

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-21

WHEREAS, petitioner, John W. Richard, of 1054 5th Street, Fort Myers Beach, Fl 33931, 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 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 ~~15~~²⁹th day of July, 1996; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing an this Petition to Vacate, a copy of which is attached as Exhibit "B" , was entered into the minutes of the meeting; and

WHEREAS, the Petitioner did provide 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 granting Petitioner's request is appropriate and in accordance with law.

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

1. Petition to Vacate No. 96-02-136.03 R 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 "C" is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution of Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to this Resolution as Exhibit "D".
4. 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 29th day of July, 1996.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

By: Anita T. Cereceda
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney