

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NO. 98- 1 A

A RESOLUTION REQUESTING CLARIFICATION AND/OR DETERMINATION FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AS TO THE LEGAL BOUNDARIES OF THE ESTERO BAY AQUATIC PRESERVE.

WHEREAS, Estero Island is a barrier island located off the coast of Southwest Florida; and

WHEREAS, The Town of Fort Myers Beach was incorporated in 1995 and encompasses the whole of Estero Island, which includes 1000 Feet of water surrounding the island ; and

WHEREAS, the Town of Fort Myers Beach is entrusted with conserving, protecting and preserving the natural ecosystems of the island and its surrounding waters which include coral reefs, sea grass beds, mangrove forests and shoreline organisms; and

WHEREAS, some of these natural resources are located within the boundaries of the Estero Bay Aquatic Preserve; and

WHEREAS, confusion exists as to the legal boundaries of the Estero Bay Aquatic Preserve. More particularly, based on our review, the attached map and legal description show the San Carlos Island coastline to be within the boundaries of the Aquatic Preserve. However, a title and land record determination issued in December of 1995 as to Palm Grove Marina seems to show something else; and

WHEREAS, no map has been issued to graphically demonstrate what this determination means to the legal boundaries of the Estero Bay Aquatic Preserve.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fort Myers Beach, Lee County, Florida:

Section 1. The Town Council of the Town of Fort Myers Beach requests clarification and/or determination of the legal boundaries of the Estero Bay Aquatic Preserve.

Section 2. The Council hereby requests that the Department of Environmental Protection produce a map that accurately shows the current legal description of the Estero Bay Aquatic Preserve.

Section 3. The Council requests that the local office of the Department of Environmental Protection hold any matters affected by this clarification in abeyance as "clearly in the public interest" until a determination is made.

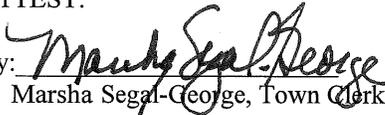
This Resolution shall take effect immediately upon adoption.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

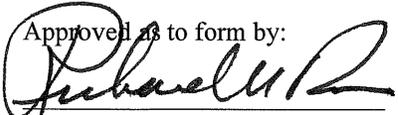
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ADOPTED this 5 day of January, 1998.

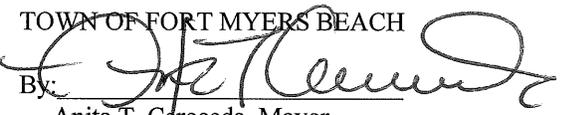
ATTEST:

By: 
Marsha Segal-George, Town Clerk

Approved as to form by:


Richard V. S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
Anita T. Cereceda, Mayor

(28) Estero Bay Aquatic Preserve, the boundaries of which are generally: All of those sovereignty submerged lands located bayward of the mean high-water line being in Sections 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 35, and 36, Township 46 South, Range 24 East; and in Sections 19, 20, 28, 29, and 34, Township 46 South, Range 24 East, lying north and east of Matanzas Pass Channel; and in Sections 19, 30, and 31, Township 46 South, Range 25 East; and in Sections 6, 7, 17, 18, 19, 20, 29, 30, 31, and 32, Township 47 South, Range 25 East; and in Sections 1, 2, 3, 11, 12, 13, 14, 24, and 25, Township 47 South, Range 24 East, in Lee County, Florida. Any and all submerged lands conveyed by the Trustees of the Internal Improvement Trust Fund prior to October 12, 1966, and any and all uplands now in private ownership are specifically exempted from this preserve.



Estero Bay Aquatic Preserve

Aquatic Preserve Map
Map Created March 1997

Projection Albers
Datum NAD 83
Aquatic preserve boundary created by:
Florida Marine Research Institute
Verified by:
Bureau of Coastal and Aquatic Managed Areas

For additional information, contact:
Florida Department of Environmental Protection
Bureau of Coastal and Aquatic Managed Areas
3000 Commonwealth Blvd., MS 234

Bonita Beach