

R E S O L U T I O N
N U M B E R 2 0 2 6 –

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, TO VACATE A PORTION OF THE UNDEVELOPED PORTION OF A 15 FOOT ALLEY BETWEEN CARDIFF STREET AND FOLEY DRIVE, WITHIN HARBOUR HEIGHTS SECTION 5 SUBDIVISION AND LOCATED NORTH OF FOLEY DRIVE, SOUTH OF DEL PRADO PARKWAY, WEST OF BROADPOINT DRIVE, AND EAST OF CARDIFF STREET, CONTAINING 1,612± SQUARE FEET, LYING NORTH OF LOTS 19, 20, 21, AND 22 AND LYING SOUTH OF LOTS 15, 16, 17, AND 18 AS RECORDED IN PLAT BOOK 3, PAGE 81, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, IN SECTION 22, TOWNSHIP 40, RANGE 23; COMMISSION DISTRICT I; PETITION VST-25-06; APPLICANT: 123 CAPE INVESTMENTS, LLC.

RECITALS

WHEREAS, an application has been made by 123 Cape Investments, LLC (“Petitioner”) to vacate a portion of a 15 foot alley between Cardiff Street and Foley Drive within Harbour Heights Section 5 subdivision, as shown on Plat Book 3, Page 81 of the Public Records of Charlotte County, Florida, which is owned by the Petitioner; the total area to be vacated is 1,612± square feet, and located north of Foley Drive, south of Del Prado Parkway, west of Broadpoint Drive, and east of Cardiff Street, within the Mid-County area, in Commission District I, and more particularly described in Exhibit “A” attached hereto and by this reference provided herein; and

WHEREAS, the underlying Future Land Use Map (FLUM) designation for the subject right of way and the abutting properties is Commercial (COM); 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 March 9, 2026; and

WHEREAS, public notice of said application was published and evidence thereof given as required by law to the Board of County Commissioners of Charlotte County, Florida ("Board"); and

WHEREAS, Sections 336.09, 336.10, and 336.12, Florida Statutes, authorize the vacating and abandonment of streets and roads and any right of the County and of the public in and to any land or interest therein, by the Board; and

WHEREAS, Petitioner is the fee simple owner of a portion of the property abutting the right-of-way sought to be vacated; and

WHEREAS, Charlotte County retains no interest in the underlying fee by operation of law; and

WHEREAS, this vacation of a portion of the 15 foot alley between Cardiff Street and Foley Drive, within Harbour Heights Section 5 subdivision, as recorded in Plat Book 3, Page 81 of the Public Records of Charlotte County, Florida, in the Mid-County area, will not affect the ownership or right of convenient access of persons owning other properties in the area; and

WHEREAS, the Board has found that the right-of-way which is the subject of this resolution no longer serves a public purpose and is a proper subject for abandonment pursuant to Chapter 336, Florida Statutes.

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

1. The Board of County Commissioners of Charlotte County, Florida ("Board"), hereby approves the Petition of 123 Cape Investments, LLC ("Petitioner") to

vacate a portion of a 15 foot alley between Cardiff Street and Foley Drive within Harbour Heights Section 5 subdivision, containing 1,612± square feet, generally located north of Foley Drive, south of Del Prado Parkway, west of Broadpoint Drive, and east of Cardiff Street, in the Mid-County area, in Commission District I, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein.

2. Notice of adoption of this resolution shall be published one (1) time, within thirty (30) days following its effective date, in one issue of a newspaper of general circulation published in Charlotte County. The proof of publication of notice of public hearing, this resolution as adopted, and the proof of publication of the notice of the adoption of this resolution shall be recorded in the official records of Charlotte County.

3. A certified copy of this resolution shall be recorded in the Public Records of Charlotte County, Florida, at which time said vacation shall become effective.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 28th day of April, 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
LR 2026-0156

KMD

A Parcel of land lying within Block 116, Harbour Heights, Section Five, according to the plat thereof, recorded in Plat Book 3, Pages 81A and 81B, of the public records of Charlotte County, Florida, Being more specifically described as follows:

Begin at the Northwest corner of Lot 19, Block 116;

Thence S 89°05'14" E, along the North line of Lots 19 through 22, a distance of 107.50 feet to the Northeast corner of Lot 22;

Thence N00°54'46"E a distance of 15.00 feet to the Southwest corner of Lot 15;

Thence N89°05'14"W along the South line of Lots 15 through 18 a distance of 107.50 feet to the Southwest corner of Lot 18;

Thence S00°54'46"W a distance of 15.00 feet to the point of Beginning.

Said parcel containing 1612 square feet or 0.04 acre±.

