

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

RESOLUTION NO. 99- 33
PETITION TO VACATE
Case Number: 98-09-227.03R

WHEREAS, Petitioner, Lighthouse Island Resort, Inc. 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 20th day of September, 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, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, the Petitioner(s) 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 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. 8-09-227.03R 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:

Anita T. Cereceda	<u>yes</u>
Dan Hughes	<u>yes</u>
John Mulholland	<u>yes</u>
Garr Reynolds	<u>no</u>
Ray Murphy	_____

DULY PASSED AND ADOPTED this 20th day of September, 1999.

ATTEST:

Town of Fort Myers Beach

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

By: Raymond P. Murphy
Raymond P. Murphy, Mayor

Approved as to form by:

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

EXHIBIT "A"

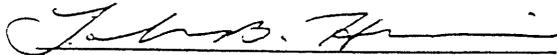
DESCRIPTION: (Vacation of part of Fourth Street, Fort Myers Beach, Florida.

A tract of land being part of Fourth Street as shown on the plat of Business Center as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida, described as follows:

Commencing at the Southeasterly corner of Block 3, of the aforesaid Business Center; thence run N.63°58'26"W. along the Northeasterly right-of-way line of Fourth Street for 122.12 feet to the point of beginning; thence continue N.63°58'26"W. along said Northerly right-of-way line for 165.21 feet; thence run S.25°59'59"W. for 50.00 feet to the Southerly right-of-way line of said Fourth Street; thence run S.63°58'26"E. along said Southerly right-of-way line for 165.19 feet to the Northeasterly corner of Block 5 and the Northwesterly right-of-way line of Fifth Avenue as shown on the plat of the aforesaid Business Center; thence run N.26°01'34"E. for 50.00 feet to the point of beginning.

Tract herein described contains 8,260.1square feet, more or less.

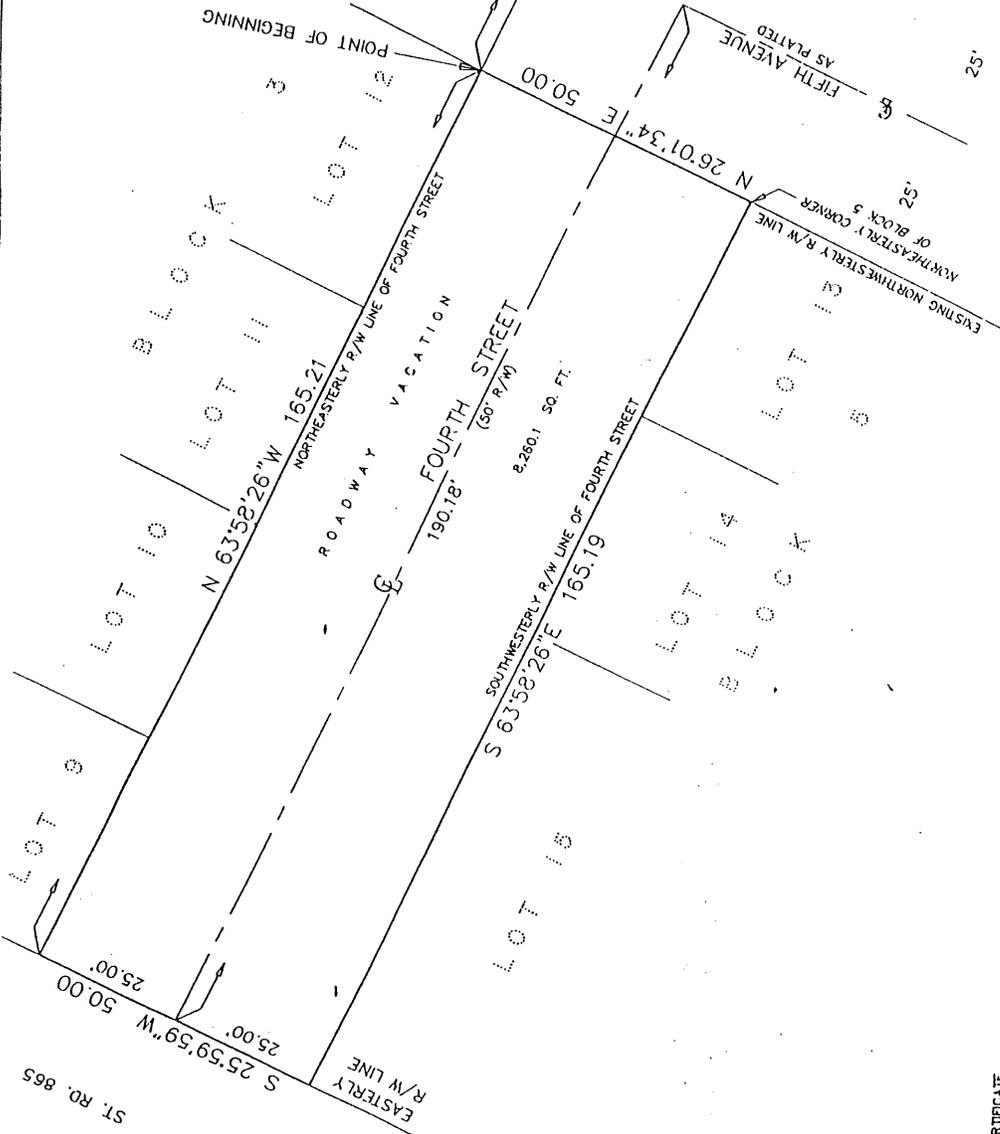
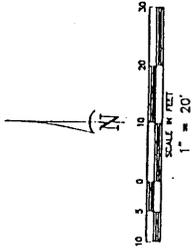
Bearings are based on the Northerly right-of-way line of the aforesaid Fourth Street as being N.63°58'26"W.



John B. Harris
P.S.M. #4631
June 23, 1999

SKETCH OF
ROADWAY VACATION
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 CITY OF FORT MYERS BEACH
 LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION.



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.

John B. Harris
 FILE NO. 4531 JOHN B. HARRIS
 DATE: JUNE 23 1999

JOB # TIME-SQUARE-D
 HARRIS-JORGENSEN INC.
 2706 S.E. SANTA BARBARA PLACE
 CAPE CORRAL, FLORIDA
 PHONE: (941) 772-9939

SKETCH DATE: 4/20/99

POINT OF COMMENCEMENT
 SOUTHEASTLY CORNER OF LOT 14,
 BLOCK 3, BUSINESS CENTER
 (PLAT BOOK 9, PAGE 9)

DESCRIPTION: (Roadway Vacation)

A tract of land lying in part of Fourth Street and part of Fifth Street as shown on the Plat of Business Center as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida, described as follows:

Commencing at the Southeasterly corner of Lot 14, Block 3, of the aforesaid Business Center; thence run N.63°58'26"W. along the Northeasterly right-of-way line of Fourth Street for 60.91 feet to the point of beginning; thence run S.78°21'29"W. for 12.55 feet; thence run S.57°31'39"W. for 51.33 feet to a point of uncommon curvature; thence run Southwesterly for 102.54 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 27°42'49", a chord bearing of S.39°08'22"W. and a chord distance of 101.55 feet to a point of reverse curvature; thence run Southwesterly for 22.54 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 08°43'29", a chord bearing of S.29°38'48"W. and a chord distance of 22.51 feet to a point on the Northwesterly right-of-way line of the aforesaid Fifth Street; thence run N.26°01'34"E. along said right-of-way line for 122.80 feet to the Northeasterly corner of Block 5 of the aforesaid Business Center and the Southwesterly right-of-way line of the aforesaid Fourth Street; thence continue N.26°01'34"E. for 50.00 feet to the Northeasterly right-of-way line of said Fourth Street; thence run S.63°58'26"E. along said Northeasterly right-of-way line for 61.21 feet to the point of beginning.

Said tract contains 2,972.1 square feet, more or less.

Bearings are based on the Northeasterly right-of-way line of the aforesaid Fourth Street as being N.63°58'26"W.

EXHIBIT A2

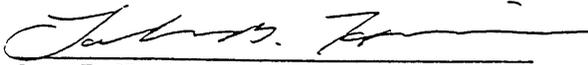
DESCRIPTION:

A tract of land lying in part of Lots 19 and 9, Block 3, Business Center as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida, described as follows:

Beginning at the Northwesterly corner of Lot 19, Block 3, of the aforesaid Business Center; thence run S.63°58'26"E. along the Northeasterly line of said Lot 19 for 28.00 feet; thence run S.26°01'34"W. for 95.00 feet to a point lying in the aforesaid Lot 9; thence run N.63°58'26"W. for 28.00 feet to the Northwesterly line of said Lot 9 and the Southeasterly right-of-way line of Estero Boulevard (State Road 865); thence run N.26°01'34"E. along said right-of-way line to the point of beginning.

Said tract contains 2,660 square feet, more or less.

Bearings are based on the Southeasterly right-of-way line of the aforesaid Estero Boulevard as being N.26°01'34"E.



John B. Harris

P.S.M. #4631

June 23, 1999

EXHIBIT B

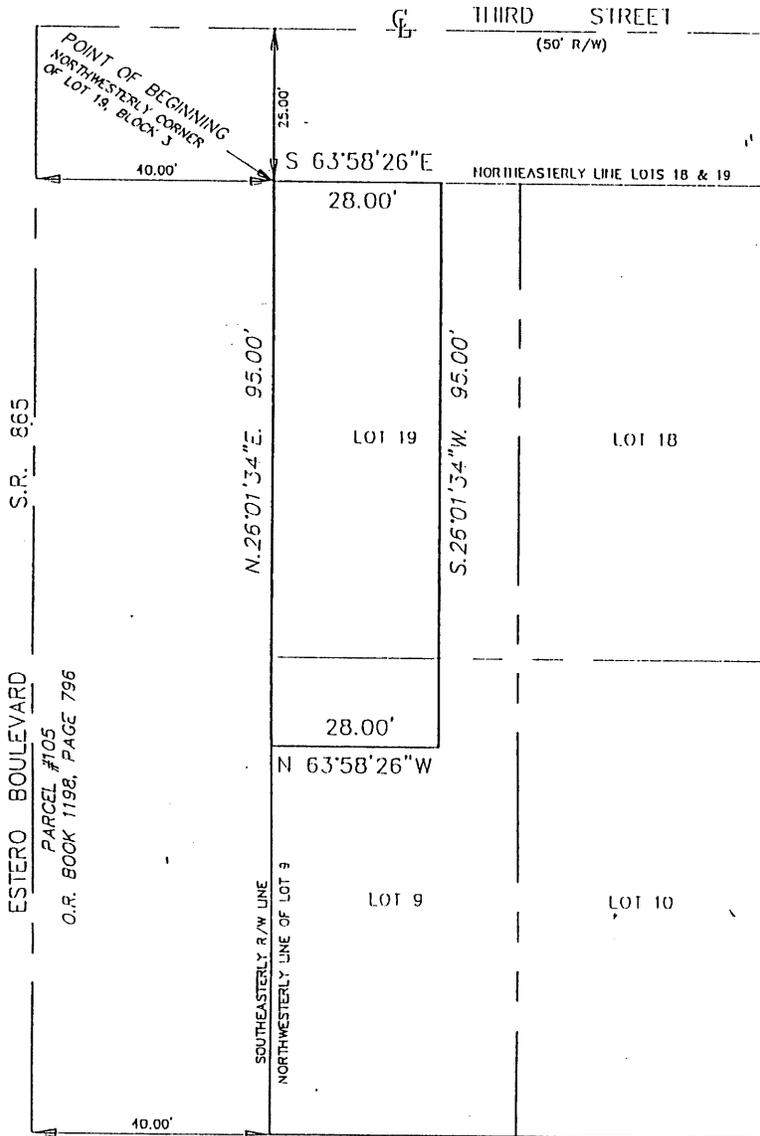
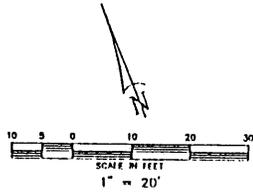
1 of 2

Parcel # 7

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION.

SKETCH OF
**PART OF LOTS 19 & 9
BLOCK 3
BUSINESS CENTER**

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
(PLAT BOOK 9, PAGES 9 & 10)
CITY OF FORT MYERS BEACH
LEE COUNTY, FLORIDA



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.

John B. Harris
PL. L.S. NO. 4831 JOHN B. HARRIS
DATE: JUNE 23, 1999

SKETCH DATE: 6/23/99

JOB #: TIME-SQUARE-1
HARRIS-JORGENSEN INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (941) 772-9939

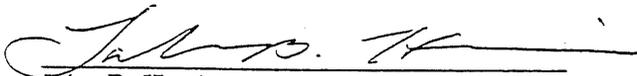
DESCRIPTION:

A tract of land lying in part of Lot 14, Block 3, Business Center as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida, described as follows:

Commencing at the Northeasterly corner of Lot 14, Block 3, of the aforesaid Business Center; thence run N.63°58'26"W. along the line common to Lots 14 and 15 for 3.92 feet; thence run S.00°37'17"E. for 22.00 feet to the point of beginning; thence continue S.00°37'17"E. for 13.27 feet; thence run N.62°13'33"W. for 25.65 feet; thence run N.26°01'34"E. for 1.20 feet; thence run N.89°22'43"E. for 22.03 feet to the point of beginning.

Tract herein described contains 161.5 square feet, more or less.

Bearings are based on the Northerly right-of-way line of the aforesaid Fourth Street as being N.63°58'26"W.



John B. Harris
P.S.M. #4631
June 23, 1999

EXHIBIT C

1 of 2

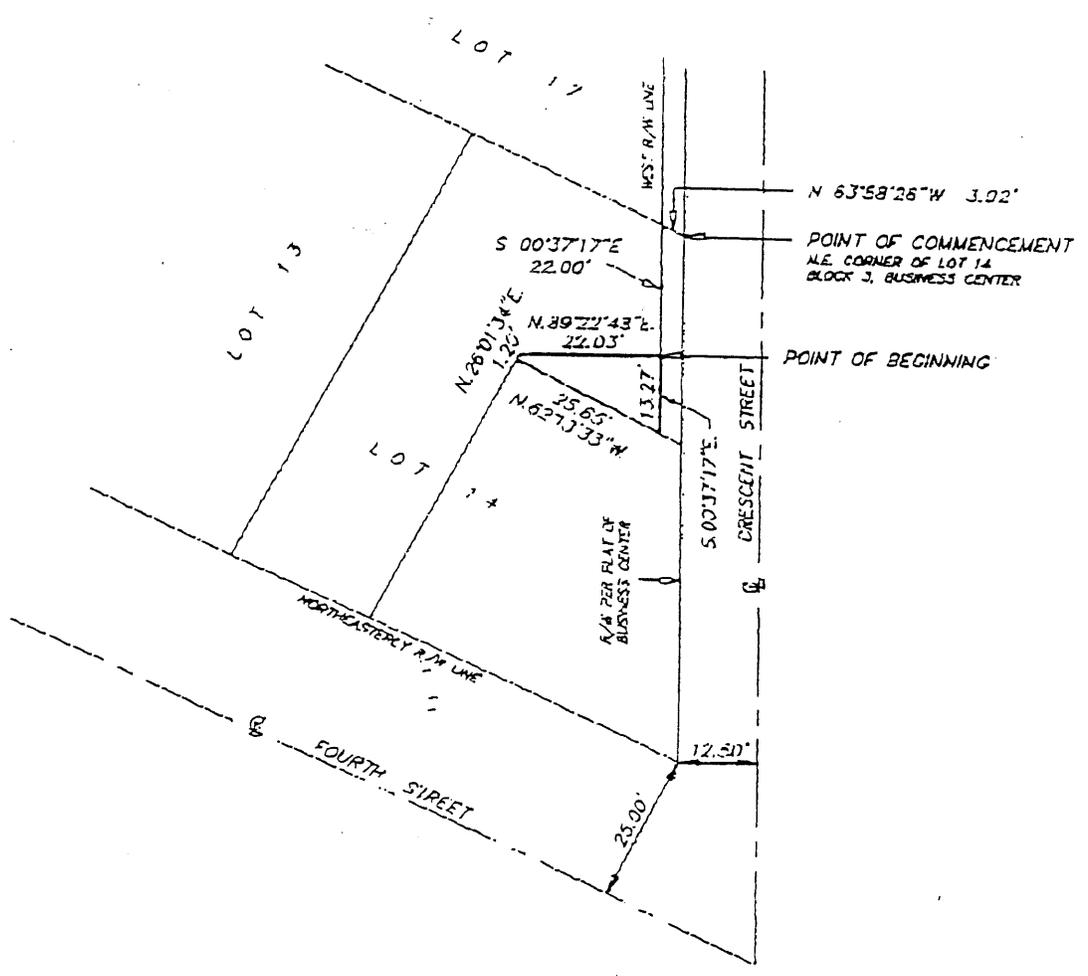
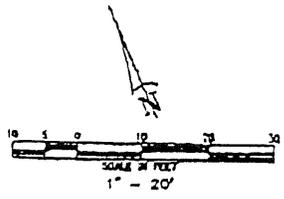
parcel # 2



SEE EXHIBIT "A" FOR LEGAL DESCRIPTION.

SKETCH OF
**PART OF LOT 14
BLOCK 3
BUSINESS CENTER**

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
(PLAT BOOK 9, PAGES 9 & 10)
CITY OF FORT MYERS BEACH
LEE COUNTY, FLORIDA



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.

John B. Harris
PL. L.S. NO. 4031 JOHN B. HARRIS
DATE: JUN 5 1989

SKETCH DATE: 5/23/00	JOB # TIME-SQUARE-1
	HARRIS-JORGENSEN INC.
	2708 S.E. SANTA BARBARA PLACE
	CAPE CORAL, FLORIDA
	PHONE: (941) 772-8838

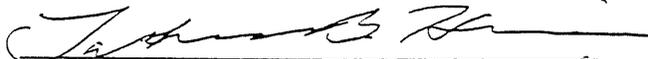
DESCRIPTION:

A tract or parcel of land lying in part of Lots 10 and 11, Block 5, Business Center, as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida:

Commencing at the Southwesterly corner of the aforesaid Lot 10; thence run N.67°37'17"E. along the Southeasterly line of said Lot 10 for 28.38 feet to the point of beginning; thence run N.46°59'05"E. for 46.47 feet to a point of curvature; thence run Northeasterly for 33.52 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 12°58'34", a chord bearing of N.40°29'50"E. and a chord distance of 33.45 feet to a point on the Southeasterly line of the aforesaid Lot 11, also being the Northwesterly right-of-way line of Fifth Street; thence run S.26°01'34"W. along said right-of-way line for 47.63 feet; thence continue along said right-of-way line S.67°37'17"W. for 37.62 feet to the point of beginning.

Said tract contains 595 square feet, more or less.

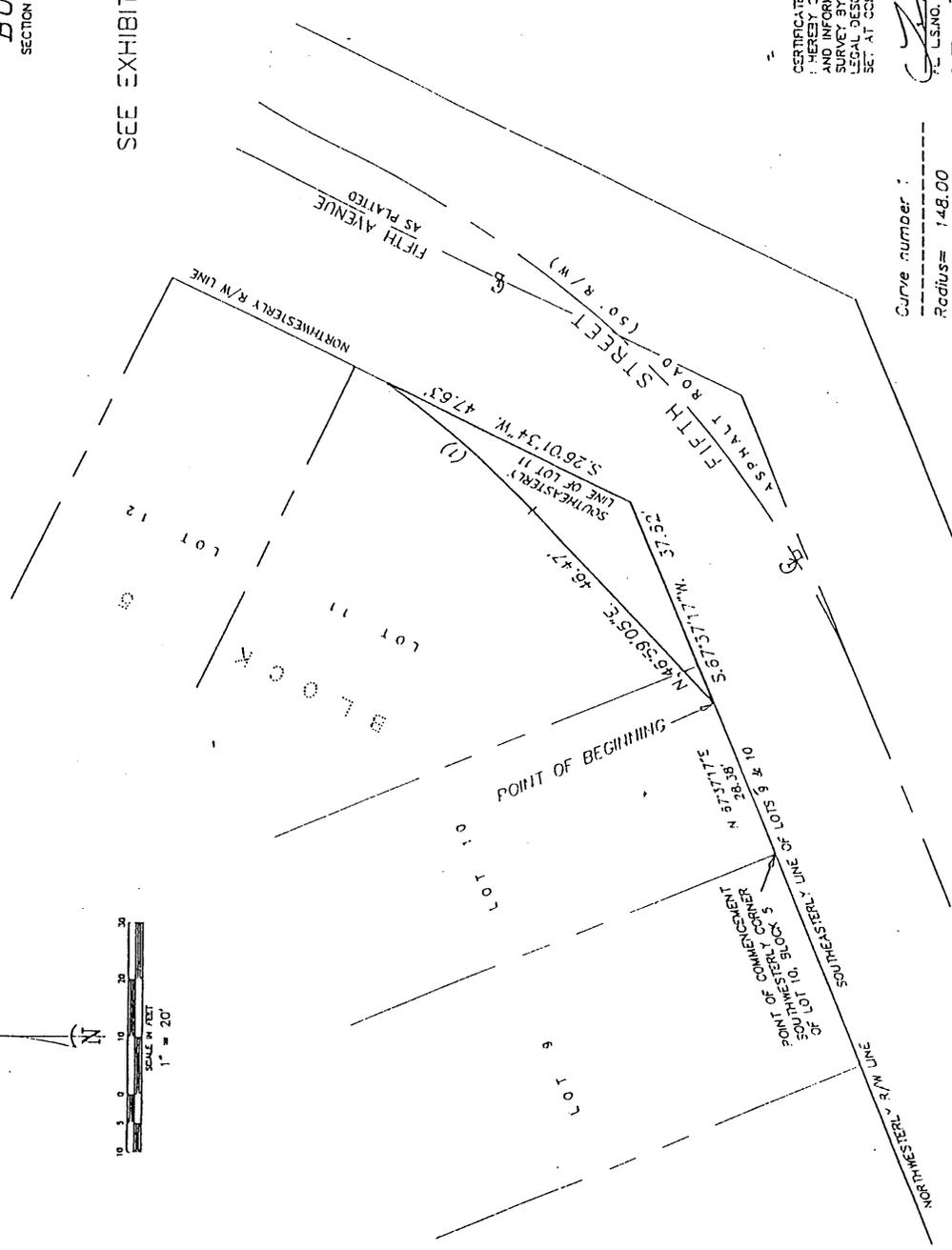
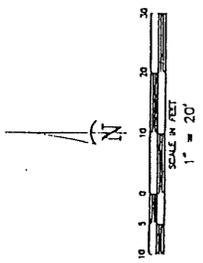
Bearings are based on the Southeasterly line of Lots 9 and 10, Block 5, Business Center as being N.67°37'17"E.



John B. Harris
P.S.M. #4631

SKETCH OF
PART OF LOTS 10 & 11
BLOCK 5
BUSINESS CENTER
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 (PLAT BOOK 9, PAGES 9-10)
 CITY OF FORT MYERS BEACH
 LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION.



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.

John B. Harris
 L.S. NO. 4631 JOHN B. HARRIS
 DATE JUNE 23, 1999

JOB #	TIME-SQUARE-F
HARRIS-JORGENSEN INC.	
2706 S.E. SANTA BARBARA PLACE	
CAPE CORAL, FLORIDA	
PHONE (941) 772-9939	
SKETCH DATE:	6/23/99

Curve number:
 Radius= 148.00
 Delta= 125°58'34"
 Arc= 33.52
 Chord= 33.45
 Chord B'g. N. 40°39'50"E.

DESCRIPTION:

A tract of land lying in part of Lot 14, Block 3, Business Center as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida, described as follows:

Commencing at the Southeasterly corner of Lot 14, Block 3, of the aforesaid Business Center; thence run N.63°58'26"W. along the Northeasterly right-of-way line of Fourth Street for 53.84 feet to the point of beginning; thence continue N.63°58'26"W. along said Northeasterly right-of-way line for 7.07 feet to a point on a curve; thence run Northeasterly for 9.92 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 02°40'52", a chord bearing of N.71°29'13"E. and a chord distance of 9.92 feet; thence run S.26°01'34"E. for 6.96 feet to the point of beginning.

Tract herein described contains 25.0 square feet, more or less.

Bearings are based on the Northerly right-of-way line of the aforesaid Fourth Street as being N.63°58'26"W.

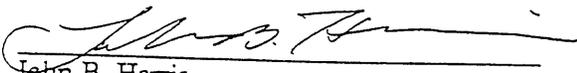
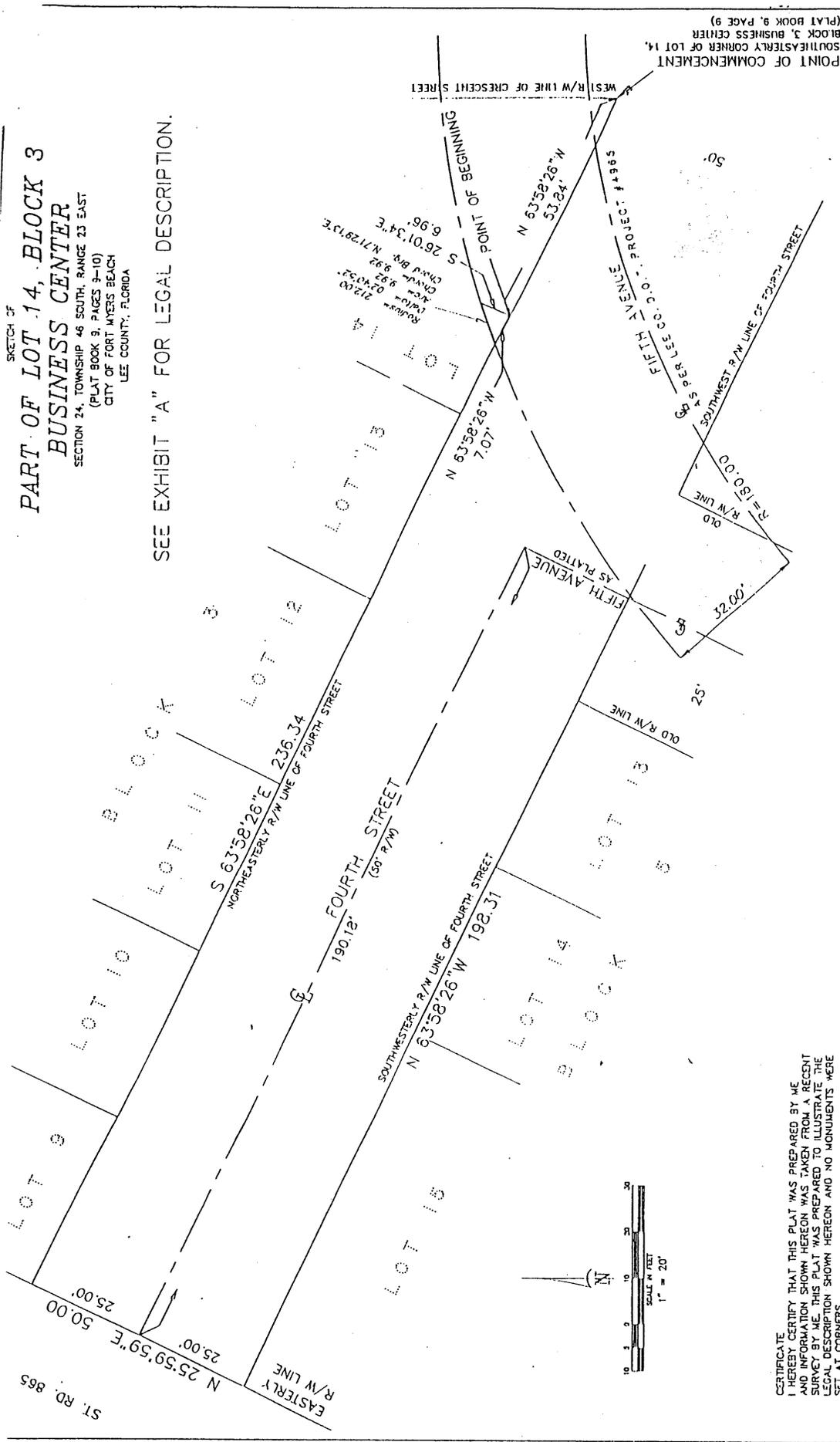

John B. Harris
P.S.M. #4631
June 23, 1999

EXHIBIT E

1 of 2

SKETCH OF
PART OF LOT 14, BLOCK 3
BUSINESS CENTER
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 (PLAT BOOK 9, PAGES 9-10)
 CITY OF FORT MYERS BEACH
 LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION.



JOB # TIME-SQUARE-
 HARRIS-JORGENSEN INC.
 2706 S.E. SANTA BARBARA PLACE
 CAPE CORAL, FLORIDA
 PHONE: (941) 772-9939

SKETCH DATE: 6/23/99

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.

John B. Harris
 J.B. HARRIS, 4631 JOHN B. HARRIS
 DATE: JUNE 23, 1999

POINT OF COMMENCEMENT
 SOUTHEASTLY CORNER OF LOT 14,
 BLOCK 3, BUSINESS CENTER
 (PLAT BOOK 9, PAGE 9)

DESCRIPTION: (Sidewalk Easement)

A tract of land lying in part of Lot 14, Block 3, Lots 10 thru 13, Block 5 and part of vacated Fourth Street and part of vacated Fifth Street as shown on the Plat of Business Center as recorded in Plat Book 9, at Pages 9 and 10, Public Records of Lee County, Florida, described as follows:

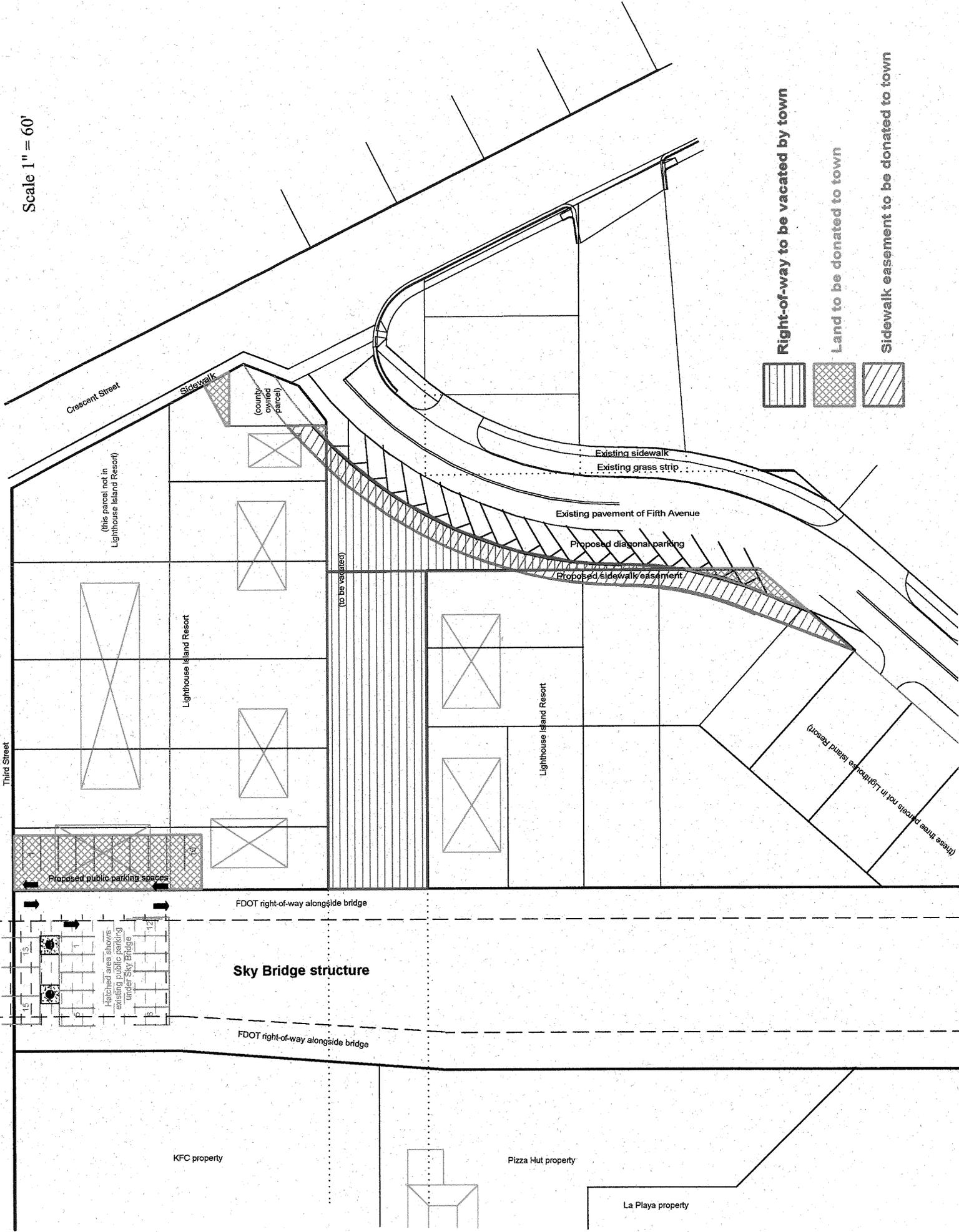
Commencing at the Southeasterly corner of Lot 14, Block 3, of the aforesaid Business Center; thence run N.63°58'26"W. along the Northeasterly right-of-way line of Fourth Street for 60.91 feet to the point of beginning; thence run S.78°21'29"W. for 12.55 feet; thence run S.57°31'39"W. for 51.33 feet to a point of uncommon curvature; thence run Southwesterly for 102.54 feet along the arc of a curve concave Southeasterly, with a radius of 212.00 feet, a delta of 27°42'49", a chord bearing of S.39°08'22"W. and a chord distance of 101.55 feet to a point of reverse curvature; thence run Southwesterly for 56.05 feet along the arc of a curve concave Northwesterly, with a radius of 148.00 feet, a delta of 21°42'03", a chord bearing of S.36°08'05"W. and a chord distance of 55.72 feet to a point of tangency; thence run S.46°59'05"W. for 46.47 feet to a point on the Northwesterly right-of-way line of Fifth Street; thence run S.67°37'17"W. along said right-of-way line for 28.37 feet to the Southwesterly corner of Lot 10, Block 5 of the aforesaid Business Center; thence run N.46°59'05"E. for 73.02 feet to a point of reverse curvature; thence run Northeasterly for 52.27 feet along the arc of a curve concave Northwesterly, with a radius of 138.00 feet, a delta of 21°42'03", a chord bearing of N.36°08'05"E., and a chord distance of 51.96 feet to a point of reverse curvature; thence run Northeasterly for 107.78 feet along the arc of a curve concave Southeasterly, with a radius of 222.00 feet, a delta of 27°49'04", a chord bearing of N.39°11'28"E. and a chord distance of 106.73 feet to a point of non tangency; thence run N.57°31'39"E. for 53.56 feet; thence run S.78°21'29"W. for 13.69 feet to a point of uncommon curvature; thence run Northeasterly for 18.84 feet along the arc of a curve concave Northwesterly, with a radius of 222.00 feet, a delta of 04°51'43", a chord bearing of N.72°46'08"E. and a chord distance of 18.83 feet; thence run S.26°01'34"W. for 13.45 feet to a point on a curve; thence run Southwesterly for 9.88 feet along the arc of a curve concave Northwesterly, with a radius of 212.00 feet, a delta of 02°40'13", a chord bearing of S.71°28'54"W. and a chord distance of 9.88 feet to the point of beginning.

Said tract contains 2,990 square feet, more or less.

Bearings are based on the Northeasterly right-of-way line of the aforesaid Fourth Street as being N.63°58'26"W.

EXHIBIT F

Scale 1" = 60'



Right-of-way to be vacated by town

Land to be donated to town

Sidewalk easement to be donated to town

Crescent Street

(this parcel not in Lighthouse Island Resort)

Lighthouse Island Resort

Lighthouse Island Resort

(these three parcels not in Lighthouse Island Resort)

FDOT right-of-way alongside bridge

Sky Bridge structure

FDOT right-of-way alongside bridge

KFC property

Pizza Hut property

La Playa property

Sidewalk

(county owned parcel)

Existing sidewalk

Existing grass strip

Existing pavement of Fifth Avenue

Proposed diagonal parking

Proposed sidewalk easement

(to be vacated)

Proposed public parking spaces

Hatched area shows existing public parking under Sky Bridge

Third Street