

RESOLUTION  
NUMBER 2026 -

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, VACATING THE REMAINING PORTION OF THE PLAT OF RESUBDIVISION OF TAMIAMI SUBDIVISION TO ALLOW FOR THE CREATION OF A MITIGATION BANK, SPECIFICALLY TO VACATE THE REMAINING OUTPARCELS/LOTS AND STREETS; THE RESUBDIVISION OF TAMIAMI SUBDIVISION IS SHOWN ON PLAT BOOK 2, PAGE 24½ OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND LOCATED IN THE EAST COUNTY AREA; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT I; PETITION NUMBER VPL-25-02; PROVIDING AN EFFECTIVE DATE; AND CONCURRENTLY AMENDING RESOLUTION NO. 2008-156 TO REPLACE THE ADOPTED CONSERVATION EASEMENT WITH A RESTRICTIVE COVENANT TO FULFILL THE PREVIOUSLY APPROVED TRANSFER OF DENSITY UNITS AND RETAIN 12 DENSITY UNITS ON THE PROPERTY; FOR PROPERTY GENERALLY LOCATED NORTH OF BERMONT ROAD, EAST OF SR 31, AND WEST OF THE GLADES COUNTY LINE, IN THE EAST COUNTY AREA; COMMISSION DISTRICT I; PETITIONER: EIP IV FL CALOOS LAND LLC; PETITION NUMBER VPL-25-02; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, EIP IV FL Caloos Land LLC ("Petitioner") has petitioned the Board of County Commissioners of Charlotte County, Florida ("Board"), pursuant to Section 177.101, Florida Statutes, to vacate a portion of the plat of Resubdivision of Tamiami Subdivision, as shown on Plat Book 2, Page 24½ of the Public Records of Charlotte County, Florida, to allow for the creation of a mitigation bank, specifically to vacate the remaining outparcels/lots and streets; and replace the adopted conservation easement with a restrictive covenant by amending Resolution No. 2008-156 to fulfill the previously approved transfer of density units and retain 12 density units on the property generally located north of Bermont Road, east of SR 31, and west of the Glades County line, in the East County area, Charlotte County, Florida, Commission District I ("Property"), and more particularly described in Exhibit "A" attached hereto; and

WHEREAS, Section 177.101, Florida Statutes, authorizes the vacation of plats, either in whole or in part, including the vacation of streets therein, by the Board; and

WHEREAS, public notice of said application was published and evidence thereof given as required by law to the Board; and

WHEREAS, the application was heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based upon the findings and analysis provided by County Staff and the evidence presented to the P&Z Board, the P&Z Board recommended approval on May 11, 2026; and

WHEREAS, it has been shown by Petitioner on the application that Petitioner is the fee simple title owner of the Property described above, on which Property the plat sought to be vacated is located; and

WHEREAS, it is further determined that the plat vacation as petitioned for herein will not adversely affect the ownership or right of convenient access of persons owning other parts of the subdivision; and

WHEREAS, all state and county taxes due on the Property which is the subject of the petition filed herein have been paid; and

WHEREAS, on September 16, 2008, the Board approved Resolution No. 2008-156 to sever 1,546 density units from the majority of the Property and retain 12 density units on the Property through a conservation easement, pursuant to the County's Transfer of Density Units (TDU) Code at that time; and

WHEREAS, the Board also approved Resolution No. 2008-159 to vacate the portion of the Property from which the density units were certified; and

WHEREAS, the County's TDU Code has been revised in 2008 and 2018, and a restrictive covenant is now required instead of a conservation easement if the property owner wishes to retain base density units on the property; and

WHEREAS, the purpose of this Plat Vacation application is to establish a mitigation bank with the State of Florida; as part of the creation of a mitigation bank, a restrictive covenant between the property owner and the State agency is required; and

WHEREAS, to avoid any confusion and meet State requirements, the Petitioner is concurrently requesting to replace the existing conservation easement with a restrictive covenant to fulfill the original intent of retaining 12 density units on the Property which is an amendment to Resolution No. 2008-156.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida ("Board"):

1. Based upon consideration of the evidence in support of the petition and the findings of this Board as set forth above, the Board does hereby:

A. Vacate a portion of the plat of Resubdivision of Tamiami Subdivision, as shown on Plat Book 2, Page 24½ of the Public Records of Charlotte County, Florida, to allow for the creation of a mitigation bank, specifically to vacate the remaining outparcels/lots and streets.

B. Replace the adopted conservation easement with a restrictive covenant by amending Resolution No. 2008-156 to fulfill the previously approved transfer of density units and retain 12 density units on the property generally located north of Bermont Road, east of SR 31, and west of the Glades County line, in the East County area, Charlotte County, Florida, Commission District I ("Property"), and more particularly described in Exhibit "A" attached hereto.

2. This vacation is subject to the following condition:

A. Prior to the recording of this Resolution, the Petitioners or their successor-in-interest shall record a restrictive covenant in the Public Records of Charlotte County, Florida, to reflect the base density of the Property which will be limited to twelve (12) density units, which exists at the time of vacation.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 9th day of June, 2026.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
Joseph M. Tiseo, Chairman

ATTEST:  
Roger D. Eaton, Clerk of the Circuit Court  
and Ex-Officio Clerk of the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Thomas M. David, County Attorney  
LR2026-0363

*Kmb*

### Legal Description

The unvacated portion of the Resubdivision of Tamiami Subdivision as recorded in Plat Book 2, Page 24 of the Public Records of Charlotte County, Florida, lying within the northwest corner of Section 34, Township 40 South, Range 27 East, Charlotte County, Florida, more particularly described Lot 24 of Block 39; Lots 30 and 31 of Block 27; Lots 1, 2 and 3 of Block 29; Lots 1 and 2 of Block 30; Lots 1, 2, 16, and 17 of Block 22; Lot 8 of Block 44, and Lots 32 and 33 of Block 40, along with that portion of Carilinda Street bound by the south line of said plat to the north right of way line for Tamiami Avenue, that portion of Tamiami Avenue running from the west right of way line of Carilinda Street to the east boundary of Penobscot Street, that portion of Penobscot Street from the south boundary of Tamiami Avenue to the north boundary of Florida Avenue, as well as that portion of Penobscot Street from the south boundary of Tamiami Avenue to the south boundary line of Lot 32 of Block 40 and the south boundary line of Lot 2 of Block 41, and that portion of Florida Avenue from the west boundary of Penobscot Street to the east boundary of Samoset Street, that portion of Samoset Street from the south boundary of Florida Street to the south boundary of Sarasota Avenue. The site is generally located north of Bermont Road and east of S.R. 31, and in the East County area.

