

RESOLUTION NO. 17-32

A RESOLUTION OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA DECLARING A PUBLIC PURPOSE FOR PARKING ON CHAPEL STREET, FORT MYERS BEACH, FLORIDA.

WHEREAS: Final Judgment in favor of the Town in Lee County case No. 07-CA-17676: *Wayne Tezak and Helen Tezak, Trustees of the Tezak Family Trust, dated January 1991 vs. the Town of Fort Myers Beach*, held that the Town of Fort Myers Beach may continue to use the four parking spaces adjacent to the Tezak Family Trust property on Chapel Street as a public street; all related litigation is concluded with no appeal by the Tezaks; and,

WHEREAS: The Final Judgment also grants the Town the right to direct the public to the four parking spaces as a means of access to the beach area; and,

WHEREAS: Pursuant to that case, the Town and the Tezak Family Trust entered into a license agreement dated February 27, 2012 in which Tezak admits "utilizing Town right-of-way for parking of vehicles owned by" Tezak; said agreement grants the Tezak Family Trust the use of the Town's right-of-way subject to payment of an annual fee and other conditions therein.

NOW, THEREFORE, Be it Resolved by the Town Council of the Town of Fort Myers Beach, Florida:

1. Access to the public beaches in the Town of Fort Myers Beach is essential to the health, safety and welfare of the citizens of the Town and the many thousands of visitors and guests that travel to our Town to enjoy its many natural wonders.
2. Parking of private and public motor vehicles remains a prime concern as the competition for space between public and private interests stretches the Town's limited resources.
3. At the public Beach Access on Chapel Street, the four parking spaces, the subject of the aforementioned lawsuit and license agreement, are now found to be necessary for the public purpose of affording additional public vehicle parking opportunities.
4. Pursuant to its terms, therefore, the Town Council, having found a public purpose for the Chapel Street parking spaces, directs the Town Attorney to give the required notice of termination of said license agreement.
5. Also pursuant to its terms, the Town, through its Town Manager, the Public Works Department and the Town Attorney, are directed to use their best efforts to replace the resulting lost parking spaces with facilities located at a site acceptable to the Agreement's Licensee at a cost as stated therein.

THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by Council Member Cereceda and seconded by Mayor Boback and upon being put to a vote, the result was as follows:

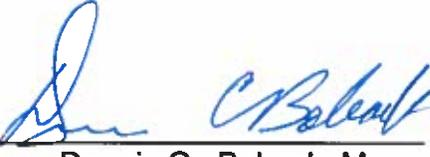
Dennis C. Boback, Mayor	aye	Tracey Gore, Vice Mayor	nay
Bruce Butcher, Council Member	aye	Anita Cereceda, Council Member	aye
Joanne Shamp, Council Member	nay		

DULY PASSED AND ADOPTED on this 2nd day of October, 2017.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

Approved as to form

By: 
Peterson Law Group, Town Attorney