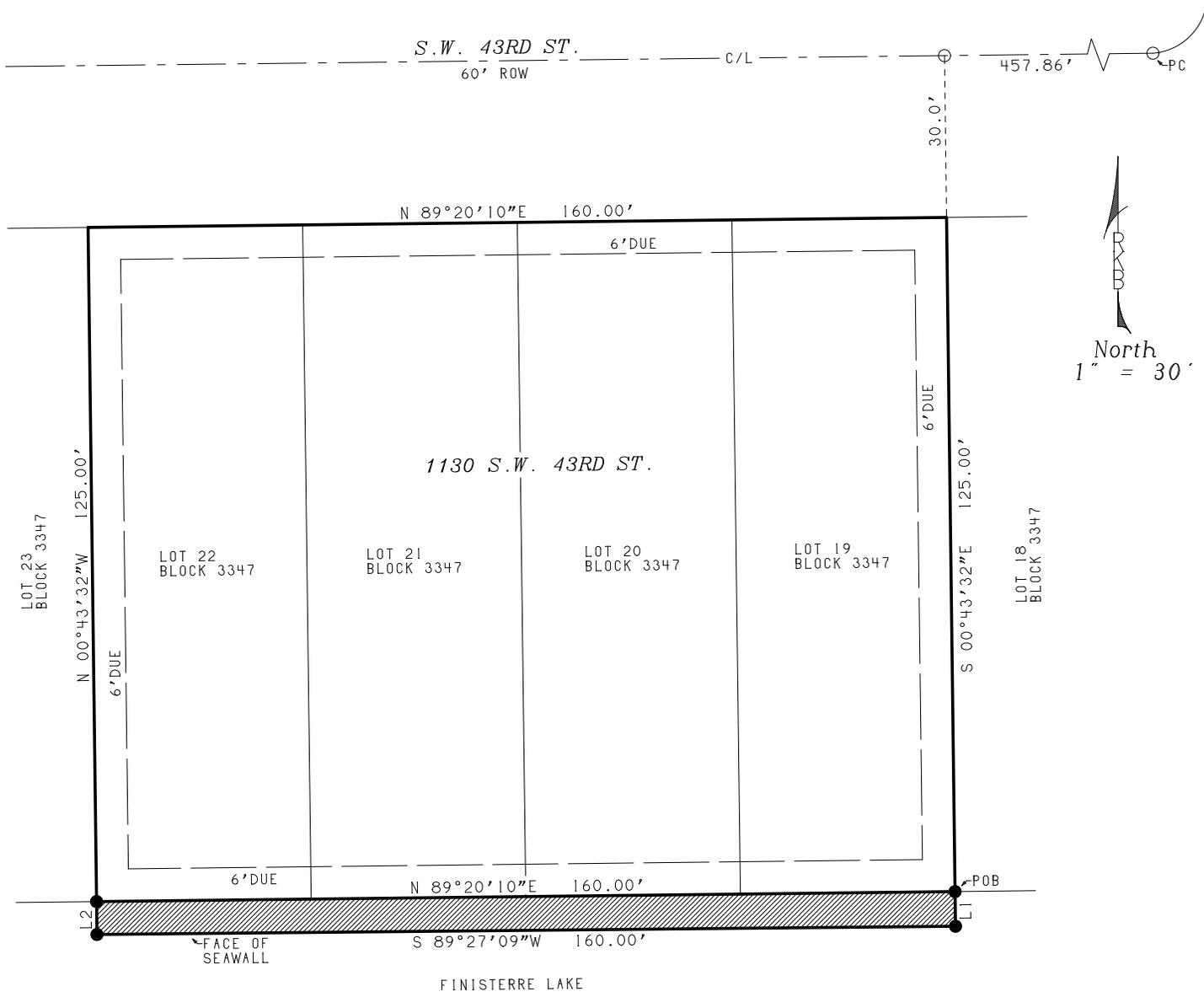
\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
res/vac24-000007

\_\_\_\_\_

EXHIBIT A



LINE	BEARING	DISTANCE
L 1	S 00°43'32"E	6.43'
L 2	N 00°43'32"W	6.10'

LEGEND:  
 C/L = CENTERLINE  
 DUE = DRAINAGE & UTILITY EASEMENT  
 PC = POINT OF CURVE  
 POB = POINT OF BEGINNING  
 POC = POINT OF COMMENCEMENT  
 ROW = RIGHT-OF-WAY

PARCEL DESCRIPTION:

THAT PORTION OF FINISTERRE LAKE LYING BETWEEN THE FACE OF A CONCRETE SEAWALL AND THE SOUTH LINE OF LOTS 19, 20, 21, AND 22, BLOCK 3347, UNIT 65, CAPE CORAL SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 159 OF THE LEE COUNTY, FLORIDA PUBLIC RECORDS.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

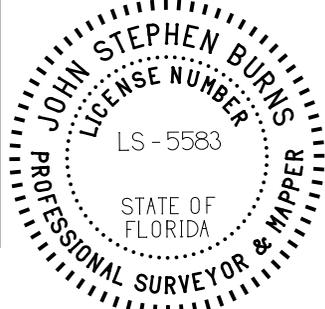
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W0#: 23-0968L2

**THIS IS NOT A BOUNDARY SURVEY**

- NOTES:
- 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF EXCEPT AS SHOWN.
  - 2) NO UNDERGROUND UTILITIES OR STRUCTURES WERE LOCATED EXCEPT AS SHOWN.
  - 3) ONLY THOSE IMPROVEMENTS WHICH ARE SHOWN WERE LOCATED, THERE MAY BE OTHER IMPROVEMENTS OR ITEMS OF INTEREST ON THE SUBJECT PROPERTY WHICH WERE NOT OBSERVED OR LOCATED.
  - 4) NO TITLE RESEARCH WAS DONE BY THIS COMPANY. NO ABSTRACT OF TITLE WAS PROVIDED EXCEPT AS STATED.
  - 5) PARCEL MAY BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, OR RESERVATIONS. THE EXISTENCE OF WHICH WERE NOT PROVIDED TO THIS COMPANY.

Digitally signed by  
 John S. Burns Sr.  
 Surveyor & Mapper  
 LS 5583  
 State of Florida  
 Date: 2024.10.30  
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 -04'00'



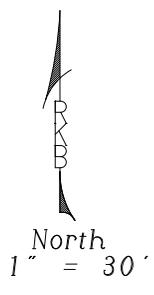
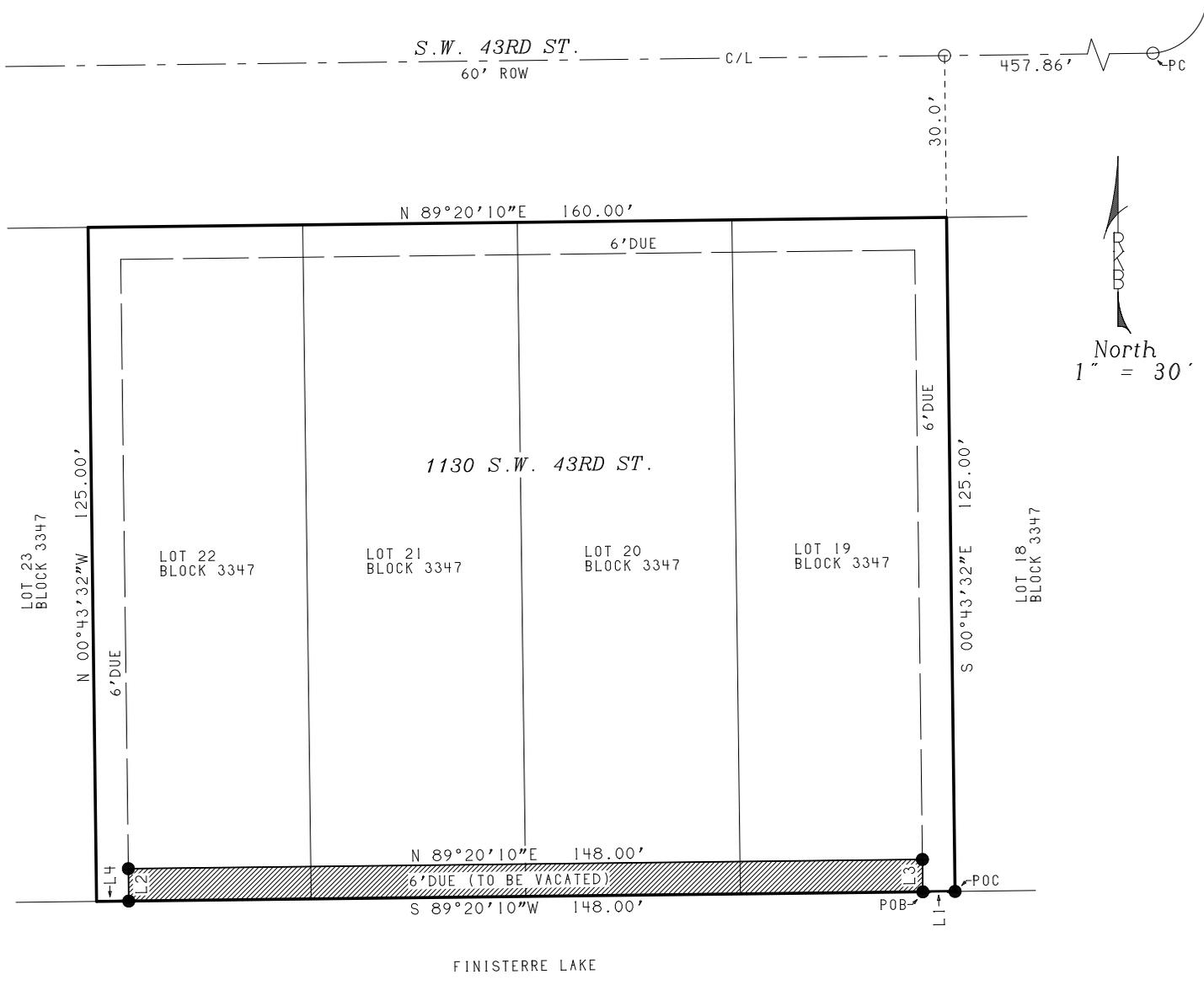
**R. K. BURNS SURVEYING, INC.**

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

SKETCH AND  
 LEGAL DESCRIPTION

By: *John S. Burns Sr.*

EXHIBIT B



LINE	BEARING	DISTANCE
L 1	S 89°20'10"W	6.00'
L 2	N 00°43'32"W	6.00'
L 3	S 00°43'32"E	6.00'
L 4	S 89°20'10"W	6.00'

LEGEND:  
 C/L = CENTERLINE  
 DUE = DRAINAGE & UTILITY EASEMENT  
 PC = POINT OF CURVE  
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 POC = POINT OF COMMENCEMENT  
 ROW = RIGHT-OF-WAY

PARCEL DESCRIPTION:

A DRAINAGE AND UTILITY EASEMENT ACROSS THE SOUTH 6 FEET OF LOTS 19, 20, 21, AND 22, EXCEPTING THE WEST AND EAST 6 FEET THEREOF, OF BLOCK 3347, UNIT 65, CAPE CORAL SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 159, PUBLIC RECORDS OF THE LEE COUNTY, FLORIDA.

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W0#: 23-0968LI

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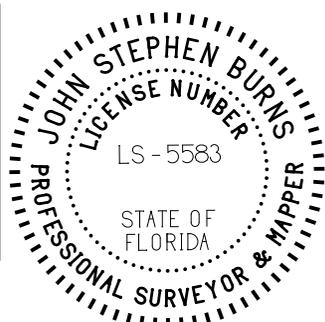
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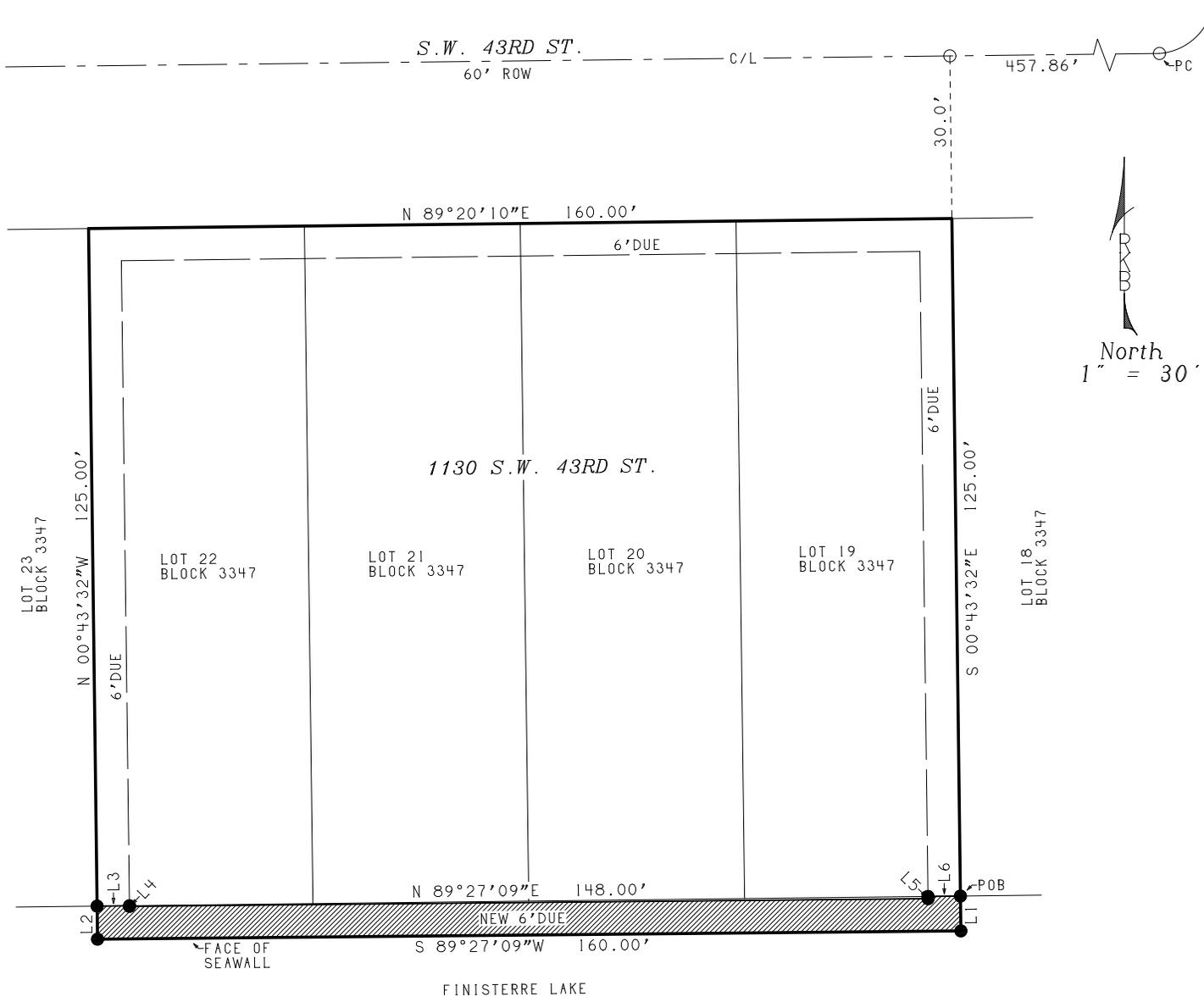
SKETCH AND  
 LEGAL DESCRIPTION

Digitally signed by  
 John S. Burns Sr.  
 Surveyor & Mapper  
 LS 5583  
 State of Florida  
 Date:  
 2024.10.30  
 23:02:48  
 -04'00'



By: *John S. Burns Sr.*

EXHIBIT C



LINE	BEARING	DISTANCE
L 1	S 00°43'32"E	6.43'
L 2	N 00°43'32"W	6.10'
L 3	N 89°20'10"E	6.00'
L 4	S 00°43'32"E	0.11'
L 5	N 00°43'32"W	0.41'
L 6	N 89°20'10"E	6.00'

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 POB = POINT OF BEGINNING  
 POC = POINT OF COMMENCEMENT  
 ROW = RIGHT-OF-WAY

PARCEL DESCRIPTION:

A NEW 6 FOOT DRAINAGE AND UTILITY EASEMENT.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 19, BLOCK 3347, UNIT 65, CAPE CORAL SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 159 OF THE LEE COUNTY, FLORIDA PUBLIC RECORDS; THENCE S 00°43'32"E ALONG AN EXTENSION OF THE EAST SIDE OF SAID LOT 19 FOR 6.43 FEET TO THE FACE OF A CONCRETE SEAWALL; THENCE S 89°27'09"W ALONG THE FACE OF SAID SEAWALL FOR 160.00 FEET; THENCE N 00°43'32"W ALONG AN EXTENSION OF THE WEST SIDE OF LOT 22 OF SAID BLOCK 3347 FOR 6.10 FEET TO THE SOUTHWEST CORNER OF SAID LOT 22; THENCE N 89°20'10"E ALONG THE SOUTH LINE OF SAID LOT 22 FOR 6.00 FEET; THENCE S 00°43'32"E FOR 0.11 FEET; THENCE N 89°27'09"E FOR 148.00 FEET; THENCE N 00°43'32"W FOR 0.41 FEET TO A POINT ON THE SOUTH SIDE OF SAID LOT 19; THENCE N 89°20'10"E ALONG SAID SOUTH SIDE FOR 6.00 FEET TO THE POINT OF BEGINNING.

W0#: 23-0968L3

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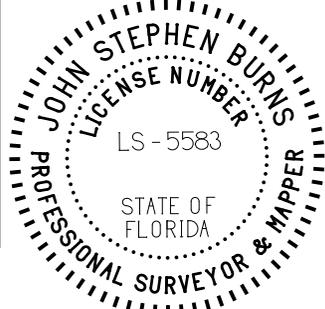
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SKETCH AND  
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SHEET 1 OF 1

Digitally signed by  
 John S. Burns Sr.  
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 State of Florida  
 Date: 2024.10.30  
 23:05:27  
 -04'00'



By: *John S. Burns Sr.*