

## RESOLUTION 20-39

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH APPLICATION VAC20200074, REQUESTING TO VACATE PORTIONS OF TOWN OF FORT MYERS BEACH, FLORIDA RIGHT-OF-WAY OWNED BY THE TOWN OF FORT MYERS BEACH WITHIN THE “WINKLER SUBDIVISION”, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED TO THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town of Fort Myers Beach (“Applicant”), in accordance with Chapter 177, *Florida Statutes*, the Town of Fort Myers Beach Land Development Code (“LDC”), filed applications with the Town of Fort Myers Beach (“Town”) to vacate portions of Town right-of-way within the Winkler Subdivision 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 vacation of the property will not affect ownership or rights of other owners in the subdivision.; 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 September 21, 2020 at 5:01 PM or shortly thereafter to consider and recommend approval, approval with conditions, or deny the Request to Vacate; and

**WHEREAS**, on September 21<sup>st</sup>, 2020, the Town Council conducted a properly 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. All projects shall be completed within a timeframe approved by the Town Manager or the vacated right-of-way and property shall automatically revert to the Town

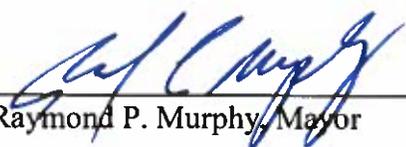
Section 4. This Resolution shall take effect immediately upon its adoption.

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

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Jim Atterholt, Councilmember	aye
Dan Allers, Councilmember	aye
Bill Veach, Councilmember	aye

ADOPTED this 21<sup>st</sup> day of September, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

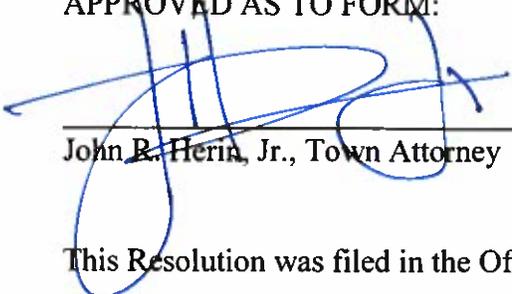
TOWN OF FORT MYERS BEACH

  
\_\_\_\_\_  
Raymond P. Murphy, Mayor

ATTEST:

  
\_\_\_\_\_  
Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 15<sup>th</sup> day of October 2020



Engineers • Environmental Scientists • Surveyors

Description of a Parcel of Land  
Lying in  
Section 19, Township 46 South, Range 24 East  
Town of Fort Myers Beach, Lee County, Florida  
(Vacation Parcel - A Portion of an un-named Street)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 19, Township 46 South, Range 24 East, being a portion of an un-named street lying between Block J and Block I, Winkler Subdivision, as recorded in Plat Book 8 at Page 45, Public Records of Lee County, Florida, and further described as follows:

Commencing at the northwesterly most corner of Lot 48 of said Block J of said Winkler Subdivision; thence S25°17'00"W along the easterly line of Lots 1 through 9 of said Block J for 225.00 feet to the northeast corner of Lot 10 of said Block J; thence N64°43'00"W along the northerly line of Lot 10 of said Block J for 150.00 feet to the northwest corner of said Lot 10, Block J and to the Point of Beginning; thence continue S25°17'00"W along the westerly line of said Block J, also being the easterly line of an un-named street as shown on said plat of Winkler Subdivision for 370.12 feet to the beginning of a tangent curve concave to the northeast having a radius of 25.00 feet; thence continue southeasterly along the westerly line of said Block J, being the easterly line of said un-named street and along said curve to the left through a central angle of 94°17'00" for an arc length of 41.14 feet to a point of tangency on the northerly line of Oak Street (50 feet wide), also being a point of cusp; thence N69°00'00"W along the northerly line of said Oak Street for 141.38 feet to a point of cusp with a curve lying on the easterly line of Block D of said subdivision, having a radius of 25.00 feet and to which point a radial line bears S21°00'00"W; thence continue northeasterly along the easterly line of said Block D and said tangent curve to the left through a central angle of 85°43'00" for an arc length of 37.40 feet to the end of said curve; thence N25°17'00"E along a tangent line being parallel with the westerly line of said Block J for 114.87 feet to an intersection with the south line of Block I of said subdivision, lying on a curve concave to the north having a radius of 25.00 feet and to which point a radial line bears S65°02'10"W; thence continue easterly and northeasterly along the easterly line of said Block I and said curve to the left through a central angle of 129°45'10" for an arc length of 56.62 feet to a point of tangency; thence N25°17'00"E along a tangent line being the easterly line of said Block I, also being the westerly line of said un-named street as shown on said plat of Winkler Subdivision for 246.59 feet to the northeast corner of Lot 17, Block I of said subdivision; thence S64°43'00"E for 50.00 feet to the Point of Beginning.

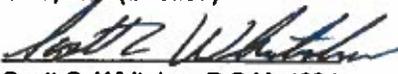
Containing 25,740 square feet (0.59 acres), more or less.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on the westerly line of Bay Road (the easterly line of said Block J) as bearing S25°17'00"W.

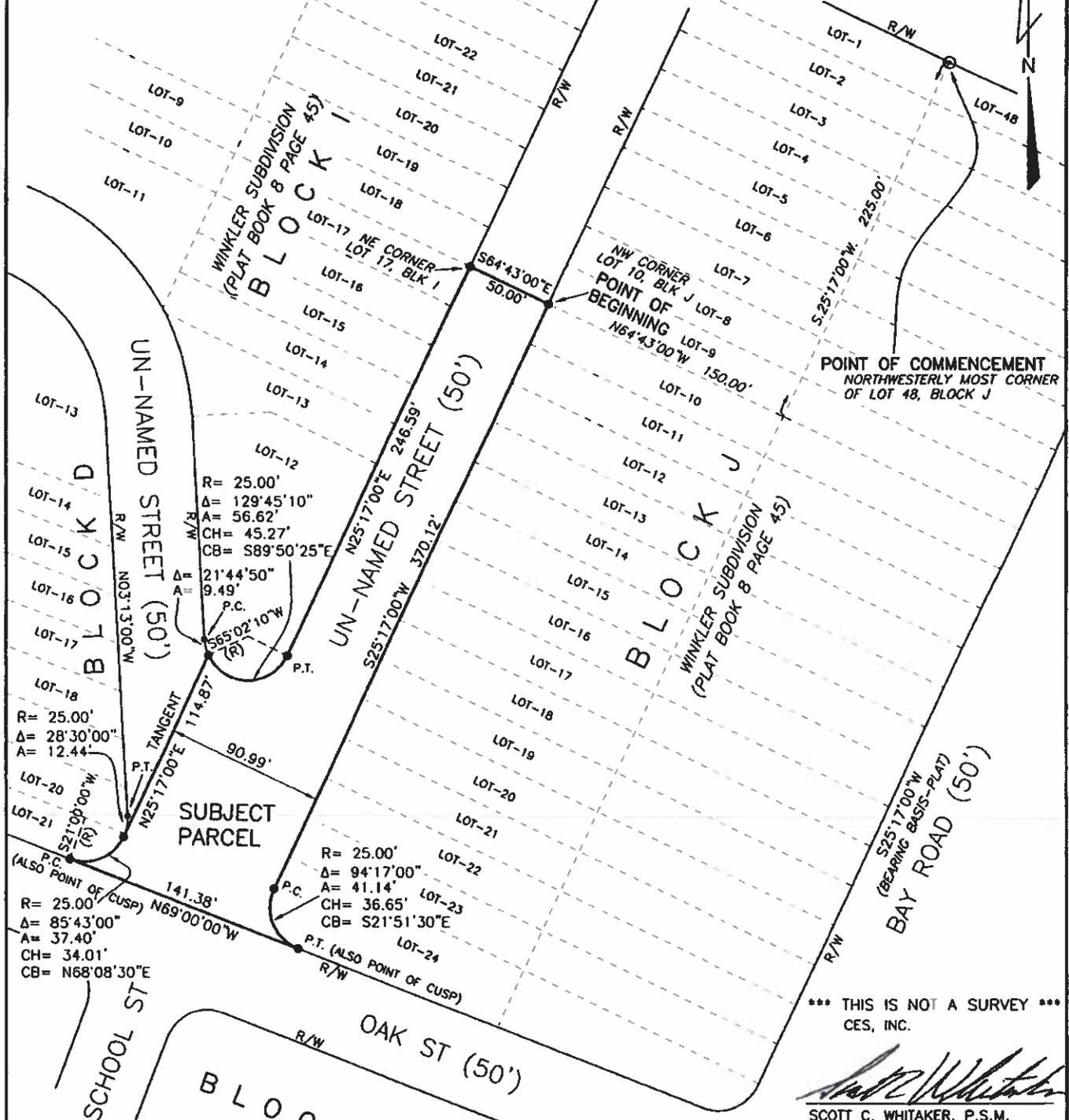
CES, Inc. (LB8267)

Digitally signed by  
Scott C. Whitaker  
Date: 2020.08.12  
13:20:40 -04'00'

  
Scott C. Whitaker, P.S.M. 4324  
Professional Surveyor and Mapper  
State of Florida



# SKETCH TO ACCOMPANY DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA.



POINT OF COMMENCEMENT  
NORTHWESTERLY MOST CORNER  
OF LOT 48, BLOCK J

\*\*\* THIS IS NOT A SURVEY \*\*\*  
CES, INC.

*Scott C. Whitaker*  
SCOTT C. WHITAKER, P.S.M.  
FLORIDA CERTIFICATION NO. 4324

O.R. = OFFICIAL RECORD BOOK  
P.B. = PLAT BOOK  
P.G. = PAGE  
R/W = RIGHT-OF-WAY  
P.C. = POINT OF CURVE  
P.T. = POINT OF TANGENCY  
(R) = RADIAL

SUBJECT TO FIELD SURVEY  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND  
RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED AND  
UNRECORDED).

## VACATION OF A PORTION OF AN UN-NAMED STREET

Engineers • Environmental Scientists • Surveyors

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919 PH (239) 481-1331

2010596.002SK\_UN-NAMED STREET.dwg FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EBS2004 & L08267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
08-11-20	596.002	SCW	1" = 80'	2 OF 2	19-46-24