

THIS INSTRUMENT PREPARED BY:

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

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**RESOLUTION NO. 99-28 FOR PETITION TO VACATE**

Case Number: 98-09-227.03R

WHEREAS, Petitioner Lighthouse Island Resort, Inc., Thomas and Melinda Kolar and Thomas J. and Eleanor Kolar in accordance with Florida Statute (F.S.) Chapter 177, 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 the 1<sup>st</sup> of July, 1999; 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

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with the Town's requirements; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

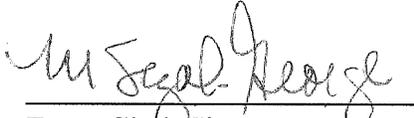
WHEREAS, the letters or review and recommendation provided by the various governmental and utility entities indicate granting Petitioner's request is appropriate and in accordance with F.S. Chapter 177.

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

1. Petition to Vacate No. 98-09-227.03R is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued and the Town reserves an easement for public parking to be terminated by the Town by recording of a Termination of Easement Agreement.
3. This Resolution will become effective upon the recording of a fully executed certified copy of this Resolution in the public records of Lee County, Florida.

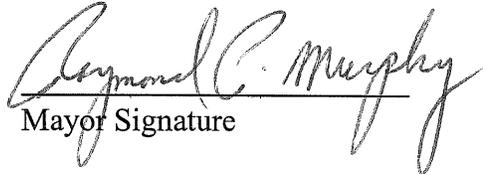
This Resolution passed by voice and entered into the minutes of the Town Council of Fort Myers Beach, Florida, this July 1<sup>st</sup>, 1999.

ATTEST:  
MARSHA SEGAL-GEORGE

  
Town Clerk Signature

MARSHA SEGAL-GEORGE  
Please Print Name

TOWN COUNCIL OF FORT  
MYERS BEACH, FLORIDA

  
Mayor Signature

Raymond P. Murphy  
Please Print Name

APPROVED AS TO FORM

  
Town Attorney Signature

Richard V.S. Roosa  
Please Print Name

# EXHIBIT "A"

## Legal Description

That portion of Fourth Street a roadway, 50 feet wide, described in the subdivision, Business Center, Plat Book 9, Page 9, of the Public Records of Lee County, Florida, from the intersection of said roadway with Fifth Avenue (also described in said Plat) to the easternmost right of way of County Road 968 (San Carlos Boulevard), also known as State Road 865.

ST. RD. 865

S 25°59'59"W 50.00  
25.00'

EASTERLY  
R/W LINE

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

BLOCK

BLOCK

S 63°58'26"E 165.19

8,260.1 sq. ft.

FOURTH STREET  
(30' R/W)

ROADWAY  
VACATION

N 63°58'26"W 165.21

EXISTING NORTHWESTERLY R/W LINE  
NORTHEASTERLY CORNER  
OF BLOCK 5

N 26°01'34"E 50.00

FIFTH AVE  
AS

CERTIFICATE  
I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME  
AND INFORMATION SHOWN HEREON WAS TAKEN FROM A RECENT  
SURVEY BY ME. THIS PLAT WAS PREPARED TO ILLUSTRATE THE  
LEGAL DESCRIPTION SHOWN HEREON AND NO MONUMENTS WERE  
SET AT CORNERS.

PL. LS.NO. 4631 JOHN E. HARRIS  
DATE: June - 23 1999

Exhibit B