

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 08-30

WHEREAS, Lee County, Florida (County) owns and maintains Estero Boulevard, which is wholly located within the municipal confines of the Town of Fort Myers Beach (Town) and which is the sole arterial road from the Matanzas Pass Bridge to the southern municipal limits of the Town; and

WHEREAS, both the Town and the County have acknowledged through their respective government bodies, staff and others, that Estero Boulevard is in a significantly deteriorated condition due to a combination of the effect of Hurricane Charley in 2005, weather and other conditions, and the County's failure to allocate funds for upkeep and maintenance of this arterial road; and

WHEREAS, Estero Boulevard is the sole evacuation route for Town citizens, businesspersons, and visitors in the event of a hurricane, tropical storm, or other natural or man-made disaster; and

WHEREAS, the current condition of Estero Boulevard is not in compliance with state, federal, and local stormwater regulations; and

WHEREAS, on July 3, 2003, the Town, by and through its Town Council, and the County, by and through its Board of County Commissioners, entered into an Interlocal Agreement for Distribution of Local Option Gas Taxes (Agreement); and

WHEREAS, Section IV of the Agreement provides that the Town would receive various allocations and distributions of Local Option Gas Taxes from the County, as set forth more fully therein; and

WHEREAS, at a joint meeting of the Town Council and the Board of County Commissioners, the Town Council approved the request by the Board of County Commissioners of Lee County, for the Town to allocate a portion of the Town's gas tax entitlement to a study focused on the full reconstruction of Estero Boulevard, including storm water management (Study), upon the express condition that the County would allocate an equal amount of funds for such study; and

WHEREAS, to implement the parties' agreement, the County contracted with a private provider to conduct such Study, which is currently being conducted; and

WHEREAS, notwithstanding the funds contributed by the Town for the study specified above, Lee County at this time does not have any allocation of funds in any future County Capital Improvements Project budget for improvements to Estero Boulevard.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

The Town Council requests that Lee County allocate funds within its Capital Improvements Project budget within the next five (5) years to make improvements to

Estero Boulevard to implement the findings of the Study and to implement other improvements to the condition of this Boulevard.

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

Larry Kiker, Mayor	<u>AYE</u>	Herb Acken, Vice Mayor	<u>AYE</u>
Tom Babcock	<u>AYE</u>	Jo List	<u>AYE</u>
Bob Raymond	<u>AYE</u>		

DULY PASSED AND ADOPTED THIS 14<sup>th</sup> DAY OF JULY, 2008, BY THE  
**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

By:   
Larry Kiker, Mayor

ATTEST:  
By:   
Michelle D. Mayher, Town Clerk

Approved as to legal sufficiency:

By:   
Anne Dalton, Esquire, Town Attorney