

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER HPB 2009-03

A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF FORT MYERS BEACH, FLORIDA:

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach, Florida, serves as the historic preservation board for the Town of Fort Myers Beach ("HPB") pursuant to Chapter 22, Article II, Division 2, Section 22-71 and Chapter 30, Section 30-56(b) of the Land Development Code ("LDC") of the Town of Fort Myers Beach; and

WHEREAS, the HPB is vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological, and architectural resources in the Town, pursuant to LDC Section 22-71; and

WHEREAS, the HPB has the power and duty to designate eligible historic resources, evaluate the significance and eligibility of historic resources for designation pursuant to Chapter 22 of the LDC, and to record and maintain records of the actions and decisions of the HPB, pursuant to Section 22-74 of the LDC; and

WHEREAS, Section 22-201(1) of the LDC requires the HPB to consider an owner's written petition for such designation when it is accompanied by sufficient information to warrant further investigation of the property and to aid in the preparation of a designation report, and

WHEREAS, Section 22-201(1) of the LDC further requires the HPB, based on the designation request and information presented, to either (i) ask the Town Director to begin or assist in preparation of a designation report, (ii) accept and direct the filing of a designation report prepared by the owner, (iii) reject a report submitted for filing or (iv) deny the designation petition; and

WHEREAS, Section 22-201(1) of the LDC further requires that, upon the filing of a designation report, the HPB may request the Town director to commence the designation and notice process set forth elsewhere in Chapter 22 of the LDC; and

WHEREAS, the Town of Fort Myers Beach (applicant) is the owner of the structure called Seven Seas (also referred to as the Newton home), with a physical address of 4650 Estero Boulevard, Fort Myers Beach, Lee County, Florida 33931 and a STRAP Number of 29-46-24-W3-0080H.0010 and with a legal description as set forth on Exhibit A, which is hereby incorporated by reference (the "subject property"); and

WHEREAS, the Town of Fort Myers Beach has filed a written petition for designation of the subject property as an individual historic resource by the HPB pursuant to Section 22-201 of the LDC; and

WHEREAS, at a duly noticed meeting on February 10, 2009, the HPB reviewed the applicant's written petition for designation of the Seven Seas structure as required by Chapter 22 of the LDC.

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

1. The HPB determines that the written petition for designation of the Seven Seas structure was properly filed with the Town and was accompanied by sufficient information to warrant further investigation of the property by the HPB.
2. Based upon the request and information presented by the applicant, the HPB hereby directs the Director of the Town Community Development to assist in preparation of a designation report pursuant to the requirements of the Town Land Development Code.

The foregoing Resolution was adopted upon a motion by HPB Member Van Duzer and seconded by HPB Member Yerkes. Upon being put to a vote, the result was as follows:

Evie Barnes <u>aye</u>	Rochelle Kay <u>aye</u>	
Alan Mandel <u>aye</u>	Joanne Champ <u>absent</u>	
Bill Van Duzer <u>aye</u>	Dennis Weimer <u>absent</u>	Joe Yerkes <u>aye</u>

DULY PASSED AND ADOPTED THIS 10<sup>th</sup> day of February, 2009.

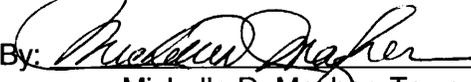
HPB of the Town of Fort Myers Beach

By:   
Evie Barnes, Acting HPB Chair

Approved as to legal sufficiency:

By:   
Anne Dalton, Esquire  
LPA/HPB Attorney

ATTEST:

By:   
Michelle D. Mayher, Town Clerk