

**Application No.**  
**SV-11-11-01**  
**(Street Vacation)**

**Applicant**  
**Tetrault Foundation /**  
**Portions of Second Ave., Third Ave.,**  
**Fourth Ave. and Second St.**

**Legislative**

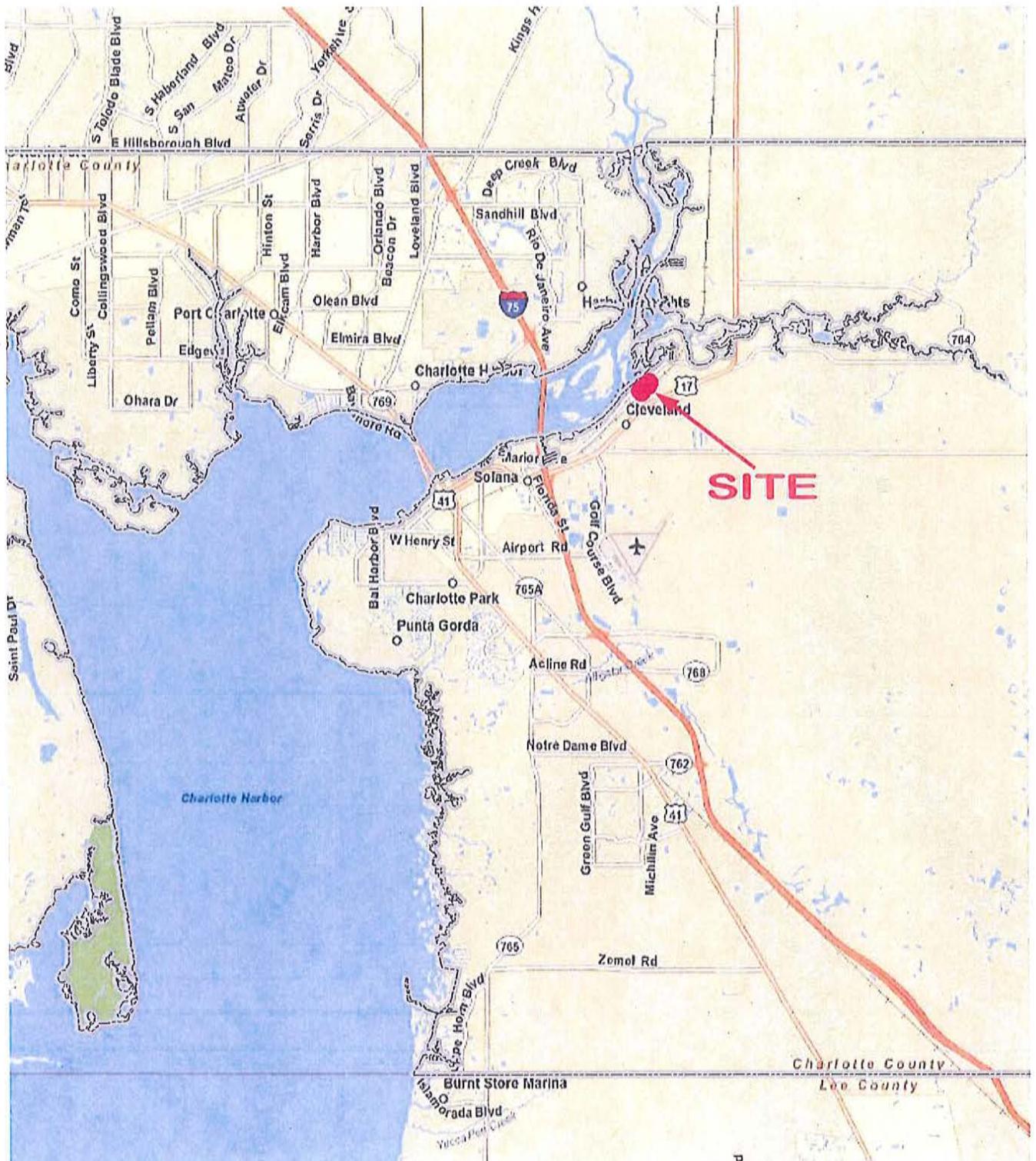
**Commission Dist. I**



Open for Business

# SV-11-11-01 TETRAULT FOUNDATION General Area Map

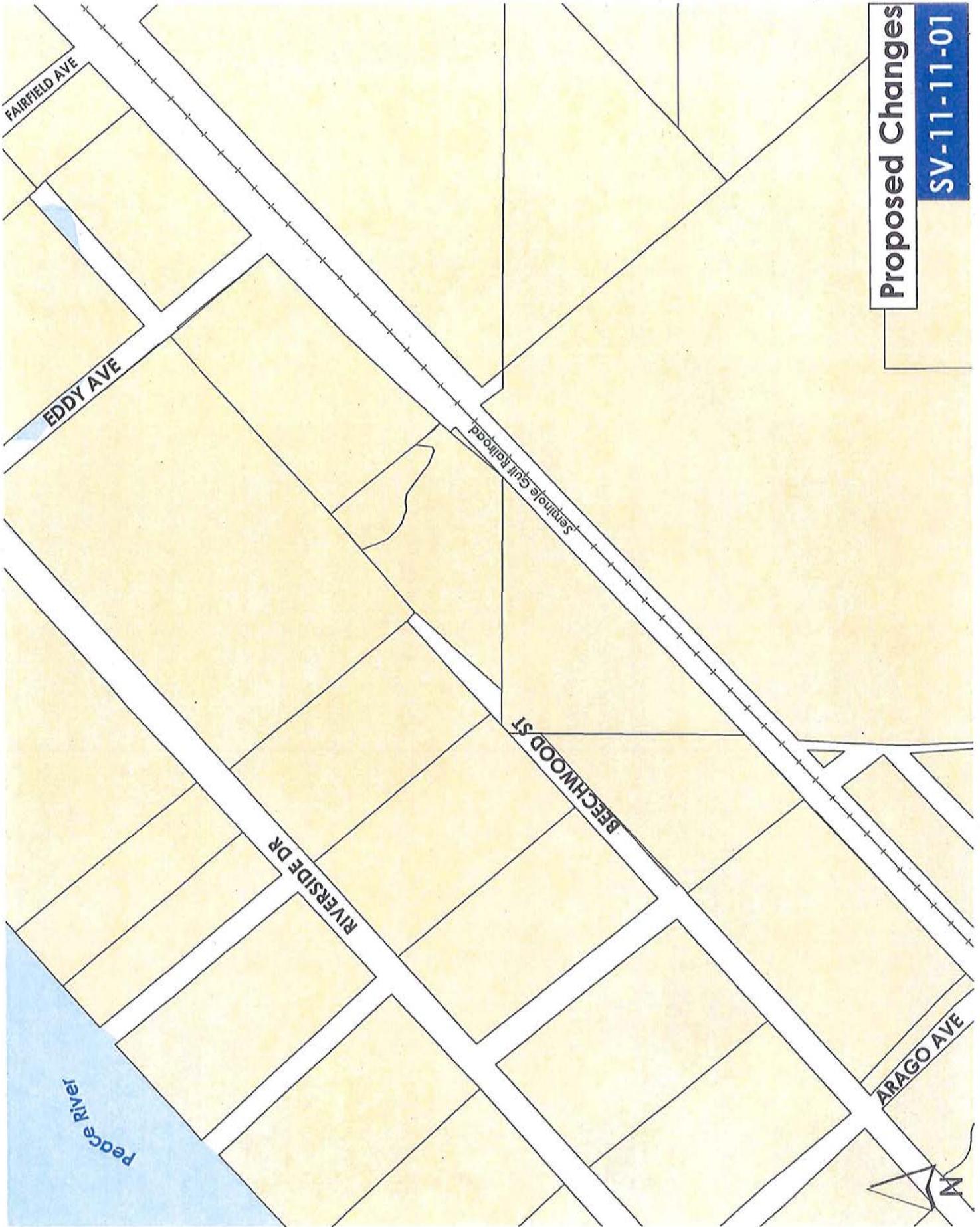
Map Prepared By  
Charlotte County  
Community Development  
Department



## 26/40/23 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. © Copyright 2011 Port Charlotte, FL by Charlotte County Prepared 12-05-2011 by Nancy V

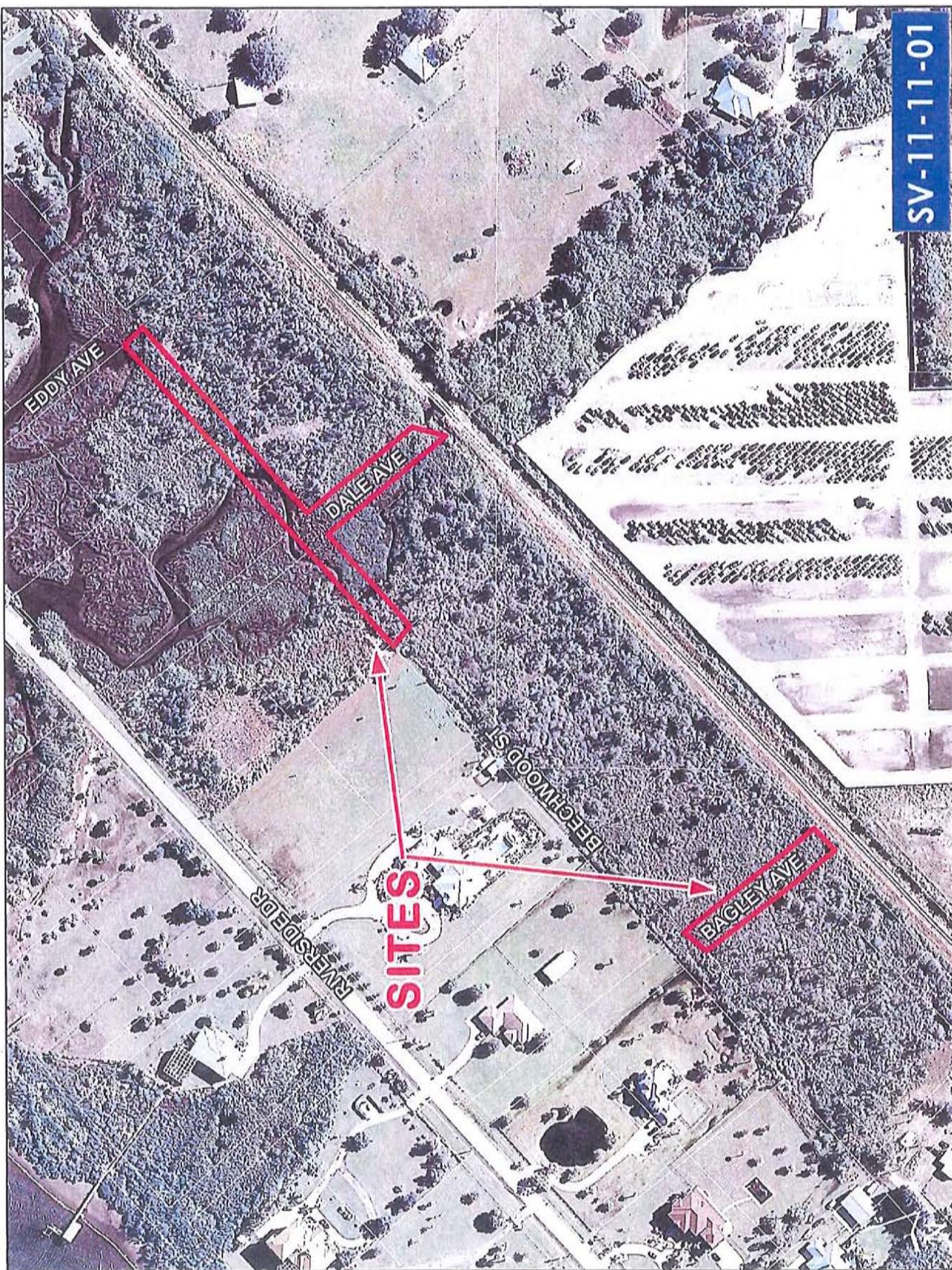




Proposed Changes

SV-11-11-01

SV-11-11-01





# Charlotte County Government

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## MEMORANDUM

**Date:** December 19, 2011

**To:** Charlotte County Board of County Commissioners  
Planning and Zoning Board

**From:** Steven A. Ellis, Planner II *SAE*  
Community Development

**Subject:** SV-11-11-01, Street Vacation, Portions of Second Avenue, Third Avenue, Fourth Avenue, and Second Street  
Roger Tetrault

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Roger E. Tetrault has applied to vacate portions of Second Avenue (aka Bagley Avenue), Third Avenue (aka Carrington), Fourth Avenue (aka Dale Avenue), and Second Street (aka Beechwood Street), a total of 1.32 acres, more or less, in the North Cleveland Subdivision, as recorded in Plat Book 1, Page 22, located in Section 26, Township 40 South, Range 23 East, in Commission District I.

The subject property lies within the Urban Service Area. The Future Land Use Map designation is Low Density Residential and the Zoning District is Residential Single-family 3.5 (RSF-3.5). It lies within flood zone 8AE and Storm Surge Evacuation Zone A.

Please note that the aerial shots in GIS display slightly differently than the applicant's sketch, obscuring the view of the portion of Third Avenue to be vacated. Staff from the GIS Department confirmed that this view is correct. The GIS view displays property ownership, as opposed to the underlying recorded plat. There is no conflict between the two.

Addressing has reviewed the application and had no comments.

Zoning/Current Planning has reviewed the application and has the following comments:

Zoning has no objection to the street vacation as proposed and recommends approval of the requested street vacation as described in the current application.

**CHARLOTTE COUNTY COMMUNITY DEVELOPMENT  
Engineering**

18400 Murdock Circle, Port Charlotte, FL 33948  
Phone: 941-764-4954 | Fax: 941-764-4905

**Zoning/Environmental** has reviewed the application and has the following comments:

A GIS aerial, USGS soil survey and National Wetlands Inventory review was conducted by staff. The sites are undeveloped and contain both native upland and wetland environmentally sensitive habitats (including a natural creek system) utilized by species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS). Preservation of these wetland systems is highly encouraged.

As this proposal moves forward, the Environmental Review Section has listed the following conditions. These conditions will be reviewed for compliance prior to any land clearing, development, or permit approvals.

1. The project site contains habitat that is utilized by species listed by the United States Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWCC) as endangered, threatened, or a species of special concern. The applicant will need to submit a Florida Land Use, Cover and Forms Classification System (FLUCCS) Map and current applicable listed species survey. All appropriate comments, authorization/permits, and mitigation from FWCC and FWS will be required prior to final DRC and the issuance of county permit and land clearing activities.
  2. The project must comply with Chapter 3-5, Article XV, Surface Water and Wetland Protection requirements of the County Code. The applicant must submit a Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP) and US Army Corps of Engineer review and permits prior to final DRC and the issuance of county permit and land clearing activities. Development site and landscape plans must illustrate all approved preservation and required buffers.
  3. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. Final site and landscape plans must illustrate a minimum 15', avg. 25' natural vegetated upland buffer to be preserved along the perimeter of all wetlands and natural surface waters prior to final DRC approval or the issuance of any county permit or land improvement activities. Additional buffer width may be required by other regulatory agencies.
  4. All future development plans must be in compliance with Smart Charlotte 2050 Comprehensive Plan with specific attention paid to the Natural Resources (ENV) and Coastal Planning (CST) Goals, Objectives and Policies sections.
  5. Any site clearing, including underbrush, for proposed building site must comply with Chapter 3-2, Article IX, Tree Requirements, of the County Code. If heritage trees are found to occur on site, the provisions of Chapter 3-2, Article IX, Section 190 of the County Code must be followed. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits or No Tree Affidavit must be obtained prior to any land clearing activity or the issuance of building permits.
  6. All trees that are removed or preserved must satisfy Chapter 3-2, Article IX, and Tree Requirements of the County Code. Heritage trees may occur on site. Heritage trees are further
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protected by the provisions of Chapter 3-2, Article IX, Section 190 of the County Code. A tree survey must be supplied. The applicant must incorporate the trees into the site plan or show that every effort has been made to save the trees. Documentation must be provided prior to final development approval or the issuance of tree removal permits. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity and the issuance of any building permits.

The applicant is advised that this ERS site review is cursory; additional wildlife or environmental reviews may be required by state and federal agencies.

**Real Estate Services** has reviewed the application and had no comments.

**GIS** has reviewed the application and had no comments.

**Engineering** has reviewed the application and had no comments.

The **County Surveyor** has reviewed the application and had no comments.

**Comprehensive Planning** has reviewed the application and had the following comments:

Staff has reviewed this street vacation utilizing ArcView technology and it appears that the addition of vacated square footage to at least four of the adjacent lots will result in an increase of developable density on those lots. Per Smart Charlotte FLU Policy 1.2.7, the Transfer of Density Units program shall be applied during the review and approval process for street vacations that would result in an accumulation of acreage allowing development of new units of density. Section 3-5-429 of the Code of Laws and Ordinances requires the applicant to either transfer the amount of density to the site that will be increased by the vacation or submit a restrictive covenant that limits density of the property to that existing at the time of the application.

Staff has had discussions with the applicant's agent, Geri Waksler, and she has indicated that a covenant restricting density to that existing at the time of the application will be submitted. This covenant is required or the application cannot be approved.

Because part of this requested vacation does contain wetlands and access to a tidal creek, it is necessary to cite FLU Policy 2.1.5, which prohibits the County from vacating right-of-way that would constrain potential public access to a water body in the absence of public benefit. It is the opinion of staff that a public benefit does exist as the vacation of this right-of-way will facilitate the development of publicly accessible botanical gardens, which will be a great amenity to the community. The public will be able to access the creek through the gardens.

### **RECOMMENDATION**

**Community Development** recommends approval of SV-11-11-01 with the following seven (7) conditions:

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1. The project site contains habitat that is utilized by species listed by the United States Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWCC) as endangered, threatened, or a species of special concern. The applicant will need to submit a Florida Land Use, Cover and Forms Classification System (FLUCCS) Map and current applicable listed species survey. All appropriate comments, authorization/permits, and mitigation from FWCC and FWS will be required prior to final DRC and the issuance of county permit and land clearing activities.
  2. The project must comply with Chapter 3-5, Article XV, Surface Water and Wetland Protection requirements of the County Code. The applicant must submit a Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP) and US Army Corps of Engineer review and permits prior to final DRC and the issuance of county permit and land clearing activities. Development site and landscape plans must illustrate all approved preservation and required buffers.
  3. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. Final site and landscape plans must illustrate a minimum 15', avg. 25' natural vegetated upland buffer to be preserved along the perimeter of all wetlands and natural surface waters prior to final DRC approval or the issuance of any county permit or land improvement activities. Additional buffer width may be required by other regulatory agencies.
  4. All future development plans must be in compliance with Smart Charlotte 2050 Comprehensive Plan with specific attention paid to the Natural Resources (ENV) and Coastal Planning (CST) Goals, Objectives and Policies sections.
  5. Any site clearing, including underbrush, for proposed building site must comply with Chapter 3-2, Article IX, Tree Requirements, of the County Code. If heritage trees are found to occur on site, the provisions of Chapter 3-2, Article IX, Section 190 of the County Code must be followed. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits or No Tree Affidavit must be obtained prior to any land clearing activity or the issuance of building permits.
  6. All trees that are removed or preserved must satisfy Chapter 3-2, Article IX, and Tree Requirements of the County Code. Heritage trees may occur on site. Heritage trees are further protected by the provisions of Chapter 3-2, Article IX, Section 190 of the County Code. A tree survey must be supplied. The applicant must incorporate the trees into the site plan or show that every effort has been made to save the trees. Documentation must be provided prior to final development approval or the issuance of tree removal permits. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity and the issuance of any building permits.
  7. As previously agreed to by County Staff and the agent for the applicant, the applicant will submit a restrictive covenant limiting the developable density to that which existed at the time of application, prior to recording of the Resolution granting the street vacation.
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## MEMORANDUM

**Date:** December 16, 2011  
**To:** Steven Ellis, Planner II  
**From:** Inga Williams, Principal Planner  
**Subject:** SV-11-11-01, Roger Tetrault

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I have reviewed this street vacation utilizing ArcView technology and it appears that the addition of vacated square footage to at least four of the adjacent lots will result in an increase of developable density on those lots. Per Smart Charlotte FLU Policy 1.2.7, the Transfer of Density Units program shall be applied during the review and approval process for street vacations that would result in an accumulation of acreage allowing development of new units of density. Section 3-5-429 of the Code of Laws and Ordinances requires the applicant to either transfer the amount of density to the site that will be increased by the vacation or submit a restrictive covenant that limits density of the property to that existing at the time of the application.

I have had discussions with the applicant's agent, Ms. Waksler, and she has indicated that a covenant restricting density to that existing at the time of the application will be submitted. This covenant is a required or the application cannot be approved.

Because part of this requested vacation does contain wetlands and access to a tidal creek, it is necessary to cite FLU Policy 2.1.5, which prohibits the County from vacating right-of-way that would constrain potential public access to a water body in the absence of public benefit. It is my estimation that a public benefit does exist as the vacation of this right-of-way will facilitate the development of publicly accessible botanical gardens, which will be a great amenity to the community. The public will be able to access the creek through the gardens.



# Charlotte County Government

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## MEMORANDUM

**Date:** December 7, 2011  
**To:** Steven Ellis, Planner  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SV-11-11-01  
Tetrault Street Vacation

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The Current Planning and Zoning Environmental Review Section (ERS) have reviewed the above referenced petition for **Environmental and Tree and Landscaping compliance** and offer the following comments:

1. A GIS aerial, USGS soil survey and National Wetlands Inventory review was conducted by staff. The sites are undeveloped and contain both native upland and wetland environmentally sensitive habitats (including a natural creek system) utilized by species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS). Preservation of these wetland systems is highly encouraged.

As this proposal moves forward, the Environmental Review Section has listed the following conditions. **These conditions will be reviewed for compliance prior to any land clearing, development, or permit approvals.**

1. The project site contains habitat that is utilized by species listed by the United States Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWCC) as endangered, threatened, or a species of special concern. The applicant will need to submit a Florida Land Use, Cover and Forms Classification System (**FLUCCS**) Map and current applicable listed species survey. All appropriate comments, authorization/permits, and mitigation from FWCC and FWS will be required prior to final DRC and the issuance of county permit and land clearing activities.
2. The project must comply with **Chapter 3-5, Article XV, Surface Water and Wetland Protection** requirements of the County Code. The applicant must submit a Southwest

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### COMMUNITY DEVELOPMENT DEPARTMENT

Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948  
Phone: 941.743.1290 | Fax: 941.743.1598

Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP) and US Army Corps of Engineer review and permits prior to final DRC and the issuance of county permit and land clearing activities. Development site and landscape plans must illustrate all approved preservation and required buffers.

3. The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. Final site and landscape plans must illustrate a minimum 15', avg. 25' natural vegetated upland buffer to be preserved along the perimeter of all wetlands and natural surface waters prior to final DRC approval or the issuance of any county permit or land improvement activities. Additional buffer width may be required by other regulatory agencies.
4. All future development plans must be in compliance with **Smart Charlotte 2050 Comprehensive Plan** with specific attention paid to the Natural Resources (ENV) and Coastal Planning (CST) Goals, Objectives and Policies sections.
5. Any site clearing, including underbrush, for proposed building site must comply with **Chapter 3-2, Article IX, Tree Requirements**, of the County Code. If heritage trees are found to occur on site, the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code must be followed. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits or No Tree Affidavit must be obtained prior to any land clearing activity or the issuance of building permits.
6. All trees that are removed or preserved must satisfy **Chapter 3-2, Article IX, and Tree Requirements** of the County Code. Heritage trees may occur on site. Heritage trees are further protected by the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code. A tree survey must be supplied. The applicant must incorporate the trees into the site plan or show that every effort has been made to save the trees. Documentation must be provided prior to final development approval or the issuance of tree removal permits. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity and the issuance of any building permits.

The applicant is advised that the Charlotte County ERS site review is cursory; additional wildlife or environmental reviews may be required by state and federal agencies.

Thank you for the opportunity to review the Street Vacation petition SV-11-11-01. The Planning and Zoning Section is an advocate of deplattting and vacating and finds that street vacations are generally a desirable action. Therefore, at this time we have no additional comments regarding this petition.

For any environmental questions pertaining to this application you may contact me at (941)743-1290 and for any landscaping/tree questions you may contact Linda Moore at (941)743-1919.

JS

P:\ANIMAL\Street Vacations\2011\ SV-11-11-01(Tetrualt SV).doc

**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning and Zoning Division  
18500 Murdock Circle | Port Charlotte, FL 33948  
Phone: 941.743.1242 | Fax: 941.743.1292



## MEMORANDUM

To: Steven Ellis, Planner II  
From: Ken Quillen, AICP, Planner III  
Date: December 7, 2011  
Subject: Review of proposed Street Vacation; file number: **SV-11-11-01**

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Below are comments from the Zoning Division regarding the proposed Street Vacation of portions of Bagley Avenue (Second Ave.), Third Avenue, Beechwood Street (Second St.) and Dale Avenue (Fourth Ave.) located in the recorded plat of **CLEVELAND SUBDIVISION**, all located in Section 26, Township 40 South, Range 23 East.

**Zoning:** The applicant's property is zoned Residential Singlefamily-3.5 (RSF-3.5). The RSF-3.5 zoning is intended to accommodate low density residential uses while the a mixture of residential and commercial uses.

**FLUM:** The area has a Future Land Use Map (FLUM) designation of Low-Density Residential.

**Flood Zone:** The areas involved in the proposed street vacations lies in the 8AE Flood Zone. Lands in this area are also located in the Storm Serge Evacuation Zone "A".

**The Zoning Division has no objections to the street vacation as proposed and recommends approval of the requested street vacation as described in the current application.**

cc: Shaun Cullinan, Zoning Official  
File

**INTEROFFICE MEMORANDUM**  
**Development Review Division**

**To: Steven Ellis**

**FROM: Gerry Collins**  
**Address Technician**

**DATE: December 7, 2011**

**RE: Addressing Comments**  
**January 9, 2012 P&Z / February 21, 2012 BCC**

**SV-11-11-01 – Roger Tetrault**

**I have no comment on this application.**

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December 8, 2011

Roger E. Tetrault  
5950 Riverside Dr.  
Punta Gorda, FL 33982

Re: Street Vacation-Portion of Second Ave. (aka Bagley Ave), Third Ave, Fourth Ave. (aka Dale Ave.) and Second St. (aka Beechwood St.)- on properties with parcel ID's as follows:

402326356001  
402326376001  
402326332001  
402326329001

Dear Roger E. Tetrault:

The area of the streets named above that this customer is requesting to be vacated has no direct conflict with any FPL facilities. As far as FPL is concerned, this vacation can proceed.

If there ever is a need for power on this property an easement on private property will need to be given to FPL. That will be taken care of after the customer has provided FPL with a new construction application and site plan (only if needed).

Sincerely,

A handwritten signature in cursive script that reads "Candice D. Roll". The signature is written in dark ink and is positioned above the printed name.

Candice D. Roll  
CPM



December 07, 2011

Steve Ellis  
18400 Murdock Circle  
Port Charlotte, FL 33948

**Re: Petition to vacate a portion of Second Ave. (aka Bagley Ave.)  
Third Ave., Fourth Ave. (aka Dale Ave)  
and Second St. (aka Beachwood St.), SV-11-11-01**

Dear Mr. Ellis

After review your request to vacate portion of the street mention about  
has been determined that  
Comcast Cable does not object to the request to vacate those streets.

Should you have any questions or concerns, please feel free to contact me. I can be  
reached at (941) 342-3578.

Sincerely,

A handwritten signature in black ink, appearing to read "Gonzalo Rojas".

Gonzalo Rojas  
Eng. 1, Planning & Design



# Charlotte County Government

www.charlottecountyfla.com

## MEMORANDUM

RECEIVED

DEC 12 REC'D

BY: \_\_\_\_\_

**Date:** December 6, 2011

**To:** Monte Matarese, Property Appraiser's  
Venkat Valtikuti, Transportation  
Gary Pederzoli, GIS  
Ken Quillen, Zoning/Current Planning  
Inga Williams, Comprehensive Planning  
Jamie Scudera, Zoning/Environmental  
Public Works (5 copies)  
David Vance, LIS  
Gerry Collins, Addressing  
Debbie Alexander, Real Estate Services  
Chris D'Urso, Utilities

**CC:** Susan Beggs, Gayle Moore

**From:** Steven A. Ellis, Planner II *SAE*

**Subject:** Street Vacation application for  
January 9, 2012 P&Z / February 21, 2012 BCC

City of Punta Gorda  
Utility Department  
326 W. Marion Ave.  
Punta Gorda FL 33950

*City of Punta Gorda  
Utility Dept  
No Objection*

SV-11-11-01 – Roger Tetrault

*12-12-11*

Along with this memo, you are receiving a PDF of the file material for your review.

*S Adams*

Please review the above-referenced petition and return your graphics, findings, and analysis to me as soon as possible (map graphic no later than December 12, 2011). This is a legislative public hearing.

If you have any questions about the material in this distribution, please contact me. Thank you.

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT  
Engineering

18400 Murdock Circle, Port Charlotte, FL 33948  
Phone: 941-764-4954 | Fax: 941-764-4905



CHARLOTTE COUNTY  
 BUILDING AND GROWTH MANAGEMENT DEPARTMENT

**STREET VACATION APPLICATION**

<b>Date Received:</b> 11/21/11	<b>Date of Log-in:</b> 11/21/11
<b>Petition #:</b> SU-11-11-01	
<b>Receipt #:</b> 71872	<b>Amount Paid:</b> \$1,315.00

1. **Name of street(s) to be vacated:** Portions of Second Ave. (aka Bagley Ave.), Third Ave., Fourth Ave. (aka Dale Ave.) and Second St. (aka Beechwood St.)

2. **Parties involved in the application**

**A. Name of Applicant\*:** Roger E. Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation

Mailing Address: 5950 Riverside Drive

City: Punta Gorda

State: FL

Zip Code: 33982

Phone Number:

Fax Number:

Email Address:

\* The applicant must own property fronting on the right-of-way to be vacated

**B. Name of Agent:** Geri L. Waksler, Berntsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP

Mailing Address: 18401 Murdock Circle, Ste. C

City: Port Charlotte

State: FL

Zip Code: 33948

Phone Number: (941) 627-1000

Fax Number: (941) 254-0684

Email Address: gwaksler@bigwlaw.com

**C. Name of Surveyor:** Kenneth E. Trask, Banks Engineering, Inc.

Mailing Address: 12653 SW County road 769, Ste. B

City: Lake Suzy

State: FL

Zip Code: 34269

Phone Number: (941) 625-1165

Fax Number: (941) 625-1149

Email Address: ktrask@bankseng.com

3. **Applicant's Property ID #:** 402326356001; 402326376001; 402326332001; 402326329001

4. **Total acreage of street to be vacated:** 1.32± acres

5. **Commission District:** 1

6. **Purpose of request:**

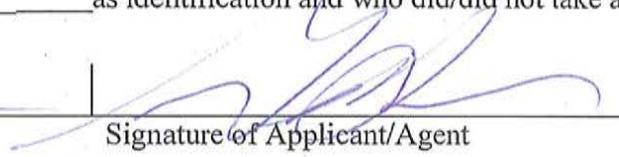
The streets are unimproved and completely surrounded by land owned by the Applicant. Applicant is seeking to consolidate holdings for future development

## AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the applicant or agent for this Street Vacation and that data and other supplementary matter attached to and made part of the application are honest and true to the best of my knowledge.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of NOVEMBER, 2011, by Geri L. Waksler who is personally known to me or has/have produced \_\_\_\_\_ as identification and who did/did not take an oath.

 |   
Notary Public Signature | Signature of Applicant/Agent

Susan C. Johnson | Geri L. Waksler  
Notary Printed Signature | Printed Signature of Applicant/Agent

Berntsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP  
18401 Murdock Circle, Suite C

Title | Address

 SUSAN C. JOHNSON | Port Charlotte, FL 33948  
MY COMMISSION # DD 717487  
EXPIRES: December 11, 2011  
Bonded Thru Budget Notary Services

Commission Code | City, State, Zip

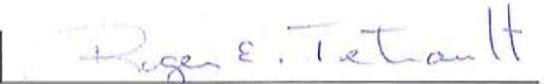
(941) 627-1000  
Telephone Number

### APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the Street Vacation of the property described and which is the subject matter of the proposed hearing. I give authorization for Geri L. Waksler and Berntsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP to be my agent for this application.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of NOVEMBER, 2011, Roger E. Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation, who is personally known to me or has/have produced \_\_\_\_\_ as identification and who did/did not take an oath.

 Notary Public Signature	 Signature of Applicant
Susan C. Johnson Notary Printed Signature	Roger E. Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation Printed Signature of Applicant
Title	5950 Riverside Drive Address
 Commission Code	Punta Gorda, FL 33982 City, State, Zip
	Telephone Number



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND  
LYING IN SECTION 26, T-40-S, R-23-E,  
CHARLOTTE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 26, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING A PART OF THE ROADS AS SHOWN ON THE RECORD PLAT OF CLEVELAND SUBDIVISION, PLAT BOOK 1, PAGE 22, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHERLY MOST CORNER OF BLOCK 33 OF SAID SUBDIVISION AND THE WESTERLY RIGHT OF WAY LINE OF SECOND AVENUE; THENCE N.48°01'52"E. CROSSING SAID RIGHT OF WAY OF SECOND AVENUE FOR 39.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID SECOND AVENUE; THENCE S.41°58'31"E. ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 267.73 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF FORMER SEMINOLE GULF RAILROAD; THENCE S.46°55'01"W. ALONG SAID RIGHT OF WAY LINE FOR 39.88 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF SECOND AVENUE; THENCE N.41°58'31"W. ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 268.51 FEET TO THE **POINT OF BEGINNING**.

ALSO

**BEGINNING** AT THE NORTHERLY MOST CORNER OF BLOCK 34 OF SAID SUBDIVISION AND THE WESTERLY RIGHT OF WAY LINE OF THIRD AVENUE; THENCE N.48°01'52"E. CROSSING SAID RIGHT OF WAY OF THIRD AVENUE FOR 40.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID THIRD AVENUE; THENCE S.41°53'39"E. ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 258.84 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF FORMER SEMINOLE GULF RAILROAD; THENCE S.46°55'01"W. ALONG SAID RIGHT OF WAY LINE FOR 40.01 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF THIRD AVENUE; THENCE N.41°53'39"W. ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 259.62 FEET TO THE **POINT OF BEGINNING**.

ALSO

**BEGINNING** AT THE NORTHERLY MOST CORNER OF BLOCK 35 OF SAID SUBDIVISION AND THE SOUTHERLY RIGHT OF WAY LINE OF SECOND STREET; THENCE S.48°01'52"W. ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 208.41 FEET TO THE WESTERLY MOST CORNER OF LOT 3 SAID BLOCK 35; THENCE N.42°05'28"W. LEAVING THE SAID SOUTHERLY RIGHT OF WAY LINE FOR 40.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SECOND STREET AND THE SOUTHERLY MOST CORNER OF LOT 2 BLOCK 24 OF SAID SUBDIVISION; THENCE N.48°01'52"E. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 228.50 FEET; THENCE N.47°49'31"E. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 436.86 FEET TO THE EASTERLY MOST CORNER OF BLOCK 23 OF SAID SUBDIVISION; THENCE S.41°53'25"E. LEAVING THE SAID NORTHERLY RIGHT OF WAY LINE FOR 40.00 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF SECOND STREET AND THE NORTHERLY MOST CORNER OF BLOCK 36 OF SAID SUBDIVISION; THENCE S.47°49'31"W. ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 416.82 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF FOURTH AVENUE; THENCE S.41°57'13"E. ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 219.97 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF FORMER SEMINOLE GULF RAILROAD; THENCE S.46°53'38"W. ALONG SAID RIGHT OF WAY LINE FOR 20.00 FEET; THENCE S.41°57'13"E. ALONG SAID RIGHT OF WAY LINE FOR 30.04 FEET; THENCE S.46°55'01"W. ALONG SAID RIGHT OF WAY LINE FOR 20.00 FEET TO WESTERLY RIGHT OF WAY LINE OF SAID FOURTH AVENUE; THENCE N.41°57'13"W. ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 250.72 FEET TO **THE POINT OF BEGINNING**.

SHEET 1 OF 3  
SERVING THE STATE OF FLORIDA



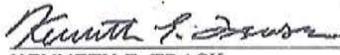
Professional Engineers, Planners & Land Surveyors

COMBINED PARCELS CONTAIN 57083.93 SQUARE FEET OR 1.32 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF SECOND STREET AS BEARING S.48°01'52"W.

BANKS ENGINEERING  
FLORIDA LICENSED BUSINESS NO. LB6690

NOVEMBER 15, 2011

  
KENNETH E. TRASK  
PROFESSIONAL LAND SURVEYOR  
FLORIDA LICENSE NO. LS4684

SHEET 2 OF 3  
SERVING THE STATE OF FLORIDA

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