

RESOLUTION 18-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RATIFYING ITS REGULATIONS OF PRIVATE USE OF THE TOWN RIGHTS-OF-WAY FOR PARKING OF VEHICLES, BICYCLES, MOTORCYCLES AND OTHER PASSENGER MODES OF TRANSPORTATION REQUIRING ANNUAL PERMITS, SETTING ANNUAL PERMIT FEES, AND OTHER CONDITIONS, PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS: The Town of Fort Myers Beach, Florida recognizes that, certain private property owners utilize the public right-of-way for parking prior to incorporation of the Town and,

WHEREAS: The Town of Fort Myers Beach recognizes that the unregulated use of right of way will adversely impact certain neighborhoods within the Town of Fort Myers Beach, Florida; and,

WHEREAS: The Town of Fort Myers Beach may allow by permit the continued limited use of parking within the Town's rights-of-way upon annual registration for a fee (said fee to include any applicable taxes or other conditions) as set by the Town Council in the fee schedule provided the Town does not require the right-of-way for other purposes; and,

WHEREAS: The Town of Fort Myers Beach may terminate the permit upon 30 calendar days written notice to the property owner in the event the Town determines the property is needed for a public purpose no longer allowing accommodation of the right-of-way use for private parking; and the Town may also terminate the permit without further obligation to the property owner, if the property owner fails to comply with any provisions of the permit after reasonable written notice is provided; and

WHEREAS: The Town of Fort Myers Beach will not allow the sub-letting, renting, sale or other use the area except for parking; and

WHEREAS: The Council of the Town of Fort Myers Beach on June 14, 2018 revised its procedures to assure compliance with all state and local laws regarding parking as same may be amended from time to time; and the permit will be controlled by the laws of the state of Florida and the Town of Fort Myers Beach; and the venue for any action to enforce the provisions of the license agreement will be in Lee County; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, Florida as follows:

Section I. The Town Council directs the Town Manager or Town Manager's designee to create a permit application containing but not limited to the following items:

- (1) STRAP Number of the subject property as listed on Lee County Property Appraiser with Street address;
- (2) Name, address, telephone number and any email address of the owner;
- (3) A real survey or a drawing or sketch of the property with dimensions
- (4) Executed Hold Harmless Agreement to the Town and proof of appropriate Liability Insurance acceptable to the Town.

Section II. Establish annually initial fee of \$100 per the calendar year per parking spot any portion thereof and \$50 for subsequent years if a complete application and payment is submitted to the Town no later than November 30 for each subsequent year. Fee(s) may be amended from time to time by Town Council in the Town's fee schedule.

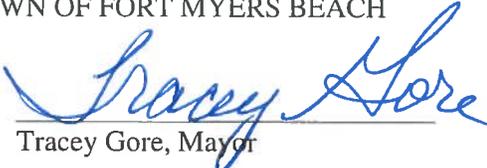
Section III. This Resolution shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by Council Member Anita Cereceda and seconded by Council Member Bruce Butcher; and, upon being put to a vote, the result was as follows:

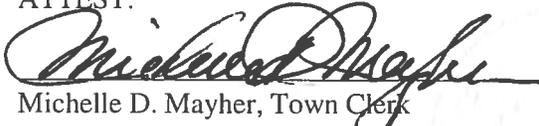
Tracey Gore, Mayor	excused
Joanne Shamp, Vice-Mayor	aye
Dennis Boback, Council Member	aye
Bruce Butcher, Council Member	aye
Anita Cereceda, Council Member	aye

THE RESOLUTION WAS DULY PASSED AND ADOPTED this 7th day of August, 2018.

TOWN OF FORT MYERS BEACH

By: 
Tracey Gore, Mayor

ATTEST:


Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:


Peterson Law Group, Town Attorney