

R E S O L U T I O N  
NUMBER 2026 –

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, TO VACATE THE WESTERLY PORTION OF THE UNDEVELOPED VENICE CANAL ADJACENT TO LOT 11, BLOCK D, 1st ADDITION TO RIO VILLA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 10A THROUGH 10C OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, CONTAINING 1,940± SQUARE FEET, AND GENERALLY LOCATED NORTH OF CANAL WAY, EAST OF PELICAN POINTE DRIVE, SOUTH OF BOARDMAN DRIVE, AND WEST OF PALM DRIVE, IN THE PUNTA GORDA AREA, CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT II; PETITION SV-25-04; APPLICANT: DAVID BINDER.

RECITALS

WHEREAS, an application has been made by David Binder ("Petitioner") to vacate the westerly portion of the undeveloped Venice Canal adjacent to Lot 11, Block D, 1<sup>st</sup> addition to Rio Villa, according to the Plat thereof as recorded in Plat Book 4, Page 10A through 10C of the Public Records of Charlotte County, Florida, and abutting property located at 535 Boardman Drive which is owned by the Petitioner; the total area to be vacated is 1,940± square feet and generally located north of Canal Way, east of Pelican Pointe Drive, south of Boardman Drive, and west of Palm Drive, in the Punta Gorda area, in Commission District II, 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 Low Density Residential (LDR); 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 October 13, 2025; 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 undeveloped Venice Canal, platted in the 1st addition to Rio Villa, according to the Plat thereof as recorded in Plat Book 4, Page 10A through 10C of the Public Records of Charlotte County, Florida, in the Punta Gorda 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 David Binder ("Petitioner") to vacate a portion of

the undeveloped Venice Canal, platted in the 1<sup>st</sup> addition to Rio Villa, according to the Plat thereof as recorded in Plat Book 4, Page 10A through 10C, containing 1,940± square feet, and generally located north of Canal Way, east of Pelican Pointe Drive, south of Boardman Drive, and west of Palm Drive, in the Punta Gorda area, in Commission District II, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein.

2. This vacation is subject to the following condition:

Within ninety (90) days following approval of the street vacation by the Board, the Petitioner shall provide Charlotte County Public Works with a recorded Canal Maintenance and Drainage Easement acceptable to the County Attorney.

3. 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.

4. 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

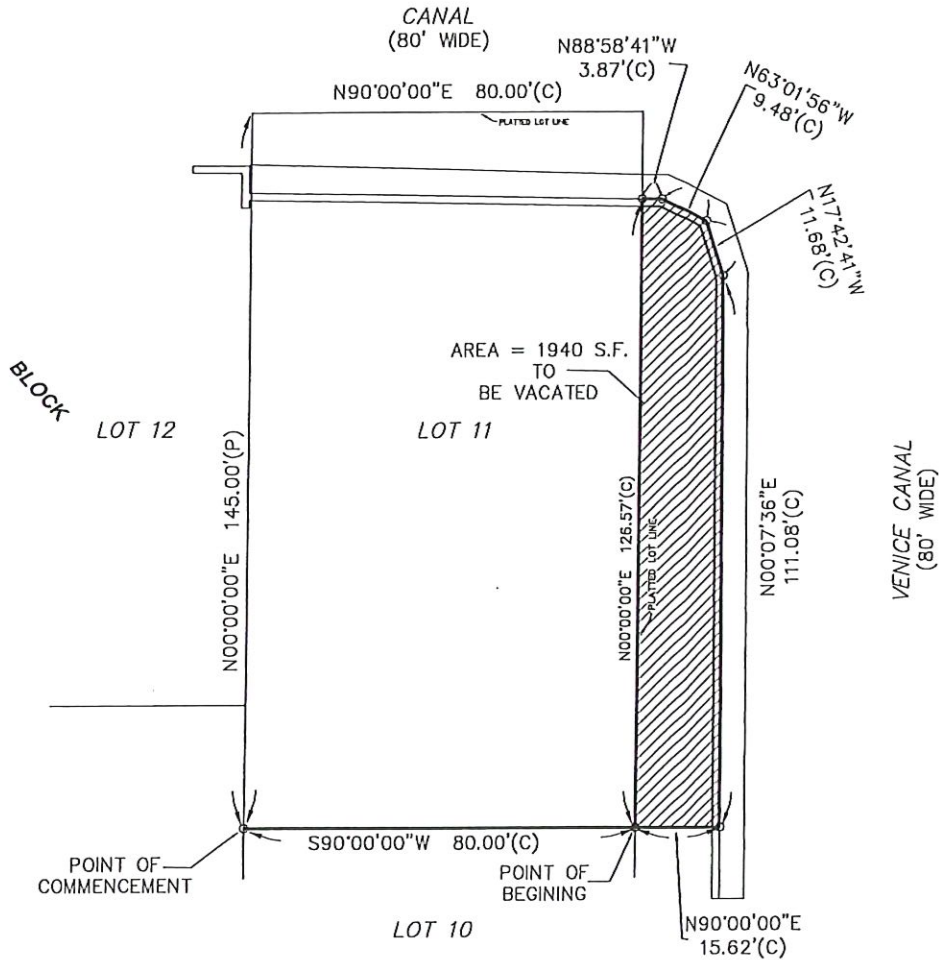
By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Thomas M. David, County Attorney  
LR 2025-0866

*Thomas M. David*

# SKETCH OF DESCRIPTION NOT A BOUNDARY SURVEY



**Vacation:**

A vacation of area westerly adjacent to Lot 11, Block D, 1st addition to Rio Villa, according to the Plat thereof as recorded in Plat Book 4, Page 10A-10C of the Public Records of Charlotte County, Florida. Said area being more particularly described as follows:

- Commence at the platted Northeast corner of the above mentioned Lot 11;
- Thence S 90°-00'-00"W 80.00 feet to the point of beginning;
- Thence N 00°-00'-00"E 126.57 feet;
- Thence N 88°-58'-41"W 3.87 feet;
- Thence N 63°-01'-56"E 9.48 feet;
- Thence N 17°-42'-41"W 11.68 feet;
- Thence N 00°-07'-36"E 111.08 feet;
- Thence N 90°-00'-00"E 15.62 feet to the point of beginning.

Said vacation of area adjacent Lot 11 contains 1940 square feet.



JOB NUMBER:  
**24-1255**

EXHIBIT

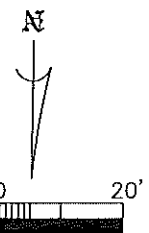
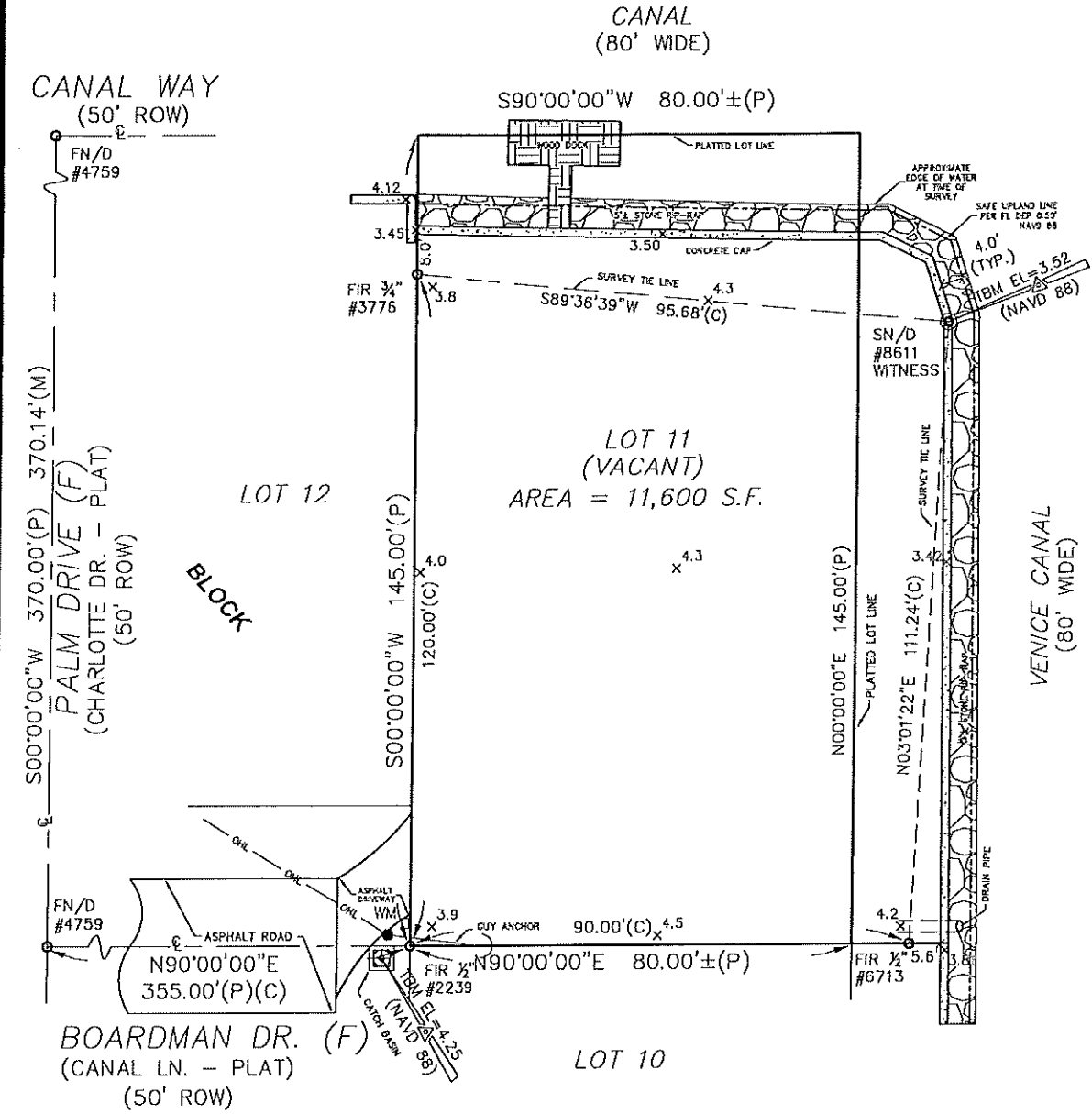
A

Total: 2 Pages

tabbles

<p>ELEVATIONS ARE BASED ON: NAVD 88 FLOOD ZONE: AE BASE FLOOD ELEVATION: 9.0' COMMUNITY MAP #: 120061 PANEL #: 0243G 12/15/2022</p>	<p>HILLARIO AND PLATT LAND SURVEYING 2000 VETERANS BLVD, UNIT 20 PORT CHARLOTTE, FL 33951</p> <p>INFO@HILLSURVEYS.COM (941) 505-0344</p>	<p style="text-align: right;">11/22/2024</p> <p>WILLIAM C. PLATT, R.S.&amp;M. 5735; LB 8611 THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 54-17, F.A.C. PURSUANT TO SECTION 472.027, F.S. AND IS CORRECT TO THE BEST OF MY KNOWLEDGE</p>
<p>UNLESS IT BEARS THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY</p> <p>FIELD: BP/CM COMPS: BP DRAFTING: CS</p>		

REVISION: 12-18-2024  
 ADDED SUL PER FL  
 DEP



**BOUNDARY AND TOPOGRAPHIC SURVEY:**  
 LOT 11, BLOCK D, 1ST ADDITION TO RIO VILLA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 108, INCLUSIVE PAGES 10A-10C, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

- LEGEND:**
- |     |                              |         |                                  |       |                    |     |                  |
|-----|------------------------------|---------|----------------------------------|-------|--------------------|-----|------------------|
| IR  | IRON ROD                     | UG      | UTILITY EASEMENT                 | E     | CENTERLINE         | --- | OVERHEAD POWER   |
| DR  | DRILL HOLE                   | DE      | DRAINAGE EASEMENT                | X & X | EXISTING ELEVATION | --- | CHAIN LINK FENCE |
| CM  | CONCRETE MONUMENT            | M       | MEASURED                         | ○     | FOUNDER POLE       | --- | WOOD FENCE       |
| IP  | IRON PIPE                    | CL      | CALCULATED                       | ■     | CONCRETE           | ■   | UTILITY PIER     |
| W/D | WALL & DISC                  | P       | PLAT                             | ---   | TO BE SET          |     |                  |
| CP  | PERMANENT CONTROL POINT      | C       | CEED                             |       |                    |     |                  |
| FP  | PERMANENT REFERENCE MONUMENT | UTL     | UTILITY TELEPHONE SERVICE        |       |                    |     |                  |
| E   | SET                          | FLU     | FLUORIDE TELEPHONE SERVICE       |       |                    |     |                  |
| CTV | CABLE TELEVISION             | W/M     | WATER METER                      |       |                    |     |                  |
| CP  | CABLE TELEVISION             | NAVD 88 | NORTH AMERICAN VERTICAL DATUM 88 |       |                    |     |                  |
|     | CARBIDE PAIL                 | BE      | BASE FLOOD ELEVATION             |       |                    |     |                  |

Digitally signed  
 by William C Platt  
 Date: 2024.12.18  
 13:32:31-05'00'



This document has been digitally signed using a SHA256 authentication code. Printed copies of this document are not considered signed and sealed

1. UNDERGROUND FEATURES ARE SHOWN FOR INFORMATION PURPOSES ONLY
2. TITLE SEARCH PROVIDED BY OTHERS
3. TREE LOCATIONS ARE APPROXIMATE ONLY, AND ARE BASED ON FIELD OBSERVATIONS.

BEARING BASIS: CENTERLINE OF BOARDMAN DRIVE - PLAT		JOB NUMBER: <b>24-1255</b>	
CERTIFIED TO: <b>DAVID BINDER</b>		DATE: <b>12/18/2024</b>	
ELEVATIONS ARE BASED ON: NAVD 88 FLOOD ZONE: AE BASE FLOOD ELEVATION: 9.0' COMMUNITY MAP #: 120063 PANEL #: 0243G 12/15/2022	FIELD: BP/CM FIELD DATE: 11/20/24 CONFS: BP DRAWING: CS	MELLED and PLATT LAND SURVEYING 20020 VETERANS BLVD, UNIT 20 FORT CHARLOTTE, FL 33554 INFO@MPSURVEYS.COM (941) 505-0366	WILLIAM C. PLATT, R.S.M., 5735, LB 8511 THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, F.A.C. PURSUANT TO SECTION 472.027, F.S. AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.