



Private Use of Right-of-Way Permit Application

(Private Use of Public Streets, Parking in Public Right-of-Way)

Must Be Existing Location As Of December 31, 1995 (Town Incorporation Date)

Upon approval, a separate Agreement may be required between the Applicant and the Town. All permits must conform to that as set forth in Resolution 18-20 (attached). It is the obligation of the permit holder to renew by November 30th for the next calendar year. Failure to do so will revert new payment back to \$100.00 per space.

Business Name: _____ Contact Person: _____

Business Address _____

Mailing Address: _____

Email Address: _____ Telephone Number: _____

Strap #: _____

SUBMITTAL REQUIREMENTS

Survey or Drawing of Property

Dimensions

Proof of Liability Insurance With Town as Additionally Insured

Hold Harmless Agreement

Proof of Same Business Prior to Town Incorporation

Applicant Signature (owner/authorized agent)

Typed or printed name

Date

OFFICE USE ONLY

PERMIT NUMBER _____

VALID CALENDAR YEAR _____

APPROVED BY COMMUNITY DEVELOPMENT DIRECTOR _____

DATE _____

APPLICANT FEE PAID: YES NO

AMOUNT PAID _____

PAID BY: CASH CREDIT CARD CHECK (CHECK NUMBER _____)

NUMBER OF SPACES _____



HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

_____ (Applicant) assumes all risks in the operation and maintenance of the permitted area during the term of the permitted use. Applicant is solely and accepts that it is solely responsible and answerable for any and all accidents or injuries to persons or property arising out of or caused pursuant to Applicant’s use of the permitted area. Applicant agrees to maintain the permitted area in good repair and in a neat and clean condition. Applicant agrees to follow all state, federal and local laws and ordinances relating to the use of the permitted area during the term of the permit.

_____ (Applicant) agrees to defend, indemnify and forever hold the Town of Fort Myers Beach, Florida, its officers, agents, officials and or employees from all claims, for any loss, damage or injury of any kind or character whatsoever without limitation, including reasonable attorney’s fees, sustained by any person or property whatsoever kind and or nature, whether direct or indirect, as a result and in relation with the use of the permitted area; including, but not limited to, the defense of any claim and any and all costs in any judicial or quasi-judicial proceedings and for any and all damages or penalties of any kind or nature.

_____ (Applicant) agrees to vacate the permitted area after reasonable notice to allow the Town or any Town-authorized contractor to make repairs within the permitted area; or, utilities located within the permitted area. Applicant agrees to hold the Town harmless for any disruption, loss or termination of business during the repair period.

_____ (Applicant) agrees that it has obtained any required insurance and has listed the Town of Fort Myers Beach, Florida as an additional insured on said policy and that a certificate of endorsement has been made a part of said insurance policy. A copy of the Certificate of Insurance will be given to Town upon the Town’s request. The Town intends that said insurance shall provide a source, in addition to the Applicant, from which the Town may seek payment of the Applicant’s liability for both its own negligence, as well as actual or alleged negligence of the Town and or the cost to the Town of defending any such claims.

APPLICANT ACKNOWLEDGES THAT THIS HOLD HARMLESS AND INDEMNIFICATION AGREEMENT HAS BEEN READ AND IS UNDERSTOOD FOR ITS CONTENTS AND SIGNING THIS DOCUMENT IS A FREE ACT.

Applicant agrees that this Agreement is intended to be as broad and inclusive as permitted by the laws of Florida and that if any portion thereof is held invalid, it is agreed that the balance with continue, notwithstanding, in full force and effect.

I, _____ (Property Owner), hereby certify that

_____ is my authorized agent/representative of the property described herein. All answers to the questions in this registration and any supplementary information attached to and made part of this registration is honest and true.

Signature of Property Owner



Typed or printed name of Property Owner

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of

_____ physical presence OR _____ online notarization, this _____ day of _____,

20_____,

by _____, _____ who is personally known to me

OR _____ who has produced _____ as identification.

(SEAL)

Notary Public Signature

RESOLUTION 18-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RATIFYING ITS REGULATIONS OF PRIVATE USE OF THE TOWN RIGHTS-OF-WAY FOR PARKING OF VEHICLES, BICYCLES, MOTORCYCLES AND OTHER PASSENGER MODES OF TRANSPORTATION REQUIRING ANNUAL PERMITS, SETTING ANNUAL PERMIT FEES, AND OTHER CONDITIONS, PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS: The Town of Fort Myers Beach, Florida recognizes that, certain private property owners utilize the public right-of-way for parking prior to incorporation of the Town and,

WHEREAS: The Town of Fort Myers Beach recognizes that the unregulated use of right of way will adversely impact certain neighborhoods within the Town of Fort Myers Beach, Florida; and,

WHEREAS: The Town of Fort Myers Beach may allow by permit the continued limited use of parking within the Town's rights-of-way upon annual registration for a fee (said fee to include any applicable taxes or other conditions) as set by the Town Council in the fee schedule provided the Town does not require the right-of-way for other purposes; and,

WHEREAS: The Town of Fort Myers Beach may terminate the permit upon 30 calendar days written notice to the property owner in the event the Town determines the property is needed for a public purpose no longer allowing accommodation of the right-of-way use for private parking; and the Town may also terminate the permit without further obligation to the property owner, if the property owner fails to comply with any provisions of the permit after reasonable written notice is provided; and

WHEREAS: The Town of Fort Myers Beach will not allow the sub-letting, renting, sale or other use the area except for parking; and

WHEREAS: The Council of the Town of Fort Myers Beach on June 14, 2018 revised its procedures to assure compliance with all state and local laws regarding parking as same may be amended from time to time; and the permit will be controlled by the laws of the state of Florida and the Town of Fort Myers Beach; and the venue for any action to enforce the provisions of the license agreement will be in Lee County; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, Florida as follows:

Section I. The Town Council directs the Town Manager or Town Manager's designee to create a permit application containing but not limited to the following items:

(1) STRAP Number of the subject property as listed on Lee County Property Appraiser with Street address;

(2) Name, address, telephone number and any email address of the owner;

(3) A real survey or a drawing or sketch of the property with dimensions

(4) Executed Hold Harmless Agreement to the Town and proof of appropriate Liability Insurance acceptable to the Town.

Section II. Establish annually initial fee of \$100 per the calendar year per parking spot any portion thereof and \$50 for subsequent years if a complete application and payment is submitted to the Town no later than November 30 for each subsequent year. Fee(s) may be amended from time to time by Town Council in the Town's fee schedule.

Section III. This Resolution shall take effect immediately upon its adoption.

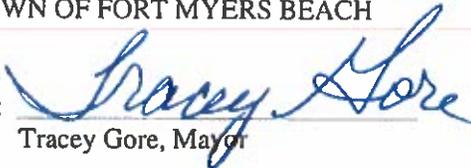
THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by Council Member Anita Cereceda and seconded by Council Member Bruce Butcher; and, upon being put to a vote, the result was as follows:

Tracey Gore, Mayor	excused
Joanne Champ, Vice-Mayor	aye
Dennis Boback, Council Member	aye
Bruce Butcher, Council Member	aye
Anita Cereceda, Council Member	aye

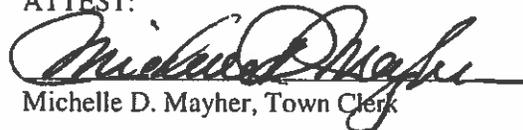
THE RESOLUTION WAS DULY PASSED AND ADOPTED this 7th day of August, 2018.

TOWN OF FORT MYERS BEACH

By:


Tracey Gore, Mayor

ATTEST:


Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:


Peterson Law Group, Town Attorney