

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 12-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, DECLARING A LOCAL SHORELINE EMERGENCY; AUTHORIZING THE ISSUANCE OF A TOWN PERMIT TO INSTALL TEMPORARY EMERGENCY PROTECTION STRUCTURES, IN THAT AREA OF THE BEACH THAT IS ADJACENT TO 7400 ESTERO BOULEVARD, PURSUANT TO SECTION 161.085, FLORIDA STATUTES AND RULE 62B-33.0051 OF THE FLORIDA ADMINISTRATIVE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are residential structures located at 7400 Estero Boulevard within the jurisdictional limits of the Town of Fort Myers Beach that are being threatened with structural damage and possible collapse as a result of erosion of the shoreline caused by the migration of the inlet to the Little Estero Island Critical Wildlife Area north and landward of the inlet's previous location; and

WHEREAS, Section 161.085, Florida Statutes and Rule 62B-33.0051, Florida Administrative Code authorize local governments to take emergency measures to protect private structures within their jurisdiction; and

WHEREAS, in order to take the emergency measures authorized by the foregoing statute and rule the Town Council must take formal action to declare a local emergency event; and

WHEREAS, the Town Council has reviewed the facts and circumstances surrounding the erosion that has taken place at 7400 Estero Boulevard and has determined that a formal declaration of a local shoreline emergency is warranted.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section One. Whereas Clauses. The above "Whereas" recitals are incorporated herein by reference.

Section Two. Formal Declaration of Shoreline Emergency. The Town Council of the Town of Fort Myers Beach, Florida hereby formally declares that a local shoreline emergency exists in that area of the Town's shoreline along the Gulf of Mexico that is adjacent to 7400 Estero Boulevard.

Section Three. Issuance of Town Permit. Pursuant to subsection (5) of Rule 62B-33.0051 of the Florida Administrative Code, the Town shall provide notification to all affected property owners and to the State of Florida, Department of Environmental Protection (hereinafter "Department") and issue permits authorizing the affected private property owners to utilize approved temporary measures to protect their private structures. Any permit issued shall be subject to all limitations contained in Rule 62B-33.0051 of the Florida Administrative Code.

Section Four. Permit Duration. Any temporary structure permitted shall be removed within sixty (60) days of installation unless a complete application for a permit seeking

authorization to retain the temporary structure or to provide alternative protection has been provided to the Department pursuant to Sections 161.053 and 161.085, Florida Statutes.

Section Four. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach, Florida.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon motion by Council Member Mandel and second by Council Member Kosinski and being put to a vote, the result was as follows:

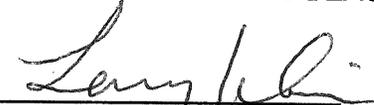
Larry Kiker, Mayor	aye
Bob Raymond, Vice Mayor	aye
Jo List, Councilmember	absent
Alan Mandel, Councilmember	aye
Joe Kosinski, Councilmember	aye

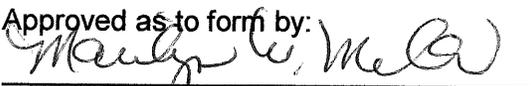
APPROVED THIS 19th DAY OF MARCH, 2012.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Michelle D. Mayher, Town Clerk

By:   
Larry Kiker, Mayor

Approved as to form by:  
  
FOWLER WHITE BOGGS  
Town Attorney