

R E S O L U T I O N
NUMBER 2025 –

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, TO VACATE A PORTION OF THE UNDEVELOPED SAN CARLOS CANAL BASIN BEHIND THE APPLICANT'S PROPERTY LOCATED AT LOTS 60 THROUGH 64, 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, CONSISTING OF 26,142.97± SQUARE FEET, AND GENERALLY LOCATED SOUTHWEST OF NEAPTIDE DRIVE AND NORTHEAST OF SAN CARLOS DRIVE, IN THE MID-COUNTY AREA, CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT I; PETITION SV-25-01.

RECITALS

WHEREAS, an application has been made by Albert B. Bailey ("Petitioner") to vacate a portion of the undeveloped San Carlos Canal basin behind the Petitioner's property located at Lots 60 through 64, 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, consisting of 26,142.97± square feet, and generally located southwest of Neaptide Drive and northeast of San Carlos Drive, in the Mid-County area, in Commission District I, and more particularly described in Exhibit "A" attached hereto; 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 March 10, 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 San Carlos Canal basin behind the Petitioner's property located at Lots 60 through 64, 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, consisting of 26,142.97± square feet, and generally located southwest of Neptide Drive and northeast of San Carlos Drive, in the Mid-County area, in Commission District I, and more particularly described in Exhibit "A" attached hereto, will not affect the ownership or right of 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 Albert B. Bailey ("Petitioner") to vacate a portion of the undeveloped San Carlos Canal basin behind the Petitioner's property located at Lots 60 through 64, 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, consisting of 26,142.97± square feet, and generally located southwest of Neaptide Drive and northeast of San Carlos Drive, in the Mid-County area, in Commission District I, and more particularly described in Exhibit "A" attached hereto.

2. This vacation is subject to the following conditions:

(a) Within thirty (30) days of approval of the street vacation by the Board and recordation of this resolution, the Petitioner shall provide Charlotte County with the recorded Restrictive Covenant acceptable to the County Attorney or the vacation is rendered null and void.

(b) Within one hundred and eighty (180) days of approval of the street vacation by the Board and recordation of this resolution, the Petitioner shall provide Charlotte County with three recorded easements acceptable to the County Attorney or the vacation is rendered null and void:

- (1) a 20-foot rear Canal Maintenance Easement; and
- (2) an extension of the platted 6-foot drainage and utility easement of the rear and sides to the new property lines; and
- (3) a 5-foot public access easement.

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 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.

PASSED AND DULY ADOPTED this 22nd day of April, 2025.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Joseph M. Tiseo, Chairman

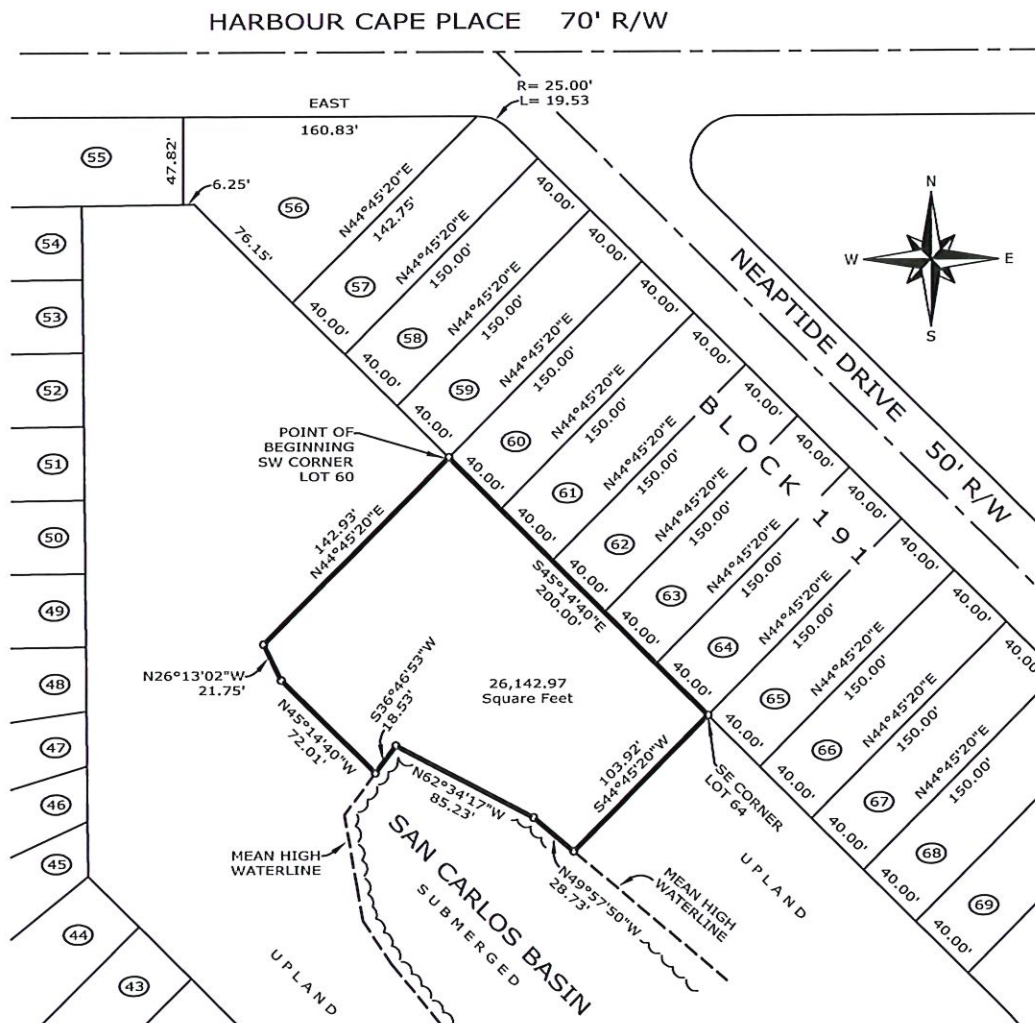
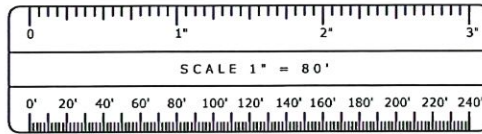
ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR 2025-0139

Knowlton



REAL PROPERTY DESCRIPTION

Written by Sean Harris, 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 Southwest corner of Lot 60, Block 191, thence bear S45°14'40"E, along the Southwesterly line of said Block, a distance of 200.00 feet to the Southeast corner of Lot 64; thence S44°45'20"W, 103.92 feet to the mean high water line; thence N49°57'50"W, along said water line, a distance of 28.73 feet; thence N62°34'17"W, along said water line, a distance of 85.23 feet; thence S36°46'53"W, along said water line, a distance of 18.53 feet; thence N45°14'40"W, 72.01 feet; thence N26°13'02"W, 21.75 feet; thence N44°45'20"E, 142.93 feet to the Point of Beginning.

Bearings based on recorded plat.

Containing 26,142.97 square feet or 0.60 acre.

**SEAN M.
HARRIS**

Digitally signed by
SEAN M. HARRIS
Date: 2024.09.09
13:51:10 -04'00'

SOUTH SURVEY INC. LB 8514

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

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



SKETCH OF DESCRIPTION

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

EXHIBIT

"A"
1 of 1