

THIS INSTRUMENT PREPARED BY:

Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33932

**RESOLUTION NO. 02-01 FOR PETITION TO VACATE**

Case Number: **VAC2001-00029**

WHEREAS, Petitioner(s) **Kevin and Deborah Mulhearn & Henry and Edith Schlichte** in accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, filed a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Town Council of Fort Myers Beach, Florida held a Public Hearing concerning a Petition to Vacate on **Monday, January 7<sup>th</sup>, 2002 at: 6:30 p.m.**, and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the Town Council Meeting and a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with LCAC 13-8; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way may potentially invade or violate individual property rights; and

NOW therefore be it resolved by the Town Council of Fort Myers Beach, as follows:

1. Petition to Vacate No. **VAC2001-00029** is hereby **denied**.
2. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County, Florida.

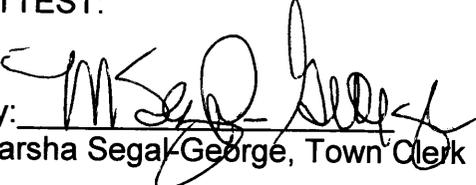
This Resolution passed by voice and entered into the minutes of the Town Council of Fort Myers Beach, Florida, this 7<sup>th</sup> day of January, 2002.

THE FOREGOING WAS ADOPTED by the Town Council upon a motion made and seconded, and, upon being put to a vote, the result was as follows:

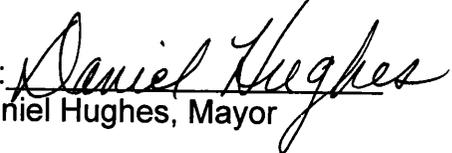
Howard Rynearson	aye
Daniel Hughes	nay
Bill Thomas	aye
W. H. "Bill" Van Duzer	nay
Terry Cain	aye

DULY PASSED AND ADOPTED this 7th day of January, 2002.

ATTEST:

By:   
Marsha Segal-George, Town Clerk

Town of Fort Myers Beach

By:   
Daniel Hughes, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney