

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

Applicant
Thomas Frey /
Portion of Siesta Dr.

Legislative

Commission Dist. II



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-12-02-02, Street Vacation, Portion of Siesta Drive
Thomas Frey

Thomas Frey has applied to vacate the portion of Siesta Drive that meets Morningside Drive between Lot 1, Block 204, and Lots 1-3, Block 202, of Tropical Gulf Acres Unit Ten, as recorded in Plat Book 4, Pages 76-A through 76-N, a total of 0.18 acres, more or less, located in Section 11, Township 42 South, Range 23 East, in Commission District II.

The applicant owns the abutting lots on both sides of the proposed vacation, which lies within the boundaries of the Urban Service Area. The Future Land Use Map designation on the east side is Commercial, and Low Density Residential on the west side. The Zoning District is Commercial Intensive (CI) on the east side, and Residential Multi-family 5 (RMF-5) on the west side. It lies within flood zone D and Storm Surge Evacuation Zone D.

Addressing has reviewed the application and had no comments.

Zoning/Current Planning objects to SV-12-02-02, and had the following comments:

- 1) The vacation of this street segment of Siesta Drive would be contrary to the Subdivision Regulations of Charlotte County as described below:
 - a. Section 3-7-101(b) states that: "...the layout of streets in a new subdivision of undeveloped land shall address the appropriateness and need for a street connection to provide for access between the new subdivision and abutting subdivisions or tracts of land." Siesta Drive was laid out and

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT

Engineering

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

platted to meet this requirement of code and provides the only street access to the adjacent property to the south. The proposed street vacation is contrary to this requirement of code.

- b. Section 3-7-101(b)(2) states that: *“Where the abutting tract of land is landlocked, the new subdivision shall, when determined to be in the public interest, be required to provide an easement between the lot line of the abutting tract and a street of the new subdivision, so that the abutting tract may have access to a public street.”* The abutting tract of land to the south is landlocked except for the existing Siesta Drive right-of-way. Siesta Drive was dedicated to provide the only access to the adjacent property to the south. The proposed street vacation is contrary to this requirement of code.
- c. Section 3-7-101(b)(2)c states that: *“If the developer of the new subdivision provides a street stub and cul-de-sac or temporary turn-around at such easement, the developer of the abutting tract shall be required to properly finish the street construction when the tie-in is made.”* Siesta Drive was laid out, platted and dedicated to meet this requirement of code by the developer of Tropical Gulf Acres. The required street improvements to this street will be required by the developer of the property to the south. The proposed street vacation will eliminate this only link to the adjacent landlocked property to the south.
- d. Section 3-7-101(d) states that: *“Where a subdivision abuts or contains existing or proposed arterial streets, service roads shall be required and provided by the developer.”* The adjacent undeveloped property to the south is also located adjacent to Tamiami Trail (U.S. Highway 41), which is an existing arterial street. As such, a “frontage” or “service” road, such as Siesta Drive, will be required whenever this property is developed. The proposed vacation of the Siesta Drive stub street will eliminate this planned service road linkage. This would result in local traffic being forced onto Tamiami Trail, which is contrary to the intent and requirements of the Subdivision Ordinance.

- 2) The property located to the south of Siesta Drive could be developed as a single-family residential subdivision and this street should be retained to provide access to this parcel and allow adequate traffic circulation in this area.

The Current Planning and Zoning Division objects to the proposed street vacation and recommends denial of the requested street vacation.

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

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

CCU has reviewed the application and had no comments.

GIS has reviewed the application and had the following comments:

According to the January 2011 aerials, on the GIS web-site, there appears to be a cell or radio tower in the r-o-w. In the [draft] resolution on page 13 it states between blocks 202 and 203. It should state between blocks 202 and 204.

Engineering has reviewed the application and had no comments.

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

Florida Power & Light has overhead facilities in the area of the proposed vacation (tower). An easement from the applicant is required.

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

One half of the acreage of the vacated right-of-way will accrue to a residentially zoned lot, Lot 1 in Block 204. This lot is zoned RMF-5 and contains approximately 7,800 square feet. The addition of 3,920 square feet will bring the total size of that lot to approximately 11,720 square feet. This still only allows one unit of density to be developed on the residential lot and so no TDU issues are created.

RECOMMENDATION

Community Development recommends approval of Petition #SV-12-02-02 with the following condition:

1. The applicant must provide an easement to Florida Power & Light for their overhead facilities in the area of the Street Vacation prior to the recording of the approving Resolution.



Open for Business

SV-12-02-02 SIESTA DR General Area Map

Map Prepared By
Charlotte County
Community Development
Department



11/44/23 South 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. Prepared 03-09-2012 by Nancy V





SITE

TAMIAMI TRL

SIESTA DR

MORNINGSTAR DR

GUCCI DR

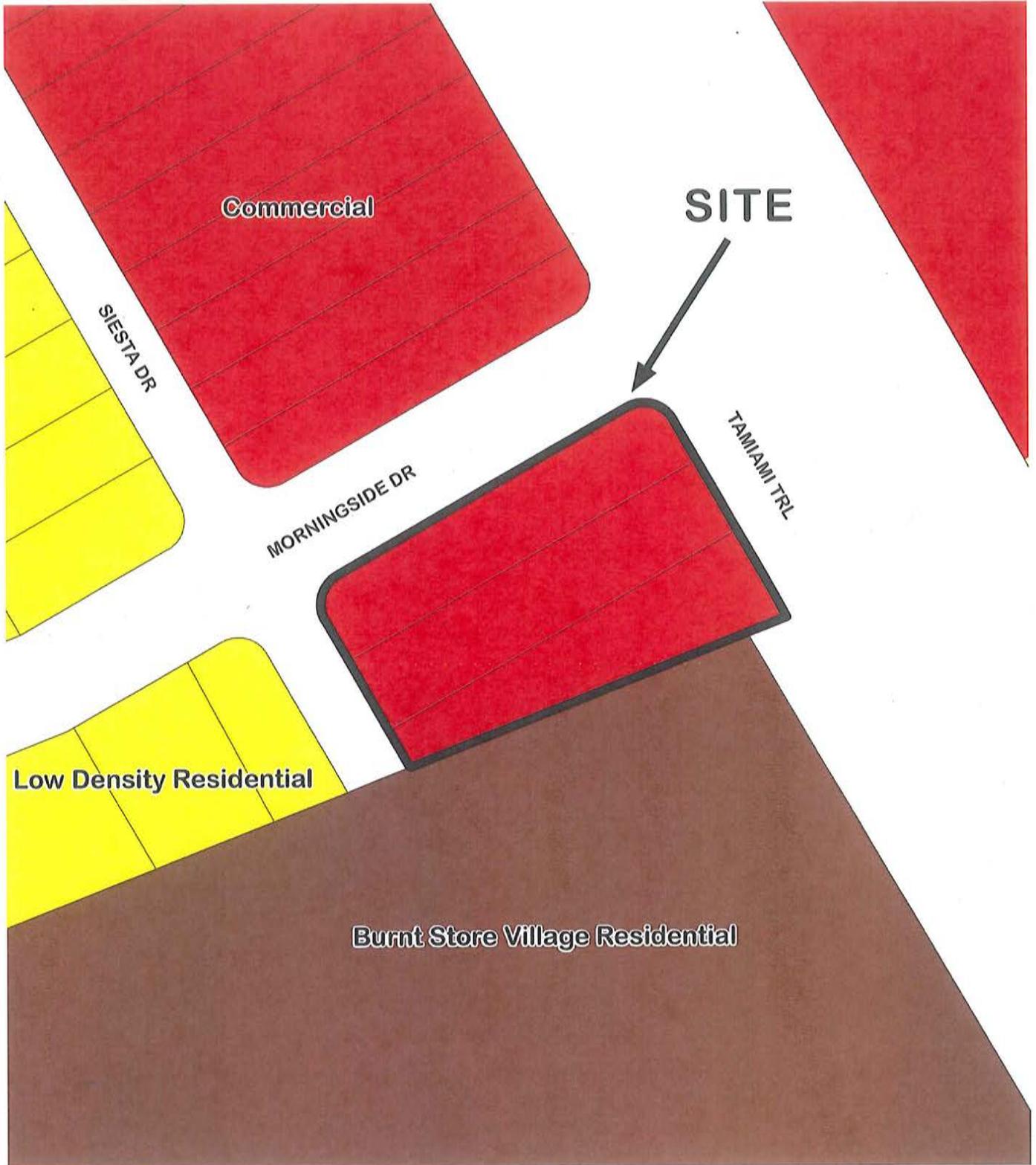




Open
for Business

SV-12-02-02
SIESTA DR
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



11/44/23 South 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. Future Land Use & Zoning Designation boundaries are assumed to meet at the centerline of the road right of way unless otherwise determined by the Community Development Director. Prepared 03-09-2012 by Nancy V

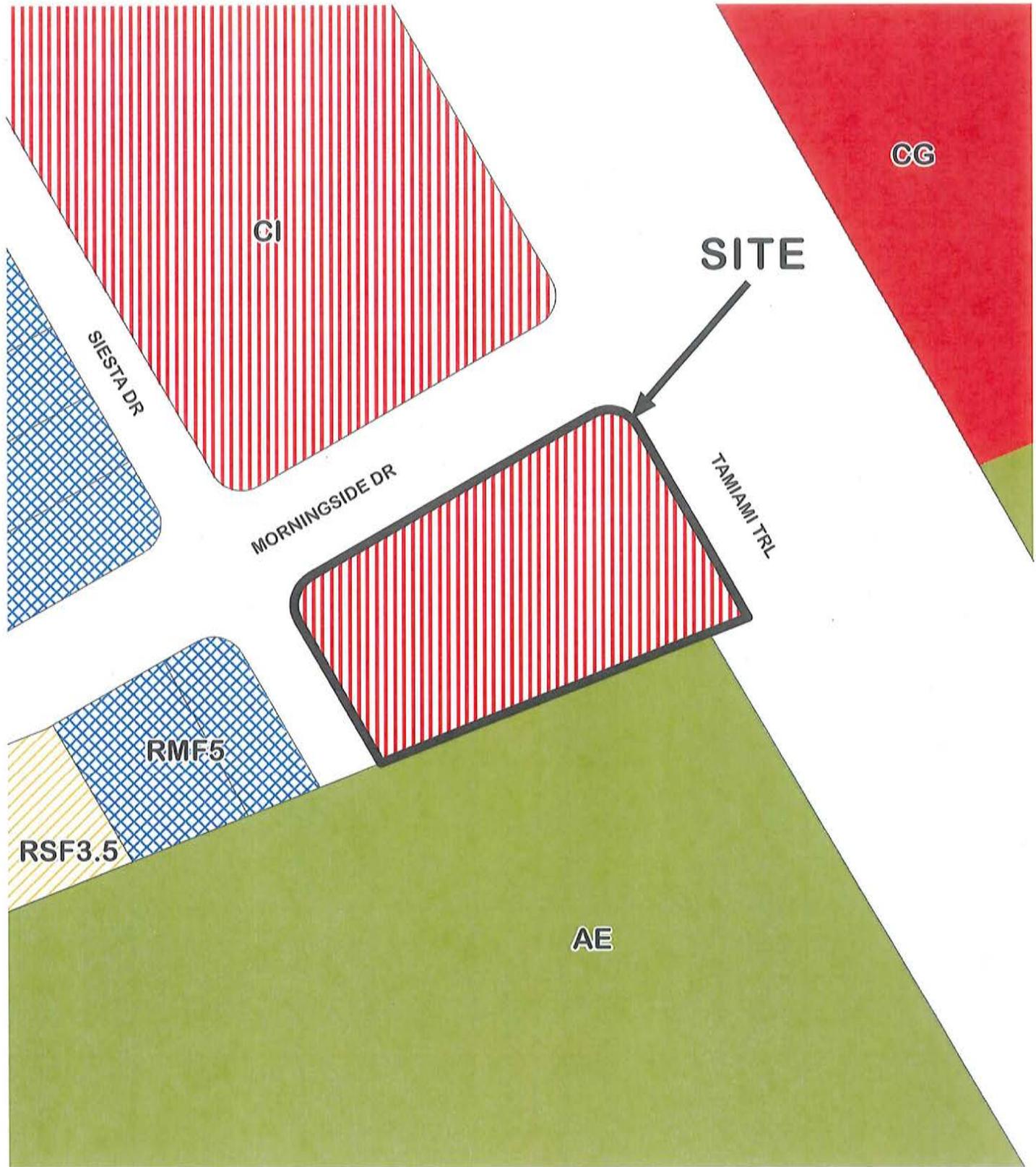




Open for Business

SV-12-02-02 SIESTA DR Zoning Districts

Map Prepared By
Charlotte County
Community Development
Department



11/44/23 South 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. Future Land Use & Zoning Designation boundaries are assumed to meet at the centerline of the road right of way unless otherwise determined by the Community Development Director. © Copyright 2011 Port Charlotte, FL by Charlotte County Prepared 03-09-2012 by Nancy V





CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT

STREET VACATION APPLICATION

Date Received: 2/15/12	Date of Log-in: 2/16/12
Petition #: SV-12-02-02	Cap# VST-12-00002
Receipt #: 78171	Amount Paid: \$1,315.00

1. Name of street(s) to be vacated: Siesta Drive, from the intersection with Morningside Drive, to the southwest corner of Applicant's property at 12701 Tamiami Trail.

2. Parties involved in the application

A. Name of Applicant*: Thomas Frey

Mailing Address: 267 Cherokee Trail

City: Seymour State: TN Zip Code: 37865

Phone Number: _____ Fax Number: _____

Email Address: _____

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

B. Name of Agent: Michael P. Haymans

Mailing Address: 215 West Olympia Avenue

City: Punta Gorda State: FL Zip Code: 33950

Phone Number: 941-575-0007 Fax Number: 941-575-9177

Email Address: michael@mphaymans.com

C. Name of Surveyor: Miller Surveying, Inc.

Mailing Address: 21053 Peachland Boulevard

City: Port Charlotte State: FL Zip Code: 33954

Phone Number: 941-743-8423 Fax Number: 941-743-8404

Email Address: _____

3. Applicant's Property ID #: 422311276001

4. Total acreage of street to be vacated: +/- .18 acres

5. Commission District: District 2

6. Purpose of request:

The Applicant wishes to unify the parcels he bought on Morningside Drive with the commercial property located at 12701 Tamiami Trail.

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 Michael P. Haymans to be my agent for this application.

STATE OF TN, COUNTY OF Sevier

The foregoing instrument was acknowledged before me this 27th day of Jan., 2012, by Thomas Frey and Marie C. Frey who is personally known to me or has/have produced TN drivers license as identification and who did/did not take an oath.

<u>Kelly Lowery</u> Notary Public Signature	<u>Marie C. Frey</u> Signature of Applicant
<u>Kelly Lowery</u> Notary Printed Signature	Thomas Frey and Marie C. Frey Printed Signature of Applicant
<u>Notary / Head Teller</u> Title	267 Cherokee Trail Address
<u>7/2/14</u> Commission Code	Seymour, TN 37865 City, State, Zip
	Telephone Number



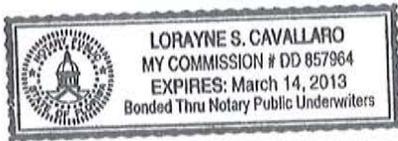
AFFIDAVIT

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 10 day of February, 2012, by Michael P. Haymans who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

<u>Lorayne S. Cavallaro</u> Notary Public Signature	<u>Michael P. Haymans</u> Signature of Applicant/Agent
Notary Printed Signature <u>Lorayne S. Cavallaro</u>	Printed Signature of Applicant/Agent <u>Michael P. Haymans</u>
Title	Address <u>215 West Olympia Avenue</u>
Commission Code	City, State, Zip <u>Punta Gorda, FL 33950</u>
	Telephone Number <u>941-575-0007</u>



Michael P. Haymans

====ATTORNEY AT LAW, P. A.====

February 10, 2012

Mr. Steven Haas
Charlotte County Community Development Department
Engineering Division
18400 Murdock Circle
Port Charlotte, FL 33948

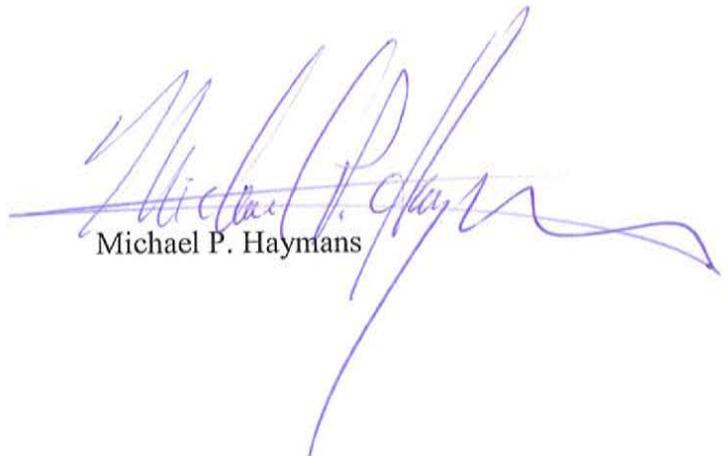
Re: Proposal for Vacation of a Portion of Siesta Drive

Dear Mr. Haas,

Enclosed please find an application for the Vacation of a Portion of Siesta Drive, which we are submitting on behalf of the property owners, Thomas and Marie C. Frey. Along with the completed application and application fee, please find two copies of the survey and legal description for the proposed vacation and a proposed Resolution.

Please review and contact me with any questions that you have or schedule the matter for the appropriate hearings by the Planning and Zoning Board, and the Board of County Commissioners. Thank you.

Sincerely,



Michael P. Haymans

MPH/lsc

Enc.

Cc: Thomas and Marie Frey

MICHAEL P. HAYMANS ATTORNEY AT LAW, P. A.

215 West Olympia Avenue

Punta Gorda, FL 33950

Phone: (941) 575-0007

Fax: 575-9177

www.mphaymans.com

michael@mphaymans.com



Charlotte County Government

"To exceed expectations in the delivery of public services"

www.charlottecountyfl.com

OFFICIAL RECEIPT

Trans Number : **78171**

Date Issued : 02/16/2012

Application No. : VST-12-00002

Project Name : N/A

Received From : Thomas Frey

Applicant : Thomas Frey

DBA : Thomas Frey

Address : 267 Cherokee Trail
Seymour, TN, 37865

PAYMENT INFO

Method of Payment Fee / Description	Ref Doc	Amount Paid	Comment
Check			
STREET_VAC STREET VACATION	4058	\$1,315.00	
		\$1,315.00	Total Check

Cashier ID : CARTHYL

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

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Job Address
VST-12-00002	85412	\$1,315.00	
Total Amount :		\$1,315.00	

Community Development Department

18400 Murdock Circle | Port Charlotte, FL 33948

MARIE CHARLEN FREY
THOMAS FREY
267 Cherokee Trail
Seymour, TN 37865

4058

63-643/670
BRANCH 00892

1-26-12

Date

Pay to the
Order of

Charlotte Co. Board of Co. Comm.

\$ 1315.00

one thousand three hundred fifteen - ⁰⁰/₁₀₀

Dollars



Security
Features
Details on
Back.



WACHOVIA

Wachovia Bank, N.A. until March 20, 2010
Wachovia Bank, a division of Wells Fargo Bank, N.A. effective March 20, 2010

For

Marie Charlen Frey

⑆067006432⑆1020003030852⑆4058

WARRANTY DEED (INDIVIDUAL TO INDIVIDUAL)

Return to (enclosed self addressed stamped envelope)

Name: AACTION TITLE AGENCY, INC.
FILE NO: 00P9690

Address: 322 TAMiami TRAIL, UNIT 22
PUNTA GORDA, FLORIDA 33950

This Instrument Prepared by: AACTION TITLE AGENCY, INC.
STACEY L. PERRY

Address: 322 TAMiami TRAIL, UNIT 22
PUNTA GORDA, FLORIDA 33950

Property Appraiser Parcel Identification (Folio) Number(s):
0105835-000000-8, 0105836-0000007

Grantee(s) S.S.#(s): REC. DEED \$6.00
DOC. ST. \$3.50



BARBARA T. SCOTT, CLERK
CHARLOTTE COUNTY
OR BOOK 1820 PAGE 0461
RECORDED 09/01/06 @ 12:25 PM
FILE NUMBER 732422
RECORDING FEE 6.00
DEED DOC 3.50

SPACES ABOVE THIS LINE FOR PROCESSING DATA

SPACES ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 28th day of August A.D. 2000 by
ROBERT C. BLAKER AND RITA L. BLAKER, HUSBAND AND WIFE.

hereinafter called the grantor, to THOMAS FREY

whose post office address is 7258 NORTH BLUE SAGE STREET
PUNTA GORDA, FL 33955

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the grantee all that certain land situate in CHARLOTTE County, State of Florida, viz: LOTS 1 AND 2, BLOCK 204, TROPICAL GULF ACRES, UNIT 10, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4 AT PAGES 76A THROUGH 76N, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

Subject To covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2000 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of

Signature Kim Maryfield
WITNESS #1

Signature Kim Maryfield
PRINTED SIGNATURE

Signature Cindy Ridinger
WITNESS #2

Signature Cindy Ridinger
PRINTED SIGNATURE

Signature _____
P.O. Address _____

Signature Robert C. Blaker
ROBERT C. BLAKER

P.O. Address 190 D STREET NE
LINTON, IN 47441-1459

Signature Rita L. Blaker
RITA L. BLAKER

P.O. Address 190 D STREET NE
LINTON, IN 47441-1459

Signature _____
P.O. Address _____

STATE OF In
COUNTY OF Greene

The foregoing instrument was acknowledged before me this 28th day of Aug, 2000 by
ROBERT C. BLAKER AND RITA L. BLAKER, HUSBAND AND WIFE
who produced State of Indiana License



as Identification and who did take an oath.
Notary Public, State and County Addressed

Signature Linda White

Printed Notary Signature
My Commission Expires 9-10-06

IMAGED GK

Warranty Deed

RECORD \$ 6.00
 DOC STMP \$ 797.50
 TOTAL \$803.50

RETURN TO
 FARR REAL ESTATE

Form ID Number: 0105832-000000-1
 Chapter #1 TR: 212-62-7147
 Chapter #2 TR: 218-68-7663

This Indenture, Made this 9th day of December, 1988 A.D. Between
 DONALD J. HAYWARD and AVIS Y. HAYWARD, his wife,

of the County of Charlotte, State of Florida, grantors, and
 THOMAS FREY and MARIE CHARLEN FREY, his wife,

whose address is: 7258 N. Blue Sage, Punta Gorda, FL 33954

of the County of Charlotte, State of Florida, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of TEN & NO/100 (\$10.00) DOLLARS and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the county of CHARLOTTE State of Florida to wit:

Lots 1, 2, and 3, Block 202, TROPICAL GULF ACRES SUBDIVISION, UNIT 10, according to the Plat thereof, as recorded in Plat Book 4, Pages 76-A thru 76-N, of the Public Records of Charlotte County, Florida. LESS STATE ROAD RIGHT-OF-WAY.

SUBJECT TO CONDITIONS, RESTRICTIONS, EASEMENTS AND LIMITATIONS IF ANY, BUT THIS PROVISION SHALL NOT OPERATE TO REIMPOSE SAME, AND FURTHER SUBJECT TO TAXES FOR 1988.

Documentary Tax Pd. \$ 797.50
 Intangible Tax Pd. \$
 Recorded by State Clerk Charlotte County
 B. J.

CHARLOTTE COUNTY

0101010
 016100

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.
 Signed, sealed and delivered in our presence:

Charles T. Frey
 First Witness
Avis Y. Hayward
 Second Witness

Donald J. Hayward (Seal)
 DONALD J. HAYWARD
Avis Y. Hayward (Seal)
 AVIS Y. HAYWARD
 _____ (S. W.)
 _____ (Seal)

RECORD VERIFIED - Barbara T. Scott, Clerk
 BY JANA HUDDLESTON - D.C.

STATE OF Florida
 COUNTY OF Charlotte

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgements, personally appeared DONALD J. HAYWARD and AVIS Y. HAYWARD, his wife,

to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 9th day of December, 1988.
 This Document Prepared By:

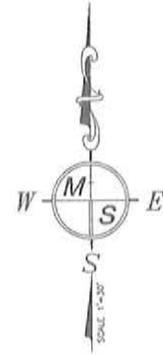
OLY & EMBERTON, INCORPORATED
 FARR, FARR, HAYMAKER, MOSTERT, EMBERTON & SPIRIT
 P. O. Drawer 1447 EAS W. Olympia Avenue
 Punta Gorda, FL 33951

Charles T. Frey
 NOTARY PUBLIC, STATE OF Florida
 My Commission Expires:

July 19, 1991



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG.
C1	39.27'	25.00'	90°00'00"	35.36'	S15°07'10"W
C2	39.27'	25.00'	90°00'00"	35.36'	N74°52'50"W



ABBREVIATIONS:

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.R.M. = PERMANENT REFERENCE MONUMENT
- C1 = SEE CURVE TABLE FOR INFORMATION
- O.R. = OFFICIAL RECORD
- R/W = RIGHT OF WAY

DESCRIPTION:

A PARCEL OF LAND IN SECTION 11, TOWNSHIP 42 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA, BEING THAT PART OF SIESTA DRIVE LYING SOUTHERLY OF MORNINGSIDE DRIVE THAT IS UNIMPROVED AND SOUTHERLY OF BLOCK 202 OF THE PLAT OF TROPICAL GULF ACRES UNIT TEN, AS FILED IN PLAT BOOK 4, PAGES 76A THROUGH 76N OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 202 OF THE PLAT OF TROPICAL GULF ACRES UNIT TEN, SAID POINT BEING A PERMANENT REFERENCE POINT FOR SAID PLAT, THENCE RUN S68°24'10"W ALONG THE SOUTHERLY LINE OF SAID BLOCK 202, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID PLAT FOR 303.16 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE N29°52'50"W, ALONG THE WESTERLY LINE OF BLOCK 202, ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SIESTA DRIVE (A 50 FEET PUBLIC RIGHT OF WAY) A DISTANCE OF 126.63 FEET TO A POINT OF CURVATURE;

THENCE NORTHERLY, A DISTANCE OF 39.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'00" TO THE SOUTHERLY RIGHT OF WAY LINE OF MORNINGSIDE DRIVE (AN 80 FEET PUBLIC RIGHT OF WAY) OF SAID PLAT OF TROPICAL GULF ACRES UNIT TEN;

THENCE S60°07'10"W, ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF MORNINGSIDE DRIVE FOR A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE AT THE INTERSECTION OF SAID SOUTHERLY RIGHT OF WAY LINE OF MORNINGSIDE DRIVE AND WESTERLY RIGHT OF WAY LINE OF SAID SIESTA DRIVE;

THENCE EASTERLY, A DISTANCE OF 39.27 FEET ALONG THE ARC OF A NONTANGENT CURVE TO THE RIGHT OF WHICH THE RADIUS POINT LIES S29°52'50"E A RADIUS OF 25.00 FEET, AND HAVING A CENTRAL ANGLE OF 90°00'00" ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SAID SIESTA DRIVE AND THE EASTERLY LINE OF LOT 1 BLOCK 204 OF SAID PLAT OF TROPICAL GULF ACRES UNIT TEN;

THENCE S29°52'50"E, ALONG SAID WESTERLY RIGHT OF WAY LINE OF SIESTA DRIVE A DISTANCE OF 119.35 FEET TO A POINT AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 204 OF SAID PLAT ALSO BEING A POINT ON THE SOUTHERLY LINE OF SAID PLAT;

THENCE N68°24'10"E, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SIESTA DRIVE ALSO BEING THE SOUTHERLY LINE OF SAID PLAT OF TROPICAL GULF ACRES UNIT TEN A DISTANCE OF 50.53 FEET TO THE POINT OF BEGINNING.

BEARING ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF MORNINGSIDE DRIVE AS IT IS SHOWN TO BEAR S.60°07'10"W. PER THE PLAT

CERTIFIED TO:

THOMAS FREY
MICHAEL P. HAYMANS
ATTORNEY AT LAW, P.A.

BY:  2/2/12
DATE SIGNED

DEREK S. MILLER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6341
SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MILLER SURVEYING INC.

21053 Peachland Blvd.
Port Charlotte, Florida 33952
OFFICE (941) 743-8423
FAX (941) 743-8404
E-Mail: millersurveying@comcast.net
LICENSED BUSINESS NO. 7413

DATE: 1/26/12	CLIENT: THOMAS FREY MICHAEL P. HAYMANS ATTORNEY AT LAW, P.A.
SCALE: 1"=30'	TITLE: SIESTA DRIVE VACATION SKETCH AND DESCRIPTION
DRAWN BY: DSM	PROJECT NUMBER: 120105
CHECKED BY: DSM	SHEET NUMBER: 1 OF 1
SEC: 11 TWP: 42 RGE: 23	FILE NUMBER: 120105

DESCRIPTION:

A PARCEL OF LAND IN SECTION 11, TOWNSHIP 42 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA. BEING THAT PART OF SIESTA DRIVE LYING SOUTHERLY OF MORNINGSIDE DRIVE THAT IS UNIMPROVED AND SOUTHERLY OF BLOCK 202 OF THE PLAT OF TROPICAL GULF ACRES UNIT TEN, AS FILED IN PLAT BOOK 4, PAGES 76A THROUGH 76N OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 202 OF THE PLAT OF TROPICAL GULF ACRES UNIT TEN, SAID POINT BEING A PERMANENT REFERENCE POINT FOR SAID PLAT, THENCE RUN S68° 24' 10"W ALONG THE SOUTHERLY LINE OF SAID BLOCK 202, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID PLAT FOR 303.16 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE N29° 52' 50"W. ALONG THE WESTERLY LINE OF BLOCK 202, ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SIESTA DRIVE (A 50 FEET PUBLIC RIGHT OF WAY) A DISTANCE OF 126.63 FEET TO A POINT OF CURVATURE;

THENCE NORTHERLY, A DISTANCE OF 39.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90° 00'

00" TO THE SOUTHERLY RIGHT OF WAY LINE OF' MORNINGSIDE DRIVE (AN 80 FEET PUBLIC RIGHT OF WAY) OF SAID PLAT OF TROPICAL GULF ARCES UNIT TEN;

THENCE S60' 07' 10"W, ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF MORNINGSIDE DRIVE FOR A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE AT THE INTERSECTION OF SAID SOUTHERLY RIGHT OF WAY LINE OF MORNINGSIDE DRIVE AND WESTERLY RIGHT OF WAY LINE OF SAID SIESTA DRIVE;

THENCE EASTERLY, A DISTANCE OF 39.27 FEET ALONG THE ARC A NONTANGENT CURVE TO THE RIGHT OF WHICH THE RADIUS POINT LIES S29' 52' 50"E A RADIUS OF 25.00 FEET, AND HAVING A CENTRAL ANGLE OF 90'00'00" ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SAID SIESTA DRIVE AND THE EASTERLY LINE OF LOT 1 BLOCK 204 OF SAID PLAT OF TROPICAL GULF ACRES UNIT TEN;

THENCE S29' 52'5 0"E, ALONG SAID WESTERLY RIGHT OF WAY LINE OF SIESTA DRIVE A DISTANCE OF 119.35 FEET TO A POINT AT THE SOUTHEASTERLY CORNER OF SAID LOT 1, BLOCK 204 OF SAID PLAT ALSO BEING A POINT ON THE SOUTHERLY LINE OF SAID PLAT;

THENCE N68° 24' 10"E, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SIESTA
DRIVE ALSO BEING THE SOUTHERLY LINE OF SAID PLAT OF TROPICAL GULF
ACRES UNIT TEN A DISTANCE OF 50.53 FEET TO THE POINT OF BEGINNING.

**RESOLUTION
NUMBER 2012-XXX**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, TO VACATE A PORTION OF A PLATTED STREET NAMED SIESTA DRIVE LOCATED BETWEEN BLOCK 202 AND BLOCK 203, TROPICAL GULF ACRES, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 76, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, AND LOCATED IN SECTION 11, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, PETITION SV-_____.

RECITALS

WHEREAS, an application has been made to vacate, abandon, discontinue and close all that portion of Siesta Drive lying **BETWEEN BLOCK 202 AND BLOCK 203, TROPICAL GULF ACRES, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 76, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA**); and

WHEREAS, it appears that the public notice of said application was published and evidence thereof given as required by law to the Board of County Commissioners; and

WHEREAS, Sections 336.09, 10 and 12, Florida Statutes authorize the vacation and abandonment of streets and roads and any right of the County and of the public in and to any land or interest therein, by the Board of County Commissioners; and

WHEREAS, THOMAS FREY and MARIE C. FREY ("Petitioners") are the fee simple owners of the property abutting the area sought to be vacated; and

WHEREAS, this vacation of .18 acre (more or less) portion of the platted street, as described herein, will not affect the ownership or right of convenient access of persons owning other properties in the area; and

WHEREAS, the Board of County Commissioners has found that the right-of-way which is the subject of this petition no longer serves a public purpose and is a proper subject for abandonment pursuant to Chapter 336 Florida Statutes.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. The Board of County Commissioners of Charlotte County hereby approves the Petition of THOMAS FREY and MARIE C. FREY, SV_____, and hereby vacates, abandons, discontinues and closes the public right-of-way, described as all that portion of Siesta Drive **BETWEEN BLOCK 202 AND BLOCK 203, TROPICAL GULF ACRES, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN**

PLAT BOOK 4, PAGE 76, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

2. Petition SV _____ is approved without any stipulations.

3. Notice of adoption of this Resolution shall be published one time, thirty (30) days following its effective date, in one issue of a newspaper of general circulation published in Charlotte County. The proof of publication of notice of publication, the Resolution as adopted, and the proof of publication of the notice of the adoption shall be recorded in the deed records of Charlotte County.

PASSED AND DULY ADOPTED THIS _____ DAY OF _____, 2012

BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY, FLORIDA

By: _____
Christopher Constance, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk



Charlotte County Government

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

www.CharlotteCountyFL.com

MEMORANDUM

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

Comprehensive Planning has no objections to this vacation.

One half of the acreage of the vacated right-of-way will accrue to a residentially zoned lot, Lot 1 in Block 204. This lot is zoned RMF-5 and contains approximately 7,800 square feet. The addition of 3,920 square feet will bring the total size of that lot to approximately 11,720 square feet. This still only allows one unit of density to be developed on the residential lot and so no TDU issues are created.

COMMUNITY DEVELOPMENT DEPARTMENT

Comprehensive Planning Section
18500 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1242 | Fax: 941.743.1228

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”



MEMORANDUM

To: Steven Ellis, Planner II
From: Ken Quillen, AICP, Planner III 
Date: March 13, 2012
Subject: Review of proposed Street Vacation; file number: **SV-12-02-02**

Below are comments from the Current Planning and Zoning Division regarding the proposed Street Vacation of a portion of **Siesta Drive** located in the plat of **Tropical Gulf Acres Unit 10**, all located in South County in Section 11, Township 42 South, Range 23 East. The portion of Siesta Drive, proposed to be vacated, lies south of Morningside Drive and abuts the adjacent property to the south.

Zoning: (see attached Zoning Map) The applicant owns all of Block 202, which is zoned Commercial Intensive (CI), intended to accommodate a mixture of intense commercial uses. The applicant also owns Lots 1 and 2 of Block 204, which is zoned Residential Multifamily-5 (RMF-5), intended to accommodate low- or high-density residential uses with an emphasis on multifamily uses. These properties comprises all of the adjacent property located to the east and west of Siesta Drive, which runs north/south and parallel to Tamiami Trail (U.S. Highway 41). The portion of Siesta Drive proposed to be vacated, was stubbed up to the adjacent property to the south to provide a future access point to this property, which is zoned Agriculture Estates (AE), and may be developed today as a residential subdivision at a maximum density of one dwelling unit per acre.

Future Land Use: (see attached Future Land Use Map) Block 202 has a Commercial Future Land Use Map (FLUM) designation and Lots 1 and 2 of Block 204, have a Low-Density Residential FLUM designation. The property located to the south of Siesta Drive has a FLUM designation of Burnt Store Village Residential, and may be developed as a residential subdivision.

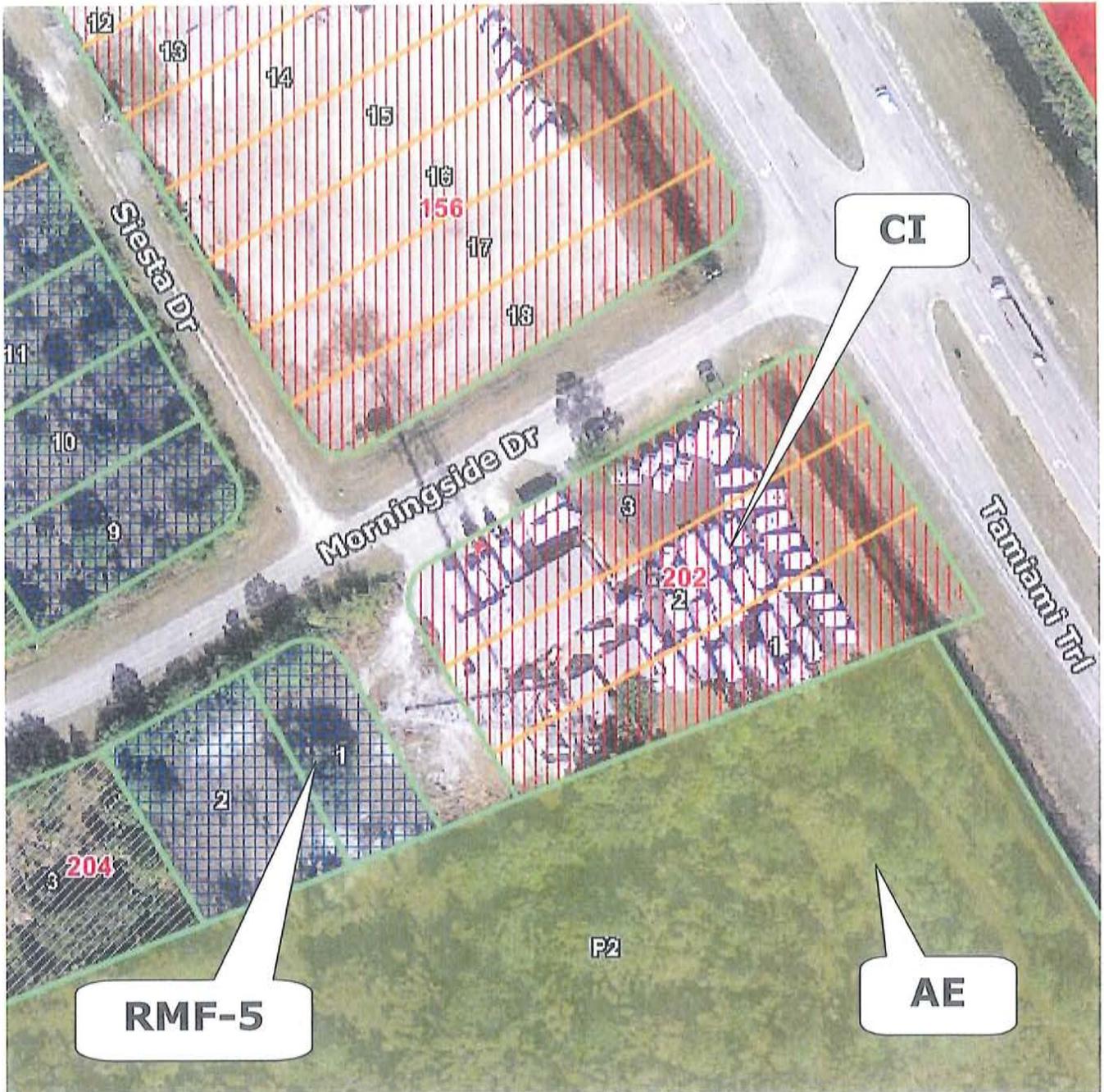
Flood Zone: The area of the proposed street vacation lies in the "D" Flood Zone designation, which is an area in which flood hazards are undetermined, but possible. Lands in this area are also located in the Category "D" Storm Serge Evacuation Zone.

- 1) The vacation of this street segment of Siesta Drive would be contrary to the **Subdivision Regulations of Charlotte County** as described below:
 - a. **Section 3-7-101(b)** states that: "...the layout of streets in a new subdivision of undeveloped land shall address the appropriateness and need for a street connection to provide for access between the new subdivision and abutting subdivisions or tracts of land." Siesta Drive was laid out and platted to meet this requirement of code and provides the only street access to the adjacent property to the south. The proposed street vacation is contrary to this requirement of code.
 - b. **Section 3-7-101(b)(2)** states that: "Where the abutting tract of land is landlocked, the new subdivision shall, when determined to be in the public interest, be required to provide an easement between the lot line of the abutting tract and a street of the new subdivision, so that the abutting tract may have access to a public street." The abutting tract of land to the south is landlocked except for the existing Siesta Drive right-of-way. Siesta Drive was dedicated to provide the only access to the adjacent property to the south. The proposed street vacation is contrary to this requirement of code.
 - c. **Section 3-7-101(b)(2)c.** states that: "If the developer of the new subdivision provides a street stub and cul-de-sac or temporary turn-around at such easement, the developer of the abutting tract shall be required to properly finish the street construction when the tie-in is made." Siesta Drive was laid out, platted and dedicated to meet this requirement of code by the developer of Tropical Gulf Acres. The required street improvements to this street will be required by the developer of the property to the south. The proposed street vacation will eliminate this only link to the adjacent landlocked property to the south.
 - d. **Section 3-7-101(d)** states that: "Where a subdivision abuts or contains existing or proposed arterial streets, service roads shall be required and provided by the developer." The adjacent undeveloped property to the south is also located adjacent to Tamiami Trail (U.S. Highway 41), which is an existing arterial street. As such, a "frontage" or "service" road, such as Siesta Drive, will be required whenever this property is developed. The proposed vacation of the Siesta Drive stub street will eliminate this planned service road linkage. This would result in local traffic being forced onto Tamiami Trail, which is contrary to the intent and requirements of the Subdivision Ordinance.
- 2) The property located to the south of Siesta Drive could be developed as a single-family residential subdivision and this street should be retained to provide access to this parcel and allow adequate traffic circulation in this area.

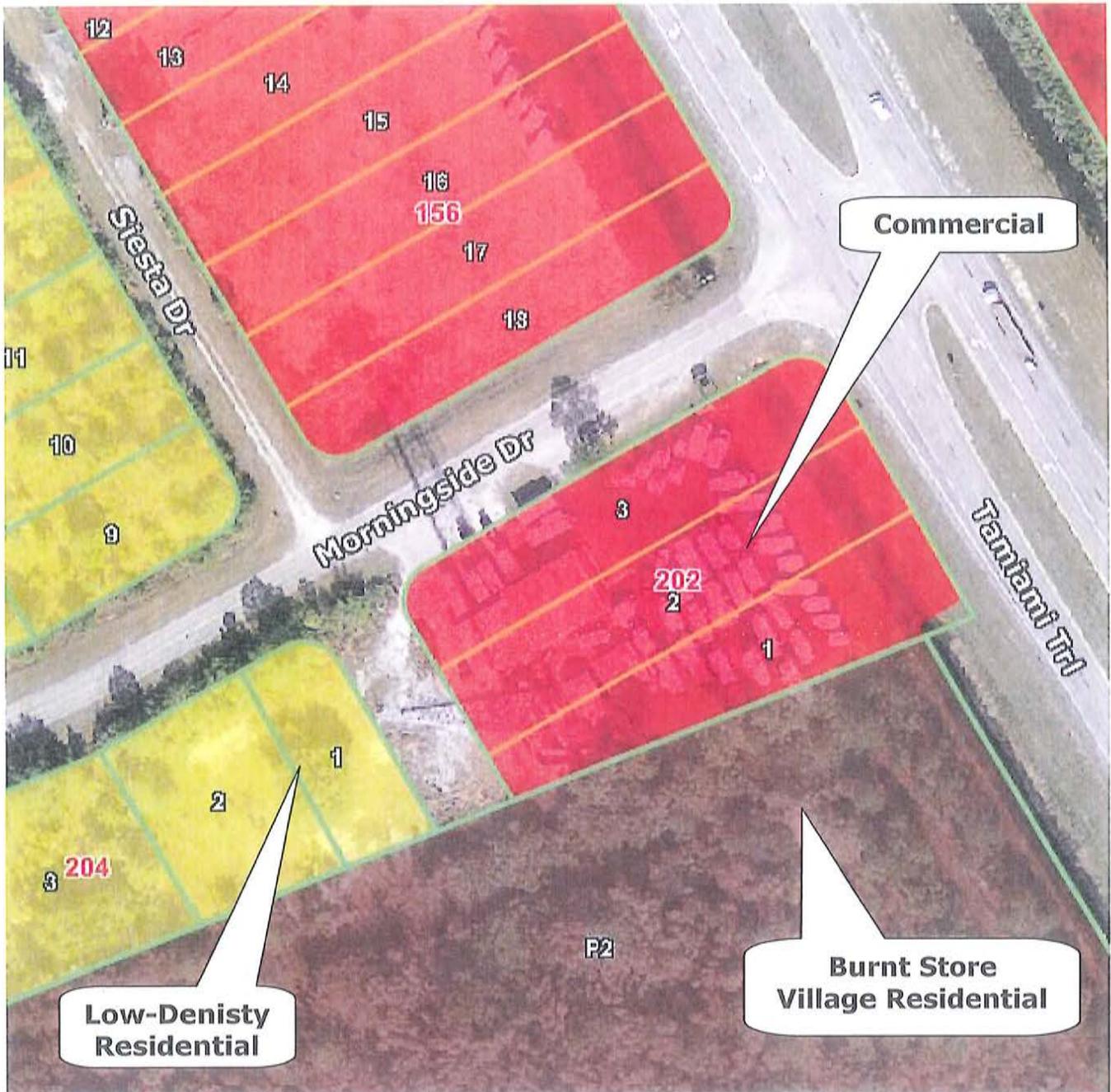
The Current Planning and Zoning Division objects to the proposed street vacation and recommends denial of the requested street vacation.

cc: File

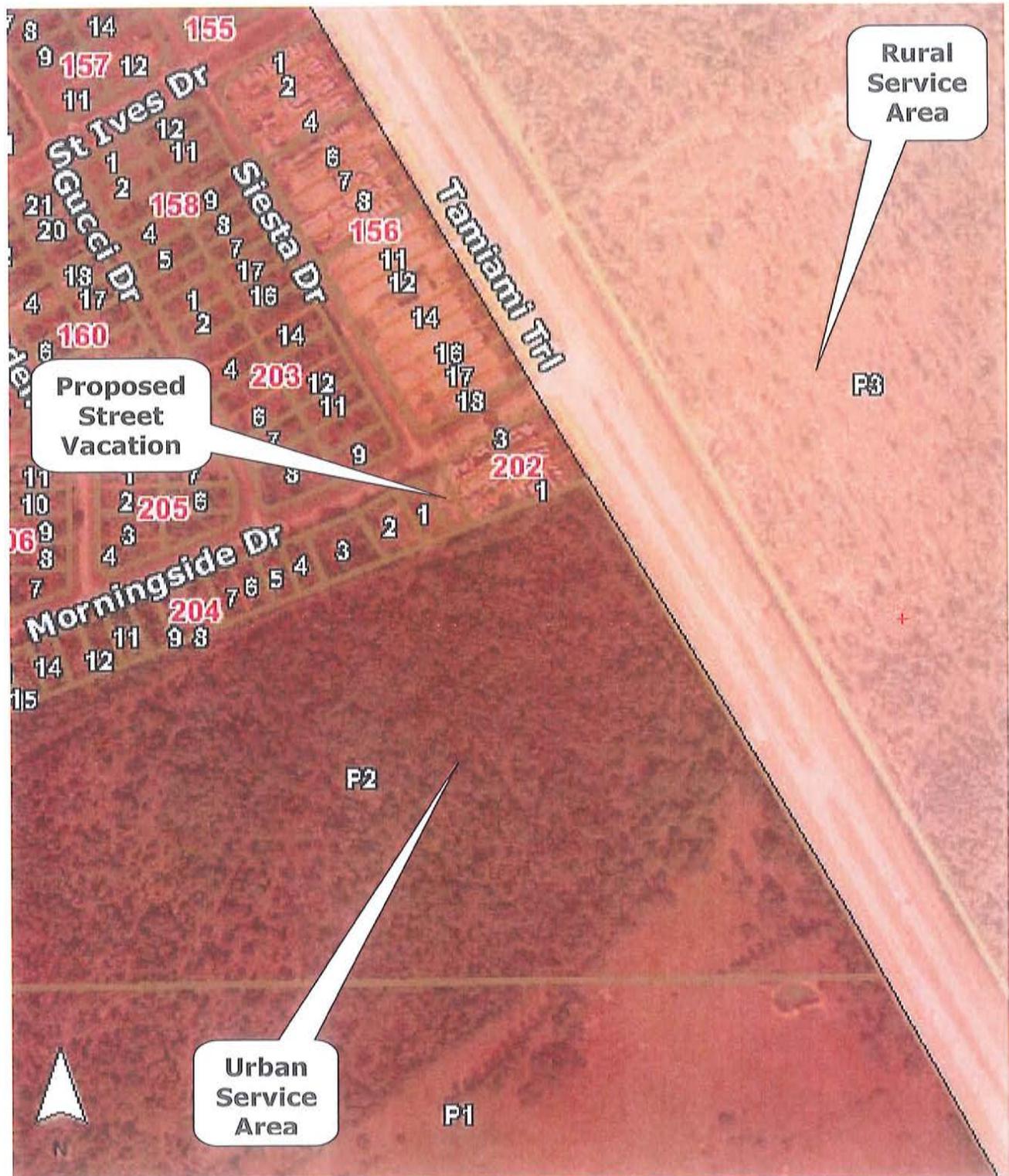
Zoning Map



Future Land Use Map (FLUM)



Service Area Delineation



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, 2012 BCC

SV-12-02-02 – Thomas Frey – Siesta Dr.

I have no comment on this application.

Ellis, Steven

From: Winfrey, Roy <Roy.Winfrey@fpl.com>
Sent: Friday, February 24, 2012 8:44 AM
To: Ellis, Steven
Subject: SV-12-02-02-THOMAS FREY
Attachments: SIESTA DRIVE ROW.pdf

Steven,

FPL will not be able to vacate the ROW of Siesta Drive due to over head facilities in the ROW .

I have attached a aerial of the facilities.

Please feel free to contact me with any questions.

Roy
941-423-4816

Ellis, Steven

From: Pederzoli, Gary
Sent: Wednesday, February 22, 2012 10:51 AM
To: Ellis, Steven
Subject: RE: SV-12-02-02, Siesta

Steve,

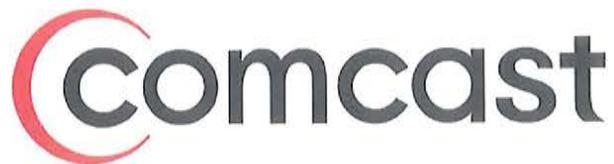
According to the January 2011 aerials, on the GIS web-site, there appears to be a cell or radio tower in the r-o-w. In the resolution on page 13 it states between blocks 202 and 203. It should state between blocks 202 and 204.

From: Ellis, Steven
Sent: Friday, February 17, 2012 4:43 PM
To: Matarese, Monte; Vattikuti, Venkat; Pederzoli, Gary; Quillen, Ken; Scudera, Jamie; MacDonald, John; Vance, David; Collins, Gerry; Alexander, Debbie; D'Urso, Chris; Irish, Stan; Williams, Inga
Cc: Gilbreath, Gina; Moore, Gayle
Subject: SV-12-02-02, Siesta

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."



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 Siesta Drive, from the intersection with
Morningside Drive, to the corner of Applicant's property at 12701
Tamiami Trail., Charlotte County Fl
SVC-12-02-02**

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