

Review Date: August 12, 2026

Property Owners: Thomas and Linda Koenig

Location: 923 Dolphin Drive. Cape Coral, FL. 33904
Cape Coral Unit 1 Part 2, Block 14, Lots 23 and 24
Strap# 19-45-24-C1-00014.0230

**Applicant/
Representative:** Thomas and Linda Koenig

Request: The owners request vacating:

1. 3,180 sq. ft. of unexcavated canal right-of-way (ROW) and underlying easements adjacent to Lots 23 and 24, Block 14, Unit 1 Part 2, Cape Coral Subdivision; and
2. 449.53 sq. ft. of platted easements occupying Lots 23 and 24, Block 14, Unit 1 Part 2, Cape Coral Subdivision.

Prepared By: Patrick Carlton White, AICP, Principal Planner

Approved By: Amy Yearsley, AICP, City Planning Manager

Recommendation: **Approval with conditions**

Background:

The applicants own a two-lot platted site in southeastern Cape Coral. The property has street frontage on Dolphin Drive and is about 0.2 miles northwest of the intersection of Dolphin Drive and Driftwood Parkway. The property has canal frontage on the saltwater, direct-access, Dolphin Canal. The property is improved with a single-family home and marine improvements.

The site is in a residential area of the City that is built out with single-family homes. The site has a Single-Family (SF) Future Land Use (FLU) Classification and Single Family Residential (R-1) zoning. All sites to the north, south, east, and west within 500 feet share the same FLU and zoning classifications.

A 2026 boundary survey shows the subject property is approximately 10,443.3 sq.ft.. According to the Lee County Property Appraiser, the existing single-family home was constructed in 2003.

Request:

The owners request to vacate unexcavated canal right-of-way (ROW) and platted easements adjacent to Dolphin Canal. According to the owners' Letter of Intent, the vacation is sought to accommodate a future dock improvement. The owners are seeking to vacate 3,180 sq. ft. of unexcavated canal ROW, and 449.53 sq. ft. of platted easements. The canal ROW vacation will expand the area of the site and extend the rear property line northward to the edge of the Dolphin Canal. A six-foot wide easement will be retained by the City to provide a continuous perimeter easement around the expanded site.

Zoning History of the Site:

The subject property's FLU classification has not been amended from its original designation of Single Family (SF) in the 1989 Comprehensive Plan. The property's zoning designation of Single Family Residential (R1) has not been amended since the adoption of the Land Use and Development Regulations in 1990.

Minimum Standards:

The owners are eligible to file this vacation request as this application provides the following:

1. Color of title or ownership of the site by the owners for which the vacation is sought.
2. Letters of no objection from Comcast, CenturyLink, and Lee County Electric Cooperative (LCEC).
3. Survey sketches and accompanying legal descriptions describing the ROW and underlying and platted easements that will be vacated.

Analysis:

Staff analyzed this vacation request with the Land Development Code (LDC), Section 3.4.5, "Vacation of Plats, Easements, and Rights-of-Way." The Comprehensive Plan was also reviewed for policies on vacations.

LDC, Section 3.4.5.B state vacations shall be reviewed in accordance with the following criteria:

1. Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes.

The ROW consists of an unexcavated strip of land, which lies between the rear property line and the Dolphin Canal. This ROW is not part of the functioning canal system and therefore does not support the navigability of boats or provide a transportation benefit.

This ROW does not have any foreseeable value for transportation purposes, access, water management, or utility functions.

Easements underlying the unexcavated canal right-of-way as well as the platted rear easement requested to be vacated are not needed for drainage or utility functions for the site. The City will retain a six-foot-wide perimeter easement around the expanded site.

2. Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way.

Sufficient easements underlying the unexcavated canal ROW will be retained by the City for providing a continuous perimeter easement around the site. No additional easements will be necessary.

3. If alternate routes are required or available that do not cause adverse impacts to surrounding areas.

The canal ROW proposed to be vacated is not part of any functioning waterway system; therefore, navigability and visibility will not be affected. This vacation will not cause any adverse impacts to surrounding properties. Alternate routes are not needed.

4. If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area.

The ROW requested to be vacated involves a strip of land between the applicant's north property line and the existing seawall. The vacation will not result in the closure or alteration of a canal and will therefore have no effect on the movement of boats traveling in the Dolphin Canal.

5. Whether local utility providers have given consent to the vacation of the plat, easements, or rights-of-way. The local utility providers may require additional easements or relocation of existing utilities facilities to complete the vacation.

All three utility providers have issued letters of no objection regarding the requested vacations.

Consistency with the Comprehensive Plan:

While the City lacks specific policies in the Comprehensive Plan for vacations involving residential-zoned lands, this request is consistent with Policy 1.15. as noted below.

Table 1, Policy 1.15 of the Future Land Use Element.

This table identifies the R-1 District as being consistent with the Single Family FLUC.

Policy 1.15: Single Family Residential: Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.

This request is also consistent with Policy 1.15.a as the site will be $\pm$ 13,621.7 sq. ft. following the ROW vacation. Following the vacation, this site will have a density of 3.2 dwelling units (DU) per acre, less than the maximum density of 4.4 DU per acre allowed in this FLUC.

Recommendation:

Staff recommends **approval** of the requested vacations with the following conditions:

Conditions of Approval

1. The vacation of the 3,180 sq. ft. of canal ROW and underlying easements shall be consistent with that shown in the legal description and accompanying sketch prepared by Will's Service Group, LLC. identified as "Exhibit A" and "Exhibit B", respectively.
 2. The vacation of 449.53 sq. ft. of platted easements shall be consistent with that shown in the legal description and accompany sketch prepared by Will's Service Group, LLC. identified as "Exhibit C" and "Exhibit D", respectively.
 3. The City shall retain easements sufficient for maintaining a six-foot wide perimeter easement, totaling 900.89 square feet, around the site as depicted in the legal description and accompanying sketch prepared by Will's Service Group, LLC. identified as "Exhibit E" and "Exhibit F", respectively.
 4. The Petitioners shall pay to the City of Cape Coral the cost of recording this resolution with the Office of the Lee County Clerk of Court.
 5. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the Petitioners.
-

Patrick Carlton White, AICP, Principal Planner
pwhite@capecoral.gov ph. 239-574-0605

"EXHIBIT A"

PORTION OF DOLPHIN CANAL
CAPE CORAL UNIT ONE, PART TWO.
(PLAT BOOK 11 PAGES 29-36)
PUBLIC RECORDS OF
LEE COUNTY, FLORIDA
SEE "EXHIBIT B" SHEET 2 OF 8
FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

LEGAL DESCRIPTION:

LOTS 23 AND 24 BLOCK "14", CAPE CORAL, UNIT 1, PART 2, according to the plat thereof as recorded in Plat Book 11, Page 36, Public Records of LEE COUNTY, Florida.

AND

A PARCEL OF LAND LYING IN A PORTION OF DOLPHIN CANAL 200 FEET WATERWAY, CAPE CORAL UNIT 1, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PARCEL BEIGN MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 23, BLOCK 14, AND THE NORTH RIGHT OF WAY LINE OF DOLPHIN DRIVE (P), (50 FEET WIDE). THENCE RUN N23°45'00"E TO THE NORTHEAST CORNER OF LOT 23, OF 125.00 FEET FOR A POINT OF BEGINNING, THENCE CONTINUE N23°45'00"E TO THE CENTER OF EXISTING SEAWALL, (1.30 FEET WIDE) FOR 35.88 FEET, THENCE RUN N67°02'26"W ALONG THE CENTER OF EXISTING SEAWALL FOR 89.15 FEET, THENCE RUN S20°30'00"W FOR 37.46 FEET, THENCE RUN S69°30'00"E FOR 34.31 FEET, THENCE TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 3°15'00", A RADIUS OF 500.00 FEET, AN ARC OF 28.36 FEET, SAID CURVE A CHORD BEARING OF N67°52'27"W, A CHORD DISTANCE OF 28.36 FEET, THENCE RUN S66°15'00"E OF 24.42 FEET, TO THE POINT OF BEGINNING.

THE PORTION HAS AN AREA OF 3,180.00 SQUARE FEET, MORE OR LESS.



GUSTAVO
INTERIAN

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INTERIAN
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PROFESSIONAL SURVEYOR AND MAPPER L.S. 6461
STATE OF FLORIDA.

WILL'S SERVICE GROUP LLC.
LAND SURVEYOR & MAPPER L.B. 8419

contact@willsservicegroup.com
303 NE 3RD AVE, SUITE 9.
CAPE CORAL
FLORIDA - 33909
(239) 478 4242

"EXHIBIT C"
PORTION OF DOLPHIN CANAL
CAPE CORAL UNIT ONE, PART TWO.
(PLAT BOOK 11 PAGE 36)
PUBLIC RECORDS OF
LEE COUNTY, FLORIDA

SEE "EXHIBIT D" SHEET 4 OF 8
FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

LOTS 23 AND 24, BLOCK "14", CAPE CORAL, UNIT 1, PART 2, according to the plat thereof as recorded in Plat Book 11, Page 36, Public Records of LEE COUNTY, Florida.

AND

A PARCEL OF LAND LYING IN A PORTION OF DOLPHIN CANAL 200 FEET WATERWAY, CAPE CORAL UNIT 1, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PARCEL BEIGN MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 23, BLOCK 14, AND THE NORTH RIGHT OF WAY LINE OF DOLPHIN DRIVE (P), (50 FEET WIDE). THENCE RUN N23°45'00"E FOR 119.00, THENCE RUN N66°15'00"W FOR 6.00 FEET TO THE POINT OF BEGINNING, THENCE RUN N23°45'00"E FOR 6.00 FEET, THENCE N66°15'00"W FOR 24.42 FEET, THENCE TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 3°15'00", A RADIUS OF 500.00 FEET, AN ARC OF 28.36 FEET, SAID CURVE A CHORD BEARING OF N67°52'31"W, A CHORD DISTANCE OF 28.35 FEET, THENCE RUN N69°30'00"W FOR 28.31 FEET, THENCE RUN S20°30'00"W FOR 6.00 FEET, THENCE RUN S69°30'00"E FOR 28.31 FEET, THENCE TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 3°15'00", A RADIUS OF 494.00 FEET, AN ARC OF 28.02 FEET, SAID CURVE A CHORD BEARING OF S 67°52'31"E, A CHORD DISTANCE OF 28.01 FEET, THENCE RUN S 66°15'00" E FOR 18.42 FEET TO THE POINT OF BEGINNING.

THE RELEASE OF EASEMENT CONTAINS IN AREA FROM 449.53 SQUARE FEET, MORE OR LESS.



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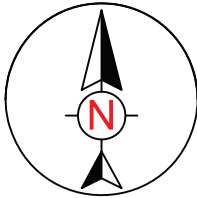
PROFESSIONAL SURVEYOR AND MAPPER L.S. 6461
STATE OF FLORIDA.

WILL'S SERVICE GROUP LLC.
LAND SURVEYOR & MAPPER L.B. 8419

contact@willsservicegroup.com
303 NE 3RD AVE, SUITE 9.
CAPE CORAL
FLORIDA - 33909
(239) 478 4242

"EXHIBIT D"
PORTION OF DOLPHIN CANAL
CAPE CORAL UNIT ONE, PART TWO.
(PLAT BOOK 11 PAGE 36)
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
SEE "EXHIBIT C" SHEET 3 OF 8
FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

NOT A BOUNDARY SURVEY



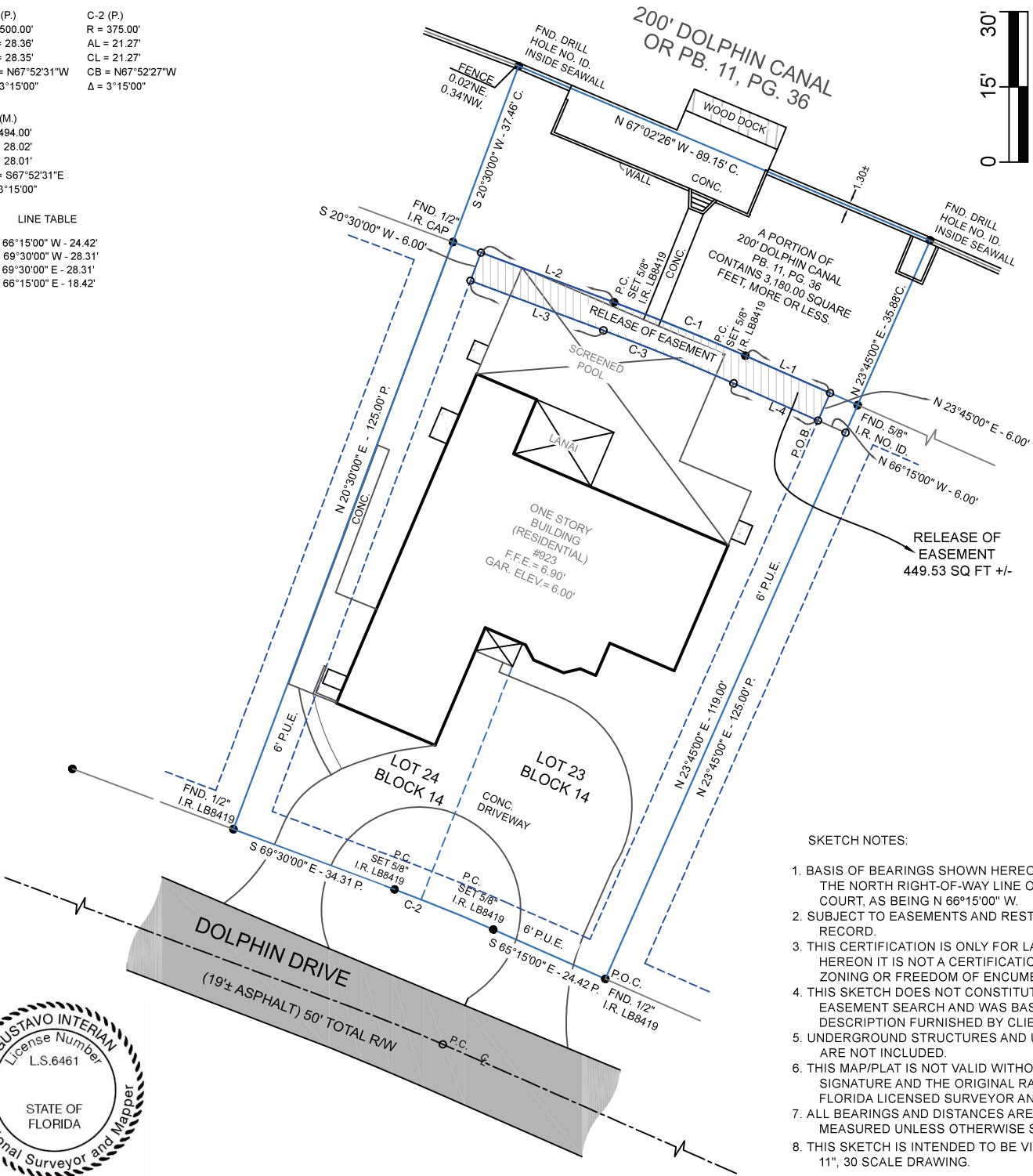
CURVE DETAILS:

C-1 (P.)	C-2 (P.)
R = 500.00'	R = 375.00'
AL = 28.36'	AL = 21.27'
CL = 28.35'	CL = 21.27'
CB = N67°52'31"W	CB = N67°52'27"W
Δ = 3°15'00"	Δ = 3°15'00"

C-3 (M.)
R = 494.00'
AL = 28.02'
CL = 28.01'
CB = S67°52'31"E
Δ = 3°15'00"

LINE TABLE

L-1	N 66°15'00" W - 24.42'
L-2	N 69°30'00" W - 28.31'
L-3	S 69°30'00" E - 28.31'
L-4	S 66°15'00" E - 18.42'



SKETCH NOTES:

1. BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE NORTH RIGHT-OF-WAY LINE OF DOLPHIN COURT, AS BEING N 66°15'00" W.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 X 11", 30 SCALE DRAWING.



Legend:

P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R/W	RIGHT OF WAY
P.U.E.	PUBLIC UTILITY EASEMENT

GUSTAVO
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PROFESSIONAL SURVEYOR AND MAPPER L.S.6461
STATE OF FLORIDA.

WILL'S SERVICE GROUP LLC.
LAND SURVEYOR & MAPPER L.B. 8419

contact@willsservicegroup.com
303 NE 3RD AVE, SUITE 9.
CAPE CORAL
FLORIDA - 33909
(239) 478 4242

"EXHIBIT E"
PORTION OF DOLPHIN CANAL
CAPE CORAL UNIT ONE, PART TWO.
(PLAT BOOK 11 PAGES 36)
PUBLIC RECORDS OF
LEE COUNTY, FLORIDA
SEE "EXHIBIT F" SHEET 5 OF 8
FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

PUBLIC UTILITY EASEMENT

LOTS 23 AND 24, BLOCK "14", CAPE CORAL, UNIT 1, PART 2, according to the plat thereof as recorded in Plat Book 11, Page 36, Public Records of LEE COUNTY, Florida. SUBJECT TO 6.00 FEET EASEMENTS ON ALL SIDES OF THE LOTS.

AND

A PARCEL OF LAND LYING IN A PORTION OF DOLPHIN CANAL 200 FEET RIGHT OF WAY, CAPE CORAL UNIT 1, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PUBLIC UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 23, BLOCK 14, THENCE RUN N23°45'00"E FOR 119.00, TO THE POINT OF BEGINNING, THENCE RUN N66°15'00"W FOR 6.00 FEET, THENCE N23°45'00"E FOR 29.88 FEET, THENCE RUN N67°02'26"W FOR 77.15 FEET, THENCE RUN S20°30'00"W FOR 31.46 FEET, THENCE RUN N69°30'00"W FOR 6.00 FEET, THENCE RUN N20°30'00"E FOR 37.46 FEET, THENCE RUN S67°02'26"E ALONG THE CENTER OF EXISTING SEAWALL (1.30 FEET WIDE) FOR 89.15 FEET, THENCE RUN S23°45'00"W FOR 35.88 FEET TO THE POINT OF BEGINNING.

THE PROPOSAL PUBLIC UTILITY EASEMENT CONTAINS 900.89 SQUARE FEET, MORE OR LESS.



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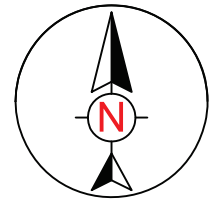
PROFESSIONAL SURVEYOR AND MAPPER L.S. 6461
STATE OF FLORIDA.

WILL'S SERVICE GROUP LLC.
LAND SURVEYOR & MAPPER L.B. 8419

contact@willsservicegroup.com
303 NE 3RD AVE, SUITE 9.
CAPE CORAL
FLORIDA - 33909
(239) 478 4242

"EXHIBIT F"
PORTION OF DOLPHIN CANAL
CAPE CORAL UNIT ONE, PART TWO.
 (PLAT BOOK 11 PAGE 36)
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA
 SEE "EXHIBIT E" SHEET 5 OF 8
 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

NOT A BOUNDARY SURVEY



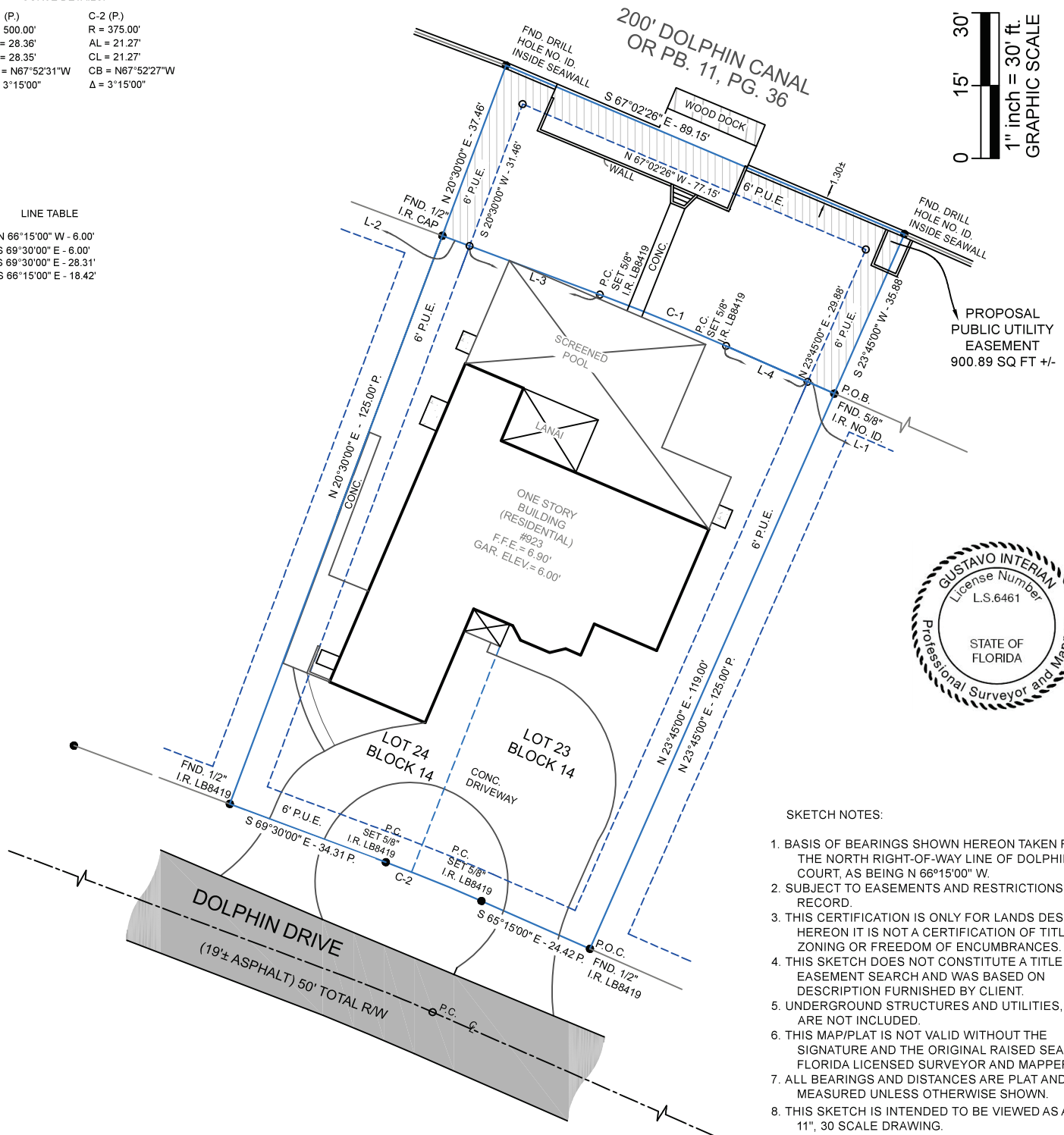
0 15' 30'
 1" inch = 30' ft.
 GRAPHIC SCALE

CURVE DETAILS:

C-1 (P)	C-2 (P)
R = 500.00'	R = 375.00'
AL = 28.36°	AL = 21.27°
CL = 28.35°	CL = 21.27°
CB = N67°52'31"W	CB = N67°52'27"W
Δ = 3°15'00"	Δ = 3°15'00"

LINE TABLE

L-1	N 66°15'00" W - 6.00'
L-2	S 69°30'00" E - 6.00'
L-3	S 69°30'00" E - 28.31'
L-4	S 66°15'00" E - 18.42'



SKETCH NOTES:

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2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT.
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7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 X 11", 30 SCALE DRAWING.

Legend:

P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R/W	RIGHT OF WAY
P.U.E.	PUBLIC UTILITY EASEMENT

GUSTAVO
INTERIAN

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 INTERIAN
 Date: 2026.07.27 15:04:31 -04'00'

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GUSTAVO INTERIAN.

PROFESSIONAL SURVEYOR AND MAPPER L.S.6461
 STATE OF FLORIDA.

WILL'S SERVICE GROUP LLC.
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 FLORIDA - 33909
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DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

VACATIONS OF PLAT REQUEST TO THE HEARING EXAMINER AND CITY COUNCIL

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise the case may be continued to a future hearing date.

If the vacation is approved, the applicant shall be responsible for reimbursing the City to record the final resolution or ordinance with the Lee County Clerk of Court. Until these fees are paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the City from issuing any applicable building permits, site plans, or certificates of occupancy for any property covered by the resolution or ordinance.

PROPERTY INFORMATION			
Project Name:	VACATION OF PLAT		
Location/Address	923 DOLPHIN DR CAPE CORAL, FL 33904		
Strap Number	19-45-24-C1-00014.0230	Unit	1 PART 2 14
Strap Number		Block	14
Strap Number		Lot (s)	23+24
Strap Number		Unit	
Strap Number		Block	
Strap Number		Lot (s)	
Plat Book	11	Page	36
Future Land Use	RES	Current Zoning	RES
PROPERTY OWNER (S) INFORMATION			
Owner	THOMAS + LINDA KOENIG		
Address	923 DOLPHIN DR. CAPE CORAL FL 33904		
Phone	239 242 6723		
City	CAPE CORAL		
Email	WINDSWEGITTON@YAHOO.COM		
State	FL		
Zip	33904		
Owner			
Address			
Phone			
City			
Email			
State			
Zip			
APPLICANT INFORMATION (If different from owner)			
Applicant			
Address			
Phone			
City			
Email			
State			
Zip			
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)			
Representative			
Address			
Phone			
City			
Email			
State			
Zip			

RECEIVED
JAN 10 1964
FBI - NEW YORK

TO: DIRECTOR, FBI
FROM: SAC, NEW YORK
SUBJECT: [Illegible]

RE: [Illegible] (NY 100-157341) (P)
[Illegible text block containing several lines of a memorandum or letter body]

On [illegible] at [illegible] New York, New York
[Illegible text block containing several lines of a memorandum or letter body]

Very truly yours,
[Illegible signature]
[Illegible title]
[Illegible text block containing several lines of a memorandum or letter body]



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(SIGNATURE MUST BE NOTARIZED)

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

CORPORATION/COMPANY NAME (IF APPLICABLE)

THOMAS M. KOENIG

OWNER'S NAME (TYPE OR PRINT)

LINDA L

~~THOMAS M. KOENIG~~

OWNER'S NAME (TYPE OR PRINT)

THOMAS M. KOENIG

APPLICANT NAME (TYPE OR PRINT)

Thomas M. Koening

OWNER'S SIGNATURE

Linda L Koening

OWNER'S SIGNATURE

Thomas M. Koening

APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF FLORIDA

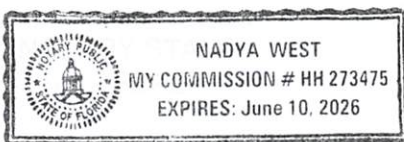
COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online

notarization, on this 1st day of APRIL, 2020 by THOMAS KOENIG
LINDA KOENIG

know is personally known to me or produced FL DL / FL DL as identification.

Exp Date: 06/10/26 Commission Number: HH273475



Signature of Notary Public:

Nadya West

Printed Name of Notary Public:

NADYA WEST



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the _____ Day
of 4-1, 2026.

CORPORATION/COMPANY NAME

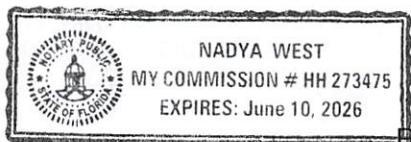
Thomas M. Koenig
OWNER'S SIGNATURE

THOMAS M. KOENIG
OWNER'S NAME (TYPE or PRINT)

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, on this 1st day of APRIL, 2026 by THOMAS M KOENIG
know is personally known to me or produced FL DL as identification.



Exp Date: 06/10/2026 Commission Number: HH273475

Signature of Notary Public:

Nadya West

Printed Name of Notary Public:

NADYA WEST



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than three business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

THOMAS M. KOENIG
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

[Signature]
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

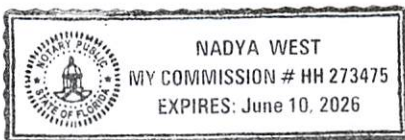
STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online

notarization, on this 1st day of APRIL, 2020 by THOMAS KOENIG,²⁶

know is personally known to me or produced FL DL as identification.



Exp Date: 06/10/26 Commission Number: HH273475

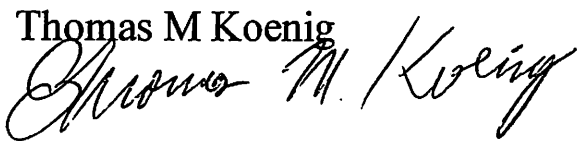
Signature of Notary Public: Nadya West

Printed Name of Notary Public: NADYA WEST

Thomas M Koenig
923 Dolphin Dr
Cape Coral, FL 33904

Vacate Plot at 923 Dolphin Dr Lots 23 and 24, Block 14 , Cape
Coral Unit 1, Part 2

I want to vacate the plot by the canal so I can make changes to the
dock. The original canal was to be 200 ft wide but they only dug it
150 ft wide.

Thomas M Koenig




3/5/26

Thomas Koenig
923 Dolphin Dr
Cape Coral, FL 33904

No Reservations/No Objection

**SUBJECT: Vacation of the Public Utility & Drainage Easement and Canal – Rear side of
Lots 23 and 24, 923 Dolphin Dr, Cape Coral, FL
APN: 19-45-24-C1-00014.0230**

To Whom It May Concern:

CENTURYLINK OF FLORIDA, INC. d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities. If you have any questions, please contact Kali Wood at (361) 405-1342, Kali.Wood@Lumen.com, or nre.easement@lumen.com.

Sincerely yours,

Kali Wood
Network Infrastructure Services
Lumen
P869228



February 2nd 2026

Attn: Thomas Koenig

RE- Letter of No Objection for 923 Dolphin Dr Cape Coral FL. Strap #19-45-24-c1-00014.0230

Dear Thomas Koenig,

Thank you for contacting Comcast regarding your proposed vacation. This is to inform you that Comcast does not have facilities within the sites development area and Comcast has no objection to the vacation.

It is the intent and understanding of Comcast that this vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area. This vacation response is submitted WITH THE STIPULATION that If Comcast facilities are found and/or damaged within the area as described, the applicant will bear the cost of repairs or relocation of said facilities.

If you have any further questions or concerns, please do not hesitate to contact me at (574) 808-8943.

Sincerely,

Christopher Plank

Construction Manager SWFL

12600 Westlinks Dr. Suite #4
Fort Myers, FL 33913
574-808-8943
Christopher.Plank@Comcast.com

February 2, 2026

Thomas Koenig
923 Dolphin Drive
Cape Coral, FL 33904

Re: Letter of Review and Recommendation to Vacation a portion of land located at **923 Dolphin Drive, Cape Coral, FL 33904:**
STRAP: 19-45-24-C1-00014.0230
Owner(s) of Record: Thomas and Linda Koenig

We received your petition asking LCEC for a letter to vacate a portion of land next to the seawall of record for the lots described as follows:

Cape Coral, Unit 1, Block 14, Lots 23 and 24, Section 19, Township 45, Range 24E, according to Plat Book 11, Page 36 of the Public Records of Lee County, Florida.

We have reviewed your request, with the submitted related documents, and our internal files. LCEC has **No Objection** to the requested vacation of the easement on the parcel as described above in the rear of the lots next to the seawall.

Please be advised, that should there be any substantial changes to the plans as submitted, LCEC reserves its rights to additional, and further review and comment with additional conditions, if necessary, consistent with its findings. Should no definitive action, no approval, by local jurisdiction be received by the petitioner, this letter will terminate within one year from the date listed above. This letter is not assignable to a third party and is non-recordable. This letter will become immediately void upon recordation.

Should there be any questions please call me at 239-656-2228, or, if you prefer, I may be reached by email at Steve.Sousa@lcec.net.

Very truly yours,



Steve Sousa
Right of Way Agent

LEE COUNTY ELECTRIC COOPERATIVE, INC.

RE: 401276333

BOUNDARY SURVEY

SURVEY: W202605644

CURVE DETAILS:

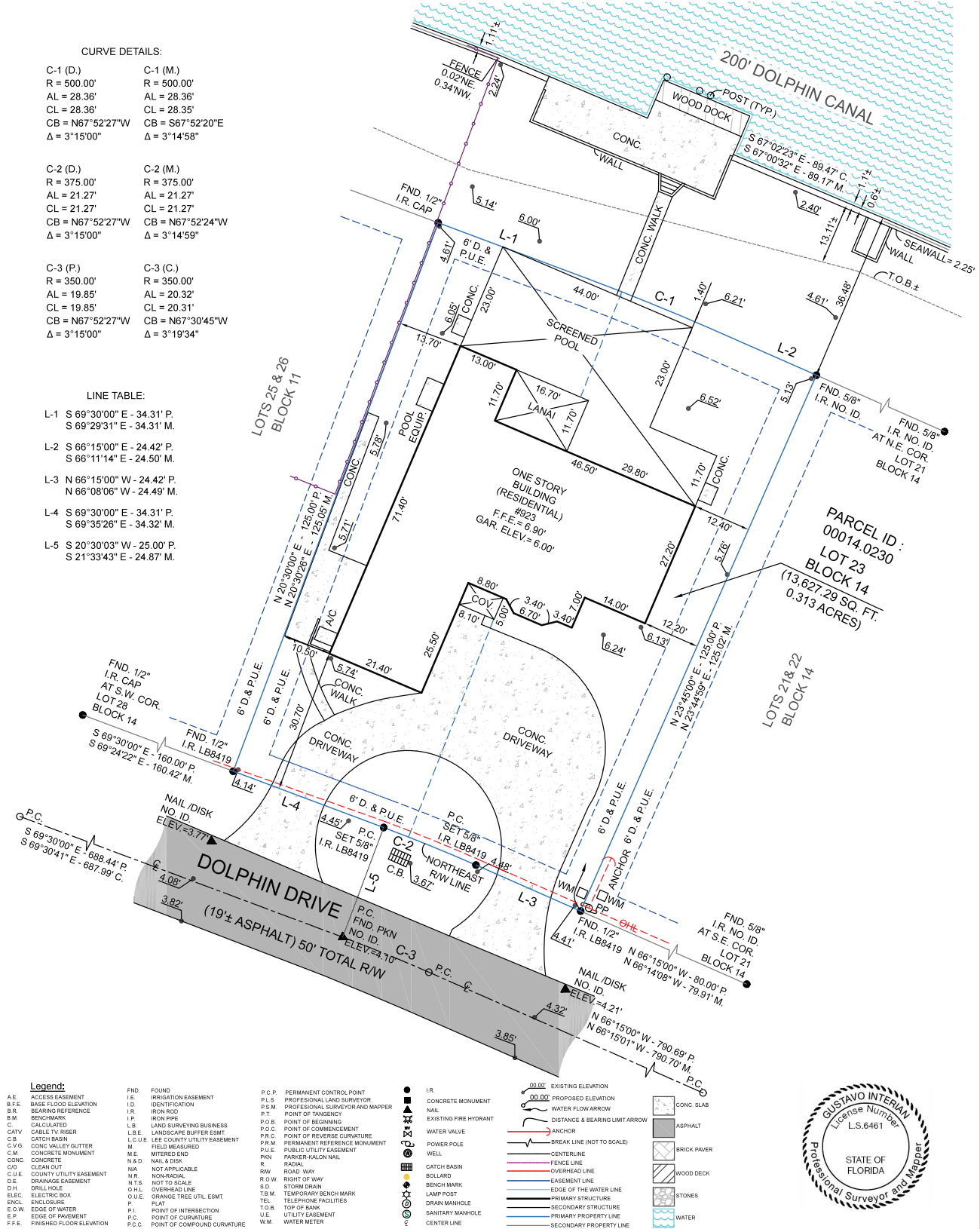
C-1 (D.)	C-1 (M.)
R = 500.00'	R = 500.00'
AL = 28.36'	AL = 28.36'
CL = 28.36'	CL = 28.35'
CB = N67°52'27"W	CB = S67°52'20"E
Δ = 3°15'00"	Δ = 3°14'58"

C-2 (D.)	C-2 (M.)
R = 375.00'	R = 375.00'
AL = 21.27'	AL = 21.27'
CL = 21.27'	CL = 21.27'
CB = N67°52'27"W	CB = N67°52'24"W
Δ = 3°15'00"	Δ = 3°14'59"

C-3 (P.)	C-3 (C.)
R = 350.00'	R = 350.00'
AL = 19.85'	AL = 20.32'
CL = 19.85'	CL = 20.31'
CB = N67°52'27"W	CB = N67°30'45"W
Δ = 3°15'00"	Δ = 3°19'34"

LINE TABLE:

L-1	S 69°30'00" E - 34.31' P.
	S 69°29'31" E - 34.31' M.
L-2	S 66°15'00" E - 24.42' P.
	S 66°11'14" E - 24.50' M.
L-3	N 66°15'00" W - 24.42' P.
	N 66°08'06" W - 24.49' M.
L-4	S 69°30'00" E - 34.31' P.
	S 69°35'26" E - 34.32' M.
L-5	S 20°30'03" W - 25.00' P.
	S 21°33'43" E - 24.87' M.



WILL'S SERVICE GROUP LLC.
LAND SURVEYOR & MAPPER L.B. 8419
contact@willservicegroup.com
303 NE 3RD AVE. STE 9
CAPE CORAL
FLORIDA - 33909
(239) 478 4242

PROPERTY AND OWNER INFORMATION	
Property Address: 923 DOLPHIN DRIVE, CAPE CORAL, FL 33904	Parcel I.D.: 19-45-24-C1-00014.0230 County/State: Lee / Florida
Certified to: THOMAS M KOENIG, it's successor's and/or assigns and the Department of Housing and Urban Development as their interests may appear.	
Legal Description As Furnished: LOTS 23 AND 24, BLOCK "14", UNIT 1, PART 2, CAPE CORAL SUBDIVISION, according to the plat thereof as recorded in plat book 11, Pages 29 to 36, inclusive, in the Public Records of LEE COUNTY, Florida.	
Flood Zone Information: Community Name: CITY OF CAPE CORAL Community Number: 125069 Panel: 0412 Suffix: G Effective Date: 11/17/2022 Flood Zone: AE B.F.E. = 8.00'	

Surveyor's Notes:

- LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP OR RIGHTS-OF-WAY.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- NOT VALID WITHOUT WRITTEN CONSENT OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- THIS SURVEY IS INTENDED FOR CONSTRUCTION PURPOSES ONLY. EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS TO BE USED FOR CONSTRUCTION, PERMITTING OR DESIGN. ANY OTHER USE IS NOT VALID WITHOUT WRITTEN CONSENT.
- NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
- ONLY IMPROVEMENTS SHOWN WERE LOCATED.
- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- EASEMENTS SHOWN ON THIS DRAWING ARE FROM THE RECORDED PLAT. ANY OTHER EASEMENT (S) PERTAINING TO THE HEREON DESCRIBED LAND (S) MUST BE FURNISHED TO THE SURVEYOR BY THE CLIENT OR THE CLIENTS AGENT PER FLORIDA STATUTE "CHAPTER 54-17 OF THE FLORIDA ADMINISTRATIVE CODE."
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- PARCEL WAS SURVEYED FROM INFORMATION SUPPLIED BY THE CLIENT.
- FENCE OWNERSHIP NOT DETERMINED.
- THE ACCURACY OF CONTROL SURVEY DATA SHALL BE VERIFIED BY REDUNDANT MEASUREMENTS OR TRAVERSE CLOSURES. ALL CONTROL MEASUREMENTS SHALL ACHIEVE THE FOLLOWING CLOSURES:
COMMERCIAL/HIGH RISK LINEAR: 1" FOOT IN 10,000 FEET.
SUBURBAN: LINEAR 1" FOOT IN 7,500 FEET.
RURAL: LINEAR 1" FOOT IN 5,000 FEET.
- BEARINGS SHOWN HEREON ARE BASED UPON N86°19'00"W ALONG THE CENTERLINE OF DOLPHIN DRIVE AS PLATTED.
- ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD83 DATUM. BENCHMARK USED (XXXX) WITH ELEVATION OF XX.XX."



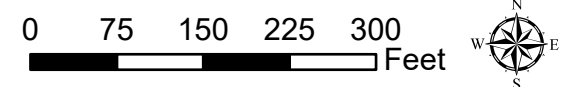
City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. VAC26-000008

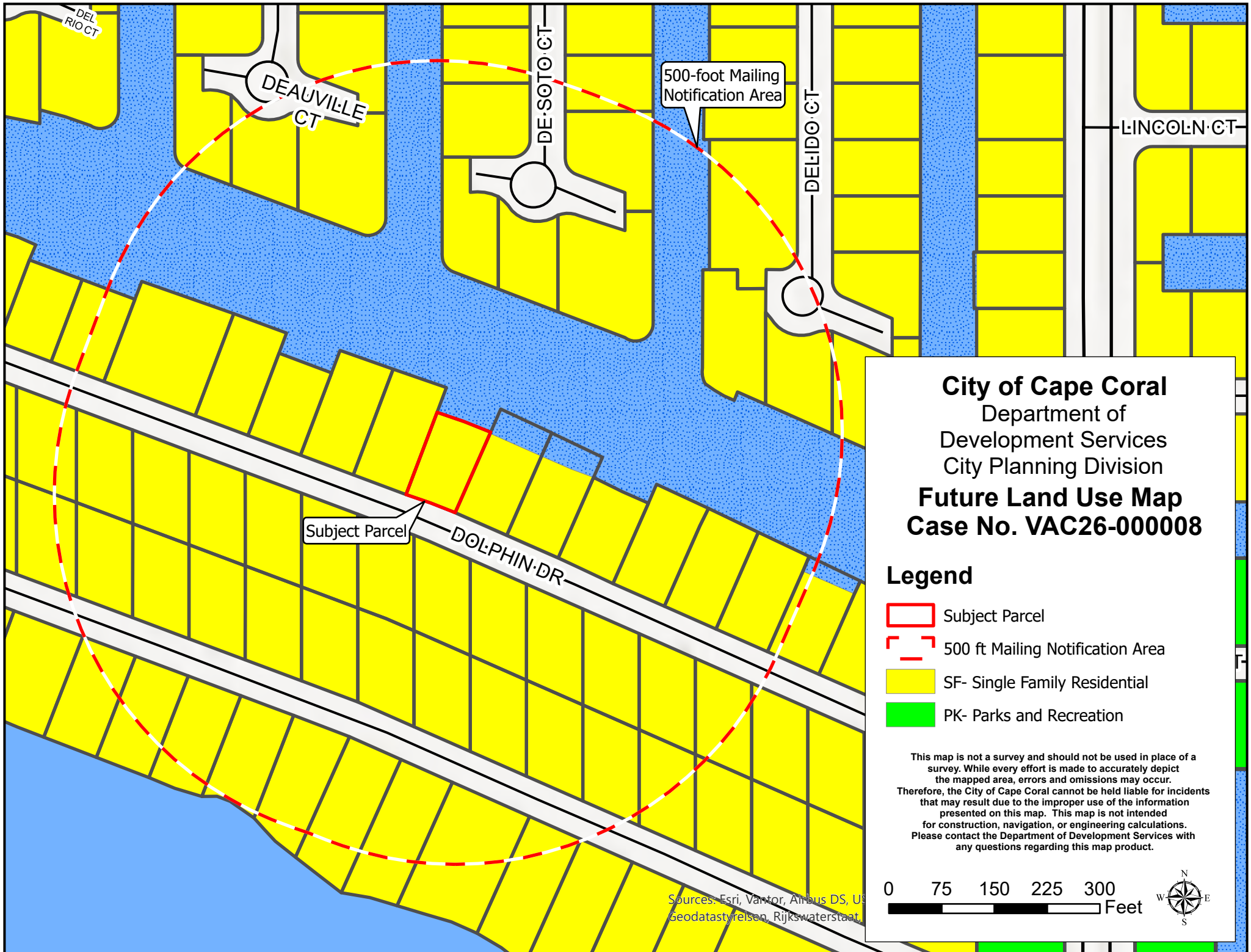
Legend

-  Subject Parcel
-  500 ft Mailing Notification Area

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation, or engineering calculations. Please contact the Department of Development Services with any questions regarding this map product.

Cape Coral GIS Sources: Esri, Vantor, Air OS, NMA, Geodatastylelsen, Rijk



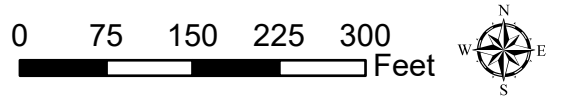


City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. VAC26-000008

Legend

-  Subject Parcel
-  500 ft Mailing Notification Area
-  SF- Single Family Residential
-  PK- Parks and Recreation

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Sources: Esri, Vantor, Airbus DS, US
Geodatastyfelsen, Rijkswaterstaat

