

96 # 7

TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NO. 96- 07

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO THE LEE COUNTY COMMUNITY REDEVELOPMENT AGENCY (CRA); APPROVING THE PARTIAL REDEVELOPMENT PLAN FOR ESTERO ISLAND; DECLINING TO CONSENT TO TERMINATION OF THE CRA WITH RESPECT TO ESTERO ISLAND OR ABANDONMENT OF ITS REDEVELOPMENT EFFORTS WITHIN THE TERRITORIAL LIMITS OF THE TOWN; AND ASSUMING THE POWERS AND RESPONSIBILITIES OF THE CRA WITHIN THE TOWN.

*WHEREAS*, Lee County by Resolution 90-07-21, adopted on July 11, 1990, recognized the blighted condition of all of Estero Island as a result of inadequate or faulty street layout, faulty or inadequate lot layout, unsafe and unsanitary conditions, deterioration of improvements, and the existence of public transportation facilities incapable of handling the volume flow to and through Estero Island; and

*WHEREAS*, Lee County recognized the need for "immediate action" to prevent further blight and deterioration on Estero Island almost six years ago; and

*WHEREAS*, Lee County created the Lee County Community Redevelopment Authority (CRA) to exercise the powers outlined in Chapter 163, Part III, Florida Statutes and designated the Board of County Commissioners as the governing board of the CRA; and

*WHEREAS*, Lee County, by provisions of the Lee Plan adopted in 1991, recognized that other conditions including inadequate planning and outdated zoning contribute to "blight" on Estero Island and require immediate attention by the CRA, and

*WHEREAS*, Lee County has developed a proposed partial plan of redevelopment addressing a portion of Estero Island and some of the conditions of blight and is entitled "The Estero Boulevard Project" and presented it to the Town of Fort Myers Beach for its consideration; and

*WHEREAS*, pursuant to Section 163.356, Florida Statutes, Lee County and its CRA has the power to function within the Town of Fort Myers Beach "only as, if and when" the Town Council has by resolution concurred in the community redevelopment plan proposed by the Lee County Board of County Commissioners; and

*WHEREAS*, Section 163.415, Florida Statutes provides that in a County without a charter, the powers granted by Chapter 163, Part III, shall be exercised within a municipality exclusively by the municipality, unless the municipality agrees otherwise; and

**WHEREAS**, because Estero Island lies completely within the boundaries of the Town of Fort Myers Beach and Lee County is without a charter, the exclusive authority to exercise the powers of the Lee County CRA with respect to redevelopment on Estero Island is vested in the Town Council unless consent is given for Lee County to exercise certain of those powers; and

**WHEREAS**, it is the desire of the Town Council that “immediate action” be taken to address the conditions of blight which continue to exist and remain unabated on Estero Island; and

**WHEREAS**, the task of redevelopment in Estero Island will continue after the construction called for by the partial plan of redevelopment is completed, because traffic congestion, antiquated land use regulation and other conditions of blight on Estero Island are not comprehensively addressed by the partial plan; and

**WHEREAS**, present and future redevelopment efforts on Estero Island will require a great deal of coordination and extraordinary cooperation and will likely incur unnecessary expense and waste of public resources through duplication of effort, if primary responsibility is divided between public agencies with multiple responsibilities; and

**WHEREAS**, the management and direction of redevelopment activities within all other municipalities within Lee County is the responsibility of the city councils of those municipalities; and

**WHEREAS**, Lee County has expressed its earnest belief that the powers and duties of government should be vested in the unit of government closest to the affected people and its strong desire to focus its efforts on the provision of a “core level of services”;

***NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA THAT:***

1. **PLAN CONCURRENCE.** The Town Council concurs in the proposed plan of redevelopment developed by the Lee County CRA, entitled “The Estero Boulevard Project”, as a partial plan and first effort toward addressing the causes of blight on Estero Island and looks forward to its prompt implementation; and

2. **POWER TO TERMINATE OR ABANDON.** The Town Fort Myers Beach respectfully directs the attention of the Board of County Commissioners to the fact that Chapter 163, Florida Statutes, does not expressly grant the power to terminate or abandon any CRA created pursuant to the act. If any such power exists, it exists by implication alone. The Town Council does not acknowledge that Lee County has the express or implied power to terminate the Lee County CRA with respect to blight within Estero Island or to abandon efforts to address such blight.

3. NONCONSENT TO TERMINATION OR ABANDONMENT. The Town Council specifically and expressly does not consent to:

A) The termination of the Lee County CRA with respect to Estero Island or the abandonment of redevelopment efforts designed to remove and abate the causes of blight on Estero Island previously identified and recognized by Lee County;

B) The termination or abandonment of the collection of Tax Increment Funds for the Estero Island District; and

C) Any change in the methodology of collection or disbursement for the Estero Island Tax Increment Funds. (Specifically, that the funds collected through the collection of Tax Increment Funds from the ad valorem taxes of Fort Myers Beach taxpayers must continue to be used within the corporate boundaries of the Town of Fort Myers Beach, as recommended by the Estero Island Local Redevelopment Planning Committee to the Community Redevelopment Agency Governing Board.)

4. ASSUMPTION OF POWERS AND RESPONSIBILITIES. The Town Council expresses its intent to exclusively exercise all of the powers and responsibilities of the Lee County CRA with respect to Estero Island pursuant to Section 163.415, Florida Statutes.

5. COOPERATION AND TRANSITION. The Town Council of the Town of Fort Myers Beach, Florida respectfully requests the Lee County Board of County Commissioners to direct its staff and County Manager to cooperate in the transfer of responsibility and authority to the Town and to promptly meet with the Town Manager of the Town of Fort Myers Beach to plan and facilitate the transition.


THE FOREGOING RESOLUTION was offered by Councilman FitzSimons who moved its adoption. The motion was seconded by Mayor Cereceda and, upon being put to a vote, the vote was as follows:

Anita T. Cereceda	<u>  yes  </u>
Ted FitzSimons	<u>  yes  </u>
Rusty Isler	<u>  no  </u>
Garr Reynolds	<u>  no  </u>
Ray Murphy	<u>  yes  </u>

DONE AND ADOPTED this   18th   day of March, 1996.

Attest:  
Marsha Segal-George  
Interim Town Clerk

Town of Fort Myers Beach, Florida



Mayor