

**RESOLUTION NUMBER 25-27**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RATIFYING AND AUTHORIZING THE ISSUANCE OF PERMITS (LICENSING AGREEMENTS) WITH PRIVATE PARTIES FOR USE OF THE TOWN RIGHTS-OF-WAY FOR PARKING OF VEHICLES, BICYCLES, MOTORCYCLES AND OTHER MODES OF TRANSPORTATION; REQUIRING PAYMENT OF ANNUAL PERMIT FEES AND COMPLIANCE WITH OTHER CONDITIONS AS NEEDED; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND 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 Council of the Town of Fort Myers Beach on June 14<sup>th</sup>, 2018 revised its procedures to comply with Florida and local laws regarding parking; and

**WHEREAS**, the Town Council thereafter adopted Resolution 18-20 on August 7<sup>th</sup>, 2018 establishing an initial annual fee of \$100 per parking spot and \$50 per parking space for subsequent years to be paid annually; and

**WHEREAS**, the Town Council authorizes Town staff to issue permits as provided herein provided sufficient right-of-way is present for travel lanes where applicable; and

**WHEREAS**, all permit holders must pay an annual registration fee (inclusive of any applicable taxes) as set by the Town Council and must agree to not sublet, rent, sell or use the parking spaces for any other purpose other than as stated in the permit; and

**WHEREAS**, the Town Council has determined it is in the best interest of the Town to adopt this Resolution.

**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 directs the Town Manager or designee to update the parking space use fee on the Town's fee schedule annually to an amount corresponding to the

average revenue per parking spot received by the Town in the year most recent 12-month period for which parking revenue data is available at the time the annual fee schedule is adopted. The fee is to be paid annually to the Town no later than November 30<sup>th</sup> for subsequent calendar year.

Section 3. The Town council directs the Town Manager or designee to update the ROW Permit application to reflect the fee adjustment and require:

1. Identification by street address and STRAP number of the private property associated with the permit application;
2. Complete contact information of the property owner and any management company responsible for the private property associated with the permit application;
3. A signed and sealed survey of the private property and the intended parking spaces that are requested in the permit application;
4. Execution of a Hold Harmless Agreement in favor of the Town and proof of insurance acceptable to the Town.

Section 4. This Resolution shall take effect immediately upon its adoption

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

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

ADOPTED this 8<sup>th</sup> day of January 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

  
Dan Allers (Feb 10, 2025 15:38 EST)  
\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Amy Baker, Town Clerk

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

  
Vose Law Firm (Feb 10, 2025 19:54 EST)  
\_\_\_\_\_  
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 10<sup>th</sup> day of February 2025.