

R E S O L U T I O N
NUMBER 2024 –

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, TO VACATE A 15-FOOT UNNAMED ALLEYWAY LYING BETWEEN LOTS A THROUGH G AND THE REMAINDER OF LOT 1, BLOCK 29, HOLYMAN'S SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 22 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, CONSISTING OF 3,123± SQUARE FEET, AND GENERALLY LOCATED NORTH AND PARALLEL TO CLEVELAND AVENUE, NORTH AND PERPENDICULAR TO BEECHWOOD STREET, SOUTH OF RIVERSIDE DRIVE AND PARALLEL TO GRIFFITH AVENUE, WITHIN THE PUNTA GORDA AREA, COMMISSION DISTRICT II, CHARLOTTE COUNTY, FLORIDA; PETITION SV-23-11-07.

RECITALS

WHEREAS, an application has been made by Jeffrey M. Devine ("Petitioner") to vacate a 15-foot unnamed alleyway lying between Lots A through G and the remainder of Lot 1, Block 29, Holyman's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Charlotte County, Florida, consisting of 3,123± square feet, and generally located north and parallel to Cleveland Avenue, north and perpendicular to Beechwood Street, south of Riverside Drive and parallel to Griffith Avenue, within the Punta Gorda area and 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 February 12, 2024; 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 the property located at 27492 Cleveland Avenue which abuts the right-of-way sought to be vacated; and

WHEREAS, the property owners of 27502 Cleveland Avenue and 27470 Cleveland Avenue which properties also abut the right-of-way sought to be vacated provided letters of no objection to this petition for vacation of the unnamed 15-foot alleyway; and

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

WHEREAS, this vacation of the unnamed 15-foot alleyway lying between Lots A through G and the remainder of Lot 1, Block 29, Holyman's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Charlotte County, Florida, consisting of 3,123± square feet, and generally located north and parallel to Cleveland Avenue, north and perpendicular to Beechwood Street, south of Riverside Drive and parallel to Griffith Avenue, within the Punta Gorda area and in Commission District II, as described herein, 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 Jeffrey M. Devine ("Petitioner") to vacate the unnamed 15-foot alleyway lying between Lots A through G and the remainder of Lot 1, Block 29, Holyman's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Charlotte County, Florida, consisting of 3,123± square feet, and generally located north and parallel to Cleveland Avenue, north and perpendicular to Beechwood Street, south of Riverside Drive and parallel to Griffith Avenue, within the Punta Gorda area and in Commission District II, 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 deed 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.

PASSED AND DULY ADOPTED this 26th day of March, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

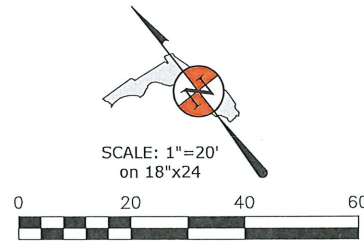
ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
 LR2023-1116

BOUNDARY SURVEY
Section 27, Township 40 South, Range 23 East
A Portion of a 15' Alley, Tract 19
Holyman's Subdivision
Punta Gorda Florida, 33982



DESCRIPTION: (Created by MSB Surveying, Inc.)

The alley lying between Lots A through G and the remainder of Lot 1, Block 29, Holyman's Subdivision, recorded in Plat Book 1, Page 22, Public Records of Charlotte County, Florida, being a portion of Lands described in Official Records Book 4078, Page 860 and Official Records Book 4614, Page 1889, said Public Records lying in Section 27, Township 40 South, Range 23 East, more particularly described as follows:

Commence at the most easterly corner of said Lot 1, also being the most easterly corner of said lands described in Official Records Book 4078, Page 860, monumented with a 5/8" iron rod, no #; thence S.38°51'34"W., along the northwesterly Right of Way Line of Beechwood Street, a distance of 104.26 feet to the POINT OF BEGINNING, monumented with a nail & disk set, LB 7044, in concrete; thence continue S.38°51'34"W., along said northwesterly Right of Way Line, a distance of 15.00 feet to a 5/8" capped iron rod set, LB 7044, at the most easterly corner of aforesaid Lot A; thence N.51°56'33"W., along the northeasterly line of Lots A through G, a distance of 208.31 feet to a 5/8" capped iron rod set, LB 7044, at the most northerly corner of aforesaid Lot G; thence N.39°35'29"E., along the northeasterly extension of said Lot G, a distance of 15.01 feet to a 5/8" capped iron rod set, LB 7044, on the northeasterly line of aforesaid alley; thence S.51°56'33"E., along said northeasterly line, a distance of 208.11 feet to the POINT OF BEGINNING.

Parcel contains 3,123 square feet, more or less.

REPORT OF SURVEY

Accuracy:

Horizontal — The accuracy obtained by measurement and calculation of a closed geometric figure was found to be 1 foot in 40,839 feet.

Data Sources:

1. General Warranty Deed recorded in Official Records Book 4614, Page 1889, Public Records of Charlotte County, Florida.
2. Special Warranty Deed recorded in Official Records 4078, Page 860, Public Records of Charlotte County, Florida.
3. Warranty Deed recorded in Official Records Book 3544, Pages 1594 and 1595, Public Records of Charlotte County, Florida.
4. A Boundary Survey by All County Surveyors, Invoice #: 17-44537, Dated 1/4/2017.
5. A Boundary Survey by Nexgen Surveying, LLC., Order #: 1000001606, Dated 04/26/2016.
6. A Boundary & Topographic Survey by Tri-County Survey, Inc., Job Number 1104032, Dated 6/28/11.
7. Plat of Holyman's Subdivision recorded in Plat Book 1, Page 22, Public Records of Charlotte County, Florida.
8. 2020 geo-rectified aerial imagery furnished by Charlotte County.
9. Charlotte County Property Appraiser's web site — www.ccappraiser.com.
10. No other information was researched or furnished.

Apparent Physical Use:

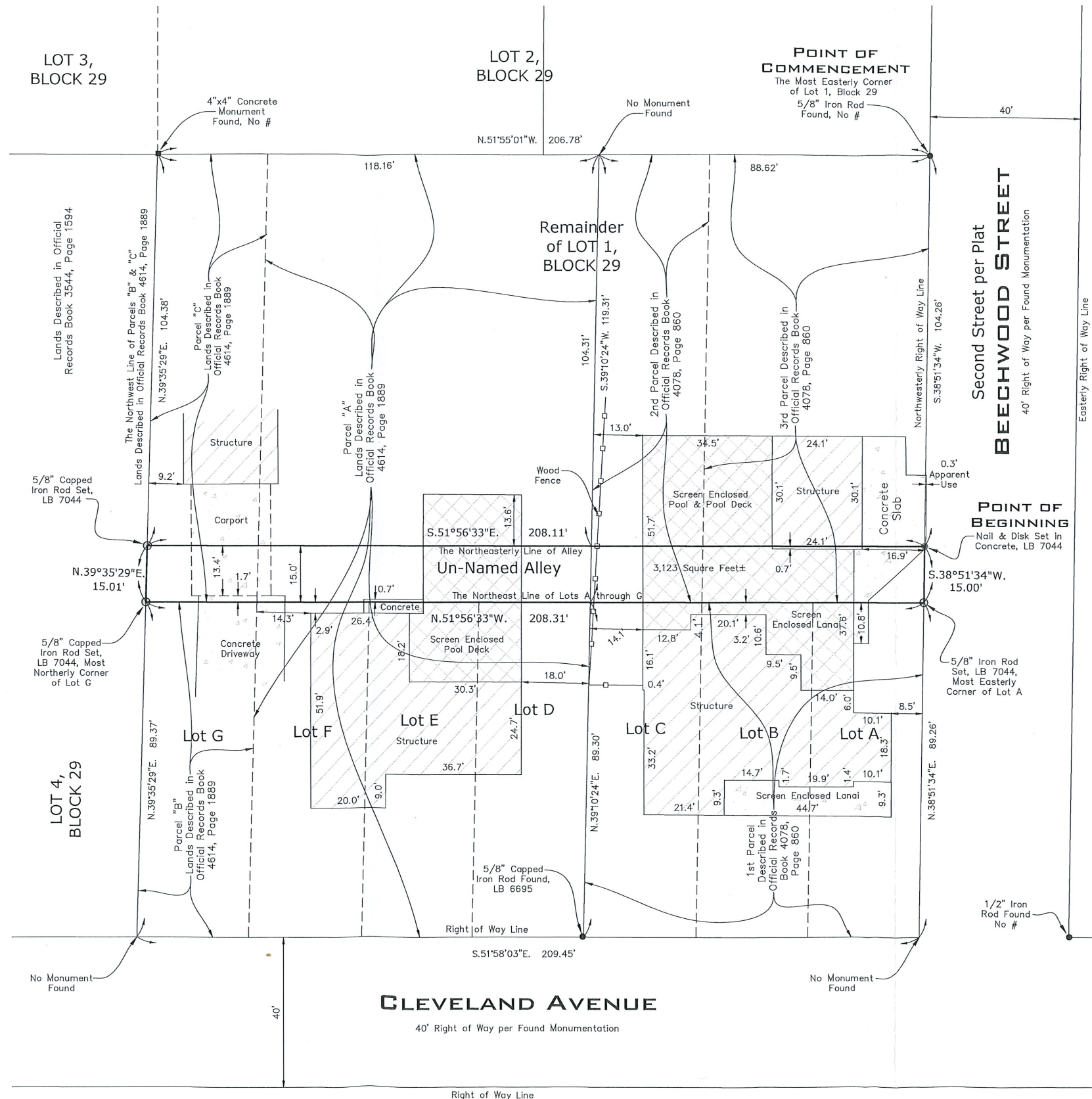
Residential

Easements:

1. No easements are shown on the Plat of Record.
2. No other easements were researched or furnished.

Notes:

1. This map represents a Boundary Survey for the purpose of vacating an alley.
2. Horizontal datum is based on the North American Datum (NAD) of 1983 (2011 adjustment), Florida State Plane, West Zone, and was derived from real-time kinematic GPS observations utilizing the Florida Permanent Reference Network (FPRN) producing a bearing of N.38°51'34"E., along the northwesterly Right of Way of Beechwood Street.
3. There may exist other underground fixed interior improvements that are not visible and are not a part of this survey.
4. Description shown hereon was created by MSB Surveying, Inc.
5. Subject to easements and rights of way of record, if any.
6. This map has been prepared without the benefit of a Commitment for Title Insurance or a Title Policy.
7. Parcel shown hereon is situated in Flood Zone "AE", base flood elevation is 10 feet, per Flood Insurance Rate Map Number 12015C0253G, Effective Date December 15, 2022. Flood zones are scaled from said map and are subject to interpretation.



CERTIFIED TO: Jeffrey M Devine

230816

JOB NUMBER

DATE OF SURVEY 09/14/2023

FIELD BOOK/PAGE: 133/26,27

RICHARD C ABERNATHY,
REGISTERED SURVEYOR & MAPPER, FLA. CERT. NO. LS 6589
NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, BASED
OR ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MSB
SURVEYING, INC.
Surveying & Mapping

536 INTERSTATE COURT
SARASOTA, FLORIDA 34240
PHONE NO.: (941) 341-9935
CERTIFICATE OF AUTHORIZATION NO. L.B. 7044
DRAWN BY: RRG

EXHIBIT

"A"
1 of 1