

RESOLUTION NO. 00- 49

A RESOLUTION TO VACATE, RENOUNCE AND DISCLAIM THE CITY'S AND THE PUBLIC'S RIGHTS AND INTERESTS IN THE 60 FOOT ROAD RIGHT-OF-WAY BETWEEN LOTS 11, 12, BLK 225 AND LOT 22, BLK 229, ACCORDING TO THE PLAT OF "LOTS 11, 12, BLK 225 AND LOT 22, BLK 229, MARCO BEACH UNIT SIX" IN ACCORDANCE TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 47-54, IN PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

WHEREAS, PURSUANT TO Section 177.101, 336.09 and 336.10, Florida Statutes, a Petition has been received from Dominique Rihs, Esq., as agent for the owners requesting to vacate the 60 foot road right-of-way between Lots 11, 12, Block 225 and Lot 22, Block 229 according to the plat of "Lots 11, 12, Block 225 and Lot 22, Block 229" as recorded in Plat Book 6, Pages 47-54, Public Records of Collier County, Florida.

WHEREAS, The City Council has this day held a public hearing to consider vacating and said road right-of-way as more fully described below, and notice of said public hearing to vacate was given as required by law; and

WHEREAS, the granting of the vacation will not adversely affect the ownership or right of convenient access of other property owners;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, that:

1. The City's and the Public's rights and interests in the existing 60' wide road right-of-way between Lots 11, 12 and 22 is hereby vacated, renounced and disclaimed. See also Exhibit "A" attached hereto and incorporated herein.

This resolution adopted after motion, second and majority vote favoring same.

DATED: October 16, 2000

ATTEST:

By: A. William Moss
A. William Moss
City Manager/City Clerk

CITY OF MARCO ISLAND

Harry Cowin
Harry Cowin, Chairman

Approved as to form and
legal sufficiency:

Kenneth B. Cuyler
Kenneth B. Cuyler
City Attorney

Dominique Rihs, P.A.

5131 SUNBURY COURT
NAPLES, FL 34104-4731
(941) 643-1845
(941) 643-5149 (FAX)

Dominique Rihs, Esq.
FLORIDA BAR BOARD
CERTIFIED IN REAL ESTATE

November 22, 2000

VIA FAX 389-4359

VIA FAX 435-1218

City Of Marco Island
Community Development
Mr. Gregg Niles, Director &
Mr. Mark Hobson, City Planner
950 N. Collier Blvd. Suite 308
Marco Island, FL 34145

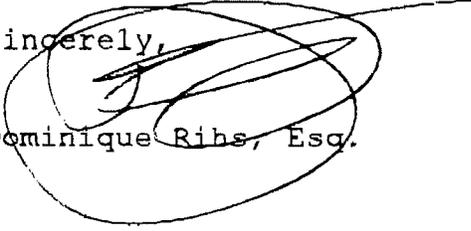
Mr. Ken Cuyler, Esq.

RE: VACATION OF RIGHT-OF-WAY of PORTION OF CASTAWAYS STREET PER
PLAT BOOK 6, PAGES 47-54, PUBLIC RECORDS OF COLLIER COUNTY, FL
(MICHAEL FISHER)

Dear Messrs. Niles, Cuyler & Hobson:

Please find enclosed the recorded executed Agreement of
Restriction which restricts Lot 11 & 12 from subdivision &
requiring them to be dealt with as one lot. I understand that
the City will now proceed with executing & recording the Vacation
Resolution. Please forward a copy of the recorded Resolution &
advise as to the status of changing the road name & address of
Lots 11 & 12 to Blue Bonnet.

Sincerely,


Dominique Rihs, Esq.

Enclosures: 2 page Agreement for Restriction

cc: Mr. Michael Fisher

2717075 OR: 2746 PG: 1656

RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
11/22/2000 at 10:25AM DWIGHT H. BROCK, CLERKREC FEE 10.50
COPIES 2.00

THIS INSTRUMENT PREPARED BY:
DOMINIQUE C. RIHS, ESQ.
5131 Sunbury Court
Naples, FL 34104-4731

Retn:
DOMINIQUE C RIHS
5131 SUNBURY COURT
NAPLES FL 34104 4731

Folio # 57362600007 - Lot 12
Folio # 57362560008 - Lot 11

AGREEMENT FOR RESTRICTION

THIS AGREEMENT (the "Agreement") entered into this 15th day of November, 2000, with an effective date of October 16, 2000, by **MICHAEL FISHER & BENAË FISHER, HUSBAND & WIFE**, (hereinafter referred to as "OWNER") with The City of Marco Island (hereinafter referred to as the "CITY").

RECITALS:

A. Owner is the fee simple owner of Lot 11, Block 225 & Lot 12, Block 225, Marco Beach Unit Six, a subdivision according to the Plat thereof as recorded in Plat Book 6, Pages 47 through 54, of the Public Records of Collier County, Florida (hereinafter referred to as "Lots 11 & 12").

B. That City approved the vacation of road right of way adjoining Lots 11 & 12 as described in paragraph A on October 16, 2000. As a condition of said vacation of road CITY required a restriction on Lots 11 & 12 never be subdivided & to be deemed one lot.

C. Owner agrees that Lots 11 & 12 shall not be subdivided & shall in perpetuity be one lot & agrees that said restriction will be a restriction running with the land.

THEREFORE, the parties hereto do hereby agree as follows:

1. RECITALS. The above recitals are true, correct & are incorporated herein.
2. RESTRICTION ON LOTS 11 & 12. OWNER agrees that Lots 11 & 12 are to be one lot & may not be subdivided.
3. BINDING ON LAND. This Agreement shall be recorded on the Public Records of Collier County, Florida in order to give notice of a restriction upon Lots 11 & 12. Said restriction being that Lots 11 & 12 are deemed one lot & that Lots 11 & 12 may not be subdivided. Such restriction shall be binding upon Lots 11 & 12 & shall run with the land, so as to be applicable to the present owners & any successors in fee simple ownership.

RESTRICTION ON LOTS 11 & 12, BLOCK 225, MARCO BEACH UNIT SIX

*** OR: 2746 PG: 1657 ***

IN WITNESS WHEREFORE, the parties hereto have hereunto set their hand and seals the day and year first above written.

Signed, sealed and delivered in the Presence of

Donald Fisher
WITNESS #1 DONALD FISHER

BY: Michael Fisher
MICHAEL FISHER

Linda Bell
WITNESS #2
LINDA BELL

BY: Benae Fisher
BENAE FISHER

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 15th day of November, 2000, by MICHAEL FISHER & BENAE FISHER, HUSBAND & WIFE. They are personally known to me & did not take an oath.

James C. Lombardi
NOTARY PUBLIC
JAMES C. LOMBARDI

My Commission Expires: 2-26-02

(SEAL)

