

RESOLUTION NUMBER 25-151

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, GRANTING AN EASEMENT TO EXPAND THE AREA OF AN EXISTING EASEMENT GRANTED TO LEE COUNTY FOR THE PLACEMENT AND OPERATION OF COUNTY-OWNED SEWER MAINS, PIPES, AND FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about September 15, 1976, the Town of Fort Myers Beach granted Lee County, Florida, an easement over a 20 ft x 20 ft portion of land owned by the Town, located at 2523/2525 Estero Blvd, Fort Myers Beach (“Utility Easement”), and the Utility Easement was recorded in OR 1164, Page 2010, Public Records of Lee County, Florida; and

WHEREAS, the County has requested an amendment to the Utility Easement to expand the Utility Easement Area based upon the County’s determination that some of the Lift Station Facilities (underground and aboveground) extend outside the Utility Easement Area; and

WHEREAS, in recognition that the County’s operation of the Lift Station Facilities provides a benefit to the general public, the Town Council is agreeable to amending the Utility Easement as provided in the Amendment to Utility Easement in Exhibit A; and

WHEREAS, the Town Council has determined that granting the Amendment to the Utility Easement serves a public purpose and is in the best interests of the Town and its residents.

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 and made a specific part of this Resolution.

Section 2. The Town Council hereby approves and authorizes the Mayor to execute the Amendment to Utility Easement, a copy of which is attached hereto as Exhibit A.

Section 3. Upon acceptance by Lee County, Florida, the County shall record the Amendment to Utility Easement in Exhibit A in the Public Records of Lee County, Florida and provide a recorded copy to the Town Clerk for inclusion in the Town’s public records.

Section 4. 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 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 19th day of May 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL



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, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 28th day of May 2025.

Attachment A

This instrument prepared by:
Lee County, Dept of County Lands
1500 Monroe St, 4th Floor
Fort Myers, FL 33901

Project: Lift Station 2278
STRAP: 19-46-24-W3-00450.A000

AMENDMENT TO UTILITY EASEMENT

This Amendment is executed this ____ day of _____, 2025 by the **TOWN OF FORT MYERS BEACH, FLORIDA**, a political subdivision of the State of Florida, whose mailing address is 2525 Estero Blvd, Fort Myers Beach, FL 33931 (the "**Town**", as Grantor), and **LEE COUNTY**, a political subdivision of the State of Florida, whose mailing address for purposes of this Amendment is Lee County, Department of County Lands, 1500 Monroe Street, 4th Floor, Fort Myers, FL 33901 (the "**County**", as Grantee).

Recitals:

A. By *Utility Easement* dated September 15, 1976 recorded in OR 1164, Page 2010, Public Records of Lee County, Florida, the County was granted an easement over a 20 ft x 20 ft portion of land owned by the Town, located at 2523/2525 Estero Blvd, Fort Myers Beach, Lee County, as more particularly depicted and described therein (the "**Easement Area**"), for the placement and operation of County-owned underground sewer mains, pipes and facilities, including without limitation a lift station (collectively, the "**Lift Station Facilities**").

B. The County has determined that some of the Lift Station Facilities (underground and aboveground) extend outside the Easement Area and has requested that the Easement Area be expanded accordingly.

C. In recognition that the County's operation of the Lift Station Facilities provides a benefit to the general public, the Town is agreeable to amending the *Utility Easement* as requested.

D. This Amendment was approved by the Town of Fort Myers Beach Town Council on the 19th day of May 2025, and the Mayor was authorized to execute this Amendment.

E. Conveyance of the additional easement area for use by the County for its Lift Station Facilities is in the best interest of the public.

NOW THEREFORE, the parties agree as follows:

1. **Grant.** Grantor, for and in consideration of \$10.00 and the public benefit provided by the County's Lift Station Facilities, does hereby grant and convey to the County a perpetual easement, for the installation and maintenance of the County's Lift Station Facilities, underground and aboveground, in, under and upon the 8.54 ft x 20 ft area depicted and described on the attached Exhibit A-1, labelled thereon as the "**Additional Easement Area.**"

2. **Restoration.** With reference to the County's existing restoration obligations under the *Utility Easement*, the County shall replace or restore all sod, grass, flowers, trees, shrubs, ornamental plantings, driveways, sidewalks, and sprinkler systems located within the Additional Easement Area or Grantor's adjoining property, to their pre-existing condition, when disturbed by the County.

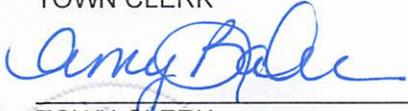
3. **Ratification.** All terms of the *Utility Easement* not amended hereby and not inconsistent herewith remain in full force and effect.

IN WITNESS WHEREOF, Grantor has caused this Amendment to be executed in Grantor's name.

TOWN OF FORT MYERS BEACH, FLORIDA

BY: 
Dan Allers, Mayor

ATTEST:
AMY BAKER
TOWN CLERK


TOWN CLERK

APPROVED AS TO FORM BY:


TOWN ATTORNEY

ACCEPTANCE

Approved and accepted for and on behalf of Lee County, Florida, this ____ day of _____, 2025.

ATTEST:
KEVIN C. KARNES,
CLERK OF CIRCUIT COURT

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

By: _____
Deputy Clerk

BY: _____
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: _____
County Attorney's Office

Attachment:
Exhibit A-1 – *Sketch and Description of Additional Easement Area (2 pages)*

EXHIBIT A-1

Sketch of Additional Easement Area

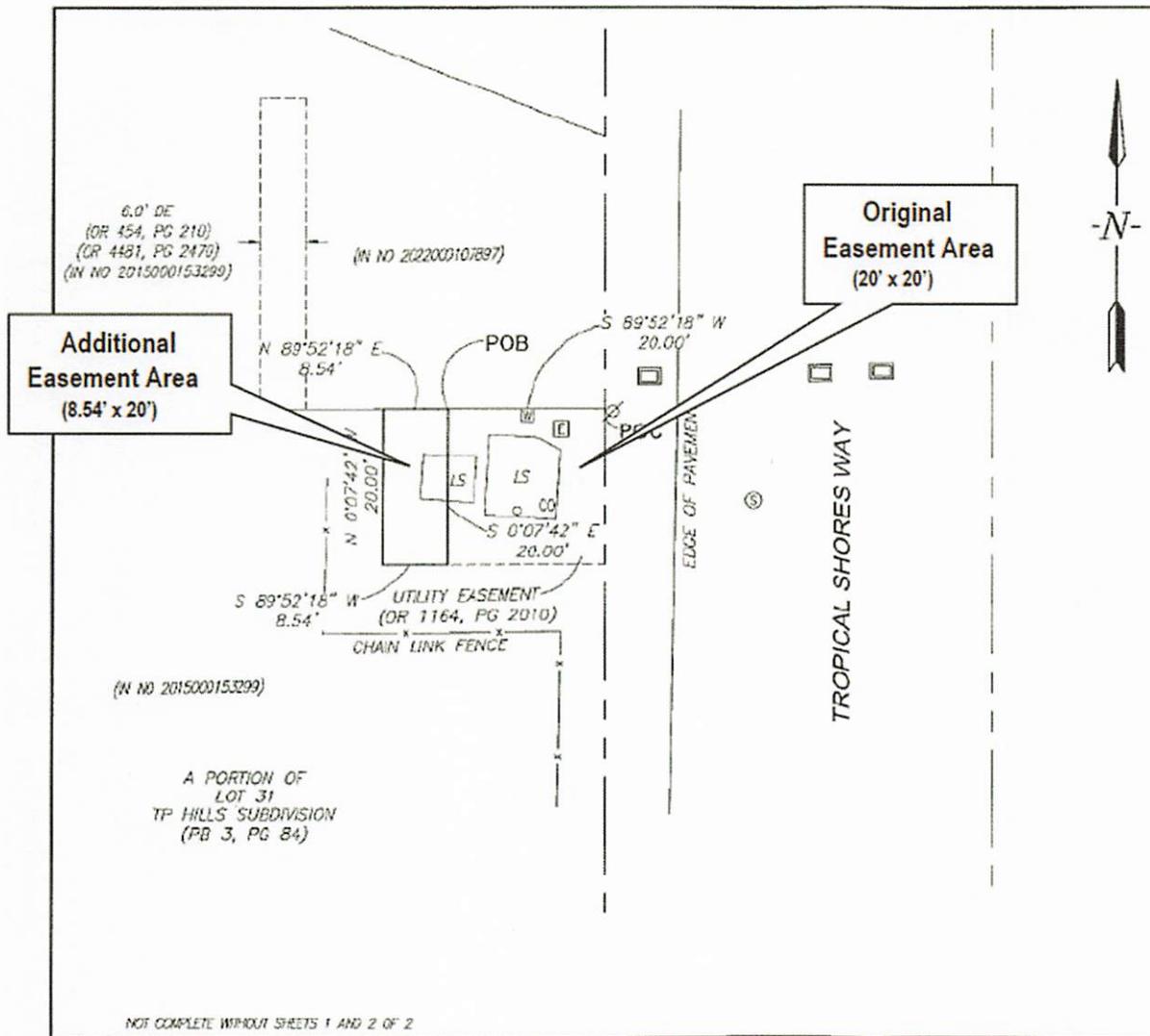


Exhibit A-1 (cont'd)

Description of Additional Easement Area

Lying within Lot 31, TP Hills Subdivision, Plat Book 3, Page 84, Public Records of Lee County, Florida, being more particularly described as follows:

Commence at the northeast corner of the utility easement recorded in Official Records Book 1164, Page 2010, Public Records of Lee County, Florida; thence along the north line of said easement, South 89°52'18" West, for 20.00 feet to the northwest corner of said utility easement and the Point of Beginning of the herein described parcel:

Thence along the west line of said utility easement, South 00°07'42" East, for 20.00 feet to the southwest corner of said easement; thence departing said easement, South 89°52'18" West, for 8.54 feet; thence North 00°07'42" West, for 20.00 feet to a point of intersection with the boundary of the lands described in Instrument Number 2015000153299 of said Public Records; thence along said boundary, North 89°52'18" East, for 8.54 feet to the Point of Beginning of the parcel described herein.

Containing 171 square feet, more or less.

* * *