

RESOLUTION NUMBER 17-23

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, PROVIDING FOR THE USE OF TOWN-OWNED PROPERTY OR OTHER PREMISES FOR EMERGENCY RESPONSE, RELIEF AND DISASTER RECOVERY EFFORTS; 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, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town of Fort Myers Beach, Lee County, Florida, by and through its Town Council, hereby determines it is in the best interest of the health, safety and welfare of the citizens of Fort Myers Beach and orderly governmental process to assist in providing Town owned and operated property for a point of distribution site; and

WHEREAS, The Town of Fort Myers Beach as ("Owner"), in consideration of the following terms and conditions, voluntarily grants the right to temporary use of the Property known as the Bay Oaks Recreation and Pool Campus (2731 and 2600 Oak Street) depicted and described in attached Exhibit A & Exhibit B for emergency response, relief and recovery efforts ("Property"). The temporary use shall include, staging area for emergency response equipment, a point of distribution for essential emergency supplies and other emergency-related uses.

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. Requirement to Meet Federal Emergency Management Requirements. In an emergency event, as to the intended dates and duration of the temporary use, the duration of the temporary use will be 21 consecutive calendar days, unless a longer time period is approved by the Town. The Town has the right to terminate the use at any time with seven day's notice.

Section 3 Potential Reimbursable Expenses:

- a) The exercise of reasonable care during the use of the Property and to repair, replace or reimburse the Owner for any and all damage to the Property caused by agents, employees or contractors during its occupancy. Repair, placement or reimbursement will be limited to returning the property to the condition in which it existed prior to the damage.
- b) A prorated share of the telephone, electricity, water and sewer services charges applicable to the Property and related to the temporary use by agents, employees, or contractors during the temporary use period. Owner agrees to provide an

itemized invoice for this purpose, including specific increased costs incurred for utility services applicable to the temporary use period.

Section 4 Term This term for this voluntary temporary use shall be for a period of five (5) years from this date and may be renewed, at the option of the Parties and upon approval of the Town Council for an additional five (5) years under these same terms and conditions.

Section 5 General Provisions

- a) The Town Manager, Public Works Director and Recreation Director are the emergency contacts.
- b) The Owner will be provided an opportunity to approve any printed materials published that specifically refer to the Property.
- c) The Owner will be advised in writing with respect to use of the property by any rescue organizations assisting with the emergency relief efforts on the Property. These organizations will be required to enter into a Mutual Aid Agreement with the Town and be subject to the same terms and conditions set forth in this Agreement with respect to temporary use of the Property.
- d) Except to the extent allowed by law and subject to the provisions and limitations contained in §768.28, Florida Statutes, the Town shall not be liable for injury or loss of property, personal injury, or death caused by the negligent or wrongful act of omission of any employee, resulting from the temporary use of the property, while acting within the scope of his office or employment under circumstances in which the Town, if a private person, would be liable to the claimant, in accordance with the general laws of the State of Florida.

Section 6. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

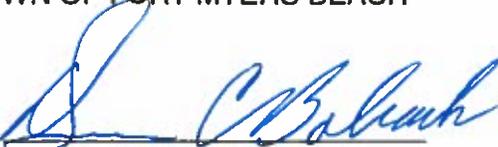
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Cereceda and seconded by Council Member Shamp and upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	aye
Tracey Gore, Vice Mayor	aye
Anita Cereceda, Council Member	aye
Joanne Shamp, Council Member	aye
Bruce Butcher, Council Member	aye

DULY PASSED AND ADOPTED ON THIS 14th DAY OF AUGUST, 2017.

TOWN OF FORT MYERS BEACH

By:


Dennis C. Boback, Mayor

Approved as to legal form:

By:


Peterson Law Group, Town Attorney

ATTEST:

By:


Michelle D. Mayher, Town Clerk

Exhibit A



Lee County Property Appraiser

Tax Year

[Next Parcel Number](#) [Previous Parcel Number](#) [Tangible Accounts](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)

Property Data

STRAP: 19-46-24-W3-0020D.0010 Folio ID: 10227552

Owner Of Record

TOWN OF FORT MYERS BEACH
c/o FINANCE DEPT
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

Site Address

2731 OAK ST
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!

WINKLERS SUBD PB 8 PG 45 BLK D LOTS 1-9 + 25-34 BLK E LOTS 1-13

Classification / DOR Code

MUNICIPAL - OTHER / 89

[Tax Map Viewer]



[Pictometry Aerial Viewer]

Image of Structure



← Photo Date February of 2011 →

Current Working Values

Just 4,559,356 As Of 07/10/2017

Attributes

Land Units Of Measure	SF
Units	280206.00
Frontage	0
Depth	0
Total Number of Buildings	2
Total Bedrooms / Fixtures	0 / 50
Total Living Area	18,461
1st Year Building on Tax Roll	1985
Historic District	No

+

Exemptions

+

Values (2016 Tax Roll)

+

Taxing Authorities

+

Sales / Transactions

+

Building/Construction Permit Data

+

Parcel Numbering History

+

Location Information

+

Solid Waste (Garbage) Roll Data

+ Flood and Storm Information

+ Appraisal Details (2016 Tax Roll)

TRIM (proposed tax) Notices are available for the following tax years
[[2007](#) [2008](#) [2009](#) [2010](#) [2011](#) [2012](#) [2013](#) [2014](#) [2015](#) [2016](#)]

[Previous Parcel Number](#) [Next Parcel Number](#) [New Query](#) [Search Results](#) [Home](#)

Exhibit B



Lee County Property Appraiser

Tax Year

Next Parcel Number Previous Parcel Number Tangible Accounts Tax Estimator Tax Bills Print

Property Data

STRAP: 19-46-24-W3-0020C.0010 Folio ID: 10227534

Owner Of Record

TOWN OF FORT MYERS BEACH
c/o FINANCE DEPT
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

Site Address

2600 OAK ST
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!

WINKLERS SUBD. BLK C P8 B PG 45 LOTS 1 THRU 6 + LOT 20 + LOTS 35 THRU 45

Classification / DOR Code

MUNICIPAL - OTHER / 89

[Tax Map Viewer]



[Pictometry Aerial Viewer]

Image of Structure



← Photo Date January of 2012 →

Current Working Values

Just 1,532,147 As Of 07/10/2017

Attributes

Land Units Of Measure	SF
Units	70284.00
Frontage	0
Depth	0
Total Number of Buildings	1
Total Bedrooms / Fixtures	0 / 20
Total Living Area	2,216
1st Year Building on Tax Roll	1999
Historic District	No



Exemptions



Values (2016 Tax Roll)



Taxing Authorities



Sales / Transactions



Building/Construction Permit Data



Parcel Numbering History



Location Information



Solid Waste (Garbage) Roll Data

+ Flood and Storm Information

+ Appraisal Details (2016 Tax Roll)

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