

RESOLUTION NUMBER 21-61

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A COMMUNITY AESTHETIC FEATURE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A LOCAL IDENTIFICATION MARKER LOCATED NEAR THE BASE OF MATANZAS PASS BRIDGE ON SAN CARLOS ISLAND IN LEE COUNTY, FLORIDA, PROVIDING FOR 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 (“Town”) 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 has the opportunity to design, install and maintain a stand-alone local identification marker community aesthetic feature (“Project”) on certain right of way owned by the Florida Department of Transportation (“FDOT”), which is located on State Road 865 (San Carlos Boulevard), Section 12004 at Main Street MP 0.614 near the base of Matanzas Pass Bridge on San Carlos Island in Lee County, Florida; and

WHEREAS, installation of such a community aesthetic feature would serve a valid public purpose; and

WHEREAS, FDOT is requesting that the Town, approve, execute, and deliver to FDOT a Community Aesthetic Feature Agreement to implement the Project in accordance with the terms and conditions of the agreement.

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

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

Section 2. The Community Aesthetic Feature Agreement (“Agreement”) between the Florida Department of Transportation and the Town of Fort Myers Beach for the Project attached as Exhibit “A” is approved. The Town agrees to fund all costs for the design, installation, and maintenance of the Project in accordance with the terms of the Agreement.

Section 3. The Town Manager or his designee is authorized to apply for any necessary FDOT permits to implement the Project and is authorized to execute the Agreement and any

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amendments, extensions, terminations, and novation changes to the Agreement and expend budgeted funds on behalf of the Town.

Section 4. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

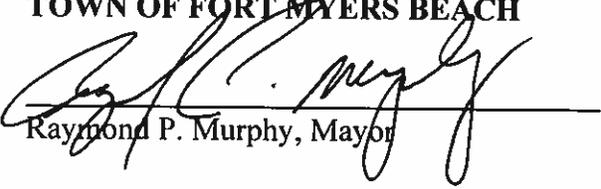
Section 5. This resolution shall take effect immediately upon its adoption.

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

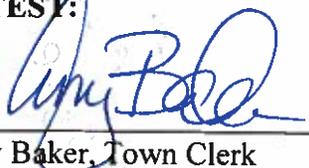
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|-------------------------------|-----|
| Raymond P. Murphy, Mayor | Aye |
| Rexann Hosafros, Vice Mayor | Aye |
| Dan Allers, Council Member | Aye |
| Jim Atterholt, Council Member | Aye |
| Bill Veach, Council Member | Aye |

ADOPTED this 15th day of November 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

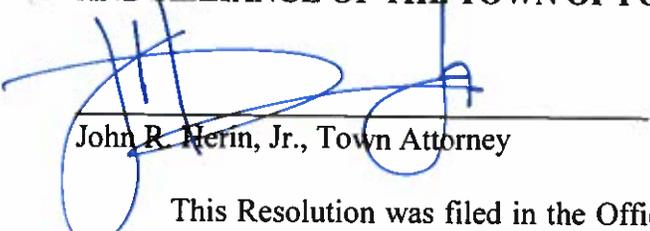
TOWN OF FORT MYERS BEACH


Raymond P. Murphy, 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:**


John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 15 day of November 2021.

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