



MEMORANDUM

Date: 03-19-2025

To: Honorable Board of County Commissioners (Board)

From: Jenny Shao, Planner

Subject: SV-25-02 Vacation of a Portion of the San Carlos Basin Behind 27048 San Carlos Drive

Request:

Scott Andrew Ford Jr is requesting to vacate a portion of the undeveloped San Carlos canal basin behind his property located at 27048 San Carlos Drive, being lots 39 through 44, Block 191, of Harbour Heights Section Eleven Part Two, as shown on Plat Book 4, Pages 48A through 48G, of the Public Records of Charlotte County, Florida (See Attachment 1). The total area to be vacated contains 24,382.06± square feet (See Attachment 2), and is generally located southwest of Neaptide Drive and northeast of San Carlos Drive, within the Mid-County area, and located in Commission District I.

Analysis and Background:

The subject area to be vacated largely lies outside of the Urban Service Area. The underlying Future Land Use Map (FLUM) designation is Low Density Residential (LDR). The underlying Zoning District is Residential Single-family 3.5 (RSF3.5). It lies within Flood Zone X and 10AE, as well as Storm Surge Evacuation Zone C.

If approved, the petition would allow for more developable space on the property. However, the residential development rights will remain the same. No residents will be denied reasonable access to their property as a result of this petition. All pertinent departments have reviewed the petition (See Attachment 3). All the affected utilities have been notified. County staff have offered the following comments:

Real Estate Services – Approval with Conditions¹

Per plat book 4, page 48-A, Dedication of easements, there are easements “...not to exceed 6 feet on each side of said boundaries.” These easements are county drainage purposes and public utilities.

¹ These comments have been updated since the Planning and Zoning Board Hearing on March 10, 2025.

Drainage and Utility Easement – owner needs to provide sketch of description of easement for review and to attach as Exhibit A (to be 6 feet in width on rear and on both sides to new property line) (See Attachment 4)

Canal Maintenance Easement - owner needs to provide sketch of description of easement for review and to attach as Exhibit A (to be 20 feet in width along rear portions of property) (See Attachment 5)

Public Access Easement - owner needs to provide sketch of description of easement for review and to attach as Exhibit A (to be 5 feet in width on rear property line) (See Attachment 6)

Release of Easement – to be done AFTER the other 3 easements are granted and AFTER all utility companies have approved the release – this is still in process (See Attachment 7).

Jie Shao, Principal Planner – Zoning – Approved with Conditions

The Applicant is requesting to vacate² a portion of the undeveloped San Carlos basin canal behind his property located at 27048 San Carlos Drive. The total area to be vacated contains 24,382.06± square feet, and is generally located southwest of Neptide Drive and northeast of San Carlos Drive, within the Mid-County area, and located in Commission District I.

Future Land Use Map (FLUM) Designation: According to the 2030 Future Land Use Map, the subject property is designated as Low Density Residential (LDR).

Zoning: The subject property is zoned Residential Single-family 3.5 (RSF-3.5).

Finding: The subject property proposed to be vacated is part of the undeveloped San Carlos basin canal, which is recorded as Harbour Heights Section Eleven Part Two, as shown on Plat Book 4, Pages 48A through 48G, of the Public Records of Charlotte County. The Plat Dedication specifically states that: “...and does hereby dedicate the Roads, drives, Parkways, Courts, Easements, street, canals, basins, Terraces and Bays as shown on the attached plat to the perpetual use of the public for proper purposes.” (Attachment 1) Therefore, in order to comply with the Property Rights element of the County’s Comprehensive Plan and to be consistent with the Plat Dedication, staff is proposing an access easement for a five-foot-wide non-motorized pedestrian walkway subject to the County’s attorneys’ review in order to ensure that other property owners would maintain a dedicated public access to the portion of the already dredged canal basin. Such requirement shall apply to all Street Vacation applications to vacate this undeveloped canal basin.

² The application is styled as a “street vacation,” which is the department’s form for vacation of these types of easements. The term “street vacation” in the context of this application is a request to vacate a portion of the dedicated canal basin, which the legal department has determined to be either right-of-way or an easement. Regardless of the term applied, the request is to vacate a portion of the dedicated basin that is not owned by the applicant. Therefore, the appropriate application request for a “street vacation” even though there is no street involved.

In addition, this application is to vacate a portion of the San Carlos canal basin, which is part of a street, right-of-way, or easement, therefore, **FLU Policy 2.1.5: Access to Public Water Bodies** applies to this application. This policy states that: *“The County shall not vacate any public street, right-of-way, or easement that would constrain existing or potential public access to the County's many public water bodies in the absence of public benefit. The County shall address and define public benefit, including whether there are conditions that mitigate and could allow for the vacation of a public street, right-of-way, or easement that provides or potentially could provide such access.”* It is staff's professional opinion that the proposed vacation will not constrain the existing or potential public access to the County's public water bodies because of the proposed access easement for a five-foot-wide pedestrian walkway.

Furthermore, according to the definition of the base density as established in the County's Comprehensive Plan, the property could have two residential dwelling units. However, because the property is part of the undeveloped canal basin; no residential development rights are applicable for this property. Therefore, a restrictive covenant is required to restrict the base density of the entire property proposed to be vacated to zero units (See Attachment 8).

Public Works – Approved with Conditions and Comments³

We would request a 20-foot maintenance easement along the edge of the new property boundary for canal maintenance.

The Public Works Department has concerns about blocking access to the other properties along the canal portion of the plat if the requests by applicants on both sides of the canal are granted approval. Everyone along the canal should keep access. Although the canal was not dredged as far as the canal basin allows but those lots are considered canal front and approval of these requests would eliminate that. This applicant could obtain what they are requesting without blocking access. This may be more of a legal opinion but those are the comments from the Public Works Department.

Natural Resources and Environmental (Zoning) – Condition Required

The Zoning Environmental Review Section has conducted a cursory review for compliance with Environmental, Tree and Landscaping codes or ordinances.

The applicant will need to submit an HCP application and pay the mitigation fee based on the total square footage. Based on the survey provided, it is 24,382 sq feet = 0.56 acres. The total HCP mitigation fee would be \$8,499; 2024 fees are applicable because the application was filed in 2024. If there are any questions pertaining to this review, please feel free contact me in the Community Development Department at 941-764-4127. HCP application and fee must be accounted for prior to development.

³ These comments have been updated since the Planning and Zoning Board Hearing on March 10, 2025.

Current Status:

The applicant will be required to submit the HCP application and pay the mitigation fee if approval for this request is granted by the Board and development is proposed on the area. They must also provide the legal descriptions, sketches, and executed instruments for the easements as required as conditions of approval by the Public Works department and Real Estate Services. If approved by the Board, the applicant would commission the legal descriptions and sketches for the requested easements, execute and record the easement agreements within 180 days of the date of recording of the resolution to vacate the subject portion of the canal basin.

Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application, **SV-25-02**, is generally consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Planning and Zoning Board recommendation on March 10, 2024:

A motion to forward application **SV-25-02** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff memo dated **March 2, 2025**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.

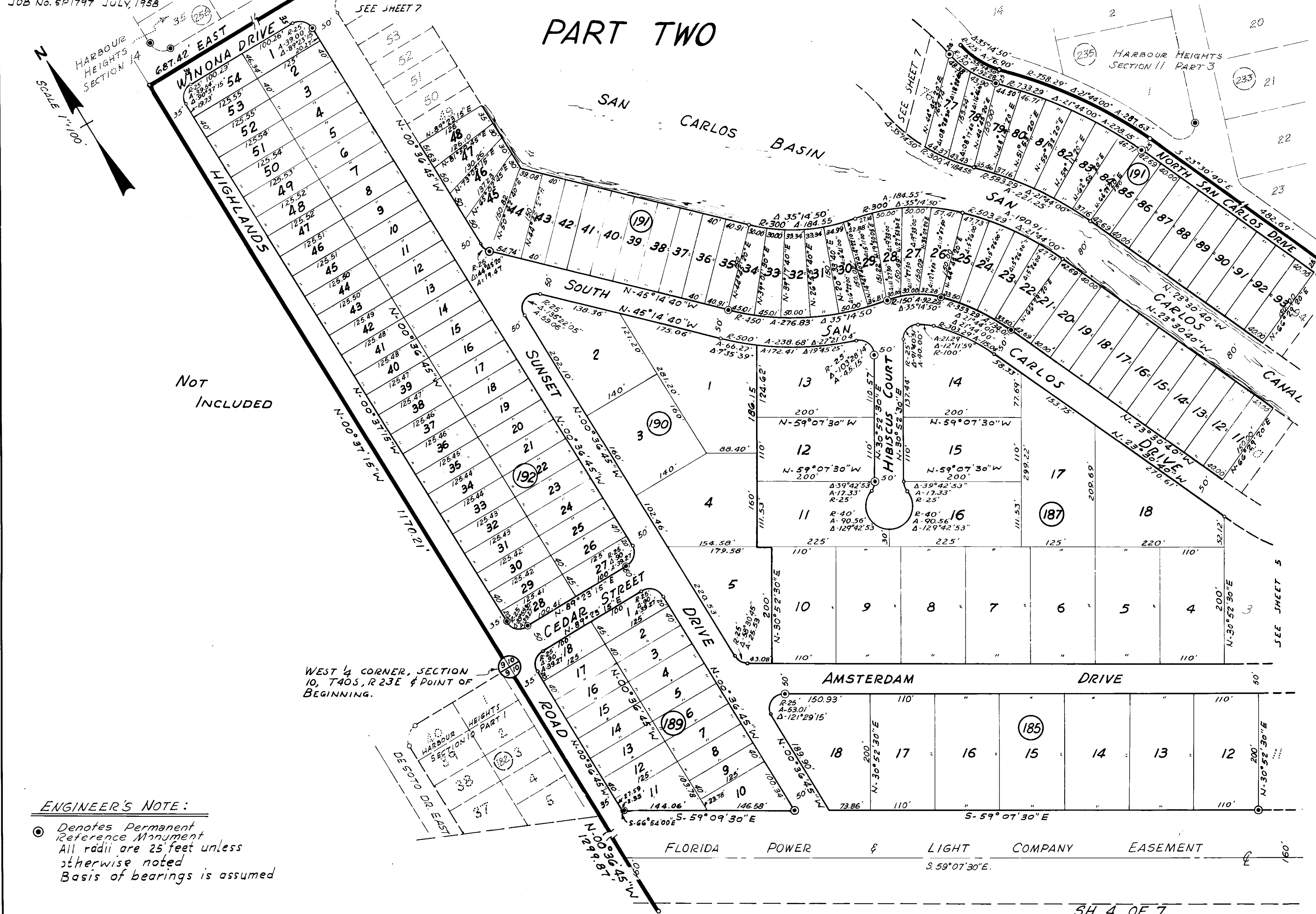
Attachment 1

**Plat Book 4, Pages 48A through 48G, of the Public Records of
Charlotte County, Florida**

RADER & ASSOCIATES
611 FIRST AVE. NO.
ST. PETERSBURG, FLA.
111 N.E. Second Ave.
Miami 32, Florida
JOB No. SP1797 JULY, 1958

HARBOUR HEIGHTS SECTION ELEVEN

PART TWO

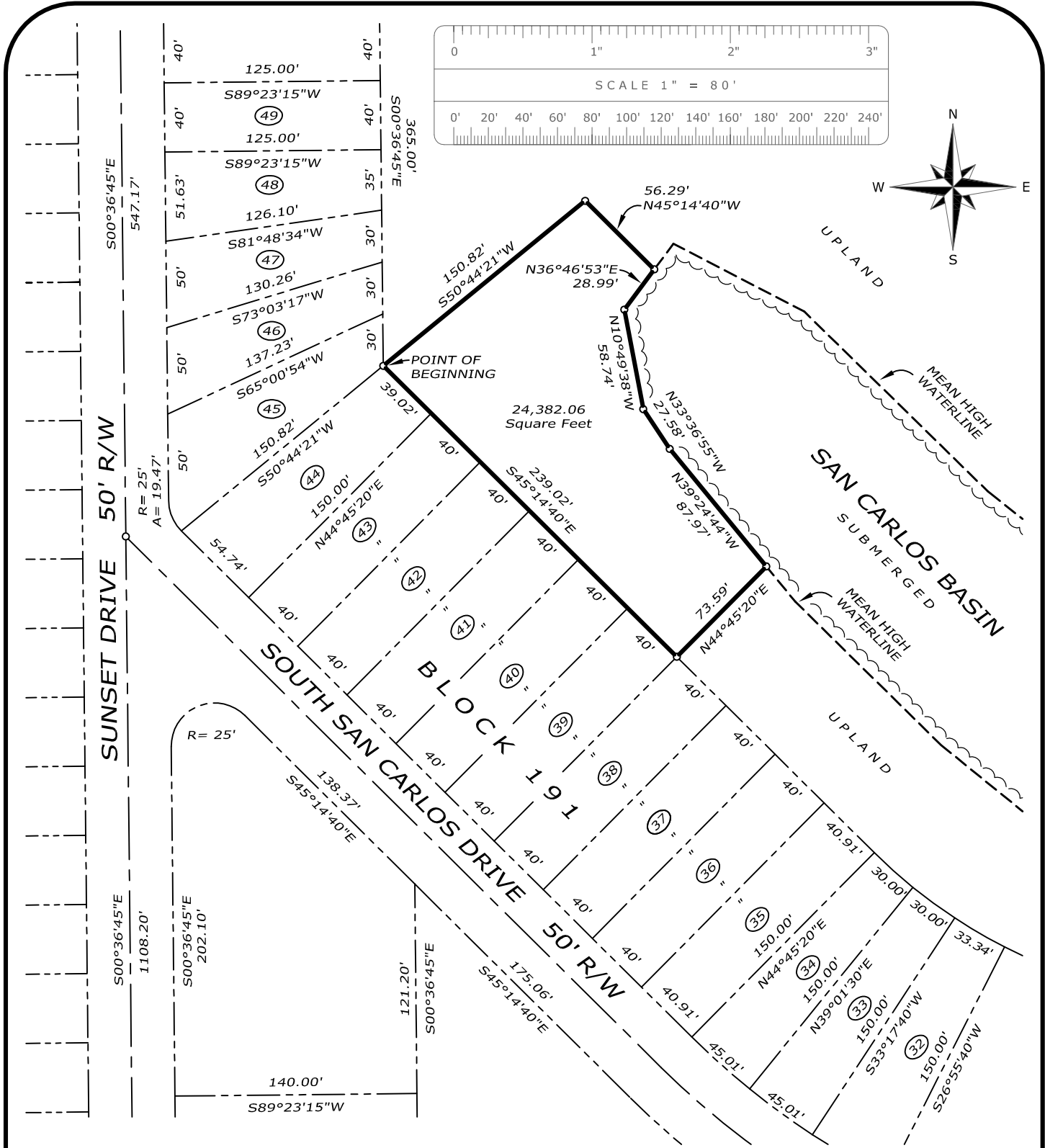


Calculations: T.S.M.-J.T.C.
Drawn: M.A.R.
Checked: R.G.W.-W.A.K.
Approved: J.F.M.

ENGINEER'S NOTE:

- Denotes Permanent Reference Monument
- All radii are 25 feet unless otherwise noted
- Basis of bearings is assumed

Attachment 2
Legal Description and Sketch of Proposed Area to be Vacated



REAL PROPERTY DESCRIPTION

Written by Robert South, Land Surveyor

A parcel of land lying within San Carlos Basin Canal, of Harbour Heights Subdivision Section 11, Part 2, as recorded in Plat Book 4, Pages 48A through 48G, of the public records of Charlotte County, Florida, being more specifically described as follows:

Begin at the Northwest corner of Lot 44, Block 191, thence bear S45°14'40"E, along the Northeasterly line of said Block, a distance of 239.02 feet to the Northeast corner of Lot 39; thence N44°45'20"E, 73.59 feet to the mean high water line; thence N39°24'44"W, along said water line, a distance of 87.97 feet; thence N33°36'55"W, along said water line, a distance of 27.58 feet; thence N10°49'38"W, along said water line, a distance of 58.74 feet; thence N36°46'53"E, along said water line, a distance of 28.99 feet; thence N45°13'15"W, 56.29 feet; thence S50°44'21"W, 150.82 feet to the Point of Beginning.

Bearings based on recorded plat.
Containing 24,382.06 square feet or 0.56 acre.

NOTES

- 1. THE PURPOSE OF THIS SKETCH IS TO ILLUSTRATE THE LOCATION OF REAL PROPERTY AS DESCRIBED BY THIS SURVEYOR. THIS IS NOT A BOUNDARY SURVEY.
- 2. DATE SKETCH PREPARED JULY 26, 2024
- 3. DATE SURVEY UPDATED FEBRUARY 28, 2025
- 4. POB = POINT OF BEGINNING



SOUTH SURVEY INC.

ROBERT ORREN SOUTH, FLORIDA LAND SURVEYOR 2668
SEAN HARRIS, FLORIDA LAND SURVEYOR LS7408
5500 SABAL PALM LANE, PUNTA GORDA, FLORIDA 33982
EMAIL: PUNTAGORDABOY@HOTMAIL.COM
PHONE: 941-639-4123 - WEB PAGE: LS2668.COM

SKETCH OF DESCRIPTION

HARBOUR HEIGHTS SUBDIVISION
SECTION 11, PART 2
PLAT BOOK 4, PAGE 48
CHARLOTTE COUNTY, FLORIDA

Attachment 3
Staff Review and Comments

Staff Review SV-25-02 Vacation of a Portion of the San Carlos Basin Behind 27048 San Carlos Drive

From Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>

Date Tue 1/7/2025 12:12 PM

To Benak, Karen <Karen.Benak@charlottecountyfl.gov>; Erdman, Stephanie <Stephanie.Erdman@charlottecountyfl.gov>; Danielson, Kelly <Kelly.Danielson@charlottecountyfl.gov>; Elliott, Denise <Denise.Elliott@charlottecountyfl.gov>; Weaver, Sandra <Sandra.Weaver@charlottecountyfl.gov>; Duffy, Kathleen <Kathleen.Duffy@charlottecountyfl.gov>; Shao, Jie <Jie.Shao@charlottecountyfl.gov>; Dangerfield, Faith <Faith.Dangerfield@charlottecountyfl.gov>; Parkman, Matthew V. <Matthew.Parkman@charlottecountyfl.gov>; Lee, Robert <Robert.Lee@charlottecountyfl.gov>; DiPiazza, Samantha <Samantha.DiPiazza@charlottecountyfl.gov>; Finnerty, Thomas <Thomas.Finnerty@charlottecountyfl.gov>; Kamarajugadda, Ravi Shankar <Ravi.Kamarajugadda@charlottecountyfl.gov>; Keltner, Jim <Jim.Keltner@charlottecountyfl.gov>; Benjamin, Roy <Roy.Benjamin@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>; Davison, Denise <Denise.Davison@charlottecountyfl.gov>; Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>; Lukasek, Katie <Katie.Lukasek@charlottecountyfl.gov>; Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>

Cc Kipa, Stephen <Stephen.Kipa@charlottecountyfl.gov>

 5 attachments (2 MB)

SV-25-02 Comment Memo.docx; Legal description in Word.docx; Scott Andrew Ford Jr 27048 San Carlos Dr. Parcel Vacation Narrative.docx; 27048 SAN CARLOS LEGAL & SKETCH FOR CANAL VACA.pdf; Application.pdf;

MEMORANDUM

Date: January 7, 2025

To:

Karen Benak, CAO
Stephanie Erdman, CAO
Kelly Danielson, CCU
Denise Elliott, CCU
Sandra Weaver, CCU
Kathleen Duffy, IT GIS
Jie Shao, Planning/Zoning
Faith Dangerfield, Property Appraiser's Office
Matthew Parkman, Property Appraiser's Office
Bob Lee, ROW
Samantha DiPiazza, SPD Addressing
Tom Finnerty, SPD
Ravi Kamarajugadda, Transportation
Jim Keltner, Zoning/Environmental
Roy Benjamin, PW Engineering
James Kelly Davis, PW Engineering
Denise Davison, PW Engineering
Danielle Jorge, PW Engineering
Katie Lukasek, Public Works

Joanne Vernon, PW Engineering
Karly Greene, PW M&O
Jason Thomas, PW Stormwater
Gregory Mosher, Real Estate Services
Diane Barton, CCSO
John Stewart, CCSO

CC:
Stephen Kipa, Real Estate Services

From: Jenny Shao, Planner
Community Development/Zoning

Subject: Street Vacation application for SV-25-02 – Vacation of a Portion of the San Carlos
Basin Behind 27048 San Carlos Drive
Meeting Dates March 10, 2025 P&Z / April 22, 2025 BCC

Along with this memo, you are receiving the file materials for your review.

Please review the above-referenced petition and return your graphics, findings, and analyses to me as soon as possible (**No later than January 28, 2025**). This is a legislative public hearing.

If you have any questions about the material in this distribution, or the information below, please contact me.
Thank you.

SV-25-02

Legislative

Commission District I

Scott Andrew Ford Jr is requesting to vacate a portion of the undeveloped San Carlos basin canal behind their property located at 27048 San Carlos Drive. The total area to be vacated contains 24,382.06± square feet, being an extension of lots 39 through 44 of Harbour Heights Section Eleven Part Two, as shown on Plat Book 4, Pages 48A through 48G, of the Public Records of Charlotte County, Florida and generally located southwest of Neptide Drive and northeast of San Carlos Drive, within the Mid-County area, and located in Commission District I.

Kind regards,



Jenny Shao
Planner
Charlotte County Community Development
941.764.4954
CharlotteCountyFL.gov
Delivering Exceptional Service

How was your service? [CLICK HERE](#) to let us know



COMMENT MEMORANDUM

Date: 1/7/2025

To: Jenny Shao, Planner
Community Development/Zoning

From:

Subject: SV-25-02 – Vacation of a Portion of the San Carlos Basin Behind 27048 San Carlos Drive

Real Estate Services

Per plat book 4, page 48-A, Dedication of easements, there are easements “...not to exceed 6 feet on each side of said boundaries.” These easements are county drainage purposes and public utilities.

After the portion is released, the applicant will need to grant to the county easements not to exceed 6 feet along each of the vacated side property boundaries for drainage and public utilities and a canal maintenance easement of 20’ along the San Carlos Canal boundary.

RE: SV-25-02 Comments

From Kipa, Stephen <Stephen.Kipa@charlottecountyfl.gov>

Date Wed 3/19/2025 9:48 AM

To Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>; Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>; Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>; Mosher, Gregory <Gregory.Mosher@charlottecountyfl.gov>

Cc Walker, Kimlyn <Kimlyn.Walker@charlottecountyfl.gov>; Erdman, Stephanie <Stephanie.Erdman@charlottecountyfl.gov>

Revision see below – 5 feet is only across the rear.

Public Access Easement - owner needs to provide sketch of description of easement for review and to attach as Exhibit A (to be 5 feet in width on rear ~~and on both sides to new property line~~)

Jenny:

SV-25-02

FORD – SAN CARLOS

See attached for sample

Drainage and Utility Easement – owner needs to provide sketch of description of easement for review and to attach as Exhibit A (to be 6 feet in width on rear and on both sides to new property line)

Canal Maintenance Easement - owner needs to provide sketch of description of easement for review and to attach as Exhibit A (to be 20 feet in width along rear portions of property)

Public Access Easement - owner needs to provide sketch of description of easement for review and to attach as Exhibit A (to be 5 feet in width on rear and on both sides to new property line)

Release of Easement – to be done AFTER the other 3 easements are granted and AFTER all utility companies have approved the release – this is still in process.



Thank you,

Stephen Kipa
Real Estate Services Manager
18500 Murdock Circle, Room B208
Port Charlotte, FL 33948
941.764.5584 Direct
941.764.5580 Office
941.764.5590 Fax
Stephen.Kipa@CharlotteCountyFL.gov
Delivering Exceptional Service

From: Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>

Sent: Tuesday, March 18, 2025 4:54 PM

To: Kipa, Stephen <Stephen.Kipa@charlottecountyfl.gov>; Vernon, Joanne



COMMENT MEMORANDUM

Date: 1/7/2025

To: Jenny Shao, Planner
Community Development/Zoning

From:

Subject: SV-25-02 – Vacation of a Portion of the San Carlos Basin Behind 27048 San Carlos Drive

I have no comments on this application.



COMMENT MEMORANDUM

Date: 1/9/2025

To: Jenny Shao, Planner
Community Development/Zoning

From: Jim Keltner

Subject: SV-25-02 – Vacation of a Portion of the San Carlos Basin Behind 27048 San Carlos Drive

Natural Resources and Environmental (Zoning) – Condition Required*

The Zoning Environmental Review Section has conducted a cursory review for compliance with Environmental, Tree and Landscaping codes or ordinances.

The applicant will need to submit an HCP application and pay the mitigation fee based on the total square footage. Based on the survey provided, it is 24,382 sq feet = 0.56 acres. The total HCP mitigation fee would be \$8,499; 2024 fees are applicable because the application was filed in 2024. If there are any questions pertaining to this review, please feel free contact me in the Community Development Department at 941-764-4127. HCP application and fee must be accounted for prior to the plat vacation approval.



COMMENT MEMORANDUM

Date: 2/4/2025

To: Jenny Shao, Planner
Community Development/Zoning

From: Jie Shao, Planner, Principal, AICP, MCP
Community Development/Planning

Subject: SV-25-02 Vacation of a Portion of the San Carlos Basin Behind 27048 San Carlos Drive

The Applicant is requesting to vacate¹ a portion of the undeveloped San Carlos basin canal behind his property located at 27048 San Carlos Drive. The total area to be vacated contains 24,382.06± square feet, and is generally located southwest of Neaptide Drive and northeast of San Carlos Drive, within the Mid-County area, and located in Commission District I.

Future Land Use Map (FLUM) Designation: According to the 2030 Future Land Use Map, the subject property is designated as Low Density Residential (LDR).

Zoning: The subject property is zoned Residential Single-family 3.5 (RSF-3.5).

Finding: The subject property proposed to be vacated is part of the undeveloped San Carlos basin canal, which is recorded as Harbour Heights Section Eleven Part Two, as shown on Plat Book 4, Pages 48A through 48G, of the Public Records of Charlotte County. The Plat Dedication specifically states that: *"...and does hereby dedicate the Roads, drives, Parkways, Courts, Easements, street, canals, basins, Terraces and Bays as shown on the attached plat to the perpetual use of the public for proper purposes."* (Attachment 1) Therefore, in order to comply

¹ The application is styled as a "street vacation," which is the department's form for vacation of these types of easements. The term "street vacation" in the context of this application is a request to vacate a portion of the dedicated canal basin, which the legal department has determined to be either right-of-way or an easement. Regardless of the term applied, the request is to vacate a portion of the dedicated basin that is not owned by the applicant. Therefore, the appropriate application request for a "street vacation" even though there is no street involved.



with the Property Rights element of the County's Comprehensive Plan and to be consistent with the Plat Dedication, staff is proposing an access easement for a five-foot-wide non-motorized pedestrian walkway subject to the County's attorneys' review in order to ensure that other property owners would maintain a dedicated public access to the portion of the already dredged canal basin. Such requirement shall apply to all Street Vacation applications to vacate this undeveloped canal basin.

In addition, this application is to vacate a portion of the San Carlos canal basin, which is part of a street, right-of-way, or easement, therefore, **FLU Policy 2.1.5: Access to Public Water Bodies** applies to this application. This policy states that: *"The County shall not vacate any public street, right-of-way, or easement that would constrain existing or potential public access to the County's many public water bodies in the absence of public benefit. The County shall address and define public benefit, including whether there are conditions that mitigate and could allow for the vacation of a public street, right-of-way, or easement that provides or potentially could provide such access."* It is staff's professional opinion that the proposed vacation will not constrain the existing or potential public access to the County's public water bodies because of the proposed access easement for a five-foot-wide pedestrian walkway.

Furthermore, according to the definition of the base density as established in the County's Comprehensive Plan, the property could have two residential dwelling units. However, because the property is part of the undeveloped canal basin; no residential development rights are applicable for this property. Therefore, a restrictive covenant is required to restrict the base density of the entire property proposed to be vacated to zero units.



COMMENT MEMORANDUM

Date: 1/7/2025

To: Jenny Shao, Planner
Community Development/Zoning

From: Denise Elliott, Project Coordinator
Charlotte County Utilities/Engineering Services

Subject: SV-25-02 – Vacation of a Portion of the San Carlos Basin Behind 27048 San Carlos Drive

CCU approves.

RE: Staff Review SV-25-02 Vacation of a Portion of the San Carlos Basin Behind 27048 San Carlos Drive

From Brese, Melanie R <Melanie.Brese@flhealth.gov>
Date Tue 1/7/2025 1:15 PM
To Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>

Caution – This email originated from outside of our organization

Please do not open any attachments or click on any links from unknown sources or unexpected email.

Report Suspicious

Good afternoon. The Department of Health has no objection. Thank you.

Melanie Brese

Environmental Administrator
Environmental Health
Florida Department of Health in Charlotte County
1100 Loveland Blvd
Port Charlotte, FL 33980
Tel: 941-624-7200 x 7372

Mission: To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

Vision: To be the **Healthiest State** in the Nation

Note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your email communication may therefore be subject to public disclosure.

How well did we serve you? Please take our [survey](#).

From: Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>
Sent: Tuesday, January 7, 2025 12:12 PM
To: Benak, Karen <Karen.Benak@charlottecountyfl.gov>; Erdman, Stephanie <Stephanie.Erdman@charlottecountyfl.gov>; Danielson, Kelly <Kelly.Danielson@charlottecountyfl.gov>; Elliott, Denise <Denise.Elliott@charlottecountyfl.gov>; Weaver, Sandra <Sandra.Weaver@charlottecountyfl.gov>; Duffy, Kathleen <Kathleen.Duffy@charlottecountyfl.gov>; Shao, Jie <Jie.Shao@charlottecountyfl.gov>; Dangerfield, Faith <Faith.Dangerfield@charlottecountyfl.gov>; Parkman, Matthew V. <Matthew.Parkman@charlottecountyfl.gov>; Lee, Robert <Robert.Lee@charlottecountyfl.gov>; DiPiazza, Samantha <Samantha.DiPiazza@charlottecountyfl.gov>; Finnerty, Thomas <Thomas.Finnerty@charlottecountyfl.gov>; Kamarajugadda, Ravi Shankar <Ravi.Kamarajugadda@charlottecountyfl.gov>; Keltner, Jim <Jim.Keltner@charlottecountyfl.gov>; Benjamin, Roy <Roy.Benjamin@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>; Davison, Denise <Denise.Davison@charlottecountyfl.gov>; Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>; Lukasek, Katie <Katie.Lukasek@charlottecountyfl.gov>; Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>; Greene, Karly <Karly.Greene@charlottecountyfl.gov>; Thomas, Jason <Jason.Thomas@charlottecountyfl.gov>; Mosher, Gregory <Gregory.Mosher@charlottecountyfl.gov>; Mosher, Gregory <Gregory.Mosher@charlottecountyfl.gov>; Barton, Diane <dbarton@ccsofl.net>; Stewart, John M

RE: SV-25-01 & SV-25-02 Comments

From Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>

Date Thu 3/13/2025 4:12 PM

To Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>

Cc Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>

Jenny please use the following comments from Public works. Note – we still request the 20 foot canal maintenance easement.

The Public Works Department has concerns about blocking access to the other properties along the canal portion of the plat if the requests by the applications on both sides of the canal are granted approval. Although the canal was not dredged as far as the canal basin allows, those lots could still be considered canal front and approval of these requests may eliminate that. This may be more of a legal opinion but Public Works wanted to ensure it was considered.

Joanne Vernon, P.E.
County Engineer
Charlotte County Public Works
Phone: 941-575-3661

Joanne.Vernon@charlottecountyfl.gov

“To Exceed Expectations in the Delivery of Public Services”

From: Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>

Sent: Tuesday, March 11, 2025 4:02 PM

To: Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>; Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>; Kipa, Stephen <Stephen.Kipa@charlottecountyfl.gov>; Mosher, Gregory <Gregory.Mosher@charlottecountyfl.gov>

Cc: Walker, Kimlyn <Kimlyn.Walker@charlottecountyfl.gov>; Erdman, Stephanie <Stephanie.Erdman@charlottecountyfl.gov>

Subject: SV-25-01 & SV-25-02 Comments

Importance: High

Good afternoon,

I would like to request your review and any updated comments regarding the two petitions for vacating portions of the undeveloped San Carlos Canal Basin. I have attached the staff memos and maps of the proposed easements being requested by your departments. As these petitions move forward to the BCC in April, I would like to start drafting the easement instruments and confirming the requested easements.

Kind regards,



Jenny Shao

Planner

Charlotte County Community Development

RE: SV-25-01 & SV-25-02 Comments

From Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>

Date Thu 3/20/2025 9:16 AM

To Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>

Yes, Joanne's comments with resolve our comments on file.

Thank you,



Danielle Jorge
Surveying Project Manager
Charlotte County Public Works
Phone: (941)575-3622
CharlotteCountyFL.gov
Delivering Exceptional Service

From: Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>

Sent: Thursday, March 20, 2025 8:43 AM

To: Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>

Subject: Fw: SV-25-01 & SV-25-02 Comments

Good morning,

I would like to confirm that the comments provided by Joanne will resolve the comments on file (attached).

Kind regards,



Jenny Shao
Planner
Charlotte County Community Development
941.764.4954
CharlotteCountyFL.gov
Delivering Exceptional Service

How was your service? [CLICK HERE](#) to let us know

From: Shao, Jenny
Sent: Thursday, March 13, 2025 4:32 PM
To: Vernon, Joanne
Subject: Re: SV-25-01 & SV-25-02 Comments

Joanne,

Thank you, I will update the comments for the Public Works Department. Have a great day!

Kind regards,



Jenny Shao

Planner

Charlotte County Community Development

941.764.4954

CharlotteCountyFL.gov

Delivering Exceptional Service

How was your service? [CLICK HERE](#) to let us know

From: Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>
Sent: Thursday, March 13, 2025 4:12 PM
To: Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>
Cc: Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>
Subject: RE: SV-25-01 & SV-25-02 Comments

Jenny please use the following comments from Public works. Note – we still request the 20 foot canal maintenance easement.

The Public Works Department has concerns about blocking access to the other properties along the canal portion of the plat if the requests by the applications on both sides of the canal are granted approval. Although the canal was not dredged as far as the canal basin allows, those lots could still be considered canal front and approval of these requests may eliminate that. This may be more of a legal opinion but Public Works wanted to ensure it was considered.

Attachment 4
Drainage and Utility Easement Instrument

DRAINAGE AND UTILITY EASEMENT

THIS DRAINAGE AND UTILITY EASEMENT ("Easement") is made this _____ day of _____ 2025 by Scott Andrew Ford Jr., whose post office address is 2450 Beacon Drive, Port Charlotte, Florida, 33952, ("Owner") in favor of CHARLOTTE COUNTY, a political subdivision of the State of Florida whose post office address is 18500 Murdock Circle, Port Charlotte, Florida 33948 ("County").

WITNESSETH, that Owner, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, to Owner in hand paid by County, the receipt whereof is hereby acknowledged, hereby grants and conveys to County and County's successors and assigns forever, this perpetual easement over, under and across the following described property, situate, lying and being in Charlotte County, Florida:

A PORTION of the parcel of land lying adjacent to Lots 39-44, Block 191, Harbour Heights Subdivision, Section Eleven Part Two, as shown on Plat Book 4, Pages 48A through 48G, of the Public Records of Charlotte County, Florida, and more particularly described on Exhibit "A" which is attached hereto and incorporated herein by reference.

County's easement rights in respect to the Easement Area are as follows:

1. The construction, installation, operation, relocation, maintenance and repair of drainage improvements and facilities.
2. The construction, installation, operation, relocation, maintenance and repair of utilities.
3. The construction, installation, operation, relocation, maintenance and repair of improvements and facilities incident to sidewalks, roadways and appurtenances to such improvements and facilities.
4. The shaping, maintenance and repair of the contour of the ground and the placement, maintenance and repair of fill or other material necessary to support the structural integrity of any improvements constructed by the County including sidewalks, roadways and appurtenances thereto.
5. To trim or to remove trees, shrubs, weeds, bushes, undergrowth and any other obstructions inside or outside but adjacent to the Easement Area which, in the opinion of County, endanger, interfere or that may endanger or interfere with the County's safe and efficient exercise of the rights granted County herein or that present or may present a threat to public safety.
6. The reasonable right for County to enter upon the land of Owner adjacent to the Easement Area for the purpose of exercising the easement rights granted County herein.
7. All other rights reasonably necessary or convenient for County's safe and efficient enjoyment of this Easement for the uses described herein.

Owner shall have the right to use and occupy the surface of the Easement Area for any purpose that is consistent with and that will not interfere with the rights and privileges granted to County herein.

This Easement shall be binding upon and shall inure to the benefit of the respective successors and assigns of the Owner and County.

WITNESS MY HAND AND SEAL on the date first above written.

OWNER

Signed, sealed and delivered in
the presence of these Witnesses:

Owner Signature

Witness #1 Signature

Witness #1 Printed Name

Printed Name

Witness #1 Address Street #, Street Name, City, State, Zip

Phone Number

Witness #2 Signature

Witness #2 Printed Name

Date

Witness #2 Address Street #, Street Name, City, State, Zip

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledged before me by means of _____ physical presence or _____ online notarization, this _____ day of _____, 2025, by _____ who _____ is personally known to me, or _____ produced _____ as identification.

[AFFIX NOTARY SEAL]

Notary Public Signature _____

Print Notary Name: _____

My commission expires: _____

Attachment 5
Canal Maintenance Easement Instrument

CANAL MAINTENANCE EASEMENT

THIS CANAL MAINTENANCE EASEMENT ("Easement") is made this _____ day of _____ 2025 by Scott Andrew Ford Jr., whose post office address is 2450 Beacon Drive, Port Charlotte, Florida, 33952, ("Owner") in favor of CHARLOTTE COUNTY, a political subdivision of the State of Florida whose post office address is 18500 Murdock Circle, Port Charlotte, Florida 33948 ("County").

WITNESSETH, that Owner, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, to Grantor in hand paid by County, the receipt whereof is hereby acknowledged, hereby grants and conveys to County and County's successors and assigns forever, this perpetual Canal Maintenance Easement over, under and across the following described property, situate, lying and being in Charlotte County, Florida:

A PORTION of the parcel of land lying adjacent to Lots 39-44, Block 191, Harbour Heights Subdivision, Section Eleven Part Two, as shown on Plat Book 4, Pages 48A through 48G, of the Public Records of Charlotte County, Florida, and more particularly described on Exhibit "A" which is attached hereto and incorporated herein by reference.

County's easement rights in respect to the Canal Maintenance Easement Area are as follows:

1. The restoration, construction, installation, operation, relocation, maintenance and repair of drainage improvements and facilities.
2. The shaping, maintenance, and repair of the contour of the ground and the placement, maintenance and repair of fill or other material necessary to support the structural integrity of any improvements constructed by the County and appurtenances thereto.
3. To trim or to remove trees, shrubs, weeds, bushes, undergrowth and any other obstructions inside or outside, but adjacent to the Canal Maintenance Easement Area which, in the opinion of the County, endanger, interfere or that may endanger or interfere with the County's safe and efficient exercise of the rights granted County herein or that present or may present a threat to public safety.
4. The reasonable right for the County to enter upon the land of Owner adjacent to the Canal Maintenance Easement Area for the purpose of exercising the easement rights granted County herein.
5. All other rights reasonably necessary or convenient for County's safe and efficient enjoyment of this Canal Maintenance Easement for the uses described herein.

Owner shall have the right to use and occupy the surface of the Canal Maintenance Easement Area for any purpose that is consistent with and that will not interfere with the rights and privileges granted to County herein.

This Canal Maintenance Easement shall be binding upon and shall inure to the benefit of the respective successor and assigns of the Owner and County.

WITNESS MY HAND AND SEAL on the date first above written.

OWNER

Signed, sealed and delivered in
the presence of these Witnesses:

Owner Signature

Witness #1 Signature

Witness #1 Printed Name

Printed Name
Zip

Witness #1 Address Street #, Street Name, City, State,

Phone Number

Witness #2 Signature

Witness #2 Printed Name

Date
Zip

Witness #2 Address Street #, Street Name, City, State,

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledged before me by means of _____ physical
presence or ____ online notarization, this _____ day of _____, 2025, by
_____ who _____ is personally known to me, or ____ produced
_____ as identification.

[AFFIX NOTARY SEAL]

Notary Public Signature _____

Print Notary Name: _____

My commission expires: _____

Attachment 6
Public Access Easement Instrument

This instrument prepared by:
Janette S. Knowlton, County Attorney
Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094

GRANT OF PUBLIC INGRESS AND EGRESS EASEMENT

THIS GRANT OF PUBLIC INGRESS AND EGRESS EASEMENT ("Easement") is made this _____ day of _____ 2025 by Scott Andrew Ford Jr., whose post office address is 2450 Beacon Drive, Port Charlotte, Florida, 33952, ("Owner") in favor of CHARLOTTE COUNTY, a political subdivision of the State of Florida whose post office address is 18500 Murdock Circle, Port Charlotte, Florida 33948 ("County").

WITNESSETH, that Owner, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, to Grantor in hand paid by County, the receipt whereof is hereby acknowledged, hereby grants and conveys to County and County's successors and assigns forever, this perpetual Public Ingress and Egress Easement over, under and across the following described property, situate, lying and being in Charlotte County, Florida:

A PORTION of the parcel of land lying adjacent to Lots 39-44, Block 191, Harbour Heights Subdivision, Section Eleven Part Two, as shown on Plat Book 4, Pages 48A through 48G, of the Public Records of Charlotte County, Florida, and more particularly described on Exhibit "A" which is attached hereto and incorporated herein by reference.

Owner shall have the right to use and occupy the surface of the Canal Maintenance Easement Area for any purpose that is consistent with and that will not interfere with the rights and privileges granted to County herein.

This Public Ingress-Egress Easement shall be binding upon and shall inure to the benefit of the respective successor and assigns of the Owner and County.

SIGNATURE PAGE FOLLOWS

WITNESS MY HAND AND SEAL on the date first above written.

OWNER

Signed, sealed and delivered in
the presence of these Witnesses:

Owner Signature

Witness #1 Signature

Witness #1 Printed Name

Printed Name
Zip

Witness #1 Address Street #, Street Name, City, State,

Phone Number

Witness #2 Signature

Witness #2 Printed Name

Date
Zip

Witness #2 Address Street #, Street Name, City, State,

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledged before me by means of _____ physical
presence or ____ online notarization, this _____ day of _____, 2025, by
_____ who _____ is personally known to me, or ____ produced
_____ as identification.

[AFFIX NOTARY SEAL]

Notary Public Signature _____

Print Notary Name: _____

My commission expires: _____

Attachment 7
Release of Easement Deed

This instrument was prepared by:
Janette S. Knowlton, County Attorney
Charlotte County Administrative Complex
18500 Murdock Circle
Port Charlotte, Florida 33948

COUNTY DEED

THIS DEED is made this _____ day of _____, 2025, by Charlotte County, a political subdivision of the State of Florida, party of the first part, and Scott Andrew Ford Jr., owner of record of the underlying real estate, whose mailing address is: 2450 Beacon Drive, Port Charlotte, Florida, 33952, parties of the second part.

WITNESSETH, that the said party of the first part does hereby acknowledge that the need for the hereinafter described portion of the easement, no longer exists and does hereby release to the parties of the second part, their heirs and assigns forever, all the rights of Charlotte County in and to the following described portion of the easement lying and being in Charlotte County, Florida, to-wit:

Release the six foot (6') Drainage and Utility Easement located at the rear of Lots 39-44, Block 191, Harbour Heights Subdivision, Section Eleven Part Two, as recorded in Plat Book 4, Pages 48A through 48G, of the public records of Charlotte County, Florida, and also identified with a short legal description of HBH 011 0191 0043 and identified in the Property Appraiser's Records as Parcel ID # 402310160006 and more commonly known as 27048 San Carlos Dr, Punta Gorda, Florida, 33983.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal on the date and year first above written.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FL

By: _____
Stephen Kipa
Real Estate Services Manager
Real Estate Services Division
Per Resolution 2011-473

STATE OF FLORIDA
COUNTY OF CHARLOTTE

THE FOREGOING INSTRUMENT was acknowledged before me by means of ____ physical presence or ____ online notarization, this _____ day of _____, 2025, by Stephen Kipa, who ____ is personally known to me, or ____ produced _____ as identification.

Notary Public Signature

[AFFIX NOTARY SEAL]

Print Notary Name:

My commission expires: _____

ROE «File_Number»

Attachment 8
Restrictive Covenant

RESTRICTIVE COVENANT

This Restrictive Covenant (hereinafter “Covenant”) is made this ____ day of _____, 2025, by Scott Andrew Ford, Jr., whose address is 2450 Beacon Drive, Port Charlotte, Florida 33952, hereinafter referred to as “GRANTOR,” in favor of CHARLOTTE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 18500 Murdock Circle, Port Charlotte, Florida 33948, hereinafter referred to as “GRANTEE.”

WHEREAS, GRANTOR is the owner of certain real property located in Charlotte County, Florida, and legally described in Exhibit A, attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, GRANTOR hereby declares that they are lawfully seized of the Property; and that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Covenant; that GRANTOR has good right and lawful authority to make this Covenant; and that GRANTOR agrees to fully warrant and defend this Covenant against the claims of all persons whomsoever; and

WHEREAS, Grantor had applied to Charlotte County for a street vacation under SV-25-02, which was approved by Charlotte County with a condition that a covenant be placed over the property indicating the property contains zero density units; and

WHEREAS, GRANTOR, in consideration of the approval by Charlotte County of the street vacation, agrees to grant and secure to GRANTEE a perpetual Covenant over the Property.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, GRANTOR hereby voluntarily grants and conveys

to GRANTEE a Restrictive Covenant in perpetuity over the Property of the nature and character and to the extent hereinafter set forth.

1. Purpose. The purpose of this Covenant is to declare the base density for the Property is zero; however, this declaration shall not forbid construction within the Property, provided that the Property is consolidated with the adjacent property under the same ownership which has residential development rights. Any proposed development shall comply with all applicable requirements as set forth in Charlotte County's Code of Laws and Ordinances.
2. Recitals. The recitals set forth above are true and correct and are incorporated into this Covenant.
3. Enforcement. GRANTEE may enforce the terms of this Covenant at its discretion, but if GRANTOR breaches any term of this Covenant and GRANTEE does not exercise its right under this Covenant, GRANTEE's forbearance shall not be construed to be a waiver by GRANTEE of such term, or of any subsequent breach of the same, or any other term of this Covenant. No delay or omission by GRANTEE shall impair such right or remedy or be construed as a waiver. GRANTEE shall not be obligated to GRANTOR, or to any other person or entity, to enforce the provisions of this Covenant.
4. Liability. GRANTOR will assume all liability for any injury or damage to person or property of third parties which may occur on the Property arising from GRANTORS' ownership of the Property. GRANTEE, as a political subdivision defined in Section 768.28, Florida Statutes, agrees to be fully responsible to the limits set forth in such statute for its own negligent acts or omissions, and agrees to be liable to the statutory

limits for any damages proximately caused by said acts or omissions. Nothing contained in this section shall be construed to be a waiver by GRANTEE of any protections under sovereign immunity, Section 768.28, Florida Statutes, or any other similar provision of law. Nothing contained herein shall be construed to be a consent by GRANTEE to be sued by third parties in any matter arising out of this or any other agreement.

5. Acts Beyond GRANTORS' Control. Nothing in this Covenant shall be construed to entitle GRANTEE to bring any action against GRANTOR for any injury to or change in the Property resulting from natural causes beyond GRANTORS' control, including without limitation, fire, flood, storm and earth movement, or from any necessary action taken by GRANTOR under emergency conditions to prevent, abate or mitigate significant injury to the Property resulting from such causes.
6. Recording. GRANTOR shall record this Covenant in the Public Records of Charlotte County, Florida, and shall re-record it at any time GRANTEE may require to preserve its rights. GRANTOR shall pay all recording costs and Taxes necessary to record this Covenant. GRANTOR shall hold GRANTEE harmless from any recording costs or Taxes necessary to record this Covenant. This Covenant, and any amendment thereto, shall become effective upon recordation.
7. Amendment. This Covenant shall only be amended with the written consent of Charlotte County, through its Board of County Commissioners.
8. Successors. This Covenant shall run with the Property and the covenants, terms, conditions and restrictions of this Covenant shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs,

successors and assigns and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in manner and form sufficient to bind Grantor as of the day and the year first above written.

Signed, Sealed and Delivered

in the presence of:

GRANTOR

Scott Andrew Ford, Jr.

By: _____

Name: _____

Address: _____

Name: _____

Address: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this ____ day of _____, 2025 by Scott Andrew Ford, Jr. who is personally known to me or who has produced _____ as identification.

Printed Name: _____

My Commission Expires:

EXHIBIT A

A parcel of land lying within San Carlos Basin Canal, of Harbour Heights Subdivision Section 11, Part 2, as recorded in Plat Book 4, Pages 48A through 48G, of the public records of Charlotte County, Florida, being more specifically described as follows:

Begin at the Northwest corner of Lot 44, Block 191, thence bear S45°14'40"E, along the Northeasterly line of said Block, a distance of 239.02 feet to the Northeast corner of Lot 39; thence N44°45'20"E, 73.59 feet to the mean high water line; thence N39°24'44"W, along said water line, a distance of 87.97 feet; thence N33°36'55"W, along said water line, a distance of 27.58 feet; thence N10°49'38"W, along said water line, a distance of 58.74 feet; thence N36°46'53"E, along said water line, a distance of 28.99 feet; thence N45°14'40"W, 56.29 feet; thence S50°44'21"W, 150.82 feet to the Point of Beginning.

Bearings based on recorded plat.

Containing 24,382.06 square feet or 0.56 acre.