

**Application No.**  
**SV-13-01-01**  
**(Street Vacation)**

**Applicant**  
**Roger Tetrault /**  
**Portions of Second Ave., Third Ave.,**  
**Fourth Ave., and Second Street**

**Legislative**

**Commission Dist. I**



## MEMORANDUM

**Date:** February 22, 2013

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

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

**Subject:** SV-13-01-01, 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), Second Street (aka Beechwood Street), a total of 2.22 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.

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

**Charlotte County Public Schools** has reviewed the application and had no comments.

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

**CHARLOTTE COUNTY COMMUNITY DEVELOPMENT  
Engineering**

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

The applicant has submitted a draft restrictive covenant that limits density of the property to be vacated to zero. Upon approval of the covenant by the County Attorney's Office, this street vacation will be in compliance with the Transfer of Density Units Ordinance.

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. The applicant has stated in the application that permits from U.S. Army Corps of Engineers and the Florida Department of Environmental Protection have been obtained for a boardwalk over the wetlands and creek, which are currently inaccessible in this part of the subject site. It is Comprehensive Planning staff's opinion that a public benefit does exist as the vacation of this right-of-way will facilitate public access to the creek through the development of the botanical gardens, which will be an amenity to the community.

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

**Environmental Health** has reviewed the application and had no comments.

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

**LIS** has reviewed the application and has no comments.

**Land Development** has reviewed the application and had the following comments:

The applicant has supplied a draft restrictive covenant indicating that no additional density will accrue to the property as a result of the proposed street vacation. Letters of no objection from the other abutting property owners were also provided. Land Development has no objections to SV-13-01-01.

**Property Appraiser's Office** has reviewed the application and had no comments.

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

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

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

All of the adjacent land is zoned Residential Singlefamily-3.5 (RSF-3.5). This zoning classification is intended to accommodate low density residential uses, such as single-family residences. A Special Exception was granted by the Board of Zoning Appeals on April 9, 2008 to allow a private park consisting of a botanical and sculpture gardens in the RSF-3.5 zoning district. A time extension for this special exception has been approved, which extends the expiration date to January 28, 2017.

Zoning/Current Planning has no objections to the street vacation as proposed and recommends approval of the requested street vacation as described in the current application.

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

A GIS aerial review and site inspection has been conducted by staff. The property is undeveloped and contains highly valuable upland and wetland habitats which are utilized by numerous species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS).

As this proposal moves forward, the Environmental Review Section has requested the following issues be addressed. 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 may 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 the issuance of county permits and/or land clearing activities.
2. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A minimum 15', avg. 25' natural vegetated upland buffer must remain preserved along the perimeter of all wetlands and natural surface waters prior to any permit or land improvement activity approvals. Additional buffer width may be required by other regulatory agencies.
3. Any site clearing, including underbrush, for proposed building site must comply satisfy 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, Tree Preservation permit and/or No Tree Affidavit must be obtained prior to any land clearing activity and/or the issuance of any building permits.
4. 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 Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity and/or the issuance of any building permits.
5. The project must comply with Charlotte County Smart Charlotte 2050 Comprehensive Plan with emphasis placed on the Natural Resources (ENV) and Coastal Planning (CST) Goals, Objectives and Policies.

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.

### **RECOMMENDATION**

**Community Development** recommends approval of SV-13-01-01.



Community Development

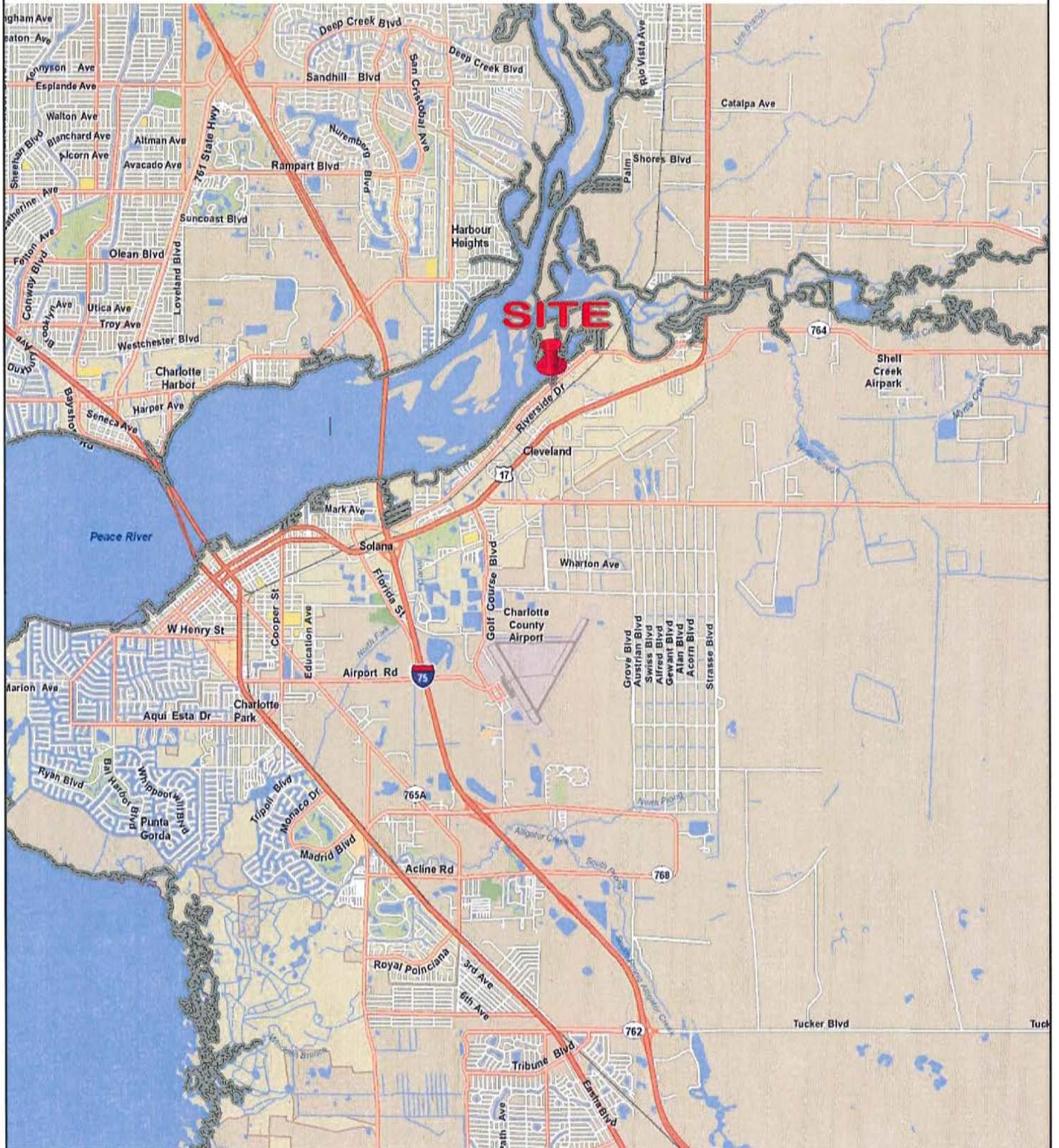
# CHARLOTTE COUNTY

## Location Map for SV-13-01-01

Charlotte County Government

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### 26/40/23 East County

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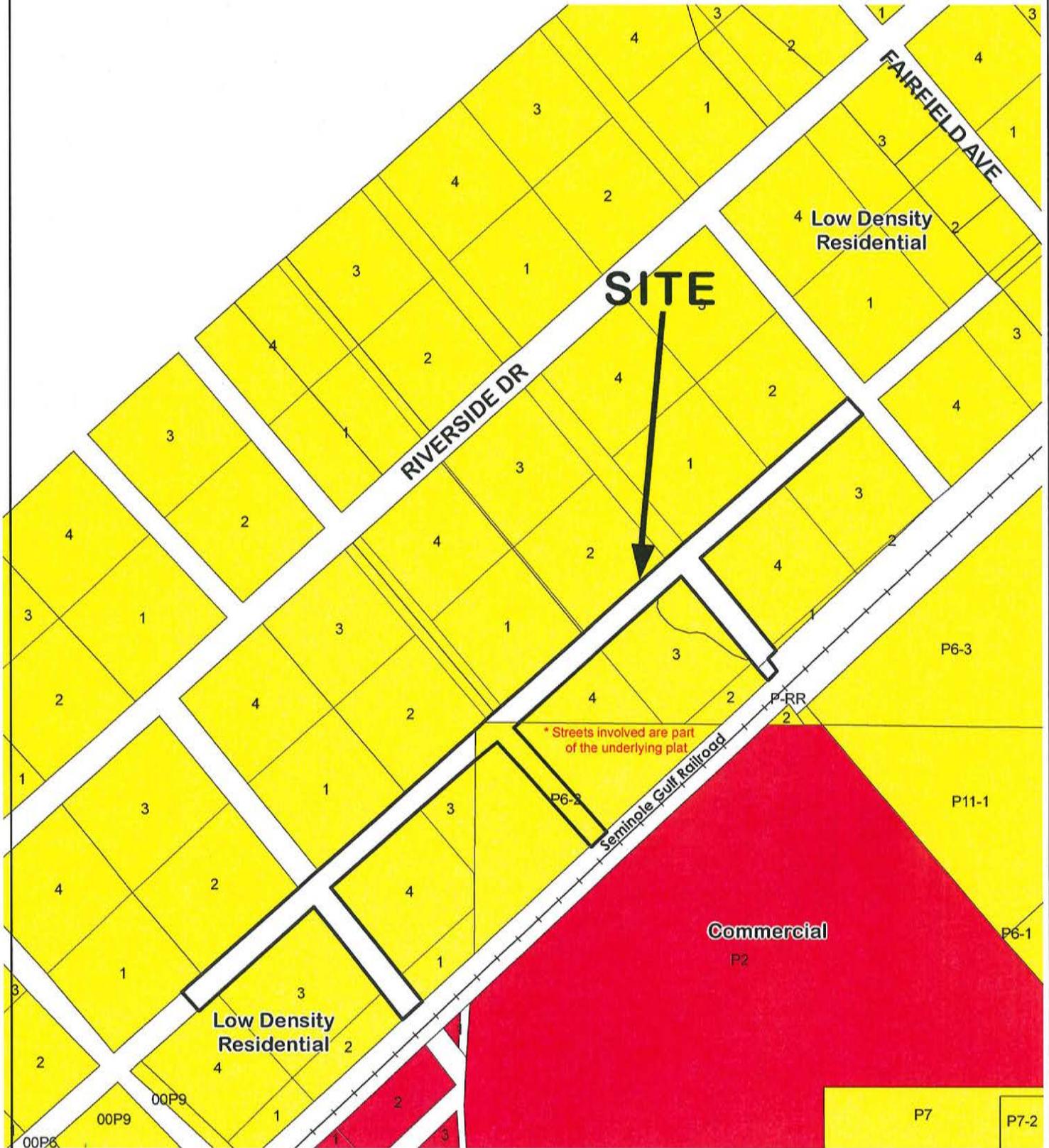
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Community Development

# CHARLOTTE COUNTY

## Flum Map for SV-13-01-01



### 26/40/23 East County

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NOT TO SCALE



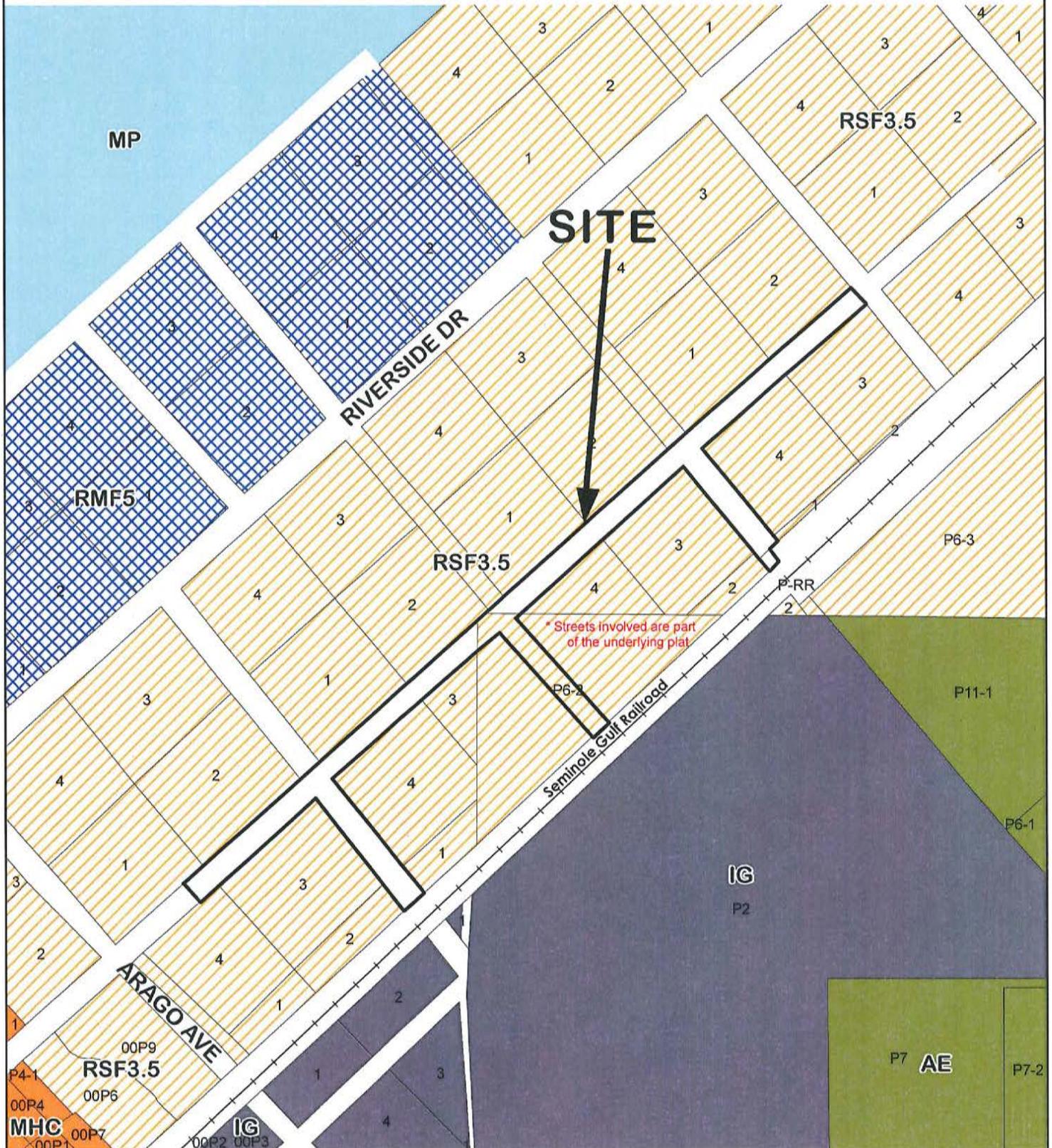
Community Development

# CHARLOTTE COUNTY Zoning Map for SV-13-01-01

Charlotte County Government

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## 26/40/23 East County

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CHARLOTTE COUNTY  
 BUILDING AND GROWTH MANAGEMENT DEPARTMENT

**STREET VACATION APPLICATION**

<b>Date Received:</b> 1/22/13	<b>Date of Log-in:</b> 1/22/13
<b>Petition #:</b> SV-13-01-01	<b>CAP #:</b> VST-13-00001
<b>Receipt #:</b> 103651	<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

<u>City: Punta Gorda</u>	<u>State: FL</u>	<u>Zip Code: 33982</u>
<u>Phone Number:</u>		<u>Fax Number:</u>
<u>Email Address:</u>		

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

**B. Name of Agent:** Geri L. Waksler, McCrory Law Firm

Mailing Address: 150 Laishley Ct., Suite 122

<u>City: Punta Gorda</u>	<u>State: FL</u>	<u>Zip Code: 33950</u>
<u>Phone Number: (941) 205-1122</u>		<u>Fax Number: (941) 205-1133</u>
<u>Email Address: geri@mccrorylaw.com</u>		

**C. Name of Surveyor:** Richard M. Ritz, RLS, Banks Engineering, Inc.

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

<u>City: Lake Suzy</u>	<u>State: FL</u>	<u>Zip Code: 34269</u>
<u>Phone Number: (941) 625-1165</u>		<u>Fax Number: (941) 625-1149</u>
<u>Email Address: rritz@bankseng.com</u>		

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

**4. Total acreage of street to be vacated:** 2.29± acres

**5. Commission District:** 1

**6. Purpose of request:**

The street vacation is requested to consolidate the land for the approved botanical and sculpture gardens.

# 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 22<sup>nd</sup> day of January, 2013, 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

Geri L. Waksler

Notary Printed Signature

Printed Signature of Applicant/Agent

Title

150 Laishley Ct., Suite 122  
Address

Commission Code

Punta Gorda, FL 33950  
City, State, Zip



(941) 205-1122  
Telephone Number

### APPLICANT AUTHORIZATION TO AGENT

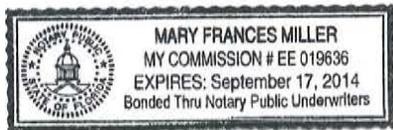
I, the undersigned, being first duly sworn, depose and say that I am the applicant for the Street Vacation of the property described and which is the subject matter of the proposed hearing.

I give authorization for Geri L. Waksler and McCrory Law Firm 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 January, 2013, Roger E. Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation, who is personally known to me or has/have produced U.S. Armed Services F.D. Card as identification and who did/did not take an oath.

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





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**OFFICIAL RECEIPT**

Trans Number : **103651**

Date Issued : 01/22/2013

Application No. : VST-13-00001

Project Name : N/A

Received From : Roger and Linda Tetrault Foundation

Address : 5950 Riverside Dr.  
Punta Gorda, FL, 33982

**PAYMENT INFO**

Method of Payment Fee / Description	Ref Doc	Amount Paid	Comment
<b>Check</b>			
STREET_VAC STREET VACATION	1208	\$1,315.00	
		<b>\$1,315.00</b>	Total Check

Total Receipt Amount: **\$1,315.00**

Change Due: \$0.00

Cashier ID : SANTIMAUROD

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Job Address
VST-13-00001	117016	\$1,315.00	

**Total Amount : \$1,315.00**

**Community Development Department**

18400 Murdock Circle | Port Charlotte, FL 33948

Vanguard® Prime  
Money Market Fund

ROGER E. AND LINDA A.  
TETRAULT FOUNDATION  
5950 RIVERSIDE DR.  
PUNTA GORDA FL 33982-1551

1208

DATE January 16, 2003

62-22/311

PAY TO THE ORDER OF CC BCC

\$ 1,315<sup>00</sup>/<sub>100</sub>

One Thousand Three Hundred Fifteen Dollars and no cents

DOLLARS  Security Features  
Included.  
Details on Back.

Payable Through  
Wachovia Bank, National Association  
Wilmington, DE 19803

NOT VALID FOR LESS THAN \$250.00

FOR \_\_\_\_\_

Roger Tetrault MP

⑈ 100300 1 208 1 ⑈ ⑆ 03 1 100 2 25 ⑆ 8 5880099933 2 1 3 ⑈

# EXHIBIT A

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

(TETRAULT ROAD VACATION)

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:

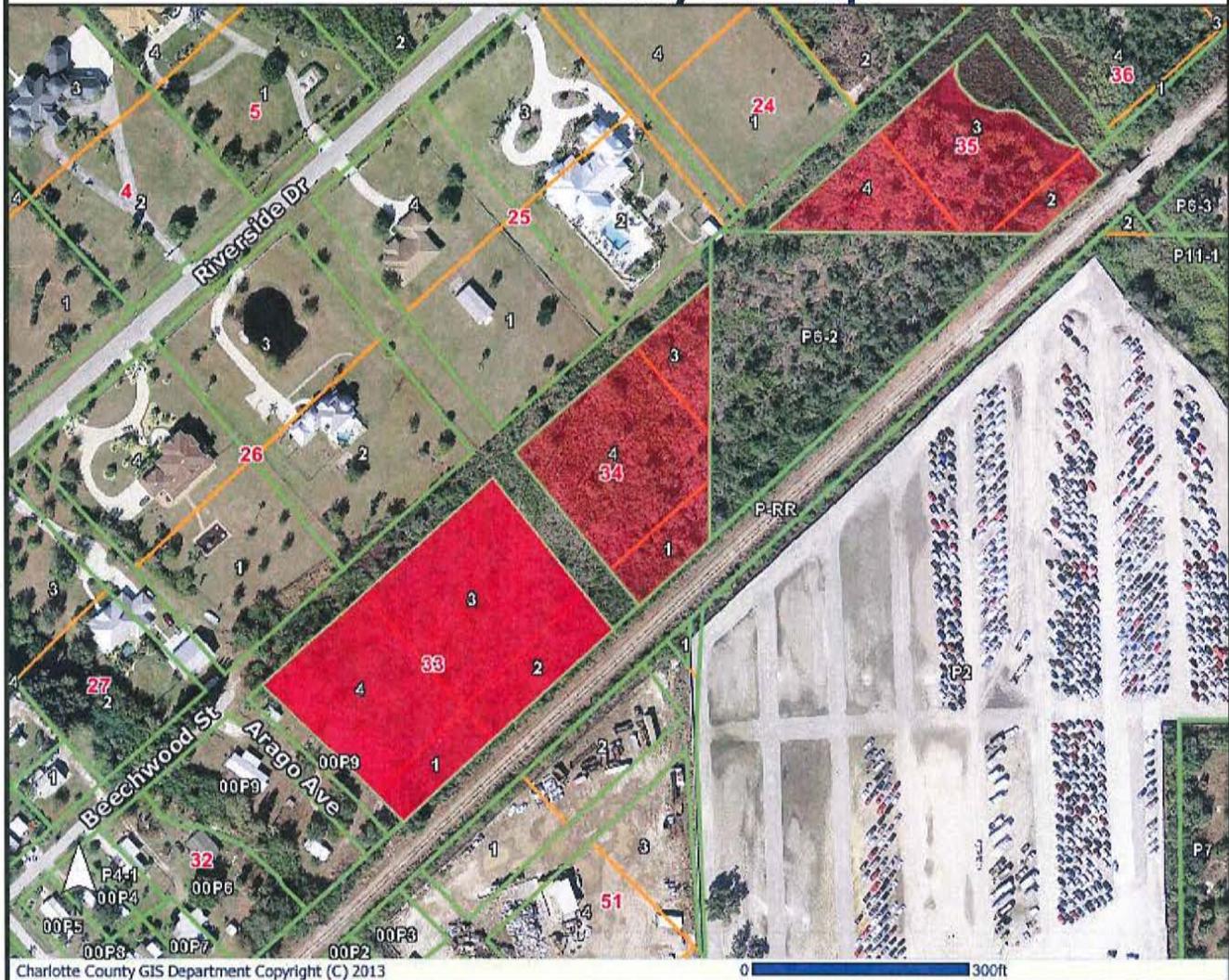
BEGINNING AT THE NORTHERLY MOST CORNER OF BLOCK 33 OF SAID SUBDIVISION AND THE SOUTHERLY RIGHT OF WAY LINE OF SECOND STREET; THENCE S.48°01'52"W. ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 286.46 FEET TO A POINT LYING N.48°01'52"E AT 131.00 FEET FROM THE WESTERLY MOST CORNER OF SAID BLOCK 33; THENCE N.41°58'08"W. CROSSING SAID RIGHT OF WAY OF SECOND STREET FOR 40.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SECOND STREET; THENCE N.48°01'52"E. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 1220.90 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 SAID WESTERLY RIGHT OF WAY LINE OF FOURTH AVENUE; THENCE N.41°57'13"W. ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 250.72 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF SECOND STREET; THENCE S.48°01'52"W. ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 417.04 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THIRD AVENUE; THENCE S.41°53'39"E. ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 258.84 FEET TO SAID NORTHERLY RAILROAD RIGHT OF WAY LINE; THENCE S.46°55'01"W. ALONG SAID RIGHT OF WAY LINE FOR 40.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID THIRD AVENUE; THENCE N.41°53'39"W. ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 259.62 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF SECOND STREET; THENCE S.48°01'52"W. ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 417.52 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 SAID RIGHT OF WAY LINE; THENCE S.46°55'01"W. ALONG SAID NORTHERLY LINE FOR 39.88 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID SECOND AVENUE; THENCE N.41°58'31"W. ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 268.51 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 96781.45 SQUARE FEET OR 2.22 ACRES, MORE OR LESS.

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



# Charlotte County GIS Map



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 Charlotte County GIS  
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 Port Charlotte, FL 33948

- Legend**
- Highlighted\_Feature
  - Selected\_Features
  - Accounts
  - Lots
  - Waterway Names

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# Charlotte County GIS Map



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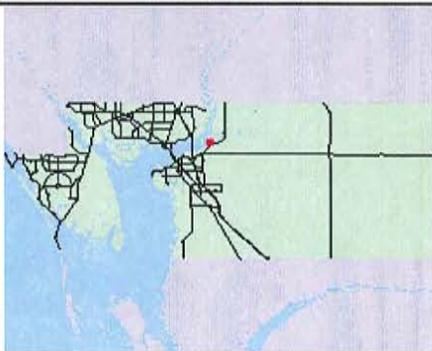
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# Charlotte County GIS Map



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0 200ft



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# Charlotte County GIS Map



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0 600ft



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**Street Vacation Application**  
**Applicant: Roger E. Tetrault as Trustee of the**  
**Roger E. and Linda A. Tetrault Foundation**

**Narrative Addressing FLU Policy 2.1.5**

FLU Policy 2.1.5 prohibits the County from vacating any public street that would constrain existing or potential access to the County's water bodies in absence of a public benefit. Approval of this street vacation will provide the required public benefit and increase the public's access to the creek within the site.

A tidal creek meanders through the proposed botanical and sculpture gardens. A small portion of this tidal creek is found within the Beechwood Street right-of-way. Currently, access to this portion of the creek requires traversing a large wetland. As part of the improvements for the botanical and sculpture gardens, the Tetrault Family Foundation will install a boardwalk throughout the property. Permits for this boardwalk have already been obtained from the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection. The boardwalk will only minimally impact the wetlands. These impacts will be offset with enhancements to other wetlands on the site. Additionally, a pier extending into the Peace River and a boardwalk over the tidal creek has already been constructed within Phase 1 of the park, located north of Riverside Drive.

The botanical and sculpture gardens in general, and the boardwalks, specifically, will provide far greater public access to the creek and its adjacent wetlands than the unimproved paper road ever will.

Further, Beechwood as it currently exists, has many oak trees which have grown large within the boundaries of the right-of-way. By vacating Beechwood, all of these large trees will be preserved.

This instrument prepared by and return to:  
Geri L. Waksler  
McCrary Law Firm  
150 Laishley Ct., Ste. 122  
Punta Gorda, FL 33950

## DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made this \_\_\_\_ day of \_\_\_\_\_, 2013 by Roger E. Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation, a Trust, a/k/a Restated Irrevocable Trust Agreement Roger E. and Linda A. Tetrault Foundation, recorded at O. R. Book 3403, Page 1524 of the Public Records of Charlotte County, Florida, whose address is 5950 Riverside Drive, Punta Gorda, Florida 33982, Robert W. Dwyer and Amy W. Dwyer, whose address is 5655 Riverside Drive, Punta Gorda, Florida 33982, Daniel Farris and Danielle P. Farris, whose address is 5995 Riverside Drive, Punta Gorda, FL 33982, Keith Rubin and Cindy Rebholz, whose address is 5705 Riverside Drive, Punta Gorda, FL 33982 and Paul G. Cleaver, whose address is 5755 Riverside Drive, Punta Gorda, FL 33982 hereinafter collectively referred to as "Owners."

WHEREAS, Owners are the fee title owner of that certain real property located in Charlotte County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Owners applied to Charlotte County to vacate the Property; and

WHEREAS, Charlotte County approved the vacation of the Property; and

WHEREAS, the Charlotte County Transfer of Density Units Ordinance ("TDU Ordinance") requires any owner of property petitioning the Board of County Commissioners for a street vacation to either transfer additional density to the owner's property or submit a restrictive covenant that limits the density of the property to that existing at the time of application; and

WHEREAS, Owners, in order to comply with the requirements of the TDU Ordinance, hereby place the following restrictive covenant on the use of the Property.

### NOW THEREFORE:

1. The recitals set forth above are true and correct and are incorporated into this restrictive covenant.

2. Owners hereby declare that the Property shall be held, maintained, transferred, sold, conveyed and owned subject to the following Restrictive Covenant:

(1) The Property shall have a base density of zero units per acre (0 units/acre).

3. Owners reserve all rights as owners of the Property, including the right to engage in uses of the Property that are not prohibited herein and that are not inconsistent with the intent and purposes of this Restrictive Covenant.

4. Except for the restrictive covenant described herein, Owners retain all rights afforded Owners pursuant to the Charlotte County Code of Ordinances and the 2050 Plan, as the same exist as of the date of the recording of this instrument.

5. This Declaration of Restrictive Covenant shall be recorded in the Public Records of Charlotte County, Florida and shall run with the Property, and be binding upon Owners, their heirs, successors and assigns.

6. Charlotte County, through its Board of County Commissioners, is the beneficiary of this restrictive covenants and Charlotte County may enforce this restrictive covenant by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of this restrictive covenant.

7. This Declaration of Restrictive Covenant shall only be amended with the consent of Charlotte County through its Board of County Commissioners.

8. Any failure of Charlotte County to enforce this restrictive covenant shall not be deemed a waiver of the right to do so thereafter.

9. This Declaration of Restrictive Covenant shall become effective upon recording in the Public Records of Charlotte County, Florida.

IN WITNESS WHEREOF, Owners have executed this Declaration of Restrictive Covenant on the date first above written.

|

THIS SPACE INTENTIONALLY  
LEFT BLANK

|









\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Paul G. Cleaver

\_\_\_\_\_  
Print Name: \_\_\_\_\_

County of \_\_\_\_\_  
State of Florida

This Declaration of Restrictive Covenant was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by Paul G. Cleaver, who is [ ] personally known to me or [ ] produced identification. Type of identification produced:  
\_\_\_\_\_

(Seal)

NOTARY PUBLIC

\_\_\_\_\_  
Print Name: \_\_\_\_\_

My Commission expires:

DRAFT

January \_\_\_\_\_, 2013

Steven A. Ellis, Planner II  
Charlotte County Growth Management  
Land Development Division  
18500 Murdock Circle, B-208  
Port Charlotte, FL 33948

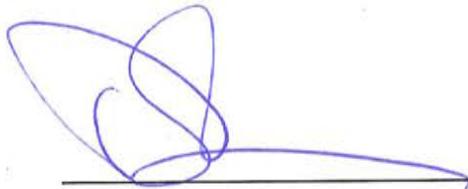
Re: Application to Vacate a Portion of Beechwood Street  
Applicant: Roger E. Tetrault as Trustee of the Roger E.  
and Linda A.  
Tetrault Foundation

Dear Mr. Ellis,

We are the owners of the property located at 5655 Riverside Drive. Roger Tetrault, Trustee has applied to vacate a portion of Beechwood Street adjacent to our rear property line.

As adjacent property owners, we have no objection to and authorize the vacation of this right-of-way pursuant to the application submitted by Roger Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation.

Very truly yours,



---

Robert W. Dwyer



STATE OF FLORIDA )

)

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2013, by Cindy Rebholz, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires:

January \_\_\_\_\_, 2013

Steven A. Ellis, Planner II  
Charlotte County Growth Management  
Land Development Division  
18500 Murdock Circle, B-208  
Port Charlotte, FL 33948

Re: Application to Vacate a Portion of Beechwood Street  
Applicant: Roger E. Tetrault as Trustee of the Roger E.  
and Linda A.  
Tetrault Foundation

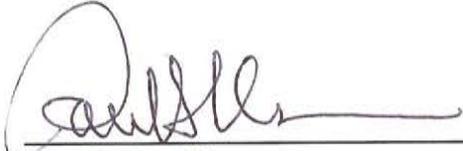
Dear Mr. Ellis,

I am the owner of the property located at 5755 Riverside Drive and the contract purchaser of the property located at 5801 Riverside Drive. Roger Tetrault, Trustee has applied to vacate a portion of Beechwood Street adjacent to our rear property line.

As the adjacent property owner, I have no objection to and

authorize the vacation of this right-of-way pursuant to the application submitted by Roger Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation.

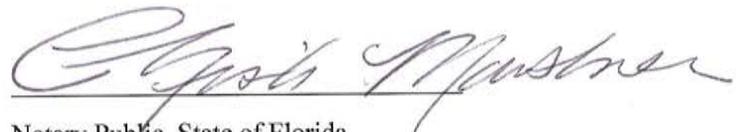
Very truly yours,

  
\_\_\_\_\_  
Paul G. Cleaver

STATE OF FLORIDA                    )  
  )  
COUNTY OF CHARLOTTE        )

The foregoing was acknowledged before me this 22 day of JANUARY, 2013, by Paul G. Cleaver, who is personally known to me or who has produced DRIVERS LICENSE as identification and who did not take an oath.



  
\_\_\_\_\_  
Notary Public, State of Florida

January \_\_\_\_\_, 2013

Steven A. Ellis, Planner II  
Charlotte County Growth Management  
Land Development Division  
18500 Murdock Circle, B-208  
Port Charlotte, FL 33948

Re: Application to Vacate a Portion of Beechwood Street  
Applicant: Roger E. Tetrault as Trustee of the Roger E. and Linda A.  
Tetrault Foundation

Dear Mr. Ellis,

We are the owners of the property located at 5705 Riverside Drive. Roger Tetrault, Trustee has applied to vacate a portion of Beechwood Street adjacent to our rear property line.

As adjacent property owners, we have no objection to and authorize the vacation of this right-of-way pursuant to the application submitted by Roger Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation.

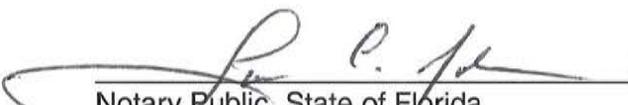
Very truly yours,

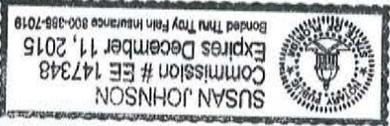
  
\_\_\_\_\_  
Keith Rubin

\_\_\_\_\_  
Cindy Rebholz

STATE OF FLORIDA        )  
  )  
COUNTY OF CHARLOTTE  )

The foregoing was acknowledged before me this 22<sup>nd</sup> day of JANUARY, 2013, by Keith Rubin, who is personally known to me or who has produced FL. DRIVERS LICENSE as identification and who did not take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires:



STATE OF FLORIDA        )  
  )  
COUNTY OF \_\_\_\_\_)

The foregoing was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2013,  
by Cindy Rebholz, who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires:

February 7th 2013

Steven A. Ellis, Planner II  
Charlotte County Growth Management  
Land Development Division  
18500 Murdock Circle, B-208  
Port Charlotte, FL 33948

Re: Application to Vacate a Portion of Beechwood Street  
Applicant: Roger E. Tetrault as Trustee of the Roger E. and Linda A.  
Tetrault Foundation

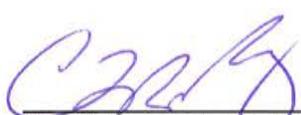
Dear Mr. Ellis,

We are the owners of the property located at 5705 Riverside Drive. Roger Tetrault, Trustee has applied to vacate a portion of Beechwood Street adjacent to our rear property line.

As adjacent property owners, we have no objection to and authorize the vacation of this right-of-way pursuant to the application submitted by Roger Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation.

Very truly yours,

\_\_\_\_\_  
Keith Rubin

  
\_\_\_\_\_  
Cynthia Rebhoiz-Rubin

STATE OF FLORIDA        )  
  )  
COUNTY OF \_\_\_\_\_)

The foregoing was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2013, by Keith Rubin, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires:

STATE OF FLORIDA     )  
  )  
COUNTY OF \_\_\_\_\_)

The foregoing was acknowledged before me this 7 day of February  
2013, by Cynthia Rebholz-Rubin, who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did not take an oath.

  
\_\_\_\_\_

Notary Public, State of Florida  
My Commission Expires:



January \_\_\_\_\_, 2013

Steven A. Ellis, Planner II  
Charlotte County Growth Management  
Land Development Division  
18500 Murdock Circle, B-208  
Port Charlotte, FL 33948

Re: Application to Vacate a Portion of Beechwood Street  
Applicant: Roger E. Tetrault as Trustee of the Roger E. and Linda A.  
Tetrault Foundation

Dear Mr. Ellis,

We are the owners of the property located at 5595 Riverside Drive. Roger Tetrault, Trustee has applied to vacate a portion of Beechwood Street adjacent to our rear property line.

As adjacent property owners, we have no objection to and authorize the vacation of this right-of-way pursuant to the application submitted by Roger Tetrault as Trustee of the Roger E. and Linda A. Tetrault Foundation.

Very truly yours,

Daniel Farris  
Daniel Farris

Danielle R. Farris  
Danielle R. Farris

STATE OF FLORIDA            )  
  )  
COUNTY OF FLORIDA    )

The foregoing was acknowledged before me this 8 day of FEBRUARY, 2013, by Daniel Farris, who is personally known to me or who has produced DRIVERS LICENSE as identification and who did not take an oath.



Christine Joy Marshman  
Notary Public, State of Florida  
My Commission Expires: 4/27/14

STATE OF FLORIDA        )  
  )  
COUNTY OF FLORIDA  )

The foregoing was acknowledged before me this 8 day of FEBRUARY, 2013,  
by Danielle R. Farris, who is personally known to me or who has produced  
DRIVERS LICENSE as identification and who did not take an oath.



*Christine Marshman*  
Notary Public, State of Florida  
My Commission Expires: 4-27-14



Florida Power & Light Company, 2245 Murphy Ct, North Port, FL 34289  
Phone: 941-423-4807, Fax: 941-423-4839

February 7, 2013

Charlotte County  
18400 Murdock Cir  
Pt. Charlotte, FL, 33948

Dear Stan Irish,

This letter is in response to your request for the release of a platted road right-of-way.

In meeting with your request, FPL has no objection to releasing our rights in the road right-of-way known as "parts of Second St, Second Ave, Third Ave, and Fourth Ave." in Plat Book Plat Book #1, Page Page #22 of the Public records of Charlotte County .

The release is restricted to the following description: parts of Second St, Second Ave, Third Ave, and Fourth Ave. in Section 26, Township 40S, and Range 23E

Should you have any questions or concerns, please do not hesitate to contact Candice Roll at 941-423-4807.

Sincerely,

A handwritten signature in blue ink that reads "Candice D. Roll".

Candice Roll



# Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com

## MEMORANDUM

**Date:** January 24, 2013

**To:** Monte Matarese, Property Appraiser's Office  
Venkat Vattikuti, Transportation  
Gary Pederzoli, GIS  
Ken Quillen, Zoning/Current Planning  
Jamie Scudera, Zoning/Environmental  
Gina Gilbreath, Engineering (5 copies)  
John MacDonald, LIS  
David Vance, LIS  
Gerry Collins, Addressing  
Debbie Alexander, Real Estate Services  
Chris D'Urso, Utilities  
Stan Irish, Land Development  
Steve Reager, ROW  
Inga Williams, Comprehensive Planning

**CC:** Diane Clin, Gayle Moore

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

**Subject:** Street Vacation application for  
March 11, 2013 P&Z / April 9, 2013 BCC

*FPL has NO  
facilities in these  
street vacations.*

SV-13-01-01 – Roger B. Tetrault

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

Please review the above-referenced petition and return your graphics, findings, and analysis to me as soon as possible (map graphics no later than February 26, 2013). 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.

**CHARLOTTE COUNTY COMMUNITY DEVELOPMENT  
Zoning**

18400 Murdock Circle, Port Charlotte, FL 33948  
Phone: 941-764-4954 | Fax: 941-743-1598



**INTEROFFICE MEMORANDUM**  
**Community Development**

**To: Steven Ellis**

**FROM: Gerry Collins**  
**Design Technician - Addressing**

**DATE: January 24, 2013**

**RE: Addressing Comments**  
**March 11, 2013 P&Z / April 9, 2013 BCC**

**SV-13-01-01 – Roger E. Tetrault**

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



## MEMORANDUM

**Date:** February 11, 2013  
**To:** Steven Ellis, Planner II  
**From:** Inga Williams, Principal Planner  
**Subject:** SV-13-01-01, Roger Tetrault

---

The applicant has submitted a draft restrictive covenant that limits density of the property to be vacated to zero. Upon approval of the covenant by the County Attorney's Office, this street vacation will be in compliance with the Transfer of Density Units ordinance.

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. The applicant has stated in the application that permits from U.S. Army Corps of Engineers and the Florida Department of Environmental Protection have been obtained for a boardwalk over the wetlands and creek, which are currently inaccessible in this part of the subject site. It is my opinion that a public benefit does exist as the vacation of this right-of-way will facilitate public access to the creek through the development of the botanical gardens, which will be an amenity to the community.

## Ellis, Steven

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**From:** Pederzoli, Gary  
**Sent:** Wednesday, February 06, 2013 2:23 PM  
**To:** Ellis, Steven  
**Subject:** RE: SV-13-01-01, Tetrault

I do not see any issues with the vacation. Steve Ford , the County Surveyor, is not on the list of review staff. In the past he was also reviewing any land changes.

---

**From:** Ellis, Steven  
**Sent:** Thursday, January 24, 2013 11:03 AM  
**To:** Matarese, Monte; Vattikuti, Venkat; Pederzoli, Gary; Quillen, Ken; Scudera, Jamie; Gilbreath, Gina; MacDonald, John; Vance, David; Collins, Gerry; Alexander, Debbie; D'Urso, Chris; Irish, Stan; Reager, Steve; Williams, Inga  
**Cc:** Cullinan, Shaun; Clim, Diane; Moore, Gayle  
**Subject:** SV-13-01-01, Tetrault

Please review attached material.

Thanks,

Steven A. Ellis, Planner II  
Community Development Department  
Zoning Division  
18400 Murdock Circle  
Port Charlotte, FL 33948  
Voice: 941-764-4954  
Fax: 941-743-1598  
[www.charlottecountyfl.gov](http://www.charlottecountyfl.gov)

***"To be the energy in making Charlotte County a beautiful and enriching place to live."***



February 4, 2013

Stan Irish  
Community Development  
Right of Way/ Stormwater  
18400 Murdock Circle  
Port Charlotte, FL 33948-1074

**Re: Petition to vacate Portions of Second Ave. (aka Bagley Ave.),  
Third Ave., Fourth Ave. (aka Dale Ave.) and Second St.  
(aka Beechwood St.) = 2.29 acres.  
Property ID #: 402326356001; 402326376001; 402326332001;  
402326329001**

Dear Stan Irish

After review your request to vacate this Propertys, Comcast has been determined that.

Comcast Cable does not object to the request to vacate the 2.29 acres in question.

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 dark ink, appearing to read "Gonzalo Rojas".

Gonzalo Rojas  
Specl 2, Construction

## **Ellis, Steven**

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**From:** Alexander, Debbie  
**Sent:** Friday, January 25, 2013 2:27 PM  
**To:** Ellis, Steven; Gilbreath, Gina; Grossman, Gary; Searfoss, Bill; Ford, Steven; Carson, Robert; Ouimet, Jason; Purcell, Don; Doll, Richard  
**Cc:** Payette, Paul; Gibson, Michael; Campitelli, Albert  
**Subject:** SV 13-01-01 Roger Tetrault

No comments.

### **Debra F. Alexander**

Real Estate Specialist I  
Real Estate Services Division  
Budget and Administrative Services Department  
Charlotte County Government  
(941) 764-5589  
(941) 764 5591 (Fax)

[www.Debbie.Alexander@charlottefl.com](mailto:www.Debbie.Alexander@charlottefl.com)

"To Exceed Expectations in the Delivery of  
Public Services"



## MEMORANDUM

To: Steven Ellis, Planner II  
From: Ken Quillen, AICP, Planner III  
Date: February 14, 2013  
Subject: Review of proposed Street Vacation; file number: **SV-13-01-01**

---

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

**Zoning:** All of the adjacent land is zoned Residential Singlefamily-3.5 (RSF-3.5). This zoning classification is intended to accommodate low density residential uses, such as single-family residences. A Special Exception was granted by the Board of Zoning Appeals on April 9, 2008 to allow a private park consisting of a botanical and sculpture gardens in the RSF-3.5 zoning district. A time extension for this special exception has been approved, which extends the expiration date to January 28, 2017.

**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