

**RESOLUTION 20-37**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS APPLICATION VAC20200053, REQUESTING TO VACATE A PORTION OF TOWN OF FORT MYERS BEACH, FLORIDA RIGHT-OF-WAY WITHIN THE “SANDPIPER VILLAGE SUBDIVISION”, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED TO THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Fort Myers Beach (“Town”) empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, the Timothy and Teresa Carson (“Applicant”), in accordance with Chapter 177, *Florida Statutes*, and the Town of Fort Myers Beach Land Development Code (“LDC”), filed an application with the Town to vacate portions of Town right-of-way within the Sandpiper Village Subdivision legally described in attached Exhibit “A” (“Request to Vacate”); and

**WHEREAS**, Chapter 2 Administration, Article VI of the Fort Myers Beach Code of Ordinances directs the Town Council to consider the 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 (if applicable); and

**WHEREAS**, mailed and published notice of the public hearing was provided notifying the public that the Town will hold a public hearing on September 21, 2020 at 5:01 PM or as soon as possible thereafter to consider and recommend approval, approval with conditions, or deny the Request to Vacate; and

**WHEREAS**, on September 21, 2020, the Town Council conducted a properly noticed public hearing to give consideration to the Request to Vacate, staff’s 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 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 that such right-of-way is no longer required for the public use and convenience.
- e. The Town's interest in the right-of-way, 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. A ten foot (10') utility easements identified on Exhibit "B" is reserved to the City for the installation, operation, maintenance, repair, expansion and replacement of potable water pipelines, raw water pipelines, wastewater pipelines, reclaimed water pipelines, stormwater pipelines, or related appurtenances


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

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

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

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

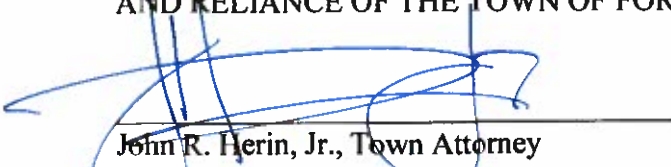
TOWN OF FORT MYERS BEACH

  
Raymond P. Murphy, Mayor

ATTEST:

  
Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

  
John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 1<sup>st</sup> day of October 2020.

# EXHIBIT "A"

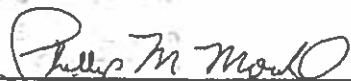
DESCRIPTION TO ACCOMPANY SKETCH  
(PROPOSED) VACATION OF A PORTION OF

*IBIS STREET*, RIGHT OF WAY,  
AS DEDICATED TO THE PUBLIC IN MISCELLANEOUS  
BOOK 28, PAGE 158, LYING IN SECTION 34,  
TOWNSHIP 46 SOUTH, RANGE 24 EAST,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 37, UNIT 2, SANDPIPER VILLAGE SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 52, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF IBIS STREET (50 FEET WIDE) AS DEDICATED TO THE PUBLIC PER MISCELLANEOUS BOOK 28, PAGE 158, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.50°40'43"E. ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE FOR 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.50°40'43"E. ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE FOR 85.00 FEET; THENCE RUN S.39°19'17"E. TO A POINT ALONG THE CENTERLINE OF IBIS STREET (50 FEET WIDE) FOR 25.00 FEET; THENCE RUN S.50°40'43"W ALONG SAID CENTERLINE FOR 60.00 FEET; THENCE RUN N.65°50'38"W TO A POINT OF CUSP OF CURVATURE FOR 14.52 FEET; THENCE RUN ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST FOR 6.52 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 13.12 FEET, A CENTRAL DELTA ANGLE OF 28°27'27", A CHORD THAT BEARS N.83°26'20"W. AND A CHORD DISTANCE OF 6.45 FEET; THENCE RUN S.76°58'01"W. TO A POINT OF CUSP OF CURVATURE FOR 8.13 FEET; THENCE RUN ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST FOR 6.94 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 10.83 FEET, A CENTRAL DELTA ANGLE OF 36°43'34", A CHORD THAT BEARS S.60°05'52"W AND A CHORD DISTANCE OF 6.82 FEET; THENCE RUN N.39°19'18"W. TO A POINT ALONG THE AFORESAID NORTHWESTERLY RIGHT OF WAY LINE OF IBIS STREET (50 FEET WIDE) FOR 2.66 FEET TO THE POINT OF BEGINNING.

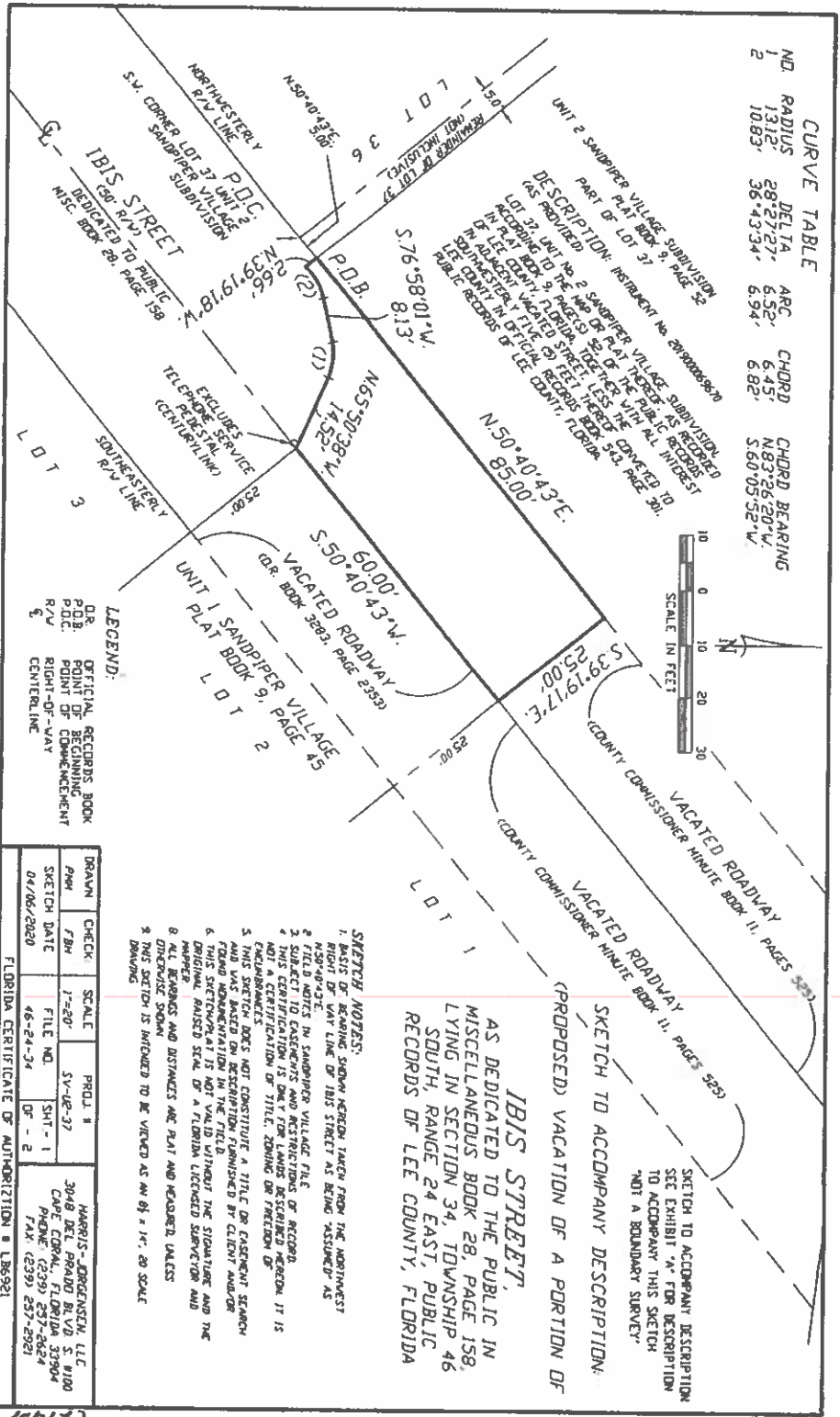
CONTAINING: 1,721.3 SQUARE FEET, MORE OR LESS.



PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
LS6515 - STATE OF FLORIDA  
04/06/2020

**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1312'	28°27'27"	6.55'	6.45'	N83°26'50"W
2	1083'	36°43'34"	6.94'	6.82'	S60°03'52"W



SKETCH TO ACCOMPANY DESCRIPTION  
SEE EXHIBIT "A" FOR DESCRIPTION  
TO ACCOMPANY THIS SKETCH  
"NOT A BOUNDARY SURVEY"

SKETCH TO ACCOMPANY DESCRIPTION:  
(PROPOSED) VACATION OF A PORTION OF  
**IBIS STREET,**  
AS DEDICATED TO THE PUBLIC IN  
MISCELLANEOUS BOOK 28, PAGE 158,  
LYING IN SECTION 34, TOWNSHIP 46  
SOUTH, RANGE 24 EAST, PUBLIC  
RECORDS OF LEE COUNTY, FLORIDA

- SKETCH NOTES:**
1. BASIS OF MEASUREMENT HEREON TAKEN FROM THE NEAREST RIGHT OF WAY LINE OF IBIS STREET AS BEING ASSUMED AS N50°40'43"E.
  2. FIELD NOTES IN SANDPIPER VILLAGE FILE N50°40'43"E.
  3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  4. THIS SKETCH IS NOT A CERTIFICATION OF TITLE, SOUND OR FREEDOM OF ENCUMBRANCES.
  5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR SURVEYOR. THIS SKETCH IS NOT THE FIELD THROUGH THE SITUATION AND THE ORIGINAL, RAISED SCALE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  6. ALL BEARINGS AND DISTANCES ARE PLAT AND HEADSHEED VALUES.
  7. DIMENSIONS SHOWN.
  8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8" x 14", 80 SCALE DRAWING.

DRAWN	CHECK	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC
FWH	FWH	1"=20'	SV-12-37	3048 DEL PRADO BLVD S. #100
04/08/2020	04/08/2020	46-24-34	SH-1	CAPE CORRAL, FLORIDA 33904
			OF - 2	PHONE: (239) 237-8284
				FAX: (239) 237-8921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB8921

EXHIBIT A  
(1795)

PARCEL I.D.: 34-46-24-W4-00300.0370  
 OWNER:TIMOTHY D. CARSON &  
 TERESA WILLIAMS CARSON

Exhibit B

**SKETCH OF DESCRIPTION**  
 (NOT A BOUNDARY SURVEY)

LEGAL DESCRIPTION:

10' UTILITY EASEMENT

A PORTION OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 37, UNIT 2, SANDPIPER VILLAGE SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 52, OF PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N50°40'43"E ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF IBIS STREET (50 FEET WIDE) AS DEDICATED TO THE PUBLIC PER MISCELLANEOUS BOOK 28, PAGE 158, OF PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A DISTANCE OF 5.00 FEET; THENCE S39°19'18"E, FOR A DISTANCE OF 2.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 10.83 FEET AND A CENTRAL ANGLE OF 36°42'20", A CHORD BEARING OF N60°05'52"E, A CHORD LENGTH OF 6.82 FEET, THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 6.94 FEET; THENCE RUN N76°58'01"E, FOR A DISTANCE OF 8.13 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 13.10 FEET AND A CENTRAL ANGLE OF 28°29'48", A CHORD BEARING OF S83°26'20"E, A CHORD LENGTH OF 6.45 FEET, THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 6.52 FEET; THENCE RUN S65°50'38"E, FOR A DISTANCE OF 3.34 FEET AND THE POINT OF BEGINNING; THENCE RUN N50°40'43"E, FOR A DISTANCE OF 64.99 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF VACATED RIGHT OF WAY PER COUNTY COMMISSIONER MINUTE BOOK 11, PAGE 525; THENCE RUN S39°19'17"E, FOR A DISTANCE OF 10.00 FEET, TO A POINT ON THE CENTERLINE OF IBIS STREET (50 FEET WIDE); THENCE RUN S50°40'43"W ALONG SAID CENTERLINE, FOR A DISTANCE OF 60.00 FEET; THENCE RUN N65°50'38"W, FOR A DISTANCE OF 11.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 624.953 SQUARE FEET OR 0.014 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORDS AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE LANDS SHOWN HEREON.
2. NO UNDERGROUND INSTALLATIONS, FOUNDATION FOOTINGS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

LAWRENCE E. JENKINS  
 PROFESSIONAL  
 SURVEYOR AND MAPPER  
 FLORIDA REGISTRATION #5364  
 TETRA TECH - L8 #26

Project No.: 200-74765-20007

Date: 09-14-2020

Designed By: BMM / LEJ

Drawing No.

V-101

SHEET 1 OF 3



**TETRA TECH**

www.tetrattech.com

201 EAST PINE STREET, SUITE 1000  
 ORLANDO, FL 32801  
 PHONE: 407.839.3955 FAX: 407.839.3790

TOWN OF FORT MYERS BEACH  
 IBIS STREET 10' UTILITY EASEMENT

PROPOSED  
 10' UTILITY EASEMENT

Tuesday, September 15, 2020 9:51:04 AM DRAWING: O:\Projects\Orlando\IER\174765\200-74765-20007\CAD\Survey\Draw\IV-XP-SKETCH.DWG

# LEGEND

- ◆ BM BENCHMARK
- ⊗ ND NAIL & DISK
- △ TP TRAVERSE POINT
- F FOUND IRON (TYPE)
- S SET IRON (TYPE)
- F FOUND MONUMENT (TYPE)
- S SET MONUMENT (TYPE)
- ⊕ SC SECTION CORNER
- CO CLEANOUT
- ⊗ DECIDUOUS TREE
- ⊗ ELECTRIC TRANSFORMER
- ⊗ EVERGREEN TREE
- ⊗ FIRE HYDRANT
- ✱ FLAG (AS SHOWN)
- ⊕ GUY ANCHOR
- ⊗ LIGHT POLE
- ⊗ MB MAIL BOX
- ⊗ PALM TREE
- P POST
- ⊗ SATELLITE DISH
- ⊕ SPIGOT
- ✱ SPRINKLER HEAD
- ⊕ TRAFFIC SIGN
- UTILITY MARKER (AS SHOWN)
- UTILITY MANHOLE (AS SHOWN)
- UTILITY METER (AS SHOWN)
- UTILITY RISER (AS SHOWN)
- ⊗ UTILITY VALVE (AS SHOWN)
- ⊕ UTILITY POLE (AS SHOWN)
- ⊗ WELL

# ABBREVIATIONS

- |      |                              |      |                              |
|------|------------------------------|------|------------------------------|
| ANT  | ANTENNA                      | (M)  | MEASURED                     |
| BM   | BENCHMARK                    | MB   | MAILBOX                      |
| BFP  | BACKFLOW PREVENTER           | MH   | MANHOLE                      |
| (C)  | CALCULATED                   | MW   | MONITORING WELL              |
| CO   | CLEANOUT                     | ND   | NAIL & DISK                  |
| CONC | CONCRETE                     | NL   | NAIL                         |
| CLF  | CHAIN LINK FENCE             | OE   | OVERHEAD UTILITY LINES       |
| CM   | CONCRETE MONUMENT            | OR   | OFFICIAL RECORDS             |
| CMP  | CORRUGATED METAL PIPE        | OUC  | ORLANDO UTILITIES COMMISSION |
| CPP  | CORRUGATED PLASTIC PIPE      | P    | POST                         |
| (D)  | AS DESCRIBED                 | (P)  | PER PLAT                     |
| DIP  | DUCTILE IRON PIPE            | PB   | PLAT BOOK                    |
| DH   | DRILL HOLE                   | PG   | PAGE                         |
| EB   | ELECTRIC RISER               | PK   | PK NAIL                      |
| ELEC | ELECTRIC                     | RCP  | REINFORCED CONC PIPE         |
| EM   | ELECTRIC METER               | RR   | RAILROAD                     |
| ET   | ELECTRIC TRANSFORMER         | RW   | RECLAIMED WATER              |
| EP   | EDGE OF PAVEMENT             | S    | SET                          |
| ESMT | EASEMENT                     | SC   | SECTION CORNER               |
| F    | FOUND                        | SH   | SPRINKLER HEAD               |
| FDC  | FIRE DEPT CONNECTION         | SPIG | WATER SPIGOT                 |
| FF   | FINISHED FLOOR               | SS   | SANITARY SEWER               |
| FH   | FIRE HYDRANT                 | SD   | STORM DRAIN                  |
| FO   | FIBER OPTIC                  | SV   | SANITARY SEWER VALVE         |
| G    | GAS                          | TB   | TELEPHONE RISER              |
| GM   | GAS METER                    | TEL  | TELEPHONE                    |
| GV   | GAS VALVE                    | TP   | TRAVERSE POINT               |
| INV  | INVERT                       | TSC  | TRAFFIC SIGNAL CONTROL       |
| IP   | IRON PIPE                    | TSP  | TRAFFIC SIGNAL POLE          |
| IR   | IRON ROD                     | TV   | CABLE TELEVISION             |
| IRRV | IRRIGATION VALVE             | UE   | UNDERGROUND UTILITY LINES    |
| JBL  | JURISDICTIONAL BOUNDARY LINE | W    | WATER                        |
|      |                              | WM   | WATER METER                  |
|      |                              | WV   | WATER VALVE                  |
|      |                              | XC   | X CUT                        |

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TOWN OF FORT MYERS BEACH  
IBIS STREET 10' UTILITY EASEMENT

PROPOSED  
10' UTILITY EASEMENT

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Date: 09-14-2020

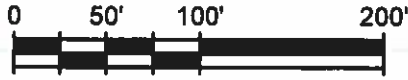
Designed By: BMM / LEJ

Drawing No.

V-101

SHEET 2 OF 3





**POINT OF COMMENCEMENT  
SW CORNER LOT 37, UNIT 2  
SANDPIPER VILLAGE SUBDIVISION**

SOUTHWESTERLY LINE OF  
VACATED RIGHT OF WAY  
COUNTY COMMISSIONER  
MINUTE BOOK 11,  
PAGE 525

5' DRAINAGE EASEMENT  
(OR 543, PG 301)

PARCEL I.D.: 34-46-24-W4-00300.0370  
OWNER: TIMOTHY D. CARSON &  
TERESA WILLIAMS CARSON

NORTHWESTERLY  
RIGHT OF WAY LINE

S39°19'17"E  
10.00'

PROPOSED  
RIGHT OF WAY VACATION  
(BY OTHERS)

10' UTILITY  
EASEMENT

PARCEL I.D.: 34-46-24-W4-00200.0010  
OWNER: DONALD N. & MARY E. CORCELLI

5' DRAINAGE  
EASEMENT  
(OR 543,  
PG 300)

PARCEL I.D.:  
34-46-24-W4-00300.0380  
OWNER: JOHN & LAURIE  
OSUCHOWSKI

**POINT OF BEGINNING**

L4

N65°50'38"W  
11.18'

CENTERLINE OF  
IBIS STREET

**IBIS STREET**  
(50' RIGHT-OF-WAY)

PARCEL I.D.: 34-46-24-W4-00200.0030  
OWNER: PAUL & HEIDI SIMPSON

**LINE TABLE**

LINE #	DIRECTION	LENGTH
L1	N50° 40' 43"E	5.00'
L2	S39° 19' 18"E	2.66'
L3	N76° 58' 01"E	8.13'
L4	S65° 50' 38"E	3.34'

**CURVE TABLE**

CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	10.83'	36° 42' 20"	6.94'	N60° 05' 52"E	6.82'
C2	13.10'	28° 29' 48"	6.52'	S83° 26' 20"E	6.45'

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IBIS STREET 10' UTILITY EASEMENT**

**PROPOSED  
10' UTILITY EASEMENT**

Project No.: 200-74765-20007

Date: 09-14-2020

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**V-101**

SHEET 3 OF 3