

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 07-13

WHEREAS, Estero Beach Holdings LLC (hereafter "Appellant") is owner of one (1) platted lot, with a street address of 1154 Estero Boulevard, Fort Myers Beach, Lee County, Florida and legally described in Exhibit "A", which is attached hereto and hereby incorporated by reference; and

WHEREAS, Appellant requested an administrative determination from the Town of Fort Myers Beach in Case Number FMBADD2006-00004 regarding the expansion of alcoholic beverage consumption on-premises and reduction of parking on the subject property (and related issues of seating capacity on the subject property) from that approved pursuant to SP 95-07-161.02S, without public hearing approval; and

WHEREAS, in response to Appellant's request, the Town Director of Community Development Department found that the Town did not approve expansion of the area for on-premises consumption of alcoholic beverages and that the Town did not approve a reduction of the parking required by SP 95-07-161.02S for the subject property (with related findings regarding seating capacity on the subject property) and issued an administrative determination in Case Number FMBADD2006-00004 with such findings; and

WHEREAS, Appellant thereafter filed an appeal of the Town's administrative determination, styled as Case Number FMBADM2007-00001 for a public hearing before Town Council of the Town of Fort Myers Beach, Lee County, Florida; and

WHEREAS, the public hearing on FMBADM2007-00001 was properly noticed and duly held on February 20, 2007, before the Town Council; and

WHEREAS, following consideration of testimony from the Appellant, staff, the public, and further consideration of all documentary evidence presented by all persons, the Town Council granted Appellant's appeal.

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

SECTION 1. Finding of Fact and Conclusions. The Town Council makes the following Findings of Fact and Conclusions: The Town Council draws an inference from the evidence provided that a parking agreement was in existence at all relevant times and the staff report is therefore without merit. The Town Council directs Town staff to determine the seating capacity of the subject property, including the addition thereto, after due consideration of Town requirements and life/safety requirements set forth by the Fort Myers Beach Fire Control District and otherwise.

.SECTION 2. Determination by the Town Council. The Town Council finds as follows:

- A. The Town did previously properly approve expansion of the area for on-premises consumption of alcoholic beverages in accordance with Appellant's appeal; and
- B. The Town did previously properly approve a reduction of the parking required by SP 95-07-161.02S for the subject property.

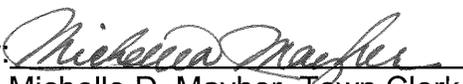
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon motion by Councilmember Meador and second by Councilmember Reynolds and ,being put to a vote, the result was as follows:

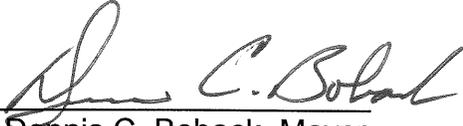
Dennis Boback, Mayor	AYE
Don Massucco, Vice Mayor	AYE
Garr Reynolds	AYE
Charles Meador, Jr.	AYE
William Shenko, Jr.	AYE

APPEAL DULY **GRANTED** this 20th day of February, 2007.

ATTEST:

TOWN OF FORT MYERS BEACH

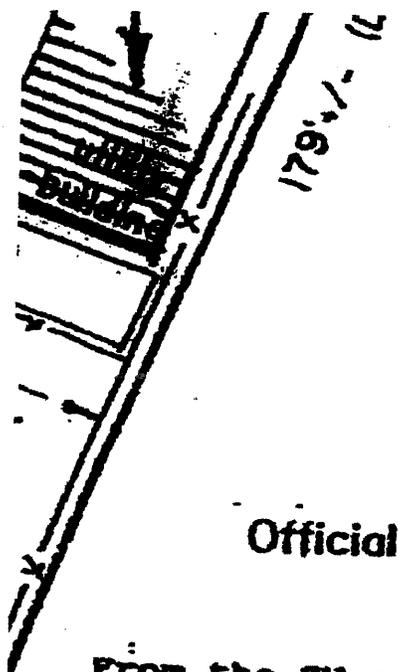
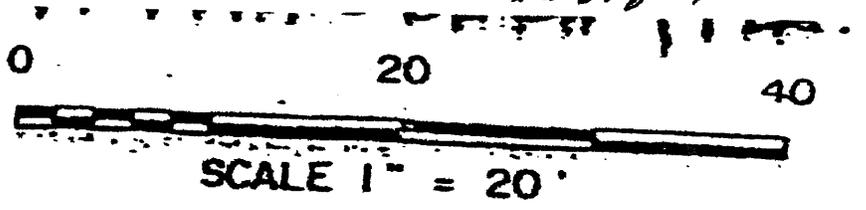
By: 
Michelle D. Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

Approved as to form by:


Anne Dalton, Town Attorney

Exhibit 7-2



LEGAL DESCRIPTION
 Official Record Book 2475, Page 1432

From the SW corner of Block E, CRESCENT PARK ADDITION, as recorded in Plat book 4, Page 46 of the Public Records of Lee County, Florida, on the East line of Section 24, Township 46 South, Range 23 East, run along said line for 53.28 feet to the South line of existing county road (Estero Blvd.) right-of-way 50 feet wide; thence run Northwesterly at an included angle of 69°48'15" with said section line, along the South side of said right-of-way for 122.63 feet to the Point of Beginning of the land hereby conveyed; thence continue along the South line of said right-of-way for a distance of 35 feet; thence run Southwesterly perpendicular to said road a distance of 179 feet, more or less, to the Gulf of Mexico; thence run Southeasterly along said Gulf of Mexico to a point perpendicular to the Point of Beginning of the lands hereby conveyed, being approximately 35 feet, more or less, thence run Northerly and perpendicular with the right-of-way of the existing county road 179 feet, more or less, to the Point of Beginning; together with all Riparian rights thereunto belonging, being on Estero Island, Lee County, Florida.

STRAP 24-46-23-00-00011.0000

U.U. - Overhead Utility	U.P. - Utility Pole	A.C. - Asphalt Concrete	Conc. - Concrete
U.U. - Underground Utility	Tel. - Telephone Box	S.D. - Storm Drain	H.T. - Hydrant
D. - Drainage	CTV - Cable Television	S.S. - Sanitary Sewer	W.T. - Water Tank
U. - Utility	V.G. - Valley Gutter	M.H. - Man Hole	W.H. - Water Meter
E. - Easement	C.G. - Curb & Gutter	Elec. - Electric	Rel. - Relative
P. - Public		Lic. - Licensee Business	
F.P. - Fertilizer Control Point		P.O. - Point of Commencement	