

THIS INSTRUMENT PREPARED BY:
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, Florida 33932

RESOLUTION NO. 05-19 PETITION TO VACATE

Case Number: VAC2005-00030

WHEREAS, Petitioners **Donald Baker, Trustee for the Donald J. Baker Revocable Living Trust, and Loretta Porter** 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 27th day of June, 2005; 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, the Petitioners have fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioners has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, the Petitioners provided notice to all affected property owners concerning the intent of the Petition to Vacate; 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 of review and recommendation provided by the various governmental and utility entities indicate that 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 Town Council of Fort Myers Beach, as follows:

1. Petition to Vacate No. VAC2005-00030 is hereby granted.



2. The public's interest in the right-of-way or portion of right-of-way described, easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued.

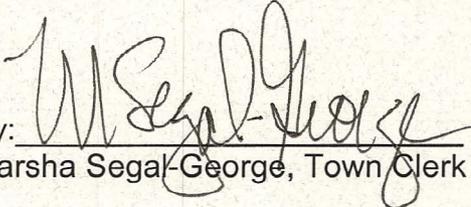
3. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County, Florida.

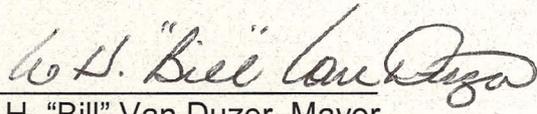
THE FOREGOING WAS ADOPTED by the Town Council upon a motion made and seconded, and, upon being put to a vote, the result was as follows:

Ken Katcko	<u>Aye</u>
Don Massucco	<u>Aye</u>
Garr Reynolds	<u>Nay</u>
Howard Rynearson	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>

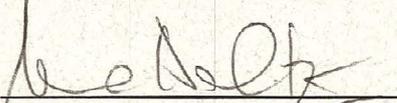
DULY PASSED AND ADOPTED this 27th day of June, 2005.

ATTEST: Town of Fort Myers Beach

By: 
Marsha Segal-George, Town Clerk

By: 
W. H. "Bill" Van Duzer, Mayor

Approved as to form by:


Anne Dalton, Town Attorney

S:\20055543\SKETCH.dwg (VACATE-DESCRIPTION) LWS Jun 10, 2005 - 9:35am

DESCRIPTION

**PART OF WESLEY PLACE
(PER UNRECORDED PLAT OF C.L. YENT'S SUBDIVISION)
TO BE VACATED
LYING IN
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST
ESTERO ISLAND, LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 19, Township 46 South, Range 24 East being more particularly described as follows:

Commencing at the southwest corner of Lot 19 of T.P. Hill's Subdivision as platted in Plat Book 3 at Page 84, Public Records of Lee County, Florida run North for 1,292.40 feet to the northwest corner of Lot 14, Block N of the unrecorded plat of C.L. Yent's Subdivision and the Point of Beginning.

From said Point of Beginning continue northerly along said line, a distance of 40.47 feet to the southwest corner of Block M of said C. L. Yent's Subdivision; thence run South 81°13'07" East along the south line of said Block M and the northerly right-of-way of Wesley Place (40 feet wide) (per said unrecorded plat) for 81.88 feet; thence run South for 40.47 feet to the northeast corner of said Lot 14; thence run North 81°13'07" West along the north line of said Lot 14 and the southerly right-of-way of said Wesley Place for 81.88 feet to the Point of Beginning.

Containing 3,275 square feet or 0.08 acres, more or less.

Bearings shown hereon are based of the west line of Lot 19 of T.P. Hill's Subdivision to bear N00°00'00"E.

EXHIBIT "A"

NOT VALID WITHOUT SHEET 1 OF 2



2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0045
FAX (239) 334-3661
E.B. #642 & L.B. #642

**DESCRIPTION
VACATION OF WESLEY PLACE**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
6/7/05	20055543	19-46-24	N/A	2 OF 2

S:\20055543\SKETCH.dwg (VACATE-SKETCH) LWS Jun 10, 2005 - 9:34am

EXHIBIT "B"

LORETTA A. PORTER
STRAP # 19-46-24-W4-00425.0000

BLOCK M
C.L. YENT'S SUBDIVISION
(UNRECORDED)

S81°13'07"E
81.88'

POB DESC
NW COR. LOT 14, BLOCK M
C.L. YENT'S SUBDIVISION
(UNRECORDED)

N00°00'00"E

40.47'

N81°13'07"W
81.88'

S00°00'00"E

40.47'

DONALD J BAKER
STRAP # 19-46-24-W4-00434.0000

GULF BAYVIEW SUBDIVISION

1292.40'

WEST LINE OF LOT 19
T.P. HILLS SUBDIVISION

N00°00'00"E

14

BLOCK N
C.L. YENT'S SUBDIVISION
(UNRECORDED)

13

12

PEARL STREET

40.00'

ESTERO BLVD.

POC DESC
SW COR. LOT 19
T.P. HILLS SUBDIVISION
(PB 3, PG 84)

BLOCK I
C.L. YENT'S SUBDIVISION
(UNRECORDED)

WESLEY PLACE
(PER UNRECORDED PLAT)
(NOT OPEN)

40.00'

BLOCK J
C.L. YENT'S SUBDIVISION
(UNRECORDED)



NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE LOT 19 OF T.P. HILL'S SUBDIVISION TO BEAR N00°00'00"E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
3. POC= POINT OF COMMENCEMENT.
4. POB= POINT OF BEGINNING.
5. COR= CORNER
6. DESC.= DESCRIPTION
7. PARCEL CONTAINS 3,275 SQUARE FEET (0.08 ACRES) MORE OR LESS.
8. DESCRIPTION ATTACHED.

THIS IS NOT A SURVEY

MICHAEL A. WARD (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5301

DATE SIGNED: 6/10/05
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOT VALID WITHOUT SHEET 2 OF 2

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION
VACATION OF WESLEY PLACE

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
6/7/05	20055543	19-46-24	1" = 40'	1 OF 2

CASE # JAC 2005-00030