

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 99-13

WHEREAS, Dock of the Bay, Inc., has requested that the Town approve a conversion of the “grandfathered use of submerged land to a submerged land lease for the existing multi-slip docking facility and that the Town approve a submerged land lease for proposed expansion of the multi-slip docking facility; and

WHEREAS, the subject property is located at Delmar St., Ft. Myers Beach, and the applicant has indicated the property’s current STRAP number is: 19-46-24-W3-0100D.0010; 19-46-24-W4-0100F.0250; 19-46-24-W3-0100C.0230; 19-46-24-W4-0100F.0230; and,

WHEREAS, a public hearing was legally advertised and held before the Town Council who gave full and complete consideration to the recommendations of the L.P.A., Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA that the Town Council recognizes the nonconformity of the docking facility with the following conditions:

1. The invasive exotic pest trees, Brazilian pepper and Australian pine must be removed within 90 days of Town Council approval and perpetually controlled from the subject property.
2. The existing use of the property as a multi-slip docking facility for live-aboards may continue; Commercial use of the facility for marina purposes or mooring of shrimp boats to the docking facility or the rafting to other boats at the docking facility is prohibited.
3. The existing area used for vehicle parking for the watercraft slips must be brought up to current Chapter 10 standards. This will require the submittal of a limited review development order providing delineation of parking spaces, approved parking lot surface and landscaping. An application must be submitted within 90 days of Town council approval and approved within 6 months of Town the date of this resolution.
4. That the sanitation problems referenced by the residents in this area be corrected and brought up to standard and that a determination be made that the pump-out facilities are operational.

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

Anita T. Cereceda	nay
Dan Hughes	aye
John Mulholland	absent

Garr Reynolds                      aye  
Ray Murphy                         aye

Further that the Town Council denies the request to permit expansion of the multi-slip docking facility.

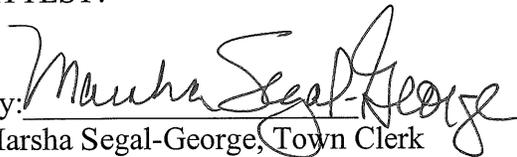
The foregoing was adopted by the Town Council upon a motion duly made and seconded, and, upon being put to a vote, the result was as follows:

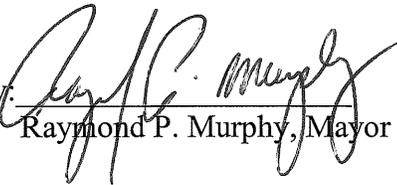
Anita T. Cereceda                 aye  
Dan Hughes                         aye  
John Mulholland                  absent  
Garr Reynolds                      aye  
Ray Murphy                         aye

DULY PASSED AND ADOPTED this 8<sup>th</sup> day of March, 1999.

ATTEST:

Town of Fort Myers Beach

By:   
Marsha Segal-George, Town Clerk

By:   
Raymond P. Murphy, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney