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**RESOLUTION NUMBER 20-30**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO COMPLETE THE MUTUAL TRANSFER OF PROPERTY BETWEEN LEE COUNTY AND THE TOWN REGARDING THE BAY OAKS FROM LEE COUNTY TO EXCHANGE REAL PROPERTY AND IMPROVEMENTS; AUTHORIZING THE EXECUTION OF THE AGREEMENT; AND PROVIDING 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**, Lee County is the owner of certain real property (“Lee County Property”) that is immediately adjacent to the Town’s Bay Oaks Recreational Facility; and

**WHEREAS**, the Town owns dedicated, but unused right-of-way (“Town R-O-W”), that borders the Lee County Matanzas Pass Preserve; and

**WHEREAS**, Lee County and the Town have determined that it is in the best interest of the owners, residents, businesspersons, and visitors of the Town of Fort Myers Beach for Lee County to transfer the Lee County Property to the Town and for the Town to Vacate the Town R-O-W to the benefit of Lee County (“Land Transfer”).

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**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

**Section 2.** The Town Council authorizes the appropriate Town officials to take all steps necessary to implement the Land Transfer illustrated on the attached Exhibit “A”, which is incorporated herein by this reference.

**Section 3.** This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Atterholt and seconded by Council Member Veach and upon being put to a vote, the result was as follows:

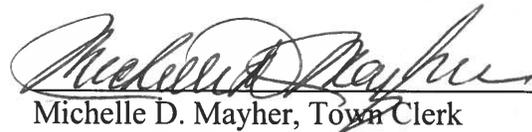
Raymond P. Murphy, Mayor	Aye
Rexann Hosafros, Vice Mayor	Aye
Dan Allers, Council Member	Aye
Bill Veach, Council Member	Aye
Jim Atterholt, Council Member	Aye

ADOPTED this 17<sup>th</sup> day of August, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

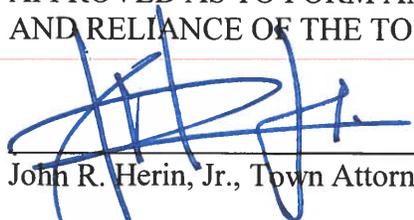
TOWN OF FORT MYERS BEACH

  
Raymond P. Murphy, Mayor

ATTEST:

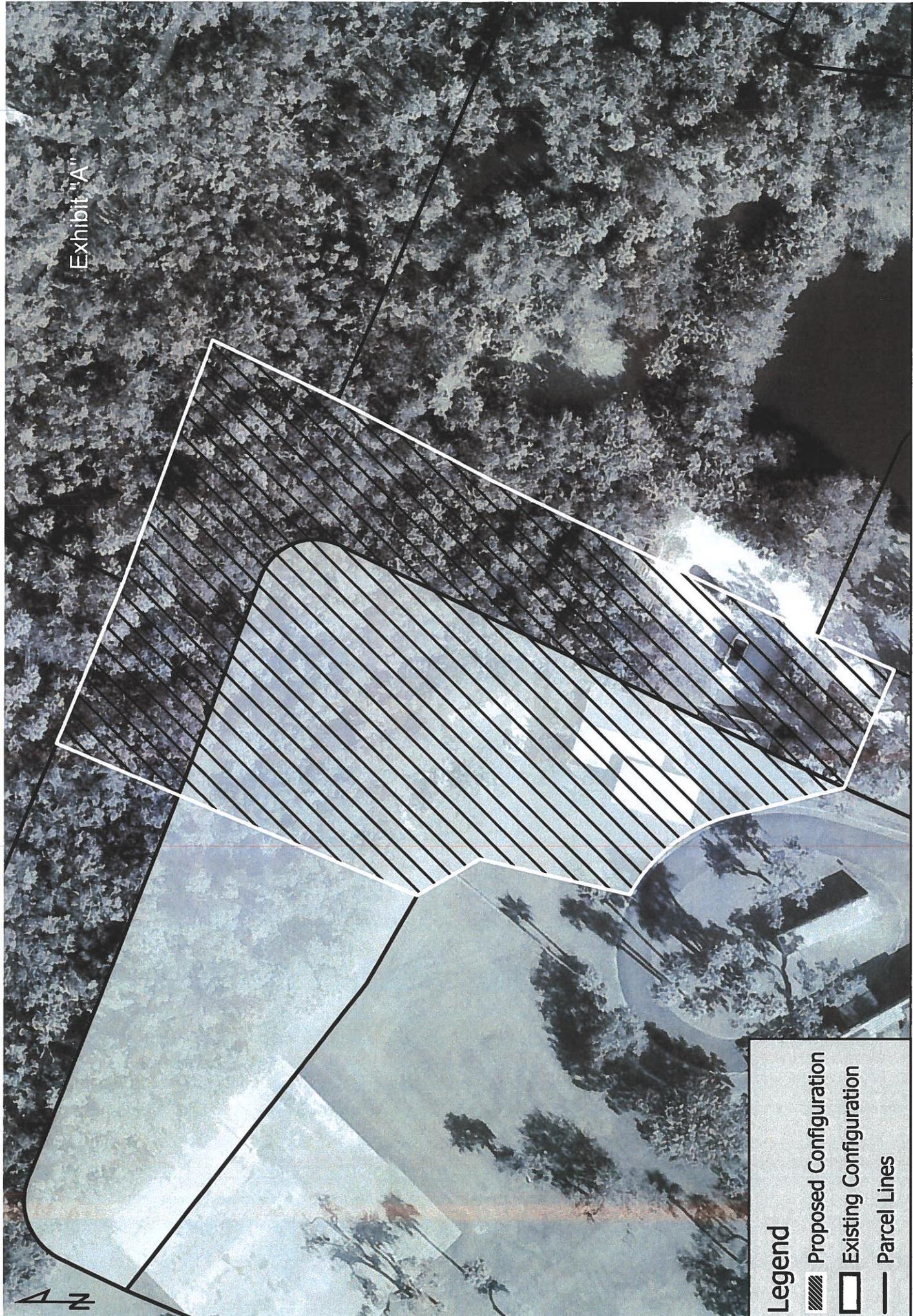
  
Michelle D. Mayher, Town Clerk

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 21<sup>st</sup> day of August 2020.

Exhibit "A"



**Legend**

-  Proposed Configuration
-  Existing Configuration
-  Parcel Lines



# Proposed Land Reconfiguration at Matanzas Pass Preserve

Lee County Parks & Recreation | 3410 Palm Beach Blvd | Fort Myers | FL | 33916

