

## RESOLUTION NUMBER 24-179

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO APPROVE STA 38 IN THE AMOUNT OF 145,990.00 WITH TETRA TECH UNDER CONTRACT NO. 22-25-AD FOR TIER 1 PROJECT CARLOS CIRCLE AND ANY ASSOCIATED DOCUMENTS; AND PROVIDING FOR 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 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**, the Town is requesting approval to utilize a combination of swales and piping and release stormwater into Matanzas Pass via a legal outfall or to Estero Boulevard; and

**WHEREAS**, the proposed improvements will be performed as a change order with the Contractor currently performing improvements on “Tier 1”; and

**WHEREAS**, without this stormwater improvement to Carlos Circle, the area will continue to flood routinely with every rain event; and

**WHEREAS**, the Town Council has determined it is in the best interest of the Town to approve the requested Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby approves the Agreement and authorizes the Town Manager or his designee to execute any documentation related to the Agreement which is attached hereto as “Attachment A”.

The foregoing Resolution was adopted by the Town Council upon a motion by council Member King and seconded by Council Member Safford, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 9<sup>th</sup> of September, 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

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Dan Allers, Mayor

**ATTEST:**

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Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

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Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 13<sup>th</sup> day of September 2024.