

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99-6

Whereas, the Town has a vested interest in making sure that its residents receive fair utility prices; and

Whereas, The Town's ROW and property is used by the transmissions lines, etc. connected with the Florida Cities Water Utility; and

Whereas, Lee County's desire to purchase this water utility must be balanced by the government mandate that government delivers its service at the lowest possible price or that if profit is involved that those rate payers must receive the benefit of their payments, which would require profit to pass back to the Town; and

Whereas, Florida Law provides that in circumstances like this, the County must seek and receive the consent of the affected municipality for the very reasons that have been stated; and

Whereas, The Town has hired a rate specialist to analyze rates which at preliminary indication show a substantial increase; and

Whereas, The Town has attempted to create a dialogue with the County as to what the Town feels would be a fair settlement of the Town's concerns which could lead to a consent vote by the Council; and

Whereas, The County has shown little inclination to participate in such discussions and seems to only want the Council to be comfortable with a substantial rate increase;

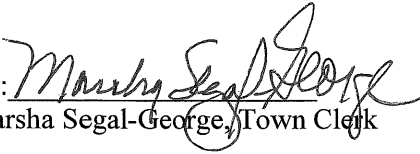
Whereas, further efforts to resolve this matter with Lee County would prove fruitless; and

Now therefore, be it Resolved, that the Town Manager is hereby authorized and directed to instruct our special counsel to promptly file suit against Lee County to litigate the issue of the right of the County to purchase Avatar Holdings, Inc. Utility Facilities (Florida Cities Water Company) without the consent of the Town Council of the Town of Fort Myers Beach, as required by Florida Statute 153.03 (1), and to seek injunctive relief barring the consummation of said purchase and the issuance of revenue bonds in furtherance thereof.

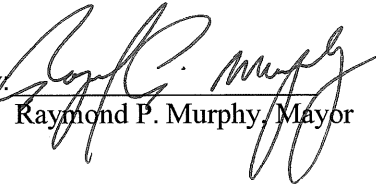
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Hughes, and seconded by Council Member Cereceda, and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	yes
Dan Hughes	yes
John Mulholland	yes
Garr Reynolds	absent
Ray Murphy	yes

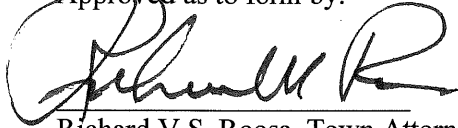
ATTEST:

By: 
Marsha Segal-George, Town Clerk

Town of Fort Myers Beach

By: 
Raymond P. Murphy, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney