

RESOLUTION 20-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS APPLICATIONS VAC20200023, VAC20200024, VAC20200025, AND VAC20200026, REQUESTING TO VACATE PORTIONS OF TOWN OF FORT MYERS BEACH, FLORIDA RIGHT-OF-WAY OWNED BY THE TOWN OF FORT MYERS BEACH AND PORTIONS OF THE “CRESCENT PARK” PLAT, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED TO THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, TPI-FMB I, LLC (“Applicant”), in accordance with Chapter 177, *Florida Statutes*, the Town of Fort Myers Beach Land Development Code (“LDC”), DCI 17-0002, and Ordinance 18-04 approving the project known as “Margaritaville”, filed applications with the Town of Fort Myers Beach (“Town”) to vacate portions of Town right-of-way and portions of the Crescent Park Plat 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 comparable public access to the same body of water is provided; 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 March 13, 2020 at 9 AM or shortly thereafter to consider and recommend approval, approval with conditions, or deny the Request to Vacate; and

WHEREAS, on March 13, 2020, the Town Council conducted a property 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. The Applicant is responsible for removing all driveways and street connections at the intersection of Canal Street and Estero Boulevard. Sidewalks shall be constructed to connect existing sidewalk sections to create a seamless and consistent sidewalk across the vacated right-of-way and property.
- b. The Applicant is responsible for reimbursing the Town for, or completing, the permitting, removal, disposal and replacement of all utilities within the vacated right-of-way and property, including but not limited to, a Town owned and operated water line.
- c. All conditions shall be completed within a timeframe approved by the Town Manager and in conjunction with the conditions included in DCI 17-0002 and Ordinance 18-04 or the vacated right-of-way and property shall automatically revert to the Town.

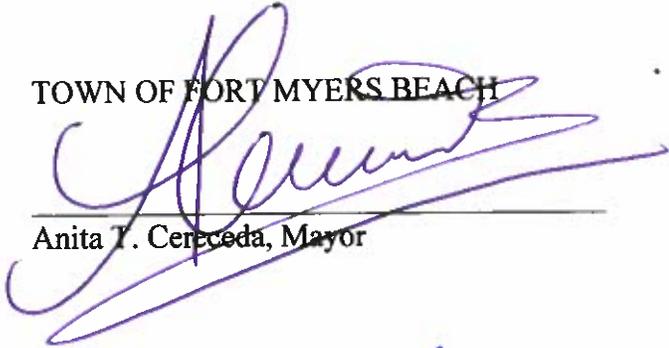
Section 4. This Resolution shall take effect immediately upon its adoption.

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

Anita Cereceda, Mayor	aye
Ray Murphy, Vice Mayor	aye
Joanne Shamp, Councilmember	aye
Rexann Hosafros, Councilmember	aye
Bruce Butcher, Councilmember	aye

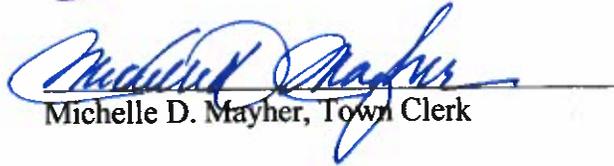
ADOPTED this 13th day of March, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



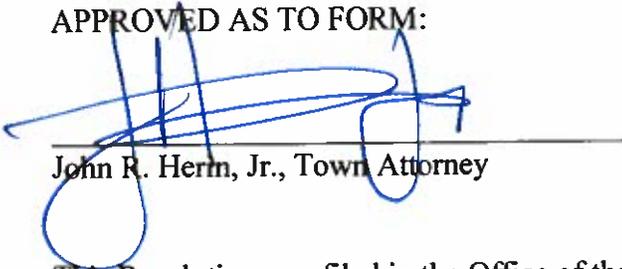
Anita T. Cereceda, Mayor

ATTEST:



Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:



John R. Herm, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 19th day of March 2020.

EXHIBIT "A"

VACATION PARCEL "A" (PORTION OF RIGHT-OF-WAY): PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TOWN OF FORT MYERS BEACH, ESTERO ISLAND, LEE COUNTY, FLORIDA, BEING ALL THAT PORTION OF THE 12.00 FOOT WIDE STRIP SHOWN ON THE PLAT OF "CRESCENT PARK" AS RECORDED IN PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING BOUNDED ON THE WEST BY THE WEST LINE OF SAID SECTION 19, BOUNDED ON THE NORTH BY A LINE LYING 10.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, THE SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (50 FOOT RIGHT-OF-WAY), BEING BOUNDED ON THE EAST BY THE WEST LINES OF LOTS 2, 3, AND 6, BLOCK "B" OF SAID CRESCENT PARK, AND BOUNDED ON THE SOUTH BY THE NORTHWESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF LOT 2, BLOCK "B" OF SAID "CRESCENT PARK"; THENCE S.00°44'23"E. ALONG THE SAID WEST LINE OF LOT 2, A DISTANCE OF 10.65 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N.70°31'57"W. ALONG THE SAID LINE OFFSET 10.00 FEET FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, A DISTANCE OF 12.79 FEET TO AN INTERSECTION WITH THE SAID WEST LINE OF SECTION 19; THENCE S.00°44'23"E. ALONG SAID SECTION LINE, A DISTANCE OF 125.08 FEET TO AN INTERSECTION WITH THE SAID NORTHWESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6; THENCE S.70°35' 51"E. ALONG SAID EXTENSION, A DISTANCE OF 12.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N.00°44'23"W. ALONG THE WEST LINES OF SAID LOTS 6, 3, AND 2, A DISTANCE OF 125.06 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION. CONTAINING 1,501 SQUARE FEET, MORE OR LESS.

VACATION PARCEL "B" (PORTION OF PLAT): PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TOWN OF FORT MYERS BEACH, ESTERO ISLAND, LEE COUNTY, FLORIDA, BEING ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8, BLOCK "B" AS SHOWN ON THE PLAT OF "CRESCENT PARK" AS RECORDED IN PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2, BLOCK "B"; THENCE S.70°31'57"E. ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, A DISTANCE OF 144.58 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S.00°47'09"E. ALONG THE EAST LINE OF SAID BLOCK "B", BEING ALSO THE WEST LINE OF CANAL STREET, AS SHOWN ON SAID "CRESCENT PARK" PLAT, A DISTANCE OF 186.69 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE N.70°35'51"W. ALONG THE SOUTH LINES OF SAID LOTS 7 AND 8, A DISTANCE OF 144.73 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE N.00°44'23"W., ALONG THE WEST LINES OF SAID LOTS 2, 3, 6, AND 7, A DISTANCE OF 186.64 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION. CONTAINING 25,346 SQUARE FEET, MORE OR LESS.

VACATION PARCEL "C" (PORTION OF CANAL ST.): PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TOWN OF FORT MYERS BEACH, ESTERO ISLAND, LEE COUNTY, FLORIDA, BEING ALL OF THAT PORTION OF CANAL STREET LYING NORTH OF A LINE THAT CONNECTS THE SOUTHWEST CORNER OF BLOCK "A" WITH THE SOUTHEAST CORNER OF LOT 8, BLOCK "B", ALL AS SHOWN ON THE PLAT OF "CRESCENT PARK", AS RECORDED IN PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF SAID, BLOCK "A"; THENCE N.70°35'51"W. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (50 FOOT RIGHT-OF-WAY), A DISTANCE OF 31.96 FEET TO THE NORTHEAST CORNER OF SAID BLOCK "B"; THENCE S.00°47'09"E. ALONG THE EAST LINE OF SAID BLOCK "B", BEING ALSO THE WEST LINE OF SAID CANAL STREET, A DISTANCE OF 186.69 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8, OF BLOCK "B"; THENCE S.70°35'51"E. ALONG THE SAID LINE THAT CONNECTS THE SOUTHEAST CORNER OF LOT 8, BLOCK "B" WITH THE SOUTHWEST CORNER OF BLOCK "A", A DISTANCE OF 31.96 FEET TO THE SAID SOUTHWEST CORNER OF BLOCK "A"; THENCE N.00°47'09"W., ALONG THE WEST LINE OF SAID BLOCK "A", BEING ALSO THE EAST LINE OF CANAL STREET, A DISTANCE OF 186.69 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION. CONTAINING 5,601 SQUARE FEET, MORE OR LESS.

VACATION PARCEL "D" (PORTION OF PLAT): PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TOWN OF FORT MYERS BEACH, ESTERO ISLAND, LEE COUNTY, FLORIDA, BEING LOTS 3, 4, 5, 6, AND 7, OF BLOCK "A" AS SHOWN ON THE PLAT OF "CRESCENT PARK", AS RECORDED IN PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF SAID, BLOCK "A"; THENCE S.70°35'51"E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (50 FOOT RIGHT-OF-WAY), A DISTANCE OF 147.73 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S.19°24'09"W. ALONG THE EAST LINES OF SAID LOTS 3, AND 7, TO THE SOUTHEAST CORNER OF SAID LOT 7, THENCE N.70°35'51"W. ALONG THE SOUTH LINES OF SAID LOTS 6 AND 7, BLOCK "A", A DISTANCE OF 83.30 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK "A"; THENCE N.00°47'09"W. A DISTANCE OF 186.89 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION. CONTAINING 20,241 SQUARE FEET, MORE OR LESS.