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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2021 – 19

A RESOLUTION OF THE VILLAGE OF ESTERO, FLORIDA, VACATING A 66-FOOT WIDE PUBLIC RIGHT-OF-WAY THAT IS PART OF THE PLAT OF THE FLORIDA GULF LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING AND BEING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subdivision plat for Florida Gulf Land Company's Subdivision contains a 66-foot wide right-of-way, and the owners have filed an application to vacate that right-of-way described herein (VAC2019-E001); and

WHEREAS, at a duly noticed public hearing held on August 10 and 24, 2021 the Planning, Zoning and Design Board considered the request and continued the hearing; and

WHEREAS, at a continued public hearing held on September 14, 2021 the Planning, Zoning and Design Board recommended approval of the vacation request; 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; and

WHEREAS, the pertinent review agencies have offered letters of no objection. Lee County Department of Transportation did not object as long as the drainage easements are excluded; and

WHEREAS, the Village Council finds that the right-of-way described herein no longer serves a public purpose as Via Coconut Point Road was constructed in an alternate location. Therefore, the right-of-way is no longer needed, and this is a proper subject for vacation pursuant to Chapter 177, Florida Statutes.

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

44 **Section 1.** The above recitals are true and correct and are incorporated herein by
45 reference.

46
47 **Section 2.** The Village Council hereby vacates that portion of the plat of the Florida
48 Gulf Land Company's Subdivision as described in Exhibit A attached hereto, excluding
49 drainage easements.

50
51 **Section 3.** This Resolution shall take effect immediately upon adoption.

52
53 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida,
54 this 20th day of October, 2021.

55
56 Attest:

57
58
59
60 By: 
61 Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: 
Katy Errington, Mayor

62
63
64 Reviewed for legal sufficiency:

65
66
67 By:  Burt
68 Burt Saunders, Esq., Village Attorney

69
70 Exhibit:

71 A. Legal Description and Sketch



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A PARCEL OF LAND
LYING IN
SECTIONS 33 & 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

"EXHIBIT A"

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PORTION OF RIGHTS-OF-WAY OR ROADWAY EASEMENTS DEPICTED ON THE PLAT OF FLORIDA GULF LAND COMPANY'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 59, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33 AND THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE S 88°27'46" W ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 33 FOR 42.65 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED SAID POINT BEING AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF VIA COCONUT POINT (WIDTH VARIES); THENCE S 01°59'29" W ALONG SAID WESTERLY LINE FOR 33.06 FEET TO AN INTERSECTION WITH A LINE 33.00 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33; THENCE S 88°27'46" W ALONG SAID PARALLEL LINE FOR 378.29 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A RAILROAD RIGHT-OF-WAY (130.00 FEET WIDE) PER FORT MYERS SOUTHERN R.R. RIGHT-OF-WAY AND TRACT MAP DATED DECEMBER 6, 1923; THENCE N 10°27'46" W ALONG SAID EASTERLY LINE FOR 66.81 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 663 AT PAGE 531 OF THE PUBLIC RECORDS OF SAID LEE COUNTY SAID POINT ALSO BEING AN INTERSECTION WITH A LINE 33.00 FEET NORTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33; THENCE N 88°27'46" E ALONG SAID PARALLEL LINE FOR 388.32 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE OF VIA COCONUT POINT AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1,722.00 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 84°33'02" W; THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 01°03'21" FOR 31.74 FEET; THENCE S 01°59'29" W FOR 1.37 FEET TO THE **POINT OF BEGINNING**.

AND

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33 AND THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE S 01°10'17" E ALONG THE EAST AND WEST LINE COMMON TO SAID FRACTIONS FOR 285.10 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED, SAID POINT BEING AN INTERSECTION WITH THE WESTERLY LINE OF VIA COCONUT POINT (WIDTH VARIES) AND A INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1,730.50 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 73°53'03" W; THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 02°34'15" FOR 77.65 FEET; THENCE N 71°18'48" E ALONG SAID WESTERLY LINE FOR 8.50 FEET TO

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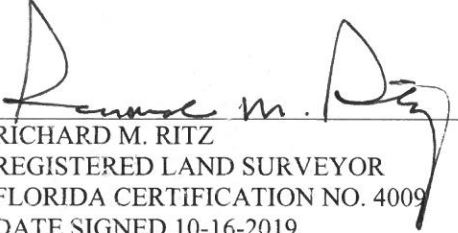
THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1,722.00 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 71°18'48" W; THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 00°20'59" FOR 10.51 FEET TO AN INTERSECTION WITH A LINE 33.00 FEET EAST OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) SAID EAST AND WEST COMMON LINE; THENCE S 01°10'17" E ALONG SAID PARALLEL LINE FOR 1,031.02 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE OF VIA COCONUT POINT AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 666.00 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 47°51'45" E; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 07°44'48" FOR 90.05 FEET TO AN INTERSECTION WITH A LINE 33.00 FEET WEST OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) SAID EAST AND WEST COMMON LINE; THENCE N 01°10'17" W ALONG SAID PARALLEL LINE FOR 1,324.27 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE OF VIA COCONUT POINT AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1,730.50 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S 78°58'27" W; THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 05°05'24" FOR 153.73 FEET TO THE **POINT OF BEGINNING**.

PARCELS "A" AND "B" CONTAIN 2.33 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N 01°10'17" W.

DESCRIPTION REVISED 10-16-2019.


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED 10-16-2019

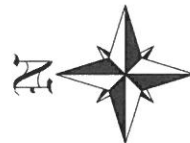
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1" = 150'

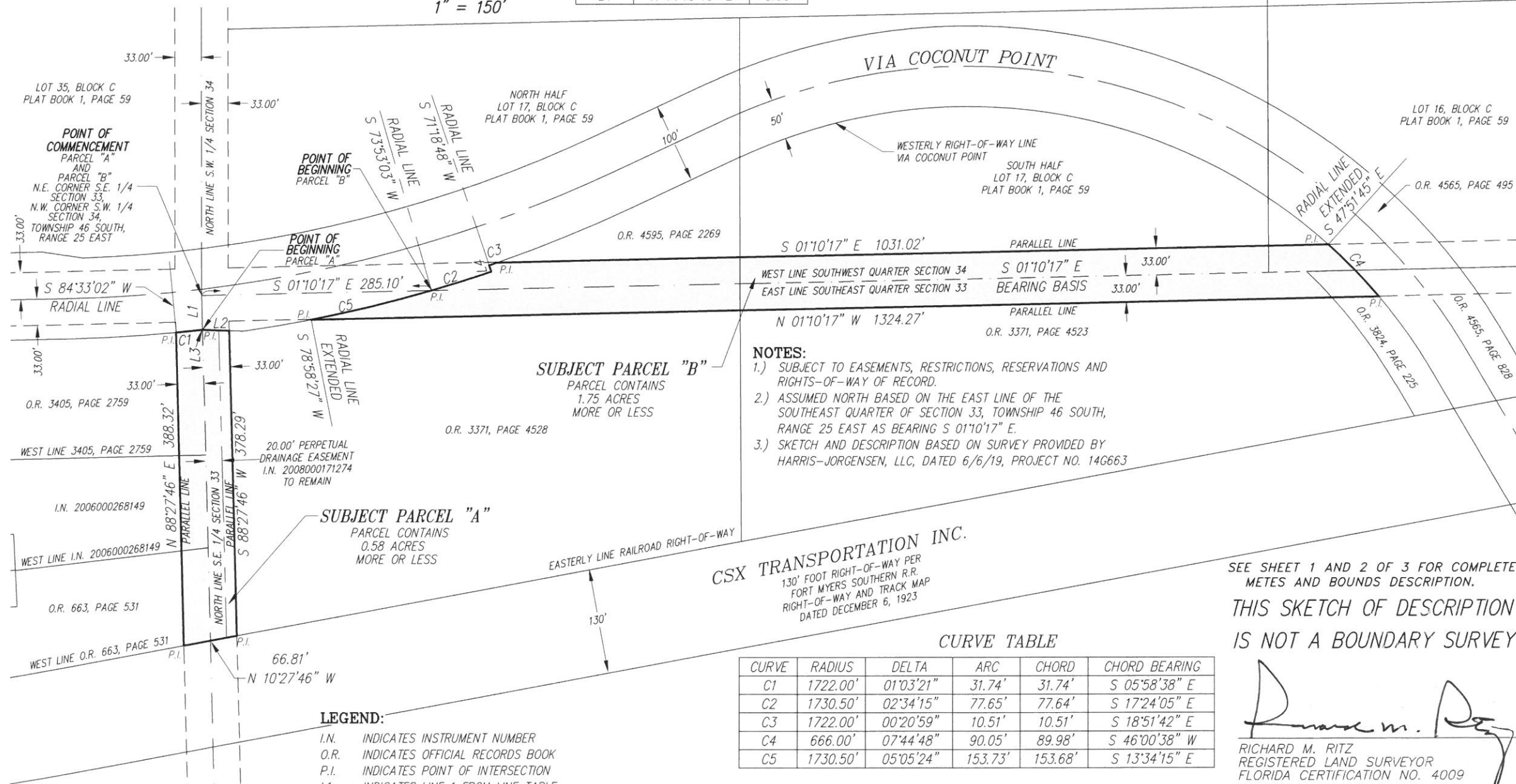
LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 88°27'46" W | 42.65' |
| L2 | S 01°59'29" W | 33.06' |
| L3 | S 01°59'29" W | 1.37' |
| L4 | N 71°18'48" E | 8.50' |

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 33 & 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



CSX TRANSPORTATION INC.
130' FOOT RIGHT-OF-WAY PER
FORT MYERS SOUTHERN R.R.
RIGHT-OF-WAY AND TRACK MAP
DATED DECEMBER 6, 1923

SEE SHEET 1 AND 2 OF 3 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
- DATE SIGNED: 10-16-2019
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT
THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.