

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 06-24

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOCAL GOVERNMENTAL AGREEMENT FOR THE NORTH ESTERO BOULEVARD FLOOD MITIGATION AND WATER QUALITY IMPROVEMENT PROJECT WITHIN THE TOWN OF FORT MYERS BEACH AND AUTHORIZING TOWN STAFF TO PERFORM NECESSARY ANCILLARY ACTIONS TO IMPLEMENT SAME; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the 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 services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town Council 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 authority to enter into a local governmental agreement with the South Florida Water Management District (hereafter referred to as "SFWMD") for the North Estero Boulevard Flood Mitigation and Water Quality Improvement Project within the Town of Fort Myers Beach, as described as Contract Number: 4600000451, and to undertake the project described in such agreement; and

WHEREAS, it is in the best interest of health, safety and welfare of the citizens of the Town that the Town enter into the aforesaid local governmental agreement with SFWMD in the form attached.

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

Section 1. Adoption of Recitals. The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. Approval and Authorization of Ancillary Actions. The Town Council of the Town of Fort Myers Beach hereby approves the attached Agreement, authorizes the Mayor to execute same on behalf of the Town and hereby directs and authorizes the Town Manager or designee to implement the required provisions of this Agreement and to perform such other acts as are reasonably required by SFWMD in connection with this Project.

Section 3. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach Town.

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

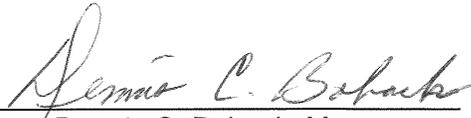
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|--------------------------|-----|
| Dennis Boback , Mayor | aye |
| Don Massucco, Vice Mayor | aye |
| Charles Meador, Jr. | aye |
| Garr Reynolds | aye |
| William Shenko, Jr. | aye |

DULY PASSED AND ADOPTED this 6th day of November, 2006

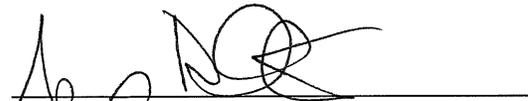
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency by:


Anne Dalton, Town Attorney