

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 10-03

FEE SCHEDULE: VACATIONS

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SETTING A FEE SCHEDULE FOR VACATION OF TOWN INTEREST IN REAL PROPERTY PURSUANT TO CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-219(b)(10), LAND DEVELOPMENT CODE; 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, at its meeting of December 21, 2009, the Town Council adopted Ordinance 09-01, creating various changes and additions to Chapter 10, Article II, Division 5 of the Town Land Development Code (LDC) which established and codified procedures for vacation of Town interests in real property; and

WHEREAS, Section 10-219(b)(10) of the LDC, as adopted by Ordinance 09-01, provides that the Town Council may adopt a schedule of fees for applications for vacation of Town interests in real property and such schedule shall be adopted via resolution of the Town Council; and

WHEREAS, the Town Council of the Town of Fort Myers Beach has determined it is in the best interests of the Town to establish such a fee schedule at this time.

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. Reasonableness of Schedule of Fees for Vacation of Town Interests in Real Property. The Schedule of Fees which is set forth herein is reasonable and its adoption by the Town is in the best interest of the life, safety, welfare and economic well-being of its citizens, resident, business owners and property owners.

Section 3. Adoption of Schedule of Fees. In accordance with the authority set forth in the provisions of Section 10-219(b)(10) of the Land Development Code of the Town of Fort Myers Beach, the Town hereby adopts the following Schedule of Fees:

The following fee shall be charged for an application for vacation:

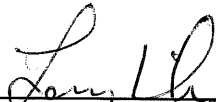
- (i) A fee of \$600.00 per application for vacation of plat (no right-of-way);
- (ii) A fee of \$600.00 per application for vacation of drainage easement;
- (iii) A fee of \$900.00 per application for vacation of ROW/plat with ROW;
- (iv) A fee of \$300.00 per application for vacation of utility easements;
- (v) A fee of \$10.00 for recording (first page)
- (vi) A fee of \$8.50 for recording additional pages.

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 on January 4, 2010, upon a motion by Councilmember Babcock and seconded by Councilmember Raymond. Upon being put to a vote, the result was as follows:

| | | | |
|--------------------|------------|------------------------|------------|
| Larry Kiker, Mayor | <u>aye</u> | Herb Acken, Vice Mayor | <u>aye</u> |
| Robert Raymond | <u>aye</u> | Jo List | <u>aye</u> |
| Tom Babcock | <u>aye</u> | | |


TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Larry Kiker, Mayor

Approved as to legal form:

By: 
Anne Dalton, Esquire
Town Attorney

ATTEST:

By: 
Michelle Mayher, Town Clerk