

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 97- 38

WHEREAS, petitioners Axel Schultz and Cornelia Schultz in accordance with Florida Statute (F.S.) Chapter 177 and Town of Fort Myers Beach Administrative Code, filed a Petition to vacate, abandon, close and discontinue the public's interest in the easement, plat or portion of a plat legally described in attached Exhibit "A"; and,

WHEREAS, the Council of Town of Fort Myers Beach, Florida held a Public Hearing concerning the Petition to Vacate on the 20<sup>th</sup> day of October, 1997; and,

WHEREAS, the Petitioner is the fee simple title holder to the underlying land sought to be vacated: and,

WHEREAS, the Petitioner did provide proof that all applicable state, county and town taxes have been paid; and,

WHEREAS, the Petitioner did provide notice to all affected property owners concerning the intent of the Petition to Vacate; and,

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Fort Myers Beach as follows:

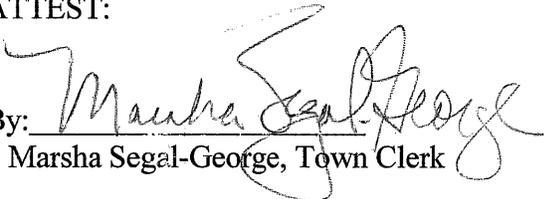
1. Petition to Vacate No. 97-09-is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County Florida.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

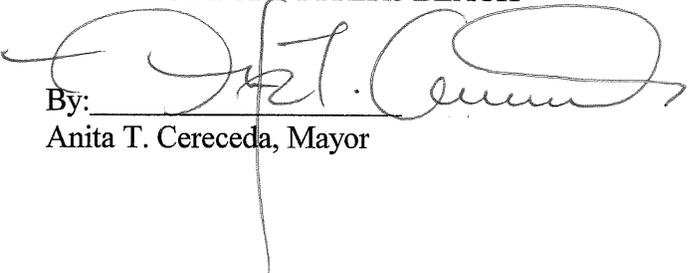
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY GRANTED this 20<sup>th</sup> day of October, 1997.

ATTEST:

By:   
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By:   
Anita T. Cereceda, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

# Exhibit A

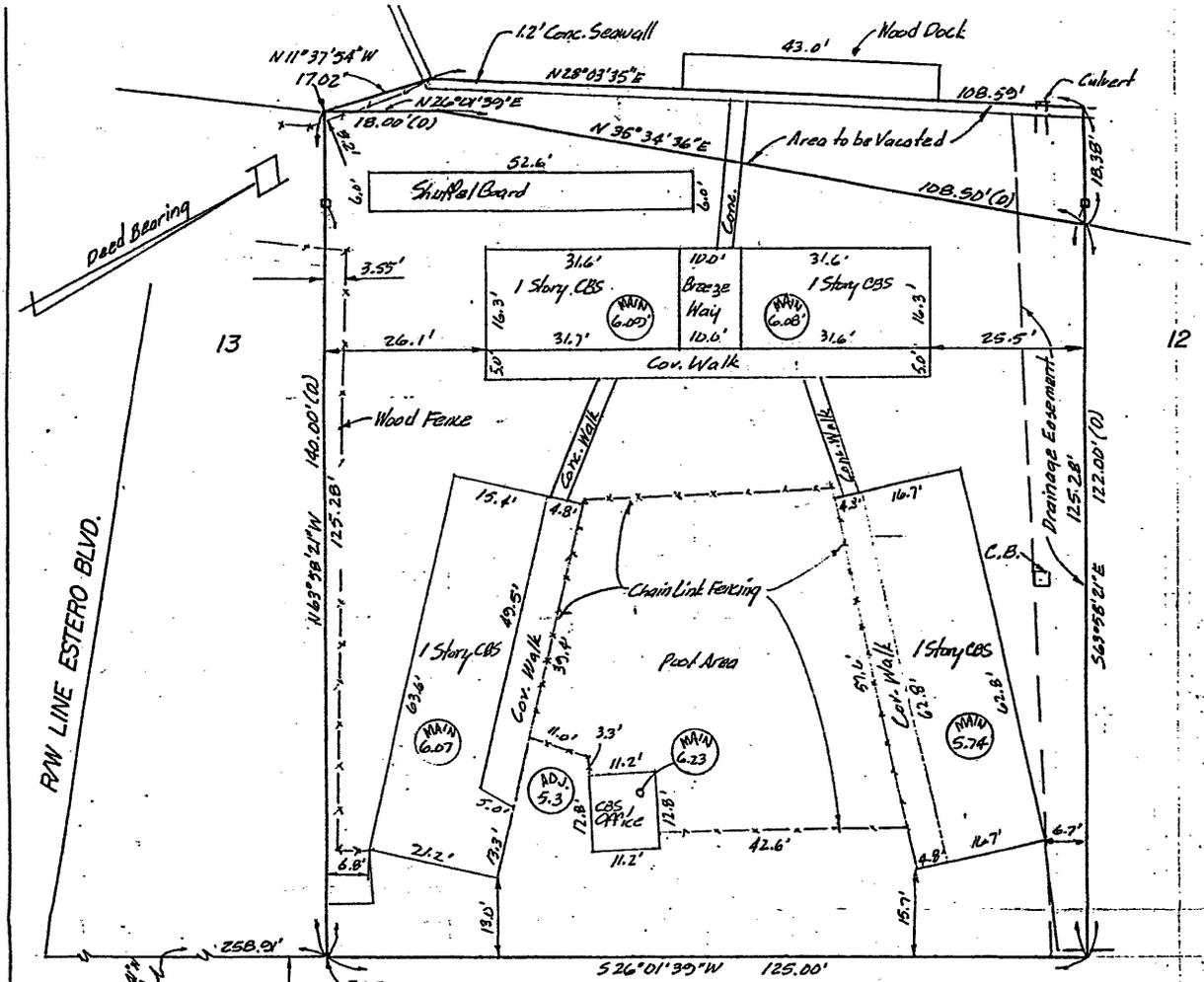
## LEGAL DESCRIPTION OF LANDS TO BE VACATED:

Commencing at the Point of Beginning of Lands described in Deed Book 205 at Page 491 of the Public Records of Lee County, Florida; thence run N 63°58'21" W, 140.00 feet along the line common to said Lands and the Northerly line of Lot 13, Block A, Unit 2, Island shores as recorded in Plat Book 9, Page 25 of the Public Records of Lee County, Florida, and the Point of Beginning of the herein described land to be vacated. Thence run N 11°37'54" W, 17.02 feet to the face of a 1.2 foot wide concrete seawall; thence run N 28°03'35" E, 108.59 feet along the face of said seawall; thence run S 63°58'21" E, 18.38 feet along the extension of the line common to said Land described in said deed book and the Southerly line of Lot 12, Block A, Unit 2 of said Island Shores; thence S 36°34'36" W, 108.50 feet along the Westerly line of aforesaid Lands described in said deed book; thence continuing along said Westerly line S 26°01'39" W, 18.00 feet to the Point of Beginning of Lands to be vacated.

JOB. #11796  
DATED: 7/31/97

  
R. L. Schumann, RLS #2239

CANAL / LAGOON



SAN CARLOS BLVD. (66' R/W)

ADDRESS: 201 SAN CARLOS BLVD.

BOUNDARY, NGVD ELEVATIONS, AND VACATION SURVEY

- LEGEND**
- o = 1/4" Iron/Cap Set
  - o = 1/4" Iron Rod Found
  - c = PK Nail Set
  - ▲ = PK Nail Found
  - = Concrete Monument Found
  - P.U.E. = Public Utility Easement
  - D.F. = Drainage Easement
  - P.C. = Point of Curve
  - P.T. = Point of Tangent
  - P.R.C. = Point of Reverse Curve
  - R/W = Right of Way
  - P.O.B. = Point of Beginning
  - P.O.C. = Point of Commencement
  - C.B.S. = Concrete Block Stucco
  - N.C.V.D. = National Geodetic Vertical Datum (1929)
  - P.P. = Power Pole
  - T.PED. = Telephone Pedestal
  - F.H. = Fire Hydrant
  - C.B. = Catch Basin
  - - - = Center Line
  - D = Deed
  - M = Measured
  - C = Calculated
  - P = Plat

Subject Property Located in:  
 FEMA Flood Zone A-12 (12.0')  
 Panel # 125124-0429-D  
 Dated: 9/20/96

CERTIFY TO: AXEL SCHULZ

**CERTIFICATION:**  
 I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE HEREON DESCRIBED PROPERTY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY DIRECTION, AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND UNLESS OTHERWISE SHOWN THERE ARE NO VISIBLE ENCROACHMENTS. I FURTHER CERTIFY THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, ESTABLISHED PURSUANT TO CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE.

- NOTES:**
1. Description as furnished by client. No search of the Public Records was conducted by this firm.
  2. Elevations as shown are based on N.C.V.D. 1928 datum unless otherwise stated.
  3. Bearings are based on plat or deed.
  4. Encroachments are based on plat.
  5. There may be other easements not shown hereon recorded in the Public Records of governing county.
  6. No Determination of Hazardous Waste Materials has been made by this firm.
  7. Signor limits liability only up to the cost of the survey.
  8. This survey is protected by copyright and all rights are reserved.

PAGE 1 OF 2  
 PAGE 2 OF 2 FOR LEGAL DESCRIPTION

DATED: 7/29/97  
 SCALE: 1"=20'  
 JOB: 11796

BY: *[Signature]*  
 K.L. SCHUMANN, RES.  
 FLORIDA REG. #2239

S & H LAND SURVEY COMPANY  
 13611 MCGREGOR BLVD., SUITE 2  
 FT. MYERS, FLORIDA 33919