

Application No.
SV-12-02-01
(Street Vacation)

Applicant
Susan Whitney /
Portion of Gallagher Blvd.

Legislative

Commission Dist. IV



MEMORANDUM

Date: March 19, 2012

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

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

Subject: SV-12-02-01, Street Vacation, Portion of Gallagher Boulevard
Susan Whitney

Susan Whitney has applied to vacate the portion of Gallagher Boulevard that ends at the Myakka River, east of the intersection with Duprell Terrace, a total of 0.10 acres, more or less, as recorded in Plat Book 5, Pages 68-A through 68-E, located in Section 32, Township 40 South, Range 21 East, in Commission District IV.

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.

Addressing has reviewed the application and had no comments.

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

- 1) Gallagher Boulevard was dedicated as a 25-foot wide half right-of-way in the plat of Port Charlotte Subdivision, Section 54, located in section 32.
- 2) None of the existing right-of-way for Gallagher Boulevard was a part of the Myakka City Subdivision, located adjacent to the north in section 29. The Myakka City subdivision plat was recorded in 1886, and vacated in its entirety in 2003.
- 3) The north line of Gallagher Blvd. is also the north line of section 32 and the south line of section 29.

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT
Engineering

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

- 4) The land within the proposed street vacation should revert back to the owner of the adjacent property, which is Lot 1, of Block 1864, of Port Charlotte Subdivision, Section 54.
- 5) The land within the proposed street vacation should be assigned a zoning classification of Residential Single-family-3.5 (RSF-3.5), the same as the adjacent Lot 1.

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.

Zoning/Environmental has reviewed the application and had no comments.

Real Estate Services has reviewed the application and had no objections.

GIS has reviewed the application and had no objections.

CCU has reviewed the application and had no objections.

Community Services has reviewed the application and had the following comments:

Community Services – Parks and Natural Resources feels vacation of this property is not in the best interest of Charlotte County because:

- (1) FLU Policy 2.1.5 Access to Public Water Bodies
- (2) Because of its location, this site may be used by the local community for water access
- (3) The adjacent property to the north is a 137-acre site belonging to Charlotte County and potentially a future recreation facility

Engineering has reviewed the application and had no comments.

Comprehensive Planning has reviewed the application and had the following objections:

- A. The applicants state that the setback from the existing property line compromises their new home design. This is not a valid issue as the new home should be able to be designed to conform to existing property lines and setback requirements.
- B. The applicants state that they would like to assume the responsibility of the sea wall and palm tree maintenance. Ownership of one-half of the vacated right-of-way will be given to the County. This includes a majority of the sea wall. The applicants' responsibility for the sea wall would remain the same after the vacation as before the vacation, with a just a little bit more the sea wall under their ownership. Therefore this purpose will not be achieved.
- C. The vacation is inconsistent with Smart Charlotte 2050.

FLU Policy 2.1.5 Access to Public Water Bodies

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 water bodies in the absence of public benefit.

There is no public benefit for the vacation of this right-of-way.

RECOMMENDATION

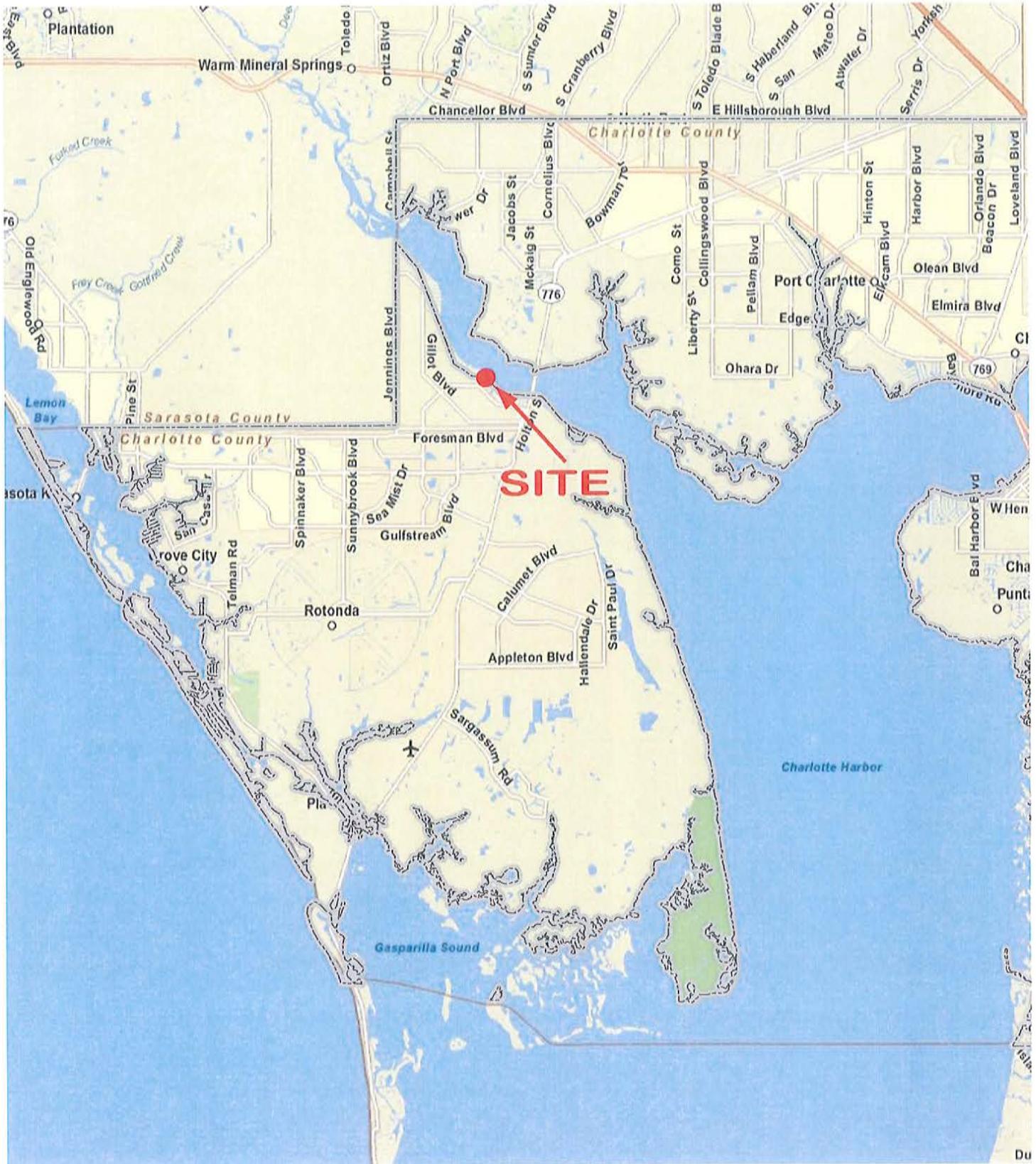
Community Development recommends denial of SV-12-02-01 due to the loss of public access to a water body without an acceptable off-setting public benefit.



Open for Business

SV-12-02-01 GALLAGHER BLVD General Area Map

Map Prepared By
Charlotte County
Community Development
Department



32/40/21 West 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 guaranties, 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. Created 03-07-2012





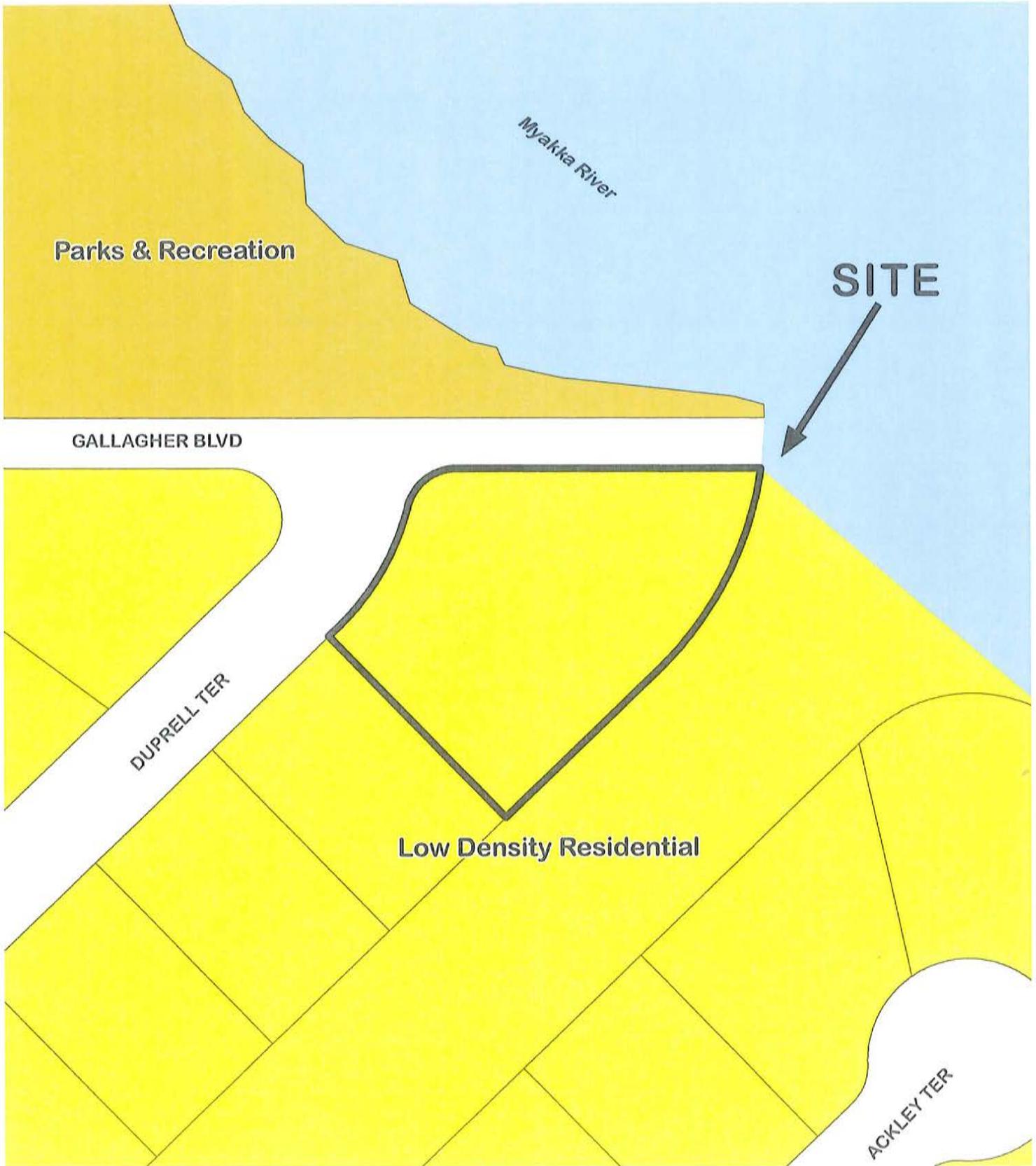
SV-12-02-01



Open
for Business

SV-12-02-01
GALLAGHER BLVD
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



32/40/21 West County

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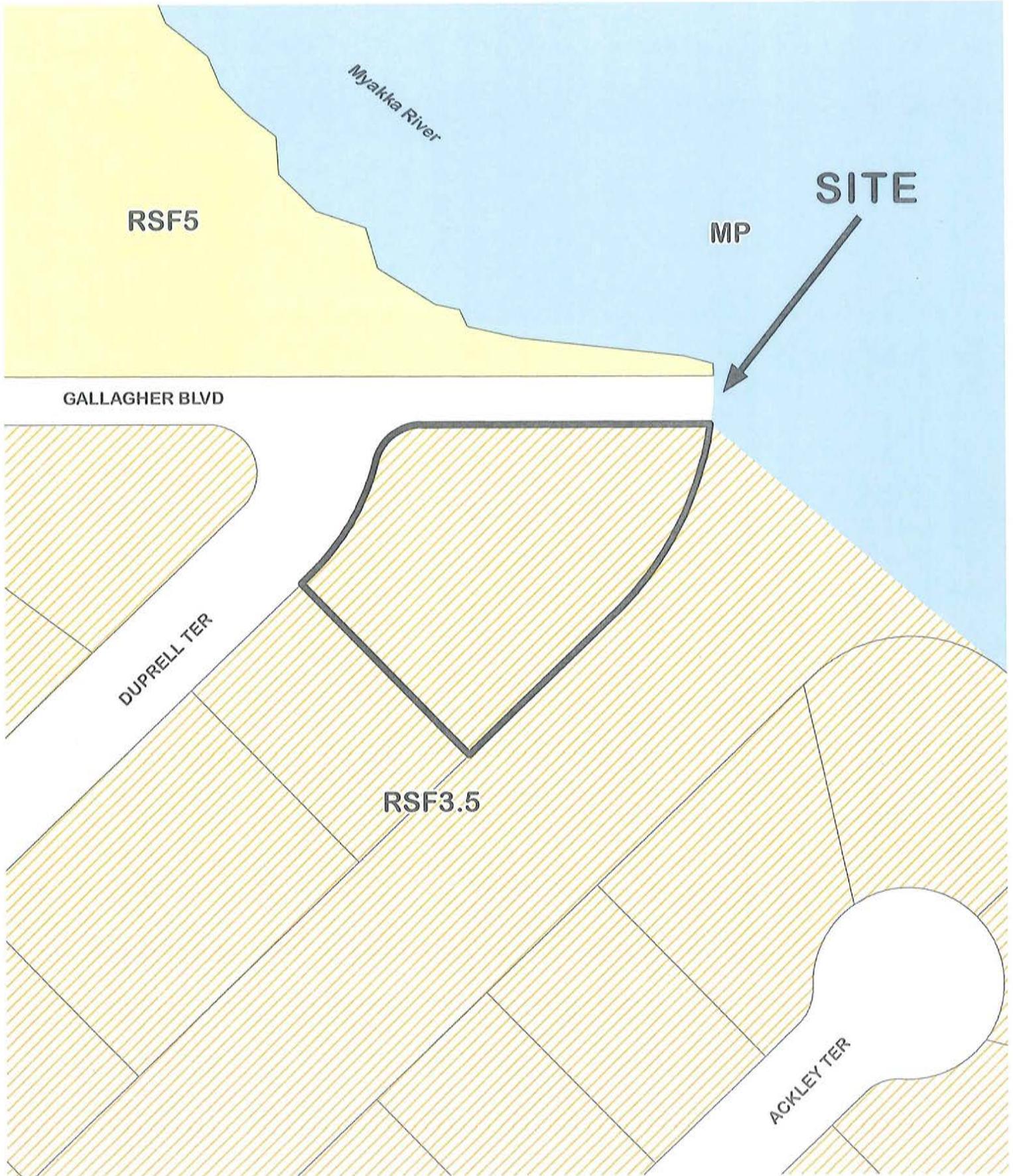




Open
for Business

SV-12-02-01
GALLAGHER BLVD
Zoning Districts

Map Prepared By
Charlotte County
Community Development
Department



32/40/21 West County

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CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

STREET VACATION APPLICATION

Date Received: 2/14/12	Date of Log-in: 2/15/12
Petition #: SV-12-02-01	
Receipt #: 78070	Amount Paid: \$1,315.00

1. Name of street(s) to be vacated: GALLAGHER BOULEVARD
(25 FOOT PUBLIC RIGHT-OF-WAY EAST OF DUPRELL TERRACE)

2. Parties involved in the application

A. Name of Applicant*: SUSAN WHITNEY
Mailing Address: 5073 ACKLEY TERRACE
City: PORT CHARLOTTE State: FL Zip Code: 33981
Phone Number: 941-698-0029 Fax Number: ---
Email Address: swhitney331@comcast.net

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

B. Name of Agent: STEPHEN Q. WHITNEY
Mailing Address: 5073 ACKLEY TERRACE
City: PORT CHARLOTTE State: FL Zip Code: 33981
Phone Number: 941-698-0029 Fax Number: ---
Email Address: swhitney331@comcast.net

C. Name of Surveyor: TIMOTHY A. TERHUNE, P.S.M.
Mailing Address: 1990 ALLEN STREET
City: ENGLEWOOD State: FL Zip Code: 34223
Phone Number: 941-474-4300 Fax Number: 941-473-6655
Email Address: _____

3. Applicant's Property ID #: 402132203001 (5010 DUPRELL TER)
4. Total acreage of street to be vacated: 0.10 ACRES
5. Commission District: 4

6. Purpose of request:

THE GALLAGHER SETBACK COMPROMISES OUR NEW HOME DESIGN. IN ADDITION, SINCE THIS PROPERTY IS VIRTUALLY AN EXTENSION OF OUR RIVER FRONT YARD, WE WOULD LIKE TO ASSUME THE RESPONSIBILITY OF THE NECESSARY SEA WALL AND PALM TREE MAINTENANCE, LAWN CARE AND ADDITIONAL LANDSCAPING.

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 Sarasota

The foregoing instrument was acknowledged before me this 14 day of Feb, 2012, by Stephen Whitney who is personally known to me or has/have produced FLDL as identification and who did/did not take an oath.

Kristina Michelle Burch
Notary Public Signature

Stephen Q. Whitney
Signature of Applicant/Agent

KRISTINA Michelle Burch
Notary Printed Signature

STEPHEN Q. WHITNEY
Printed Signature of Applicant/Agent

Notary Public State of FL
Title

5073 ACKLEY TERRACE
Address

EE 24389
Commission Code

PORT CHARLOTTE FL 33981
City, State, Zip

941.698.0029
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 Stephen Q. Whitney to be my agent for this application.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 9th day of February, 2012, by Susan Whitney who is personally known to me or has/have produced FDL W350790467060 as identification and who did/did not take an oath.

Lara MacIntyre
Notary Public Signature

Susan Whitney
Signature of Applicant

LARA MacIntyre
Notary Printed Signature

Susan Whitney
Printed Signature of Applicant

Notary Public
Title

5073 Ackley Terrace
Address

EE112439
Commission Code

Port Charlotte, FL 33981
City, State, Zip

941 698-0029
Telephone Number



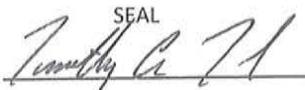
Legal Description of:

A portion of Gallagher Boulevard lying East of Duprell Avenue, in Port Charlotte Subdivision, Section 54, as per the plat thereof recorded in Plat Book 5, Pages 68-A through 68-E, of the Public Records of Charlotte County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of Duprell Terrace (50' Right-Of-Way) and the Northerly right-of-way line of Gallagher Boulevard (25' Right-Of-Way), Port Charlotte Subdivision, Section 54, as per Plat thereof recorded in Plat Book 5, Pages 68-A through 68-E, of the Public Records of Charlotte County, Florida; thence South 89°57'06" East, along said Northerly right-of-way line, for a distance of 25.00 Feet to a point intersecting said Northerly right-of-way line of Gallagher Boulevard and the Easterly right-of-way line of Duprell Terrace extended, for the Point of Beginning; thence continue South 89°57'06" East, along said Northerly right-of-way line of Gallagher Boulevard, for a distance of 171.75 Feet, to the Westerly right-of-way line of the Duprell Waterway (95' Right-Of-Way); thence along the Westerly right-of-way line of Duprell Waterway, and along the arc of a curve concave to the West, said curve having a radius of 175.00 Feet, a central angle of 08°12'48", and a chord bearing of South 04°09'24" West, for a distance of 25.09 Feet; thence North 89°57'06" West, along the South right-of-way line of Gallagher Boulevard, for a distance of 149.35 Feet to the point of curvature of a curve concave to the Southeast, said curve having a radius of 25.00 Feet, a central angle of 76°05'09", and a chord bearing of South 52°00'20" West, for a distance of 33.20 Feet to the Easterly right-of-way line of Duprell Terrace, and to the intersection of a curve concave to the West, said curve having a radius of 125.00 Feet, a central angle of 13°54'51", and a chord bearing of South 07°00'20" West, for a distance of 30.36 Feet to the point of tangent of said curve; thence North 00°02'54" East, for a distance of 13.93 Feet, to the Point of Beginning, all lying and being in Section 32, Township 40 South, Range 21 East, Charlotte County, Florida. (Containing 4,364.36 Square Feet, More or Less)

This Description Prepared by Timothy A. Terhune, PSM - Florida License No. LS 6060

TCTS Land Surveying
1990 Allen Street
Englewood, Florida 34223
Ph: (941) 474-4300

SEAL


February 10, 2012

Timothy Terhune, PSM

L.S. 6060

Charlotte County GIS Map



Charlotte County GIS Department Copyright (C) 2012

0 200ft



Copyright 2012
 Charlotte County GIS
 18500 Murdock Circle
 Port Charlotte, FL 33948

- Legend**
-  Accounts
 -  Lots
 -  Waterway Names

DISCLAIMER : 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 guaranties, 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. C.C.G.I.S. maintains a record regarding the methods used to produce this map and can be furnished upon request.



Charlotte County Government

"To exceed expectations in the delivery of public services"

www.charlottecountyfl.com

OFFICIAL RECEIPT

Trans Number : **78070**

Date Issued : 02/15/2012

Application No. : VST-12-00001

Project Name : N/A

Received From : Mr. S. Whitney

Applicant : Susan Whitney

DBA : Susan Whitney

Address : 5073 Ackley Terrace

Port Charlotte, FL, 33981

PAYMENT INFO

Method of Payment Fee / Description	Ref Doc	Amount Paid	Comment
Check			
STREET_VAC STREET VACATION	196	\$1,315.00	
		\$1,315.00	Total Check

Cashier ID : DALTONR

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

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Job Address
VST-12-00001	85265	\$1,315.00	
Total Amount :		\$1,315.00	

Community Development Department

18400 Murdock Circle | Port Charlotte, FL 33948

MR. or MRS. S. WHITNEY
5073 ACKLEY TERRACE
PORT CHARLOTTE, FL 33981

196

FEB 14 20 12

74-545/724

PAY
TO THE
ORDER OF

CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS \$ 1,315 00

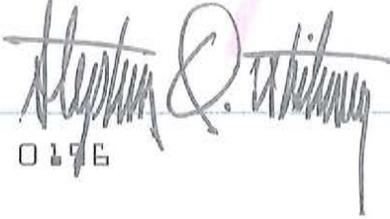
ONE THOUSAND THREE HUNDRED FIFTEEN & 00/100

DOLLARS

 Security Features
are included.
Details on back.

FIFTH THIRD BANK

FOR STREET VALUATION APPLICATION

 NP

⑆072405455⑆ 7913248865⑈ 0196

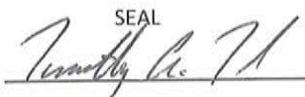
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TCTS Land Surveying
1990 Allen Street
Englewood, Florida 34223
Ph: (941) 474-4300

SEAL


February 10, 2012

Timothy Terhune, PSM

L.S. 6060



MEMORANDUM

Date: March 16, 2012
To: Steven A. Ellis, Planner II
From:  John Jackson, Director Community Services
Subject: SV-12-02-11

Community Services – Parks and Natural Resources feels vacation of this property is not in the best interest of Charlotte County because:

1. FLU Policy 2.1.5 Access to Public Water Bodies
2. Because of its location, this site may be used by the local community for water access
3. The adjacent property to the north is a 137 acre site belonging to Charlotte County and potentially a future recreation facility

COMMUNITY SERVICES

Administration

2050 Forrest Nelson Blvd. | Port Charlotte, FL 33952
Phone: 941.625.7529 | Fax: 941.235.5020



MEMORANDUM

Date: February 29, 2012
To: Steven Ellis, Planner II
From: Inga Williams, Principal Planner
Subject: SV-12-02-01, Gallagher Boulevard

Comprehensive Planning has objections to this vacation.

Item #1: The applicants state that the setback from the existing property line compromises their new home design. This is not a valid issue as the new home should be able to be designed to conform to existing property lines and setback requirements.

Item #2: The applicants state that they would like to assume the responsibility of the sea wall and palm tree maintenance. Ownership of one-half of the vacated right-of-way will be given to the County. This includes a majority of the sea wall. The applicants' responsibility for the sea wall would remain the same after the vacation as before the vacation, with a just a little bit more the sea wall under their ownership. Therefore this purpose will not be achieved.

Item #3: The vacation is inconsistent with Smart Charlotte 2050.

FLU Policy 2.1.5 Access to Public Water Bodies

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 water bodies in the absence of public benefit.

There is no public benefit for the vacation of this right-of-way.



MEMORANDUM

To: Steven Ellis, Planner II
From: Ken Quillen, AICP, Planner III
Date: March 1, 2012
Subject: Review of proposed Street Vacation; file number: **SV-12-02-01**

Below are comments from the Zoning Division regarding the proposed Street Vacation of a portion of Gallagher Boulevard located in the recorded plat of **Port Charlotte Subdivision, Section 54**, all located in Section 32, Township 40 South, Range 21 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, such as single-family residential.

FLUM: The area south of Gallagher Boulevard, including the applicant's property, has a Future Land Use Map (FLUM) designation of Low-Density Residential. The area north of Gallagher Boulevard has a Future Land Use Map (FLUM) designation of Parks and Recreation, which is Charlotte County parkland.

Flood Zone: The areas involved in the proposed street vacations lies in the 8AE Flood Zone. This area is also located in the Storm Serge Evacuation Zone "A".

Comments:

- 1) Gallagher Boulevard was dedicated as a 25-foot wide half right-of-way in the plat of Port Charlotte Subdivision, Section 54, located in section 32.
- 2) None of the existing right-of-way for Gallagher Boulevard was a part of the Myakka City Subdivision, located adjacent to the north in section 29. The Myakka City subdivision plat was recorded in 1886, and vacated in its entirety in 2003.
- 3) The north line of Gallagher Blvd. is also the north line of section 32 and the south line of section 29.

(continued on page 2)

- 4) The land within the proposed street vacation should revert back to the owner of the adjacent property, which is Lot 1, of Block 1864, of Port Charlotte Subdivision, Section 54.
- 5) The land within the proposed street vacation should be assigned a zoning classification of Residential Single-family-3.5 (RSF-3.5), the same as the adjacent Lot 1.

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
Community Development

To: Steven Ellis

FROM: Gerry Collins
Address Technician

DATE: February 21, 2012

RE: Addressing Comments
April 9, 2012 P&Z / May 15, 2012 BCC

SV-12-02-01 – Susan Whitney – Gallagher Blvd.

I have no comment on this application.

Ellis, Steven

From: Pederzoli, Gary
Sent: Wednesday, February 22, 2012 9:43 AM
To: Ellis, Steven
Subject: RE: SV-12-02-01, Gallagher Blvd.

Steven,

I do not see any problems with the vacation of Gallagher Blvd.

From: Ellis, Steven
Sent: Friday, February 17, 2012 4:40 PM
To: Matarese, Monte; Vattikuti, Venkat; Pederzoli, Gary; Quillen, Ken; Scudera, Jamie; MacDonald, John; Vance, David; Collins, Gerry; Alexander, Debbie; DURso, Chris; Irish, Stan; Williams, Inga
Cc: Gilbreath, Gina; Moore, Gayle
Subject: SV-12-02-01, Gallagher Blvd.

Please see attached memo & application package.

Steven A. Ellis, Planner II
Community Development Department
Engineering Division
18400 Murdock Circle
Port Charlotte, FL 33948
Voice: 941-764-4954
Fax: 941-764-4905
www.charlottecountyfl.com

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

Ellis, Steven

From: Alexander, Debbie
Sent: Friday, February 24, 2012 10:25 AM
To: Ellis, Steven; Gilbreath, Gina; Searfoss, Bill; DeGiovine, John; Ford, Steven; Carson, Robert; Purcell, Don; Doll, Richard; Grossman, Gary
Cc: Payette, Paul; Gibson, Michael; Campitelli, Albert
Subject: P&Z Review - Street Vacations - Whitney & Frey

SV-12-02-01 Susan Whitney
No objection

SV-12-02-02 – Thomas Frey
No objection.

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
"To Exceed Expectations in the Delivery of
Public Services"



March 6, 2012

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

**Re: Petition to vacate a portion of Gallagher Boulevard lying East of Duprell Ave.
In Port Charlotte Subdivision, section 54, as per the plat thereof recorded in
Plat Book 5, Pages 68-A through 68-E, of the Public Records of Charlotte Co.
SVC-12-02-01**

Dear Mr. Irish

After review your request to vacate portion of utility easement
has been determined that
Comcast Cable does not object to the request to vacate the easement 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 black ink, appearing to read 'Gonzalo Rojas'.

Gonzalo Rojas
Spec 2, Construction