

RESOLUTION 21-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING APPLICATION VAC20210035, REQUESTING TO VACATE PORTIONS OF TOWN OF FORT MYERS BEACH, FLORIDA RIGHT-OF-WAY, ALSO KNOWN AS SCHOOL STREET, OWNED BY THE TOWN OF FORT MYERS BEACH WITHIN THE “WINKLER SUBDIVISION”, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED TO THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Fort Myers Beach (“Applicant”), in accordance with Chapter 177, *Florida Statutes*, the Town of Fort Myers Beach Land Development Code (“LDC”), filed applications with the Town of Fort Myers Beach (“Town”) to vacate portions of Town right-of-way within the Winkler Subdivision legally described in attached Exhibit “A”(“Legal Description of Parcels”); and

WHEREAS, Chapter 2 Administration, Article VI of the Fort Myers Beach Code of Ordinances directs the Town Council to consider future likelihood that right-of-way may be needed, that the convenient access of property owners on adjoining street rights-of-way will not be adversely affected, and vacation of the property will not affect ownership or rights of other owners in the subdivision.; and

WHEREAS, proper notice of property owners within 500 feet and publication of a notice of public hearing and as required under Article VI, were published notifying the public that the Town Council of Fort Myers Beach will hold a public hearing on May 17, 2021 at 9:00 AM or shortly thereafter to consider and recommend approval, approval with conditions, or deny the Request to Vacate; and

WHEREAS, on May 17, 2021, the Town Council conducted a properly noticed public hearing to give consideration to the Request to Vacate, staff report, and testimony given at the public hearing; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. The Town Council makes the following findings of fact with respect to the Request to Vacate:

- a. The Town owns and is responsible for the maintenance of the right-of-way that is the subject of the Request to Vacate.
- b. The Applicant is the owner of land adjacent to the right-of-way and land sought to be vacated.
- c. The Applicant and the Town are the only affected property owners concerning the intent of the Request to Vacate.

- d. The general public will benefit from the vacation of the Town right-of-way and property, and that such right-of-way and property are no longer required for the public use and convenience.
- e. The Town's interest in the right-of-way, plat or portion of a plat described in Exhibit "A" to this Resolution is hereby vacated.

Section 3. Granting of the Request to Vacate is subject to the following conditions:

- a. All projects shall be completed within a timeframe approved by the Town Manager or the vacated right-of-way and property shall automatically revert to the Town.

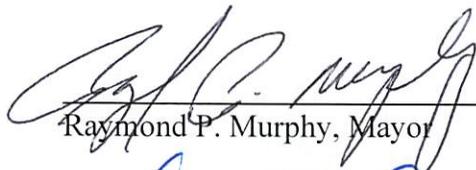
Section 4. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Atterholt and seconded by Vice Mayor Hosafros, and upon being put to a roll call vote, the result was as follows:

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Jim Atterholt, Councilmember	aye
Dan Allers, Councilmember	aye
Bill Veach, Councilmember	aye

ADOPTED this 17th day of May, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



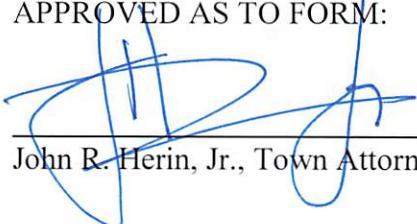
 Raymond P. Murphy, Mayor



 Amy Baker, Town Clerk

ATTEST:

APPROVED AS TO FORM:



 John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 24 day of May 2021.

Description of a Parcel of Land
Lying in
Section 19, Township 46 South, Range 24 East
Town of Fort Myers Beach, Lee County, Florida
(Vacation Parcel - A 50'X75' Portion of an un-named Street)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 19, Township 46 South, Range 24 East, being a portion of an un-named street lying between Block J and Block I, Winkler Subdivision, as recorded in Plat Book 8 at Page 45, Public Records of Lee County, Florida, and further described as follows:

Commencing at the northwesterly most corner of Lot 48 of said Block J of said Winkler Subdivision; thence S25°17'00"W along the easterly line of Lots 1 through 9 of said Block J for 225.00 feet to the northeast corner of Lot 10 of said Block J; thence N64°43'00"W along the northerly line of Lot 10 of said Block J for 150.00 feet to the northwest corner of said Lot 10, Block J and to the Point of Beginning; thence continue N64°43'00"W along the northwesterly extension of the northerly line of Lot 10 of said Block J for 50.00 feet to the northeast corner of Lot 17, Block I of said subdivision; thence N25°17'00"E along the easterly line of said Block I for 75.00 feet to the northeast corner of Lot 20, of said Block I; thence S64°43'00"E along the southeasterly extension of the northerly line of Lot 20 of said Block I for 50.00 feet to the northwest corner of Lot 7, of said Block J; thence S25°17'00"W along the westerly line of said Block J for 75.00 feet to the Point of Beginning.

Containing 3,750 square feet (0.09 acres), more or less.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on the westerly line of Bay Road (the easterly line of said Block J) as bearing S25°17'00"W.

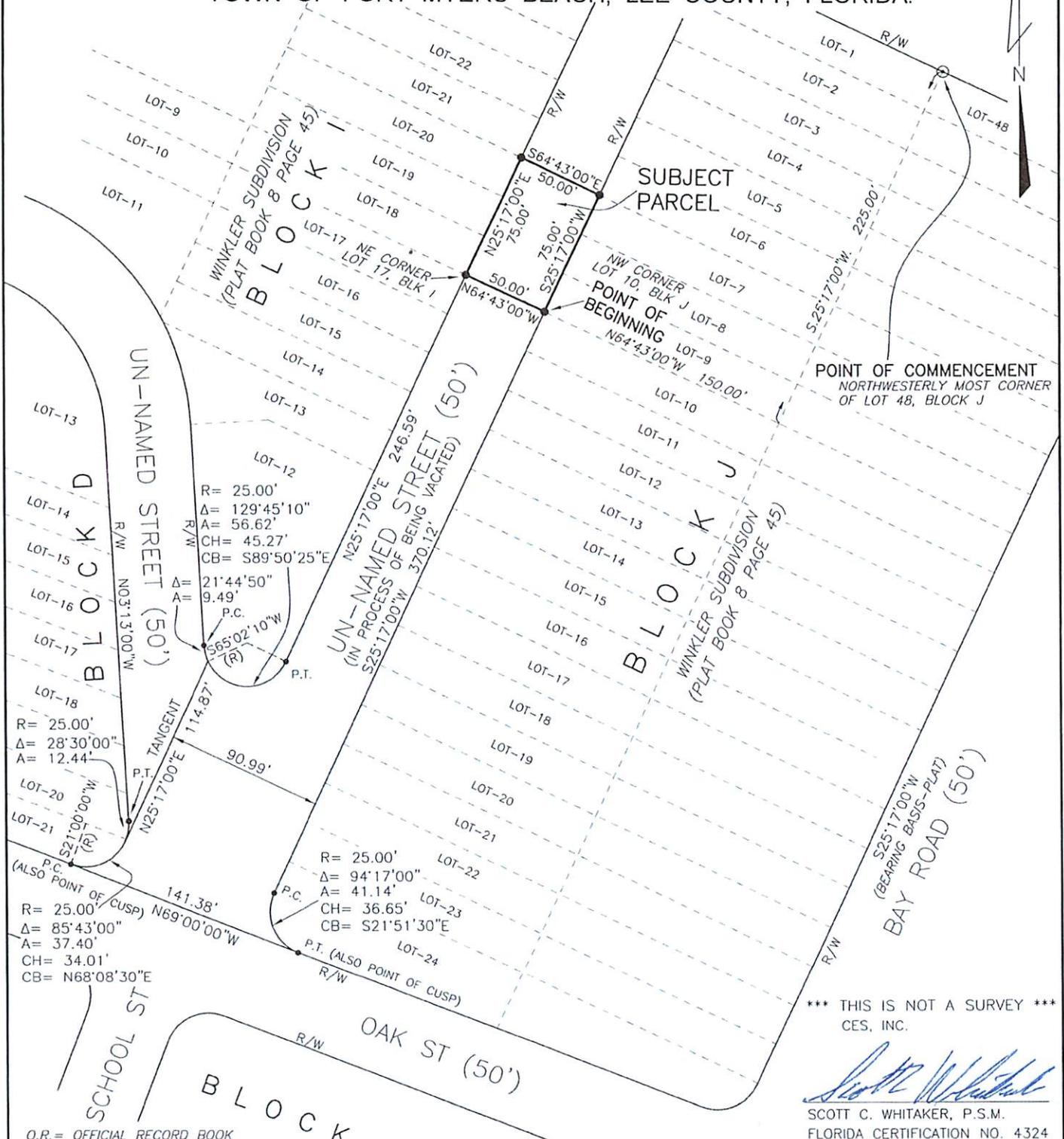
CES, Inc. (LB8267)



Scott C. Whitaker, P.S.M. 4324
Professional Surveyor and Mapper
State of Florida

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND LYING IN
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA.



*** THIS IS NOT A SURVEY ***
CES, INC.

Scott C. Whitaker
SCOTT C. WHITAKER, P.S.M.
FLORIDA CERTIFICATION NO. 4324

O.R.= OFFICIAL RECORD BOOK
P.B.= PLAT BOOK
P.C. = PAGE
R/W = RIGHT-OF-WAY
P.C.= POINT OF CURVE
P.T.= POINT OF TANGENCY
(R)= RADIAL

SUBJECT TO FIELD SURVEY
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

VACATION OF A 50'X75' PORTION OF AN UN-NAMED STREET

CESinc
Engineers • Environmental Scientists • Surveyors

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919 PH (239) 481-1331

2010596.002SK_UN-NAMED STREET_ADD1.dwg FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB32664 & LB8267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
04-29-21	596.002	SCW	1" = 80'	2 OF 2	19-46-24