



## MEMORANDUM

Date: 03-28-2025

To: Honorable Board of County Commissioners (Board)

From: Jenny Shao, Planner

Subject: SV-25-01 Vacation of a Portion of the San Carlos Basin

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### Request:

The applicant is requesting to vacate a portion of the undeveloped San Carlos canal basin behind their 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 (See Attachment 1). The total area to be vacated contains 26,142.97± 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.

This application was initially processed and reviewed as a plat vacation request, under application #PV-24-05, however the legal department determined that the application was to be processed as a street vacation. Therefore, staff were notified of the change and provided and additional review period for any additional comments (See Attachment 3).

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 Conditions<sup>1</sup>**

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.

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 vacate<sup>2</sup> a portion of the undeveloped San Carlos basin canal behind their property. The total area of the subject property to be vacated contains 26,142.97± square feet, and 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 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 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

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

<sup>2</sup> 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.

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 (See Attachment 8).

#### **Public Works – Approved with Conditions and Comments<sup>3</sup>**

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 26,142 sq feet = 0.60 acres. The total HCP mitigation fee would be \$8,499.

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.

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

In general, the applicant will need to pay the HCP fee for the acreage that we are vacating when they go to develop. That fee will offset the loss of habitat that would not have happened if we did not vacate.

**Current Status:**

The applicant has agreed to submit the HCP application and pay the required mitigation fee if approval for this request is granted by the Board and development is proposed on the area. They have also agreed to 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-25-01**, 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-25-01** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff memo dated **February 28, 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**

**Scale: 1"=100'**

**N**

**HARBOR HEIGHTS SECTION-14**

**WINONA DRIVE**

**SUNSET DRIVE**

**667.42' EAST**

**316.09' DRIVE**

**HARBOR HEIGHTS SECTION-11 PART-3**

**SAN CARLOS DRIVE**

**SAN CARLOS BASIN**

**BERKLEY COURT So.**

**SCOTT CANAL**

**HARBOR HEIGHTS SECTION-11 PART-1**

**HARBOR HEIGHTS PART 3**

**SARASOTA TERRACE**

**ROMANY CANAL**

**HARBOR BAY**

**SEE SHEET 4**

**SEE SHEET 6**

**SEE SHEET 7**

**SEE SHEET 8**

**SEE SHEET 9**

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**SEE SHEET 100**

**ENGINEERS NOTE:**

● Denotes Permanent Reference Monument

All radii are 25 feet unless otherwise noted

Basis of bearings is assumed

**PREPARED BY**

**RADER AND ASSOCIATES**

111 N.E. Second Ave. Miami 32, Florida. Job No. S.P.1797

611 First Ave. No. St. Petersburg, Fla. July 1958

**Scale: 1"=100'**

**N**

**114.65'**

**611.64'**

**5.893922'**

**S. LINE SECTION 10**

**S. 30°20'35" W**

**802.28'**

**SEE SHEET 1**

**SEE SHEET 2**

**SEE SHEET 3**

**SEE SHEET 4**

**SEE SHEET 5**

**SEE SHEET 6**

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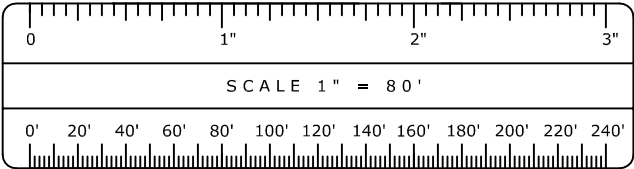
**SEE SHEET 98**

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**SEE SHEET 100**

SHEET 7 of 7

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



HARBOUR CAPE PLACE 70' R/W



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.

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



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

SKETCH OF DESCRIPTION

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



**Attachment 3**  
**Staff Review and Comments**

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## Staff Review PV-24-05 Partial Plat Vacation of the San Carlos Basin

---

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

**Date** Tue 1/7/2025 11:57 AM

**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>

 2 attachments (394 KB)

PV-24-05\_Staff\_Review\_Conditions\_revise.pdf; SV-25-01 Comment Memo.docx;

Good morning,

This application is being processed as a street vacation. The new application file # is SV-25-01 Vacation of a Portion of the San Carlos Basin. Please see the attachment for the staff comments from the initial review of this request as a plat vacation. If you have any amendments to your comments due to this change or any additional comments, please submit them by January 15, 2025.

If you have any questions, please let me know.

Kind regards,



**Jenny Shao**  
Planner  
Charlotte County Community Development  
941.764.4954  
[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)  
*Delivering Exceptional Service*

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

---

**From:** Shao, Jenny

**Sent:** Tuesday, September 24, 2024 10:48 AM

**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>; DeFilippo, Anastacia <Anastacia.DeFilippo@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>; Laurene Anderson <landerson@ccsofl.net>; Barton, Diane <dbarton@ccsofl.net>

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

**Subject:** Staff Review PV-24-05 Partial Plat Vacation of the San Carlos Basin

## MEMORANDUM

**Date:** September 24, 2024

**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  
Anastacia DeFilippo, Zoning/Environmental  
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  
Laurie Anderson, CCSO  
Diane Barton, CCSO

**CC:**

Stephen Kipa, Real Estate Services

**From:** Jenny Shao, Planner

**Subject:** Plat Vacation application for PV-24-05 – Partial Plat Vacation of the San Carlos Basin  
Meeting Dates January 2025 P&Z / February 2025 BCC

Along with this memo, you are receiving a PDF of the file material and the alternative, a OneDrive link to 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 October 15, 2024**). 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.

The OneDrive link is below:

 [PV-24-05 Partial Plat Vacation of the San Carlos Basin](#)

**PV-24-05**

**Legislative**

**Commission District I**

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Kind regards,

**Jenny Shao**  
Planner  
Charlotte County Community Development  
941.764.4954  
[CharlotteCountyFL.gov](https://www.CharlotteCountyFL.gov)  
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## COMMENT MEMORANDUM

**Date:** 1/9/2025

**To:** Jenny Shao, Planner  
Community Development/Zoning

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

**Subject:** SV-25-01 Vacation of a Portion of the San Carlos Basin

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**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

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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.

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## COMMENT MEMORANDUM

**Date:** 9/24/2024

**To:** Jenny Shao, Planner  
Community Development/Zoning

**From:** Anastacia DeFilippo  
Environmental Inspections Coordinator

**Subject:** PV-24-05 – Partial Plat Vacation of the San Carlos Basin

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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 26,142 sq feet = 0.60 acres. The total HCP mitigation fee would be \$8,499.

If there are any questions pertaining to this review, please feel free contact me in the Community Development Department at 941-764-4127.

AD

---

**RE: Staff Review PV-24-05 Partial Plat Vacation of the San Carlos Basin**

---

**From** Keltner, Jim <Jim.Keltner@charlottecountyfl.gov>

**Date** Thu 1/9/2025 11:33 AM

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

Comments as stated in January 7, 2025 are fine.

---

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

**Sent:** Tuesday, January 7, 2025 11:57 AM

**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>; Barton, Diane <dbarton@ccsofl.net>; Stewart, John M <jmstewart@ccsofl.net>

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

**Subject:** Staff Review PV-24-05 Partial Plat Vacation of the San Carlos Basin

**Importance:** High

Good morning,

This application is being processed as a street vacation. The new application file # is SV-25-01 Vacation of a Portion of the San Carlos Basin. Please see the attachment for the staff comments from the initial review of this request as a plat vacation. If you have any amendments to your comments due to this change or any additional comments, please submit them by January 15, 2025.

If you have any questions, please let me know.

Kind regards,



**Jenny Shao**

Planner

Charlotte County Community Development

941.764.4954



---

**RE: Staff Review SV-25-01 Partial Plat Vacation of the San Carlos Basin**

---

**From** Powell, Tina <Tina.Powell@charlottecountyfl.gov>

**Date** Tue 1/28/2025 1:42 PM

**To** David, Thomas <Thomas.David@charlottecountyfl.gov>; Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>; Scudera, Jamie <Jamie.Scudera@charlottecountyfl.gov>

**Cc** Walker, Kimlyn <Kimlyn.Walker@charlottecountyfl.gov>; Cullinan, Shaun <Shaun.Cullinan@charlottecountyfl.gov>

I guess I am confused, will we be commenting on all street vacations in scrub-jay moving forward?

In general, the applicant will need to pay the HCP fee for the acreage that we are vacating when they go to develop. That fee will offset the loss of habitat that would not have happened if we did not vacate.

**Tina Powell**  
Parks and Natural Resources Manager  
941.613.3224

---

**From:** David, Thomas <Thomas.David@charlottecountyfl.gov>

**Sent:** Monday, January 27, 2025 2:47 PM

**To:** Shao, Jenny <Jenny.Shao@charlottecountyfl.gov>; Scudera, Jamie <Jamie.Scudera@charlottecountyfl.gov>; Powell, Tina <Tina.Powell@charlottecountyfl.gov>

**Cc:** Walker, Kimlyn <Kimlyn.Walker@charlottecountyfl.gov>; Cullinan, Shaun <Shaun.Cullinan@charlottecountyfl.gov>

**Subject:** RE: Staff Review SV-25-01 Partial Plat Vacation of the San Carlos Basin

That was my understanding, too, Tina. Do you not have any additional comments regarding the loss of habitat you mentioned in the meeting? It's ok if you don't. Jenny just needs to finalize the staff report.



**Thomas M. David** | Deputy County Attorney  
*Board Certified Specialist in City, County and Local Government Law*  
Office of the County Attorney  
18500 Murdock Circle, Port Charlotte, FL 33948  
941.743.1330  
941.743.1550 fax  
[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)  
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---

**From:** Shao, Jenny <[Jenny.Shao@charlottecountyfl.gov](mailto:Jenny.Shao@charlottecountyfl.gov)>

**Sent:** Monday, January 27, 2025 2:41 PM

**To:** Scudera, Jamie <[Jamie.Scudera@charlottecountyfl.gov](mailto:Jamie.Scudera@charlottecountyfl.gov)>; Powell, Tina <[Tina.Powell@charlottecountyfl.gov](mailto:Tina.Powell@charlottecountyfl.gov)>

**Cc:** Walker, Kimlyn <[Kimlyn.Walker@charlottecountyfl.gov](mailto:Kimlyn.Walker@charlottecountyfl.gov)>; Cullinan, Shaun <[Shaun.Cullinan@charlottecountyfl.gov](mailto:Shaun.Cullinan@charlottecountyfl.gov)>; David, Thomas <[Thomas.David@charlottecountyfl.gov](mailto:Thomas.David@charlottecountyfl.gov)>

**Subject:** Re: Staff Review SV-25-01 Partial Plat Vacation of the San Carlos Basin

Good afternoon,

It may be my misunderstanding from the meeting, but I thought Natural Resources would be commenting on the possible impact of the loss of habitat that was assumed to never be "developed" and under the HCP if the proposed area were to be granted a vacation by the BCC.

Kind regards,



**Jenny Shao**

Planner

Charlotte County Community Development

941.764.4954

[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)

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

---

**From:** Scudera, Jamie <[Jamie.Scudera@charlottecountyfl.gov](mailto:Jamie.Scudera@charlottecountyfl.gov)>  
**Sent:** Friday, January 24, 2025 10:47 AM  
**To:** Shao, Jenny <[Jenny.Shao@charlottecountyfl.gov](mailto:Jenny.Shao@charlottecountyfl.gov)>; Powell, Tina <[Tina.Powell@charlottecountyfl.gov](mailto:Tina.Powell@charlottecountyfl.gov)>  
**Cc:** Walker, Kimlyn <[Kimlyn.Walker@charlottecountyfl.gov](mailto:Kimlyn.Walker@charlottecountyfl.gov)>; Cullinan, Shaun <[Shaun.Cullinan@charlottecountyfl.gov](mailto:Shaun.Cullinan@charlottecountyfl.gov)>; David, Thomas <[Thomas.David@charlottecountyfl.gov](mailto:Thomas.David@charlottecountyfl.gov)>  
**Subject:** Re: Staff Review SV-25-01 Partial Plat Vacation of the San Carlos Basin

Please include the following comment from Natural Resources -

All Charlotte County Scrub jay HCP fees and conditions are applicable prior to the issuance of first development application.

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

---

**From:** Scudera, Jamie <[Jamie.Scudera@charlottecountyfl.gov](mailto:Jamie.Scudera@charlottecountyfl.gov)>  
**Sent:** Friday, January 24, 2025 9:22:05 AM  
**To:** Shao, Jenny <[Jenny.Shao@charlottecountyfl.gov](mailto:Jenny.Shao@charlottecountyfl.gov)>; Powell, Tina <[Tina.Powell@charlottecountyfl.gov](mailto:Tina.Powell@charlottecountyfl.gov)>  
**Cc:** Walker, Kimlyn <[Kimlyn.Walker@charlottecountyfl.gov](mailto:Kimlyn.Walker@charlottecountyfl.gov)>; Cullinan, Shaun <[Shaun.Cullinan@charlottecountyfl.gov](mailto:Shaun.Cullinan@charlottecountyfl.gov)>; David, Thomas <[Thomas.David@charlottecountyfl.gov](mailto:Thomas.David@charlottecountyfl.gov)>  
**Subject:** Re: Staff Review SV-25-01 Partial Plat Vacation of the San Carlos Basin

We do have comments. Will have to you by EOB today.

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

---



## COMMENT MEMORANDUM

**Date:** 9/24/2024

**To:** Jenny Shao, Planner  
Community Development/Zoning

**From:**

**Subject:** PV-24-05 – Partial Plat Vacation of the San Carlos Basin

---

### **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-25-01 Comments**

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

**Date** Wed 3/19/2025 9:49 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~~)

SV-25-01

BAILEY – Neaptide Drive:

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](mailto:Stephen.Kipa@CharlotteCountyFL.gov)  
*Delivering Exceptional Service*

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**From:** Shao, Jenny <[Jenny.Shao@charlottecountyfl.gov](mailto:Jenny.Shao@charlottecountyfl.gov)>

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

**To:** Kipa, Stephen <[Stephen.Kipa@charlottecountyfl.gov](mailto:Stephen.Kipa@charlottecountyfl.gov)>; Vernon, Joanne <[Joanne.Vernon@charlottecountyfl.gov](mailto:Joanne.Vernon@charlottecountyfl.gov)>; Davis, James K. <[James.Davis@charlottecountyfl.gov](mailto:James.Davis@charlottecountyfl.gov)>; Jorge, Danielle



## **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-25-01 Vacation of a Portion of the San Carlos Basin

---

CCU still approves.



## **COMMENT MEMORANDUM**

**Date:** 9/24/2024

**To:** Jenny Shao, Planner  
Community Development/Zoning

**From:** Samantha DiPiazza – Design Technician - Addressing

**Subject:** PV-24-05 – Partial Plat Vacation of the San Carlos Basin

---

I have no comments on this application.



## **COMMENT MEMORANDUM**

**Date:** 1/7/2025

**To:** Jenny Shao, Planner  
Community Development/Zoning

**From:** Public Works- Engineering- Roy Benjamin

**Subject:** SV-25-01 Vacation of a Portion of the San Carlos Basin

---

No comments or concerns.

---

**PV-24-05, San Carlos Canal Basin (LSR-24-0888)**

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**From** Walker, Kimlyn <Kimlyn.Walker@charlottecountyfl.gov>

**Date** Fri 12/13/2024 2:21 PM

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

**Cc** Erdman, Stephanie <Stephanie.Erdman@charlottecountyfl.gov>; Benak, Karen  
<Karen.Benak@charlottecountyfl.gov>

Jenny,

You may proceed with the above referenced matter. Please refer to the email sent by the County Engineer, Joanne Vernon, P.E., dated Oct. 29, 2024, which discusses requiring a 20 foot public access. Also, include FLU Policy 2.1.5.

I've discussed this with the County Attorney and as long as there is public access provided the applicant may proceed.

Respectfully,



**Kimlyn M. Walker** | Assistant County Attorney

**OFFICE OF THE COUNTY ATTORNEY**

18500 Murdock Circle, Port Charlotte, FL 33948

941.743.1330

941.743.1550 fax

[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)

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

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**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](mailto: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



FRONTIER

2185 Range Rd  
Clearwater, FL 33765  
(941) 266-9218  
[stephen.waidley@ftr.com](mailto:stephen.waidley@ftr.com)

1/7/2025

Attn: Jenny Shao, Planner  
Charlotte County Community Development  
Charlotte County  
(941) 764-4954  
[Jenny.Shao@charlottecountyfl.gov](mailto:Jenny.Shao@charlottecountyfl.gov)

RE: PV-24-05 – Partial Plat Vacation – San Carlos Basin, Punta Gorda, FL

Dear Ms. Shao,

☒ Our records do not indicate that there are Frontier facilities in the area of the Plat request as per the attachment provided.

☒ Frontier has no objection to the above referenced request as per the attachment.

☐ Frontier has facilities within the proposed vacate area. A recordable non-exclusive Easement in favor of Frontier will be required for Frontier facilities to remain in the proposed vacated R.O.W.

☐ Frontier has facilities in the area, which may be in conflict with your proposed construction plans. Please contact Sunshine 811 by dialing 811, 2 full business days prior to the start of your work to have these facilities located for you. Please take all necessary precautions to protect and avoid damage of these facilities during your construction.

☐ Frontier has facilities in the area, which may be in conflict with your proposed construction plans. Please send a set of construction plans and references to the Frontier Engineering Department with regards to the above project.

☐ Frontier has facilities in the area of your proposed construction. Prepayment is required to markup a set of construction plans in order to confirm and accurately depict Frontier facilities. There will also be a reimbursement of all costs required for relocation/adjustments of Frontier facilities needed to accommodate the proposed construction project.

Please call me if you have any questions or need any additional information at (941) 266-9218.

Sincerely,

*Stephen Waidley*

Stephen Waidley  
Frontier Florida LLC  
Regional Rights of Way & Municipal Affairs Manager

3/5/2025



Jenny Shao  
Charlotte County Community Development

P864542  
No Reservations/No Objection

SUBJECT: Vacation request for a portion of the platted easement at Being Lots 60 – 64, a/ka 27091, 27095, 27099, 27103 and 27107, Neaptide Drive, Punta Gorda, Charlotte County, FL, Harbour Heights Subdivision, in Plat Book 4, Page 48A – 48G – PV-24-05.

To Whom It May Concern:

CenturyLink of Florida, Inc. d/b/a CENTURYLINK ("CenturyLink") and Lumen ("LUMEN") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

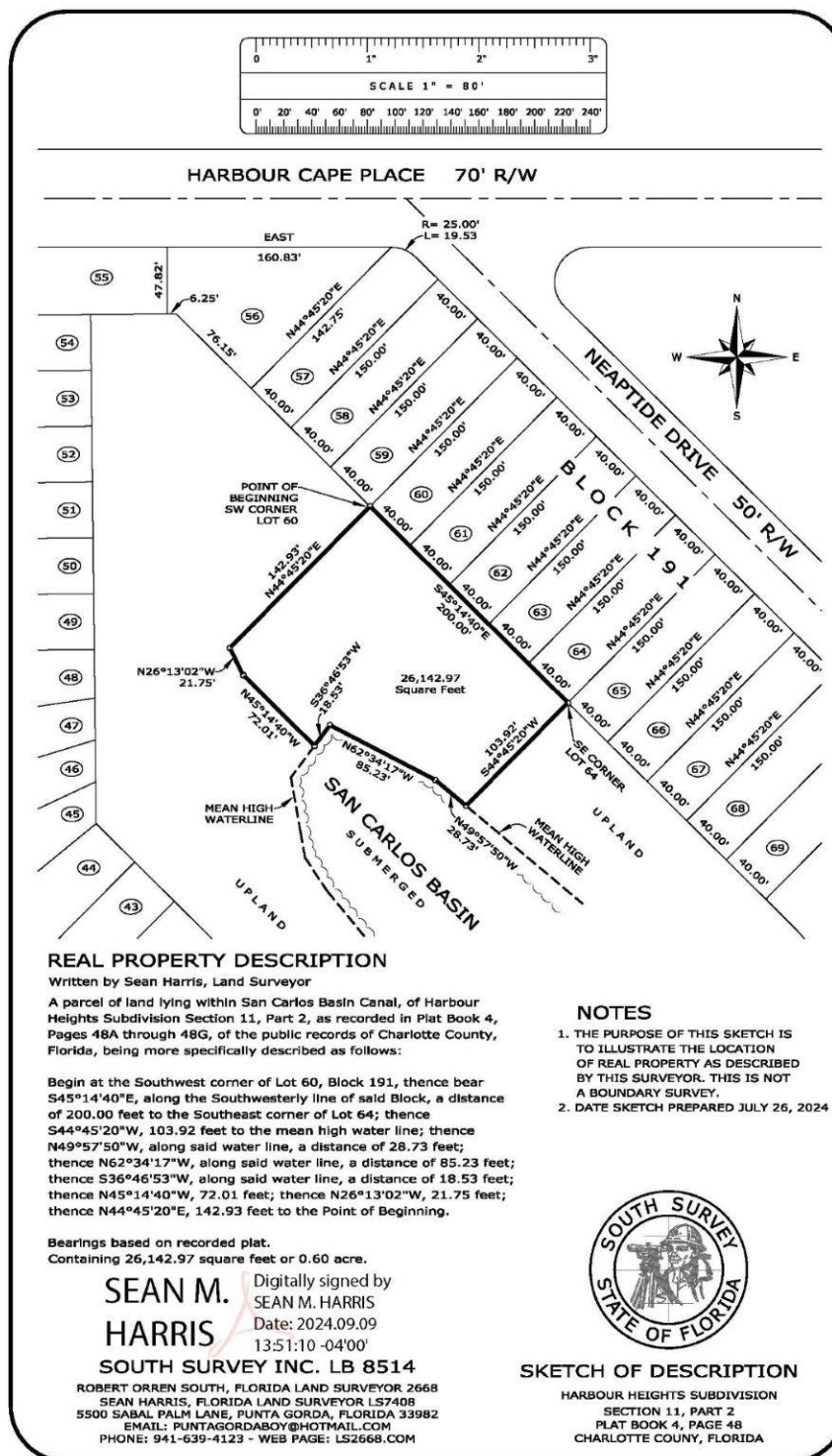
This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions, please contact Derek Grimes at 234-360-9153 or [Derek.Grimes@lumen.com](mailto:Derek.Grimes@lumen.com).

Sincerely yours,

CenturyLink Right of Way Team

## Exhibit "A"



**Attachment 4**  
**Drainage and Utility Easement Instrument**

## DRAINAGE AND UTILITY EASEMENT

THIS DRAINAGE AND UTILITY EASEMENT ("Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_ 2025 by Albert B. Bailey, as Trustee of the Albert B. Bailey Trust dated July 14, 2022, whose post office address is [REDACTED], ("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 60-64, 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 Albert B. Bailey, as Trustee of the Albert B. Bailey Trust dated July 14, 2022, whose post office address is [REDACTED], ("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 60-64, 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 Albert B. Bailey, as Trustee of the Albert B. Bailey Trust dated July 14, 2022, whose post office address is [REDACTED], ("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 60-64, 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 Albert B. Bailey, as Trustee of the Albert B. Bailey Trust dated July 14, 2022, owner of record of the underlying real estate, whose mailing address is \_\_\_\_\_, 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 60-64, 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 0060 and identified in the Property Appraiser's Records as Parcel ID # 402310161004 and more commonly known as 27091 Neaptide Drive, 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 Albert B. Bailey Trust, whose address is [REDACTED], 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-25-01, 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**

Albert B. Bailey Trust

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 Albert B. Bailey, Trustee of the Albert B. Bailey Trust, 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 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.