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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2021 – 04

**A RESOLUTION OF THE VILLAGE OF ESTERO,
FLORIDA, VACATING A PORTION OF THE PLAT OF THE
PLAZA DEL SOL SUBDIVISION, ACCORDING TO THE
PLAT THEREOF RECORDED IN PLAT BOOK 80, PAGE 4,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING
AND BEING IN SECTION 35, TOWNSHIP 46 SOUTH,
RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY,
FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Lee County is the owner of a utility easement within the Plaza Del Sol subdivision and has filed an application to vacate that portion of the plat described herein and previously occupied by said owner (VAC2020-E001); and

WHEREAS, the public notice of said application was published and evidence thereof given, as required by law; and

WHEREAS, the Village Council finds that the easement described herein no longer serves a public purpose, because there is an alternative location for the lift station, and this is a proper subject for vacation pursuant to Chapter 177, Florida Statutes.

WHEREAS, the sewage lift station located in the easement has been removed and relocated to a nearby and more appropriate location in the subdivision; and

WHEREAS, the Village Attorney has reviewed the vacation and finds that it meets the technical requirements of the Florida Statutes, and

WHEREAS, the Village held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit B.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

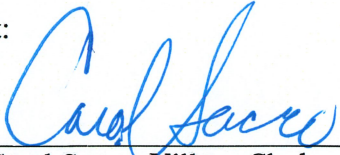
Section 2. The Village Council hereby vacates that portion of the plat of the Plaza Del Sol subdivision as described in Exhibit A attached hereto.

Section 3. This Resolution shall take effect immediately upon adoption.

[SIGNATURE PAGE FOLLOWS]

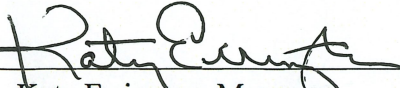
ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida, this 17th
day of March, 2021.

Attest:

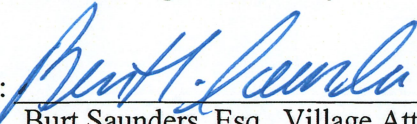


Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: 
Katy Errington, Mayor

Reviewed for legal sufficiency:

By: 
Burt Saunders, Esq., Village Attorney

Exhibits:

A - Legal Description

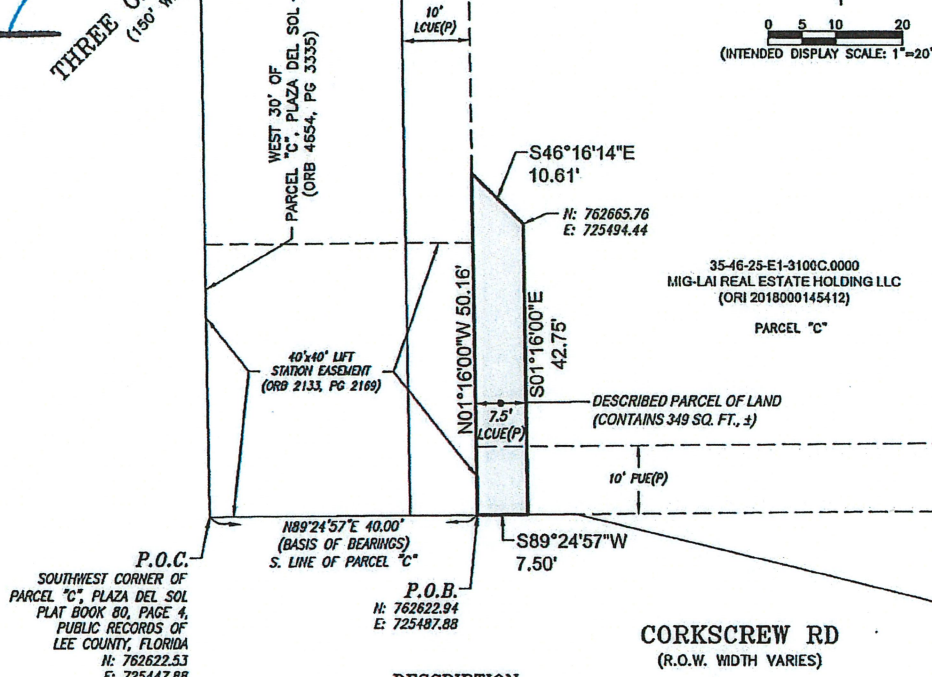
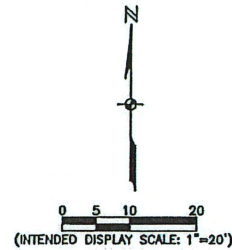
B- Affidavit of Publication

Exhibit "A"

Page 1 of 1

THREE OAKS PARKWAY
(150' WIDE R.O.W.)

PLAZA DEL SOL
(PLAT BOOK 80, PAGE 4)



35-46-25-E1-3100C.0000
MIG-LAI REAL ESTATE HOLDING LLC
(ORI 2018000145412)

PARCEL "C"

DESCRIBED PARCEL OF LAND
(CONTAINS 349 SQ. FT. ±)

CORKSCREW RD
(R.O.W. WIDTH VARIES)

DESCRIPTION
A PARCEL OF LAND
LYING IN A PORTION OF PARCEL "C"
PLAZA DEL SOL
LYING IN

SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST
VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN A PORTION OF PARCEL "C", PLAZA DEL SOL, AS RECORDED IN PLAT BOOK 80, PAGE 74, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE AFOREMENTIONED PARCEL "C", THENCE N.89°24'57"E. ALONG THE SOUTH LINE OF SAID PARCEL "C", A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING, THENCE N.01°16'00"W., DEPARTING SAID SOUTH LINE, A DISTANCE OF 50.16 FEET; THENCE S.46°16'14"E., A DISTANCE OF 10.61 FEET; THENCE S.01°16'00"E., A DISTANCE OF 42.75 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED SOUTH LINE OF PARCEL "C"; THENCE S.89°24'57"W., ALONG SAID SOUTH LINE, A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING.

LEGEND:

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- ORB = OFFICIAL RECORDS BOOK
- ORI = OFFICIAL RECORDS INSTRUMENT
- PB = PLAT BOOK
- PG = PAGE
- LCUE = LEE COUNTY UTILITY EASEMENT
- R.O.W. = RIGHT-OF-WAY
- (P) = PLAT
- N = NORTHING (FEET)
- E = EASTING (FEET)
- SQ. FT. = SQUARE FEET

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF PARCEL "C", PLAZA DEL SOL, AS RECORDED IN PLAT BOOK 80, PAGE 74, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHEREIN SAID SOUTH LINE BEARS N89°24'57"E.
4. PARCEL CONTAINS 349 SQUARE FEET, MORE OR LESS.

Digitally
signed by
Mark A. Texter
Date:
2020.12.16
12:37:20
-05'00'

NOT A SURVEY

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

MARK A. TEXTER (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6392

DATE SIGNED: _____

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
FAX: (239) 334-3681
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
A PARCEL OF LAND LYING IN PARCEL "C", PLAZA DEL SOL
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST
VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
08/20/2020	20170122-000	35-46-25	1" = 20'	1 OF 1

Exhibit B

The News-Press media group

news-press.com A GANNETT COMPANY

Classified Ad Receipt (For Info Only - NOT A BILL)

Customer: LCBC-COUNTY ADMINISTRATION

Ad No.: 0004620547

Address: 2115 2ND ST
FORT MYERS FL 33901
USA

Net Amt: \$387.56

Run Times: 2

No. of Affidavits: 1

Run Dates: 03/02/21, 03/10/21

Text of Ad:

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC 2020-E001

Notice is hereby given that on the 17th day of March 2021 at 9:30 a.m. in the Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, Estero, Florida 33928, the Council of the Village of Estero, Florida, will consider and take action on a Petition vacating the public's interest in the utility easement, plat or portion of a plat legally described as follows:

A 7.5' platted Lee County Utilities Easement located in the southwest corner of Parcel "C", Plaza Del Sol, a subdivision according to the map or plat thereof, recorded in Plat Book 80, Page 74 of the Public Records of Lee County, Florida and located within the property at 10170 Arcos Avenue, Estero, Florida 33928.

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Council with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Village Clerk of Estero, Florida, 9401 Corkscrew Palms Circle, Estero, Florida 33928. The Office of the Village Clerk of Estero can be reached at 239-221-5035.

Village of Estero will not discriminate against individuals with disabilities. To request an accommodation, contact Carol Sacco, 239-221-5035 or sacco@estero-fl.gov, at least 48 hours prior to the meeting.

AD#4620547

3/2, 3/10/2021

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

LCBC-COUNTY ADMINISTRATION
2115 2ND ST
FORT MYERS, FL 33901

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Legal Notices

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

03/02/2021, 03/10/2021

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 15th of March 2021.

Legal Clerk

Notary Public, State of Wisconsin County of Brown

My commission expires

of Affidavits: 1

This is not an invoice

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AD#4620547 3/2, 3/10/2021

VICKY FELTY
Notary Public
State of Wisconsin