

RESOLUTION NUMBER 07-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT ON THE FORT MYERS BEACH COMPREHENSIVE PLAN; DIRECTING PREPARATION OF AMENDMENT TO THE COMPREHENSIVE PLAN IN ACCORDANCE THEREWITH; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, 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 of the Town of Fort Myers Beach empowers the Town to adopt resolutions as required for the proper governing of the Town; and

WHEREAS, the Florida State Statute Section 163.3191 requires the periodic re-evaluation of all comprehensive plans adopted by municipalities, which re-evaluation is called the Evaluation/Appraisal process; and

WHEREAS, pursuant to the aforesaid Florida State Statute, the Evaluation/Appraisal process has two steps: first, preparation of a formal E/A Report to evaluate the existing plan and identify needed changes; and secondly, make subsequent amendments to the comprehensive plan using the normal plan amendment process;

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach prepared the E/A Report required by Florida Statutes Section 34.3191(4) and recommended approval and adoption of same by the Town Council via Resolution 06-03, passed on March 14, 2006, a copy of which is attached hereto as Exhibit "A" and hereby incorporated by reference; and

WHEREAS, the Town Council held a public hearing on January 16, 2007, following proper notice, at which time it considered the proposed Evaluation and Appraisal Report entitled "Public Hearing Draft for Adoption Hearing on January 16, 2007", (E/A Report), the review comments and recommended changes provided by the Florida Department of Community Affairs and others, the documents provided by staff, the Town's planning consultant, and others, and the testimony of all interested parties; and

WHEREAS, the Town Council hereby determines that the adoption of the E/A Report is in the best interests of the life, safety, welfare and well-being of its citizens, residents, business owners and property owners.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. Adoption of the Evaluation and Appraisal Report. In accordance with the requirements of Florida State Statute Section 163.3191(6), the Town Council hereby adopts the Evaluation and Appraisal Report entitled "Public Hearing Draft for Adoption Hearing on January 16, 2007", in its entirety and directs staff to submit three copies of

the E/A Report to the Florida Department of Community Affairs, along with the statutorily-required transmittal letter indicating the dates of public hearings, and a copy of this resolution.

Section 3. Commencement of Amendments to the Town Comprehensive Plan

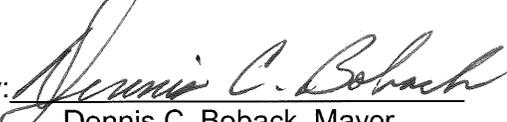
In accordance with the provisions of Florida State Statute Section 163.3191(10), the Town Council hereby directs the Local Planning Agency to commence review of proposed amendments to the Town Comprehensive Plan based upon the E/A Report, which review shall be completed in time for the Town to adopt such amendments during a single amendment cycle within eighteen (18) months after the Town's E/A Report is determined to be sufficient by the Florida Department of Community Affairs.

Section 4. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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

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

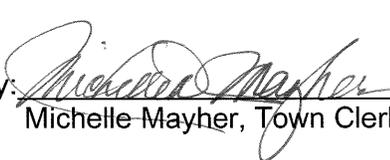
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle Mayher, Town Clerk