



**Diamondhead Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931**

AMENDED Agenda

Tuesday, June 20, 2023

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. PUBLIC COMMENT**
- VI. PRESENTATION**
- VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS**
 - A. Resolution 23-62, Times Square Clock Donation
Approve Resolution No. 23-62 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION AND OWNERSHIP OF A REPLACEMENT CLOCK PREVIOUSLY LOCATED IN THE TIMES SQUARE AREA FROM GEORGE AND LINDA MERSCHMAN; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.
 - B. Resolution 23-68; 7-Eleven Donation for Ball Field Restoration Work
Approve Resolution No. 23-68 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION OF \$25,000 FROM 7-ELEVEN FOR BALL FIELD RESTORATION WORK AT BAY OAKS RECREATIONAL CAMPUS; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.
- VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**
- IX. APPROVAL OF MINUTES**
 - A. Town Council - June 5, 2023

X. CONSENT AGENDA

- A. Resolutions 23-54 through 23-60; Extending Local State of Emergency
Approve Resolutions No. 23-54 through 23-60, all entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. Resolution 23-66; 1054 Fifth Street
Approve Resolution No. 23-66 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO TRANSFER TITLE OF THE PROPERTY LOCATED AT 1054 FIFTH STREET, FORT MYERS BEACH, FL 33931 (STRAP NO. 24-46-23-W3-00206.0050) TO LEE COUNTY; AND PROVIDING AN EFFECTIVE DATE.
- C. Resolution 23-53; Stormwater Grant Acceptance
Approve Resolution No. 23-53 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A \$10 MILLION DOLLAR GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY'S HURRICANE STORMWATER AND WASTEWATER ASSISTANCE GRANT PROGRAM AND AUTHORIZING THE TOWN MANAGER'S EXECUTION OF ANY ASSOCIATED GRANT DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.
- D. Special Event - Off Duty Fishing Series
Moss Marine is hosting an off-duty fishing event to benefit FMB Fire Control District.
- E. RFP-23-03-UT, Earthview First Amendment
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO CONTINUE SERVICES; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

- F. Resolution 23-63, Town Road Signs
Approve Resolution No. 23-63 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING AMERICAN INFRASTRUCTURE SERVICES AS THE TOP RANKED RESPONSIBLE AND RESPONSIVE BIDDER TO ITB-23-17-PW "ROAD SIGNS"; APPROVING AN AGREEMENT BETWEEN THE TOWN AND AMERICAN INFRASTRUCTURE SERVICES FOR THE INSTALLATION OF NEW TOWN ROAD SIGNS; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE A FINAL AND BEST OFFER AND EXECUTE THE AGREEMENT, AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.
- G. RFP-23-14-PW Debris Monitoring
Approve the Selection Advisory Committee's recommendation in response to RFP-23-14-PW entitled Disaster Debris Monitoring, and authorize the Town Manager to negotiate and execute an agreement with Tetra Tech, Inc.
- H. Authorize the Town Manager to sole source Turtle Time Inc. services for sea turtle nest monitoring and relocation in the emergency berm project area.
Authorize the Town Manager to sole source Turtle Time Inc. services for sea turtle nest monitoring and relocation in the emergency berm project area.
- I. Direct Staff to place sand waterward of the Erosion Control Line for beachfront properties that do not sign the Town's Easement to place sand landward of the Erosion Control Line.
Direct Staff on whether to place sand waterward of the Erosion Control Line for beachfront properties that do not sign the Town's Easement to place sand landward of the Erosion Control Line.

XI. PUBLIC HEARINGS

- A. Ordinance 23-09; Amending the conditions for the Commercial Planned Development Zoning
First Reading and Public Hearing on proposed Ordinance 23-09 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP

PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on August 7, 2023 at 9:00 a.m.

B. 645 Old San Carlos CPD Amendment

Second reading and public hearing on proposed Ordinance 23-10 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 17-39, AND AMENDING THE AREA FOR CONSUMPTION ON PREMISES AND THE MASTER CONCEPT PLAN FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 645 OLD SAN CARLOS BLVD., FORT MYERS BEACH; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. Residential setbacks in the Downtown Zoning District

Second Reading and Public Hearing on proposed Ordinance 23-11 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION II. DOWNTOWN ZONING DISTRICT, SECTION 34-674 BUILDING PLACEMENT; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

D. Ordinance 23-12 to amend Table 34-3 Dimensional Regulations in Conventional Zoning Districts

Second Reading and Public Hearing on proposed Ordinance 23-12 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

- E. Resolution 23-64; VAR20230060, 106 Hibiscus Drive
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230060 TO ALLOW HIBISCUS DRIVE FRONTAGE THE FRONT STREET AND ESTERO BOULEVARD THE SIDE STREET; TO SWITCH SIDE AND REAR SETBACKS; TO REDUCE HIBISCUS DR SETBACK FROM 25 FEET TO 15 FEET 10 INCHES; AND TO REDUCE THE SIDE SETBACK FROM 7.5 FEET TO 5.5 FEET.
- F. Resolution 23-65; VAR20230055, 718 Estero Blvd.
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230055 TO ALLOW 2.5 FEET IN EAST SIDE SETBACK FOR THE PROPERTY LOCATED AT 718 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE.

XII. ADMINISTRATIVE AGENDA

- A. Resolution 23-67; FY:23/24 Tentative Millage Rate
Approve Resolution No. 23-67 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF 1.1200 MILLS FOR FISCAL YEAR 2023-2024 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2023-2024; AND PROVIDING AN EFFECTIVE DATE.
- B. Resolution 23-70; Truist Public Fund Checking **NEW**
Approve Resolution updating Town representatives, signatories and users of the Town's Truist Public Fund Checking Account f/k/a SunTrust Bank
- C. Resolution 23-71; Truist Business Credit Card Account **NEW**
Approve Resolution updating Town representatives, signatories and users of the Town's Truist Business Credit Card Account f/k/a SunTrust Bank
- D. Farmers Market Under the Bridge requesting use of property.
Shop Local Productions is requesting a special event permit to hold Saturday Farmer's Markets in Fort Myers Beach.
- E. RFQ-20-22-AD, STA #8
Motion to approve STA #8 authorizing the appropriation of additional funds for Axis International to continue to provide planning and zoning professional services.

XIII. FINAL PUBLIC COMMENT**XIV. TOWN MANAGER'S ITEMS****XV. TOWN ATTORNEY'S ITEMS****XVI. COUNCILMEMBERS ITEMS AND REPORTS**

A. Indemnification and Hold Harmless Agreement.

XVII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve Resolution No. 23-62 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION AND OWNERSHIP OF A REPLACEMENT CLOCK PREVIOUSLY LOCATED IN THE TIMES SQUARE AREA FROM GEORGE AND LINDA MERSCHMAN; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

Council approval is needed to accept the donation and ownership of the clock.

What the action accomplishes:

This allows the clock purchase to be owned and maintained by the Town.

2. **Agenda:**

LOCAL ACHIEVEMENTS AND
RECOGNITIONS

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

George and Linda Merschman have purchased a replacement clock for the downtown Times Square area that resembles the same components of the original clock that was lost due to Hurricane Ian. The clock has served as an iconic feature of the Times Square area for years. Through accepting this donation, the Town Staff will assist in coordinating the installation, electrical work, and take over the ownership and maintenance of the clock, which is to be installed in its original location, if possible. The clock location may need to be moved to another location as Times Square is redeveloped in the future.

Attachments:

1. 23-62, Resolution 23-62 re Accepting Times Square Clock Donation(146719842.1)-C

Financial Impact:

To re-establish electricity to the clock, the Town has received estimates around \$XXX.

6. **Alternative Action**

Do not accept the clock donation.

7. **Management Recommendations:**

Accept and approve the donation from the Friends of Bay Oaks.

8. **Recommended Approval:**

Jason Freeman, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

RESOLUTION NUMBER 23-62

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION AND OWNERSHIP OF A REPLACEMENT CLOCK PREVIOUSLY LOCATED IN THE TIMES SQUARE AREA FROM GEORGE AND LINDA MERSCHMAN; PROVIDING FOR SEVERABILITY, AND 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 service, 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 (“Town”) 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 George and Linda Merschman has purchased a replica clock and wishes to donate the clock to the Town (“Donation”); and

WHEREAS, the Town believes it is in the best interest of the Town’s business owners, residents, and visitors to accept the Donation and accept ownership and maintenance responsibilities for the clock.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Donation from George and Linda Merschman is accepted.

Section 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

Section 4. This resolution shall take effect immediately upon its adoption.

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

Dan Allers, Mayor _____
Jim Atterholt, Vice Mayor _____
Bill Veach, Council Member _____
John King, Council Member _____
Karen Woodson, Council Member _____

ADOPTED this 20th day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20th day of June 2023.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve Resolution No. 23-68 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION OF \$25,000 FROM 7-ELEVEN FOR BALL FIELD RESTORATION WORK AT BAY OAKS RECREATIONAL CAMPUS; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

What the action accomplishes:

Bay Oaks Little League field needs to be redone after Hurricane Ian. The ball field will partly be renovated from the MLB/Scotts Turf Builder grant, but will still need additional funds to complete additional work on the field. 7-Eleven, Inc does not have anything specifically earmarked for this donation other than using it toward the remodel of the ball field. The field will host Bay Oaks Recreation programming, little league games and community events.

2. **Agenda:**

LOCAL ACHIEVEMENTS AND
RECOGNITIONS

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Bay Oaks Recreational Little League field was damaged from Hurricane Ian. The ball field is already getting a partial remodel from MLB / Scotts, but will be in need of additional funds to complete the project.

Attachments:

1. 23-68, Resolution 23-68 re Accepting 25K Donation from 7-Eleven for BORC Ballfield Work(146719756.1)-C

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

Accept and approve the donation \$25,000 from 7-Eleven, Inc.

8. **Recommended Approval:**

Jeff Hauge, Interim Culture, Parks & Recreation Director
Jeff Hauge, Interim Culture, Parks & Recreation Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2023
Approved - 6/12/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

RESOLUTION NUMBER 23-68

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION OF \$25,000 FROM 7-ELEVEN FOR BALL FIELD RESTORATION WORK AT BAY OAKS RECREATIONAL CAMPUS; PROVIDING FOR SEVERABILITY, AND 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 service, 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 ("Town") 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 7-Eleven is donating \$25,000 towards the restoration of the baseball field at Bay Oaks Recreational Campus ("Donation"); and

WHEREAS, the Town believes it is in the best interest of the Town's business owners, residents, and visitors to accept the donation.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Donation from 7-Eleven is accepted.

Section 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

Section 4. This resolution shall take effect immediately upon its adoption.

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

Dan Allers, Mayor _____
Jim Atterholt, Vice Mayor _____
Bill Veach, Council Member _____
John King, Council Member _____
Karen Woodson, Council Member _____

ADOPTED this 20th day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20th day of June 2023.



Fort Myers Beach Town Council

Diamondhead Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931

Minutes

Monday, June 5, 2023

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Veatch and Council Member Woodson.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member Veatch moved to approve the consent agenda with all items pulled for discussion; second by Council Member King.
Motion carried unanimously.

V. PUBLIC COMMENT

State Representative Adam Botana reported that \$117 million was available for District 80, which included the Town of Fort Myers Beach. The funds could be used for a new town hall and turtle lights, among other projects. The \$350 million pot he referred to was from the state for recovery due to hurricanes Ian and Nicole and would be available July 1, 2023. Mr. Botana noted that more funds would be available through Resilient Lee and he assured the Council that the state was there to help with revenue replacement. He stated his office would be very involved with the town every step of the way and encouraged the Council to call him with concerns or questions.

Linda Miller thanked the Council for their hard work with recovery. Before the hurricane, Ms. Miller ran the farmer's markets at Beach Baptist and Santini Plaza. She requested support for a farmer's market under the bridge.

Mary Rose Spalletta, resident, objected to the town's continued involvement in the Audubon vs. the boardwalk lawsuit. She stated that the Audubon case was very strong, and the town's resources could be used for redevelopment. She requested that the boardwalk ordinance be rescinded as soon as possible.

Tony Mauriello is a lead instructor from the University of Florida Master Naturalist program and collaborator with Lover's Key State Park. He described the Master Naturalist program and the nesting birds on the beach. He did not support the boardwalk and urged the Council to reconsider its decision.

Wendy Herin objected to the 350-foot bridge and noted the area was designated as critical for a reason.

Cindy Johnson, resident, shared a story from an acquaintance regarding their lack of wildlife information. She requested that more information be available to the public regarding protecting the birds and turtles.

Jennifer Rusk, resident, reported that the Community Foundation had donated 5,000.00 for the MERTF pop-up events. She stated that the beach kids from the Bay Oaks summer camp would help develop an activity book for future pop-up events. She felt the boardwalk would ruin the beach and others would want one. She thought it was irresponsible to push through the permit when residents and business owners were waiting for permits to rebuild their homes and businesses. She requested that they rescind their boardwalk decision.

Steve Johnson, resident, expressed his displeasure at allowing the 350-foot boardwalk. He stated it was an encroachment that helped only Mr. Rood and Mr. Kroemer. He indicated the Council's job was to protect threatened species and the public interest. He reviewed statements made by Council members regarding the boardwalk. He added that putting a structure in the buffer to protect the beach was neither right nor fair.

Town Clerk Baker read several emails into the public record opposing the walkover and one email discussed climate change and recycling.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Veach thanked Representative Adam Botana and the legislators.

Council Member Woodson mentioned businesses recently opened.

Council Member King congratulated Don Hanyo on his retirement from Fort Myers Beach.

Mayor Allers also congratulated Don.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

VIII. APPROVAL OF MINUTES

A. Town Council May 15, 2023

Council Member King moved to approve the minutes; second by Council Member Veach.

Motion carried unanimously.

IX. CONSENT AGENDA

A. Farmers Market

Special Event - Farmers Market Under the Bridge.

Council Member Veach suggested having the farmer's market in Times Square instead of under the bridge. Mayor Allers questioned whether the market would be in the way of projects. Ms. Miller was open to the idea. Mayor Allers mentioned holding it at the Lynn Hall parking lot. Council Member Woodson added that Bayside Park would be open soon. Ms. Miller replied that there was not enough room at that location. She will work with staff regarding Times Square and Mayor Allers will contact Lee County concerning the parking lot at Lynn Hall.

Council Member Veach moved to table item A for the next Town Council meeting; second by Council Member Atterholt.
Motion carried unanimously.

B. Resolution 23-52 Heavy Equipment Purchase

Motion to approve Resolution 23-52 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A PIGGYBACK CONTRACT BETWEEN THE TOWN AND CREEL TRACTOR COMPANY. IN AN AMOUNT NOT TO EXCEED \$108,416.46, UTILIZING SOURCEWELL CONTRACT 031121, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT, EXPEND FUNDS, AND TAKE ALL APPROPRIATE ACTIONS TO PURCHASE A REPLACEMENT TRACTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Jason Freeman explained where the money would come from to cover the purchase.

Council Member King moved to approve the resolution; second by Council Member Veach.

Motion carried unanimously.

C. Authorize Town Manager to approve Coastal Engineering Consultants, Inc. STA# 4 for Contract RFQ-21-09-EN to monitor shorebird nesting for the Emergency Berm Project.

Motion to authorize the Town Manager to approve Coastal Engineering Consultants, Inc. STA# 4 for Contract RFQ-21-09-EN to monitor shorebird nesting for the Emergency Berm Project.

Council Member King questioned whether the funds were coming from the town or FEMA. Alyza Supriana from Tidal Basin replied that it was reimbursable from FEMA. Environmental Project Manager Chadd Chustz stated that Coastal Engineering was approved by the FWC (Fish & Wildlife Conservation Commission) to monitor shorebird nesting.

He described delays with the emergency berm due to shorebird nesting and added that property owners could request the emergency berm after the nesting was complete.

Council Member King moved to authorize; second by Council Member Veach.

Motion carried unanimously.

D. RFQ-20-22-AD, STA #8

Motion to approve STA #8 authorizing the appropriation of additional funds for Axis International to continue to provide planning and zoning professional services.

Council Member Woodson questioned whether they needed as many people. Community Development Planner Sarah Propst stated that the funds covered two senior planners and one younger planner working behind the scenes. She noted they were only taking on what was assigned, and Jason Green was not required to attend council meetings.

Council Member Woodson moved to move the item to the June 20, 2023, meeting for input from the Town Manager; second by Council Member King. Council Member Veach stated that approving the STA had nothing to do with the mixture of planners. Planner Propst indicated the current STA was out of money.

Council Member Woodson amended her motion to continue to pay the contract for two weeks until the Council makes a decision on the contract; second by Council Member King.

Motion carried 4-1, with Council Member Veach dissenting.

X. PUBLIC HEARINGS

A. Ordinance 23-08; Parallelogram Lot Setbacks

Final Reading and Public Hearing on proposed Ordinance 23-08 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE II., DIVISION 6, ADDING SECTIONS 34-269 PARALLELOGRAM LOT SETBACKS, AND ASSOCIATED DEFINITIONS IN CHAPTER 34, ARTICLE I., SECTION 34-2 DEFINITIONS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Planner Propst reviewed the proposed ordinance with a PowerPoint presentation. Slides included Parallelogram Lots and Proposed Ordinance Amendments. Town Attorney Herin, Jr. stated that the hearing was properly advertised.

Council Member Veach moved to approve the ordinance, second by Council Member Woodson.

Motion carried unanimously by roll call vote.

B. Ordinance 23-10; Olde Seaport CPD and MCP Amendment

First reading and Public Hearing on proposed Ordinance 23-10 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 17-39, AND AMENDING THE AREA FOR CONSUMPTION ON PREMISES AND THE MASTER CONCEPT PLAN FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 645 OLD SAN CARLOS BLVD., FORT MYERS BEACH; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on June 20, 2023 at 9:00 a.m.

Mayor Allers read the title of the ordinance. Planner Propst reviewed the request as stated on the blue sheet. Town Attorney Herin, Jr. swore in those providing testimony.

Applicant Jim Figuerado explained why he wanted to make changes to his property. He noted that the covered walkway protected customers going to and from the restaurant. He indicated he had a DEP (Department of Environmental Protection) submerged land lease and that area would not change. He described the history of Snug Harbor.

No public comment.

Council Member Woodson moved to send it to a second reading on June 20, 2023, at 9:00 a.m.; second by Council Member Atterholt.

Motion carried unanimously.

C. Ordinance 23-11; Setbacks for residential uses in nonresidential districts

First Reading and Public Hearing on proposed Ordinance 23-11 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION II. DOWNTOWN ZONING DISTRICT, SECTION 34-674 BUILDING PLACEMENT; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on June 20, 2023 at 9:00 a.m.

Mayor Allers read the title of the ordinance. Planner Propst reviewed the proposed ordinance with a PowerPoint presentation. The slides addressed Residential Setbacks in Commercial Districts with examples.

No public comment.

Mayor Allers moved to schedule for second reading on June 20, 2023, at 9:00 a.m.; second by Council Member King.
Motion carried unanimously.

- D. Ordinance 23-12; Amending side setbacks for lots less than 50 feet wide
First Reading and Public Hearing on proposed Ordinance 23-12 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on June 20, 2023 at 9:00 a.m.

Mayor Allers read the title of the ordinance. Planner Propst reviewed the proposed ordinance. (The recording skipped part of the conversation.) This would allow lots less than 50 feet to have a 6.5-foot setback with no additional criteria. The LPA (Local Planning Agency) unanimously recommended the proposed ordinance. Planner Propst noted that the fire department was consulted regarding fire flow testing. The 6.5-foot setback was to the body of the building, not the overhang.

Public comment:

Samir Malbia from Homebound stated that 150 parallelogram lots would benefit from the proposed ordinance and indicated that most homes were 32 feet wide.

Scott Safford, LPA member and resident, noted the LPA initially considered a 5-foot setback, but after talking to the fire department, a 6-5-foot setback was agreed upon.

Public comment closed.

Council Member Veach stated that a 30-foot-wide house was pretty standard and buildable. He expressed concerns regarding how close the homes would be to each other and potential massing. He did not think changing the code to benefit one builder was a good idea. Mr. Malbia confirmed his minimum width plan was 32 feet, but he said other builders had 32 feet-wide plans too. Council Member Veach thought that the setbacks were getting more complicated. Planner Propst explained that the proposed lot width was less complex and fairer now. Mr. Malbia described his home plans. Vice Mayor Atterholt felt it was a unique situation and a reasonable compromise.

Vice Mayor Atterholt moved to approve the proposed ordinance and send it to a second hearing on June 20, 2023, at 9:00 a.m.; second by Council Member Woodson.

Council Member Veach questioned whether the Council agreed with adding a requirement that the bottom floor remains open. Planner Propst indicated that staff could add a note to the properties that the ground floor could not be enclosed. Council Member Woodson did not agree with the requirement. Vice Mayor Atterholt felt it was a nice fix and he would like to keep his motion the same.

Motion carried unanimously.

XI. ADMINISTRATIVE AGENDA

No items.

XII. FINAL PUBLIC COMMENT

No public comment.

XIII. TOWN MANAGER'S ITEMS

Acting Director Freeman congratulated Don Hanyo for almost 20 years with the town. The code red system was tested two weeks ago, and he encouraged everyone to sign up for emergency notification systems. He brought up the Trust for Public Land brochure and felt it was a great opportunity for land acquisition. He described the program and noted it helped facilitate the process of acquiring land. Ms. Supriana noted that Tidal Basin would look into the program to ensure no benefits were duplicated. She confirmed that three property owners applied for the hazard mitigation grant and the deadline was extended to August. Director Freeman received support to move forward with the Trust for Public Land program.

XIV. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. addressed the appeal filed by the Audubon Society and recommended that the town wait until the appeal was disposed of before permits were issued. By moving forward before the appeal was disposed of, the town could expose itself to liability. Council Member Veach questioned whether an option was available to reconsider the special exception. Town Attorney Herin, Jr. responded affirmatively and indicated he could provide the section of code that addressed the process. He stated that he received direction from Council to draft a letter of indemnification at the last meeting and he did so. He noted the letter provided the maximum protection for the town, but he did not know whether Mr. Rood and Mr. Kroemer would accept the letter. He added that there was no guarantee that there would not be additional litigation after the letter was signed. He requested direction concerning whether Council wanted him to forward the letter to Mr. Rood and Mr. Kroemer's attorneys. He explained the appeal process and stated the judge still had not issued a rule to show cause. Town Attorney Herin, Jr. did not know how long it would take the judge to rule or how long the process would take. He used the Margaritaville litigation timeline as an example. He explained how the town could be affected by additional litigation on the back end if the defendants lost their appeal, and right now, they were only dealing with

one piece of litigation. He stated that once the appeal was resolved, the town would have a clearer picture of how to proceed, but they were at risk in the meantime. He reiterated that it would be safer for the town to wait until it was non-appealable.

Council Members King and Woodson supported sending the letter along with Vice Mayor Atterholt. Town Attorney Herin, Jr. will send the letter and keep the Council apprised. Council Member Veach thought sending the letter put more risk to the town and felt they should not issue the permit until the appeal was disposed of. Mayor Allers did not support sending the letter.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King reported that he was elected secretary to the Southwest Florida League of Cities. The position starts in August and the term runs for one year.

Vice Mayor Atterholt requested permission to allow the Estero Island small business group to meet with them at their next M&P Session regarding how to help small businesses prosper. All members supported the request. Vice Mayor Atterholt commented on the sidewalks on Estero Blvd. and suggested they schedule a time to clean the sidewalks. He described his Tidy Up Tuesdays plan regarding picking up debris and sweeping the sand off sidewalks throughout the town. He suggested that most staff pitch in to solve the problem. Council Member Veach noted parking was an issue at the south end and suggested working with Keep Lee County Beautiful. Vice Mayor Atterholt wanted the town staff to be involved and interact with residents. He agreed with including volunteers from Keep Lee County Beautiful.

Council Member Woodson loved the idea and noted there was a canal and Mound House cleanup this weekend sponsored by the Chamber and Keep Lee County Beautiful. She visited the east coast and described elements at Lauderdale by the Sea that could be incorporated into the town's rebuild. She addressed her time on the LPA and felt the current Council was better at listening to the LPA. Council Member Veach noted that hurricane season had started and suggested that people put a sign on the door stating they were not home so their door would not be broken down. Resilient Lee was addressing creating resilient hubs. He discussed updating the comprehensive plan and suggested that staff develop a schedule to implement commercial nodes to start providing clarity to the community. Mayor Allers and Council Member Woodson agreed. Council Member Veach encouraged condos to contact him if they could provide parking for Keep Lee County Beautiful volunteers.

Mayor Allers commented that he was unaware that a school was cleaning up the beach over the weekend. Greg from the Beach Bar asked to be notified in the future so he could host events for volunteers. Mayor Allers suggested replacing the greenery on Estero Blvd. and partnering with the Garden Club or other organizations. He received support to move forward with his idea. Director Freeman will contact Lee County regarding Tuesday cleanups. Council Member Veach suggested finding grant money to buy native plants for neighborhoods and Estero Blvd. Mayor Allers brought up revisiting uniformity on Estero Blvd. to allow some color and creativity. He described how businesses decorated light poles in

Dunedin. Council Member Veach brought up raising money for mailboxes and allowing volunteers to paint them. Mayor Allers suggested that Council Member Veach contact Heidi at FMB Strong. He reminded residents to not only prepare for a storm but to prepare for it after it hits.

XVI. ADJOURNMENT

Council Member King moved to adjourn; second by Council Member Woodson. Motion carried unanimously.

The meeting was adjourned at 12:29 p.m.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve Resolutions No. 23-54 through 23-60, all entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Extending the local state of emergency provides the Town with the needed flexibility to respond to the catastrophic disaster caused by Hurricane Ian and maintains the Town's eligibility for federal and state reimbursement funding for the costs of recovery.

What the action accomplishes:

Extends the Town's Declaration of state of local emergency.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

Hurricane Ian has caused a catastrophic disaster in the Town, causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas. Approving and ratifying these Resolutions will maintain in place the Town Declaration of State of Local Emergency originally adopted via Resolution 22-34.

Attachments:

1. 23-54, Extending Declaration of Local Emergency 6.19.23-6.25.23
2. 23-55, Extending Declaration of Local Emergency 6.26.23-7.2.23
3. 23-56, Extending Declaration of Local Emergency 7.3.23-7.9.23
4. 23-57, Extending Declaration of Local Emergency 7.10.23-7.16.23
5. 23-58, Extending Declaration of Local Emergency 7.17.23-7.23.23
6. 23-59, Extending Declaration of Local Emergency 7.24.23-7.30.23
7. 23-60, Extending Declaration of Local Emergency 7.31.23-8.6.23

Financial Impact:

6. **Alternative Action**

Not adopt resolutions and the end the Local State of Emergency for Fort Myers Beach

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk

Created/Initiated - 6/9/2023
Approved - 6/15/2023
Approved - 6/15/2023

RESOLUTION 23-54

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 19th day of June 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 20th day of May 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2023.

RESOLUTION 23-55

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 26th day of June 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 20th day of June 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2023.

RESOLUTION 23-56

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 3rd day of July 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 20th day of June 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2023.

RESOLUTION 23-57

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 10th day of July 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 20th day of June 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2023.

RESOLUTION 23-58

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 17th day of July 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 20th day of June 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2023.

RESOLUTION 23-59

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 24th day of July 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 20th day of June 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2023.

RESOLUTION 23-60

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 31st day of July 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 20th day of June 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2023.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve Resolution No. 23-66 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO TRANSFER TITLE OF THE PROPERTY LOCATED AT 1054 FIFTH STREET, FORT MYERS BEACH, FL 33931 (STRAP NO. 24-46-23-W3-00206.0050) TO LEE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Authorizes the transfer of title of Town property located at 1054 Fifth Street to Lee County, which is needed for the FDOT foot of the bridge project.

What the action accomplishes:

Allows Town staff to complete the transfer of title of the property located at 1054 Fifth Street to Lee County.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

At their December 5th, 2022 Town Council Meeting, the Town Council directed the Interim Town Manager to send a letter of support regarding the transfer of the Town property located at 1054 Fifth Street ("Property") to Lee County for the upcoming FDOT/Lee County base of the Matanzas Pass Bridge redesign project ("Project"). FDOT and Lee County have stated to the Town that ownership of the Property is needed to proceed with the Project.

The Property was conveyed to the Town from TPI in 2021, as part of the Margaritaville project approval, and the Town believes it is in the best interest of its business owners, residents, and visitors to transfer this Property to Lee County to assist in providing adequate space for the Project.

Attachments:

- 23-66, Resolution 23-66 re Ocean Jewels Property Transfer to Lee County(146719624.1)-C
- 185926.00015 TFMBTPI - Deed-C
- Fifth Street Town Property Manager Letter to FDOT December 2022

Financial Impact:

Cost of property transfer and recording costs together with Town staff time.

6. **Alternative Action**

Do not approve the Town property transfer to Lee County.

7. **Management Recommendations:**

Approve Resolution 23-XX

8. **Recommended Approval:**

Jason Freeman, Public Works Director

Created/Initiated - 6/8/2023

John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

RESOLUTION NUMBER 23-66

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO TRANSFER TITLE OF THE PROPERTY LOCATED AT 1054 FIFTH STREET, FORT MYERS BEACH, FL 33931 (STRAP NO. 24-46-23-W3-00206.0050) TO LEE COUNTY; 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 service, 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 (“Town”) 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 is the owner of certain real property (“Town Property”) that is located at 1054 Fifth Street (Strap No. 24-46-23-W3-00206.0050); and

WHEREAS, Lee County and the Town have determined that it is in the best interest of the owners, residents, businesspersons, and visitors of the Town of Fort Myers Beach for the Town to transfer the Town Property to Lee County for proposed traffic and roadway improvements at the base of the Matanzas Pass Bridge (“Land Transfer”).

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. The Town Council authorizes the appropriate Town officials to take all steps necessary to implement the Land Transfer illustrated on the attached Exhibit “A,” which is incorporated herein by this reference.

Section 3. 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 _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor _____
Jim Atterholt, Vice Mayor _____
Bill Veach, Council Member _____
John King, Council Member _____
Karen Woodson, Council Member _____

ADOPTED this 20th day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _ day of June 2023.

This instrument prepared by,
and after recording return to:

Kevin A. Denti, Esquire
KEVIN A. DENTI, P.A.
2180 Immokalee Road – Suite #316
Naples, Florida 34110
Telephone: 239-260-8111

Documentary Stamp Tax: \$0.70

Parcel I.D. Number #24-46-23-W3-00206.0050

Above Space for Clerk's Use Only

WARRANTY DEED

THIS INDENTURE, made this 5 day of October, 2021, by and between **TPI-FMB I, LLC**, a Florida limited liability company, whose post office address is 103 15th Avenue NW – Suite #200, Willmar, Minnesota 56201, “GRANTOR”, and **THE TOWN OF FORT MYERS BEACH**, a political subdivision of the State of Florida, whose post office address is 2525 Estero Boulevard, Fort Myers Beach, Florida 33931, “GRANTEE”.

WITNESSETH, that said GRANTOR, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable consideration, to said GRANTOR in hand paid by said GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said GRANTEE, and GRANTEE’S heirs and assigns forever, the following described real property situate, lying and being in Lee County, Florida, to wit:

See Exhibit “A” Attached Hereto.

The real property which is being conveyed hereby is being granted by GRANTOR to GRANTEE subject to the express condition that such real property shall be utilized by GRANTEE in perpetuity solely for civic and/or public purposes. Should such real property cease to be utilized for civic and/or public purposes, fee simple title hereto shall revert to GRANTOR named herein free and clear of any and all claims of GRANTEE.

SUBJECT to easements, restrictions and reservations common to the subdivision, oil, gas and mineral rights of record, if any, and real estate taxes for calendar year 2021 and all subsequent years.

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

GRANTOR does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has hereunto set GRANTOR’S hand and seal the day and year first above written.

Signed, sealed, and delivered
in the presence of:

[Signature]

Witness #1

Print Name Below

Lee Bowen

[Signature]

Witness #2

Print Name Below

Marlene Kubasch

TPI-FMB I, LLC, a Florida limited liability
company

By: [Signature]
Thomas R. Torgerson, Manager

STATE OF Minnesota
COUNTY OF Kandiyohi

The foregoing instrument was acknowledged before me by means of ☒ physical
presence or ☐ online notarization this 26 day of August, 2021, by Thomas R.
Torgerson, as Manager of **TPI-FMB I, LLC**, a Florida limited liability company, ☒ who is
personally known to me or ☐ who has produced _____ as identification.



Kathleen A. Aamot
NOTARY PUBLIC
Kathleen A. Aamot
TYPED OR PRINTED NAME OF NOTARY
MY COMMISSION EXPIRES:

S:\Clients\TPI Hospitality\Deed to Fort Myers Beach\Warranty Deed

EXHIBIT "A"

DESCRIPTION

LOT 5, BLOCK 6, BUSINESS CENTER SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 9, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS ROAD RIGHT-OF-WAY PARCEL 103, TAKEN BY FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED IN OFFICIAL RECORDS BOOK 1154, PAGE 1510 AND BOOK 1164, PAGE 129, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 5, BLOCK 6, THENCE S.22°19'38"E., ALONG THE EASTERLY LINE OF SAID LOT 5, BLOCK 6, A DISTANCE OF 40.00 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE S.67°38'39"W. ALONG THE SOUTHERLY LINE OF SAID LOT 5, BLOCK 6, A DISTANCE OF 83.09 FEET TO THE EASTERLY LINE SAID RIGHT-OF-WAY TAKE PARCEL 103 AND THE BEGINNING OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 219.00 FEET, A CENTRAL ANGLE OF 01°25'48", WHOSE CHORD BEARS N.16°32'15" W. FOR A DISTANCE OF 5.47 FEET, ARC LENGTH 5.47 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 39.00 FEET; A CENTRAL ANGLE OF 83°27'39", WHOSE CHORD BEARS N.25°54'29"E., FOR A DISTANCE OF 51.92 FEET, ARC LENGTH 56.81 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF FIFTH STREET; THENCE N.67°38'39"E. ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 43.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.07 ACRES, MORE OR LESS.

SURVEYORS NOTES:

DESCRIPTION BASED ON THE RECORDED PLAT OF "BUSINESS CENTER", AS RECORDED IN PLAT BOOK 9, PAGES 9 AND 10, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ORIENTATION BASED ON THE SOUTHERLY LINE OF LOT 5, BLOCK 6, BUSINESS CENTER AS BEARING S.67°38'39"W.

CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 6891.

UNLESS IT BEARS THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.
THIS IS NOT A SURVEY!

PREPARED BY:

PSM 6347

Digitally signed by
Thomas M. Rooks Jr.
Date: 2021.08.13
17:59:56 -04'00'

THOMAS M. ROOKS JR. P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE . NO. 6347

PROJECT

DESCRIPTION DRAWING
PARCEL OF LAND IN
SEC. 24, T. 46 S. R. 23 E., TOWN
OF FORT MYERS BEACH,
ESTERO ISLAND,
LEE COUNTY, FLORIDA.

CLIENT

TPI
HOSPITALITY
100% Employee Owned
TPI HOSPITALITY
103 FIFTEEN AVENUE NW
WILLMAR, MN. 56201
(302) 235-7207

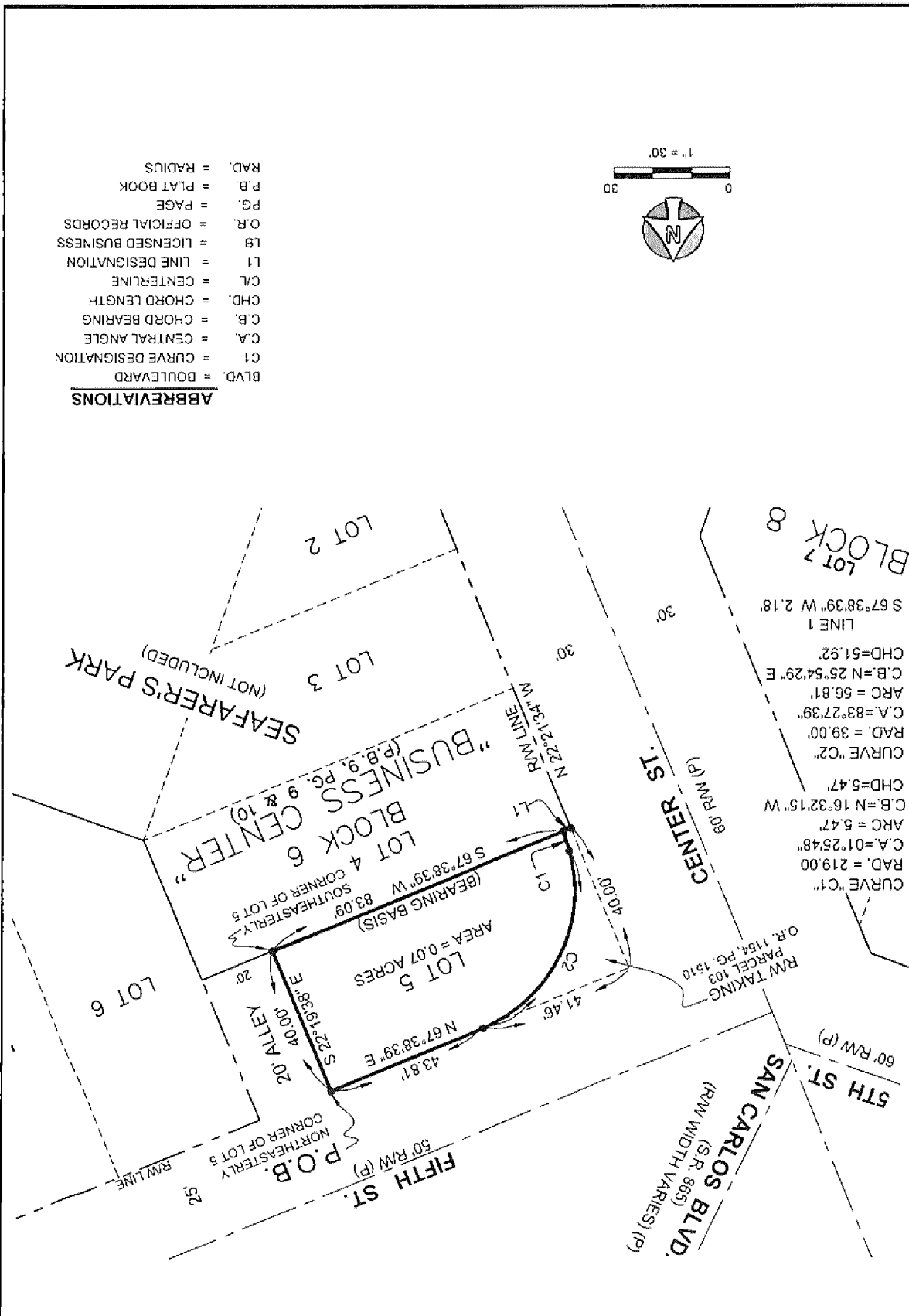
CONSULTANT

MORRIS
DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL. CA NO. 6532 / FL. CERT. NO. L68691 / LC26000330
Fort Myers
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993

PROJECT MANAGER

TMR
DRAWING BY: **BMH**
JURISDICTION:
TOWN OF FORT MYERS BEACH
DATE: 8/13/2021
SHEET TITLE:
DESCRIPTION / SKETCH
SHEET NUMBER: 1 OF 2
JOB/FILE NUMBER: 15069A

PROJECT PARCEL OF LAND IN SEC. 24, T. 46 S., R. 23 E., TOWN OF FORT MYERS BEACH, ESTERO ISLAND, LEE COUNTY, FLORIDA.		CLIENT TPI HOSPITALITY 103 FIFTEEN AVENUE NW WILLMAR, MN. 56201 (202) 235-7207 100% Employee Owned		CONSULTANT MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS P.L. CAN. NO. 6502 / FL. CERT. NO. L16688 / IL120690230 Fort Myers 2914 Cleveland Avenue Fort Myers, Florida 33901 (239) 337-3993	
PROJECT MANAGER TMR		DRAWING BY BMH		JURISDICTION TOWN OF FORT MYERS BEACH	
DATE: 8/13/2021		DESCRIPTION / SKETCH		SHEET NUMBER 2 OF 2	
JOB FILE NUMBER 15069A					





The Town of Fort Myers Beach will continue to work with FDOT and Lee County on a property transfer of a Town property located at 1054 Fifth Street. The Town Council reached a consensus at their meeting on December 5, 2022, on continuing to work towards this transfer and with the project, and will continue to work towards any agreements and approvals as needed throughout the process.

Signed: _____

Town Manager, Chris Holley

1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve Resolution No. 23-53 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A \$10 MILLION DOLLAR GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY'S HURRICANE STORMWATER AND WASTEWATER ASSISTANCE GRANT PROGRAM AND AUTHORIZING THE TOWN MANAGER'S EXECUTION OF ANY ASSOCIATED GRANT DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Provides additional funding for recovery efforts related to stormwater maintenance and repairs.

What the action accomplishes:

Authorizes the Town Manager to formally accept and execute the grant agreement and any other associated documents with the Florida Division of Environmental Protection and administer the grant on behalf of the Town.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

The Town of Fort Myers Beach applied for the Hurricane Stormwater and Wastewater Assistance Grant Program with the assistance of Tidal Basin for stormwater repair funding options.

Governor Ron DeSantis announced on April 28, 2023, that the Town had received \$10 million, the maximum allotment possible, as part of the Hurricane Stormwater and Wastewater Assistance Grant Program created during the Florida legislature's special session in December 2022.

Funding in the amount of \$10,000,000 for the Fort Myers Beach Stormwater Repairs project, will be made available through a cost reimbursement grant. This will require execution of a grant agreement with the Department of Environmental Protection. Work prior to 1/30/2023 will not be eligible for grant funds.

Attachments:

1. 23-53 Accepting FDEP Stormwater Grant
2. PRESS RELEASE - stormwater grant from state - 4-28-23

Financial Impact:

6. **Alternative Action**

Do not authorize the Town Manager to execute the grant agreement and turn down the grant.

7. **Management Recommendations:**

Approve the Resolution and execute the grant agreement.

8. **Recommended Approval:**

Jason Freeman, Public Works Director

Created/Initiated - 5/25/2023

Jason Freeman, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 6/8/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

RESOLUTION NO. 23-53

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A \$10 MILLION DOLLAR GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY'S HURRICANE STORMWATER AND WASTEWATER ASSISTANCE GRANT PROGRAM AND AUTHORIZING THE TOWN MANAGER'S EXECUTION OF ANY ASSOCIATED GRANT DOCUMENTS; 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 service, 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 ("Town") 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 applied for grant funding from the Florida Department of Environmental Protection ("Grant") for funding for stormwater assistance ("Project"); and

WHEREAS, the Town was awarded the Grant and will commit to complete any match requirement, which funding is available within the current Fiscal Year Budget; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of the Town's residents and visitors to enter into the Grant Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council authorizes the Town Manager to execute the Grant Agreement in the amount of up to \$10 million, authorizes the Town Manager to expend matching funds and other budgeted funds for the Project, and authorizes the Town Manager to administer the Grant Agreement.

Section 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

Section 4. This resolution shall take effect immediately upon its adoption.

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

Dan Allers, Mayor _____
Jim Atterholt, Vice Mayor _____
Bill Veach, Council Member _____
John King, Council Member _____
Karen Woodson, Council Member _____

ADOPTED this 20th day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20th day of June 2023.



CONTACT:
Jennifer Dexter, *Communications Coordinator*
239-765-0202 / publicinfo@fmbgov.com

For Immediate Release – Thursday, June 8, 2023

2525 Estero Blvd., Fort Myers Beach, Fla. 33931

Town receives \$10 million State grant for stormwater system repair

Fort Myers Beach, Fla. – Governor Ron DeSantis announced today that the Town of Fort Myers Beach has received \$10 million as part of a Hurricane Stormwater and Wastewater Assistance Grant Program created during the Florida legislature’s special session in December 2022.

This program is for local governments that were heavily impacted in 2022 by Hurricane Ian or Nicole to rebuild their stormwater and wastewater systems and make them more resilient.

“This is the largest amount that the Town could have received from this grant program, and we are grateful to Governor DeSantis and the Florida legislators, as well as the Florida Department of Environmental Protection, for recognizing the Town’s need and providing for it,” said Interim Town Manager Keith Wilkins.

The Town’s Public Works staff and state consultants from Tidal Basin Group worked together in March to prepare and submit a grant application for consideration. This grant program is managed by the Florida Department of Environmental Protection.

For more information about this program, click on these links:

- <https://content.govdelivery.com/accounts/FLDEP/bulletins/346449c>
- https://protectingfloridatogether.gov/sites/default/files/documents/DEP_FAQs_HurricaneStormwaterWastewaterAssistanceGrantProgram_Communications%20and%20Marketing_02122023_v01_501.pdf

###

The Town of Fort Myers Beach is on Estero Island off the southwest Florida coast of the Gulf of Mexico. The beach stretches for seven miles and is famous for sugar soft, white sand and spectacular shell finds and sunsets. The
Town

1. **Requested Motion:**

Meeting Date: June 20, 2023

Moss Marine is hosting an off-duty fishing event to benefit FMB Fire Control District.

Why the action is necessary:

Ord. 20-17

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Moss Marine would like to have an Off-Duty Fishing Series for the Fort Myers Beach Fire Department. The applicant is requesting a waiver of the noise ordinance. The event includes a liquor tent, stage, food trucks, and music. All proceeds go to charity of the winner's choice. The Town will need a copy of the Liquor license for the application. All approvals from other departments must be received before a permit is issued.

Attachments:

1. SE - 234094 Off Duty Fishing Series Application

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Patty Prevost, Code Supervisor/STR Coordinator
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/9/2023
Approved - 6/9/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Fax: (239) 765-0909 Email: Specialevents@fmbgov.com

RECEIVED

JUN 5 2023

234094

Name of event Off Duty Fishing Series

Attach separate sheet of paper with detailed description of event

Date(s) and times of event July - 21-22 - 2023

Address of event 450 Harbor Ct. FMB

Expected # of participants/attendees 200

Sponsoring Organization Off Duty Fish Series

Organization address 425 SW 44th Terrace, Cape Coral FL

Contact Person/Phone# Alec Dillallo - 239-284-7801³³⁹¹⁴

E-mail ODgrouperbash@outlook.com

Amplified Music Y ☒ N ☐ 500 Ft Notifications ☒ Copy of Letter ☒

Renting Town Property Y ☐ N ☒ Renting Parking Spaces Y ☐ N ☒

How many Spaces? _____ How many hours _____

Extension of Premises? Y ☐ N ☒ ABT Form _____ How many days? _____ (Over 3 days needs to go to Council)

Letters of Permission to use Property _____

Letters of Permission to use Parking _____ Parking Plan _____

Site Plan _____ Insurance _____ (Naming Town of FMB as Certificate Holder)

Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒

Requires Council Approval:

Waiver of open container Y ☐ N ☐ Waiver of Town parking fees Y ☐ N ☒

Waiver of Noise Ordinance Y ☐ N ☐ Recurring Event Y ☐ N ☒

Applicant Signature Gary Fero

Printed Name Gary Fero

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

September 27, 2021

Applicant to Complete:

Company managing trash removal: Waste Management

No. of dumpsters: 2 Type of dumpsters: 7 yd

Who is responsible for clean-up and payment: Moss Martin.

City right-of-way Parking Use: N/A Number of spaces: _____

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202 Fax (239)765-0909

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Kelly Cramer

Tel (239)770-7502 Fax(850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: _____

Check list: Application _____ Site Plan _____ Description _____

Florida DEP approval: _____ **Date:** _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: _____

Turtle Time approval: _____ **Date:** _____

FORT MYERS BEACH FIRE DEPT

17891 San Carlos Blvd – 3rd Floor, Fort Myers Beach, FL 33931

Tel (239) 590-4210

Fax (239) 463-6761

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

Tel (239)477-1830

Fax (239)432-0268

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

Red Grouper Bash 2023

This event will be the first inaugural Red Snapper Bash on July 21-22, 2023. Below I will attach some of the details as well as what we plan to do for the overall event.

Setup 7/20/23 at 12:00pm

- 24x12 stage
- Weigh in station with banner behind it
- Large 10x10 truss with event logo
- (4) 20x20 tents as well as a 20x30 or 20x40 (we are trying to provide additional coverage due to imminent afternoon storms that come with summer)
- Registration area as well as raffle/VIP Sponsor area.
- Additional sponsor tents for Businesses that want to promote
- We are currently seeking food trucks for the event
- Liquor tent (this will be set up as a charitable donation with the tickets. All donations for the tickets go directly to the charity of choice)
- Moss Marine will handle all beer and wine sales for the duration of the event.

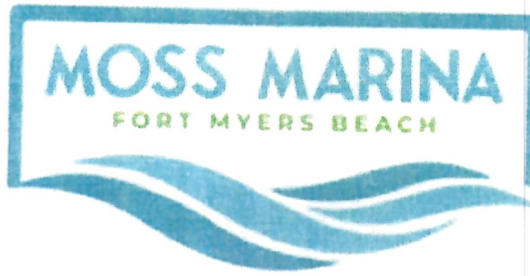
Captains Meeting July 21

- 4:30pm- Beginning of event with music and registration for the captains. The public is welcome to come out and donate as well as buy raffle tickets, enjoy food trucks, music, etc.
- 5:30pm- We will be serving a catered captain's dinner for all teams
- 6:00pm- Rules and regulations for next day's fishing (possibly a 50/50 raffle to conclude the rules and regulations)

- 6:30pm- Live music till conclusion of the evening at 9:00pm
- 9:00pm- end of evening

Tournament Day July 22

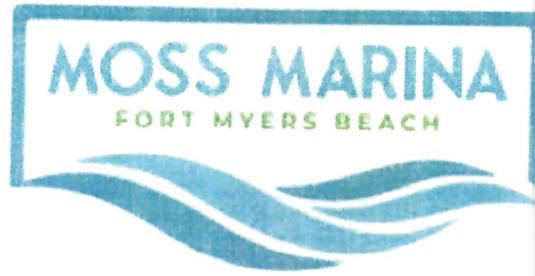
- Event will begin approximately at 1pm with a kids fishing tournament off of the dock that will last approximately an hour and a half (awards for the kids to follow)
- Public is welcome to come out at that time and begin enjoying music, food, drinks, raffles, etc.
- Weigh ins will begin at 3pm and last boat will need to be in by 5pm. We will be weighing fish at the weigh station at that time.
- Awards and raffles will follow after all the weigh ins are done.
- We are planning on having workers there to filet fish and cook fish on site for our captains and premier sponsors as the tournament day dinner. If Moss Marine has a policy against dumping fish carcass into the water at the marina, an option to make sure the carcasses are disposed properly and not at Moss Marina.
- Live music will also be provided the evening of the tournament (we may bring in multiple acts throughout the day for the public to come enjoy as well!)
- Conclusion of event will be 9:00pm



500 FOOT NOTICE LETTER-MAILING LIST

- 440 BONITA ST. FORT MYERS BEACH FL 33931
- 820 THIRD ST. FORT MYERS BEACH FL 33931
- 901 THIRD ST. FORT MYERS BEACH FL 33931
- 923 THIRD ST. FORT MYERS BEACH FL 33931
- 926 THIRD ST. FORT MYERS BEACH FL 33931
- 929 THIRD ST. FORT MYERS BEACH FL 33931
- 932 THIRD ST. FORT MYERS BEACH FL 33931
- 934 THIRD ST. FORT MYERS BEACH FL 33931

Moss Marina
450 Harbor Ct
Fort Myers Beach, FL 33931
239-765-6677



500 Foot Notification of Event

July 21st-July 22nd 2023

To Neighboring Properties of Moss Marina:

Please let this notice serve that we are holding an even called 'Grouper Bash' on Friday July 21st through Saturday July 22nd, from 4:30pm to 8:00pm.

The event is a concert/fundraiser open to the public.

This event will have amplified music.

Thank you,

Moss Marina Management

For any comments or concerns please contact:

TOWN MANAGEMENT

239-765-0202

specialevents@fmbgov.com

Moss Marina
450 Harbor Ct
Fort Myers Beach, FL 33931
239-765-6677

CERTIFICATE OF INSURANCE

ISSUE DATE
05/18/2023

PRODUCER

THOMAS & COMPANY
P.O. BOX 60252
FT. MYERS, FL 33906
239-931-7171

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPAN Y **A** Argonaut Insurance Company
COMPAN Y **B**
COMPAN Y **C**
COMPAN Y **D**
COMPAN Y **E**

INSURED

Moss Marine, Inc. DBA Moss Marine;
Freeland FL Holdings, LLC; George Freeland;
Bernard Freeland
450 Harbor Court
Ft. Myers Beach, FL 33931

COVERAGES

ALL LIMITS IN THOUSANDS

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY				GENERAL AGGREGATE \$2,000,000
	☒ COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OPS AGGREGATE \$1,000,000
A	☐ CLAIMS MADE ☒ OCCURRENCE	726OM3036-04	11/01/2022	11/01/2023	PERSONAL & ADVERTISING INJURY \$1,000,000
	☐ OWNER'S & CONTRACTORS				EACH OCCURRENCE \$1,000,000
	☐ PROTECTIVE				DAMAGE TO PREMISES RENTED TO YOU \$ 50,000
					MEDICAL EXPENSE (ANY ONE PERSON) \$ 1,000
	MARINA OPERATORS' LEGAL LIABILITY	Included			EACH OCCURRENCE \$1,000,000
					DEDUCTIBLE \$2,500
	PROTECTION & INDEMNITY	Included			EACH OCCURRENCE \$1,000,000
					DEDUCTIBLE N/A
	EXCESS LIABILITY				EACH OCCURRENCE AGGREGATE SELF-INSURED RETENTION
	☐ UMBRELLA FORM	726OM4632-01	11/01/2022	11/01/2023	
	☒ OTHER THAN UMBRELLA FORM				
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS
	THE PROPRIETOR/ PARTNERS/ EXECUTIVE OFFICERS ARE: ☐ INCL ☐ EXCL				EACH ACCIDENT \$
					DISEASE-POLICY LIMIT \$
					DISEASE-EACH EMPLOYEE \$
	Automobile Liability				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Certificate Holder is additional insured only with respect to the operations of the insured.

CERTIFICATE HOLDER

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Walter W. Thomas



Old San Carlos Blvd

Bonita St

Harbor Ct

Harbor BayView
Luxury Rental

Island IT Pros

3rd St

15th St



FORT MYERS BEACH FIRE DEPARTMENT

100 VOORHIS STREET · FORT MYERS BEACH, FLORIDA 33931

MAILING ADDRESS: POST OFFICE BOX 2880 · FORT MYERS BEACH, FLORIDA 33932

Special Events Application and Guidebook

Event Type:

☒ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 5-12-23		Date of Event: 7-21-22 - 2023
Location: 450 Harbor Ct FMB Moss Marina		
Event Start Date/Time: 7-21-23 1200		Event End Date/Time: 7-22-23 - 2100
Setup Date: 7-20-23	Setup Time: 1200	Inspection Time: 1600 hrs
Event Sponsor: OFF Duty Life Style		
Sponsor Contact: Alec DiLallo	Sponsor Phone #: 239-284-7801	Sponsor Email: ODgrouperbash@outlook.com
Anticipated Number of Attendees: 200	Anticipated Number of Event Workers: 10	
Will there be carnival or mechanical rides: No	Number of Stages: 2	
Total Number of Vendors: 1 Food Truck	Total Number of Hot Food Vendors: 1	
Number of Tents larger than 20 x 20: 5	Number of 10 x 10 Tents:	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors with full contact information must be provided to the Fort Myers Beach Fire Department. This information will include contact name, number, and e-mail. All inspection fees will be due at time of service. All fees must be paid prior to releasing any permit.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

- A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
- A life safety evaluation may be required based on the size of the event in accordance with the fire code.
- All vendors should review FMBFD guidelines, on our website at www.FMBFire.org
- Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

Gary Foco Submitting Party Name (Print)	Administrative Use Only	
[Signature] Submitting Party Name (Sign)	Date Received:	
Date: 5-12-23	Received By:	
	Fees Due:	Paid: ☐
	Forwarded for Review:	



Old San Carlos Blvd

Bonita St

Island IT Pros

3rd St

Harbor City
Harbor BayView
Luxury Rental

3rd St

CERTIFICATE OF INSURANCE

ISSUE DATE
05/18/2023

PRODUCER

THOMAS & COMPANY
P.O. BOX 60252
FT. MYERS, FL 33906
239-931-7171

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES REFLOW

COMPANIES AFFORDING COVERAGE

COMPAN Y **A** Argonaut Insurance Company
COMPAN Y **B**
COMPAN Y **C**
COMPAN Y **D**
COMPAN Y **E**

INSURED

Moss Marine, Inc. DBA Moss Marine;
Freeland FL Holdings, LLC; George Freeland;
Bernard Freeland
450 Harbor Court
Ft. Myers Beach, FL 33931

COVERAGES

ALL LIMITS IN THOUSANDS

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY				GENERAL AGGREGATE \$2,000,000
	☒ COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OPS AGGREGATE \$1,000,000
A	☐ CLAIMS MADE ☒ OCCURRENCE	726OM3036-04	11/01/2022	11/01/2023	PERSONAL & ADVERTISING INJURY \$1,000,000
	☐ OWNER'S & CONTRACTORS PROTECTIVE				EACH OCCURRENCE \$1,000,000
	☐				DAMAGE TO PREMISES RENTED TO YOU \$ 50,000
	☐				MEDICAL EXPENSE (ANY ONE PERSON) \$ 1,000
	MARINA OPERATORS' LEGAL LIABILITY	Included			EACH OCCURRENCE \$1,000,000
	PROTECTION & INDEMNITY	Included			DEDUCTIBLE \$2,500
	EXCESS LIABILITY				EACH OCCURRENCE \$1,000,000
	☐ UMBRELLA FORM	726OM4632-01	11/01/2022	11/01/2023	DEDUCTIBLE N/A
	☒ OTHER THAN UMBRELLA FORM				EACH OCCURRENCE AGGREGATE SELF-INSURED RETENTION
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS
	THE PROPRIETOR/ PARTNERS/ EXECUTIVE OFFICERS ARE: ☐ INCL ☐ EXCL				EACH ACCIDENT \$
	Automobile Liability				DISEASE-POLICY LIMIT \$
					DISEASE-EACH EMPLOYEE \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Certificate Holder is additional insured only with respect to the operations of the insured.

CERTIFICATE HOLDER

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES

AUTHORIZED REPRESENTATIVE

Walter W. Thomas

1. **Requested Motion:**

Meeting Date: June 20, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO CONTINUE SERVICES; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Amendments over \$25,000 require Town Council approval.

What the action accomplishes:

Allows the mobilized contractor to continue assessment, cleaning and repairs of the Town's stormwater system to the current stormwater system due to Hurricane Ian damage.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

Jason Freeman, Public Works
Director

5. **Background:**

The Utilities Department publicly solicited RFP-23-03-UT in Fall of 2023 to obtain stormwater maintenance and repairs services after Hurricane Ian. On January 9th, 2023 Town Council accepted the rankings of RFP-23-03-UT with Earthview as the highest ranked firm and authorized the Town Manager to enter into negotiations and an agreement was executed and Notice to Proceed was issued afterwards in February 2023 from Earthview's proposal.

The included scope of the original proposal was a not to exceed project cost of 48,000 linear feet, and the contractor and Town staff are requesting an amendment to this scope and price to increase the total by an additional \$664,250.00 not to exceed total to continue using the same pricing operations with stormwater assessments and cleaning.

The original proposal was based on the rough estimating of the stormwater system immediately after the Hurricane. However, during the ongoing system cleaning process it is anticipated that more stormwater linear feet pipes need to be cleaned and also the Town may have to re-clean some areas again due to ongoing debris removal efforts, construction, and demolition activities across the island.

Attachments:

1. 23-69, Earthview First Amendment -
2. Attachment A Storm Water Amendment
3. Earthview agreement- EXECUTED - combined
4. EARTH VIEW-2022.11.17 - RFP-23-03-UT -BW (1)

Financial Impact:

6. **Alternative Action**

Do Not Approve

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Jason Freeman, Public Works Director
Steve Matuska, Utilities Manager
Jason Freeman, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/14/2023
Approved - 6/14/2023
Approved - 6/14/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

RESOLUTION NUMBER 23-69

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO CONTINUE SERVICES; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; 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 service, 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 (“Town”) 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, pursuant to a competitive procurement process in compliance with state law and Town Code – RFP-23-03-UT “Stormwater Maintenance and Repair” - in February of 2023 the Town and the (“Firm”), entered into a Service Provider Agreement for Stormwater Maintenance and Repair (“Agreement”), a copy of which is attached as Exhibit “A”; and

WHEREAS, the Town and the Firms desire to amend the Agreement to include additional continued services in a not to exceed total of up to \$664,250.00 more to continue services on all of the Town maintained stormwater infrastructure.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The First Amendment to the Agreements attached hereto as Exhibit “A”, between the Firms and the Town of Fort Myers Beach is approved. The Town Manager is authorized to execute the First Amendment on behalf of the Town is authorized to take all necessary steps to implement the First Amended Agreement.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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

Dan Allers, Mayor
Jim Atterholt, Vice Mayor
John R. King, Council Member
Bill Veach, Council Member
Karen Woodson, Council Member

ADOPTED this ____ day of June 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2023.

Attachment 1

Appendix A

Town of Fort Myers Beach RFP-23-03-UT

RFP Form C

Proposer: Earth View, LLC

PRICE PROPOSAL FORM

Note: Forms A, B & C are available in WORD format from the Contracts Manager upon request.

***THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL
TO BE DEEMED RESPONSIVE.***

Name of Proposer: Earth View, LLC

Name of authorized representative of Proposer: Allison Murrell, President

Project Cost

Storm Drain	Linear feet for evaluation purposes only	Price Per Foot	OR Hourly Rate
Televis 10" to 15" Storm Drain	16,000 <i>16,000</i>	\$1.50	\$ 250 /Hour
Televis 18" to 24" Storm Drain	16,000 <i>24,000</i>	\$2.00	\$ 250 /Hour
Televis 30" to 42" Storm Drain	16,000 <i>24,000</i>	\$3.50	\$ 250 /Hour
Clean 10" to 15" Storm Drain	16,000 <i>16,000</i>	\$ 4.00	\$350 /Hour
Clean 18" to 24" Storm Drain	16,000 <i>24,000</i>	\$ 6.50	\$350 /Hour
Clean 30" to 42" Storm Drain	16,000 <i>24,000</i>	\$ 8.00	\$350 /Hour
Total \$408,000 <i>\$ 568,000</i>	200,000	\$	\$ ____/Hour
Outfall Barnacle Removal	Outfall numbers are for evaluation purposes Only	Price Per Outfall	OR Hourly Rate
Remove Barnacles 30" to 42" Storm Drain	29 <i>35</i>	\$ 1,500.00	\$ 300 /Hour
Remove Barnacles 10" to 29" Storm Drain	30 <i>35</i>	\$ 1,250.00	\$ 300 /Hour
Total \$81,000 <i>\$96,250</i>	59	\$	\$ ____/Hour
Total Project Cost: \$ 489,000.00 <i>\$ 664,250</i>			

Instructions: Show the project cost for each deliverable your firm will provide per the requested

SERVICE PROVIDER AGREEMENT

This SERVICE PROVIDER AGREEMENT is entered into on this 9th day of **January 2023**, by and between the Town of Fort Myers Beach, 2523 Estero Boulevard, Fort Myers Beach, FL 33931, a chartered municipality of the State of Florida (hereafter "Town"), and **Earth View, LLC** with an address of **3494 Shearwater St., Naples, FL 34117** (hereafter "Provider").

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. **Scope of Services.** Provider will perform all services and work necessary as set forth in "Scope of Services" attached as Exhibit "A". Provider warrants and represents that it is qualified, willing and able to provide and perform all services in accordance with the terms of this Agreement. The parties have the ability to modify the Scope of Services by mutual written agreement, except that the Town has the unilateral right to exclude specified services hereunder for any reason upon prior written notice to Provider and Provider will not be entitled to compensation for such excluded services unless those services have already been performed by Provider.
2. **Term.** The term of this Agreement is **3 years (plus)** commencing on the 9th day of **January 2023**, and terminating on the 9th day of **January 2026**, with the option for two additional terms of one year each.
3. **Payment Obligation.** The Town will pay for all requested and authorized services rendered hereunder by the Provider and completed in accordance with this Agreement, as set forth in attached Exhibit "B". The Provider's invoice statements must contain a breakdown of charges, description of services and work provided or performed, and, where appropriate, supportive documentation of charges consistent with the basis of compensation set forth in this Agreement. In the event of a dispute as to the Town's payment obligation, the Town will pay the undisputed amount, if any, within 30 days of the date of the invoice.
4. **Provider's Obligations.** The Provider's obligations include, but are not limited to, the following:
 - a) **Licensure.** The Provider will maintain all licenses and certifications required by governmental agencies responsible for regulating and licensing the services provided and performed by the Provider.
 - b) **Provision of Services.** The Provider will perform all services pursuant to this Agreement in accordance with generally accepted standards of professional practice and in accordance with the laws, statutes, ordinances, codes, rules, regulations and requirements of governmental agencies that regulate or have jurisdiction over the services to be provided or performed by the Provider. All personnel assigned by Provider hereunder will be qualified to perform such duties. Provider will designate one person as the point of contact for the Town regarding its duties hereunder. Provider is solely responsible for all taxes incurred by Provider and will make all deductions required of employers by state, federal and local laws.

- c) **Non-Waiver.** Neither review, approval, nor acceptance by Town of data, studies, reports, memoranda, and incidental professional services, work and materials furnished hereunder by the Provider will in any way relieve Provider of responsibility for the adequacy, completeness and accuracy of its services, work and materials.
 - d) **Indemnity and Hold Harmless.** The Provider agrees to indemnify and hold harmless the Town, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of Provider and persons employed or utilized by Provider in providing services under this Agreement..
 - e) **Non-Public Information.** The Provider agrees, during the term of this Agreement, not to divulge, furnish or make available to any third person, firm, or organization, without the Town's prior written consent, or unless incident to the proper performance of Provider's obligations hereunder, or as provided for or required by law, any non-public information concerning the services to be rendered by Provider. Provider will require all of its employees and agents to comply with the provisions of this paragraph.
 - f) **Statutory Duties.** The duties and obligations imposed upon the Provider by this Agreement and the rights and remedies available to the Town hereunder will be in addition to, and not a limitation of, any otherwise imposed or available by law or statute.
 - g) **Disclosure.** The Provider warrants it has not employed or retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for it, any fee, commission, percentage, gift or other compensation contingent upon or resulting from the award or making of this Agreement.
5. **Commencement and Completion of Work.** The Town will provide written notice to the Provider regarding commencement of services under this Agreement. Time is of the essence in the performance of this Agreement. The Provider agrees to commence work promptly and carry on all services and work as may be required in a timely and diligent manner to completion. Should the Provider fail to commence, provide, perform, and complete any of the services and work required hereunder in a timely and diligent manner, the Town may terminate this Agreement, in addition to any other remedies the Town may have.

6. Insurance. The Provider will have, and maintain, during the entire period of this Agreement, all such insurance (or self-insurance) as set forth on Exhibit "C". Each Certificate of Insurance must include the name and type of policy and coverages provided; the amount or limit applicable to each coverage provided; the date of expiration of coverage; the designation of the Town of Fort Myers Beach as additional insured and as certificate holder, except as to Professional Liability Insurance and Workers' Compensation Insurance. Should any of these policies be cancelled before the expiration date thereof, Provider will instruct the issuing company to mail 30 days written notice to the Town of such cancellation.
7. Inclusion of Additional Documents. Any request for bids and/or request for proposal, along with all exhibits or other attachments thereto as issued by the Town, are hereby incorporated by reference. In addition, the following Exhibits are attached hereto and hereby incorporated by reference: Exhibit "A"; Exhibit "B"; Exhibit "C";
8. Termination of Agreement. Either party may terminate this Agreement without cause upon 30 calendar days' prior written notice to the other, in which case the Town will compensate the Provider for all services performed prior to the effective date of termination and reimbursable expenses then due.
9. Assignment, Transfer and Subcontracts. The Provider may not assign or transfer any of its rights, benefits or obligations hereunder, except for transfers that result from the merger or consolidation of Provider with a third party. The Provider has the right, subject to the Town's prior written approval, to employ other persons and firms to serve as subcontractors to Provider in connection with its performance of services and work pursuant to this Agreement.
10. Maintenance of Records. The Provider will keep and maintain adequate records and supporting documentation applicable to all of the services, work, information, expense, costs, invoices and materials provided and performed pursuant to this Agreement. Said records and documentation will be retained by the Provider for a minimum of three years from the date of termination of this Agreement, or for such period as required by law. The Town and its authorized agents will, with reasonable prior notice, have the right to audit, inspect and copy all such records and documentation as often as the Town deems necessary during the term of this Agreement and the next succeeding three years.
11. Public Records. Contractor is required to comply with the provision of F.S. 119.0701. Specifically, the Contractor is required to keep and maintain the records required the Town to perform the services. Upon request by the Town, Contractor is required to provide the Town with a copy of the requested records, or the ability to inspect and copy records, within a reasonable time and at a cost to the Town that does not exceed the costs established under F.S. chapter 119. Upon completion of the contract the Contractor must transfer, at no cost to the Town, all public records in a format compatible with the Town's information technology system, or, in the alternative, the Contract may retain the records in a manner consistent with F.S. 119.0701(2)(b)4.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF THE PUBLIC RECORDS AT (239) 765-0202, AMY@FMBGOV.COM, 2525 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931.

12. References to Town. All references to "the Town" or "the Town of Fort Myers Beach" are deemed to include its employees, agents, and authorized representatives.
13. Modification. Except as set forth in Paragraph 1 above, modifications to this Agreement will be valid only when made in writing and signed by both parties. In the event of a conflict between the requirements, provisions, or terms of this Agreement and any subsequent written modification hereto, the most recently executed document will take precedence.
14. E-Verify. *As a condition precedent to entering into this AGREEMENT*, and in compliance with Section 448.095, Fla. Stat., Contractor, and its subcontractors shall, register with and use the E-Verify system to verify work authorization status of all employees hired after January 1, 2021.
 - a. Contractor shall require each of its subcontractors to provide Contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. Contractor shall maintain a copy of the subcontractor's affidavit as part of and pursuant to the records retention requirements of this AGREEMENT.
 - b. Town, Contractor, or any subcontractor who has a good faith belief that a person or entity with which it is contracting has knowingly violated Section 448.09(1), Fla. Stat. or the provisions of this section shall terminate the contract with the person or entity.
 - c. Town, upon good faith belief that a subcontractor knowingly violated the provisions of this section, but Contractor otherwise complied, shall promptly notify Contractor and Contractor shall immediately terminate the contract with the subcontractor.
 - d. A contract terminated under the provisions of this section is not a breach of contract and may not be considered such. Any contract termination under the provisions of this section may be challenged pursuant to Section 448.095(2)(d), Fla. Stat. Contractor acknowledges that upon termination of this AGREEMENT by the Town for a violation of this section by Contractor, Contractor may not be awarded a public contract for at least one (1) year. Contractor further acknowledges that Contractor is liable for any additional costs incurred by the Town as a result of termination of any contract for a violation of this section.
 - e. *Subcontracts.* Contractor or subcontractor shall insert in any subcontracts the clauses set forth in this section, including this subsection, requiring the subcontractors to include these clauses in any lower tier subcontracts. Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in

this section.

15. Prohibition Against Contracting with Scrutinized Companies. By execution of this Contract, in accordance with the requirements of §§287.135 and 215.473, Fla. Stat., Contractor certifies that Contractor is not participating in a boycott of Israel. Contractor further certifies that Contractor is not on the Scrutinized Companies that Boycott Israel list, not on the Scrutinized Companies with Activities in Sudan List, and not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or has Contractor been engaged in business operations in Cuba or Syria. Subject to limited exceptions provided in state law, the Town will not contract for the provision of goods or services with any scrutinized company referred to above. Submitting a false certification shall be deemed a material breach of Contract. The Town shall provide notice, in writing, to Contractor of the Town's determination concerning the false certification. Contractor shall have five (5) days from receipt of notice to refute the false certification allegation. If such false certification is discovered during the active Contract term, Contractor shall have ninety (90) days following receipt of the notice to respond in writing and demonstrate that the determination of false certification was made in error. If Contractor does not demonstrate that the Town's determination of false certification was made in error then the Town shall have the right to terminate the contract and seek civil remedies pursuant to §287.135, Fla. Stat., as amended from time to time.

16. Miscellaneous Provisions.

- a) Applicable Law. This Agreement is governed by the laws of the State of Florida.
- b) Non-Discrimination. The Provider covenants that in the furnishing of services hereunder, no person on the grounds of race, color, national origin, handicap, or sex will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.
- c) Headings. The headings of the Articles, Sections, Exhibits, and Attachments in this Agreement are for the purpose of convenience only and may not be deemed to expand, limit or change the provisions contained in such Articles, Section, Exhibits and Attachments.
- d) Entire Agreement. This Agreement, including any Exhibits, constitutes the entire Agreement between the parties and supersedes all prior agreements or understandings, written or oral, relating to the matters set forth herein.
- e) Notices. All notices required under this Agreement must be in writing and sent via U.S. Postal Service, first class mail, to the other party's address as listed at the beginning of this Agreement. Either party may change its address by prior written notice to the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement as set forth below.

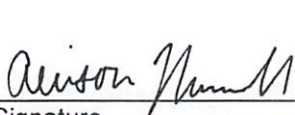
TOWN OF FORT MYERS BEACH

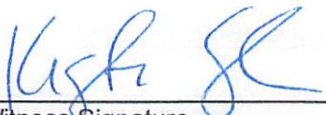
ATTEST:

BY: 
Keith Wilkins, Interim TOWN MANAGER

BY: 
Amy Baker TOWN CLERK

PROVIDER: EARTH VIEW, LLC.

BY: 
Signature


Witness Signature

Allison Murrell
Printed name of person signing

Krista Stone
Printed name of witness

President
Title (printed)

EXHIBIT "A"

TO THE SERVICE PROVIDER CONTRACT DATED THIS 9th day of January 2023
BETWEEN THE TOWN AND EARTH VIEW, LLC, PROVIDER.

1. SCOPE OF SERVICES: The Provider will perform the following services under this Agreement:

Provider shall furnish all materials, tools, supplies, heavy equipment, vehicles and labor necessary for the maintenance, repair and televising and video recording of all stormwater drains. The Provider shall bear all costs associated with the Project.

Stormwater cleaning shall be performed with hydraulically propelled or mechanically operated cleaning equipment. Selection of equipment shall be based on field conditions, taking into account all relevant factors such as, by example and not limitation, type and quantity of debris to be removed, size of pipe, depth of flow and the like.

Television inspection and video recording of all sewer and storm drains shall be required for the documentation of various field conditions and activities as directed by the TOWN's representative.

Stormwater pipe joint sealing shall be accomplished by the injection of chemical sealing materials into and/or through the joints from within the pipe.

The DELIVERABLES shall include the cost of:

1. Meetings with Town staff to discuss Stormwater drain repair reports.
2. A written report and a DVD outlining all findings and containing a video recording of all Storm Drains.

EXHIBIT "B"

TO THE SERVICE PROVIDER CONTRACT DATED THIS **9th** day of **January 2023**
BETWEEN THE TOWN AND **EARTH VIEW, LLC**, PROVIDER.

PAYMENT OBLIGATION

1. The Town will pay the Provider as follows for all services listed in each Supplemental Authorization:

See Attachment 1

- i. Provider will receive reimbursement for out-of-pocket expenses from the Town as follows: None

EXHIBIT "C"

INSURANCE

Certificates of insurance shall list the Town as the certificate holder and as an additional insured. Insurance shall be maintained during the entire term of the contract, shall include Contractual Liability and Products and Completed Operations Coverage, and shall be of the following forms and limits:

Workers Compensation Coverage for all employees to comply with Statutory Limits in compliance with the applicable State and Federal laws;

Commercial General Liability Insurance with minimum limits of \$10,000,000 each occurrence combined single limit or \$10,000,000 each occurrence/\$10,000,000 general aggregate;

Business Automobile Liability Insurance with minimum limits of \$1,000,000 each occurrence. Combined Single Limit or \$1,000,000 each occurrence/\$1,000,000 general aggregate; and

Professional Liability Insurance with minimum limits of \$1,000,000.00.

The establishment of minimum limits of insurance by Town does not reduce or limit the liability or responsibilities of Respondent.

Renewal shall be sent to the Town at least 60 days prior to any expiration date. Consultant shall ensure that its insurer provides a 60 day notification to the Town in the event of cancellation, renewal, or modification of any required insurance coverage requirements that the Consultant is required to meet. The Consultant shall provide the Town with certificates of insurance meeting the required insurance provisions.

EXHIBIT "D"

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLIC ASSISTANCE

The supplemental conditions contained in this section are intended to cooperate with, to supplement, and to modify the general conditions and other specifications. In cases of disagreement with any other section of this contract, the Supplemental Conditions shall govern. This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract.

Pursuant uniform requirements of federal awards (2 CFR Part 200.23) the definition of CONTRACTOR is an entity that receives a Contract / Purchase Order.

Compliance with Federal Law, Regulations and Executive Orders: The Sub-Recipient (Town) agrees to include in the subcontract that (i) the subcontractor is bound by the terms of the Federally-Funded Subaward and Grant Agreement, (ii) the subcontractor is bound by all applicable state and Federal laws and regulations, and (iii) the subcontractor shall hold the Division and Sub-Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law.

Specifically, the Contractor shall be responsible for being knowledgeable and performing any and all services under this contract in accordance with the following governing regulations along with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

- 2 C.F.R. Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 44 C.F.R. Part 206
- The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121 et seq., and Related Authorities
- FEMA Public Assistance Program and Policy Guide

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

Access to Records: The contractor agrees to provide the Town, the Florida Department of Emergency Management, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representative's access to any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions. (2) The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed. (3) The contractor agrees to provide the FEMA Administrator or his authorized representatives' access to construction or other work sites pertaining to the work being completed under the contract. (4) In compliance with section 1225 of the Disaster Recovery Act of 2018, the Town and the Contractor acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.

Affirmative Socioeconomic Steps If subcontracts are to be let, the prime contractor is required to take all necessary steps identified in 2 C.F.R. § 200.321(b)(1)-(5) to ensure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Changes: To be allowable under a FEMA grant or cooperative agreement award, the cost of any contract change, modification, amendment, addendum, change order, or constructive change must be necessary, allowable, allocable, within the scope of the grant or cooperative agreement, reasonable for the scope of work, and otherwise allowable.

DHS Seal, Logo, and Flags: The contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre- approval. The contractor shall include this provision in any subcontracts.

Domestic Preference for Procurements 200.322 As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

For purposes of this section: "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

License and Delivery of Works Subject to Copyright and Data Rights: The Contractor grants to the Town, a paid-up, royalty-free, nonexclusive, irrevocable, worldwide license in data first produced in the performance of this contract to reproduce, publish, or otherwise use, including prepare derivative works, distribute copies to the public, and perform publicly and display publicly such data. For data required by the contract but not first produced in the performance of this contract, the Contractor will identify such data and grant to the Town or acquires on its behalf a license of the same scope as for data first produced in the performance of this contract. Data, as used herein, shall include any work subject to copyright under 17 U.S.C. § 102, for example, any written reports or literary works, software and/or source code, music, choreography, pictures or images, graphics, sculptures, videos, motion pictures or other audiovisual works, sound and/or video recordings, and architectural works. Upon or before the completion of this contract, the Contractor will deliver to the Town data first produced in the performance of this contract and data required by the contract but not first produced in the performance of this contract in formats acceptable by the Town.

No Obligation by Federal Government: The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, contractor, or any other party pertaining to any matter resulting from the contract.

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

Prohibition on Covered Telecommunications Equipment or Services

(a) Definitions. As used in this clause, the terms backhaul; covered foreign country; covered telecommunications equipment or services; interconnection arrangements; roaming; substantial or essential component; and telecommunications equipment or services have the meaning as defined in FEMA Policy, #405-143-1 Prohibitions on Expending FEMA Award Funds for covered Telecommunications Equipment or Services As used in this clause –

(b) Prohibitions.

(1) Section 889(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, and 2 C.F.R. § 200.216 prohibit the head of an executive agency on or after Aug. 13, 2020, from obligating or expending grant, cooperative agreement, loan, or loan guarantee funds on certain telecommunications products or from certain entities for national security reasons.

(2) Unless an exception in paragraph (c) of this clause applies, the contractor and its subcontractors may not use grant, cooperative agreement, loan, or loan guarantee funds from the Federal Emergency Management Agency to:

- (i) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- (ii) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- (iii) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or
- (iv) Provide, as part of its performance of this contract, subcontract, or other contractual instrument, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) Exceptions.

(1) This clause does not prohibit contractors from providing — (i). A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or (ii). Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) By necessary implication and regulation, the prohibitions also do not apply to: (i). Covered telecommunications equipment or services that: i. Are not used as a substantial or essential component of any system; and ii. Are not used as critical technology of any system. (ii). Other telecommunications equipment or services that are not considered covered telecommunications equipment or services.

(d) Reporting requirement.

(1) In the event the contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the contractor is notified of such by a subcontractor at any tier or by any other source, the contractor shall report the information in paragraph (d)(2) of this clause to the recipient or subrecipient, unless elsewhere in this contract are established procedures for reporting the information.

(2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause: (i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended. (ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph(e), in all subcontracts and other contractual instruments.

Program Fraud and False or Fraudulent Statements or Related Acts: The Contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the contractor's actions pertaining to this contract.

Rights to Inventions Made Under a Contract or Agreement: Exempt from FEMA Public Assistance Funding

Suspension and Debarment: (1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935). (2) The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into. (3) This certification is a material representation of fact relied upon by the Town. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the Town, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. (4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Procurement of Recovered Materials (§200.323) (Over \$10,000): In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired— Competitively within a timeframe providing for compliance with the contract performance schedule; Meeting contract performance requirements; or At a reasonable price. Information about this requirement, along with the list of EPA-designated items, is available at EPA's Comprehensive Procurement Guidelines webpage:

<https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

Termination for Cause and Convenience (over \$10,000): See Standard Purchase Order and/or Contract Terms and Conditions

Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352 (as amended) (over \$100,000): Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient."

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

Contractors must sign and submit a certification to the Town with each bid or offer exceeding \$100,000. See Certifications and Assurances and the end of this document.

Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708) (over \$100,000): Where applicable, all contracts awarded by the solicitor in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$27 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The Town or FEMA shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1) through (4) of this section and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section."

For contracts that are only subject to Contract Work Hours and Safety Standards Act and are not subject to the other statutes in 29 C.F.R. § 5.1

"Further Compliance with the Contract Work Hours and Safety Standards Act.

(1) The contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid.

(2) Records to be maintained under this provision shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the Department of Homeland Security, the Federal Emergency Management Agency, and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

Clean Air Act (over \$150,000): 1. The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. 2. The contractor agrees to report each violation to the Town and understands and agrees that the Town will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office. 3. The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA.

Federal Water Pollution Control Act (over \$150,000): 1. The contractor agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. 2. The contractor agrees to report each violation to the Town and understands and agrees that the Town will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office. 3. The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA.

Administrative, Contractual, or Legal Remedies (over \$250,000): Unless otherwise provided in this contract, all claims, counter-claims, disputes and other matters in question between the local government and the contractor, arising out of or relating to this contract, or the breach of it, will be decided by arbitration, if the parties mutually agree, or in a Florida court of competent jurisdiction.

CONSTRUCTION ACTIVITIES

Equal Employment Opportunity Clause (§60-1.4): Except as otherwise provided under 41 C.F.R. Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 C.F.R. § 60-1.3 must include the equal opportunity clause provided under 41 C.F.R. § 60-1.4.

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Davis Bacon Act: Exempt under FEMA Public Assistance Funding

Copeland Anti-Kickback Act: Exempt under FEMA Public Assistance Funding

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

STATE OF FLORIDA PROVISIONS DEPARTMENT OF ENVIRONMENTAL PROTECTION BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM

Applicable Laws - The Town and all its agents shall comply with all federal, state and local regulations, including, but not limited to, nondiscrimination, wages, social security, workers' compensation, licenses, and registration requirements. The Town shall include this provision in all contracts issued.

Data Collection: The Project shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable Department permits and the eligible Project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standards and technical specifications contained in the Department's Monitoring Standards for Beach Erosion Control Projects (2014) and all associated state and federal permits, unless otherwise specified in the approved scope of work for an eligible Project item. The monitoring standards may be found at: [Project Monitoring \(floridadep.gov\)](http://ProjectMonitoring.floridadep.gov)

In order to comply with Florida Auditor General report 2014-064 regarding conflicts of interest and to be consistent with Section 287.057(17)(a)(I), F.S., **all monitoring data and statistical analysis must be provided directly and concurrently from the monitoring contractor to the Florida Department of Environmental Protection/Town/permittee/engineering consultant.** The Town's engineering consultant must provide an adequate mitigation plan, consistent with Section 287.057(17)(a)(I), F.S., including a description of organizational, physical, and electronic barriers to be used by the Town's engineering consultant, that addresses conflicts of interest when contracting multi-disciplinary firms for Project engineering and post-construction environmental monitoring services, or when the Project engineering consultant firm subcontracts for post-construction environmental monitoring. Environmental monitoring includes hardbottom, seagrass, and mangrove resources.

Equal Employment Opportunity: No person on the ground of race, creed, color, religion, national origin, age, gender, or disability, shall be excluded from participation in; be denied the proceeds or benefits of, otherwise subjected to discrimination.

Inspector General Cooperation: The Parties agree to comply with Section 20.055(5), Florida Statutes, for the inspector general to have access to any records, data and other information deemed necessary to carry out his or her duties and incorporate into all subcontracts the obligation to comply with Section 20.055(5), Florida Statutes.

Lobbying: No funds received pursuant to this Agreement may be expended for lobbying the Legislature, the judicial branch or a state agency.

Local Preference: Pursuant to Section 255.0991, F.S. local vendor preference is not applicable

Physical Access and Inspection: Grantor personnel shall be given access to and may observe and inspect work being performed under this Agreement, with reasonable notice and during normal business hours, including by any of the following methods:

- i. The Town shall provide access to any location or facility on which Town is performing work, or storing or staging equipment, materials or documents.
- ii. The Town shall permit inspection of any facility, equipment, practices, or operations required in performance of any work pursuant to this Agreement; and,
- iii. The Town shall allow and facilitate sampling and monitoring of any substances, soils, materials or parameters at any location reasonable or necessary to assure compliance with any work or legal requirements pursuant to this Agreement.

Record Retention: A. The contractor shall maintain and retain sufficient records demonstrating its compliance with the terms of the Agreement for a period of at least five (5) years after final payment is

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

made and shall allow the Town, the State, or its authorized representatives access to such records for audit purposes upon request.

Statutory Notices Relating to Unauthorized Employment: The Town shall consider the employment by any Contractor of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement

Statutory Notices Relating to Subcontracts: Pursuant to Sections 287.133 and 287.134, F.S., the following restrictions apply to persons placed on the convicted vendor list or the discriminatory vendor list:

- i. **Public Entity Crime.** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a Grantee, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.
- ii. **Discriminatory Vendors.** An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.
- iii. **Notification.** The Grantee shall notify Department if it or any of its suppliers, subcontractors, or consultants have been placed on the convicted vendor list or the discriminatory vendor list during the life of the Agreement. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and posts the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at (850) 487-0915.

EXHIBIT I
FEDERAL CONTRACT PROVISIONS AND ASSURANCES

Compliance with Federal Law, Regulations, And Executive Orders
and Acknowledgement of Federal Funding

Certification

This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The contractor will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

If the Contractor subcontracts any of the work required under this Agreement, a copy of the signed subcontract must be available to the County for review and approval. The Contractor agrees to include in the subcontract that (1) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the County and the Grantor Agency harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law. The County may document in the quarterly report the Contractor's progress in performing its work under this agreement.

On behalf of my firm, I acknowledge, the grant requirements identified in this document.

Vendor/Contractor Name Earth View, LLC

Date 11/17/2022

Authorized Signature 
Allison Murrell, President

EXHIBIT I
FEDERAL CONTRACT PROVISIONS AND ASSURANCES

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Collier County, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Earth View, LLC

By: _____

Signature

Allison Murrell, President

Name and Title

3494 Shearwater Street

Street Address

Naples, FL 34117

City, State, Zip

Registered awaiting UEI

UEI Unique Entity Identifier (for SAM.gov verification)

11/17/2022

Date

Sub-Recipient Name: Collier County Board of County Commissioners

DEM Contract Number: TBD

FEMA Project Number: TBD

**EXHIBIT I
FEDERAL CONTRACT PROVISIONS AND ASSURANCES**

COLLIER COUNTY																					
ANTICIPATED DISADVANTAGED, MINORITY, WOMEN OR VETERAN PARTICIPATION STATEMENT																					
Status will be verified. Unverifiable statuses will require the PRIME to either provide a revised statement or provide source documentation that validates a status.																					
A. PRIME VENDOR/CONTRACTOR INFORMATION																					
PRIME NAME		PRIME FEID NUMBER		CONTRACT DOLLAR AMOUNT																	
Earth View, LLC		20-1083164		\$489,000.00																	
IS THE PRIME A FLORIDA-CERTIFIED DISADVANTAGED, MINORITY OR WOMEN BUSINESS ENTERPRISE?		VETERAN? Y ☐ N ☒		IS THE ACTIVITY OF THIS CONTRACT?																	
DBE/MBE/WBE? OR HAVE A SMALL DISADVANTAGED BUSINESS SA CERTIFICATION FROM THE SMALL BUSINESS ADMINISTRATION? A SERVICE DISABLED VETERAN?		DBE? Y ☐ N ☒		CONSTRUCTION? Y ☐ N ☒																	
		MBE? Y ☐ N ☒		CONSULTATION? Y ☐ N ☒																	
		WBE? Y ☐ N ☒		OTHER? Y ☐ N ☒																	
		SDB SA? Y ☐ N ☒																			
IS THIS SUBMISSION A REVISION?		Y ☐ N ☒		IF YES, REVISION NUMBER _____																	
B. IF PRIME HAS SUBCONTRACTOR OR SUPPLIER WHO IS A DISADVANTAGED MINORITY, WOMEN-OWNED, SMALL BUSINESS CONCERN OR SERVICE DISABLED VETERAN, PRIME IS TO COMPLETE THIS NEXT SECTION																					
DBE M/WBE VETERAN	SUBCONTRACTOR OR SUPPLIER NAME	TYPE OF WORK OR SPECIALTY	ETHNICITY CODE [See Below]	SUB/SUPPLIER DOLLAR AMOUNT	PERCENT OF CONTRACT DOLLARS																
	N/A																				
TOTALS																					
C. SECTION TO BE COMPLETED BY PRIME VENDOR/CONTRACTOR																					
NAME OF SUBMITTER		DATE		TITLE OF SUBMITTER																	
Allison Murrell		11/17/2022		President																	
EMAIL ADDRESS OF PRIME (SUBMITTER)		TELEPHONE NUMBER		FAX NUMBER																	
amurrell@evllc.com		239-434-5200		239-435-7202																	
NOTE: This information is used to track and report anticipated DBE or MBE participation in federally-funded contracts. The anticipated DBE or MBE amount is voluntary and will not become part of the contractual terms. This form must be submitted at time of response to a solicitation. If and when awarded a County contract, the prime will be asked to update the information for the grant compliance files.																					
<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>ETHNICITY</th> <th>CODE</th> </tr> </thead> <tbody> <tr><td>Black American</td><td>BA</td></tr> <tr><td>Hispanic American</td><td>HA</td></tr> <tr><td>Native American</td><td>NA</td></tr> <tr><td>Subcont. Asian American</td><td>SAA</td></tr> <tr><td>Asian-Pacific American</td><td>APA</td></tr> <tr><td>Non-Minority Women</td><td>NMW</td></tr> <tr><td>Other: not of any other group listed</td><td>O</td></tr> </tbody> </table>						ETHNICITY	CODE	Black American	BA	Hispanic American	HA	Native American	NA	Subcont. Asian American	SAA	Asian-Pacific American	APA	Non-Minority Women	NMW	Other: not of any other group listed	O
ETHNICITY	CODE																				
Black American	BA																				
Hispanic American	HA																				
Native American	NA																				
Subcont. Asian American	SAA																				
Asian-Pacific American	APA																				
Non-Minority Women	NMW																				
Other: not of any other group listed	O																				
D. SECTION TO BE COMPLETED BY COLLIER COUNTY																					
DEPARTMENT NAME		COLLIER CONTRACT # (IFB/RFP or PO/REQ)		GRANT PROGRAM/CONTRACT																	
ACCEPTED BY:				DATE																	

EXHIBIT I
FEDERAL CONTRACT PROVISIONS AND ASSURANCES

LOBBYING CERTIFICATION
(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

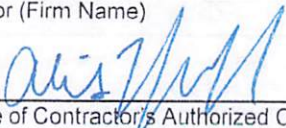
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Earth View, LLC

Contractor (Firm Name)


Signature of Contractor's Authorized Official

Allison Murrell, President

Name and Title of Contractor's Authorized Official

11/17/2022

Date

Attachment 1

Appendix A

Town of Fort Myers Beach RFP-23-03-UT

RFP Form C

Proposer: Earth View, LLC

PRICE PROPOSAL FORM

Note: Forms A, B & C are available in WORD format from the Contracts Manager upon request.

***THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL
TO BE DEEMED RESPONSIVE.***

Name of Proposer: Earth View, LLC

Name of authorized representative of Proposer: Allison Murrell, President

Project Cost

Storm Drain	Linear feet for evaluation purposes only	Price Per Foot	OR Hourly Rate
Televis 10" to 15" Storm Drain	16,000	\$1.50	\$ <u>250</u> /Hour
Televis 18" to 24" Storm Drain	16,000	\$2.00	\$ <u>250</u> /Hour
Televis 30" to 42" Storm Drain	16,000	\$3.50	\$ <u>250</u> /Hour
Clean 10" to 15" Storm Drain	16,000	\$ 4.00	\$ <u>350</u> /Hour
Clean 18" to 24" Storm Drain	16,000	\$ 6.50	\$ <u>350</u> /Hour
Clean 30" to 42" Storm Drain	16,000	\$ 8.00	\$ <u>350</u> /Hour
Total \$408,000	200,000	\$	\$ ____ /Hour
Outfall Barnacle Removal	Outfall numbers are for evaluation purposes Only	Price Per Outfall	OR Hourly Rate
Remove Barnacles 30" to 42" Storm Drain	29	\$ 1,500.00	\$ <u>300</u> /Hour
Remove Barnacles 10" to 29" Storm Drain	30	\$ 1,250.00	\$ <u>300</u> /Hour
Total \$81,000	59	\$	\$ ____ /Hour
Total Project Cost: \$ <u>489,000.00</u>			

Instructions: Show the project cost for each deliverable your firm will provide per the requested

Appendix A

Town of Fort Myers Beach RFP-23-03-UT

scope of work. Include the fees associated with each proposed deliverable.

Fees should be detailed to the extent possible per deliverable.

The Total Unit Price Cost shall include all fees and reimbursements for out of pocket costs. The Town will not reimburse for any costs not actually incurred and paid for by the Proposer and included in its proposal. Reasonable proof thereof will be required.

The Total Unit Price Cost shall include the cost of:

1. Meetings with Town staff to discuss Stormwater Drain repair reports.
2. A written report and a DVD outlining all findings and containing a video recording of all Stormwater Drains.

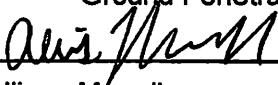
Payments will be made on each deliverable upon receipt and acceptance by the Town.

Additional Services

The Town may have the need for additional services, which may be requested over the next 3 years.

If the Proposer is interested in additional work, please provide the hourly rate, linear foot rate and staff positions available. The rates for the additional work will not be used for evaluation of the services required in this RFP.

Additional Work	
<u>Title:</u>	<u>Hourly Rate/Per Linear Foot Rate</u>
Grout Services	\$350.00/Hour
Add rows as necessary	
Ground Penetrating Radar	\$200.00/Hour

By: 

Date: 11/17/2022

Name: Allison Murrell

Title: President

Letter of Transmittal from Earthview's Proposal

Yadzia Roa, Contracts Manager
2525 Estero Boulevard
Fort Myers Beach, Florida 33931

NOVEMBER 17, 2022

DEAR MS. ROA AND COMMITTEE MEMBERS,

Earth View, LLC (EV) is pleased to submit this proposal for RFP Number 23-03-UT, *Stormwater Maintenance and Repairs* to the Town of Fort Myers Beach. We have received, reviewed, and understand the requirements of RFP #23-03-UT and are confident in our abilities to perform all work on time, within budget, and at high levels of quality.

Founded in Naples, Florida in 2004, Earth View, LLC (EV) is a leading Horizontal Directional Drilling (HDD) and Subsurface Utility Engineering (SUE) company that provides services in both private and public sectors nationwide. From ground and concrete penetrating radar, vacuum excavation, leak detection, and televising, to large-scale HDD's, Pipe Ramming, Pipe Bursting and Sheet Piling, EV maintains a unique industry position.

EV is equipped with a combination of cleaning trucks, telespection trucks, and a support staff consisting of managers, estimators, experienced operators/ technicians, and full-time, in-house mechanics so that repairs can be made correctly and in a timely manner. It is this combination that ensures project success. The company prioritizes the use of new and advanced technology in both the office and in the field, maintains a large equipment fleet, holds the required licenses and certifications for work under this RFP, and has extensive project experience in the local area. More information on the Firm's Qualifications and Resources is provided throughout this Proposal Package.

UNDERSTANDING OF SCOPE OF WORK

Earth View, LLC is qualified to perform Stormwater Maintenance and Repairs for the Town of Fort Myers Beach. EV's understanding of the scope of work for RFP #23-03-UT is as follows: The town desires to enter into a three (3) year agreement with two (2) additional one (1) year optional extension periods. If selected, EV will furnish all materials, tools, supplies, heavy equipment, vehicles and labor necessary for the maintenance, repair, televising and video recording of all stormwater drains, bearing all costs associated with the project.

The work includes approximately 59 curb inlets, 504 catch basins, 7 junction boxes, 6 skimmer boxes, 95 major outfalls (6" up to 30") and 9.12 miles of drainpipe (48.178 LF) including culverts. Stormwater cleaning will be performed with hydraulically propelled or mechanically operated cleaning equipment. Stormwater pipe joint sealing will be accomplished by the injection of chemical sealing materials into and/ or through the joints from within the pipe, and required television inspection and video recording of all sewer and storm drains will be directed by Town staff. EV staff is prepared to meet with Town staff to discuss Stormwater drain reports and will provide a written report and a DVD outlining all findings, including video recording of all Storm Drains.

AUTHORIZED REPRESENTATIVES

Persons authorized to make representations for or on behalf of Earth View, LLC, and therefore negotiate and execute a contract for the work in this RFP, are as follows:

- Howard J. Murrell, Jr., *Manager*
3494 Shearwater St. Naples, FL 34117
239.434.5200
- Allison B. Murrell, *President*
3494 Shearwater St. Naples, FL 34117
239.434.5200
- Stacey L. Murrell, *Secretary*
3494 Shearwater St. Naples, FL 34117
239.434.5200

EV'S COMMITMENT

Earth View, LLC confidently submits this proposal and ensures that all projects under RFP #23-03-UT will be performed in adherence to all requirements. The company makes a positive commitment to provide its services and highest quality products to the Town of Fort Myers Beach.

Respectfully,

Allison Murrell

Allison Murrell
President

Phone: 239.434.5200

Email: amurrell@evllc.com

NOVEMBER 17, 2022

REQUEST FOR PROPOSAL STORMWATER MAINTENANCE AND REPAIRS

The Town of Fort Myers Beach, FL



RFP Number 23-03-UT

Prepared by Earth View, LLC



ADDRESS

EARTH VIEW, LLC.
3494 Shearwater St.
Naples, FL 34117

CONTACT

Phone **239.434.5200**
Fax **239.435.7202**
amurrell@evllc.com

Yadzia Roa, Contracts Manager
2525 Estero Boulevard
Fort Myers Beach, Florida 33931

NOVEMBER 17, 2022

DEAR MS. ROA AND COMMITTEE MEMBERS,

Earth View, LLC (EV) is pleased to submit this proposal for RFP Number 23-03-UT, *Stormwater Maintenance and Repairs to the Town of Fort Myers Beach*. We have received, reviewed, and understand the requirements of RFP #23-03-UT and are confident in our abilities to perform all work on time, within budget, and at high levels of quality.

Founded in Naples, Florida in 2004, Earth View, LLC (EV) is a leading Horizontal Directional Drilling (HDD) and Subsurface Utility Engineering (SUE) company that provides services in both private and public sectors nationwide. From ground and concrete penetrating radar, vacuum excavation, leak detection, and televising, to large-scale HDD's, Pipe Ramming, Pipe Bursting and Sheet Piling, EV maintains a unique industry position.

EV is equipped with a combination of cleaning trucks, telespection trucks, and a support staff consisting of managers, estimators, experienced operators/ technicians, and full-time, in-house mechanics so that repairs can be made correctly and in a timely manner. It is this combination that ensures project success. The company prioritizes the use of new and advanced technology in both the office and in the field, maintains a large equipment fleet, holds the required licenses and certifications for work under this RFP, and has extensive project experience in the local area. More information on the Firm's Qualifications and Resources is provided throughout this Proposal Package.

UNDERSTANDING OF SCOPE OF WORK

Earth View, LLC is qualified to perform Stormwater Maintenance and Repairs for the Town of Fort Myers Beach. EV's understanding of the scope of work for RFP #23-03-UT is as follows: The town desires to enter into a three (3) year agreement with two (2) additional one (1) year optional extension periods. If selected, EV will furnish all materials, tools, supplies, heavy equipment, vehicles and labor necessary for the maintenance, repair, televising and video recording of all stormwater drains, bearing all costs associated with the project.

The work includes approximately 59 curb inlets, 504 catch basins, 7 junction boxes, 6 skimmer boxes, 95 major outfalls (6" up to 30") and 9.12 miles of drainpipe (48.178 LF) including culverts. Stormwater cleaning will be performed with hydraulically propelled or mechanically operated cleaning equipment. Stormwater pipe joint sealing will be accomplished by the injection of chemical sealing materials into and/ or through the joints from within the pipe, and required television inspection and video recording of all sewer and storm drains will be directed by Town staff. EV staff is prepared to meet with Town staff to discuss Stormwater drain reports and will provide a written report and a DVD outlining all findings, including video recording of all Storm Drains.

AUTHORIZED REPRESENTATIVES

Persons authorized to make representations for or on behalf of Earth View, LLC, and therefore negotiate and execute a contract for the work in this RFP, are as follows:

- Howard J. Murrell, Jr., *Manager*
3494 Shearwater St. Naples, FL 34117
239.434.5200
- Allison B. Murrell, *President*
3494 Shearwater St. Naples, FL 34117
239.434.5200
- Stacey L. Murrell, *Secretary*
3494 Shearwater St. Naples, FL 34117
239.434.5200

EV'S COMMITMENT

Earth View, LLC confidently submits this proposal and ensures that all projects under RFP #23-03-UT will be performed in adherence to all requirements. The company makes a positive commitment to provide its services and highest quality products to the Town of Fort Myers Beach.

Respectfully,

Allison Murrell

Allison Murrell
President

Phone: 239.434.5200

Email: amurrell@evllc.com



Title Page

November 17, 2022

Earth View, LLC
3494 Shearwater St.
Naples, FL 34117

Phone | 239.434.5200

Fax | 239.435.7202

Contact | Allison B. Murrell, *President*

**RFP Number 23-03-UT | Stormwater
Maintenance and Repairs**



TABLE OF CONTENTS

1 Letter of Transmittal (Statement of Qualifications)

2 Title Page

3 Table of Contents

4 Organization Profile and Qualifications

5 Experience

6 Approach to Providing Services

7 Compensation

8 Additional Information

9 Addenda



4 | Organization Profile and Qualifications

EV AT A GLANCE

2004

FIRST YEAR
IN BUSINESS

31

FULL TIME
EMPLOYEES

Full HD

CCTV EQUIPMENT

PIPE DIAMETER SIZES FROM

6" - 60"

CAPABILITIES OF HORIZONTAL
LENGTHS EXCEEDING

7,000 LF

EARTH VIEW, LLC | A NATIONWIDE COMPANY

Founded in Naples, Florida in 2004, Earth View, LLC (EV) is a leading Horizontal Directional Drilling (HDD) and Subsurface Utility Locating company that provides services in both private and public sectors nationwide.

From ground and concrete penetrating radar, vacuum excavation, leak detection, and televising, to large-scale HDD's, Pipe Ramming, Pipe Bursting and Sheet Piling, EV maintains a unique industry position.

Backed by experienced personnel and advanced construction equipment and technology, EV is prepared to complete a wide variety of services including:



Utility Locates



Vacuum Excavation



Camera/ TV Inspection



Horizontal
Directional Drilling



Fusing & Wirelining



Sheet Piling



CONTACT INFORMATION

Allison Murrell
President

Email: amurrell@evllc.com

Office: (239) 434-5200

Randy Gilbert

Town's Primary Point of
Contact Operations Manager

Email: rgilbert@evllc.com

Office: (239) 434-5200



ALL KEY PERSONNEL WILL BE AVAILABLE AND FULLY COMMITTED.

Earth View, LLC prioritizes RFP #23-03-UT, *Stormwater Maintenance and Repairs*.

While the company has a variety of projects in various stages of completion, ample resources will be made available to ensure project success.

Below is the description of the primary individuals responsible for supervising the work, followed by the percentage of time each primary individual is expected to contribute to this work.

NAME/ROLE		KEY QUALIFICATIONS
	RANDY GILBERT Operations Manager	Randy Gilbert serves as the Operations Manager for Earth View, LLC. (EV) where he oversees all daily operations and project estimation/management. Randy will be the primary point of contact for this project and will assist with scheduling the camera and vacuum excavation crews. He has worked extensively with Fort Myers Beach and has built strong relationships with their team. In addition, last year Randy was instrumental in researching and implementing chemical grout services for infrastructure repair and protection.
	ERIC D. BLAIR CCTV & Vacuum Truck Operator	Eric has over 24 years of experience working on Subsurface Utility Engineering (SUE) projects in the local area, including pipe cleaning, pipe televising, pipe repair, and underground excavation. As a CCTV and Vacuum Truck Operator at Earth View, LLC. (EV), Eric is responsible for completing all video inspections, pipe cleaning, and pipe rehabilitation projects. Eric also completes large pipe plugging and dewatering projects, along with testing of sanitary sewer lines and storm systems. Prior to Eric's time at Earth View, he worked as a CCTV and Vacuum Truck Operator in Myrtle Beach, SC, where he averaged close to 2,000 LF of cleaning and 3,000 LF of pipe televising per day. In addition, he completed an annual contract cleaning and inspecting 103 lift stations.
	ANDRES PEREZ Foreman	Andres Perez serves as a Foreman for Earth View, LLC with 3 years of industry experience and safety training. Andres supervises the CCTV and Vacuum Excavation crews, providing direction when obstacles are encountered to ensure the jobs are completed successfully. He has extensive knowledge operating all of our equipment in EV's trenchless inspection and repair division.
	CHRIS O'HARA Vacuum Truck Operator	Chris O'Hara serves as a Vacuum Truck Operator for Earth View, LLC. (EV) where he drives and operates EV's hydro-excavation truck. Chris is responsible for pipe cleaning and jetting, hazardous waste clean-up and the handling of hazardous materials. With over 6 years of industry experience, Chris will perform quality work on this project.
	NICK CATLIN CCTV Operator	Nick Catlin serves as a CCTV Operator for Earth View, LLC. (EV) where he is responsible for video inspections, pipe cleaning, and pipe rehabilitation projects. Nick was the lead operator on EV's previous cleaning and inspection projects completed at Fort Myers Beach, which has allowed him to familiarize himself with the existing infrastructure. With over 10 years of industry experience, Nick's expertise will be beneficial on this project.

NAME	FIRM	ROLE	TIME CONTRIBUTION
Randy Gilbert	EV	Operations Manager	40%
Eric D. Blair	EV	CCTV & Vacuum Truck Operator	80%
Andres Perez	EV	Foreman	100%
Chris O'Hara	EV	Vacuum Truck Operator	100%
Nick Catlin	EV	CCTV Operator	100%



RANDY GILBERT

Operations Manager

EXPERIENCE

EV Experience: 3+ years

Industry Experience: 10+ years

EDUCATION/CERTIFICATIONS

Advanced MOT

CDL Class A

Trained and Certified
in Field Connect
Software

Certified in the
Fundamentals of
Municipal Grouting

CCTV Certified



EARTHVIEW

PROFILE

Randy Gilbert will serve as the Operations Manager and Primary Point of Contact on *RFP #23-03-UT, Stormwater Maintenance and Repairs*. **As the primary point of contact for this project, Randy will assist with scheduling the camera and vacuum excavation crews, and will oversee all daily operations and project estimation/management.** In addition to many Subsurface Utility Engineering jobs, Randy has managed other large projects for EV including the \$1.1 million Horizontal Directional Drill at the Savannah River Crossing. **With 10+ years of industry experience, Randy's expertise will ensure project success.**

PROJECT EXPERIENCE

BUCCANEER DRIVE

Fort Myers Beach, FL • \$47,000

Role: Operations Manager

Description: Earth View was requested to ensure the installation of the storm pipe on Buccaneer Drive was completed per specifications. This project required the implementation of an extensive dewatering plan to isolate the system at the Buccaneer sector. Thus, allowing EV to clean and televise the run to identify any defects.

SAVANNAH RIVER CROSSING

Savannah, GA • \$1,100,000

Role: Operations Manager

Description: Earth View completed a Horizontal Directional Drill of 4200 LF of 8" steel pipe 110 LF underneath the Savannah River. EV was subcontracted by Comcast to perform this work and successfully completed the project on time and within budget.

OLD SAN CARLOS BOULEVARD

Fort Myers Beach, FL • \$24,000

Role: Operations Manager

Description: Earth View cleaned and televised storm water pipe that was found to be about 90% blocked on Fort Myers Beach. EV inspected the condition of the pipe to ensure proper water flow along Old San Carlos Boulevard in 2020.

NORTH ESTERO STORM PIPE

Fort Myers Beach, FL • \$71,000

Role: Operations Manager

Description: Earth View cleaned and televised an estimated 2 miles of storm pipe along Estero Blvd on the north end of the island. In addition, EV cleaned outfalls and control structures. The project required heavy cleaning due to large amounts of debris found in storm pipe. To effectively clean the pipe, EV utilized our 12 jet floor sweeper nozzle that is capable of flushing the pipe with 80GPM.



ERIC D. BLAIR

CCTV & Vacuum Truck Operator

EXPERIENCE

CCTV Experience: 10+ years

Industry Experience: 24+ years

CERTIFICATIONS

CDL Class A

Maintenance of Traffic (MOT) Certification

Asbestos Certification

Storm Water Collection Certification

Trench Safety and Excavation Certification

Confined Space Certification

First Aid/ CPR/ AED Certification

Fall Protection Certification



PROFILE

Eric D. Blair will serve as a CCTV Operator and Vacuum Truck on *RFP #23-03-UT, Stormwater Maintenance and Repairs*. Eric has over 24 years of experience working on Subsurface Utility Engineering (SUE) projects in the local area, including pipe cleaning, pipe televising, pipe repair, and underground excavation. As a CCTV and Vacuum Truck Operator at Earth View, LLC. (EV), Eric is responsible for completing all video inspections, pipe cleaning, and pipe rehabilitation projects. Eric also completes large pipe plugging and dewatering projects, along with testing of sanitary sewer lines and storm systems. Prior to Eric's time at Earth View, he worked as a CCTV and Vacuum Truck Operator in Myrtle Beach, SC, where he averaged close to 2,000 LF of cleaning and 3,000 LF of pipe televising per day. In addition, he completed an annual contract cleaning and inspecting 103 lift stations. **With almost 25 years of industry experience and extensive safety training, Eric's expertise will ensure project success.**

PROJECT EXPERIENCE

SOUTH BAHAMAS PIPE CLEANING & INSPECTION
Marco Island, FL • \$450,000

Description: Earth View, LLC cleaned and videoed 800 LF of 24" RCP pipe and inspected 4 storm boxes in Marco Island, FL. Additionally, EV cleaned out a 24" and 36" utility casing, as well as a lift station on the island. This was the initial step in a larger pipe repair project. EV successfully completed the work on time and within budget in September 2019.

BURNT STORE ROAD
Cape Coral, FL • \$250,000

Description: Earth View desilted 2,500 LF of storm pipe at Burnt Store Road in Cape Coral. The pipe sizes ranged from 24"-30". Additionally, EV cleaned and televised 40 utility casings each 150 LF. The project was completed on time, within budget, and at high levels of quality in 2018.

STORMWATER OUTFALL & SEAWALL REPAIRS
Naples, FL • \$300,000

Description: Earth View cleaned, videoed, and repaired outfall pipes ranging in size from 24" RCP to 72" RCP. EV was subcontracted by local contractor to perform this work in 2019.

HURRICANE IAN DISASTER RELIEF
Collier County, FL • \$100,000

Description: After Hurricane Ian, EV quickly mobilized and partnered with County Waste to assist Collier County Road Maintenance and Collier County Solid Waste. EV used its fleet of vacuum trucks to assist in removing silt and debris from storm drain collection basins and drainpipes to prevent additional flooding. EV also assisted in draining sanitary lift stations which were surcharged due to lack of power and water infiltration from the storm. Clean up efforts are ongoing.



ANDRES PEREZ

Foreman

PROFILE

EXPERIENCE

EV Experience: 3+ years

Industry Experience: 3+ years

EDUCATION/CERTIFICATIONS

Confined Space
Certification

PACP/LACP/MACP

Certified in Fundamentals
of Municipal Grouting

Trained and Certified in
Field Connect Software



EARTHVIEW

Andy Perez serves as a Foreman at Earth View, LLC with over 3 years of industry experience and safety training. Andres supervises the CCTV and Vacuum Excavation crews, providing direction when obstacles are encountered to ensure the jobs are completed successfully. He has extensive knowledge operating all of our equipment in EV's trenchless inspection and repair division. With several years of industry experience, **Andy's expertise will prove beneficial for Stormwater Maintenance and Repairs for the Town of Fort Myers Beach.**

PROJECT EXPERIENCE

LAKES AND ORANGE COUNTY DESILTING

Orange County, FL • \$500,000

Role: Foreman

Description: This project involved vacuum truck desilting services and CCTV inspection services as part of a maintenance contract with FDOT Leesburg. Curb inlets, collection basins, out-falls, and drainpipes were cleaned with high pressure water hose and 12 jet floor sweeper nozzle.

WPM WEST GOODLETTE-FRANK CHEMICAL GROUT REPAIR

Naples, FL • \$125,000

Role: Foreman

Description: Contracted by WPM LLC to seal leaks and excessive gaps at joints found in storm drainpipe. EV coordinated with WPM for dewatering and MOT operation. A vacuum truck was used to desilt storm drainpipe and prepare for CCTV and grout equipment. Chemical grout was used to create a seal around pipe to eliminate infiltration.

THE TOWN OF FORT MYERS BEACH

Fort Myers Beach, FL • \$20,000

Role: Foreman

Description: This project involved the removal of barnacles from outfall and isolation of pipe to clean, inspect, and chemical grout the storm drainpipe. Plugs installed at outfall safely. Drainpipe was cleaned with vacuum truck and inspected with CCTV equipment to determine location of infiltration. Chemical grout was used to create a seal around drainpipe to stop infiltration.

JENSEN UNDERGROUND SILVER HILLS CCTV INSPECTION

Fort Myers, FL • \$27,000

Role: Foreman

Description: Contracted by Jensen Underground to complete the final inspection of storm drainpipe. EV removed barnacles from outfalls to install plugs to isolate system. Turbidity curtain and sediment bags were used to control plum from dewatering drainpipes. Once dewatered, pipes were cleaned with vacuum truck and inspected with CCTV equipment.



CHRIS O'HARA

Vacuum Truck Operator

EXPERIENCE

EV Experience: 1+ year

Vac Truck Experience: 6 years

EDUCATION/CERTIFICATIONS

CDL Class A w/ Tanker

Confined Space
Certification

Maintenance of Traffic
(MOT) Certification



EARTHVIEW

PROFILE

Chris O'Hara will serve as a Vacuum Truck Operator on *RFP #23-03-UT, Stormwater Maintenance and Repairs*. Chris O'Hara leads the Vacuum Truck Operations for Earth View, LLC. (EV) where he drives and operates EV's hydro-excavation truck. Chris is responsible for pipe cleaning and jetting, hazardous waste clean-up and the handling of hazardous materials. Additionally, Chris is responsible for maintaining the Vacuum truck fleet and works directly with EV's in-house mechanics to prioritize preventative maintenance and needed repairs. **With over 6 years of industry experience, Chris will perform quality work on this project.**

PROJECT EXPERIENCE

LAKES AND ORANGE COUNTY DESILTING (ORLANDO FDOT)

Orange County, FL • \$500,000

Description: Earth View provided vacuum truck desilting services and CCTV inspection services as part of maintenance contract with FDOT Leesburg. After pipes were desilted, remote controlled CCTV equipment was used to inspect pipe conditions. Each work directive was completed on time.

COUGAR COMPANIES CORKSCREW PHASE I Estero, FL • \$40,000

Description: Earth View was contracted to desilt storm drainpipe that were newly installed to prepare for CCTV inspection. Curb inlets, catch basins, and drainpipes were cleaned using a vacuum truck and high-pressure water nozzle. CCTV inspection was conducted to verify condition of pipe and recommend repair methods.

CITY OF NAPLES HURRICANE IAN DISASTER RELIEF

Naples, FL • \$285,000

Description: Earth View partnered with the City of Naples to desilt storm drains catch basins, curb inlets, storm boxes, and storm drainpipes after Hurricane Ian. Vacuum trucks were dispatched to high priority areas where large amounts of sand and debris entered the drain system.

JENSEN UNDERGROUND SKY SAIL DEVELOPMENT CCTV INSPECTION

Naples, FL • \$115,000

Description: Earth View was contracted by Jensen Underground to inspect recently installed sanitary sewer pipe to verify pipe meet specifications. EV cleaned sewer pipe with vacuum trucks and conducted CCTV inspections with remote controlled camera equipment. Defects in sanitary pipe were repaired using sag-removal machine and chemical grout. Additional investigation conducted using smoke machine to identify possible areas of infiltration invisible from sanitary main.



NICK CATLIN

CCTV Operator

PROFILE

Nick Catlin will serve as a CCTV Operator on *RFP #23-03-UT, Stormwater Maintenance and Repairs*. Nick is responsible for leak detection and pipe inspection at Earth View, LLC. Using EV's full HD-CCTV inspection system, Nick is able to pinpoint the exact locations of any pipe damage. **With over 10 years of industry experience, Nick's expertise will prove beneficial to this project.**

EXPERIENCE

EV Experience: 2+ years

Industry Experience: 10 years

EDUCATION/CERTIFICATIONS

PACP

Certified in Fundamentals of Municipal Grouting

Confined Space Certification

Trained and Certified in Field Connect Software



EARTHVIEW

PROJECT EXPERIENCE

LAKES AND ORANGE COUNTY DESILTING (ORLANDO FDOT)

Orange County, FL • \$500,000

Description: Earth View provided vacuum truck desilting services and CCTV inspection services as part of a maintenance contract with FDOT Leesburg. After pipes were desilted, remote controlled CCTV equipment was used to inspect pipe conditions.

WPM ESTERO BOULEVARD IMPROVEMENTS PROJECT

Fort Myers Beach, FL • \$175,000

Description: Earth View was contracted to desilt and visually inspect newly constructed storm drainage system along Estero Blvd. Pipe size range from 15" RCP to 42" RCP. Once all silt and debris were removed, EV visually inspected RCP drainpipes with remote controlled CCTV inspection camera. EV also conducted chemical grout repairs to stop water infiltration and seal joint gaps determined, by third party engineer, to be out of tolerance.

JENSEN UNDERGROUND MAPLE RIDGE CCTV INSPECTION

Ave Maria, FL • \$94,000

Description: Earth View was contracted by Jensen Underground to inspect recently installed sanitary sewer pipe to verify pipe meets specifications. EV was also asked to perform a 1-year inspection of sanitary pipe. EV cleaned sewer pipe with vacuum trucks and conducted CCTV inspection with remote controlled camera equipment. Defects in sanitary pipe found and repaired using sag-removal machine.

JENSEN UNDERGROUND SKY SAIL DEVELOPMENT CCTV INSPECTION

Naples, FL • \$115,000

Description: Earth View was contracted by Jensen Underground to inspect recently installed sanitary sewer pipe to verify pipe meet specifications. EV cleaned sewer pipe with vacuum trucks and conducted CCTV inspections with remote controlled camera equipment. Defects in sanitary pipe were repaired using sag-removal machine and chemical grout. Additional investigation conducted using smoke machine to identify possible areas of infiltration invisible from sanitary main.

Town of Fort Myers Beach RFP-23-03-UT

RFP FORM A

Proposer: Earth View, LLC

QUALIFICATIONS STATEMENT

Note: Forms A, B & C are available in WORD format from the Contracts Manager upon request.

***THIS FORM MUST BE SUBMITTED WITH PROPOSAL TO BE
DEEMED RESPONSIVE.***

1. State the full and correct name of the partnership, corporation or trade name under which you do business and the address of the place of business. (If a corporation, state the name of the president and secretary. If a partnership, state the names of all partners. If a trade name, state the names of the individuals who do business under the trade name.)
 - 1.1. The correct and full legal name of the Proposer is: Earth View, LLC
 - 1.2. The business is a (Sole Proprietorship) (Partnership) (Corporation). Sole Proprietorship
 - 1.3. The names of the corporate officers, or partners, or individuals doing business under a trade name, are as follows: Allison Murrell, Howard Murrell Jr., Stacey Murrell
2. Please describe your company in detail. Earth View, LLC is a premier utility locating and trenchless construction company serving both the private and public sectors nationwide. EV provides a wide range of capabilities: from ground penetrating radar to horizontal directional drilling, vacuum excavation, and CCTV pipe inspections.
3. The address of the principal place of business is: 3494 Shearwater Street, Naples, FL 34117
4. Company telephone number and e-mail addresses: 239-434-5200 amurrell@evllc.com, rgilbert@evllc.com
5. Number of employees: 31
6. Name of employees to be assigned to this Project: Randy Gilbert, Eric Blair, Andres Perez, Chris O'Hara, Nick Catlin
7. Company identification numbers for the Internal Revenue Service: 20-1083164
8. Provide Lee County business tax receipt number, if applicable, and expiration date: 2100191
Expires 9/30/2023
9. How many years has your organization been in business? Does your organization have a specialty? 18 years. Earth View specializes in subsurface utility locating, horizontal directional drilling, televising, and vacuum excavation.
10. List the last three projects of this nature that the firm has completed? Please provide project description, reference and contact information and cost of work completed.
 - Matanzas Court - Plugged, dewatered, vacuumed, inspected, and performed chemical grout repair for Fort Myers Beach
Contact: Chris Rowe with Fort Myers Beach | rowe@fmbgov.com | 239-671-2826
Cost: \$20,000
 - Corkscrew Expansion Phase I - EV desilted, inspected, and is currently completing a grout repair based off findings.
Contact: Jeff Barber with Cougar Companies | jeff.barber@cougarcompanies.com | 941-916-5201
Cost: \$40,000
 - 754 Neapolitan Way - EV inspected and completed a grout repair on 42" RCP storm drainpipe for City of Naples.
Contact: Robert Dorta | rdorta@naplesgov.com | 239-213-5117
Cost: \$50,000
11. Have you ever failed to complete any work awarded to you? If so, where and why?

No.

Town of Fort Myers Beach RFP-23-03-UT

12. Provide the following information concerning all contracts that are similar in nature or use the same project team proposed for this project that are **in progress** as of the date of submission of this Proposal for your company, division or unit as appropriate.

Name of Project	Contract with:	Contract Amount	Estimated Completion Date	% of Completion to Date
Lakes and Orange County Desilting	FDOT	\$500,000	12/31/22	90%
Hamilton Avenue	Haskins	\$15,000	11/18/22	90%
Hurricane Ian Disaster Relief	City of Naples	\$285,000	January 2023	75%
Collier County Sports Complex	Jensen Underground	\$30,000	11/30/22	50%

(Continue list as necessary)

13. Provide the following information for any sub-consultants you will engage if awarded the contract.

Subcontractor Name	Address	Work to be Performed
N/A		

The foregoing list of subconsultants may not be amended after award of the contract without the prior written approval of the Town Manager, whose approval shall not be unreasonably withheld.

Town of Fort Myers Beach RFP-23-03-UT

RFP Form BProposer: Earth View, LLC**REFERENCE FORM**

Forms A, B & C are available in WORD format from the Contracts Manager upon request.

***THIS FORM MUST BE SUBMITTED WITH PROPOSAL TO BE
DEEMED RESPONSIVE.***

Give names, addresses and telephone numbers of four individuals, corporations, agencies, or institutions for which you have performed work similar to what is proposed in this RFP:

1. Name of Contact: Robert Dorta
Title of Contact: Stormwater Operations Supervisor, City of Naples Email: rdorta@naplesgov.com
Telephone Number: 239-213-5117 Fax Number: N/A
Project: Various stormwater-related projects - cleaning, inspections, repairs
2. Name of Contact: Mike Daniel
Title of Contact: Director, City of Marco Island Public Works Email: mdaniel@cityofmarcoisland.com
Telephone Number: 239-825-9554 Fax Number: N/A
Project: Storm pipe cleaning & inspection
3. Name of Contact: Kevin Jensen
Title of Contact: Owner, Jensen Underground Email: kevin@jensenunderground.com
Telephone Number: 239-825-1638 Fax Number: N/A
Project: Various storm and sewer projects
4. Name of Contact: Jeff Barber
Title of Contact: Project Manager, Cougar Contracting Email: jeff.barber@cougarcompanies.com
Telephone Number: 941-916-5201 Fax Number: N/A
Project: Corkscrew Expansion Phase I

RFP Form CProposer: Earth View, LLC**PRICE PROPOSAL FORM**

Note: Forms A, B & C are available in WORD format from the Contracts Manager upon request.

***THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL
TO BE DEEMED RESPONSIVE.***Name of Proposer: Earth View, LLCName of authorized representative of Proposer: Allison Murrell, President**Project Cost**

Storm Drain	Linear feet for evaluation purposes only	Price Per Foot	OR Hourly Rate
Televis 10" to 15" Storm Drain	16,000	\$1.50	<u>\$ 250</u> /Hour
Televis 18" to 24" Storm Drain	16,000	\$2.00	<u>\$ 250</u> /Hour
Televis 30" to 42" Storm Drain	16,000	\$3.50	<u>\$ 250</u> /Hour
Clean 10" to 15" Storm Drain	16,000	\$ 4.00	<u>\$ 350</u> /Hour
Clean 18" to 24" Storm Drain	16,000	\$ 6.50	<u>\$ 350</u> /Hour
Clean 30" to 42" Storm Drain	16,000	\$ 8.00	<u>\$ 350</u> /Hour
Total \$408,000	200,000	\$	<u>\$</u> /Hour
Outfall Barnacle Removal	Outfall numbers are for evaluation purposes Only	Price Per Outfall	OR Hourly Rate
Remove Barnacles 30" to 42" Storm Drain	29	\$ 1,500.00	<u>\$ 300</u> /Hour
Remove Barnacles 10" to 29" Storm Drain	30	\$ 1,250.00	<u>\$ 300</u> /Hour
Total \$81,000	59	\$	<u>\$</u> /Hour
Total Project Cost: \$ <u>489,000.00</u>			

Instructions: Show the project cost for each deliverable your firm will provide per the requested

Town of Fort Myers Beach RFP-23-03-UT

scope of work. Include the fees associated with each proposed deliverable.

Fees should be detailed to the extent possible per deliverable.

The Total Unit Price Cost shall include all fees and reimbursements for out of pocket costs. The Town will not reimburse for any costs not actually incurred and paid for by the Proposer and included in its proposal. Reasonable proof thereof will be required.

The Total Unit Price Cost shall include the cost of:

1. Meetings with Town staff to discuss Stormwater Drain repair reports.
2. A written report and a DVD outlining all findings and containing a video recording of all Stormwater Drains.

Payments will be made on each deliverable upon receipt and acceptance by the Town.

Additional Services

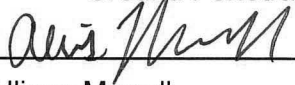
The Town may have the need for additional services, which may be requested over the next 3 years.

If the Proposer is interested in additional work, please provide the hourly rate, linear foot rate and staff positions available. The rates for the additional work will not be used for evaluation of the services required in this RFP.

Additional Work	
<u>Title:</u>	<u>Hourly Rate/Per Linear Foot Rate</u>
Grout Services	\$350.00/Hour
Add rows as necessary	

Ground Penetrating Radar

\$200.00/Hour

By: 

Date: 11/17/2022

Name: Allison Murrell

Title: President

Town of Fort Myers Beach RFP-23-03-UT

RFP FORM D

Proposer: Earth View, LLC

THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL TO BE DEEMED RESPONSIVE. The undersigned guarantees the truth and accuracy of all statements and the answers contained herein.

PROPOSER'S CERTIFICATION

I have carefully examined the Request for Proposal referenced above ("RFP") and any other documents accompanying or made a part of this RFP.

I hereby propose to furnish the goods or services specified in the RFP. I agree that my proposal will remain firm for a period of 120 days in order to allow the Town adequate time to evaluate the proposals.

I certify that all information contained in this proposal, which includes the TOWN required RFP forms A, B, C and D, is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this proposal on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if awarded the contract.

The firm and/or Proposer hereby authorizes the Town of Fort Myers Beach, its staff or consultants, to contact any of the references provided in the proposal and specifically authorizes such references to release, either orally or in writing, any appropriate data with respect to the firm offering this proposal.

I further certify, under oath, that this proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a proposal for the same product or service; no officer, employee or agent of the Town or any other proposer is interested in said proposal; and that the undersigned executed this Proposer's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

If this proposal is selected, I understand that I will be expected to execute the Town's standard professional services agreement, in the form approved by the Town Attorney.

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017 Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. I further certify, under

Town of Fort Myers Beach RFP-23-03-UT

oath, that neither the entity submitting this sworn statement, not to my knowledge, any of its officers, directors, executives, partners, shareholder, employees, members or agents active in the management of the entity has been convicted of a public entity crime subsequent to July 1, 1989.

Earth View, LLC

Name of Business

By: _____

Signature

Allison Murrell, President

Print Name and Title

3494 Shearwater Street

Naples, FL 34117

Mailing Address

EXHIBIT I
FEDERAL CONTRACT PROVISIONS AND ASSURANCES

**Compliance with Federal Law, Regulations, And Executive Orders
and Acknowledgement of Federal Funding**

Certification

This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The contractor will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

If the Contractor subcontracts any of the work required under this Agreement, a copy of the signed subcontract must be available to the County for review and approval. The Contractor agrees to include in the subcontract that (1) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the County and the Grantor Agency harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law. The County may document in the quarterly report the Contractor's progress in performing its work under this agreement.

On behalf of my firm, I acknowledge, the grant requirements identified in this document.

Vendor/Contractor Name Earth View, LLC

Date 11/17/2022

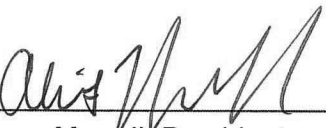
Authorized Signature 
Allison Murrell, President

EXHIBIT I
FEDERAL CONTRACT PROVISIONS AND ASSURANCES

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Collier County, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Earth View, LLC

By: _____

Signature

Allison Murrell, President

Name and Title

3494 Shearwater Street

Street Address

Naples, FL 34117

City, State, Zip

Registered awaiting UEI

UEI Unique Entity Identifier (for SAM.gov verification)

11/17/2022

Date

Sub-Recipient Name: Collier County Board of County Commissioners

DEM Contract Number: TBD

FEMA Project Number: TBD

EXHIBIT I
FEDERAL CONTRACT PROVISIONS AND ASSURANCES

COLLIER COUNTY																					
ANTICIPATED DISADVANTAGED, MINORITY, WOMEN OR VETERAN PARTICIPATION STATEMENT																					
Status will be verified. Unverifiable statuses will require the PRIME to either provide a revised statement or provide source documentation that validates a status.																					
A. PRIME VENDOR/CONTRACTOR INFORMATION																					
PRIME NAME		PRIME FEID NUMBER		CONTRACT DOLLAR AMOUNT																	
Earth View, LLC		20-1083164		\$489,000.00																	
IS THE PRIME A FLORIDA-CERTIFIED DISADVANTAGED, MINORITY OR WOMEN BUSINESS ENTERPRISE? (DBE/MBE/WBE) OR HAVE A SMALL DISADVANTAGED BUSINESS 8A CERTIFICATION FROM THE SMALL BUSINESS ADMINISTRATION? A SERVICE DISABLED VETERAN?		VETERAN Y ☐ N ☒ DBE? Y ☐ N ☒ MBE? Y ☐ N ☒ WBE? Y ☐ N ☒ SDB 8A? Y ☐ N ☒		IS THE ACTIVITY OF THIS CONTRACT... CONSTRUCTION? ☐ Y ☒ N CONSULTATION? Y ☐ N ☒ OTHER? ☐ Y ☒ N																	
IS THIS SUBMISSION A REVISION?		Y ☐ N ☒		IF YES, REVISION NUMBER _____																	
B. IF PRIME HAS SUBCONTRACTOR OR SUPPLIER WHO IS A DISADVANTAGED MINORITY, WOMEN-OWNED, SMALL BUSINESS CONCERN OR SERVICE DISABLED VETERAN, PRIME IS TO COMPLETE THIS NEXT SECTION																					
DBE M/WBE VETERAN	SUBCONTRACTOR OR SUPPLIER NAME	TYPE OF WORK OR SPECIALTY	ETHNICITY CODE (See Below)	SUB/SUPPLIER DOLLAR AMOUNT	PERCENT OF CONTRACT DOLLARS																
	N/A																				
TOTALS																					
C. SECTION TO BE COMPLETED BY PRIME VENDOR/CONTRACTOR																					
NAME OF SUBMITTER		DATE		TITLE OF SUBMITTER																	
Allison Murrell		11/17/2022		President																	
EMAIL ADDRESS OF PRIME (SUBMITTER)		TELEPHONE NUMBER		FAX NUMBER																	
amurrell@evllc.com		239-434-5200		239-435-7202																	
NOTE: This information is used to track and report anticipated DBE or MBE participation in federally-funded contracts. The anticipated DBE or MBE amount is voluntary and will not become part of the contractual terms. This form must be submitted at time of response to a solicitation. If and when awarded a County contract, the prime will be asked to update the information for the grant compliance files.																					
<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>ETHNICITY</th> <th>CODE</th> </tr> </thead> <tbody> <tr><td>Black American</td><td>BA</td></tr> <tr><td>Hispanic American</td><td>HA</td></tr> <tr><td>Native American</td><td>NA</td></tr> <tr><td>Subcont. Asian American</td><td>SAA</td></tr> <tr><td>Asian-Pacific American</td><td>APA</td></tr> <tr><td>Non-Minority Women</td><td>NMW</td></tr> <tr><td>Other: not of any other group listed</td><td>O</td></tr> </tbody> </table>						ETHNICITY	CODE	Black American	BA	Hispanic American	HA	Native American	NA	Subcont. Asian American	SAA	Asian-Pacific American	APA	Non-Minority Women	NMW	Other: not of any other group listed	O
ETHNICITY	CODE																				
Black American	BA																				
Hispanic American	HA																				
Native American	NA																				
Subcont. Asian American	SAA																				
Asian-Pacific American	APA																				
Non-Minority Women	NMW																				
Other: not of any other group listed	O																				
D. SECTION TO BE COMPLETED BY COLLIER COUNTY																					
DEPARTMENT NAME		COLLIER CONTRACT # (IFB/RFP or PO/REQ)		GRANT PROGRAM/CONTRACT																	
ACCEPTED BY:					DATE																

EXHIBIT I
FEDERAL CONTRACT PROVISIONS AND ASSURANCES

LOBBYING CERTIFICATION
(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

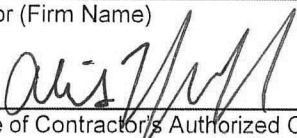
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Earth View, LLC

Contractor (Firm Name)


Signature of Contractor's Authorized Official

Allison Murrell, President

Name and Title of Contractor's Authorized Official

11/17/2022

Date



5 | Experience

PAST EXPERIENCES | EARTH VIEW, LLC

PROJECT DETAILS

PROJECT NAME	LOCATION	CONTACT	VALUE	START DATE	END DATE	DESCRIPTION
Old San Carlos	Fort Myers Beach, FL	Chris Rowe Stormwater Operations Supervisor, Fort Myers Beach 239-671-2826	\$24,000	December 2020	December 2020	EV cleaned and televised storm water pipe that was found to be about 90% blocked on Fort Myers Beach. EV inspected the condition of the pipe to ensure proper water flow.
Buccaneer Drive	Fort Myers Beach, FL	Chris Rowe Stormwater Operations Supervisor, Fort Myers Beach 239-671-2826	\$47,000	December 2021	December 2021	EV was requested to ensure the installation of the storm pipe on Buccaneer Drive was completed per specifications. This project required the implementation of an extensive dewatering plan to isolate the system at the Buccaneer sector. Thus, allowing EV to clean and televise the pipes to identify any defects.
North Estero Boulevard	Fort Myers Beach, FL	Chris Rowe Stormwater Operations Supervisor, Fort Myers Beach 239-671-2826	\$71,000	December 2020	February 2021	EV cleaned and televised an estimated 2 miles of storm pipe along Estero Blvd on the north end of the island. In addition, EV cleaned outfalls and control structures. The project required heavy cleaning due to large amounts of debris found in storm pipe. To effectively clean the pipe, EV utilized our 12-jet floor sweeper nozzle that is capable of flushing the pipe with 80GPM.
Matanzas Court	Fort Myers Beach, FL	Chris Rowe Stormwater Operations Supervisor, Fort Myers Beach 239-671-2826	\$20,000	June 2022	June 2022	Earth View isolated the system with plugs to dewater pipe for cleaning and inspection. After cleaning pipe and completing inspection, chemical grout was used to seal leak in pipe and prevent infiltration.
Estero Boulevard	Fort Myers Beach, FL	Micha Swartz WPM Construction (239) 290-4121	\$175,000	August 2021	August 2021	EV desilted storm drainpipe, curb inlets, and catch basins to visually inspected RCP drainpipes with remote controlled CCTV inspection camera. Joint gap measurements were performed to verify pipe installation was within code tolerance. EV also conducted chemical grout repairs to stop water infiltration and seal joint gaps.
Stormwater Outfall & Seawall Repairs	Naples, FL	Andy Holland Project Manager, City of Naples (239) 290-4121	\$300,000	January 2019	July 2019	Earth View cleaned, videoed, and repaired outfall pipes ranging in size from 24" RCP to 72" RCP.
754 Neapolitan Way	Naples, FL	Robert Dorta Stormwater Operations Supervisor 239-213-5117	\$50,000	November 2022	November 2022	EV used plugs to isolate system and dewater to prepare for cleaning and CCTV inspection. Pipe was cleaned and inspected for any signs of infiltration. Chemical grout was used to seal leaks in several areas inside pipe.
Sky Sail Development	Naples, FL	Kevin Jensen Owner, Jensen Underground 239-825-1638	\$115,000	November 2021	Ongoing	EV was contracted by Jensen Underground to inspect recently installed sanitary sewer pipe to verify pipe meets specifications. EV cleaned sewer pipe with vacuum truck and conducted CCTV inspection with remote controlled camera equipment. Defects in sanitary pipe found were repaired using a sag-removal machine and chemical grout. Additional investigation conducted using a smoke machine to identify possible areas of infiltration invisible from sanitary main.
Corkscrew Expansion Phase I	Estero, FL	Jeff Barber Project Manager 941-916-5201	\$40,000	June 2022	Ongoing	EV was contracted to clean newly installed storm drainpipe and inspect using CCTV equipment. Many of the pipes were 80% + filled with dirt, EV cleaned these pipes removing all of the dirt and preparing for CCTV inspection. Once pipes are inspected, recommendations will be made for chemical grout repair based on defects identified.
Silver Hills	Fort Myers, FL	Kevin Jensen Owner, Jensen Underground 239-825-1638	\$27,000	April 2022	April 2022	Contracted by Jensen Underground to complete final inspection of storm drainpipe. EV removed barnacles from outfalls to install plugs to isolate system. Turbidity curtain and sediment bags used to control plume from dewatering drainpipes. Once dewatered, pipes were cleaned with vacuum truck and inspected with CCTV equipment.
Collier County Sports Complex	Naples, FL	Kevin Jensen Owner, Jensen Underground 239-825-1638	\$30,000	July 2022	Ongoing	EV was contracted to clean newly installed storm drainpipe and inspect using CCTV equipment. All dirt was removed from pipe to prepare for CCTV inspection. Once pipes are inspected, recommendations will be made for chemical grout repair based on defects identified.



ESTERO BOULEVARD IMPROVEMENTS PROJECT

EARTH VIEW CONTRACT VALUE

\$175,000.00

PROJECT DESCRIPTION

Earth View was contracted to desilt and visually inspect newly-constructed storm drainage along Estero Boulevard. Pipe size range from 15" RCP to 42" RCP. EV desilted storm drainpipe, curb inlets, and catch basins. Once all silt and debris was removed, EV visually inspected RCP drainpipes with a remote-controlled CCTV inspection camera. Joint gap measurements were performed to verify pipe installation was within code tolerance. Drainpipes were inspected to verify cleaning, assess conditions, and determine if repairs were necessary. EV also conducted chemical grout repairs to stop water infiltration and seal joint gaps that were determined to be out of tolerance by a third party engineer.

LOCATION

Fort Myers Beach, FL

OWNER & CONTACT

WPM Construction

Contact: Micha Swartz

Email: MSwartz@wpmcivil.com

Phone: (239) 290-4121

START DATE/ COMPLETION DATE

August 2021/ August 2022

KEY PERSONNEL

CCTV Operator: Andres Perez & Nick Catlin, EV

VAC Truck Operator: Chris O'Hara, EV



LAKES AND ORANGE COUNTY DESILTING (ORLANDO FDOT)

EARTH VIEW CONTRACT VALUE

\$500,000.00

PROJECT DESCRIPTION

Earth View maintains an annual contract with Orlando FDOT where, work directives are assigned with specified areas to clean and inspect storm drainpipes. Pipe size ranged from 15" RCP to 48" RCP. EV desilted storm drainpipe, curb inlets, and catch basins in areas specified by the work directive. Once all silt and debris were removed, EV visually inspected RCP drainpipes with a remote-controlled CCTV inspection camera. Drainpipes were inspected to verify cleaning and assess conditions to determine if repairs were necessary. After completing each work directive, EV would supply video footage and daily reports of work completed.

LOCATION

Lake County, FL
Orange County, FL

OWNER & CONTACT

Leesburg FDOT

Contact: Rebecca Vigor

Email: Rebecca.Vigor@dot.state.fl.us

Phone: (352) 630-3601

START DATE/ COMPLETION DATE

February 2022/ December 2022

KEY PERSONNEL

CCTV Operator: Andres Perez & Nick Catlin, EV

VAC Truck Operator: Chris O'Hara, EV



CITY OF NAPLES HURRICANE IAN DISASTER RELIEF

EARTH VIEW CONTRACT VALUE

\$285,000.00

PROJECT DESCRIPTION

Following Hurricane Ian, **Earth View, LLC** partnered with the City of Naples to desilt storm drain catch basins, curb inlets, storm boxes, and storm drainpipes. Vacuum trucks were dispatched to high priority areas, where large amounts of sand and debris entered the drain system, to prevent flooding. EV also assisted in draining sanitary lift stations which were surcharged due to lack of power. Disaster relief work is ongoing.

LOCATION
City of Naples

OWNER & CONTACT
Contact: Robert Dorta
Email: rdorta@naplesgov.com
Phone: (239) 213-5117

START DATE/ COMPLETION DATE
September 2022 - Ongoing

KEY PERSONNEL
VAC Truck Operators: Chris O'Hara
& Kareen Battle, EV



6 | Approach to Providing Services

APPROACH TO PROVIDING SERVICES | INNOVATIVE PROJECT APPROACHES

TECHNICAL APPROACH & WORK PLAN

Earth View, LLC has a highly experienced, well-qualified staff and the latest trenchless technology to perform the Video Storm Sewer Inspections for the Town of Fort Myers Beach.

The following is EV's plan to achieve the requirements for *RFP #23-03-UT, Stormwater Maintenance and Repairs*:

Earth View's Operations Manager will schedule an initial meeting with the Town of Fort Myers Beach to review plans, maps and details for the requested area of work. During this meeting EV will also address the Town's concerns such as Maintenance of Traffic (MOT) for highly traveled areas. Upon addressing these concerns, EV will organize and schedule all work to be performed.

Upon arrival to the project site, EV will inspect the area. If the system is flooded, EV will dewater the pipeline by plugging the upstream manhole and plugging/installing a pump at the downstream manhole. All work will adhere to the highest safety standards, including MOT.

The cleaning process will then commence using vacuum excavation after the section is dewatered; the cleaning process will remove any and all loose debris from the lines for a clear view of the interior of the line during the telespection process. The section will then be televised using the RCA 4.0 full color HD pan and tilt camera system. This system will locate any defects in the line segment such as cracked pipe, off set joints, separated joints, structural defects, crushed pipe and any other defects which will be reported on the telespection form by EV crews. The report will identify the line segment number, line size, line length and specific locations and description of any defects. EV will then restore the section of pipe to the original flow capacity post inspection.

Additionally, manholes and inlets will be visually inspected by EV crews. The report will include: manhole number, type, length, depth, size, flow direction, construction material/condition, evidence of leaks and their location, and any debris found. EV is also prepared to clean barnacles from designated pipe outfalls extending 10 feet upstream from the outfall outlet point upon request. Barnacles are removed utilizing a high-pressure water gun and scrapping tools. Earth View's crew members access the pipe from the water and effectively clean the interior and exterior of each pipe. If repairs are needed, EV can provide a recommended repair method, estimate, and self-perform the repair.

Upon completion of the inspection, all daily reports, telespection logs/ video recordings, and manhole/inlet reports will then be reviewed to initiate a final report of findings. These findings may also include any observed sink holes or other visual defects above ground. The Town will be provided with copies of all findings/ reports and all work will be performed to the highest degree in order to meet the satisfaction of the Town's representative.

TV & STORM CLEANING EQUIPMENT			
MAKE	MODEL	YEAR OF MANUFACTURE	OWNERSHIP
RCA 4.0 Full Color HD CCTV	RCA 4.0, Sprinter Van	2020	Own
Metrotech Vivax CCTV	Vivax	2016	Own
Kenworth Vactor Vacuum Truck	T880	2017	Own
(4) Dragon 130BBL Vacuum Excavation	130 BBL	2019	Own
Peterbilt GapVax Vacuum Truck	348	2020	Own
Kenworth Vactor Vacuum Truck	T880	2022	Own
Dodge Ram Grout Truck	5500	2021	Own
(2) RCA 4.0 Full Color HD CCTV	RCA 4.0, Sprinter Van	2021	Own

METHOD OF ENSURING RESPONSIVENESS

Frequent and effective communication will be critical during all projects under RFP #23-03-UT, *Stormwater Maintenance and Repairs*.

COMMUNICATION NEEDS INCLUDE:

- Internal coordination between Earth View team members using Vista by Viewpoint applications
- External coordination between Earth View and the Town of Fort Myers Beach

Earth View, LLC has successfully worked in the local area for 18+ years and is respected for their provision of superior services. **The team has developed a strong working relationship with their customers.**

Earth View's Operations Manager, Randy Gilbert, will coordinate with the Town of Fort Myers Beach to schedule Stormwater Maintenance and Repair work to ensure that all projects are completed **on time, within budget, and at high levels of quality.**

The Town of Fort Myers Beach can be confident in EV's response time, as:

- EV's office is local, which will result in prompt equipment mobilization and allow key personnel to perform regular site visits.
- Progress meetings will be conducted, and schedules will be updated as requested by the Town.
- The Town will be provided with a 24-hour phone number for immediate access.

TROUBLESHOOTING, PROBLEM SOLVING TECHNIQUES & RFI'S

Earth View, LLC will mitigate and resolve any issues immediately. The following **Escalation Approach to Problem Solving** is in accordance with RFP requirements:

01

All issues should be attempted to be resolved in the field without involvement from outside sources.

02

If an issue is unable to be resolved in the field, the matter will be escalated to the EV Operations Manager.

03

The Town will be notified of any issues that arise to ensure a quick and timely resolution.

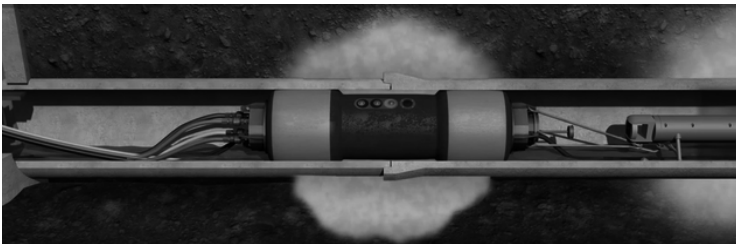


CHEMICAL GROUTING | EFFECTIVE AND LONG-LASTING TECHNIQUE

Earth View is continuously researching to stay ahead of the curve and if there's an opportunity to better serve our customers, then we're ready to take on the challenge. That's why Earth View recently added **chemical grouting** to our services.

Chemical grouting is an effective and long-lasting technique used to stop groundwater infiltration into sewer collection systems.

For our grouting services, Earth View uses **PR10L ACLM**, a super low viscosity acrylamide grout that yields a gel upon reaction. The grout solution is as thin as water, allowing PR10 to follow infiltrating water for sealing leaks or to deeply penetrate soils for soil stabilization. The gel time is adjustable from a few seconds to several hours. The cured grout provides an economical water barrier or soil stabilizer.



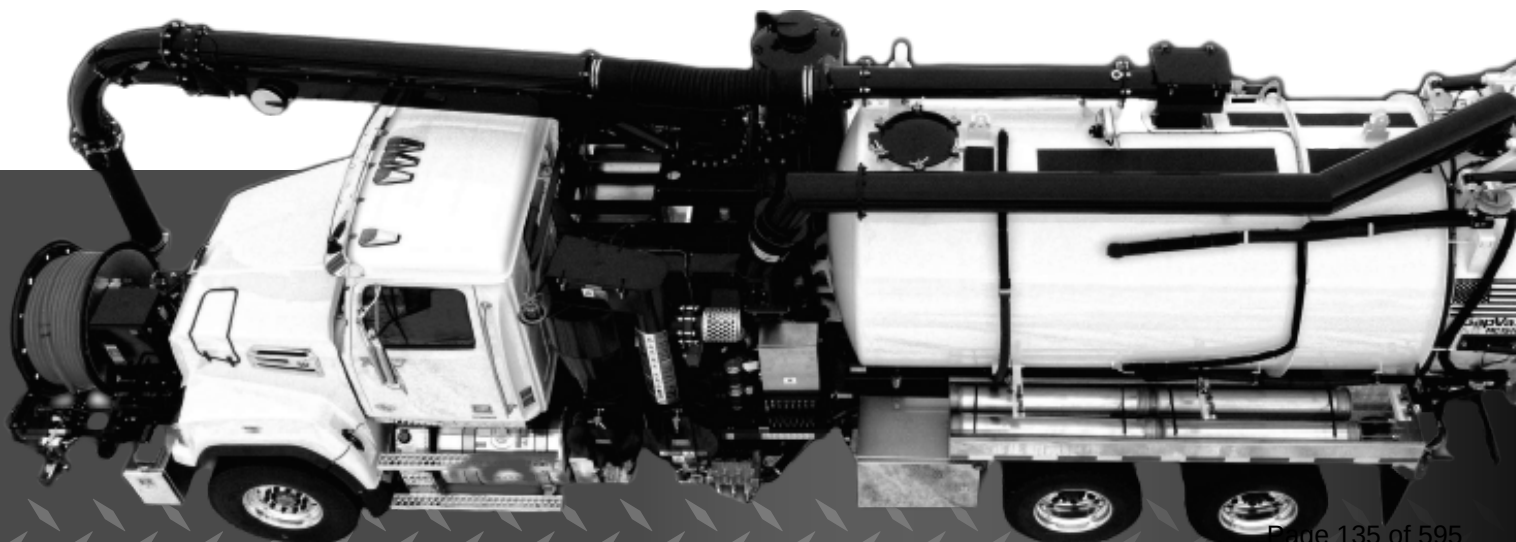
Advantages of PR10L ACLM:

- Super thin liquid follows infiltration
- Can be injected through remote packer equipment
- Will not undergo syneresis
- Reaction times adjustable from seconds to hours
- Higher strength compared to acrylates
- Greater longevity compared to silicates
- No suspended solids



INDUSTRY-LEADING VACUUM TRUCKS | GAPVAX MC SERIES

In 2022, Earth View invested in a **GapVax MC Series Combination Vacuum Truck**, the industry-leading machine for catch basin cleaning, hydro excavating, and sewer cleaning.





Earth View, LLC Heavy Equipment - November 2022

Equipment Code	Description	Make	Model	Year	Ownership
01-001	CAT 304ERC Excavator	CAT	304ERC	2013	Own
01-002	CAT 304ERC Excavator	CAT	304ERC	2013	Own
01-005	CAT 308ERC Excavator	CAT	308ERC	2013	Own
01-021	VOLVO 180 Ruber Tire Excavator	Volvo	EW180	2005	Own
01-022	Volvo ECR58D Excavator	Volvo	ECR58D	2014	Own
01-023	Volvo ECR88D Excavator	Volvo	ECR88D	2013	Own
01-025	ECR58D Excavator	Volvo	ECR58D	2014	Own
01-026	CAT 336EL Excavator	CAT	CAT336EL	2014	Own
01-029	ECR58D Compact Excavator	Volvo	ECR58D	2014	Own
01-030	349FL Hydraulic Excavator	CAT	349FL	2014	Own
01-033	CAT 321DLCR Hydraulic Excavator	CAT	321DLCR	2014	Own
01-034	CAT 328DLCR Hydraulic Excavator	CAT	328DLCR	2014	Own
01-035	CAT 335FLCR Hydraulic Excavator	CAT	335FLCR	2015	Own
01-036	Volvo ECR88D Excavator	Volvo	ECR88D	2014	Own
01-037	Volvo ECR58D Excavator	Volvo	ECR58D	2015	Own
01-038	Kubota KX057 Excavator	Kubota	KX057-4R3A	2015	Own
01-039	ECR235EL Crawler Excavator	Volvo	ECR235EL	2015	Own
01-040	CAT 326FL Super Long Reach Excavator	CAT	CAT326FL	2015	Own
01-041	Volvo ECR88D Excavator	Volvo	ECR88D	2016	Own
01-042	CAT 315FLCR Excavator	CAT	315FLCR	2017	Own
01-043	Volvo ECR88D Excavator	Volvo	ECR88D	2016	Own
01-044	Volvo ECR88D Excavator	Volvo	ECR88D	2016	Own
01-045	CAT 336FL Excavator	CAT	CAT 336FL	2018	Own
01-046	CAT 335FLCR Hydraulic Excavator	CAT	CAT 335FLCR	2018	Own
01-047	CAT 335FLCR Hydraulic Excavator	CAT	CAT 335FLCR	2018	Own
01-048	CAT 325FLCR Track Excavator	CAT	CAT 325FLCR	2018	Own
01-049	CAT 323 Hydraulic Excavator	CAT	CAT 323	2018	Own
01-050	CAT 335FLCR Compact Excavator	CAT	CAT 335FLCR	2018	Own
01-051	Kubota KX080 Excavator	Kubota	KX080-4SR3	2018	Own
01-052	Kubota KX080 Excavator	Kubota	KX080-4SR3	2018	Own
01-053	CAT 330F Hydraulic Excavator	CAT	330F	2019	Own
01-054	CAT 335FLCR Excavator	CAT	335FLCR	2019	Own
01-055	Kubota KX080 Excavator	Kubota	KX080-4SR3A	2019	Own
01-056	CAT 323 Hydraulic Excavator	CAT	323-07	2019	Own
01-057	CAT 336 Hydraulic Excavator	CAT	336-07	2019	Own



Earth View, LLC Heavy Equipment - November 2022

Equipment Code	Description	Make	Model	Year	Ownership
02-001	CAT 906 Loader	CAT	906H2	2013	Own
02-002	CAT 906 Loader	CAT	906H2	2013	Own
02-007	JD4120 Farm Tractor	John Deere	JD4120	2012	Own
02-016	Volvo L70E Loader	Volvo	L70E	2006	Own
02-017	CAT 930 Loader	CAT	930K	2013	Own
02-018	Volvo L70 Loader	Volvo	L70G	2013	Own
02-020	Volvo L30GS Loader	Volvo	L30GS	2014	Own
02-021	Volvo L70G Wheel Loader	Volvo	L70G	2014	Own
02-022	Volvo L30GS Loader	Volvo	L30GS	2014	Own
02-025	Volvo L30GS Loader	Volvo	L30GS	2014	Own
02-026	CAT 938 Loader	CAT	938	2014	Own
02-028	CAT 938K Wheel Loader	CAT	938K	2014	Own
02-029	CAT 938K Wheel Loader	CAT	938K	2014	Own
02-031	Volvo L120H Wheel Loader	Volvo	L120H	2014	Own
02-032	CAT 938K Wheel Loader	CAT	938K	2015	Own
02-033	Volvo L30GS Loader	Volvo	L30GS	2017	Own
02-034	Volvo L30GS Loader	Volvo	L30GS	2017	Own
02-035	CAT 980M Wheel Loader	CAT	980M	2018	Own
02-036	CAT 938M Wheel Loader	CAT	938M	2018	Own
02-037	CAT 938M Wheel Loader	CAT	938M	2018	Own
02-038	Volvo L30GS Wheel Loader	Volvo	L30GS	2018	Own
02-039	Volvo L30GS Wheel Loader	Volvo	L30GS	2018	Own
02-040	CAT 962M Wheel Loader	CAT	962M	2019	Own
02-041	CAT 962M Wheel Loader	CAT	962M	2019	Own
02-042	CAT 982M Wheel Loader	CAT	982M	2018	Own
02-043	Kubota SVL95 Skid Steer	Kubota	SVL95-2SHFC	2018	Own
02-044	Kubota SVL95 Skid Steer	Kubota	SVL95-2SHFC	2018	Own
02-045	CAT 950GC Wheel Loader	CAT	950GC	2019	Own
02-046	Kubota SVL95 Skid Steer	Kubota	SVL95-2SHFC	2019	Own
02-047	Kubota SVL95 Skid Steer	Kubota	SVL95-2SHFC	2019	Own
02-048	CAT 918 Wheel Loader	CAT	918 M	2018	Own
02-049	Kubota SVL95 Skid Steer	Kubota	SVL95-2SHFC	2020	Own
02-050	Kubota SVL95 Skid Steer	Kubota	SVL95-2SHFC	2020	Own
03-005	CAT D6NLGP Dozer	CAT	D6NLGP	2016	Own
03-006	CAT D6KLGP Dozer	CAT	D6KLGP	2017	Own
03-007	CAT D6NLGP Dozer	CAT	D6NLGP	2018	Own
03-008	CAT D6NLGP Dozer	CAT	D6NLGP	2018	Own
04-001	CAT 12 Motor Grader	CAT	12HNA	2005	Own



Earth View, LLC Heavy Equipment - November 2022

Equipment Code	Description	Make	Model	Year	Ownership
04-003	CAT 12M3 Motor Grader	CAT	12M3	2015	Own
05-002	Bomag Vibratory Roller	Bomag	BW213-D	2005	Own
05-008	Hypac 9 Wheel Roller	Hypac	C-530AH	2002	Own
05-009	Bomag 138 Roller	Bomag	138	2014	Own
05-010	Bomag 211D Roller	Bomag	211D	2014	Own
05-011	CAT CS54B Vibratory Compactor Roller	CAT	CS54B	2016	Own
05-012	CAT CS54B Vibratory Compactor Roller	CAT	CS54B	2016	Own
05-013	CAT CB22B Asphalt Compactor Roller	CAT	CB22B	2017	Own
05-014	CAT CB22B Asphalt Compactor Roller	CAT	CB22B	2017	Own
05-015	CAT CW34 Pneumatic Tire Compactor	CAT	CW34	2018	Own
05-016	CAT CB13 Double Drum Asphalt Roller	CAT	CB13	2018	Own
05-017	CAT CB10 Asphalt Compactor	CAT	CB10	2018	Own
05-018	HAMM Tandem Roller	Linder	HAMM	2018	Own
05-019	HAMM H13i VIO Roller	Hamm	H13i VIO	2018	Own
06-002	Manitowoc Crawler Crane	Manitowac		2009	Own
06-003	Mantis Crawler Crane	Mantis	GTC1200	2015	Own
06-050	Ice Vibratory Hammer Power Unit	ICE	44B	2014	Own
07-001	CAT 745 Articulated Off Road Truck	CAT	745	2019	Own
08-001	Ditch Witch JT100 Drill	Ditch Witch	JT100	2016	Own
08-002	American Auger DD-440T Track-Mounted Directional Drill	American Auger	DD-440T	2018	Own
09-001	Grundoram Pipe Ramming System	Grundoram		2016	Own
09-002	618 Fusing Machine	McElroy	618	2016	Own
09-003	Grundomat Piercing Tool	Grundomat		2017	Own
09-004	12"-36" T900 Fusing Machine	McElroy	T900	2018	Own
09-005	16"- 48" T1200 Fusing Machine	McElroy	T1200	2020	Own
12-003	Toro 36" Walk-Behind Broom	Toro		2014	Own
12-004	Broce CT350 Broom Tractor	Broce	CT350	2015	Own
12-005	Massey Ferguson Broom	Ferguson	4608	2015	Own
12-006	Massey Ferguson Broom Tractor	Ferguson	MF4607M	2015	Own
13-001	Skyjack Scissor Lift	Skyjack	SJ3220	1997	Own
13-003	JLG 80' Manlift	JLG	800AJ	2006	Own
20-007	Doosan 185 Air Compressor	Doosan	CL185WKUB-EX-T2	2013	Own
21-001	CAT 25 Forklift	CAT	GC25	1997	Own
21-003	CAT 50 Forklift	CAT	P5000D	2004	Own
21-005	CAT 560 Telehandler Forklift	CAT	TH5560B	2004	Own
22-001	4000 Watt Towable Light Tower	Wacker Neuson	MLTDA7	2005	Own
22-003	4000 Watt Towable Light Tower	Wacker Neuson	LTN6K	2014	Own



Earth View, LLC Heavy Equipment - November 2022

Equipment Code	Description	Make	Model	Year	Ownership
22-004	4000 Watt Towable Light Tower	Wacker Neuson	LTN6K	2014	Own
22-005	4000 Watt Towable Light Tower	Wacker Neuson	LTV6K	2017	Own
22-006	4000 Watt Towable Light Tower	Wacker Neuson	LTV6K	2017	Own
25-019	P-750 Mud Pump	American Auger	P-750	2018	Own
25-020	Godwin 6" Dri-Prime Diesel Pump	Godwin	CD150S	2020	Own
33-002	Kubota Utility Vehicle	Kubota	RTV-X112 0DWL-HS	2014	Own
33-003	Gravely 250 Z-Turn Lawn Mower	Gravely	260	2014	Own
33-009	Gravely Z-Turn Lawn Mower	Gravely	PRO TURN 252	2012	Own
34-029	Tommy Silt Fence Machine	Tommy	N/A		Own
35-005	Curb-Tec Concrete Curb Machine	Curb-Tec	CT3000C	2004	Own
35-006	MQ Super Screed	MQ	WRS-3200	2007	Own
35-007	Gomaco Work Bridge Machine	Gomaco	4000 SERIES/ SPAINT	2006	Own
35-008	MQ 8HP Concrete Finisher	MQ	B-4-8H		Own
35-009	MQ 8HP Concrete Finisher	MQ	B-4-8H		Own
35-010	Multi Quip Finishing Machine	Multiquip	BA4-8H	2006	Own
35-016	Powerscreen MGLEX1 Handyscreen	Powerscreen	MGLEX1	2014	Own
35-017	Terex-Bidwell 4800 Bridge Deck Paver	Terex-Bidwell	4800	2015	Own
35-018	Metso LT1213 Lokotrack Crusher	Metso	LT1213	2018	Own
35-019	Metso Lokotrack Mobile Screener	Metso	ST3.8	2018	Own
35-020	Metso LT1213S Lokotrack Crusher	Metso	LT1213s	2018	Own
35-021	Sandvik Screener	Sandvik	QE441	2018	Own
35-022	Powerscreen M85 Stacker/Conveyor - 65'	Powerscreen	M85	2010	Own
35-023	McCloskey ST80T Track Stacker/Conveyor - 80'	McCloskey	ST80T	2019	Own
35-024	Sandvik Screener	Sandvik	QA441	2019	Own
35-025	Powerscreen MGLEX1 Screen	Powerscreen	MGLEX1	2016	Own
35-026	Superior 36"x18' Coarse Material Washer	Mellott		2019	Own
38-001	Blaw-Knox Hot Tack Wagon	Blaw-Knox	HT-540	2002	Own
38-002	Protec 8800 Asphalt Paver	Protec	8800	2013	Own
38-003	Wirtgen W150 Milling Machine	Wirtgen	W150	2012	Own
38-004	CAT 1055F Asphalt Paver	CAT	AP1055F	2018	Own
38-005	Weiler E2850A Shuttle Buggy	Weiler	E2850A	2018	Own
38-006	Weiler P385B Asphalt Paver	Weiler	P385B	2019	Own
38-007	Wirtgen W200i Milling Machine	Wirtgen	W200i	2018	Own
38-008	Weiler P385B Asphalt Paver	Weiler	P385 B	2019	Own
39-008	Hopper Barge	Hopper	20'	2014	Own
39-009	Hopper Barge	Hopper	20'	2014	Own



Earth View, LLC Heavy Equipment - November 2022

Equipment Code	Description	Make	Model	Year	Ownership
40-005	Oquawka Flat Bottom Boat	Oquawka	1660	2009	Own
40-007	Premier Pontoon Boat	Premier	VA-7911BA	2003	Own
40-009	ENVIR- PUSH BOAT	MADISON BOAT & BARGE	PUSH BOAT	2020	Own
90-060	Metrotech Vivax CCTV	Metrotech	Vivax	2016	Own
90-061	(3) RCA 4.0 Full HD CCTV	Rausch	RCA 4.0	2020/2021	Own
92-004	Ford F-750 Water Truck	Ford	F-750	2007	Own
92-006	Ford F-750 Water Truck	Ford	F-750	2007	Own
92-008	Ford F-750 Dump Truck	Ford	F-750	2007	Own
92-009	Ford F-750 Water Truck	Ford	F-750	2007	Own
92-010	Sterling Acterra Water Truck	Sterling	Water Truck	2008	Own
92-011	Kenworth T370 Truck	Kenworth	Mechanic Truck	2016	Own
92-012	Kenworth T370 Lube Truck	Kenworth	Fuel & Lube Truck	2018	Own
92-013	Ford F-650 Truck	Ford	F-650	2017	Own
92-014	Kenworth T370 Etnyre Centennial Tack Truck	Kenworth	Etnyre Centennial	2018	Own
92-015	Kenworth T370 Mechanics Truck	Kenworth	T370	2019	Own
92-016	Kenworth T370 Mechanics Truck	Kenworth	T370	2019	Own
92-017	Kenworth T370 Maintainer Mechanics Truck	Kenworth	T370	2020	Own
92-018	Kenworth T370 SWP Fuel & Lube Truck	Kenworth	T370	2020	Own
93-004	Mack Tractor	Mack	CHU613	2008	Own
93-010	Mack Service Fuel Truck	Mack	CV713 Granite	2006	Own
93-011	Kenworth T880 Tractor	Kenworth	T880	2016	Own
93-012	Kenworth T880 Dump Truck	Kenworth	T880	2016	Own
93-013	Kenworth T880 Dump Truck	Kenworth	T880	2016	Own
93-014	Kenworth T880 Dump Truck	Kenworth	T880	2016	Own
93-015	Kenworth T470 Boom Truck	Kenworth	T470	2013	Own
93-016	Vactor Vacuum Truck	Kenworth	T880	2017	Own
93-017	Kenworth T880 Dump Truck	Kenworth	T880	2018	Own
93-018	Kenworth T880 Dump Truck	Kenworth	T880	2018	Own
93-019	Kenworth T880 Tractor	Kenworth	T880	2018	Own
93-020	Kenworth T880 Tractor	Kenworth	T880	2020	Own
93-021	Kenworth T880 Dump Truck	Kenworth	T880	2020	Own
93-022	Kenworth T880 Dump Truck	Kenworth	T880	2020	Own
93-023	Kenworth T880 Tractor	Kenworth	T880	2020	Own
93-024	Kenworth Concrete Mixer Truck	Kenworth / Holcombe	T880	2020	Own



Earth View, LLC Heavy Equipment - November 2022

Equipment Code	Description	Make	Model	Year	Ownership
93-029	Vactor Vacuum Truck	Vactor	T880	2022	Own
93-040	Peterbilt GapVax Vacuum Truck	Peterbilt	348	2020	Own
95-001	Office Trailer 40'x10'	Office		2007	Own
95-006	Freuehauf Storage Trailer	Freuehauf	Retro Trl#6	1987	Own
95-007	Freuehauf Storage Trailer	Freuehauf	Retro Trl#7	1987	Own
95-008	Freuehauf Storage Trailer	Freuehauf	Retro Trl#8	1987	Own
95-009	Dorsey Storage Trailer	Dorsey	Box Storage Trailer	1990	Own
95-012	Wells Cargo Trailer	Wells	MC162-7 ME	2009	Own
95-021	Performance Utility Trailer	Performance	6X12 PUT612E	2003	Own
95-023	Etnyre Lowboy Trailer	Etnyre	PRTN55TD3	2005	Own
95-024	Vac-Tron System Trailer	Vac-Tron	PMD850SDT	2005	Own
95-027	Texas Pride Dump Trailer	Texas Pride	DT71414KBP	2013	Own
95-028	Texas Pride Dump Trailer	Texas Pride	DT71414KBP	2013	Own
95-029	Texas Pride Lowboy Trailer	Texas Pride	FT835530KGN	2014	Own
95-032	Texas Pride Trailer	Texas Pride	Bumper Pull Dump Trl	2014	Own
95-033	Texas Pride Trailer	Texas Pride	Goose Neck Dump Trl	2014	Own
95-036	10 Ton Gooseneck Tilt Trailer	Econoline	10 Ton	2014	Own
95-041	500 Gallon Wylie Water Wagon	Wylie	EXP500LS	2014	Own
95-048	800 Gallon Wylie Water Wagon	Wylie	EXP-800-S	2015	Own
95-050	Doonan Trailer	Doonan	50' x 102'	2006	Own
95-051	Landoll Trailer	Landoll	440A-53	2016	Own
95-056	Superline Mud Mixer Trailer	Superline		2012	Own
95-057	Bloomer Gooseneck Trailer	Bloomer	BSTKGS207	2016	Own
95-058	Eager Beaver Trailer	Eager Beaver	30'	2017	Own
95-067	Ameritrail Mud Recycling Trailer	Ameritrail	GN27-30EHJ	2017	Own
95-068	Big Tex 20' Dump Trailer	Big Tex	20'	2018	Own
95-069	Big Tex 18' Dump Trailer	Big Tex	18'	2017	Own
95-070	Big Tex 20' Dump Trailer	Big Tex	20'	2018	Own
95-071	Fontaine Step Deck Trailer	Fontaine	50'	2019	Own
95-072	Fontaine Step Deck Trailer	Fontaine	50'	2019	Own
95-073	Fontaine Step Deck Trailer	Fontaine	50'	2019	Own
95-074	Fontaine Step Deck Trailer	Fontaine	50'	2019	Own
95-075	Fontaine Step Deck Trailer	Fontaine	50'	2019	Own
95-076	Fontaine Step Deck Trailer	Fontaine	50'	2019	Own



Earth View, LLC Heavy Equipment - November 2022

Equipment Code	Description	Make	Model	Year	Ownership
95-077	Trail King Lowboy Trailer	Trail King	50'	2019	Own
95-078	American Auger MCD-1000 Drilling Fluid Cleaning System	American Auger	MCD-1000	2018	Own
95-079	Dragon 130BBL Vacuum Excavation	Dragon Products, LLC	130BBL	2019	Own
95-080	Dragon 130BBL Vacuum Excavation	Dragon Products, LLC	130BBL	2019	Own
95-081	Trail King Lowboy Trailer	Trail King	TK110HDG	2018	Own
95-082	CAT 613B Water Wagon	CAT	613B	1979	Own
95-083	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-084	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-085	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-086	Big Tex Covered Wagon for Stripping	Big Tex Covered Wago	CWG85X18T A	2019	Own
95-087	Nexa Aldura Trailer	Aldura	45'	2019	Own
95-088	Nexa Aldura Trailer	Aldura	45'	2019	Own
95-089	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-090	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-091	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-092	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-093	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-094	Fontaine Step Deck Trailer	Fontaine	50'	2020	Own
95-095	Dragon 130BBL Tanker Trailer	Dragon Products	130BBL	2020	Own
95-096	Dragon 130BBL Tanker Trailer	Dragon Products	130BBL	2020	Own
95-098	PL6000 Receiving Trailer for Buoyancy Pipe	Spool Trailer	PL6000	2020	Own
95-101	Florida Utility Trailer	Manac		2022	Own



7 | Compensation

RFP Form CProposer: Earth View, LLC**PRICE PROPOSAL FORM**

Note: Forms A, B & C are available in WORD format from the Contracts Manager upon request.

***THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL
TO BE DEEMED RESPONSIVE.***Name of Proposer: Earth View, LLCName of authorized representative of Proposer: Allison Murrell, President**Project Cost**

Storm Drain	Linear feet for evaluation purposes only	Price Per Foot	OR Hourly Rate
Televis 10" to 15" Storm Drain	16,000	\$1.50	\$ <u>250</u> /Hour
Televis 18" to 24" Storm Drain	16,000	\$2.00	\$ <u>250</u> /Hour
Televis 30" to 42" Storm Drain	16,000	\$3.50	\$ <u>250</u> /Hour
Clean 10" to 15" Storm Drain	16,000	\$ 4.00	\$ <u>350</u> /Hour
Clean 18" to 24" Storm Drain	16,000	\$ 6.50	\$ <u>350</u> /Hour
Clean 30" to 42" Storm Drain	16,000	\$ 8.00	\$ <u>350</u> /Hour
Total 408,000.00	200,000	\$	\$ ____/Hour
Outfall Barnacle Removal	Outfall numbers are for evaluation purposes Only	Price Per Outfall	OR Hourly Rate
Remove Barnacles 30" to 42" Storm Drain	29	\$ 1,500.00	\$ <u>300</u> /Hour
Remove Barnacles 10"to 29"" Storm Drain	30	\$ 1,250.00	\$ <u>300</u> /Hour
Total 81,000.00	59	\$	\$ ____/Hour
Total Project Cost: \$ <u>489,000.00</u>			

Instructions: Show the project cost for each deliverable your firm will provide per the requested

Town of Fort Myers Beach RFP-23-03-UT

scope of work. Include the fees associated with each proposed deliverable.

Fees should be detailed to the extent possible per deliverable.

The Total Unit Price Cost shall include all fees and reimbursements for out of pocket costs. The Town will not reimburse for any costs not actually incurred and paid for by the Proposer and included in its proposal. Reasonable proof thereof will be required.

The Total Unit Price Cost shall include the cost of:

1. Meetings with Town staff to discuss Stormwater Drain repair reports.
2. A written report and a DVD outlining all findings and containing a video recording of all Stormwater Drains.

Payments will be made on each deliverable upon receipt and acceptance by the Town.

Additional Services

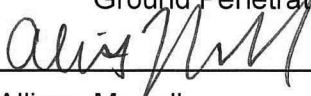
The Town may have the need for additional services, which may be requested over the next 3 years.

If the Proposer is interested in additional work, please provide the hourly rate, linear foot rate and staff positions available. The rates for the additional work will not be used for evaluation of the services required in this RFP.

Additional Work	
<u>Title:</u>	<u>Hourly Rate/Per Linear Foot Rate</u>
Grout Services	\$350.00/Hour
Add rows as necessary	

Ground Penetrating Radar

\$200.00/Hour

By: 

Date: 11/17/2022

Name: Allison Murrell

Title: President



8 | Additional Information



PR10L ACLM

Acrylamide

www.primeresins.com



Our Background



Pioneered the use of polyurethane resins for sealing cracks in concrete and helped build that market.



The first to package polyurethane grouts in an easy-to-use Quick-Mix cartridge system over 30 years ago.

The Prime Resins Difference

Prime Resins is a leading manufacturer of chemical grouts, foams, adhesives and coatings for infrastructure repair & protection. We provide solutions for problems in leak sealing, soil stabilization, slab lifting, structural repair and coatings/secondary containment.

What sets us apart?



Technical expertise: We were the first in our field to offer 24/7 technical support.



Turnaround time: We have the fastest turnaround in the industry. Many shipments go out same business day as the order.



Training: We provide on-site training, application assistance, project consultations, and training seminars at our Head Quarters.



Great value: We offer the best combination of product performance, expertise, and experience.



Solutions focus: We work as partners with our clients to determine causes and to find remedies for your challenges. We are available before and after a purchase to answer questions and support our clients. This approach is in the DNA of the company.

Solutions for Sealing Manhole Leaks



PR10L ACLM is a super low viscosity acrylamide grout that yields a gel upon reaction. The grout solution is as thin as water, allowing PR10 to follow infiltrating water for sealing leaks or to deeply penetrate soils for soil stabilization. The gel time is adjustable from a few seconds to several hours. The cured grout provides an economical water barrier or soil stabilizer.

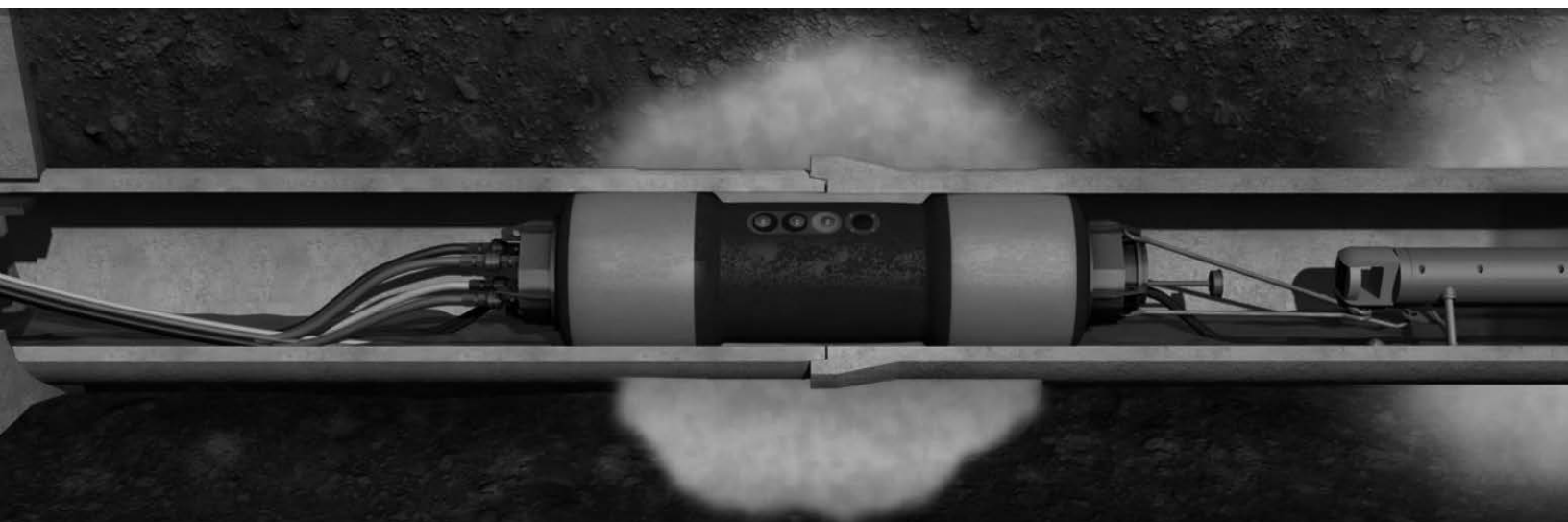
About PR10 ACLM:

Typical Areas of Use

- Seal leaks in sanitary and storm water mainlines, pipe penetrations, laterals, lift stations and manholes. Stops leaks in tunnels and mines.
- Soil stabilization for slough control, slope control, erosion mitigation and other geotechnical applications.

Advantages

- Super thin liquid follows infiltration
- Can be injected through remote packer equipment
- Will not undergo syneresis
- Reaction times adjustable from seconds to hours
- Higher strength compared to acrylates
- Greater longevity compared to silicates
- No suspended solids



GAPVAX **MC** SERIES

COMBINATION JETVAC



LOOKING FOR A SINGLE AXLE? WE'VE GOT YOU COVERED!

- 4 - 8 cu. yd. debris body options available
- Most features and options offered in the tandem model are the same for the single. Talk to your sales rep to find out more!



G2X NEXT LEVEL PERFORMANCE

- Push-button operation with on-screen instruction
- Touch screen engagement from the front control box (optional in cab)
- Capability to move the front hose reel from inside the cab
- Smooth operation with joystick and wireless controls
- Dump and Washout functions on wireless controls
- Curbside dump capabilities
- Water and fuel consumption trackers, job card and more
- Complete system and chassis diagnostics

Ask about the G2X option for your MC Series Combo unit!



Your authorized
GapVax Dealer:



GapVax Gulf Coast
4510 Underwood Rd
La Porte, TX 77571
281-884-8658



Headquarters
575 Central Ave.
Johnstown, PA 15902
888-442-7829



GAPVAX **MC** SERIES

COMBINATION JETVAC

GAPVAX MC SERIES COMBINATION JETVAC

Our MC series combination truck is built by the operator for the operator, making it ideal for contractors and municipalities alike.

The first thing you'll notice is our sturdy front hose reel. We will only build our hose reels on trucks with extended front frame rails supplied by the chassis OEM. Using extended rails for the hose reel base maximizes stability, slows bearing fatigue, and provides effortless control while operating.

It's not a coincidence that GapVax MC units have been shown to last longer and cost less to maintain than other brands. You can trace this longevity back to our full-length 6" steel subframe. This industry-leading subframe reinforces the chassis frame and minimizes frame flexing while driving or operating the boom. Building on a solid foundation reduces stress, dampens vibration, and enables components to last longer and perform better.

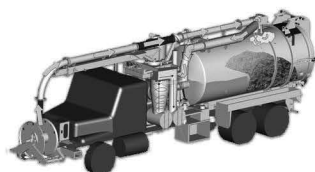
Unlike other brands, the GapVax water tank comes standard in 3/16" stainless steel. Plus, it's located well above the truck's frame, protecting it from the accidental scrapes and punctures that ultimately lead to water leaks.



BOOM SYSTEM:

- 8" Telescoping boom, with a 180° rotation
- Standard 9' extension, 26' reach from center
- Heavy duty dual lift cylinders
- Worm gear driven

8" TUBE IN TUBE BOOM



VACUUM SYSTEM:

- Positive displacement pump; 3,500 CFM, 16" Hg
- 500 HP transfer case with air-shift engagement
- Optional 4,000 CFM/27" Hg PD Blower

4,500 CFM, 18" HG PD BLOWER

FILTRATION:

- 10" Stainless steel floatball shutoff
- Centrifugal cyclone separator with full-opening door, 20" cleanout and removable vortex finder
- Washable, stainless steel vee wire screen (300 micron)

MULTI-STAGE FILTRATION



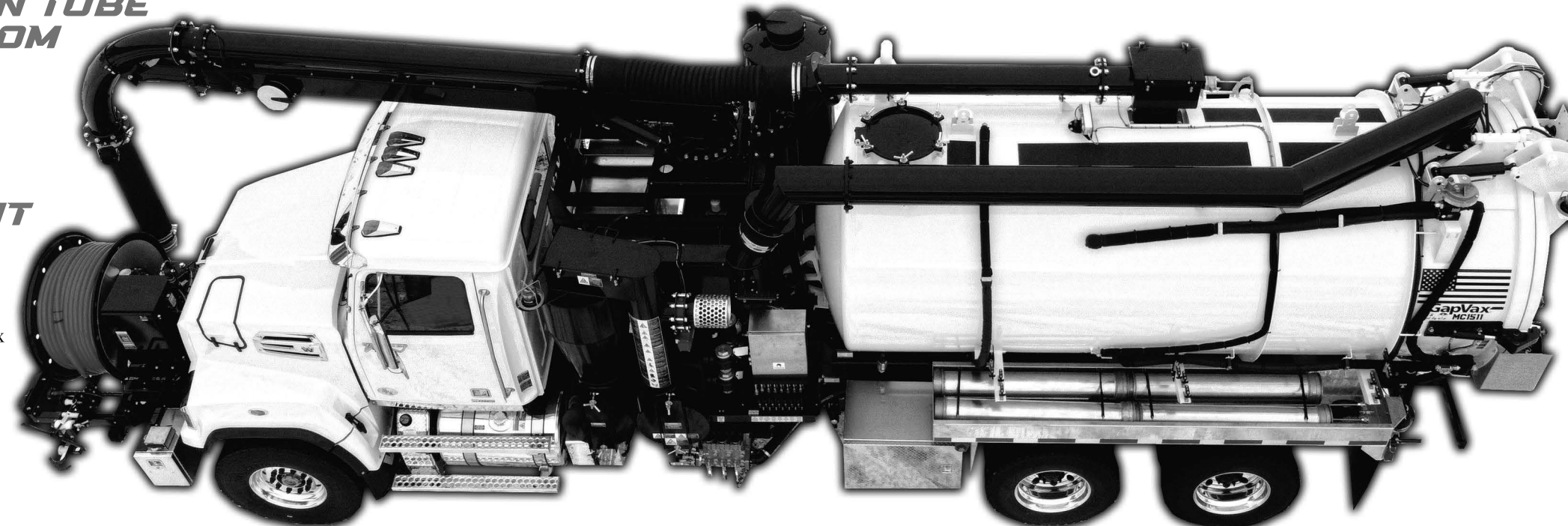
OTHER FEATURES INCLUDE:

- Mid-ship transfer case directs the power of the engine to the blower and hydraulic system
- Noise and vibration dampening mounts for blower
- Full length 6" subframe to reinforce strength and allow for tube trays

EXTENDED FRONT FRAME RAIL

FRONT HOSE REEL:

- 180° Rotation
- Hydraulically powered direct-drive gearbox
- 1"x800'; 1-1/4" x500'; or 3/4"x1,200' reel capacity
- Optional auto-level wind
- Fully enclosed control panel



OPTIONS:

- Stainless steel debris body
- HX package
- Pump-off systems
- Body flush-out system
- Interior coating in debris tank
- Lateral hose reel kit
- Hydraulic tool circuit
- Wireless remote/pendant
- Storage options
- Lighting options

*See website for complete listing
gapvax.com

80 GPM; 2,000 PSI

WATER SYSTEM:

- 500-2,000 gallon water tank capacity
- Stainless steel water tank
- Shaft-driven Tri-plex water pump
- Optional water pump flow up to 100 GPM and PSI up to 3,000



TOP LOADING BODY

DEBRIS BODY:

- 5-13 cu. yd. debris body options
- *Single axle configurations available
- Double acting lift cylinder that provides a stable 50° dump angle for fast unloading and easy clean-out
- Full opening tailgate with four fail-safe locks; locks are "field-adjustable" with a simple wrench



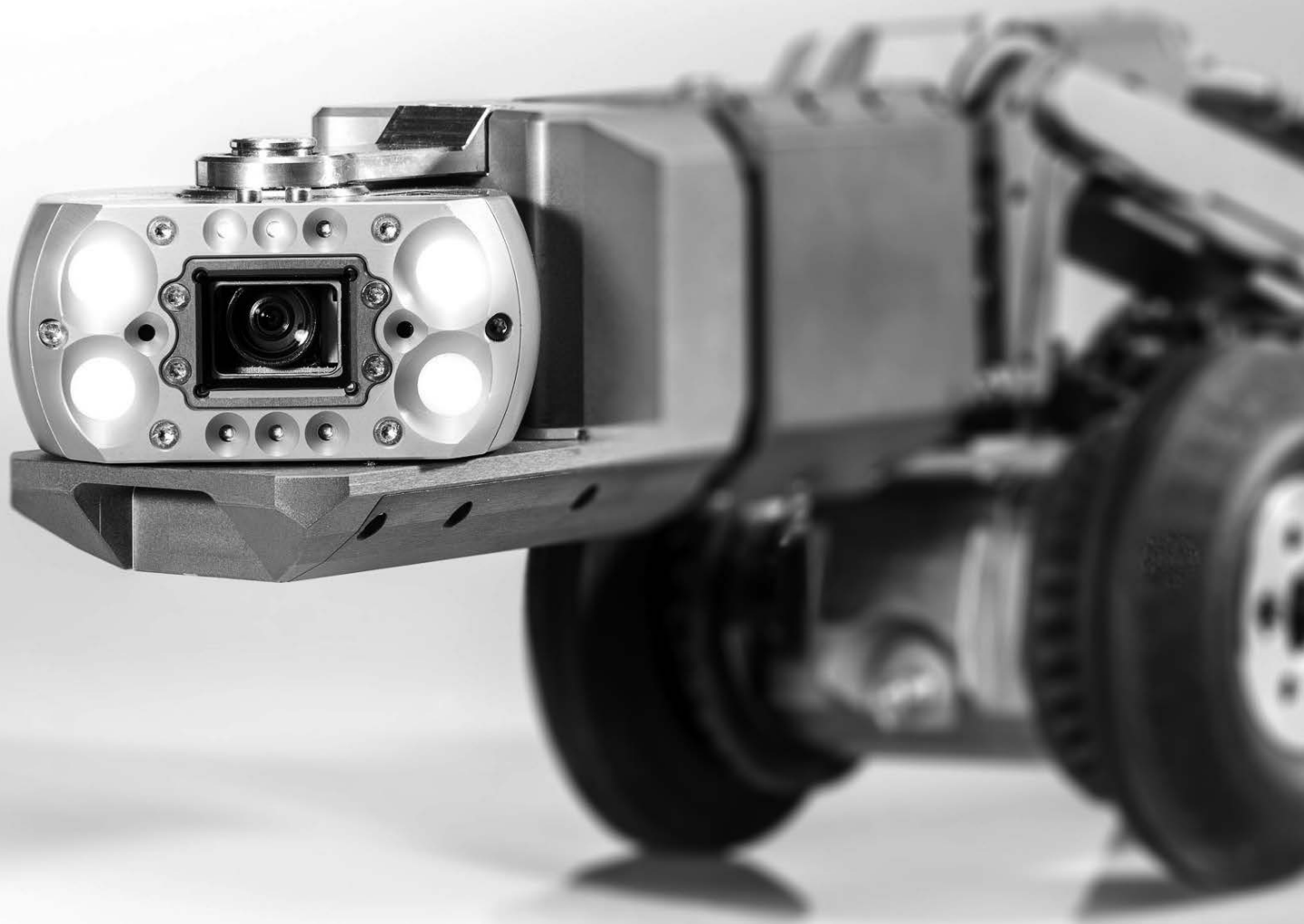
VERSATILE.

RELIABLE.

DURABLE.

*SPECS SUBJECT TO CHANGE WITHOUT NOTICE





RCA 4.0 Full HD

Next Generation CCTV Inspection



rausch **USA**
www.rauschusa.com

RCA 4.0 Full HD

Patent no: DE 10 2008 015 442 B4

CCTV Inspection from 4 inches to 98 inches

Lateral Launch System from 5.5 inches to 72 inches



The RCA 4.0 enables transmission in Full HD with a resolution of 1920X1080 pixels using copper cables instead of optical fibers. This is possible due to specially developed and patented VML technology. The result: Improved data inspection quality and reduced running cost based on simplified service requirements.



RCA 4.0 technology in the studio

- Digital CCTV technology in Full HD quality 1920 x 1080 pixels or MPEG4 with 720 x 576 pixels
- Ergonomic operating concept with desk for fatigue free working environment
- System control with industrial PC including a 15" touch screen and two multi-functional joysticks to control the camera and crawler
- User adjustable surface and joystick control
- Digital overlay technology to display readings and data in various country versions
- Display technology and adjustable text size and color
- 22" CCTV monitor in Full HD
- Serial bus system for the control of cable drums, crawlers, cameras and the Full HD Satellite System
- Ethernet connection for video and data exchange including a documentation PC and software
- Alternative recording in MPEG4 format is possible in case Full HD data quantities cannot be processed
- Available as Full HD version or as a system "Full HD prepared" for later upgrade



System highlights in the rear area

- Rear area fittings with passage way to the studio
- Water supply with hand wash basin
- Cable drum ELKA 600 HD including observation monitor, telescopic swivel arm and chain winch
- Cable length up to 1968 FT
- Cable drum Quadtro SAT HD
- Cable length 525 FT
- Push cable 130 FT
- Lateral Launch system for lateral inspections in Full HD

Options

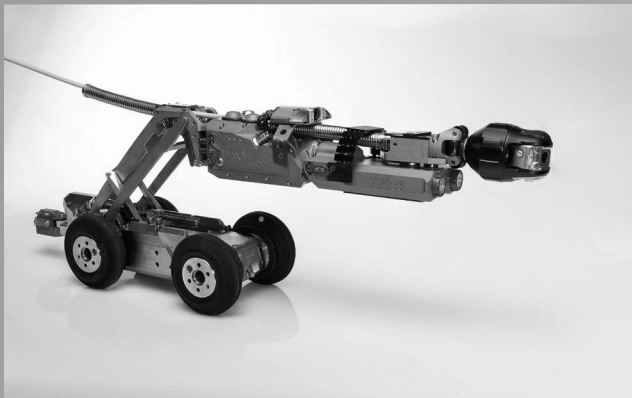
- Deformation measuring
- LATRAS for lateral tracking
- Pressure tests for leak testing of joints, pipe sections, branches and laterals
- Energy supply with lithium-ionbatteries



Crawler C 100 cross with camera KS 60 HD



Crawler C 135 with camera KS 135 HD



Modular Lateral Launch system M 135
Crawler C 135 with satellite system M 135 and
camera KS 60 HD
Application range from 5 inches to 48 inches
(with electric lift from 6 inches)



Modular Lateral Launch system M 200
Crawler C 135 with satellite system M 200 and
camera KS 60 HD Application range from 8 inches
to 72 inches (with electric lift from 8 inches)



LATRAS sensor head with camera KS 60 HD
and jetting system



Crawler C 135 with camera KS 135 Scan HD

www.rauschema.com

Rausch Electronics USA
1686 Opportunity Ave.
Chambersburg, PA 17201

Phone: 717 709 1005
Toll Free: 877 Rausch1
Email: sales@rauschema.com



rauschema **USA**
Page 155 of 595

2022-2023
LEE COUNTY LOCAL BUSINESS TAX RECEIPT

Account Number: 1064915
Receipt Number: 2100191
State License Number: CUC1225376

Account Expires: September 30, 2023

Location:
3494 SHEARWATER ST
NAPLES, FL 34117

EARTH VIEW LLC
MURRELL HOWARD J JR
3494 SHEARWATER ST
NAPLES, FL 34117

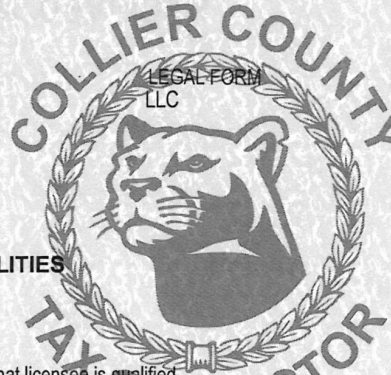
May engage in the business of:
UNDERGROUND UTILITY & EXCAVATION CONTRACTOR-CERTIFIED
THIS LOCAL BUSINESS TAX RECEIPT IS NON REGULATORY

Payment Information:		
PAID	DP-00-00428656	09/16/2022
		\$ 50.00

COLLIER COUNTY BUSINESS TAX
COLLIER COUNTY TAX COLLECTOR - 2800 N. HORSESHOE DRIVE - NAPLES FLORIDA 34104 - (239) 252-2477
VISIT OUR WEBSITE AT: www.colliertaxcollector.com
THIS RECEIPT EXPIRES **SEPTEMBER 30, 2023**

BUSINESS TAX NUMBER: 040869

LOCATION: 3494 SHEARWATER ST
ZONED: COMM / PUD
BUSINESS PHONE: 434-5200
STATE OR COUNTY LIC #:



DISPLAY AT PLACE OF BUSINESS FOR PUBLIC INSPECTION.
FAILURE TO DO SO IS CONTRARY TO LOCAL LAWS.

EARTH VIEW, LLC

MURRELL, HOWARD JR
3494 SHEARWATER ST
NAPLES, FL 34117

DETECTION/MAPPING- UNDERGROUND UTILITIES

CLASSIFICATION: CONSULTANT

CLASSIFICATION CODE: 03602901

This document is a business tax only. This is not certification that licensee is qualified.
It does not permit the licensee to violate any existing regulatory zoning laws of the state, county, or cities
nor does it exempt the licensee from any other taxes or permits that may be required by law.

-THIS TAX IS NON-REFUNDABLE-

DATE	08/02/2022
AMOUNT	30.00
RECEIPT	502-23-00088603

Rob Stoneburner

State of Florida

Department of State

I certify from the records of this office that EARTH VIEW, LLC is a limited liability company organized under the laws of the State of Florida, filed on May 3, 2004.

The document number of this limited liability company is L04000033407.

I further certify that said limited liability company has paid all fees due this office through December 31, 2022, that its most recent annual report was filed on February 7, 2022, and that its status is active.

*Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this
the Seventh day of February, 2022*



Ronald R. DeSantis
Secretary of State

Tracking Number: 5120088342CC

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE UNDERGROUND UTILITY & EXCAVATION CO HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

MURRELL, HOWARD J JR

EARTH VIEW, LLC
3494 SHEARWATER STREET
NAPLES FL 34117

LICENSE NUMBER: CUC1225376

EXPIRATION DATE: AUGUST 31, 2024

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/12/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER A Marsh & McLennan Agency LLC 222 Central Park Avenue, Suite 1340 Virginia Beach VA 23462	CONTACT NAME: Marsh & McLennan Agency LLC PHONE (A/C, No, Ext): 757-456-0577 E-MAIL ADDRESS: certificates@MarshMMA.com FAX (A/C, No):														
INSURED Earth View, LLC 3494 Shearwater Street Naples FL 34117	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A : Zurich American Insurance Company</td><td>16535</td></tr><tr><td>INSURER B : Phoenix Insurance Company</td><td>25623</td></tr><tr><td>INSURER C : Travelers Prop & Casualty Co of America</td><td>25674</td></tr><tr><td>INSURER D : Evanston Insurance Company</td><td>35378</td></tr><tr><td>INSURER E : XL Specialty Insurance Company</td><td>37885</td></tr><tr><td>INSURER F : Travelers Indemnity Co of America</td><td>25666</td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Zurich American Insurance Company	16535	INSURER B : Phoenix Insurance Company	25623	INSURER C : Travelers Prop & Casualty Co of America	25674	INSURER D : Evanston Insurance Company	35378	INSURER E : XL Specialty Insurance Company	37885	INSURER F : Travelers Indemnity Co of America	25666
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Zurich American Insurance Company	16535														
INSURER B : Phoenix Insurance Company	25623														
INSURER C : Travelers Prop & Casualty Co of America	25674														
INSURER D : Evanston Insurance Company	35378														
INSURER E : XL Specialty Insurance Company	37885														
INSURER F : Travelers Indemnity Co of America	25666														

COVERAGES**CERTIFICATE NUMBER:** 1745952369**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:			DTC07N91352APHX22	7/1/2022	7/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
F	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS ☒ Comp various ☒ Coll various			8107N6721902226G	7/1/2022	7/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ PIP \$ 10,000 aggregate
C	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000			CUP8N00458A2226	7/1/2022	7/1/2023	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☒ Y ☒ N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC017931007	7/1/2022	7/1/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E D	Leased and Rented EQ Install Floater & CE Professional/Pollution			UM00030160MA22A MMAENV001943	7/1/2022 7/1/2022	7/1/2023 7/1/2023	\$500,000 DED \$2500 \$250,000/\$2500 DED Prof. \$2MM \$25K DED Cranes 5%/\$25kMIN Poll \$2M/\$4M Aggre

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

Proof of Insurance

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved.



9 | Addenda



ADDENDUM TO CONTRACT DOCUMENTS

RFP-23-03-UT

Addendum No.: 1

CONTRACT/PROJECT NAME: Disaster Management and Removal Services

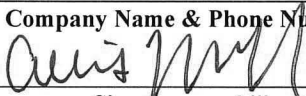
DATE OF ISSUE: October 29, 2022

The following information shall be included in the Contract documents and is hereby made part of the project documents in the form of clarification, addition, deletion or revision to the contract requirements, specifications and/or drawings.

CHANGE TO BID DOCUMENTS

(These changes apply to the entirety of the bid documents)

Attached is the updated bid documents that include the FEMA
Contract Provisions and Assurances

Please Print	Earth View, LLC	239-434-5200
	Company Name & Phone Number	
		
	Signature	Allison Murrell, President

Yadzia Roa, Contracts Manager
bids@fmbgov.com
239-765-0202



ADDENDUM TO CONTRACT DOCUMENTS

RFP-23-03-UT

Addendum No.: 2

CONTRACT/PROJECT NAME: Stormwater Maintenance and Repair

DATE OF ISSUE: November 10, 2022

The following information shall be included in the Contract documents and is hereby made part of the project documents in the form of clarification, addition, deletion or revision to the contract requirements, specifications and/or drawings.

Clarification

Due to the impact of Hurricane and lack of mail services to the Town, we will temporarily accept electronic bids via email sent to bids@fmbgov.com. They must be marked in the subject line “SEALED BID: RFP-23-03-UT”

Questions

Q: What is the Engineer's Estimate/budget?

A: The Town does not have a specified budget.

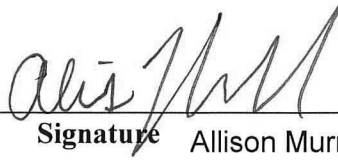
Q: Is there a bid bond? If so, are there liquidated damages?

A: No, this bid does not require a bid bond.

Q: Would you accept a copy of the bid documents on a USB thumb drive instead of the CD/DVD mentioned in the submission details?

A: Yes, The Town will accept a copy of the bid documents via USB thumb drive. Due to the impact of Hurricane and lack of mail services to the Town, we will temporarily accept electronic bids via email sent to bids@fmbgov.com. They must be marked in the subject line “SEALED BID: RFP-23-01-AD”

Please Print Earth View, LLC 239-434-5200
Company Name & Phone Number

A handwritten signature in black ink, appearing to read "Allison Murrell", is positioned above a horizontal line.

Signature Allison Murrell, President

Yadzia Roa, Contracts Manager
bids@fmbgov.com
239-765-0202



1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve Resolution No. 23-63 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING AMERICAN INFRASTRUCTURE SERVICES AS THE TOP RANKED RESPONSIBLE AND RESPONSIVE BIDDER TO ITB-23-17-PW "ROAD SIGNS"; APPROVING AN AGREEMENT BETWEEN THE TOWN AND AMERICAN INFRASTRUCTURE SERVICES FOR THE INSTALLATION OF NEW TOWN ROAD SIGNS; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE A FINAL AND BEST OFFER AND EXECUTE THE AGREEMENT, AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Due to Hurricane Ian, the Town's Road Signs need to be replaced.

What the action accomplishes:

Approves and authorizes the Town Manager to negotiate, execute an agreement, and expend budgeted funds for new Town Road Signs

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution 23-63

4. **Submitter of Information:**

Jason Freeman, Public Works
Director

5. **Background:**

ITB- 23-17-PW- was reissued and properly advertised on Demand Star to replace damaged and missing Town street and traffic signs. The Town is also coordinating with Lee County on the other signage along Estero Boulevard. The bids include an additional option to include the Town logo on the street signs, the cost of which would likely be the responsibility of the Town if reimbursement options do not cover.

Bids were due by June 14, 2023. The bid resulted in 3 submissions:

Staff reviewed all 3 bids. Accordingly, staff is recommending to award the work to the lowest bid, which was submitted by American Infrastructure Services at \$158,240.00 without Town Logo and a total of \$170,240 with the Town Logo on the signs, **difference of \$12,000 more if it is decided to include the Town logo on signs.**

The community has shown great resilience and engagement by creating artistic road name signs. While these do not meet the legal requirements of road signage, this project is not to remove any existing of these artistic signs. It is the desire of the Town to retain the artistic signs currently erected and to promote continued engagement, creativity and demonstrations of community resiliency in recovering from Hurricane Ian.

Attachments:

1. 23-63 Town Road Signs
2. Bidding document

Financial Impact:

The addition of any logo to the street signs would likely need to be covered by the Town if reimbursement options do not cover. Seeking all reimbursement opportunities with Tidal Basin.

6. **Alternative Action**

Not approve the Resolution and rebid the solicitation.

7. **Management Recommendations:**

Approve the agreement between the Town and American Infrastructure Services for the installation of the new Town Road signs and authorize the Town Manager to negotiate a final and best offer and execute the agreement.

8. **Recommended Approval:**

Jason Freeman, Public Works Director
Jason Freeman, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/14/2023
Approved - 6/14/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

RESOLUTION NUMBER 23-63

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING AMERICAN INFRASTRUCTURE SERVICES AS THE TOP RANKED RESPONSIBLE AND RESPONSIVE BIDDER TO ITB-23-17-PW "ROAD SIGNS"; APPROVING AN AGREEMENT BETWEEN THE TOWN AND AMERICAN INFRASTRUCTURE SERVICES FOR THE INSTALLATION OF NEW TOWN ROAD SIGNS; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE A FINAL AND BEST OFFER AND EXECUTE THE AGREEMENT, AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; 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 service, 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 ("Town") 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, pursuant to a competitive procurement process in compliance with state law and Town Code – ITB-23-17-PW "Road Signs", Town staff is recommending the Town and American Infrastructure enter into a construction contract agreement for installation of new road signs ("Agreement"), a copy of which is attached as Exhibit "A"; and

WHEREAS, the Town believes it is in the best interest for the health, safety and welfare of the Town's business owners, residents, and visitors to enter into the Agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are ratified and confirmed as being true and correct, are the legislative and administrative findings of the Town Council and made a specific part of this Resolution.

Section 2. The Agreement between the Town and American Infrastructure Services for the installation of new road signs, a copy of which is attached as Exhibit "A" is approved. The Town Manager is authorized to negotiate a final and best offer and execute the Agreement and expend budgeted funds on behalf of the Town.

Section 3. 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 _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor _____
Jim Atterholt, Vice Mayor _____
Bill Veach, Council Member _____
John King, Council Member _____
Karen Woodson, Council Member _____

ADOPTED this 20th day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20th day of June 2023.



PART D
FMB:003 - OFFICIAL BID FORM
(1 of 5 Pages)

FOR

EMERGENCY
ROAD SIGNS
ITB-23-17-PW

Bids are to be submitted by

MONDAY, JUNE 12, 2023 @ 2:00 P.M. Local Time,

SENT VIA EMAIL TO:

www.demandstar.com

**They must be marked in the subject line “SEALED BID”; BIDDERS' NAME; ROAD SIGNS;
ITB-23-17-PW; JUNE 12, 2023, 2:00 P.M.**

BID OPENING:

LOCATION: Council Chambers
2525 Estero Boulevard
Fort Myers Beach, FL. 33931

MONDAY, JUNE 12, 2023 @ 2:15 P.M. Local Time

TOWN COUNCIL FORT MYERS BEACH
LEE COUNTY, FLORIDA

BIDDER: American Infrastructure Services
(Individual or Firm Name)



PART D
FMB:003 - OFFICIAL BID FORM
(2 of 5 Pages)

MONDAY

JUNE 12, 2023

2:00 P.M. Local Time

Town of Fort Myers Beach
2525 Estero Blvd.
Fort Myers Beach, FL 33931

1. ATTENTION: BIDS WILL ONLY BE CONSIDERED FROM THOSE BIDDERS WHO HAVE OBTAINED THESE CONTRACT DOCUMENTS DIRECTLY FROM THE TOWN
2. The Undersigned, hereinafter called "BIDDER", having visited the site of the proposed project and having become familiar with the local conditions, nature and extent of the work, and having examined carefully the Agreement Form, General Conditions, Supplementary Conditions, Plans and Specifications and other Contract Documents, and having fulfilled their requirements as well as the Bonding requirements herein, proposes to furnish all labor, materials, equipment and other items, facilities and services for the proper execution and completion of the:

ROAD SIGNS
ITB-23-17-PW

in full accordance with the drawings and specifications prepared in accordance with the Town's Advertisement for Bids, Instruction to Bidders, Construction Contract and all other documents related thereto on file with Town of Fort Myers Beach, and if awarded the contract, to complete the said work within the time limits specified for the following bid price:



**SCHEDULE OF VALUES – TOWN OF FORT MYERS BEACH
ROAD SIGNS – WITH TOWN LOGO**

PAY ITEM S	DESCRIPTION	QUAN TITY	UNIT	UNIT PRIC E	Cost
1	Single Post Sign, F&I Ground Mount, Up To 12-20 SF	90	EACH ASSEMBLY	\$740.00	66,600.00
2	Single Post Sign, F&I Ground Mount, Up To 12-20 SF	100	EACH ASSEMBLY	\$944.00	\$94,400.00
3	Single Post Sign, F&I Ground Mount, Up To 12-20 SF	10	EACH ASSEMBLY	\$800.00	\$8,000.00
4	Single Post Sign, F&I Ground Mount, Up To 12-20 SF	2	EACH ASSEMBLY	\$400.00	\$800.00
5	Single Post Sign, F&I Ground Mount, less than 12 SF	1	EACH ASSEMBLY	\$410.00	\$410.00
6	Single Post Sign, Remove Assembly	1	EACH ASSEMBLY	\$30.00	\$30.00
		Total		\$170,240.00	

Total Bid Amount (Written):

One Hundred Seventy Thousand Two Hundred and Forty Dollars and Zero Cents

**SCHEDULE OF VALUES – TOWN OF FORT MYERS BEACH
ROAD SIGNS – WITHOUT TOWN LOGO**

PAY ITEM S	DESCRIPTION	QUAN TITY	UNIT	UNIT PRIC E	Cost
1	Single Post Sign, F&I Ground Mount, Up To 12-20 SF	90	EACH ASSEMBLY	\$680.00	\$61,200.00
2	Single Post Sign, F&I Ground Mount, Up To 12-20 SF	100	EACH ASSEMBLY	\$884.00	\$88,400.00
3	Single Post Sign, F&I Ground Mount, Up To 12-20 SF	10	EACH ASSEMBLY	\$740.00	\$7,400.00
4	Single Post Sign, F&I Ground Mount, Up To 12-20 SF	2	EACH ASSEMBLY	\$400.00	\$800.00
5	Single Post Sign, F&I Ground Mount, less than 12 SF	1	EACH ASSEMBLY	\$410.00	\$410.00
6	Single Post Sign, Remove Assembly	1	EACH ASSEMBLY	\$30.00	\$30.00
		Total		\$158,240.00	

Total Bid Amount (Written):

One Hundred and Fifty Eight Thousand Two Hundred and Forty Dollars and Zero Cents



PART D
FMB:003 - OFFICIAL BID FORM
(4 of 5 Pages)

4. Acknowledgment is hereby made of receipt of the following Addenda issued during the bidding period.

Addendum No. <u> N/A </u>	Dated: <u> N/A </u>	Addendum No. <u> N/A </u>	Dated <u> N/A </u>
--	-------------------------------	--	------------------------------

Addendum No. <u> N/A </u>	Dated: <u> N/A </u>	Addendum No. <u> N/A </u>	Dated <u> N/A </u>
--	-------------------------------	--	------------------------------

5. If awarded this construction contract, the BIDDER agrees to complete the work covered by this contract as follows:

- (a) Substantially complete in 120 consecutive calendar days from date of Official Notice to Proceed.
- (b) Final completion in 120 consecutive calendar days from the date of Official Notice to Proceed.

6. Neither the undersigned nor any other person, firm or corporation named herein, nor anyone else to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action for this proposal by the TOWN, also that no head of any department or employee therein, or any officer of Fort Myers Beach, Florida is directly interested therein.

This proposal is genuine and not collusive or a sham; the person, firm or corporation named herein has not colluded, conspired, connived or agreed directly or indirectly with any bidder or person, firm or corporation, to put in a sham proposal, or that such other person, firm or corporation, shall refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the unit prices of said proposal or proposals of any other bidder, or to secure any advantage against the TOWN or any person, firm or corporation interested in the proposed contract; all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named herein, has directly or indirectly submitted said proposal or the contents thereto, to any association or to any member or agent thereof.



TOWN of FORT MYERS BEACH

BID NO. ITB-23-17-PW Road Signs

PART D
FMB:003 - OFFICIAL BID FORM
(5 of 5 Pages)

7. The below signed BIDDER agrees to comply with all applicable provisions as set forth in the Anti-Discrimination requirements included as part of the General Conditions of this document. The BIDDER further agrees to hold harmless, defend and indemnify the TOWN and its agents for any losses, including attorney's fees, incurred as a result of its failure to abide by the applicable Anti-Discrimination laws.

Doug McIntyre, President
(Name of License Holder)

(State
Certificate
No.)

1603053
Business Tax Receipt No. (Specify jurisdiction)

(State
Registration
No.)

In witness whereof, the BIDDER has hereunto set its signature and affixed its seal this
12th day of June, 2023.

American Infrastructure Services

By: Printed

By: Signature

TITLE: Doug McIntyre, President

American Infrastructure Services

Company Name

11341 Lindbergh Blvd

Mailing Address

Fort Myers, FL 33913

City, State, and Zip

Doug McIntyre

Contact Person

dmcintyre@ainfraserv.com

E-mail / Contact Person

(239) 206-4411

Telephone Number

(239) 206-4412

Fax Number

ATTEST:

Secretary

(Seal)



PART D
FMB:001 - BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we

American Infrastructure Services, Inc. as Principal, and
(BIDDER'S Name)

Swiss Re Corporate Solutions America Insurance Corporation a corporation licensed to do
(Surety's Name)

business under the laws of the State of Florida as a Surety, are held and firmly bound unto
TOWN OF FORT MYERS BEACH TOWN COUNCIL, LEE COUNTY, FLORIDA, a Political
Subdivision of the State of Florida,

in the SUM OF
\$ 5% Five Percent of Amount Bid

for the payment whereof, well and truly to be made, we bind ourselves, our heirs, successors,
personal representatives and assigns, jointly and severally, firmly, by these presents.

SIGNED AND SEALED this 12th day of June, 20 23

WHEREAS, said Principal is herewith submitting a Bid Proposal for the manufacturing and/or
installation of:

ROAD SIGNS
ITB-23-06-PW

NOW, THEREFORE, the condition of the above obligation is such that if said Principal shall be
awarded the Contract upon said Proposal within the specified time and shall enter into a written
Contract, satisfactory in form, provide an acceptable Public Construction Bond from a Surety
acceptable to the TOWN and provide other Insurance as may be required to the TOWN within such
time period as the TOWN may allow, then this obligation shall be null and void; otherwise said
Principal and Surety shall pay to said TOWN in money the difference between the amount of the Bid
of said Principal and the amount for which said TOWN may legally contract with another party to
perform said work, if the latter amount be in excess of the former, together with any expenses and
reasonable attorney's fees incurred by said TOWN if suit be brought hereon, but in no event shall
said Surety's liability exceed the penal sum hereof plus such expenses and attorney's fees. The
liability of the Surety shall not exceed the penal sum of the bid bond.

Witness as to Principal

By: Witness Signature

Witness as to Surety

By: Witness Signature

Kari Schmor, Account Manager

American Infrastructure Services, Inc. (SEAL)

Principal

Swiss Re Corporate Solutions America Insurance Corporation (SEAL)

Surety's Name

By: James N. Congelio

James N. Congelio

Affix Corporate Seals and attach proper Power of Attorney for Surety.

SWISS RE CORPORATE SOLUTIONS

SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION ("SRCSAIC")
SWISS RE CORPORATE SOLUTIONS PREMIER INSURANCE CORPORATION ("SRCSPIC")
WESTPORT INSURANCE CORPORATION ("WIC")

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT SRCSAIC, a corporation duly organized and existing under laws of the State of Missouri, and having its principal office in the City of Kansas City, Missouri, and SRCSPIC, a corporation organized and existing under the laws of the State of Missouri and having its principal office in the City of Kansas City, Missouri, and WIC, organized under the laws of the State of Missouri, and having its principal office in the City of Kansas City, Missouri, each does hereby make, constitute and appoint:

JAMES C. CONGELIO and JAMES N. CONGELIO

JOINTLY OR SEVERALLY

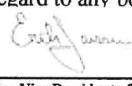
Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

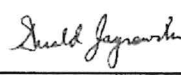
TWO HUNDRED MILLION (\$200,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both SRCSAIC and SRCSPIC at meetings duly called and held on the 18th of November 2021 and WIC by written consent of its Executive Committee dated July 18, 2011.

"RESOLVED, that any two of the President, any Managing Director, any Senior Vice President, any Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is, authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Corporation bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Corporation; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Corporation may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Corporation when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."

By 
Erik Janssens, Senior Vice President of SRCSAIC & Senior Vice President
of SRCSPIC & Senior Vice President of WIC

By 
Gerald Jagrowski, Vice President of SRCSAIC & Vice President of SRCSPIC
& Vice President of WIC



IN WITNESS WHEREOF, SRCSAIC, SRCSPIC, and WIC have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers:

this 24TH day of MAY, 20 23

State of Illinois
County of Cook

SS

Swiss Re Corporate Solutions America Insurance Corporation
Swiss Re Corporate Solutions Premier Insurance Corporation
Westport Insurance Corporation

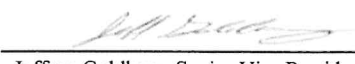
On this 24TH day of MAY, 20 23, before me, a Notary Public personally appeared Erik Janssens, Senior Vice President of SRCSAIC and Senior Vice President of SRCSPIC and Senior Vice President of WIC and Gerald Jagrowski, Vice President of SRCSAIC and Vice President of SRCSPIC and Vice President of WIC, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.




Christina Manisco, Notary

I, Jeffrey Goldberg, the duly elected Senior Vice President and Assistant Secretary of SRCSAIC and SRCSPIC and WIC, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said SRCSAIC and SRCSPIC and WIC, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 12th day of June, 20 23.


Jeffrey Goldberg, Senior Vice President &
Assistant Secretary of SRCSAIC and
SRCSPIC and WIC



PART D
FMB :004 - CONTRACTOR QUALIFICATION QUESTIONNAIRE
(1 of 7 Pages)

THIS FORM MUST BE ON FILE WITH TOWN OF FORT MYERS BEACH, 2525 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931, AND BE CURRENT WITHIN TWELVE (12) CALENDAR MONTHS OR COMPLETED AND SUBMITTED WITH THIS BID PACKAGE. ANY CHANGES WHICH AFFECT THE ORGANIZATIONAL STRUCTURE, QUALIFICATIONS OR LICENSES SHALL BE REPORTED IMMEDIATELY TO THE TOWN. FAILURE TO UPDATE CHANGES WHICH MAY AFFECT THE CONTRACTOR RESPONSIBILITY MAY BE GROUNDS FOR THE CONTRACTOR TO BE DECLARED NOT A RESPONSIBLE CONTRACTOR FOR THIS BID OR FUTURE BIDS WITH TOWN OF FORT MYERS BEACH.

Submitted By: American Infrastructure Services

☒ CORPORATION - Date of Incorporation: 7-4-2015 State of Incorporation: Florida

If Out of State Corporation, currently authorized to do business in Florida, give date of such authorization: _____

☐ PARTNERSHIP - Date of Organization: N/A Nature of Partnership: General ☐
Limited ☐
Association ☐

☐ INDIVIDUAL - Name and Address of Owner N/A

☐ JOINT VENTURE - Between N/A
Name Title
And Name Title
Date of Agreement _____

☐ OTHER - Explain _____

Parent Company Office Address (if any): N/A

Principal Office Address: N/A

Name of Project (if applicable): N/A

Person to Contact: N/A

Title: N/A Telephone No.: N/A



PART D
FMB:004 - CONTRACTOR QUALIFICATION QUESTIONNAIRE
(2 of 7 Pages)

Type of Work (file separate form FMB:004 for each classification of work):

The signee of this questionnaire guarantees, as evidenced by the sworn affidavit required herein, the truth and accuracy of all statements and of all answers to interrogatories hereinafter made.

The undersigned hereby authorizes and requests any public official, engineer, architect, surety company, bank depository, material or equipment manufacturer or distributor or any person, firm or corporation to furnish any pertinent information requested by the Town of Fort Myers Beach deemed necessary by the Town to verify the statements made in this application or regarding the standing and general reputation of the Bidder.

1. How many years has your organization been in business as a EC Contractor under your present name?

8

2. Under what other or former names has your organization operated?

N/A

3. List below your organizations Officers, Owners or Partners:

NAME	TITLE	ADDRESS	DATE ASSUMING POSITION
Doug McIntyre	President	11341 Lindbergh Blvd, Fort Myers, FL 33913	7/8/2015
Rick Dardas	Vice President	11341 Lindbergh Blvd, Fort Myers, FL 33913	7/8/2015
Todd Lanius	General Superintendent	11341 Lindbergh Blvd, Fort Myers, FL 33913	7/8/2015
Justin Slack	Project Manager	11341 Lindbergh Blvd, Fort Myers, FL 33913	7/8/2015



PART D
FMB:004 - CONTRACTOR QUALIFICATION QUESTIONNAIRE
(3 of 7 Pages)

4. List jurisdictions and trade categories in which your organization is legally qualified to do business and indicate registration or license numbers, if applicable:

JURISDICTION	TRADE	STATE CERT. NO.	TOWN'S COMP. NO.	STATE REG. NO.	TOWN'S OCC. LIC. NO.	STATE PERMIT	EXPIRE DATE
		EC13008777					

5. List jurisdictions in which your organization's partnership or trade name is filed:

Lee County, Florida

6. If the answer to any of the questions below is YES, please attach details. Reference sheets to question number.

6.1 Has your organization ever failed to complete any work awarded to it?

YES ☐ NO ☒

See Sheet No. _____

6.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?

YES ☐ NO ☒

See Sheet No. _____

6.3 Has your organization filed any lawsuits or requested arbitration with regard to construction contracts within the last five (5) years?

YES ☐ NO ☒

See Sheet No. _____

7. Has any Officer or Partner of your organization ever failed to complete a construction contract handled in his own name or as a qualifier for another?

YES ☐ NO ☒

If so, state the name of the individual, name of owner, when, where, and the reason therefore:

8. Has any Officer or Partner of your organization ever been as Officer or Partner of some other organization that failed to complete a construction project?

YES ☐ NO ☒

If so, state the name of the individual, other organization, when, where and the reason therefore:



PART D
FMB :004 - CONTRACTOR QUALIFICATION QUESTIONNAIRE
(4 of 7 Pages)

9. Has your organization ever been refused registration by a Federal, State or Municipal Agency as a Pre-qualified Bidder or Qualified Bidder for construction contracts? YES ☐ NO ☒
- If so, for what type of work? N/A
- Give details and reason: _____
10. Give below any information which would indicate the size and capacity of your organization, including the number of permanent employees engaged in estimating, purchasing, expediting, detailing and engineering, field supervision, field engineering and layout:
- 80 employees
- (use extension sheet if necessary and reference sheet number herein: _____)
11. Attach resumes of key personnel, including superintendents for field management. The resumes shall include the following information:
- 11.1 Name and present position or capacity
- 11.2 Years of construction experience, type of work, position or capacity and cost range
- Years of related construction experience, type of work, position or capacity and cost
- 11.3 range
- 11.4 Brief education and professional registrations
12. List of type of work normally provided by your own work forces:
- Outdoor Electrical and Transportation
13. Indicate type of contracting undertaken by your organization and number of years' experience:
- | | | | | |
|-----------------------|------------|-------|-----------------------------|------|
| As General Contractor | <u>8</u> | Years | <u>ELECTRICAL / SIGNAGE</u> | Type |
| As Sub-Contractor | <u>N/A</u> | Years | <u>N/A</u> | Type |
14. Attach the prime construction contracts your organization has underway on this date _____.
The list shall include the following information: (reference sheet numbers herein: _____)
- 14.1 Project Title and Location
- 14.2 Contractor or Sub-Contractor
- 14.3 Contract Amount and Date of Contract
- 14.4 Percent of Project Constructed by Sub-Contractors
- 14.5 Percent Complete
- 14.5 Project Manager or Superintendent
- 14.6 Required Completion Date
- 14.7 Name, Address and Telephone Number of Owner
- 14.8 Designing Architect/Engineer and Address



PART D
FMB:004 - CONTRACTOR QUALIFICATION QUESTIONNAIRE
(5 of 7 Pages)

15. Attach a list of the no fewer than five (5) similar prime contracts, completed in the past five (5) years by your organization.

The list shall include the following information: (reference sheet numbers herein: _____)

15.1 Project Title, Location, and Brief Description of Work Performed

15.2 Contractor or Sub-Contractor

15.3 Contract Amount and Date of Contract

15.4 Percent of Project Constructed by Sub-Contractors

15.5 Date Complete

15.6 Project Manager or Superintendent

15.7 Required Completion Date

15.8 **Name, Address and Telephone Number of Owner**

15.9 Designing Architect/Engineer and Address

16. Attach any construction contracts your organization has contracted with Town of Fort Myers Beach that are either underway or completed.

The list shall include the following information: (reference sheet numbers herein: _____)

16.1 Project Title and Location

16.2 Contractor or Sub-Contractor

16.3 Original Contract Amount and Date

16.4 Final Contract Amount

16.5 Percent of Project Constructed by Sub-Contractors

16.6 Project Manager or Superintendent

16.7 Required Completion Date

16.8 **Name, Address and Telephone Number of Owner**

16.9 Town Sponsoring Department



PART D
FMB:004 - CONTRACTOR QUALIFICATION QUESTIONNAIRE
(6 of 7 Pages)

17. If General Contractor, list one or more of the following subcontractors who have been associated with you on any of the projects listed above:

SUB-CONTRACTOR (Name and Address)

17.1 Carpentry

N/A

17.2 Structural

N/A

17.3 Hardware

N/A

17.4 Three (3) other major subcontractors:

N/A

18. List below the name of the bonding companies you use for construction project and the name, address and telephone number of your agent:

N/A

19. List no less than three (3) and preferably five (5) financial references:

Finemark National Bank, Reigons Bank, American Express



PART D
FMB:004 - CONTRACTOR QUALIFICATION QUESTIONNAIRE
 (7 of 7 Pages)

20. What is the largest contract (dollar cost) ever performed by your organization?

10.4 Million Dollars

21. What is the dollar value of the largest project you consider your organization is qualified to undertake?

20.1 Million Dollars

Dated at 2023 this 12th day of June 201

American Infrastructure Services

Name of Organization

BY:

PRESIDENT

Title of Person Signing

(if Corporation Affix Corporate Seal)

STATE OF FLORIDA)
 COUNTY OF LEE)

SWORN TO AND SUBSCRIBED BEFORE ME, on this 12th day of June

2023, by means of (☒) physical presence or () online notarization, personally appeared _____

Doug McIntyre as President of American Infrastructure Services Inc

(☒) who personally known to me of () who has produced _____ as identification.



PAULA BERKOBEN
 Notary Public
 State of Florida
 Comm# HH240342
 Expires 4/24/2026

NOTARY PUBLIC – State of Florida

My commission expires: 04-24-26



PART D

FMB:005 – DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION

NOTE: This form must be signed by the person who will sign or has signed the Bid Form. This form will become a part of the contract documents.

DIVISION OF EQUAL OPPORTUNITY CERTIFIED DBE ☐/MINORITY ☐/WOMEN ☐ (CHECK

APPROPRIATE DESIGNATION):

DESCRIPTION OF WORK: Self Performed

SUBCONTRACTOR'S

NAME:

EST. DOLLAR VALUE OF PROPOSED

WORK:

DIVISION OF EQUAL OPPORTUNITY CERTIFIED DBE ☐/MINORITY ☐/WOMEN ☐ (CHECK

APPROPRIATE DESIGNATION):

DESCRIPTION OF WORK: Self Performed

SUBCONTRACTOR'S NAME:

EST. DOLLAR VALUE OF PROPOSED WORK:

DIVISION OF EQUAL OPPORTUNITY CERTIFIED DBE ☐/MINORITY ☐/WOMEN ☐ (CHECK

APPROPRIATE DESIGNATION):

DESCRIPTION OF WORK: Self Performed

SUBCONTRACTOR'S NAME:

EST. DOLLAR VALUE OF PROPOSED WORK:

DIVISION OF EQUAL OPPORTUNITY CERTIFIED DBE ☐/MINORITY ☐/WOMEN ☐ (CHECK

APPROPRIATE DESIGNATION):

DESCRIPTION OF WORK: Self Performed

SUBCONTRACTOR'S NAME:

EST. DOLLAR VALUE OF PROPOSED WORK:

TOTAL VALUE OF ALL DBE/MINORITY/WOMEN SUBCONTRACT WORK: \$ Self Performed

ESTIMATED TOTAL PERCENT (%) TO BE UTILIZED:

0% %

American Infrastructure Services

CONTRACTOR NAME

SIGNATURE

PART D

June 12th 2023

DATE

**FMB:019 – PUBLIC ENTITIES CRIME FORM**

(1 of 2 Pages)

SWORN STATEMENT PURSUANT TO SECTION 287.133(3) (a), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.**

1. This sworn statement is submitted to American Infrastructure Services
(Print name of public entity)
by Doug McIntyre, President
(Print individual's name and title)
for _____
(Print name of entity submitting sworn statement)
whose business address is 11341 Lindbergh Blvd, Fort Myers, FL 33913

and (if applicable) its Federal Employer Identification Number (FEIN) is __ - 474436189
(If the entity has no FEIN, include the Social Security Number of individual signing this sworn statement: __ - __ - _____.)

2. I understand that a “public entity crime” as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that “convicted” or “conviction” as defined in Paragraph 287.133 (1) (b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an “affiliate” as defined in Paragraph 287.133 (1) (a), Florida Statutes, means:
- A. A predecessor or successor of a person convicted of a public entity crime; or
- An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm’s length agreement, shall be a prima facie case that one person controls another person.



PART D
FMB:019 – PUBLIC ENTITIES CRIME FORM
(2 of 2 Pages)

- B. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133 (1) (e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting this sworn statement. (Indicate which statement applies.)

 X Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attach a copy of the final order)



TOWN of FORT MYERS BEACH

BID NO. ITB-23-17-PW Road Signs

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature)

STATE OF FLORIDA)

COUNTY OF LEE)

SWORN TO AND SUBSCRIBED BEFORE ME, on this 12th day of June, 2023, by means

of ☒ physical presence or () online notarization, personally appeared Doug McIntyre as

President of American Infrastructure Services Inc

☒ who personally known to me of () who has produced _____ as identification.

Paula Berken

NOTARY PUBLIC – State of Florida

My commission expires: 04-24-26



PAULA BERKOBEN
Notary Public
State of Florida
Comm# HH240342
Expires 4/24/2026



PART D
FMB:021 – NON-COLLUSION AFFIDAVIT

State of Florida)County of Lee)

Doug McIntyre being first duly sworn, deposes and says that:

- 1) He/she is the President, (Owner, Partner, Officer, Representative or Agent) of American Infrastructure Services, the Bidder that has submitted the attached Bid;
- 2) He/she is fully informed with respect to the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid.
- 3) Such a Bid is genuine and is not a collusive or sham Bid.
- 4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Responder, firm, or person to submit a collusive or sham Bid in connection with the Work for which the attached Bid has been submitted; or to refrain from Responding in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Responder, firm, or person to fix the price or prices in the attached Bid or of any other Responder, or to fix any overhead, profit, or cost elements of the Bid price or the Bid price of any other Responder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;
- 5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Responder or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

Signed, sealed and delivered in the presence of:

By: 

Doug McIntyre, President
 (Printed Name)

ACKNOWLEDGEMENT

STATE OF FLORIDA)

COUNTY OF LEE)

SWORN TO AND SUBSCRIBED BEFORE ME, on this 12th day of June, 2023, by means

of ☒ physical presence or () online notarization, personally appeared Doug McIntyre as

President of American Infrastructure Services Inc

☒ who personally known to me of () who has produced _____ as identification.

**PAULA BERKOBEN**

Notary Public

State of Florida

Comm# HH240342

Expires 4/24/2026

Paula Berkoben
 NOTARY PUBLIC – State of Florida

My commission expires: 04-24-26



PART D
FMB:022 – TRENCH SAFETY AFFIDAVIT
(When Applicable)

Trench excavations on this Project are expected to be in excess of 5 feet deep. The Occupational Safety and Health Administration excavation safety standards, 29 CFR 1926.650 Subpart P trench safety standards will be in effect during the period of construction of the Project.

Bidder acknowledges that included in the Bid Price are costs for complying with the Florida Trench Safety Act (90-096, Laws of FL) effective October 1, 1990, and hereby gives assurance that, if awarded the Contract, the Contractor or Subcontractor performing trench excavation work on the Project will comply with the applicable trench safety standards. The Bidder further identifies the costs as follows:

Trench Safety Item: Training
(Description)

FIVE HUNDRED DOLLARS
(Cost written in words)

TOTAL \$ \$500.00

FAILURE TO COMPLETE THE ABOVE SHALL RESULT IN THE BID BEING DECLARED NON-RESPONSIVE

COMPANY
American Infrastructure Services

NAME:

DATE: JUNE 5th 2023

BY:

(Signature)

(Print Name) Doug McIntyre, President



PART D
FMB:023 – MATERIALS MANUFACTURERS LIST

The Bidder is required to state below, material manufacturers it proposes to utilize on this project. No change will be allowed after submittal of Bid. If substitute material proposed and listed below is not approved by TOWN, Bidder shall furnish the manufacturer named in the TOWN'S specification. Acceptance of this Bid does not constitute acceptance of material proposed on this list.

THIS LIST MUST BE COMPLETED OR BID MAY BE DEEMED NON-RESPONSIVE. (Attach additional sheets as needed).

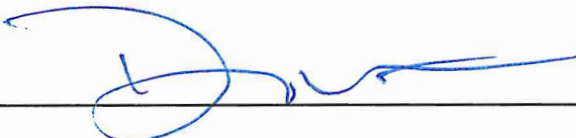
BIDDER'S STATEMENT OF PROPOSED MANUFACTURER FOR

The bidder lists the following manufacturers of the major equipment (LIST)

<u>MATERIAL</u>	<u>MANUFACTURER</u>
1. <u>NATIONAL TRAFFIC SIGNALS INC</u>	<u>NATIONAL TRAFFIC SIGNS INC</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

Signed

Name of Bidder



American Infrastructure Services



PART D
FMB:024 - LIST OF SUB-CONTRACTORS

The undersigned states that the following is a full and complete list of the proposed subcontractors on this Project and the class of work to be performed by each, and that such list will not be added to nor altered without written consent of the TOWN. The undersigned further acknowledges its responsibility for ensuring that the subcontractors listed herein meet all legal requirements applicable to and necessitated by this Agreement, including, but not limited to proper licenses, qualifications, certifications, registrations and insurance coverage. The TOWN reserves the right to disqualify any bidder who includes non-compliant or non-qualified subcontractors in his/her bid offer. Further, the TOWN may direct the bidder/contractor to remove/replace any subcontractor that is found to be non-compliant with this requirement subsequent to award of the contract at no additional cost to the TOWN. THIS LIST MUST BE COMPLETED OR BID WILL BE DEEMED NON-RESPONSIVE. (Attach additional sheets as needed).

BIDDER'S STATEMENT OF PROPOSED SUBCONTRACTOR FOR:

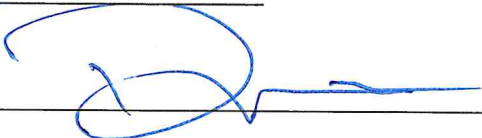
The bidder identifies the following firm as the proposed installation subcontractor of the:

Name of Firm: N/A SELF PERFORMED

Address and Phone: _____

Contact Person: _____

<u>Other Subcontractor and Address</u>	<u>Specialty</u>
1. <u>N/A</u>	<u>N/A</u>
2. _____	_____
3. _____	_____

Signed  _____

Name of Bidder American Infrastructure Services



PART D
FMB:100 – CERTIFICATION IMMIGRATION LAWS AFFIDAVIT

BID NO: ITB-23-06-PW

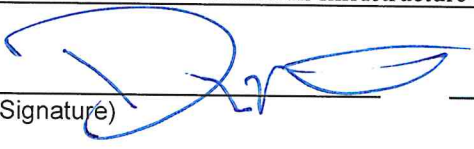
PROJECT NAME: ROAD SIGNS

TOWN OF FORT MYERS BEACH WILL NOT INTENTIONALLY AWARD TOWN CONTRACTS TO ANY CONTRACTOR WHO KNOWINGLY EMPLOYS UNAUTHORIZED ALIEN WORKERS, CONSTITUTING A VIOLATION OF THE EMPLOYMENT PROVISIONS CONTAINED IN 8 U.S.C. SECTION 1324 a(e) SECTION 274A(e) OF THE IMMIGRATION AND NATIONALITY ACT ("INA").

TOWN OF FORT MYERS BEACH SHALL CONSIDER THE EMPLOYMENT BY ANY CONTRACTOR OF UNAUTHORIZED ALIENS A VIOLATION OF SECTION 274A (e) OF THE INA. **SUCH VIOLATION BY THE RECIPIENT OF THE EMPLOYMENT PROVISIONS CONTAINED IN SECTION 274A (e) OF THE INA SHALL BE GROUNDS FOR UNILATERAL CANCELLATION OF THE CONTRACT BY TOWN OF FORT MYERS BEACH.**

BIDDER ATTESTS THAT THEY ARE FULLY COMPLIANT WITH ALL APPLICABLE IMMIGRATION LAWS (SPECIFICALLY TO THE 1986 IMMIGRATION ACT AND SUBSEQUENT AMENDMENTS).

Company Name: American Infrastructure Services


 (Signature) _____ President _____ (Title) _____ (Date)

STATE OF FLORIDA)
 COUNTY OF LEE)

SWORN TO AND SUBSCRIBED BEFORE ME, on this 12th day of June, 2023, by means

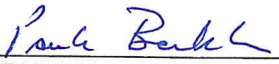
of ☒ physical presence or () online notarization, personally appeared Doug McIntyre as

President of American Infrastructure Services Inc

☒ who personally known to me of () who has produced _____ as identification.



PAULA BERKOBEN
 Notary Public
 State of Florida
 Comm# HH240342
 Expires 4/24/2026


 NOTARY PUBLIC – State of Florida

My commission expires: 04-24-26

The signee of this Affidavit guarantee, as evidenced by the sworn affidavit required herein, the truth and accuracy of this affidavit to interrogatories hereinafter made. **TOWN OF FORT MYERS BEACH RESERVES THE RIGHT TO REQUEST SUPPORTING DOCUMENTATION, AS EVIDENCE OF SERVICES PROVIDED, AT ANY TIME**

1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve the Selection Advisory Committee's recommendation in response to RFP-23-14-PW entitled Disaster Debris Monitoring, and authorize the Town Manager to negotiate and execute an agreement with Tetra Tech, Inc.

Why the action is necessary:

Request for Proposals require Town Council approvals.

What the action accomplishes:

Allows the Town to have a debris monitor on contract for any services needed with debris monitoring.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

The previous contract with Thompson Consulting Services expired this year with no additional renewals remaining. The Town issued a new solicitation for proposals for debris monitoring services.

RFP-23-14-PW was legally advertised and issued on March 22, 2023, with all responses due May 12, 2023. The Town received two responses: Tetra Tech Inc. and Debris Tech. A Selection Advisory Committee comprised of Public Works Director Freeman, Community Development Director Poposki and Culture, Park & Recreation Director Hauge convened on May 25, 2023 to review the proposals, and unanimously voted and recommended Tetra Tech as the top ranked proposal to the Town Manager.

Attachments:

1. Bidding document Tetra Tech

Financial Impact:

6. **Alternative Action**

Not accept the recommendation and re-solicit

7. **Management Recommendations:**

Accept the recommendation from the Selection Advisory Committee and direct the Town Manager to negotiate a mutually agreeable contract with Tetra Tecg for debris monitoring.

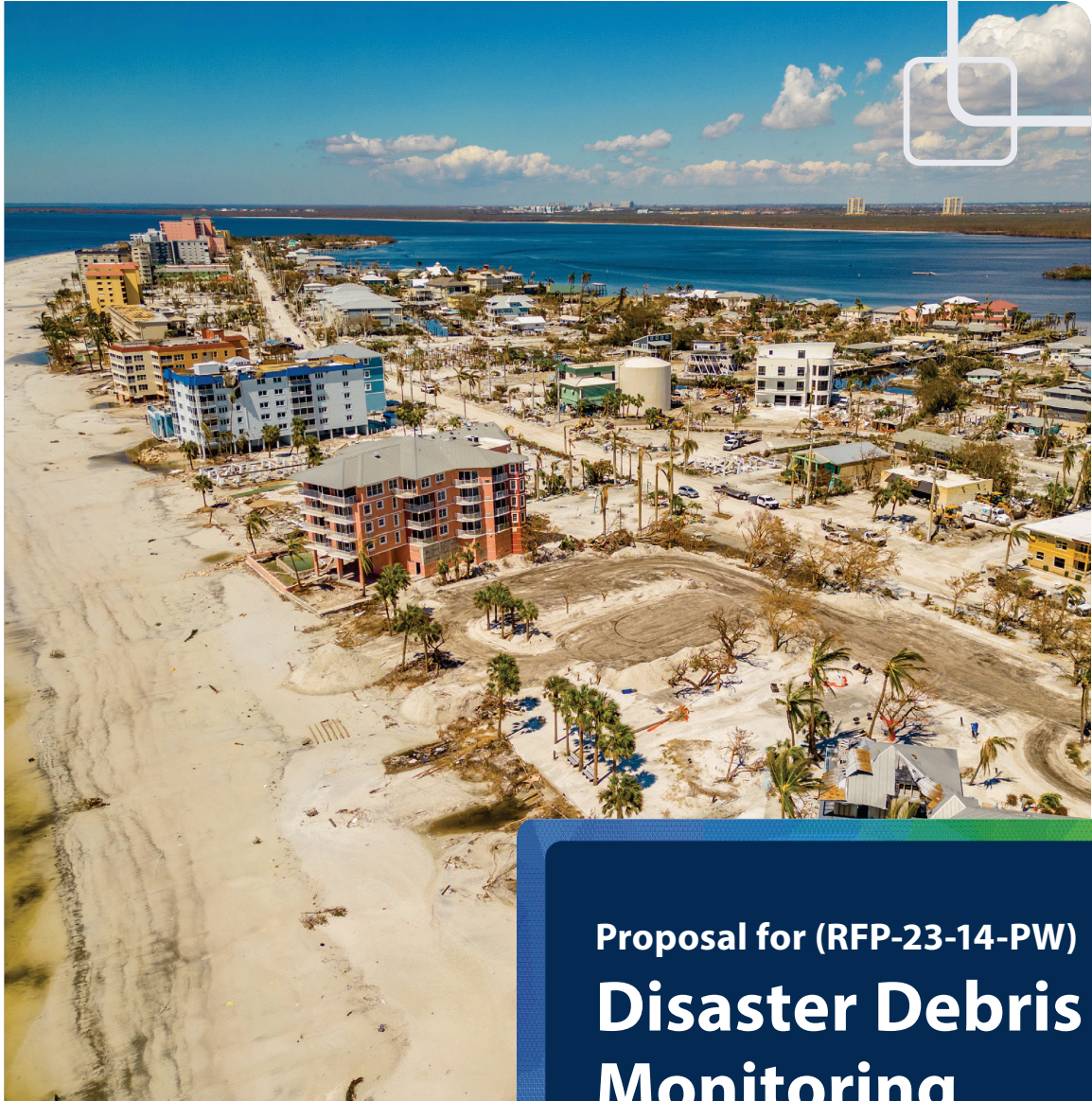
8. **Recommended Approval:**

Jason Freeman, Public Works Director
Frankie Kropacek, Contract & Procurement Manager
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/9/2023
Approved - 6/9/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023



TETRA TECH



Leading with Science®

Proposal for (RFP-23-14-PW)

Disaster Debris Monitoring

Town of Fort Myers Beach, FL

Electronic Submittal | May 2023



TAB 1. EXPERIENCE

TAB 1. Experience

Firm History

Tetra Tech is a leading provider of consulting, engineering, environmental, and technical services worldwide. Founded in 1966, Tetra Tech is one of the leading firms in the nation in the field of disaster management and homeland security, with millions of dollars in revenue coming from contracts in such diverse areas as infrastructure hardening and protection; disaster recovery; emergency management, planning, and preparedness; community resilience; environmental services, and grant management. Tetra Tech supports government and commercial clients by providing innovative solutions to complex problems focused on water, environment, energy, infrastructure, and natural resources. We are a global company with over 27,000 employees that is *Leading with Science®* to provide innovative solutions to complex problems for our public and private clients.

Dedicated to helping state and local governments plan for and recover from natural and human-caused disasters, our staff members offer a field-tested and proven methodology for emergency readiness, continuity planning, and disaster recovery. Our team is recognized for its ability to quickly respond to a broad range of emergencies, allowing our clients to return to the business of running their day-to-day operations.

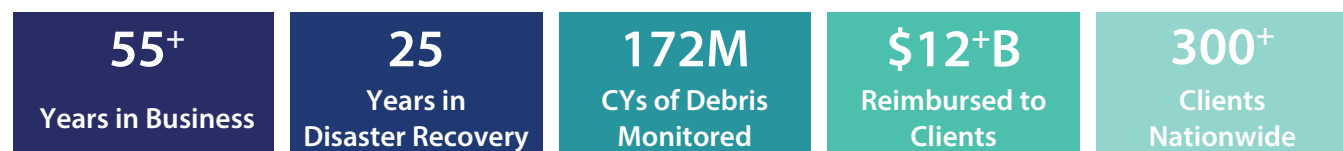
Likewise, our team's understanding of the Federal Emergency Management Agency (FEMA), the Federal Highway Administration (FHWA) (including recent changes), and other reimbursement agencies' requirements for eligibility, documentation, and reimbursement helps clients receive the maximum reimbursement allowed. ***Our team has obtained over \$12 billion in***

reimbursement funds for our clients from federal agencies such as FEMA, FHWA, and the Natural Resources Conservation Service (NRCS). In total, our team has successfully managed the removal of and reimbursement for over ***172 million cubic yards (CYs) of debris as well as the demolition of over 22,000 uninhabitable residential and commercial structures.***

In addition to disaster recovery, Tetra Tech offers a diverse suite of solutions to complex problems in water, environment, infrastructure, resource management, energy, advanced data analytics, and more. In all, Tetra Tech has dedicated problem solvers and innovators from 60 disciplines collaborating on innovative projects worldwide.



Knowledge and Expertise



Tetra Tech Disaster Recovery is a national leader in the field of disaster management. Our contracts with federal agencies and state and local governments are in diverse areas such as disaster recovery consulting and technical assistance; staff augmentation; community resilience; grant management; and disaster debris planning and preparedness. Our team offers deep understanding of the FEMA, FHWA, and other regulatory agencies' policies and procedures. We have worked closely with these

agencies, recipients, and subrecipients on billions of dollars' worth of projects to determine project eligibility and to provide technical assistance, detailed damage inspection reports, cost estimates, validation and testing, audit documentation, and process reimbursements. Our team also maintains strong relationships with many of the lead federal officers, state agency leadership, local governments, and other staff.

Unmatched Debris Monitoring Experience

Our team has provided disaster management, recovery, and consulting services to hundreds of state and local government agencies in response to more than 95 disaster events since 2001. These services have included environmental permitting; monitoring of debris collection, hazardous tree programs, temporary debris management sites (TDMS), and specialized debris missions; fire damage restoration; contractor invoice reconciliation; and federal grant reimbursement support. **Profiles and references from specific projects are featured later in this section as well as in Tab 2 - References. Tetra Tech can provide additional projects and information upon request.**

Recent Debris Monitoring Experience

Exhibit 1 provides an abbreviated experience matrix for projects conducted since 2021. Tetra Tech can provide specific references and additional information upon request.

Exhibit 1: Experience Matrix (2021 – Present)

Year	Disaster	Representative Client(s) *Work in Progress	Size (CYs)	Contract Management	Data Management	Collection Monitoring	Disposal Monitoring	Leaver/Hanger/Stump Removal	Private Property Debris Removal	Marine/Waterway	EEMA Reimbursement
2023	California Floods	Merced County, CA	Ongoing	■	■	■	■				■
		City of Santa Barbara, CA	Ongoing	■	■	■	■				■
2022	Hurricane Ian Clients Served: 30	Florida Department of Environmental Protection, FL*	100,000	■	■	■	■				■
		Brevard County, FL*	200,000	■	■	■	■				■
		City of Cape Coral, FL*	1,200,000	■	■	■	■			■	■
		Charlotte County, FL*	4,500,000	■	■	■	■			■	■
		Collier County, FL*	900,000	■	■	■	■			■	■
		Highlands County, FL*	300,000	■	■	■	■				■
		City of Holly Hill, FL*	85,000	■	■	■	■				■
		City of Key West, FL*	45,000	■	■	■	■				■
		Manatee County, FL*	650,000	■	■	■	■				■
		City of Melbourne, FL*	65,000	■	■	■	■				■
		Osceola County, FL*	10,000	■	■	■	■				■
		Polk County, FL*	1,300,000	■	■	■	■				■
		St. Johns County, FL*	50,000	■	■	■	■				■
		Volusia County, FL*	350,000	■	■	■	■				■
		Placer County, CA*	Ongoing	■	■			■	■		■
	McKinney Fire	Siskiyou County, CA	Ongoing	■	■			■	■		■
	New Mexico Wildfires	New Mexico USACE*	Ongoing	■	■	■	■	■	■		■
	Oak Fire	Mariposa County, CA	Ongoing	■	■			■	■		■

2021	Severe Storms and Tornadoes Clients Served: 2	City of Bowling Green, KY Matt Powell, (270) 784-7796, Matt.powell@bgky.org	164,370	■	■	■	■	■	■	■
		Warren County, KY Matt Powell, (270) 784-7796, Matt.powell@bgky.org	47,300	■	■	■	■	■	■	■
	Dixie Fire Clients Served: 1	CalRecycle (State Contract)* Alan Zamboanga, (916) 341-6450	Ongoing	■	■	■	■	■	■	■
		City of Central, LA	62,878	■	■	■	■	■	■	■
	Hurricane Ida Clients Served: 11	Iberville Parish, LA Randall Dunn, (225) 776-1109, dunn@ibervilleparish.com	10,846	■	■	■	■	■	■	■
		Tangipahoa Parish, LA*	2,930,005 (ongoing)	■	■	■	■	■	■	■
	Surfside Condo Collapse Clients Served: 1	Miami-Dade County, FL Michael Fernandez, (786) 473-7314, michael.fernandez@miamidade.gov	10,264 (tons)	■	■	■	■	■	■	■
	Tennessee Severe Storms and Floods Clients Served: 1	Metro Nashville and Davidson County, TN Phillips Jones, (615) 533-2377, phillip.jones@nashville.gov	804 (tons)	■	■	■	■	■	■	■
	Alabama Tornado Clients Served: 3	Calhoun County, AL	228,268	■	■	■	■	■	■	■

Examples of Experience

As requested by the Town's RFP, we have included descriptions of projects performed for similar clients with populations over 100,000 following disasters similar to events typical in Florida. Our team will gladly provide additional project samples upon request.

City of Miami, Florida – Hurricane Irma

The City of Miami (City) is a major port city on the Atlantic coast of South Florida. The City is a major center of commerce, finance, and boasts a strong international business community, with a population of about 450,000.

Tetra Tech has a standby contract agreement with the City and as such had the advantage of planning side-by-side with the City prior to the impact of Hurricane Irma. In the months immediately before the storm, the City and Tetra Tech staff had met several times to review FEMA requirements, train City and debris hauler staff on expectations, and review and permit temporary debris management sites. In the days leading up to Hurricane Irma making landfall, Tetra Tech staff and City officials were actively planning a coordinated response to a potentially large-scale debris generating event.

Tetra Tech staff was on the ground within 12 hours of impact and engaged in the immediate tasks of assisting with temporary site permitting, coordinating primary clearance routes with the City's debris haulers, forecasting debris removal operations, and training new staff.

Tetra Tech eventually **hired over 130 monitors** to document the removal of nearly **15,000 loads of eligible debris** totaling over half a million cubic yards. As debris removal operations ended, Tetra Tech continued to work with the City on updating its Request for Proposals (RFP) for debris removal contractor procurement and updating the Disaster Debris Management Plan.

Population 442,240
Duration September 2017 – July 2018
Project Size 540,053 CYs



City of Clearwater, Florida – Hurricane Irma

Clearwater is in Pinellas County, Florida, and has a population of 115,513 people. The City of Clearwater lies on the Gulf of Mexico and is famous for its stunning white sand beaches. Its proximity to the Gulf of Mexico and low-lying elevation puts many residents at risk for flooding. Although the City of Clearwater avoided a direct hit from Hurricane Irma in September 2017, the storm caused considerable damage to 385 residences, many businesses, and its infrastructure.

In anticipation of a Florida Gulf Coast landfall, Tetra Tech senior management was in contact with City officials days before the impacts of Hurricane Irma to coordinate an appropriate response. In the immediate aftermath, the City of Clearwater activated the Tetra Tech team to conduct post-disaster debris monitoring services, track and document the City's force account labor work, and coordinate disposal operations with the City's solid waste department and debris hauler. Local personnel were hired as debris monitors, **totaling 25,445 cubic yards of debris.**

Population	117,290
Duration	September 2017 – November 2017
Project Size	25,445 CYs



Sarasota County, Florida – Hurricanes Ian and Irma

Sarasota County is on Florida's West Coast and home to approximately 447,000 permanent residents. Given its position on the Gulf of Mexico, the County understands the need to be ready for potential storms and disaster events. Sarasota County has a long-standing partnership with Tetra Tech to provide post-disaster services in the event of a hurricane or other natural disaster. In the summer of 2017, the County retained our services to conduct a comprehensive assessment of their readiness to respond to, and recover from, such incidents. This included a tabletop exercise with County staff, which aimed to provide a coordinated response blueprint for the County and their private sector partners.

Less than one month after the exercise was delivered, the County was impacted by Hurricane Irma and activated its standby contract with Tetra Tech for debris monitoring and implementation of pre-developed plans. Tetra Tech mobilized 60 staff members to monitor the County's two debris removal contractors. Ultimately, Tetra Tech documented nearly **10,000 loads of debris, totaling over 288,000 CYs** of disaster-generated debris. Tetra Tech also provided contractor invoice reconciliation and data management support for the County and assisted with FEMA reimbursement documentation.

In the fall of 2022, the County was hit hard by Hurricane Ian. The Category 3 storm made landfall on the Gulf Coast with wind speeds of up to 120 mph, causing widespread damage and power outages. Tetra Tech was activated again to assist the County in monitoring debris removal from the right of way, parks, schools, waterways, and private roads, and the removal of hazardous trees by three separate contractors and through eight different temporary debris management sites.

Population	434,010
Duration	Hurricane Ian: September 2022 – February 2023 Hurricane Irma: July 2017 – April 2018
Project Size	Hurricane Ian: 1,200,000 CYs Hurricane Irma: 288,000 CYs





TAB 2. REFERENCES

TAB 2. References

As requested in the Town's RFP, Tetra Tech has provided a list of references for work performed within the last 5 years.

City of Cocoa Beach, Florida – Hurricane Matthew

The City of Cocoa Beach has had a long-time standby contract with Tetra Tech and a relationship of true partnership over the years. Given the City's vulnerable position on a barrier island bordered by the Banana River to the west and the Atlantic Ocean to the east, the City of Cocoa Beach has been very proactive in planning for hurricanes. Tetra Tech has worked closely with the City in these planning efforts, including attending yearly meetings, reviewing and commenting on plans and procedures, and being available year-round to support the City even in times of normalcy. This existing planning partnership allowed for a quick start to operations with very little learning curve.

Tetra Tech assisted the City with debris removal efforts following both Hurricane Matthew in 2016 and Hurricane Irma in 2017. Each of these storms resulted in large amounts of right-of-way debris and hazardous trees and limbs. Tetra Tech monitored the removal of over 27,000 CYs of debris for Hurricane Matthew and another 16,000 CYs after Hurricane Irma. Tetra Tech used a dedicated project management team to provide truck certification, collection monitoring, disposal monitoring, data management, and project reporting for FEMA reimbursement and overall project management and oversight. Our team continues to support the City in providing the documentation necessary to develop FEMA project worksheets.

In 2022, Hurricane Ian swept a path across central Florida as one of the strongest hurricanes in Florida's history, bringing crushing winds approaching 155 miles per hour and flooding to low-lying portions of the city. Tetra Tech immediately mobilized to assist in the debris removal efforts for the city following Hurricane Ian. Recovery efforts included the removal of both vegetative and construction and demolition debris. Tetra Tech monitored the removal of over 8,000 cubic yards of debris from the City.

Duration

Matthew: October 2016 – December 2017

Irma: September 2017 – October 2017

Ian: September 2022 – December 2022

Reference Information

Rob Strong, Project Manager,
Public Works Department
City of Cocoa Beach
1600 Minutemen Cswy.
Cocoa Beach, FL 32931
Phone: 321-868-3316
rstrong@cityofcocoa beach.com

City of Callaway, Florida – Hurricane Michael

The City of Callaway, Florida is located in Bay County, which sits in the Florida Panhandle. The City is comprised of 9.6 square miles, including 0.58 square miles of water. Located just miles from the Gulf of Mexico, the City of Callaway is especially susceptible to natural disasters, including tropical storms, hurricanes, and flooding.

On October 10, 2018, Hurricane Michael ripped across the Florida Panhandle as a Category 5 Hurricane with maximum sustained speeds of 161 miles per hour, making it the most powerful storm in recorded history to impact the area. The eye of the storm made landfall near the Tyndall Air Force Base, which is less than 10 miles from the City. Hurricane Michael left the area completely devastated. Most homes and businesses in the City of Callaway were severely damaged or destroyed, and almost all residents were left without power for several days.

Upon notice to proceed, the Tetra Tech team responded in the aftermath of Hurricane Michael and performed initial debris survey estimates across the County. Our team hired and trained nearly 100 monitors. In total, our team documented and managed the removal, reduction, and disposal of over 1,090,190 cubic yards of debris and over 6,700 leaners and hangers following Hurricane Michael.

Duration

October 2018 – Ongoing

Reference Information

Eddie Cook, City Manager
(850) 871-6000
(850) 215-6691 (Office)
Citymanager@cityofcallaway.com



City of Lynn Haven, Florida – Hurricane Michael

The City of Lynn Haven's location in the Florida Panhandle placed it directly in the path of Hurricane Michael, a Category 5 hurricane that was the third most intense to make landfall in U.S. history. The City sustained catastrophic damage to numerous facilities and infrastructure. Many residents were displaced and left without power.

Upon noticed to proceed, Tetra Tech mobilized senior staff, and had a team on the ground within 48 hours of impact. Tetra Tech immediately began performing initial debris survey estimates across the City. Our team hired and trained nearly 60 local monitors to provide debris removal operations. Working closely with the City, our team assisted with collection monitoring; disposal monitoring; truck certification; leaner, hanger, and stump monitoring; and FEMA reimbursement reporting for the City's debris removal contractor.

In total, our team documented and managed the removal, reduction, and disposal of over **1,290,700 cubic yards of debris and over 2,500 leaners and hangers** following Hurricane Michael.

Waterway Debris Removal Monitoring

The Econfina Creek is located in Bay and Washington Counties in Florida. Tetra Tech was responsible for monitoring the clean up of eligible storm related debris. Barge monitors followed clean up crews collecting debris generated by hurricane Michael. Debris consisted mainly of vegetative, which consisted of trees blown over across the creek. These trees created a serious threat to navigation and also created blockages which flooded properties on both sides of the creek. Tetra Tech documented the removal and collection with photos and incident reports, and also documented where debris was. The debris was transported to an offload site, and the distance from the debris point of origin to the offload site was recorded. Tetra Tech then monitored the debris being loaded into collection trucks and issued collection tickets. The debris was transported to a final disposal site where monitors processed the loads and issued final tickets.

Lynn Haven ditches were blocked by storm debris from Hurricane Michael. Our team monitored crews who cut and removed debris to open the ditches back up. Incident reports were used to document the work performed, and collection tickets were created to record the trucks hauling the debris to a final disposal site. Monitors at the final disposal site documented the debris that was brought in.

Duration

October 2018 – Ongoing

Reference Information

Vickie Gainer

825 Ohio Avenue

Lynn Haven, FL 32444

(850) 265-2121 ext 112

vgainer@cityoflynnhaven.com



City of New Smyrna Beach, Florida – Hurricane Ian

Hurricane Ian caused widespread wind and flood damage, as well as severe coastal erosion across Florida's east coast. Nearly 20 inches of rain fell in New Smyrna Beach prior to the storm's passing, resulting in catastrophic flooding unlike the City had ever seen before.

Following the storm, Tetra Tech was activated by the City of New Smyrna Beach to provide disaster debris monitoring services. Tetra Tech responded within hours of the storm's passing to assist the City with damage assessment and debris estimation. Tetra Tech assisted the City in resolving several contractual issues with the City's contract debris hauler, Phillips and Jordan. Soon after notice to proceed, Tetra Tech hired and trained approximately 30 local debris monitors.

Next, Tetra Tech immediately assisted the City in activating its debris management site and initiated truck certification. Following commencement of right-of-way collection, we assisted the City in standing up and operating a citizen drop-off site for residents that wanted to haul their own debris.

In total, more than 100,000 cubic yards of vegetative and construction and demolition debris were removed from the City in approximately 60 days. Tetra Tech supported the City with debris contractor invoice reconciliation and FEMA reimbursement support as part of project close-out.

Duration

October 1, 2022 – December 31, 2022

Reference Information

Mr. David Ray, Director of Maintenance Operations

124 Industrial Park Avenue

New Smyrna Beach, FL 32168

(386) 424-2202 (office)

(386) 527-6657 (mobile)

dray@cityofnsb.com

A tropical beach scene at sunset. Two palm trees are in the foreground, framing the view of a sandy beach and the ocean. The sky is a mix of orange, pink, and blue. A blue banner with white text is at the bottom.

TAB 3. MONITOR TRAINING PROGRAM

TAB 3. Monitor Training Program

Tetra Tech provides each of the monitors we hire with a comprehensive training program to ensure they understand responsibilities and proper procedures. This page outlines the major topics of our training program. A full version can be provided upon request.

Collection Monitor Basics

Our team provides new monitors with an overview of Tetra Tech as a company, the purpose of the project, FEMA guidelines, and general day-to-day responsibilities and procedures.

Eligible Debris

Debris Classifications

To provide monitors with an understanding of the criteria debris must meet in order to be eligible for reimbursement.

- Types of Debris: Vegetative, C&D, E-Waste, White Goods
- Eligibility Criteria
- Collection Protocols

Debris Location

This section provides new monitors with the tools necessary to understand where debris can be collected.

- Public Right-of-Way (ROW)
- Eligible Roads
- Zone Maps

Documentation

How to ensure documentation is acceptable for submission to FEMA.

- Types of Forms
- *RecoveryTrac™* ADMS Overview
- Using ADMS to complete forms and documentation
- Daily Activity Log

Daily Operations

An overview of the day-to-day operations each monitor can expect to follow.

- Sample Schedule
- Required Equipment
- Personal Appearance
- Professional Conduct

Safety

An outline of safety protocols each monitor should follow to prevent accidents and injury while on the job.

- Safety Hazards
- Traffic and State DOT laws, rules, and regulations

Fraud

Providing monitors with an understanding of the different ways fraud can take place during debris monitoring projects and how to prevent them.

- Personal Fraud
- Hauler Fraud



TAB 4. PERSONNEL

TAB 4. Personnel

Tetra Tech has assembled a team of debris removal monitoring experts with direct experience responding to recent disasters. **Our dedicated project management team is deeply familiar with the policies, procedures, and requirements associated with delivering successful disaster debris monitoring services.**

Our staff members have **managed the removal of and reimbursement for over 172 million cubic yards (CYs) of debris as well as the demolition of over 22,000 uninhabitable residential and commercial structures.** Our team has monitored and obtained FEMA, FHWA, and NRCS reimbursement on over 30 debris removal projects in excess of 1 million CYs of debris and understands the significant resource commitment and effort that is necessary to manage and monitor large-scale debris removal operations for local governments.

Our record of success includes serving over 300 state and local government clients in response to over 90 presidential disaster declarations over the last decade. Our team has obtained **over \$12 billion in reimbursement funds** for our clients from federal agencies.

Tetra Tech is committed to providing the Town with an experienced project manager and consistent project management team that will expedite recovery efforts by establishing a coordinated and organized approach to debris removal. Our dedicated team is available to the Town 365 days per year.

Proposed Team

Tetra Tech has assembled a project team with the qualifications and expertise necessary to support the Town following a disaster. The individuals selected for this project not only have national expertise from having worked on every major disaster in the past decade, but also have **hands-on experience working on prior (or current) Florida-based projects.** As a result, our staff has an in-depth understanding of how disaster response and recovery works in Florida.

Senior Management and Advisory Team

Our senior management and advisory team will provide expert oversight and assistance at critical junctures. This team is prepared to provide both tactical and strategic guidance for the duration of any disaster recovery operation. These individuals bring decades of disaster debris monitoring and reimbursement expertise. **Resumes for project management and advisory staff have been provided at the end of this section.**



Mr. Chuck McLendon has been providing consulting engineering services to federal, state, and local governments across the U.S. for more than 30 years. His background in solid and hazardous waste management has led him to become one of the leading experts in the country on the implementation of large-scale post-disaster debris removal programs. He leads large teams to support major infrastructure and emergency response efforts, including most recently to Miami Dade County's response to the Surfside condo collapse. Mr. McLendon has served as principal in charge for upwards of 30 major disaster activations, including projects totaling more than 150 million CYs of debris and approximately \$2.5 billion in FEMA PA reimbursement. He lends this expert-level insight to help overcome any obstacles the Town may encounter in recovery.



Mr. Ralph Natale is a Naples resident and the director of post-disaster programs for Tetra Tech. He leads the practice by developing programs, providing daily project support, and providing oversight and guidance to his team of project managers and projects. Mr. Natale is an expert in FEMA-PA Grant Program reimbursement policies and has administered nearly 70 projects in his 15-year career. Mr. Natale has served as a principal in charge, project manager, data manager, and operations manager in response to some of the country's largest debris-generating disasters, including Hurricanes Matthew, Katrina, Ike and Sandy. Mr. Natale has led operations focused on managing and documenting the removal of over 66 million CYs of debris and over 1.7 million hazardous trees, the program management of over 35,000 demolitions, and over \$4.5 billion of reimbursed invoices.



Ms. Allison McLeary, Esq., Senior Policy Advisor, will apply her program administration and policy expertise to facilitate procedural and data compliance with FEMA requirements. Ms. McLeary is an Attorney and experienced emergency response and recovery executive with a demonstrated history of building meaningful relationships across all levels of government. As the former **Recovery Bureau Chief of the Florida Division of Emergency Management and Recovery Legal Counsel for GOHSEP**, she offers direct, senior-level experience administering grant programming in coordination with federal agencies.



Mr. Jeff Dickerson is responsible for the planning, development, deployment of technical applications supporting emergency response operations. Mr. Dickerson has led the development and support of Tetra Tech's *RecoveryTrac™* ADMS. As one of only three systems validated by the USACE, it is the preferred provider by the USACE debris contractors, providing ADMS services to six of eight USACE districts globally. Mr. Dickerson has managed numerous large disaster activities with over 1,000 field monitors, coordinated the operation of round-the-clock data processing centers, and provided technical support for a debris management database to track the over 1,000 trucks and documentation for over 5 million CYs of debris brought to the client's TDMS locations.



Mr. Tommy Webster has more than 20 years of consulting and operational experience with major field environmental and civil works projects. Mr. Webster brings a unique perspective, having spent many years of his career on the consulting side at Tetra Tech and its preceding organizations, as well as at a major national civil construction and debris contractor (Phillips and Jordan). He brings a strong understanding of FEMA Public Assistance (PA) Program policy and how the policy applies to post disaster recovery. Through his experience, Mr. Webster has managed planning, response, and recovery/reconstruction for a wide variety of projects and disasters including hurricanes, floods, ice storms, fires, oil spills, and other disaster incidents.

Project Field Operations Team

Tetra Tech has identified a team of field staff to support the Town. We have selected team members who have previous experience in similar operations. Brief summaries of each team member's experience are provided below. **Resumes for project field operations staff have been provided at the end of this section.**

Proposed Staff	Summary of Qualifications	Key Areas of Expertise
Frank Guthman Project Manager	Mr. Guthman is a Civil Engineer and regional project manager for Tetra Tech. He has supported a wide range of disaster recovery, land development, and improvement projects for public and private clients. He has managed large program and debris monitoring projects, ensuring FEMA compliance of the PA	• Project Management • FEMA PA • Civil Engineering

	and policy guidelines. As such, he has developed an extensive understanding of federal, state, and local regulations, protocols, processes, and guidance with respect to homeland security response, and recovery. Mr. Guthman served as project manager for the City of Lake Charles, LA following Hurricanes Laura and Delta, which accounted for the removal of more than 4 million CYs of debris. Additional tasks have included providing construction phase services, Resident Engineering duties, grading, drainage, utility design and site layout.	• Disaster Recovery • Debris Monitoring • Compliance
Robert Berry Operational Manager/Field Coordinator	Mr. Berry is a highly experienced disaster recovery professional with a proven track record of managing successful projects. He has served in various roles, from field supervisor to project manager, in response to various natural disasters such as hurricanes and wildfires. He has demonstrated exceptional leadership skills, organizing, and training employees, monitoring client satisfaction and contract compliance, and ensuring that recovery efforts are carried out efficiently and in accordance with FEMA standards. Mr. Berry's focus on health and safety policies and his attention to detail have made significant contributions to the success of recovery efforts in multiple locations.	• Project Management • Debris Removal Operations • Truck Certification • Scheduling and Dispatch • QA/QC • Health & Safety
Brandon Norwood Debris Monitor Supervisor	Mr. Norwood is a quality-oriented professional with over six years of field experience. He has a proven knowledge of data entry, operations management, and operating policies/procedures. Mr. Norwood is responsible for monitoring and documenting the removal of hazardous debris and trees, which includes recording information for load tickets, monitoring contractor safety, and reporting any damage resulting from the removal of debris.	• Field Operations • Disposal Operations • Private Property Programs • Leaner/Hanger Programs • Health and Safety
Casey Ogden Data Entry/GIS Operator	Mr. Ogden has more than 20 years of experience in Geographic Information Systems (GIS), with experience with the ESRI suite of products. He holds a Master's degree from the Florida State University with a Certificate of Emergency Management, as well as, a Bachelor's Degree from Louisiana State University in the field of Geography. As the geospatial applications manager, Mr. Ogden manages a team of five GIS personnel and is responsible for developing GIS applications that are efficient, accurate, and cutting edge.	• GIS Programming • ESRI Enterprise Geodatabase and Services • GNSS Survey Grade Data Collection • ArcGIS Pro / ArcMap Operation and Support • ArcGIS Server and AGOL Administration
Macy Moore Project Coordinator	Ms. Moore is an accomplished Regional Project Coordinator with five years of experience in the disaster recovery industry. Since joining Tetra Tech in 2017, she has supported projects in California, as well as multiple states along the Gulf and East coasts following hurricanes, tornadoes, and wildfires. Ms. Moore is responsible for onboarding, training, and assisting with the oversight of PC teams to ensure that projects run smoothly and efficiently.	• Project Setup • Staff Training • QA/QC • Scheduling and Dispatch • State Labor Laws
Geoff Reinhart, CPA Billing/Invoice Analyst	Mr. Reinhart is an experienced CPA with both public and private sector experience. As a billing and invoice analyst at Tetra Tech, Mr. Reinhart is responsible for reconciling contractor invoices and performing quality control on data to ensure than all FEMA guidelines for debris removal monitoring are successfully fulfilled.	• Accounting • Fixed Assets • Oracle • Peoplesoft
George Eason Data Manager	Mr. Eason is a data manager with expertise in geographic information systems, documentation management, quality assurance/quality control (QA/QC), database management, and reporting. He has an in-depth understanding of FEMA eligibility, documentation requirements, and Tetra Tech's proprietary ADMS technology.	• Data Management • QA/QC • Data Analysis • Project Reporting • Truck Certification • Aerial Imaging

Professional Certifications, Training, and Licensing

Tetra Tech remains abreast of the latest guidance, issues being debated, and current best practices through participation in expert groups, attendance in training and conference sessions, and working with national experts in disaster recovery operations, emergency management, national security, information technology, public health, transportation, and critical infrastructure protection. **Our proposed team possesses key certifications that help them provide quality technical services and have attended numerous training courses related to debris operations and emergency management.**

Some of these include:

- Occupational Safety and Health Administration (OSHA) Disaster Site Worker Course
- OSHA 10-Hour Construction Safety Certification
- OSHA 40-Hour HAZWOPER Certification
- G-202: Debris Management
- IS 100: Introduction to Incident Command System
- IS-120: Introduction to Exercises
- IS 191: ICS/EOC Interface
- IS-200: Basic Incident Command
- IS 242: Effective Communication
- IS-288: Local Volunteer and Donations Management
- IS-230: Fundamentals of Emergency Management
- IS-547: Introduction to Continuity of Operations (COOP)
- IS-631: Public Assistance Operations I
- IS-632: Introduction to Debris Operations
- IS-634: Introduction to FEMA’s Public Assistance Program
- IS-700: National Incident Management System
- IS-800: National Response Program
- ICS 300: Intermediate ICS for Expanding Incidents
- Intermediate Workzone Traffic Control (FDOT)

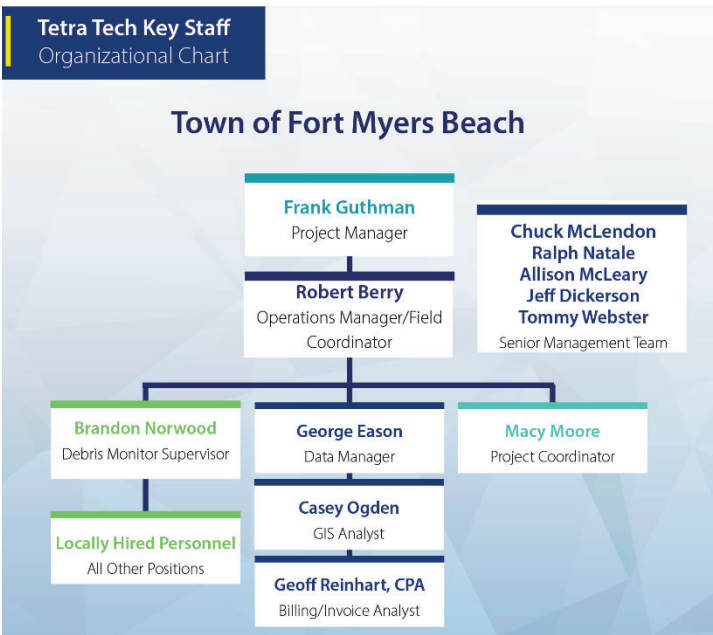
Additionally, all collection and disposal monitors and field supervisors must attend a debris monitoring training session prior to working. In addition, our environmental health and safety training program helps our business operate in a manner that protects the health and safety of our employees, customers, business partners, community neighbors, and the environment. Our field teams attend daily safety sessions with field employees to discuss potential hazards and review safe work practices.

Organizational Chart

The proposed organization structure is based on industry best practices and an understanding of geography and the distinct management responsibilities of each position. Our proposed organizational structure ensures orderly communication, distribution of information, effective coordination of activities, and accountability. Tetra Tech’s project team can scale as needed, coordinate response, establish common processes for planning and managing resources, and adapt organizational structure to match the needs and complexities of projects. **Résumés have been included at the end of this section.**

Staff Resumes

Resumes of our proposed team can be found attached to the end of this proposal.



A tropical beach scene at sunset. Two palm trees are in the foreground, framing the view of the ocean. The sky is a mix of orange, pink, and blue. The beach is sandy and has some driftwood. A blue banner is at the bottom with the text 'TAB 5. STAFFING/RECRUITING'.

TAB 5. STAFFING/RECRUITING

TAB 5. Staffing/Recruiting

Tetra Tech is recognized for its ability to quickly and effectively respond to large-scale projects. Since 1990, Tetra Tech has been providing comprehensive emergency response services to both governmental and private clients. Most notably, we have continuously supported the U.S. Environmental Protection Agency's (EPA) Emergency Response and Removal program since 1995, serving as prime contractor or subcontractor in eight of the ten regions across the country. Over this time, we provided technical consulting expertise on nearly 2,000 emergency response efforts nationwide. We have responded to all types of incidents, including industrial plant explosions, chemical fires, train derailments, oil spills, and pipeline ruptures impacting environmentally sensitive areas, clandestine drug laboratory operations, mercury spills in residences and schools, releases of unknown hazardous substances, chemical and biological agent incidents, and natural disasters, such as floods, tornadoes, and hurricanes.

In many cases, we respond rapidly within 24 hours of receiving notice-to-proceed and fully staff projects within 7 days. Our staffing process has rapidly mobilized project teams for major disaster recovery projects nationwide, leveraging both our in-house and on-call staff with demonstrated disaster response training and experience. We prioritize deploying local staff to the maximum extent practical, which not only benefits the local economy but also reduces mobilization and transportation costs.

Ultimately, the strategy, structure, and staffing requirements for the project organization are based on client expectations and the desired outcome. Tetra Tech's project team can scale as needed, coordinate response, establish common processes for planning and managing resources, and adapt organizational structure to match the needs and complexities of projects. A sample of rapid deployments and timeframes is provided below.

Rapid Recruiting

During program ramp-up, we focus on hiring locally. We deploy several methods for outreach and recruitment for local staff, including targeted outreach in community hubs, extensive networking with potential candidates, and coordination with local support groups.

Field Hiring Center

In addition to maintaining an extensive case management and community outreach staff database, Tetra Tech can deploy our Field Human Resources (HR) Hiring Center which is designed to be quickly mobilized to allow near immediate response for staffing needs. In fact, in most cases, Hiring Centers are ready in less than 72 hours from the notice to proceed. The number of trained HR representatives can scale up to 20 at a moment's notice – allowing Tetra Tech to **hire 200+ staff per day**. Under this process, local teams can be hired, trained, and deployed quickly.

Tetra Tech monitors the project work plan to meet the needs of the project throughout the engagement, including fluctuations in staffing needs. As the work volume decreases after the initial surge upon program launch, we typically reduce staffing levels accordingly. Our utmost priority is to balance workload and customer service – providing the proper amount of field staff to maintain pace with activity in the workflow.

Typically, during the program demobilization process, Tetra Tech works with each employee to determine the next step in their professional journey – very frequently another project with our team. Many of our current project management staff members began their career with Tetra Tech as locally hired staff and have grown with us into national senior leadership positions.

Tetra Tech has never failed to respond to our clients' deployment and mobilization needs, regardless of location or disaster. In 2017, Tetra Tech successfully deployed **more than 6,000 field staff** throughout the country to respond to clients affected by Hurricane Irma in Florida, Hurricane Harvey in Texas, Hurricane Maria in Puerto Rico, and multiple wildfires in California.

Local hires in 24 hours.

Tetra Tech can hire, train, and deploy local teams within 24 hours. Our onboarding procedures are designed for rapid mobilization, thorough training, and near-immediate execution of work.

From Recruit to New Hire

Once candidates are identified, Tetra Tech vets and screens potential new hires. This starts with an initial screening and verification of official documents, including driver's licenses, Social Security cards, and insurance to ensure the identity of prospective employees. A hiring package is completed, checked for completeness and accuracy, and then uploaded to the Corporate Hiring Service Center. Next, the Corporate Hiring Service Center completes an e-Verify eligibility-to-work check and a criminal background check within 24 hours. It also verifies education and any testing required for the position. Once these checks are complete, the new employee is entered into the Tetra Tech labor tracking system and issued official credentials.

Accelerated Training Program

The first step before field work is training. Tetra Tech logs all training activity and requires documentation of successful completion before new teammates can start field work. With a solid foundation of training, Tetra Tech project managers, data managers, and operations managers are prepared and required to follow standard operating procedures and protocols.

Just as Tetra Tech's experience demonstrates that we have previously managed and maintained capacity for programs of similar scope and scale, our past performance demonstrates that we've done so successfully. Our ability to deliver qualified personnel has proven effective when supporting the Puerto Rico Department of Housing as prime contractor on the Hurricane Maria Housing Recovery Program Management program, where our proactive management and staffing approach enabled Tetra Tech to **mobilize and train 17 assessment teams in less than a week and integrate scalable technology systems to streamline processes to address thousands of applicants.**

Tetra Tech utilizes a variety of training methods and customizes formal trainings to the duties of each new employee, and hosts trainings virtually or in the Hiring Center with a Tetra Tech certified trainer. These trainings include modules specific to each client's needs and requirements. By using interactive qualifying tools throughout training modules, Tetra Tech helps trainees better retain information while also screening and selecting the most qualified personnel for support positions.

To properly instruct newly hired local employees, Tetra Tech has developed a training program that includes modules specific to each program. These modules are complete with the information required to facilitate quality assurance and program compliance across program implementation. Tools included in the training modules assist with the retention of the material and assist Tetra Tech in screening and selecting the most qualified personnel for the required tasks.

Staffing Rapidly

Tetra Tech is able to staff projects rapidly to fit the mobilization needs of our clients. The table below shows examples of our response deployment over the past 7 years.

Representative Tetra Tech Response Deployment

Event and Year	Staff Mobilized	Mobilization Periods
Hurricane Ian (2022)	1,300	10 days
Hurricane Laura (2020)	600	4 days
Hurricane Isaias (2020)	50	3 days
Tornadoes (2020)	120	3 days
Tornadoes (2019)	40	2 days
Hurricane Michael (2018)	665	4 days
California Wildfires (2018)	1,000	7 days
Hurricane Florence (2018)	450	3 days
Hurricane Harvey (2017)	1,417	10 days
Hurricane Irma (2017)	2,452	10 days
Hurricane Matthew (2016)	800	5 days

A tropical beach scene at sunset. Two palm trees are in the foreground, framing the view. The sky is a mix of orange, pink, and blue. The beach is sandy and flat. A blue banner with white and yellow text is at the bottom.

TAB 6. DATA MANAGEMENT

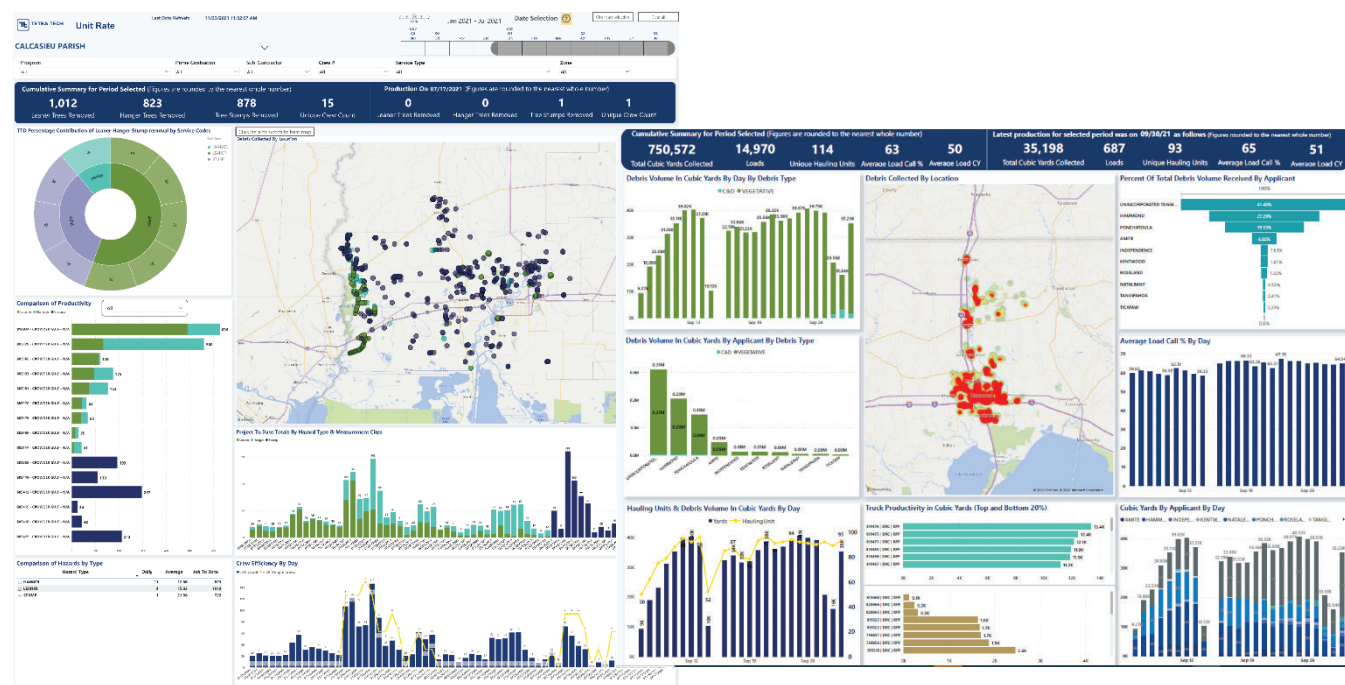
TAB 6. Data Management

Tetra Tech has extensive experience in collecting, managing, and tracking financial and project data. Our firm has a full suite of existing reports to allow for custom reporting on all metrics requested from our clients. Tetra Tech has years of experience tracking invoice amounts and payments, budget forecasting, change order and work order attributable costs, etc. We understand the importance of accurate data and cost tracking and have developed several reports over the years to enhance visibility into essential project aspects. A sample of the variety of reports we can issue are summarized on the following pages.

Daily Report

Tetra Tech has a suite of reports that are automated from *RecoveryTrac™* ADMS and available in real-time via PC, tablet, or smart phone. Although the reports are available at any time to the Town, Tetra Tech will submit a daily status report that includes daily cubic yards/tons collected by material and program, cumulative cubic yard/tons collected, number of debris monitors in the field, cumulative cubic yards/tons hauled to final disposal, and daily/cumulative hazard removals. Below are samples of these reports created for recent projects. Additionally, Tetra Tech takes pride in the customization of reports to meet our client's specific needs and provided reports tailored to any metrics not captured in the generic reports.

Sample Custom Reports Developed



Daily Budget Status Reports

Tetra Tech provides a variety of daily reports that capture costs incurred, invoicing statuses, projections of work, debris totals, task force productivity, evaluation of integrity controls, recommendations, budget forecasting, and other metrics, as requested. Some specific examples of daily reports issued for prior projects include:

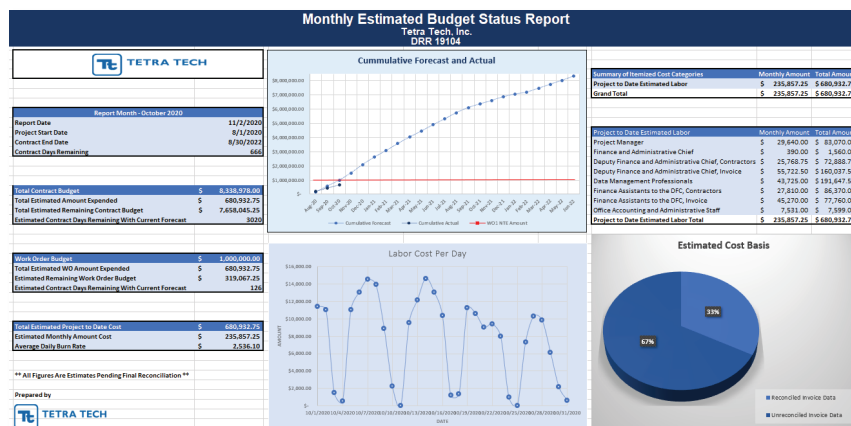
- **Finance Daily Budget Status Report:** This report's focus is on invoice reconciliation statuses, budget forecasting, and daily burn rates, contract service expenditure, work order and change order not-to-exceed tracking, and client recommendations based on analyses.
- **Contractor Daily Production:** This report graphs debris type tonnages on a per debris removal team basis by day. This graph also utilizes a slicer to restrict data displayed in the graph to a particular task force and also a timeline to allow for a specific day or range of dates to be shown.
- **Debris Removal Team Daily Production:** This report displays the ticket data summarizing the CYs or tonnage associated with tickets from properties assigned to the contractor. This graph also utilizes a slicer to restrict data displayed in the graph to a particular task force and also a timeline to allow for a specific day or range of dates.

- **Daily Report Contractor Expenditure:** Displays the services included in the project for the contractor. Also shows the quantity and cost amount of each service per day as well as the project to date total of all services. This report also calculates the average daily cost estimate based on the average daily cost for the previous five days.

Monthly Budget Completion Status

Tetra Tech's monthly budget completion status report summarizes financial data collected during the month for all contractors. Additionally, a robust forecast is incorporated along with a summary of recommendations based on the project's operations during the previous month.

Monthly Budget Status Report



On-Demand Budget Reports

Tetra Tech is able to provide budget reports on demand facilitated by superior cost and quantity tracking in the *RecoveryTrac™* database. Previous custom on-demand budget reports include a combination summary of debris quantity data combined with financial metrics.

Incident Reporting

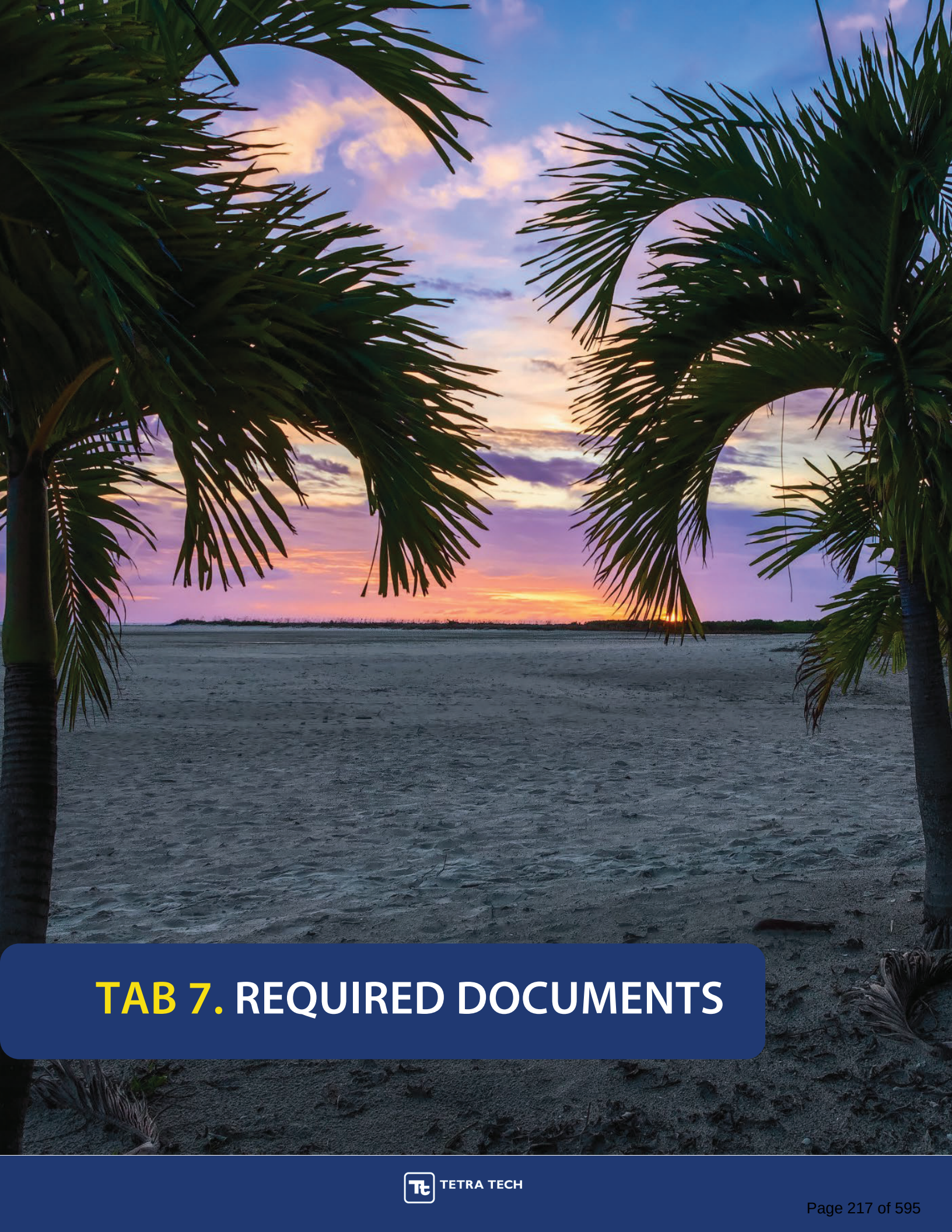
Another key feature of our ADMS technology is that it allows field monitors to report incidents and provide supporting photographs in real time to the Town, Tetra Tech, and the debris contractor. Examples of incidents include reporting pre-existing damage, damage caused by the contractor, debris piles skipped by the contractor, safety hazards, and other incidents critical to a debris removal program. As monitors complete incident reports in the field, the information and supporting photographs are uploaded to the Tetra Tech reporting server. Depending on the type of incident, priority e-mails may be sent out by the reporting server to Town representatives, Tetra Tech's project team, and debris contractor representatives. Our firsthand experience assisting local governments with recovering from disasters has shown that accurately capturing and photographing pre-existing damage can alleviate residential damage claims that may be submitted to the Town. Additionally, the incident map developed from the collection information is essential to quickly identify unresolved contractor damages before the completion of the program.

Final Report

Tetra Tech has extensive experience completing final reports for disaster debris removal projects. The Final Report will summarize the pre-debris removal, pre-tree removal, and post-debris and post-tree removal conditions. The Final Report typically includes the initial and final assessments, ROE, summary of quantities of materials removed, environmental sampling information, pre and post-work photographs, and final sign off.

In addition, data can be downloaded directly from the *RecoveryTrac™* system using ESRI's ArcGIS feature services. These feature services allow location base selection and download of the data contained within the selected area. *RecoveryTrac™* Fleet history, including individual route history can be downloaded and is available over the life of the project.

Upon project closeout, geospatial data will be provided in an ESRI File Geodatabase (FGDB). Non-geospatial data would be provided in Microsoft Excel format, as directed by the Town. The data formats provided do not require a *RecoveryTrac™* license.

A tropical beach scene at sunset, framed by palm trees. The sky is a mix of orange, pink, and blue, with the sun low on the horizon. The beach is sandy and stretches out to the water. Two palm trees are in the foreground, their fronds framing the view.

TAB 7. REQUIRED DOCUMENTS

Self-explanatory

Include any licenses or certifications requested (if applicable)

It is the Proposer's responsibility to insure the Solicitation Response is submitted through www.demandstar.com no later than the specified opening date and time. (If solicitation is not received prior to deadline it cannot be considered or accepted.)

Form 1 – Solicitation Response Form

**TOWN OF FORT MYERS BEACH
SOLICITATION RESPONSE FORM**

Date Submitted: 5/11/2023

SOLICITATION IDENTIFICATION: RFP-23-14-PW

SOLICITATION NAME: Disaster Debris Monitoring

COMPANY NAME: Tetra Tech, Inc.

NAME & TITLE: (TYPED OR PRINTED) Jonathan Burgiel, Business Unit President

BUSINESS ADDRESS: (PHYSICAL) 2301 Lucien Way, Ste. 120, Maitland, FL, 32751

CORPORATE OR MAILING ADDRESS:

☐ SAME AS PHYSICAL 3475 East Foothill Blvd.

ADDRESS MUST MATCH SUNBIZ.ORG Pasadena, CA 91107

E-MAIL ADDRESS: TDR.contracts@tetrattech.com

PHONE NUMBER: (321) 441-8500 FAX NUMBER: (321) 441-8501

NOTE REQUIREMENT: IT IS THE SOLE RESPONSIBILITY OF THE VENDOR TO CHECK TOWN OF FORT MYERS BEACH BIDS AND PROPOSALS PAGE OR DEMANDSTAR FOR ANY ADDENDA ISSUED FOR THIS PROJECT. THE TOWN WILL POST ADDENDA TO THESE WEB PAGES, BUT WILL NOT NOTIFY.

In submitting this proposal, Proposer makes all representations required by the instructions to Proposer and further warrants and represents that: Proposer has examined copies of all the solicitation documents and the following addenda:

No. <u>1</u>	Dated: <u>4/11/2023</u>	No. _____	Dated: _____	No. _____	Dated: _____
No. <u>2</u>	Dated: <u>5/8/2023</u>	No. _____	Dated: _____	No. _____	Dated: _____

Tax Payer Identification Number: _____

(1) Employer Identification Number -OR- (2) Social Security Number:

**** Town collects your social security number for tax reporting purposes only**

Please submit a copy of your registration from the website www.sunbiz.org establishing the Proposer/firm as authorized (including authorized representatives) to conduct business in the State of Florida, as provided by the *Florida Department of State, Division of Corporations*.

- 1 Collusion Statement:** Town of Fort Myers Beach, Fort Myers, Florida The undersigned, as Proposer, hereby declares that no person or other persons, other than the undersigned, are interested in this solicitation as Principal, and that this solicitation is submitted without collusion with others; and that we have carefully read and examined the specifications or scope of work, and with full knowledge of all conditions under which the services herein is contemplated must be furnished, hereby propose and agree to furnish this service according to the requirements set out in the solicitation documents, specifications or scope of work for said service for the prices as listed on the Town provided price sheet or agree to negotiate prices in good faith if a contract is awarded.

2 **Scrutinized Companies Certification:**

Section 287.135, Florida Statutes, prohibits agencies from contracting with companies, for goods or services over \$1,000,000, that are on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Both lists are created pursuant to section 215.473, Florida Statutes.

As the person authorized to sign on behalf of Respondent, I hereby certify that the company identified above not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. I understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject company to civil penalties, attorney's fees, and/or costs.

Form#1 – Solicitation Form, Page 2

- 3 **Business Relationship Disclosure Requirement:** Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, their spouses, and their children. See Part III, Chapter 112, Florida Statutes and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes (1983), provides certain limited exemptions to the above-referenced prohibitions, including one where the business is awarded under a system of sealed, competitive bidding; the public official has exerted no influence on bid negotiations or specifications; and where disclosure is made, prior to or at the time of the submission of the bid, of the official's or his spouse's or child's interest and the nature of the intended business. The Commission on Ethics has promulgated this form for such disclosure, if and when applicable to a public officer or employee.

If this disclosure is applicable request form "INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS" (Required by 112.313(12)(b), Florida Statute (1983)) to be completed and returned with solicitation response. It is the proposer's responsibility to disclose this relationship, failure to do so could result in being declared non-responsive.

☐ **Business Relationship Applicable (request form)**

☒ **Business Relationship NOT Applicable**

- 4 Disadvantaged Business Enterprise (DBE) proposer? If yes, please attach a current certificate. ____ Yes ☒ No
- 5 The proposer should carefully read all the solicitation documents. Any deviation or modification must be identified. Failure to clearly identify any modifications in the space below may be grounds for the proposal being declared non-responsive, or to have the award of the solicitation to be rescinded by the Town. Attach separate page if necessary.
- 6 Are there any modifications to the solicitation or specifications? ____ Yes ☒ No

Modifications:

ALL PROPOSALS MUST BE EXECUTED BY AN AUTHORIZED AUTHORITY OF THE PROPOSER, WITNESSED AND SEALED (IF APPLICABLE)

Tetra Tech, Inc.

Company Name (Name printed or typed)

Jonathan Burgiel

Authorized Representative Name (printed or typed)

Business Unit President

Authorized Representative's Title (printed or typed)



(Affix Corporate Seal, if applicable)

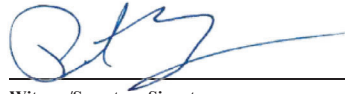
Preston Hopson, Secretary

Witnessed/Attested by:

(Witness/Secretary name and title printed or typed)



Authorized Representative's Signature



Witness/Secretary Signature

Any blank spaces on the form(s), qualifying notes or exceptions, counter offers, lack of required submittals, or signatures, on Town's Form may result in the submission being declared non-responsive by the Town.

CERTIFICATE
TETRA TECH, INC.

To: Town of Fort Myers Beach, Florida

I hereby certify to you that I am a duly elected and qualified Senior Vice President, General Counsel and Secretary of Tetra Tech, Inc., a Delaware corporation (the "Company"), and that, as such, I am authorized to execute this Certificate on behalf of the Company. I further certify to you on behalf of the Company that:

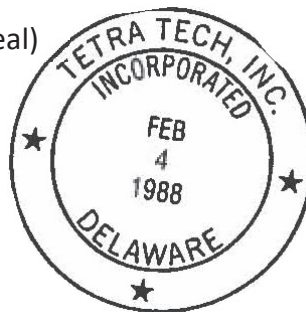
Jonathan Burgiel, Business Unit President within the Company's United States Government Division of the Government Services Group, is authorized and empowered, in accordance with the Company's Signature Approval Authority Matrix, as approved by the Company's Board of Directors, for and on behalf of the Company, to sign a proposal in response to the Town of Fort Myers Beach & RFP-23-14-PW for Disaster Debris Monitoring. Further, Mr. Burgiel is authorized and empowered to sign any resulting contract and is authorized to bind the Company.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 11th day of May, 2023.



Preston Hopson
Senior Vice President, General Counsel and
Secretary

(Seal)





TETRA TECH, INC.

Unique Entity ID LMRMKLLL3LG5	CAGE / NCA 078E8	Purpose of Registration All Awards
Registration Status Active Registration	Expiration Date Sep 21, 2023	
Physical Address 3475 East Foothill Boulevard Pasadena, California 91107-6024 United States	Mailing Address 3475 East Foothill Boulevard Pasadena, California 91107-6024 United States	

Business Information

Doing Business as (blank)	Division Name Tetra Tech, Inc.	Division Number (blank)
Congressional District California 27	State / Country of Incorporation Delaware / United States	URL http://www.tetrattech.com/

Registration Dates

Activation Date Sep 23, 2022	Submission Date Sep 21, 2022	Initial Registration Date Feb 20, 2002
--	--	--

Entity Dates

Entity Start Date Feb 1, 1988	Fiscal Year End Close Date Sep 30
---	---

Immediate Owner

CAGE (blank)	Legal Business Name (blank)
------------------------	---------------------------------------

Highest Level Owner

CAGE (blank)	Legal Business Name (blank)
------------------------	---------------------------------------

Executive Compensation

In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which this specific SAM record, represented by a Unique Entity ID, belongs) receive both of the following: 1. 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements and 2. \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

No

Does the public have access to information about the compensation of the senior executives in your business or organization (the legal entity to which this specific SAM record, represented by a Unique Entity ID, belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Not Selected

Proceedings Questions

Is your business or organization, as represented by the Unique Entity ID on this entity registration, responding to a Federal procurement opportunity that contains the provision at FAR 52.209-7, subject to the clause in FAR 52.209-9 in a current Federal contract, or applying for a Federal grant opportunity which contains the award term and condition described in 2 C.F.R. 200 Appendix XII?

Yes

Does your business or organization, as represented by the Unique Entity ID on this specific SAM record, have current active Federal contracts and/or grants with total value (including any exercised/unexercised options) greater than \$10,000,000?

Yes

Within the last five years, had the business or organization (represented by the Unique Entity ID on this specific SAM record) and/or any of its principals, in connection with the award to or performance by the business or organization of a Federal contract or grant, been the subject of a Federal or State (1) criminal proceeding resulting in a conviction or other acknowledgment of fault; (2) civil proceeding resulting in a finding of fault with a monetary fine, penalty, reimbursement, restitution, and/or damages greater than \$5,000, or other acknowledgment of fault; and/or (3) administrative proceeding resulting in a finding of fault with either a monetary fine or penalty greater than \$5,000 or reimbursement, restitution, or damages greater than \$100,000, or other acknowledgment of fault?

No

Exclusion Summary

Active Exclusions Records?

No

SAM Search Authorization

I authorize my entity's non-sensitive information to be displayed in SAM public search results:

Yes

Entity Types

Business Types

Entity Structure

Corporate Entity (Not Tax Exempt)

Entity Type

Business or Organization

Organization Factors

(blank)

Profit Structure

For Profit Organization

Socio-Economic Types

Check the registrant's Reps & Certs, if present, under FAR 52.212-3 or FAR 52.219-1 to determine if the entity is an SBA-certified HUBZone small business concern. Additional small business information may be found in the SBA's Dynamic Small Business Search if the entity completed the SBA supplemental pages during registration.

Financial Information

Accepts Credit Card Payments

Yes

Debt Subject To Offset

No

EFT Indicator

0000

CAGE Code

078E8

Electronic Funds Transfer

Account Type

Checking

Routing Number

****0248

Lock Box Number

1654

Financial Institution

WELLS FARGO BANK, NA

Account Number

****60325

Automated Clearing House

Phone (U.S.)

6269196620

Email

tes.cashapps@tetrattech.com

Phone (non-U.S.)

(blank)

Fax

6269192909

Remittance Address

TETRA TECH, INC.

3475 East Foothill Boulevard

Pasadena, California 91107

United States

Taxpayer Information

EIN

****8514

Type of Tax

Applicable Federal Tax

Taxpayer Name

TETRA TECH INC

Tax Year (Most Recent Tax Year)

2020

Name/Title of Individual Executing Consent

Director

TIN Consent Date

Sep 21, 2022

Address

3475 East Foothill BLVD

Pasadena, California 91107

Signature

Barbara Petersen

Points of Contact

Accounts Receivable POC



Aleah Lazo, AR MANAGER

aleah.lazo@tetrattech.com

6263514664

Electronic Business


BARBARA PETERSEN
 barbara.petersen@tetrattech.com
 6264702407

3475 East Foothill Boulevard
Pasadena, California 91107
United States

DEBRA BROWNLIE
 debra.brownlie@tetrattech.com
 6264702562

3475 East Foothill Boulevard
 Pasadena, California 91107
 United States

Government Business


BARBARA PETERSEN, DIRECTOR
 barbara.petersen@tetrattech.com
 6264702407

3475 East Foothill Boulevard
Pasadena, California 91107
United States

DEBRA BROWNLIE
 debra.brownlie@tetrattech.com
 6264702562

3475 East Foothill Boulevard
 Pasadena, California 91107
 United States

Past Performance


BARBARA PETERSEN
 barbara.petersen@tetrattech.com
 6264702407

3475 East Foothill Boulevard
Pasadena, California 91107
United States

HA LY
 ha.ly@tetrattech.com
 9093825139

301 E. Vanderbilt WAY
 STE. 450
 San Bernardino, California 92408
 United States

Security Information

Company Security Level
Government Secret

Highest Level Employee Security Level
Government Top Secret

Service Classifications**NAICS Codes**

Primary	NAICS Codes	NAICS Title
Yes	541330	Engineering Services
	237990	Other Heavy And Civil Engineering Construction
	334511	Search, Detection, Navigation, Guidance, Aeronautical, And Nautical System And Instrument Manufacturing
	541310	Architectural Services
	541320	Landscape Architectural Services
	541380	Testing Laboratories
	541420	Industrial Design Services
	541511	Custom Computer Programming Services
	541512	Computer Systems Design Services
	541611	Administrative Management And General Management Consulting Services
	541620	Environmental Consulting Services
	541690	Other Scientific And Technical Consulting Services
	541715	Research And Development In The Physical, Engineering, And Life Sciences (Except Nanotechnology And Biotechnology)
	541820	Public Relations Agencies
	541990	All Other Professional, Scientific, And Technical Services
	562112	Hazardous Waste Collection
	562910	Remediation Services
	712120	Historical Sites

Size Metrics

IGT Size Metrics

Annual Revenue (from all IGTs)
(blank)

Worldwide

Annual Receipts (in accordance with 13 CFR 121)	Number of Employees (in accordance with 13 CFR 121)
\$3,200,000,000.00	21000

Location

Annual Receipts (in accordance with 13 CFR 121)	Number of Employees (in accordance with 13 CFR 121)
(blank)	(blank)

Industry-Specific

Barrels Capacity	Megawatt Hours	Total Assets
(blank)	(blank)	(blank)

Electronic Data Interchange (EDI) Information

This entity did not enter the EDI information

Disaster Response

Yes, this entity appears in the disaster response registry.

Bonding Levels	Dollars
(blank)	(blank)

States	Counties	Metropolitan Statistical Areas
Any	(blank)	(blank)

State of Florida

Department of State

I certify from the records of this office that TETRA TECH, INC. is a Delaware corporation authorized to transact business in the State of Florida, qualified on April 28, 1988.

The document number of this corporation is P19034.

I further certify that said corporation has paid all fees due this office through December 31, 2023, that its most recent annual report/uniform business report was filed on January 12, 2023, and that its status is active.

I further certify that said corporation has not filed a Certificate of Withdrawal.

*Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this
the Twelfth day of January, 2023*




Secretary of State

Tracking Number: 8116527869CC

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Profit Corporation
TETRA TECH, INC.

Filing Information

Document Number	P19034
FEI/EIN Number	95-4148514
Date Filed	04/28/1988
State	DE
Status	ACTIVE
Last Event	CORPORATE MERGER
Event Date Filed	12/30/2003
Event Effective Date	01/02/2004

Principal Address

3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Changed: 07/14/2003

Mailing Address

3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Changed: 07/14/2003

Registered Agent Name & Address

CT CORPORATION SYSTEM
1200 S. PINE ISLAND ROAD
PLANTATION, FL 33324

Name Changed: 03/18/1992

Address Changed: 03/18/1992

Officer/Director Detail

Name & Address

Title Senior Vice President, Chief Engineer

BROWNLIE, WILLIAM R
3475 E. Foothill Blvd.
Pasadena, CA 91107

Title Senior Vice President, Corporate Administration

LEMMON, RICHARD A
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title Executive Vice President, CFO and Assistant Secretary

BURDICK, STEVEN M
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title Chairman of the Board, CEO

Batrack, Dan L.
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title EVP, Chief Sustainability and Leadership Development Officer

Shoemaker, Leslie L
3475 E. Foothill Blvd.
Pasadena, CA 91107

Title Senior Vice President, Corporate Controller, Chief Accounting Officer

Carter, Brian N
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title Director

Lewis, J. Christopher
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title Director

Thompson, J. Kenneth
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title Director

Ritrievi, Kimberly E
3475 E FOOTHILL BLVD
PASADENA, CA 91107

Title Director

Volpi, Kirsten M
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title SVP

BIAGI , JAMES Q, Jr.
4967 U.S. Hwy 42
Ste. 210
Louisville, KY 40222

Title Director

Maguire, Joanne M.
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title Senior Vice President and President of the Client Account Management Division and Commercial/International Services Group

Amidon, Derek G
4750 W. 2100 South
Ste. 400
Salt Lake City, UT 84120

Title Senior Vice President, President of the Government Services Group and President of the United States Government Division

Argus, Roger R.
1230 Columbia Street
Suite 1000
San Diego, CA 92101

Title Secretary

Hopson, Preston
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title VPFS

JENKINS, LAWRENCE E
201 E. PINE ST.
ORLANDO, FL 32801

Title Director

Birkenbeuel, Gary R.
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title President

Hudkins, Jill
3475 E. FOOTHILL BLVD
PASADENA, CA 91107

Title Treasurer

Wu, Jim
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title Director

GANDHI, PRASHANT
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Title Director

OBIAYA, CHRISTIANA
3475 E. FOOTHILL BLVD.
PASADENA, CA 91107

Annual Reports

Report Year	Filed Date
2021	01/04/2021
2022	01/03/2022
2023	01/12/2023

Document Images

01/12/2023 -- ANNUAL REPORT	View image in PDF format
01/03/2022 -- ANNUAL REPORT	View image in PDF format
01/04/2021 -- ANNUAL REPORT	View image in PDF format
01/02/2020 -- ANNUAL REPORT	View image in PDF format
01/02/2019 -- ANNUAL REPORT	View image in PDF format
05/18/2018 -- AMENDED ANNUAL REPORT	View image in PDF format
01/03/2018 -- ANNUAL REPORT	View image in PDF format
11/21/2017 -- AMENDED ANNUAL REPORT	View image in PDF format
01/05/2017 -- ANNUAL REPORT	View image in PDF format
01/12/2016 -- ANNUAL REPORT	View image in PDF format
01/07/2015 -- ANNUAL REPORT	View image in PDF format
04/24/2014 -- AMENDED ANNUAL REPORT	View image in PDF format
01/10/2014 -- ANNUAL REPORT	View image in PDF format

01/03/2013 -- ANNUAL REPORT	View image in PDF format
02/09/2012 -- ANNUAL REPORT	View image in PDF format
01/18/2012 -- ANNUAL REPORT	View image in PDF format
02/15/2011 -- ANNUAL REPORT	View image in PDF format
01/29/2011 -- ANNUAL REPORT	View image in PDF format
01/28/2010 -- ANNUAL REPORT	View image in PDF format
01/14/2009 -- ANNUAL REPORT	View image in PDF format
02/15/2008 -- ANNUAL REPORT	View image in PDF format
03/12/2007 -- ANNUAL REPORT	View image in PDF format
02/08/2006 -- ANNUAL REPORT	View image in PDF format
02/23/2005 -- ANNUAL REPORT	View image in PDF format
01/31/2005 -- ANNUAL REPORT	View image in PDF format
05/13/2004 -- ANNUAL REPORT	View image in PDF format
05/05/2004 -- ANNUAL REPORT	View image in PDF format
03/01/2004 -- ANNUAL REPORT	View image in PDF format
12/30/2003 -- Merger	View image in PDF format
07/14/2003 -- ANNUAL REPORT	View image in PDF format
03/03/2002 -- ANNUAL REPORT	View image in PDF format
05/15/2001 -- ANNUAL REPORT	View image in PDF format
05/04/2000 -- ANNUAL REPORT	View image in PDF format
04/07/1999 -- ANNUAL REPORT	View image in PDF format
07/29/1998 -- ANNUAL REPORT	View image in PDF format
04/09/1997 -- ANNUAL REPORT	View image in PDF format
02/09/1996 -- ANNUAL REPORT	View image in PDF format
04/14/1995 -- ANNUAL REPORT	View image in PDF format

Town of Fort Myers Beach
PROPOSAL FORM

Company Name: Tetra Tech, Inc.

Solicitation # RFP-23-14-PW Solicitation Name Disaster Debris Monitoring

Having carefully examined the “Terms and Conditions”, and the “Detailed Specifications”, all of which are contained herein, propose to furnish the following which meet these specifications.

Term Multi-year and Renewals

The successful proposer shall be responsible for furnishing and delivering to the Town’s requesting Department commodity or services on an “as needed basis for a three year, (3) year or as specified in the Scope of Work as per specifications. There will be an option to extend this contract as specified in the Scope of Work or specification upon approval of both the Town and the vendor at the time of the extension or renewal.

Please include this page with your submission package.

The following labor hours are provided as a scenario for evaluation purposes only.

All labor rates are to be fully burdened to include but not limited to, overtime, all taxes, benefits, handling charges, overhead and profits; per diem and fuel is to be included in hourly labor rates. Labor rates include all equipment, tools, and supplies necessary for the employee to perform the tasks assigned. Labor rates include all costs associated with the use, care, and data management of the approved ADMS.

Provide per hour costs by position based on weekly hours as provided below and calculate the extended costs were shown.

POSITION	WEEKLY HOURS	COST PER HOUR	TOTAL WEEKLY COST PER POSITION
Project Manager(s)**	60	\$60.00	\$3,600.00
Operations Manager(s)/ Field Coordinator(s)**	70	\$55.00	\$3,850.00
Debris Monitor Supervisor(s)**	84	\$48.00	\$4,032.00
Debris Monitor(s)(Field/Staging/Crew Leader(s))**	6300	\$34.00	\$214,200.00
Data Entry(s) / GIS Operator(s)**	50	\$25.00	\$1,250.00
Total Weekly Cost			\$226,932.00

*Contract rates listed above apply in all cases except when superseded by other Federal requirements such as FHWA Emergency Relief Program or others as applicable.

** Positions and weekly hours listed above are part of the scenario based cost criteria. The weekly hours are provided as a scenario for evaluation purposes only. Cost Per Hour per Position shall be part of the final agreement. It is upon the proposer to make sure all costs are included in the Cost Per Hour per Position.

TO BE STARTED WITHIN ____*____ CALENDAR DAYS AFTER RECEIPT OF AWARD AND PURCHASE ORDER. *TBD as the resulting contract is a pre-positioned contract to be activated on an as needed basis.

Bidders should carefully read all the terms and conditions of the specifications. Any representation of deviation or modification to the bid may be grounds to reject the bid.

Are there any modifications to the bid or specifications?

YES _____ NO X

Failure to clearly identify any modifications in the space below or on a separate page may be grounds for the bidder being declared nonresponsive or to have the award of the bid rescinded by the Town.

MODIFICATIONS:

Bidder will submit his/her bid on the Town's Proposal Quote Form, including the firm name and authorized signature. Any blank spaces on the Proposal Quote Form, qualifying notes or exceptions, counter offers, lack of required submittals, or signatures, on Town's Form may result in the Bidder/Bid being declared non-responsive by the Town.

Form 2 – Affidavit Certification of Immigration Laws

AFFIDAVIT CERTIFICATION IMMIGRATION LAWS

SOLICITATION NO.: RFP-23-14-PW SOLICITATION NAME: Disaster Debris Monitoring for Town of Fort Myers Beach

TOWN WILL NOT INTENTIONALLY AWARD TOWN CONTRACTS TO ANY CONTRACTOR WHO KNOWINGLY EMPLOYS UNAUTHORIZED ALIEN WORKERS, CONSTITUTING A VIOLATION OF THE EMPLOYMENT PROVISIONS CONTAINED IN 8 U.S.C. SECTION 1324 a(e) {SECTION 274A(e) OF THE IMMIGRATION AND NATIONALITY ACT (“INA”).

TOWN OF FORT MYERS BEACH MAY CONSIDER THE EMPLOYMENT BY ANY CONTRACTOR OF UNAUTHORIZED ALIENS A VIOLATION OF SECTION 274A(e) OF THE INA. **SUCH VIOLATION BY THE RECIPIENT OF THE EMPLOYMENT PROVISIONS CONTAINED IN SECTION 274A(e) OF THE INA SHALL BE GROUNDS FOR UNILATERAL CANCELLATION OF THE CONTRACT BY TOWN OF FORT MYERS BEACH.**

PROPOSER ATTESTS THAT THEY ARE FULLY COMPLIANT WITH ALL APPLICABLE IMMIGRATION LAWS (SPECIFICALLY TO THE 1986 IMMIGRATION ACT AND SUBSEQUENT AMENDMENTS).

Company Name: Tetra Tech, Inc.

Jonathan Burgiel
Signature

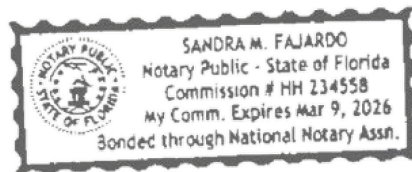
Business Unit President
Title

5/11/2023
Date

STATE OF FLORIDA

TOWN OF ORANGE COUNTY

The foregoing instrument was signed and acknowledged before me this 11th day of May 2023, by Jonathan Burgiel who has produced
(Print or Type Name)
personally known as identification.
(Type of Identification and Number)



Sandra Fajardo

Notary Public Signature

Sandra M. Fajardo

Printed Name of Notary Public

#HH 234558 | Expires 3/9/2026

Notary Commission Number/Expiration

The signee of this Affidavit guarantee, as evidenced by the sworn affidavit required herein, the truth and accuracy of this affidavit to interrogatories hereinafter made. **TOWN of FORT MYERS BEACH RESERVES THE RIGHT TO REQUEST SUPPORTING DOCUMENTATION, AS EVIDENCE OF SERVICES PROVIDED, AT ANY TIME.**

Not applicable to Tetra Tech.

ALLEGED NEGLIGENCE OR BREACH OF CONTRACT
DISCLOSURE FORM

Please fill in the form below. Provide each incident in regard to alleged negligence or breach of contract that has occurred over the past 10 years. Please compete in chronological order with the most recent incident on starting on page 1. Please do not modify this form (expansion of spacing allowed) or submit your own variation.

Company Name: Tetra Tech, Inc.

Type of Incident <i>Alleged Negligence or Breach of Contract</i>	Incident Date And Date Filed	Plaintiff <i>(Who took action against your company)</i>	Case Number	Court <i>Town/State</i>	Project	Claim Reason <i>(initial circumstances)</i>	Final Outcome <i>(who prevailed)</i>

Make as many copies of this sheet as necessary in order to provide a 10 year history of the requested information. If there is no action pending or action taken in the last 10 years, complete the company name and write “NONE” in the first “Type of Incident” box of this page and return with your proposal package. This form should also include the primary partners listed in your proposal. Do not include litigation with your company as the plaintiff. Final outcome should include who prevailed and what method of settlement was made. If a monetary settlement was made the amount may remain anonymous.

Page Number: Of Total pages

Update the page number to reflect the current page and the total number of pages. Example: Page 3, of 5 total submitted pages of this form.

Form 6-Sub-contractor List

Tetra Tech does not anticipate the need for subcontractors to fulfill the requested services.

SUB-CONTRACTOR LIST

Sub-contractor Name	Area Of Work	Point Of Contact Or Project Supervisor	Phone Number and Email	Qualified DBE Yes/No	Amount or Percentage of Total

Please include sub-contractors name, area of work (i.e. mechanical, electrical, etc.) and a **valid** phone number and email. Also include the dollar value or percentage that the sub-contractor will be performing. If sub-contractors qualify as Disadvantaged Business Enterprise (**DBE**) contractors, please attach a current certificate.

Form 7: Public Entity Crime Form

Page 1 of 2

This form must be signed and sworn to in the presence of a notary public or other officer authorized to administer oaths.

1. This sworn statement is submitted to Town of Fort Myers Beach
(Print name of the public entity)
- by Jonathan Burgiel, Business Unit President
(Print individual's name and title)
- for Tetra Tech, Inc.
(Print name of entity submitting sworn statement)
- whose business address is 2301 Lucien Way, Ste. 120, Maitland, FL, 32751
- (If applicable) its Federal Employer Identification Number (FEIN) is 95-4148514

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: On the attached sheet.) Required as per IRS Form W-9.

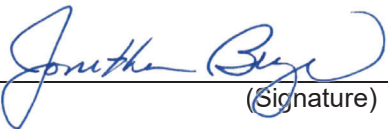
2. I understand that a "public entity crime" as defined in Paragraph 287.133(1) (g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including but not limited to, and bid or contract for goods or services to be provided to any public entity or agency or political subdivision or any other state or of the United States, and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1) (b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
1. A predecessor or successor of a person convicted of a public entity crime:
or:
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those offices, directors, executives, partners, shareholders, employees, members and agents who are active in the management of the affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not fair market value under an arm's length agreement, shall be a facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1) (c), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of the entity.
6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting those sworn statement. (Please indicate which statement applies.)

☒ Neither the entity submitted this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, member, or agents who are active in management of the entity, or an affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, member, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearing and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attach a copy of the final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.


(Signature)

STATE OF FLORIDA)

COUNTY OF ~~LEE~~ ORANGE)

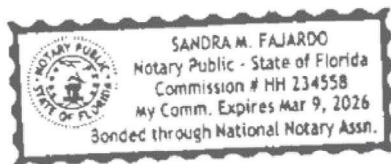
SWORN TO AND SUBSCRIBED BEFORE ME, on this 11th day
of May, 20 23, by
means

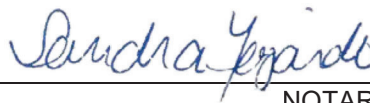
of ☒ physical presence or () online notarization, personally appeared _____

_____ as

of _____,

☒ who personally known to me of () who has produced _____
_____ as identification.





NOTARY PUBLIC – State of

Florida

My Commission Expires: 3/9/2026

Complete EITHER Town of Fort Myers Beach Paper Bid Bond OR provide cashier's check

KNOW ALL MEN BY THESE PRESENTS, that we

_____ as Principal, and
(BIDDER'S Name)

_____ a Corporation licensed to do
(Surety's Name)

business under the laws of the State of Florida as a Surety, are held and firmly bound unto TOWN OF FORT MYERS BEACH, FORT MYERS BEACH, FLORIDA, a Political Subdivision of the State of Florida, in the SUM OF _____

for the payment whereof, well and truly to be made, we bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, firmly, by these presents.

SIGNED AND SEALED this _____ day of _____, _____

WHEREAS, said Principal is herewith submitting a Proposal for the construction of:

NOW, THEREFORE, the condition of the above obligation is such that if said Principal shall be awarded the Contract upon said Proposal within the specified time and shall enter into a written Contract, satisfactory in form, provide an acceptable Public Payment & Performance Bond from a Surety acceptable to the TOWN and provide other Insurance as may be required to the TOWN within seven (7) calendar days after the written Notice of Award date, or within such extended period as the TOWN may grant, then this obligation shall be null and void; otherwise said Principal and Surety shall pay to said TOWN in money the difference between the amount of the Bid of said Principal and the amount for which said TOWN may legally contract with another party to perform said work, if the latter amount be in excess of the former, together with any expenses and reasonable attorney's fees incurred by said TOWN if suit be brought here on, but in no event shall said Surety's liability exceed the penal sum hereof plus such expenses and attorney's fees. For purposes of unsuccessful bid protests filed by the Principal herein, this obligation shall bind the Surety to pay costs and damages associated with the bid protest or delays to the project upon a finding from the Town of Fort Myers Beach Town Council that the bid protest was frivolous and/or lacked merit. The liability of the Surety shall not exceed the penal sum of the bid bond.

Witness as to Principal:

(Principal) (SEAL)

(By)

Printed Name

Witness as to Surety:

(Surety's Name) (SEAL)

(By-As Attorney-in-Fact, Surety)

Affix Corporate Seals and attach proper Power of Attorney for Surety.



ADDENDUM TO CONTRACT DOCUMENTS

RFP-23-14-PW

Addendum No.: 1

CONTRACT/PROJECT NAME: Disaster Debris Monitoring

DATE OF ISSUE: April 11, 2023

The following information shall be included in the Contract documents and is hereby made part of the project documents in the form of clarification, addition, deletion or revision to the contract requirements, specifications and/or drawings.

BID EXTENSION

**Bids deadline has been extended and are now due
May 12, 2023 at 11:00 am**

Bid Opening will be at Temporary Town Hall at 11:15 am

Please Print Tetra Tech, Inc. | (321) 441-8500
Company Name & Phone Number

 Jonathan Burgiel, Business Unit President
Signature

Yadzia Roa, Contracts Manager
bids@fmbgov.com
239-765-0202



ADDENDUM TO CONTRACT DOCUMENTS

RFP-23-14-PW

Addendum No.: 2

CONTRACT/PROJECT NAME: Disaster Debris Monitoring

DATE OF ISSUE: May 8, 2023

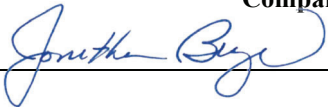
The following information shall be included in the Contract documents and is hereby made part of the project documents in the form of clarification, addition, deletion or revision to the contract requirements, specifications and/or drawings.

**The following inquiries were received via email
regarding the above referenced bid:**

Questions

Q: Does this RFP require a Bid Bond?

A: **NO, it does not.**

Please Print Tetra Tech, Inc. | (321) 441-8500
Company Name & Phone Number
 Jonathan Burgiel, Business Unit President
Signature

Frankie Kropacek, Contracts Manager
bids@fmbgov.com
239-765-0202

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

Compliance with Federal Law, Regulations, And Executive Orders and Acknowledgement of Federal Funding

Certification

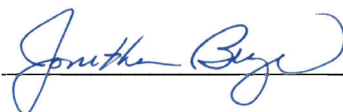
This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The contractor will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

If the Contractor subcontracts any of the work required under this Agreement, a copy of the signed subcontract must be available to the Town for review and approval. The Contractor agrees to include in the subcontract that (1) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the Town and the Grantor Agency harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law. The Town may document in the quarterly report the Contractor's progress in performing its work under this agreement.

On behalf of my firm, I acknowledge, the grant requirements identified in this document.

Vendor/Contractor Name Tetra Tech, Inc.

Date 5/11/2023

Authorized Signature 

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Town, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Tetra Tech, Inc.

By: 
Signature

Jonathan Burgiel, Business Unit President

Name and Title

2301 Lucien Way, Ste. 120

Street Address

Maitland, FL, 32751

City, State, Zip

LMRMKLLL3LG5

UEI Unique Entity Identifier (for SAM.gov verification)

5/11/2023

Date

Sub-Recipient Name: Town of Fort Myers Beach

DEM Contract Number: TBD

FEMA Project Number: TBD

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

TOWN OF FORT MYERS BEACH																					
ANTICIPATED DISADVANTAGED, MINORITY, WOMEN OR VETERAN PARTICIPATION STATEMENT																					
Status will be verified. Unverifiable statuses will require the PRIME to either provide a revised statement or provide source documentation that validates a status.																					
A. PRIME VENDOR/CONTRACTOR INFORMATION																					
PRIME NAME		PRIME FED NUMBER		CONTRACT DOLLAR AMOUNT																	
Tetra Tech, Inc.		95-4148514																			
IS THE PRIME A FLORIDA-CERTIFIED DISADVANTAGED, MINORITY OR WOMEN BUSINESS ENTERPRISE? (DBE/MBE/WBE) OR HAVE A SMALL DISADVANTAGED BUSINESS 8A CERTIFICATION FROM THE SMALL BUSINESS ADMINISTRATION? A SERVICE DISABLED VETERAN?		VETERAN? Y ☒ N DBE? Y ☒ N MBE? Y ☒ N WBE? Y ☒ N SDB 8A? Y ☒ N		IS THE ACTIVITY OF THIS CONTRACT... CONSTRUCTION? Y ☒ N CONSULTATION? Y ☒ N OTHER? Y ☒ N																	
IS THIS SUBMISSION A REVISION?		Y ☒ N		IF YES, REVISION NUMBER _____																	
B. IF PRIME HAS SUBCONTRACTOR OR SUPPLIER WHO IS A DISADVANTAGED MINORITY, WOMEN-OWNED, SMALL BUSINESS CONCERN OR SERVICE DISABLED VETERAN, PRIME IS TO COMPLETE THIS NEXT SECTION																					
DOE M/W/VE VETERAN	SUBCONTRACTOR OR SUPPLIER NAME	TYPE OF WORK OR SPECIALTY	ETHNICITY CODE (See Below)	SUB/SUPPLIER DOLLAR AMOUNT	PERCENT OF CONTRACT DOLLARS																
N/A																					
TOTALS:																					
C. SECTION TO BE COMPLETED BY PRIME VENDOR/CONTRACTOR																					
NAME OF SUBMITTER		DATE		TITLE OF SUBMITTER																	
Jonathan Burgiel		5/11/2023		Business Unit President																	
EMAIL ADDRESS OF PRIME (SUBMITTER)		TELEPHONE NUMBER		FAX NUMBER																	
TDR.contracts@tetrattech.com		(321) 441-8500		(321) 441-8501																	
NOTE: This information is used to track and report anticipated DBE or MBE participation in federally-funded contracts. The anticipated DBE or MBE amount is voluntary and will not become part of the contractual terms. This form must be submitted at time of response to a solicitation. If and when awarded a County contract, the prime will be asked to update the information for the grant compliance files. <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th>ETHNICITY</th> <th>CODE</th> </tr> </thead> <tbody> <tr><td>Black American</td><td>BA</td></tr> <tr><td>Hispanic American</td><td>HA</td></tr> <tr><td>Native American</td><td>NA</td></tr> <tr><td>Subcont. Asian American</td><td>SAA</td></tr> <tr><td>Asian-Pacific American</td><td>APA</td></tr> <tr><td>Non-Minority Women</td><td>NMW</td></tr> <tr><td>Other: not of any other group listed</td><td>O</td></tr> </tbody> </table>						ETHNICITY	CODE	Black American	BA	Hispanic American	HA	Native American	NA	Subcont. Asian American	SAA	Asian-Pacific American	APA	Non-Minority Women	NMW	Other: not of any other group listed	O
ETHNICITY	CODE																				
Black American	BA																				
Hispanic American	HA																				
Native American	NA																				
Subcont. Asian American	SAA																				
Asian-Pacific American	APA																				
Non-Minority Women	NMW																				
Other: not of any other group listed	O																				
D. SECTION TO BE COMPLETED BY COLLIER COUNTY																					
DEPARTMENT NAME		COLLIER CONTRACT # (IF RFP or PO/REQ)		GRANT PROGRAM/CONTRACT																	
ACCEPTED BY:				DATE																	

LOBBYING CERTIFICATION
(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Tetra Tech, Inc.

Contractor (Firm Name)



Signature of Contractor's Authorized Official

Jonathan Burgiel, Business Unit President

Name and Title of Contractor's Authorized Official

5/11/2023

Date



TAB 8. ATTACHMENTS



32+ YEARS OF EXPERIENCE

125M CYS OF DEBRIS

\$3B FEMA PA REIMBURSEMENT

Areas of Expertise

- Solid and Haz. Waste Management
- Disaster Debris Monitoring
- Solid Waste Routing and Efficiency
- Private Property Debris Removal
- Emergency Management
- Damage Assessment
- Utility Engineering/Consulting
- Cost of Service Evaluations
- Program Management
- Public Outreach/ Communications
- Procurement (2CFR)
- Environmental Permitting
- Grant Management

Disasters

- DR4673, Hurricane Ian
- DR4564FL, Hurricane Sally
- DR-4559LA, Hurricane Laura
- DR-4393NC, Hurricane Florence
- DR 4337FL, Hurricane Irma
- DR-4283FL, Hurricane Matthew
- DR-4241SC, Severe Flooding
- DR-4138FL, Severe Flooding
- DR-1971AL, Tornado Outbreak
- DR-4024VA, Hurricane Irene
- DR-1603LA, Hurricane Katrina
- BP Deepwater Horizon Oil Spill

Education

Florida State University
Bachelor of Science, Business
Marketing, 1991

EXPERIENCE SUMMARY

Mr. McLendon has been providing consulting engineering services to federal, state, and local governments across the U.S. for more than 30 years. His background in solid and hazardous waste management has led him to become one of the leading experts in the country on the implementation of large-scale post-disaster debris removal programs. He has routinely assembled large teams to support major infrastructure and emergency response efforts. Career highlights include:

- Experienced Executive Program Manager with over 32 years of experience working with federal, state, and local government agencies on the finance, design, permitting, procurement, construction, and operations of major infrastructure projects.
- Served as Principal in Charge for upwards of 30 major disaster activations including projects totaling more than 125 million cubic yards of debris and upwards of \$3 billion in FEMA PA reimbursement.
- Major experience in the legal substantiation and implementation of complex debris removal programs including PPDR, waterways, beaches, selective salvage, etc.
- In depth knowledge of the FEMA Public Assistance program including a strong understanding of Federal Register 2 CFR Part 200 ("the Super Circular")

RELEVANT EXPERIENCE

Hurricanes Ian and Nicole (2022)

Numerous Florida Jurisdictions

Following Hurricanes Ian and Nicole, Mr. McLendon served as regional program manager supporting over 15 Tetra Tech clients – including Orange County, Volusia County, Seminole County, and the Florida Park Service - in standing up and operating debris removal programs. Mr. McLendon served as a senior subject matter expert and assisted Tetra Tech's clients and project managers in maintaining FEMA-compliant programs and resolving various challenging issues.

Surfside Condominium Collapse (2021)

Miami-Dade County, Florida

The collapse of the twelve story Champlain Towers South condominium was a high-profile, catastrophic event. Mr. McLendon served as Principal in Charge for Tetra Tech to Miami-Dade County following the collapse on June 24, 2021. Mr. McLendon was on the ground at the collapse site within hours of the building collapse and County activation in order to assess the resources needed to assist the County with emergency debris removal. Over the next several days, he assisted the County with contractor procurement efforts in addition to developing and executing a plan to monitor debris removal both from a FEMA reimbursement and evidentiary debris removal perspective.

Hurricane Sally (2020)**City of Pensacola, FL and Okaloosa County, FL**

The City of Pensacola and Okaloosa County, FL have been long-standing clients of Mr. McLendon. Following the impact of Hurricane Sally, Mr. McLendon provided senior advisory services to include explanations of the FEMA Category A program as well as procurement assistance. Chuck has also provided senior level oversight to ensure that our response crews are meeting client expectations.

Hurricane Laura (2020)**Calcasieu Parish, LA**

Mr. McLendon mobilized immediately to the Lake Charles, LA area in the aftermath of Category 4 Hurricane Laura. He facilitated the initial kick-off meeting with the Parish and debris contractor and developed an immediate staffing and logistics plan for the Parish. He worked closely with our on-site project manager and senior staff from the debris contractor to ensure that emergency roadway clearance (push) crews were dispatched with their work times and locations tracked. Mr. McLendon worked throughout the project with Tetra Tech project management staff to ensure that all of the parish's needs met.

Hurricane Florence (2018)**Boiling Spring Lakes, NC and Briarcliff Acres, SC**

Following Hurricane Florence, Mr. McLendon provided disaster debris monitoring and FEMA grant management related services to the City of Boiling Spring Lakes, NC and the Town of Briarcliffe Acres, SC (through a contract with the Horry County Solid Waste Authority). Monitoring work including debris management site permitting, right of way collection, hazardous tree removal, and household hazardous waste collection.

Hurricane Irma (2017)**Numerous Central Florida Jurisdictions**

Following Hurricane Irma in September of 2017, Mr. McLendon provided senior oversight of debris monitoring operations across seven counties – including Seminole, Lake, and Volusia counties in Central Florida. Chuck was responsible for assembling project management and support teams to include policy and field operations expertise. In total, he oversaw a team of over 1,000 personnel that accounted for nearly 6 million cubic yards of debris removal. This work included implementation and tracking of Private Property Debris Removal (PPDR) programs within each of the seven counties managed.

Severe Flooding (2017)**South Carolina Emergency Management Division**

Mr. McLendon was retained by the SCEMD to serve as a Senior FEMA PA Policy Advisor in support of project worksheet formulation for the October 2015 flooding event that impacted much of central South Carolina. Mr. McLendon oversaw a team of Project Specialists in drafting and versioning project worksheets.

Hurricane Matthew (2016)**St. Johns and Flagler Counties, Florida**

Mr. McLendon served as Principal in Charge for the debris monitoring mission in St. Johns County and Flagler County, Florida following Hurricane Matthew. Chuck oversaw the removal of more than 1.1 million cubic yards of debris from public and private roads as well as debris removal efforts along nearly 27 miles of county-maintained beach. In addition to providing daily oversight of the debris removal mission, Mr. McLendon was regularly relied upon by County staff for policy guidance related to the County's overall recovery effort.

Severe Flooding (2015)**Clarendon County, South Carolina**

Mr. McLendon provided on-site technical assistance to Clarendon County following a catastrophic flooding event in 2015. Chuck assisted the County with coordination and communications with the South Carolina National Guard in the repair of County-maintained roadways. Mr. McLendon also assisted with various procurements associated with temporary and permanent repairs while helping the County to develop a system to track materials used for roadway stabilization/repair.

Severe Flooding (2014)**Escambia County, Florida**

Mr. McLendon served as the Recovery Program Manager for Escambia County, Florida following a 500-year flooding event that resulted in upwards of \$100 million in damages to Escambia County. Mr. McLendon assisted with the damage assessment documentation process, procured engineers and contractors for both temporary and permanent repairs, and helped the County Public Works Dept. with overall reimbursement efforts.

Hurricane Isaac (2012)**Jefferson Parish, Louisiana**

Mr. McLendon served as Principal in Charge and Project Manager to Jefferson Parish following Hurricane Isaac in 2012. A very minor hit in comparison to Hurricane Katrina, the County still had very high expectations for a rapid debris removal program. Mr. McLendon organized a strong team that provided right of way debris removal as well as staffing at citizens convenience sites.

Northern Alabama Tornadoes Debris Monitoring (2011)**U.S. Army Corps of Engineers**

Mr. McLendon served as Principal in Charge in supporting a QC team activated to support the debris management mission in Tuscaloosa, AL following the 2011 northern Alabama tornado outbreak. Mr. McLendon was essential in ensuring that the project was properly staffed with trained individuals to support the USACE mission.

Hurricane Irene (2010)**Virginia Department of Transportation**

Mr. McLendon served as Principal in Charge for recovery efforts on behalf of the Hampton Roads District of the Virginia Department of Transportation following Hurricane Irene. Mr. McLendon provided senior advisory services and oversight of a team to provide FEMA PA / FHWA ER reimbursement services for the District.

Deepwater Horizon Oil Spill (2010)**Escambia and Santa Rosa Counties, Florida**

Mr. McLendon provided comprehensive field environmental and reimbursement services to Escambia and Santa Rosa Counties, Florida (located in the Florida Panhandle) following the Deepwater Horizon Oil Spill. Mr. McLendon led efforts to procure containment boom contractors as well the program management of daily containment boom operations. Mr. McLendon was also responsible for implementing a large-scale training program for County staff and volunteers on OSHA's Hazardous Waste Operations and Emergency Response Standard (HAZWOPER).

Hurricane Ike (2008)**Galveston County and City of Galveston, TX**

Mr. McLendon oversaw the debris removal effort for Galveston County and the City of Galveston, Texas following Hurricane Ike in 2008. Upwards of 10 million cubic yards of debris was removed County-wide under Chuck's direction. Debris removal programs included right of way, private property debris removal (PPDR), commercial debris removal, dead animal carcasses, hazardous waste, and white goods.

Hurricane Ike (2008)**Texas Department of Transportation**

Mr. McLendon served as Principal in Charge for disaster recovery services to the Beaumont District of TXDOT following Hurricane Ike. Mr. McLendon oversaw a team to assist the District with debris monitoring as well as overall FEMA PA reimbursement services.

Hurricanes Katrina and Gustav (2007-2009)**City of New Orleans, Louisiana**

Mr. McLendon served as Principal in Charge for several recovery efforts for the City of New Orleans including the City's residential demolition program following Hurricane Katrina as well the overall response effort following Hurricane Gustav. Mr. McLendon

assisted project management staff in the development of a complex legal and environmental process to allow for the demolition of flood-damaged structures to occur within the City and oversaw the demolition of some 2,000 residential structures. This work included a complex legal condemnation process, selective salvage of historically significant architectural items, environmental testing, utility disconnects, and environmental monitoring. Later, Mr. McLendon served as Principal in Charge for debris management efforts in the City following Hurricane Gustav.

Hurricane Ivan (2004)

Escambia County, City of Pensacola, and FDOT District 3, Florida (2004)

Hurricane Ivan devastated northwest Florida. Mr. McLendon served as Principal in Charge for recovery efforts to Escambia County, the City of Pensacola, and Florida DOT District 3. Mr. McLendon assisted the County in putting together the legal substantiation for the County to receive approval for a major private property debris removal program including both vegetative debris and sand removal from residential structures on the beach. Upwards of 8 million cubic yards of debris was removed from County and City right of ways, private property, and county beaches.

Hurricanes Charley, Frances, and Jeanne

City of Orlando, FL (2004)

Prior to Hurricane Charley impacting the City of Orlando, Mr. McLendon was assisting the City with its transition from manual garbage collection to automated collection. Given the urgency of the debris removal effort, Mr. McLendon was requested by the City to assume debris monitoring efforts after an initial period of force account debris monitoring. Within 48 hours of the request, Mr. McLendon assembled a team to provide truck certification, right of way monitoring, and debris management site monitoring. He also assisted the City in staffing multiple citizens convenience sites that were rapidly opened over concerns of flying debris from multiple subsequent hurricane events that same year.



15+ YEARS OF EXPERIENCE

250+ PROJECTS

\$4.5B REIMBURSED INVOICES

Areas of Expertise

Program Development
Documentation Management
Private Property Debris Removal
Debris Removal Planning
Debris Removal Monitoring
Packet Management
Geospatial Reporting

Grant Experience

FEMA-PA
NRCS-EWP
FHWA-ER
CDBG-DR

Disasters

4240 VALLEY AND BUTTE FIRES
4084 HURRICANE ISAAC
1971 AL TORNADOES
1791 HURRICANE IKE
1763 IA FLOODING
1609 HURRICANE WILMA
1602 HURRICANE KATRINA
& SEVERAL MORE

Certifications

OSHA 40-Hour Asbestos Training
IS-632: Debris Operations
HSEEP-Certified
OSHA Asbestos Health and Safety
IS-30: Mitigation Grants System
IS-100, 200, and 700: ICS and NIMS
IS-630: Intro to the PA Process

EXPERIENCE SUMMARY

Mr. Ralph Natale is the director of post-disaster programs for Tetra Tech, Inc. He leads the practices by developing programs, providing daily project support, and providing oversight and guidance to his team of project managers and projects. Mr. Natale is an expert in Federal Emergency Management Agency-Public Assistance (FEMA-PA) Grant Program reimbursement policies and has administered nearly 250 projects in his 15-year career.

Mr. Natale specializes in large scale responses and has served as a principal in charge or project manager in response to some of the country's largest debris-generating disasters, including 19 state level responses after major hurricanes, floods, and fire events. This includes managing and documenting the removal of over 66 million cubic yards (CYs) of debris, 1.7M hazardous trees, and the program management of debris collection and demolition of over 35,000 parcels on fire removal projects and over 200,000 environmental samples. These programs equate to over \$4.5B dollars of reimbursed invoices.

RELEVANT EXPERIENCE

Subject Matter Expert (Debris Documentation, Program Management, Grant Management)

Mr. Natale has served as a program manager and grant consultant for state and local governments during his extensive career in disaster debris industry. This includes the largest debris projects since Katrina for federal, State and local government work. Mr. Natale also supports missions as a senior consultant serving as a member of the State of Connecticut Emergency Operations Debris Task Force, where he was activated during the recovery operations following Hurricane Irene and Winter Storm Alfred.

Mr. Natale has also served on the following projects:

- Hurricane Ian (2022-Current)
- State of California Dixie Fire Response (2021 - current)
- Hurricane Ida (2021 - current)
- Hurricane Laura (2021 - current)
- State of California Camp Fire Response (2018- 2020)
- Hurricane Michael local and USACE response (2018-2019)
- NorCal Wildfires | USACE (2017-2018)
- Hurricane Harvey (2017-2018)
- Hurricane Ike, Severe Droughts, Floods | City of Houston, Texas (June 2009-Present)
- Winter Storms | State of Connecticut, Interagency Debris Management Task Force (August 2010-Present)

Principal in Charge/Senior Program Manager

As director of post-disaster programs for Tetra Tech, Mr. Natale has focused on developing and improving program management processes. These processes ensure the most efficient methods of managing debris removal programs to maximize federal

reimbursement via the FEMA 325, and 327 guidelines. As a senior program manager, Mr. Natale ensures quality control and quality assurance of project managers' deliverables on all Tetra Tech projects. A representative list of projects he has worked on is included below.

Hurricane Ian

Following Hurricane Laura in September of 2022, Mr. Natale oversaw debris monitoring operations for many of Tetra Tech's Gulf Coast clients, including Collier County and associated cities with over 3,000 damaged homes and \$2 billion in damage. Documentation required simultaneous tracking of right-of-way (ROW), leaner/hanger/stumps (LHS), parks, and private road debris streams from multiple applicants, with the County alone generating over 1.3 billion cubic yards of storm debris.

Hurricane Laura

Following Hurricane Laura in August of 2020, Mr. Natale oversaw debris monitoring operations for over 11 communities and 1,000 personnel across Louisiana. This included the Calcasieu Parish/Lake Charles area, where at peak Tetra Tech had nearly 600 monitors working in conditions typical of a category 4 hurricane. Without power or infrastructure, the operational response plan was implemented, and our team had to mobilize and establish power and infrastructure for all the projects. This was completed successfully without any debris haulers having to wait on monitoring resources.

Hurricane Michael

Following Hurricane Michael in September of 2018, Mr. Natale oversaw debris monitoring operations for several communities in the Florida Panhandle and a USACE response in Georgia that covered 12 counties. The devastation was 250 miles wide for this category 5 storm, which included working in areas that had no power or electricity for well over a month. At peak, Tetra Tech had nearly 600 monitors working in the field. Documentation was created for almost 10 million cubic yards of debris. Work also included NRCS funding of nearly 25 miles of waterways through Bay County, FL.

Camp Fire Response

Mr. Natale serves as project manager and is responsible for oversight of debris and environmental work related to the hazardous material removal of over 12,000 parcels located in the County of Butte. This is possibly the largest debris operation in history with over 2 billion dollars in costs.

Northern California (NORCAL) Wildfire Response (November 2017-Present)

Mr. Natale serves as principal in charge for USACE ADMS services for all the work completed after the Northern California wildfires in 2015. This included debris and environmental services of over 8,000 homes and over 1 billion dollars in costs. Mr. Natale oversees the overall project management team and assists with staffing and logistics for this four-county response.

Florida Department of Environmental Protection (2016-2018)

Mr. Natale serves as principal in charge for FDEP waterways debris removal programs (wet debris). Unlike conventional debris removal programs that are well established every waterways program needs a level of customization. Mr. Natale has provided this oversight working with the State of Florida, FEMA, and the local counties that recovery was being conducted. Counties worked post Matthews and Irma include Nassau, St. Johns, Ventura, Brevard, Monroe, Collier, Lee.

California | Valley and Butte Fire (October 2015–2016)

Mr. Natale helped create and implement programs for several projects after the Valley and Butte fires of 2015, which burned over 150,000 acres of forests and destroyed over 2,000 homes, with recovery costs of over \$300 million. Each program developed was unique but necessary for the community as a whole to recover. Programs included geospatial live tracking of work completed and equipment deployed; mitigation of hazardous trees from rights of ways and private property that was fully funded by CalOES and FEMA; private property debris removal packet management and database support; and management of a unique mix of environmental scientists and debris specialists to provide documentation for remediation of asbestos and other contaminants left behind, including debris quantities. These clients included Lake County Public Works, CalRecycle (AJ Diani), CalRecycle (Sukut), and PG&E.

State of New Jersey | Hurricane Sandy Disaster Recovery Operations (October 2012–January 2013)

Mr. Natale supported debris monitoring efforts for seven separate municipalities and state agencies following Hurricane Sandy. These clients including but not limited to the City of Newark, City of Sayreville, Ocean Township, and the New Jersey Parks Department.

City of New Orleans; Jefferson Parish; and St. John the Baptist Parish, LA | Hurricane Isaac Debris Monitoring Operations (September–December 2012)

Mr. Natale oversaw the debris monitoring efforts following Hurricane Isaac. During this effort, our team monitored the collection and disposal of over 670,000 CYs of debris. Mr. Natale coordinated with several local governments, including the City of New Orleans, Jefferson Parish, and St. John the Baptist Parish.

State of Connecticut | Winter Storm Alfred Statewide Debris Monitoring Operations (October 2011–April 2012)

Mr. Natale oversaw efforts to coordinate with 12 individual local governments and 45 Connecticut Department of Transportation towns to collect more than 1.5 million CYs of vegetative debris and remove over 100,000 hazardous trees.

Mr. Natale has provided senior management on the following projects:

- City of New Orleans, Louisiana | Hurricane Katrina Residential Demolitions (April 2010–Present)
- Bastrop County, Texas | Wildfires (September 2011–August 2013)
- City of Cedar Rapids, Iowa | Severe Flooding (May 2010–June 2011)
- University of Iowa | 2008 Severe Flooding (March 2012–Present)
- City of Houston, Texas | Standing Dead Trees (May 2010–June 2011)
- Terrebonne Parish, Louisiana | Hurricane Ike (July 2010–February 2011)
- State of Connecticut Hurricane Irene (September 2011–November 2011)

Project Management

On large debris projects, Mr. Natale will be temporally relieved of his director duties by senior management support and focus on the management of a single project. As a result, Mr. Natale has managed some of the largest debris-generating projects in the country with great success.

City of Houston, Texas | Hurricane Harvey (August 2017- Present)

Hurricane Harvey caused an unprecedented Citywide flooding event with a total of 13 primary debris haulers responding. Mr. Natale helped create new systems and reports were developed to manage the debris haulers and support a live web feed on the Houston recovery webpage. To date the City and its debris haulers collected over 2.5 million cubic yards of flood debris. The project is expected to continue through the end of this year as residents continue to recover from this catastrophic event.

Town of Hilton Head Island, South Carolina | Hurricane Matthew (October 2016–June 2017)

Mr. Natale provided project management and oversight for the popular tourist destination, Hilton Head Island, following extensive damage caused by Hurricane Matthew. Within hours of the disaster, Mr. Natale was on-site to assess the damage and meet with Town officials. Mr. Natale managed the mobilization of a local team of debris monitors and established our automated debris management system (ADMS) for the City to provide real-time updates on the debris removal operations. In total, our team monitored the removal of 2,187,080 cubic yards of debris.

New Jersey Department of Environmental Protection (NJDEP) | Hurricane Sandy Waterway Debris Removal Project (February 2013–January 2014)

Mr. Natale developed and implemented many of the protocols and procedures to effectively manage the wet debris removal process. This has included the implementation of our proprietary automated debris management system (ADMS) technology, which has increased NJDEP's visibility to the day-to-day operations and provided real-time reporting of debris quantities. Due to Mr. Natale's excellent project management, NJDEP then tasked our team with monitoring the sediment removal process in the northern and southern region.

City of Houston, Texas | Hurricane Ike Disaster Debris Program Management (October 2008–July 2010)

Our response to the City of Houston following Hurricane Ike included the collection of over 5.5 million CYs of debris in 256 zones throughout the City. This also included 300 parks and open spaces. Mr. Natale also was tasked with managing the firm's largest hazardous tree removal program, involving the removal of over 214,000 hazardous trees accompanied by 630,000 photographs to document eligibility. Mr. Natale worked closely with the City of Houston to reconcile and provide detailed information of over \$110 million in invoices and over \$3 million in FHWA funds. Mr. Natale also helped reconcile and submit over \$9 million in force account labor.



18 YEARS OF
EXPERIENCE

Areas of Expertise

- Disaster Response & Recovery
- Grant Administration
- Stafford Act Compliance
- Alternative Procedures

Grant Experience

- FEMA Public Assistance
- CARES Act
- USDA Agriculture Recovery Block Grants
- HUD CDBG
- ARPA

Education

Auburn University, Bachelor of Arts,
March 2000

Louisiana State University- Paul M.
Hebert Law Center, Juris Doctorate,
May 2004

Louisiana State University- Paul M.
Hebert Law Center, Bachelor of Civil
Law, May 2004

EXPERIENCE SUMMARY

Ms. Allison McLeary is an experienced emergency response and recovery executive with a demonstrated history of building meaningful relationships across all levels of government. As former Recovery Bureau Chief of the Florida Division of Emergency Management, she offers more than 3 years of direct experience administering grant programming throughout the State of Florida. She also served as **Recovery Counsel for the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)**. She is a steadfast advisor in planning for, responding to, and recovering from challenges and disasters.

RELEVANT EXPERIENCE

Director, Disaster Recovery Programs (March 2021 – Present)

Tetra Tech, Inc.

Ms. McLeary serves as Director of Disaster Recovery Programs, providing policy guidance and program support. Ms. McLeary is an expert in FEMA policies, building and maintaining relationships with FEMA representatives. She analyzes policy and provides policy guidance to clients. She supports the Tetra Tech team to build programs that align with federal expectations and comply with client/federal requirements. She maximizes operational efficiencies by analyzing individual projects with a holistic lens, leveraging best practices from Tetra Tech debris management operations throughout the Nation. Additionally, Ms. McLeary coordinates relationships with funding agencies and local partners to streamline project operations.

Recovery Bureau Chief (March 2020 – February 2021)

Compliance and Appeals Officer (December 2018 – February 2020)

Florida Division of Emergency Management

- Administered all FEMA Stafford Act programs for the State of Florida (\$9.8+ Billion over 26 federally declared events under management)
- Validated and Paid through FDEM an unprecedented \$4.1 Billion in Recovery funds in the period January 2019-February 2021, including \$2.7 Billion in PA and over \$300 Million in USDA Agriculture Recovery Block Grants
- Developed and implemented the State strategy for \$1.275 Billion in CARES-Coronavirus Relief Fund payments to 55 medium and small counties. (\$1.07 Billion validated and paid June 2020-February 2021)
- Served as Alternate Governor's Authorized Representative and Deputy State Coordinating Officer for all FEMA declared events in Florida
- Created a comprehensive FEMA PA Compliance program, including risk assessments, monitoring, and technical assistance and programmatic guidance tailored to address specific compliance risks

Recovery Legal Counsel (January 2017 – November 2018)

Louisiana Governor's Office of Homeland Security and Emergency

Preparedness

- Served as Recovery counsel- advising on all matters of emergency management and whole community Recovery

- Programs included FEMA/Stafford Act programs and HUD-Community Development Block Grants (CDBG-DR)
- Audit liaison to US Department of Homeland Security- Office of Inspector General and FEMA
- Developed and delivered a comprehensive outreach and education technical assistance strategy to grant subrecipients in Louisiana

FirstNet Program Manager (February 2015 – January 2017)

Louisiana Division of Administration, Office of Technology Services

- Oversaw a team effort to identify needs, perform gap analyses, and plan for the buildout of the State's portion of the Nationwide Broadband network, known as FirstNet.
- Identified the needs and expectations of the State's 62,000+ first responders and worked with the US Department of Commerce and the FirstNet Authority to include those inputs in the \$7 Billion RFP for the buildout and operation of the FirstNet network.

State Police Legal Counsel (August 2003 – May 2013)

Louisiana Department of Public Safety and Corrections, Louisiana State Police, Office of Legal Affairs

- Counsel to State Police on matters of policy, operations, public records law, personnel management, emergency management/crisis response, and investigations
- Served as legislative liaison and helped draft numerous bills and testified in committee on several measures including revisions to the electronic surveillance framework and the regulation of private security, and the role of volunteers in emergency response.
- Represented the Louisiana Oil Spill Coordinator's Office and was assigned Attorney Supervisor throughout the response to the Deepwater Horizon event
 - Led a multi-agency team of in house, state agency lawyers in the early days of the disaster
 - Coordinated efforts among state agency counsel to ensure that necessary inputs needed for the response, damage assessment and claims under the Oil Pollution Act of 1990, Clean Water Act and other applicable federal and state laws were supported.



30+ YEARS OF
EXPERIENCE

1,000+ MANAGED
FIELD
MONITORS

5M CYS OF
DEBRIS

Areas of Expertise

- Solid Mobile and GIS Technology
- Resource Deployment and Tracking
- Readiness Training and Exercises
- Disaster Operations Support
- 20+ Years Military Experience

Grant Experience

- CDBG-DR

Key Training/Certifications

- FEMA IS-632, IS-700, IS-922
- MCDBA, Microsoft Certified Database Administrator
- MCSE, Microsoft Certified Network Engineer
- MCT, Microsoft Certified Trainer

Disasters

4340 HURRICANE MARIA
4240 CA WILDFIRES
4223 TX FLOODING
4145 CO FLOODING
4115 SD WINTER STORM
4087 HURRICANE SANDY
4024 HURRICANE IRENE
4106 CT WINTER STORM
1609 HURRICANE WILMA
1602 HURRICANE KATRINA

Education

Thomas Edison University, Associate of Science, Nuclear Engineering Technology, 1997

EXPERIENCE SUMMARY

Mr. Jeffrey Dickerson has more than 30 years of experience in program management, with extensive experience in technical organizational management, training, and readiness exercises. He is a military veteran with skills in leadership, training, and personnel development. As the Technical Applications Manager, Mr. Dickerson is responsible for the planning, development, deployment of technical applications supporting emergency response operations for the firm.

Mr. Dickerson has extensive experience in process improvement and application of advanced technology to boost efficiency post-disaster field and data operations. He recently presented at the National Hurricane Conference on the use and application of technology to improve disaster response cost efficiency.

Mr. Dickerson has led the development and support of Tetra Tech's *RecoveryTrac*™ Automated Debris Management System (ADMS). As one of only three systems validated by the USACE, it is the preferred provider by the USACE debris contractors, providing ADMS services to 6 of 8 USACE districts globally. The *RecoveryTrac*™ system's flexibility and GIS capabilities provide best-in-class reporting and analysis tools. Additionally, *RecoveryTrac*™ ADMS technology web-based data feeds enable direct integration into client GIS and emergency management systems.

RELEVANT EXPERIENCE

Senior Project Manager (March 2021 – Present)

Emergency Rental Assistance Program | Various Clients

Established the infrastructure for 2 project offices supporting Call Center and Application Review services. The offices supported over 400 team members providing Internet connectivity and workstation equipment. Communications included VOIP phone system, Call Center call handlers, Email and SMS tools.

Program Manager (July 2019 – Present)

Puerto Rico Department of Housing (PRDOH) R3 Puerto Rico CDBG Program

Mr. Dickerson managed technical program and staffing for the HUD-mandated environmental reviews (Tier II Site Specific Reviews), Damage Assessment Inspection/Cost Estimate, LBP, and Asbestos Inspection program in accordance with 24 CFR Part 58 and the current Puerto Rico PRDOH R3 Program Environmental Review (Tier II) Procedures for an estimated 60,000 hurricane and flood damaged properties.

Program Manager (Oct 2019 – Present)

Harris County, Project Recovery CDBG Program

Mr. Dickerson managed technical program and staffing for the HUD-mandated environmental reviews (Tier II Site Specific Reviews), Damage Assessment Inspection/Cost Estimate, and LBP program in accordance with 24 CFR Part 58 for an estimated 2,500 hurricane and flood damaged properties.

Project Manager (December 2018 – Present)

State of Florida, Rebuild FL CDBG Program

Mr. Dickerson managed technical program and staffing for the HUD-mandated environmental reviews (Tier II Site Specific Reviews), Damage Assessment Inspection/Cost Estimate and LBP Inspection program in accordance with 24 CFR Part

58 and the current Florida Department of Economic Opportunity (DEO) Program Environmental Review (Tier II) Procedures for an estimated 7,000 flood damaged properties.

Project Manager (Nov 2018 – Present)

State of Texas, Rebuild TX CDBG Program

Mr. Dickerson managed the HUD-mandated environmental reviews program and staffing (Tier II Site Specific Reviews), Damage Assessment Inspection/Cost Estimate and LBP Inspection program in accordance with 24 CFR Part 58 and the Texas General Land Office (GLO) Program Environmental Review (Tier II) Procedures for an estimated 1,200 flood damaged properties.

Project Manager (Jul 2018 – Oct 2019)

State of North Carolina, Rebuild NC CDBG-DR Program

Mr. Dickerson managed the HUD-mandated environmental reviews program and staffing (Tier II Site Specific Reviews) and LBP/Asbestos Inspection program in accordance with 24 CFR Part 58 and the NCEM/NCORR Program Environmental Review (Tier II) Procedures for an estimated 1,300 flood damaged properties.

Deputy Project Manager (May 2017 – Present)

State of Louisiana, Restore Louisiana (ReLa) CDBG Program

Mr. Dickerson managed the HUD-mandated environmental reviews (Tier II Site Specific Reviews) in accordance with 24 CFR Part 58 and the current Restore Louisiana Program Environmental Review (Tier II) Procedures for over 24,500 flood damaged properties.

GIS/Mobile Data Collection Manager (October 2017 – June 2018)

Sonoma, Napa, Lake and Mendocino Counties, CA | Wildfire Disaster Debris Private Property Debris Removal (PPDR) Program Management

As part of a FEMA-Army Corps of Engineers (ACE) contractor team, Mr. Dickerson supported the deployment and data management of the ACE compliant ADMS and GIS technologies to automate documentation of the private property hazard removal and fire debris removal mission. Mission assignment also included site assessment and environmental remediation sampling. Completed assessment, sampling and fire debris removal generating nearly 1.657MM tons of debris for nearly 7,900 properties. Advanced GIS mapping, document, and data analysis portals were used extensively to document FEMA, ACE, and California environmental requirements.

GIS/ADMS Applications Manager (October 2016 – May 2017)

States of Florida, Georgia, South Carolina and North Carolina | Hurricane Matthew Disaster Debris Public and Private Property Debris Removal (PPDR) Program Management

Mr. Dickerson managed the deployment of customized GIS-enabled ADMS technology. The system documented removal of over 8.5 million CYs of debris and 198,000 tree hazards while supporting 720 ADMS field employee and 47 debris management sites at a removal rate of nearly 165,000 CYs/day.

Project Manager (August 2016 – Present)

Miami-Dade County, FL | Zika Mosquito Transmission Outreach and Remediation Program

Mr. Dickerson designed, deployed, and managed 10 technical support staff and a GIS-based field data collection and reporting application to track the activities of 80 contractors assigned to reduce mosquito habitats and educate the public. The GIS database tracked over 300K outreach and remediation activities on nearly 650K parcels throughout the County.

GIS/ADMS Applications Manager (October 2015 – Present)

Lake and Calaveras Counties, CA | Wildfire Disaster Debris Private Property Debris Removal (PPDR) Program Management

Mr. Dickerson managed the development and deployment of customized GIS-enabled ADMS technology to automate a private and commercial property hazard removal and demolition program, including environmental remediation sampling. Over 4,000 hazardous tree were removed, and 1,000 structures were demolished, generating nearly 100,000 cubic yards of mixed debris. Advanced GIS mapping, document, and data analysis portals were used extensively to document California environmental requirements.

GIS Field Application Manager (November 2014 – May 2015)**City of New Orleans, LA | Hurricanes Katrina Demolition Phase II Program Management**

Mr. Dickerson developed and deployed mobile field GIS technology to automate the private property demolition survey and documentation. Custom GIS base workflow automation provided custom form generation from collected field data. Phase II included the survey and demolition of over 375 structures.

ADMS Application Manager (October 2013 – December 2013)**State of New Jersey Department Environmental Protection | Hurricane Sandy Disaster Debris Program Management**

Mr. Dickerson managed the logistics and deployment of ADMS technology, including over 45 handheld devices for waterway debris and sediment removal for two-thirds of New Jersey's coastline. The RecoveyTrac™ work documentation module was heavily used to document the step-by-step progress. Over 58,000 photos documenting the collection and disposal of the debris and sediment were recorded.

ADMS Application Manager (September 2011 – June 2013)**City of Houston, Texas | Drought & Wildfires Debris Removal Monitoring**

Mr. Dickerson managed the multi-year logistics and deployment of ADMS technology, including over 25 handheld devices in a multi-phased removal of thousands of trees following a severe drought documenting over 260,000 cubic yards of debris. His responsibilities include the deployment, support, and staff training of the ADMS mobile system and development of custom mapping and reports.



20+ YEARS OF
EXPERIENCE

Areas of Expertise

Project Management
Debris Monitoring/Removal
FEMA PA
Construction Management
Private Property Debris Removal
Cost of Service Evaluations
Emergency Management
Damage Assessment
Utility Engineering/Consulting
Public Outreach/ Communications
Procurement (2CFR)
Grant Management

Training/Certifications

DHS/FEMA/PIA-017 Federal Emergency Response Official. Effective date 9/4/2018 – 9/02/2024
North Carolina General Contractor's License
USACE Construction Quality Management for Contractors-Certified
FEMA 325 Public Assistance Debris Management Guide
FEMA E0202 Debris Management Planning Certified
FEMA ICS-100 Incident Command System Certified
FEMA ICS-200 Initial Action Incident Certified
FEMA IS-800 National Response Framework Certified
FEMA IS-700 National Incident Management System (NIMS)-Certified
Qualified Technical Tree Safety Supervisor
Electrical Hazard Awareness Training
OSHA 40-Hour HAZWOPER
OSHA 30-Hour
First Aid / CPR

EXPERIENCE SUMMARY

Mr. Tommy Webster has more than 20 years of consulting and operational experience with major field environmental and civil works projects. Mr. Webster brings a unique perspective, having spent many years of his career on the consulting side at Tetra Tech and its preceding organizations, as well as at a major national civil construction and debris contractor (Phillips and Jordan). He brings a strong understanding of Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program policy and how the policy applies to post disaster recovery. Through his experience, Mr. Webster has managed planning, response, and recovery/reconstruction for a wide variety of projects and disasters including hurricanes, floods, ice storms, fires, oil spills, and other disaster incidents. He has worked projects large and small for clientele across the United States including the Army Corps of Engineers (USACE), state government and agencies, counties, cities, water management/flood control districts, and more. Mr. Webster is a pragmatic, results oriented professional with a proven history of leadership on highly successful projects. **Mr. Webster was chosen for this project due to his ability to interact with clients, governmental agencies, employees, and contractors and his leadership skills to negotiate contracts, train clients and employees, submit realistic schedules, motivate staff, and track results.**

RECENT EXPERIENCE

Program Manager (May 2022 - Present)

Tetra Tech

Mr. Webster is responsible for the day-to-day operations of the engagement including field operations and contractual/business aspects. He is tasked with providing assistance to the Principal-in-Charge in the administration of contracts; enforcement of the provisions of the Client's contract with collection contractors; serving as the primary point of contact for Client staff, Contractors and FEMA representatives; maintaining appropriate staffing levels; implementing quality assurance and control measures; review of daily contractor activity; review/submittal of contractor invoices.

Program Manager (July 2014 – May 2022)

Phillips & Jordan

Mr. Webster was responsible for the following tasks:

- Initial deployment and operational project setup for natural and man-made disasters across the CONUS
- Subcontractor negotiation and claims management
- Line-item project reviews and approvals with Project Managers and third-party representatives
- Liaison between operations and overhead departments, as well as municipalities and governmental agencies

Operations Manager (January 2012 – June 2014)

ATKINS Global

Daily responsibilities included:

- Initial deployment and operational project setup for natural and man-made disasters across the CONUS
- Managed & monitored debris removal operations

- Employee/Client training
- Contractor invoice reviews and approvals
- Liaison between operations and overhead departments, as well as municipalities and governmental agencies
- Customer maintenance and satisfaction

Project Manager (August 2010 – January 2012)

Andrew Consulting

Daily responsibilities included:

- Received and reviewed construction documents and contractor/vendor submittals
- Responsible for creating and implementing construction schedules
- Quality control management for all construction activity
- Oversight of over \$285 Million in public and private commercial construction projects
- Periodic construction inspections

Project Manager (September 2008 – July 2010)

Beck Disaster Recovery

Daily responsibilities included:

- Initial deployment and operational project setup for natural and man-made disasters across the CONUS
- Manage ongoing project and employee activity
- Liaison between operations personnel and overhead departments, as well as municipalities and governmental agencies
- Employee/Client training
- Execute company policy and procedures

Project Manager (December 2002 - September 2008)

Beck Disaster Recovery

Daily responsibilities included:

- Initial deployment and operational project setup for natural and man-made disasters across the CONUS
- Manage ongoing project and employee activity
- Responsible for employee financial reimbursement and contractor invoice reviews and approvals
- Liaison between operations and overhead departments, as well as municipalities and governmental agencies

NOTABLE PROJECTS

2022 | Hurricane Ian – *Charlotte County, FL and City of Cape Coral, FL*

2021 | Virginia Winter Ice Storm - *VDOT Richmond District, VA*

2018 | Hurricane Florence Debris Management - *Craven County, Cities of Boiling Spring Lakes and New Bern, Towns of River Bend and Trent Woods, North Carolina and City of Briarcliff Acres, South Carolina*

2017 | Hurricane Irma Debris Management - *Highlands, Hillsborough, Palm Beach and Volusia Counties; Cities of Coral Springs, Kenneth City, and Pinellas Park; and Town of Belleair, Florida*

2017 | Hurricane Harvey Land and Waterway Debris Management - *Harris County Flood Control District, Texas*

8 YEARS OF
EXPERIENCE

14 DISASTERS

Areas of Expertise

Project Management

FEMA PA

Civil Engineering

Disaster Recovery

Debris Monitoring

Compliance

Key Training/Certifications

Project Management I

OSHA 40-Hour HAZWOPER

OSHA 10-Hour Safety

FAA Licensed Drone/SUAS Remote
Pilot

Xactimate 28 Level 1 Certification

Education

Roger Williams University, School of
Engineering, Bachelor of Science, Civil
Engineering, 2013

EXPERIENCE SUMMARY

Mr. Guthman is a Civil Engineer and regional project manager for Tetra Tech. He has supported a wide range of disaster recovery, land development, and improvement projects for public and private clients. He has managed large program and debris monitoring projects, ensuring FEMA compliance of the PA and policy guidelines. As such, he has developed an extensive understanding of federal, state, and local regulations, protocols, processes, and guidance with respect to homeland security response, and recovery. Mr. Guthman served as project manager for the City of Lake Charles, LA following Hurricanes Laura and Delta, which accounted for the removal of more than 4 million CYs of debris. Additional tasks have included providing construction phase services, Resident Engineering duties, grading, drainage, utility design and site layout.

RELEVANT EXPERIENCE

Debris Group Supervisor (November 2021 – Present)

CalRecycle | Norther Division Fires 2021

Mr. Guthman serves as debris group supervisor for CalRecycle Northern Division response cleanup efforts within Plumas and Tehama Counties. Mr. Guthman oversees and manages all incident-related operational activities involving hazardous tree and debris removal. He is responsible for working closely with property owners and DDHTR contractors to overcome site specific challenges and requests while ensuring satisfaction and compliance to regulations and guidelines.

County Field Liaison (February 2021 – October 2021)

Clackamas County, OR | Oregon Wildfires and Straight-lin Winds 2020

Mr. Guthman supported cleanup efforts in Clackamas County after the community was impacted by the wildfires in September 2020. Mr. Guthman coordinated cleanup activities for both private property debris removal and hazardous tree removal along the County right-of-way. In addition to coordination, Mr. Guthman is the primary point of contact for property owners, ODOT, and contractors to answer questions that arise in the field. Mr. Guthman has also assisted in troubleshooting technical issues and providing input on work practices, health and safety, and environmental considerations.

Debris Group Supervisor (November 2020 – January 2021)

CalRecycle | Northern Branch Complex Fires 2020

Mr. Guthman served as debris group supervisor for hazardous tree assessment and hazardous tree removal program where he oversaw a team of monitors and trained arborists monitoring the removal of hazardous trees in the right-of-way.

Project Manager (August 2020 – November 2020)

City of Lake Charles, LA | Hurricanes Laura & Delta

Mr. Guthman served as project manager for the City of Lake Charles, following subsequent hurricanes, Hurricane Laura and Hurricane Delta, which caused devastating damage to the City. Mr. Guthman assisted with project initiation, identification of 5 local debris management sites, and the hiring and training of over

250 locally hired debris monitors. To date, Tetra Tech has monitored the removal of over 4 million CYs of debris from the City.

Operations Manager (April 2020 – June 2020)

City of Chattanooga, TN | Severe Storms and Tornadoes

The City of Chattanooga, TN was impacted by one of the largest tornado outbreaks in the state's History. Having not experienced a debris generating event of this magnitude, the City immediately contracted with Tetra Tech to guide staff through a turn-key recovery effort. Mr. Guthman served as operations manager for the project where he assisted with hiring of local monitors, health and safety, and project oversight. In total, Tetra Tech monitored the removal of 322,000 CYs of vegetative debris and construction and demolition debris. The project also included monitoring debris removal from the City's parks.

Operations Manager (March 2020 – May 2020)

City of Nashville, TN | Severe Storms and Tornadoes

In the early morning of March 3, 2020, a powerful weather band produced 2 tornadoes that ripped through the City of Nashville, TN. Within hours of impact, Tetra Tech was mobilized to meet with City officials. As Operations Manager, Mr. Guthman assisted with implementation of Tetra Tech's ADMS, hiring and training of local field staff, identification of debris management sites, and project oversight. For this project, Tetra Tech worked quickly and efficiently to monitor the removal of over 300,000 CYs of debris in roughly 90 days.

Operations Section Chief (February 2019 - February 2020)

Butte County, CA | Camp Fire

Mr. Guthman serves as a Deputy Operations Section Chief overseeing the debris removal operations for the east portion of the City of Paradise. The project required the demolition and debris removal of nearly 13,000 structures.

Regional Project Manager (September 2018 – January 2019)

North Carolina | Hurricane Florence

Soon after Hurricane Florence devastated the Eastern shores of the Carolinas, Mr. Guthman served as the project manager assisting Craven County, Town of New Bern, Town of Trent Woods, and Town of River Bend during the ROW disaster debris removal monitoring operations.

Project Manager (May 2018)

Town of New Fairfield, CT and Town of Brookfield, CT | Macrobust

Shortly after the macroburst devastated central parts of Connecticut, Mr. Guthman served as the project manager assisting the Town of New Fairfield during the ROW disaster debris removal monitoring operation.

Project Manager (September 2017 – May 2018)

Collier & Miami Dade Counties | FL Hurricane Irma

Following Hurricane Irma's impact in South Florida, Mr. Guthman mobilized to Naples, FL where he served as project manager and assisted Collier & Miami Dade Counties with waterway disaster debris removal monitoring operations and Fire & Rescue, while following FEMA guidelines.

Operations Manager (October 2016)

Hilton Head Island | South Carolina Hurricane Matthew

Mr. Guthman served as operations manager where he was responsible for implementing Tetra Tech's work plan, staffing, dispatching field personnel, and overseeing adherence to safety protocols. He also oversaw truck certifications, field and disposal operations.

Regional Project Manager (September 2018 – January 2019)

Various Locations in North Carolina | Hurricane Florence

When Hurricane Florence devastated the Eastern shores of the Carolinas, Mr. Guthman served as the project manager assisting Craven County, Town of New Bern, Town of Trent Woods, and Town of River Bend during the ROW disaster debris removal monitoring operations.

3 YEARS OF
EXPERIENCE

6 DISASTERS

Areas of Expertise

Project Management

Debris Removal Operations

Truck Certification

Scheduling and Dispatch

QA/QC

Health & Safety

Supervision of Field Operations

Key Training/Certifications

40 HR Hazwoper

FEMA ICS 100

FEMA ICS 200

Disasters

Hurricane Laura

Hurricane Sally

CalRecycle Northern Branch

Hurricane Ida

Dixie- Caldor Fire

Hurricane Ian

EXPERIENCE SUMMARY

Mr. Berry is a highly experienced disaster recovery professional with a proven track record of managing successful projects. He has served in various roles, from field supervisor to project manager, in response to various natural disasters such as hurricanes and wildfires. He has demonstrated exceptional leadership skills, organizing, and training employees, monitoring client satisfaction and contract compliance, and ensuring that recovery efforts are carried out efficiently and in accordance with FEMA standards. Mr. Berry's focus on health and safety policies and his attention to detail have made significant contributions to the success of recovery efforts in multiple locations.

RELEVANT EXPERIENCE

Project Manager (November 2022 – Present)

Key West, FL & Lover's Key State Park | Hurricane Ian

Mr. Berry served as project manager for Tetra Tech in Key West and Lover's Key State Park in response to Hurricane Ian in September of 2022. He led disaster response monitoring efforts and successfully oversaw all aspects of debris removal operations. He was responsible for recruiting and training local staff, monitoring client satisfaction and contract compliance, contributing to the smooth and efficient execution both projects.

Operations Manager (September 2022 – November 2022)

Polk County, FL | Hurricane Ian

Following Hurricane Ian in September of 2022, Mr. Berry mobilized to Florida to serve as an operations manager for the Polk County project. He was responsible for overseeing the day-to-day aspects of debris removal operations, Scheduling, and dispatching of field staff, and ensuring QA/QC of project documentation.

Operations Manager (May 2022 – September 2022)

Tangipahoa and Calcasieu Parish, LA PPDR | Hurricane

In charge of all training of monitors and all daily operations, Mr. Berry served as operations manager in Tangipahoa and Calcasieu Parish. These projects highlight PPDR recovery efforts. He was responsible for verifying eligibility, compliance, collection & disposal operations oversight, while coordinating directly with the project manager with progress reports.

Area Leader (October 2021 – May 2022)

California | Dixie-Caldor Fire

Mr. Berry oversaw clean-up efforts in the Central Division during wildfire recovery operations for the Dixie-Caldor Fires. In the role of area leader, he was responsible for hiring and training task force and crew leaders on FEMA standards and ensuring homesites were cleared of contaminants prior to release to the state.

Operations Manager (September 2021 – October 2021)

Louisiana | Hurricane Ida

Robert Berry served as an operations manager on multiple projects in Louisiana following Hurricane Ida in 2021. He demonstrated leadership skills by organizing employees into a daily dispatch for efficient debris clean up, ensuring that tasks were

performed in accordance with FEMA standards. Robert's oversight of field supervisors and field monitors ensured the collection of accurate data and maintained a focus on Health & safety policies, making a significant contribution to the success of recovery efforts.

Task Force Leader/State Representative (March 2021 – September 2021)**CalRecycle | Northern Branch 2020 Fires**

Mr. Berry successfully managed site cleanup following the 2020 Northern Branch Fires, ensuring contractor compliance with FEMA standards. He was responsible for maintaining accurate and clear data for each homesite and verified that each site was cleared of all contaminants before signing it over to the state.

Field Supervisor (September 2020 – February 2021)**Baldwin County, AL | Hurricane Sally**

As a Field Supervisor following Hurricane Sally in 2020, Robert Berry effectively fulfilled the role of ensuring compliance with FEMA standards and verifying the accuracy of data collected by field monitors.

6 YEARS OF
EXPERIENCE

13 DISASTERS

Areas of Expertise

- Field Operations
- Disposal Operations
- Private Property Programs
- Leaner/Hanger Programs
- Health and Safety
- Documentation
- Reporting

Key Training/Certifications

- HAZWOPER 40
- ICS 100
- ICS 200

Education

College of the Desert, Associates
Degree in Hospitality 1998

EXPERIENCE SUMMARY

Mr. Norwood is a quality-oriented professional with over six years of field experience. He has a proven knowledge of data entry, operations management, and operating policies/procedures. Mr. Norwood is responsible for monitoring and documenting the removal of hazardous debris and trees, which includes recording information for load tickets, monitoring contractor safety, and reporting any damage resulting from the removal of debris.

RELEVANT EXPERIENCE

Field Supervisor (September 2022 – October 2022)

Cape Coral and Collier County, FL | Hurricane Ian

Mr. Norwood served as a field supervisor for multiple counties following Hurricane Ian, the largest hurricane to hit Florida since 1935. Hurricane Ian left devastating effects, making landfall as a category 4 storm in late September of 2022. For Cape Coral alone, the project resulted in the **removal of 2,100,000 CYs of debris in the first 3 months of the cleanup and in Collier County another approximately 2 million CYs of debris**. Mr. Norwood oversaw disposal and debris removal operations and some of his additional responsibilities included:

- Training and oversight of field monitors
- Quality assurance and quality control (QA/QC) of health and safety protocols, and field documentation
- Operational scheduling and dispatch

Quality Control Specialist (August 2022 – September 2022)

New Mexico Fires | New Mexico

Mr. Norwood served as a quality control specialist for Tetra Tech's response to the New Mexico wildfires of 2022. Approximately 904,422 acres had burned across the state. He worked closely with field monitors and supervisors and the data team to ensure QA/QC.

Task Force Leader (October 2021- June 2022)

CalRecycle | Dixie Fire

Mr. Norwood was responsible for monitoring and documenting the removal of hazardous debris and trees, which included recording information for load tickets, monitoring contractor safety, and reporting any damage resulting from the removal of debris.

Field Supervisor (September 2021-September 2021)

St James Parish, Louisiana | Hurricane Ida

Mr. Norwood oversaw the day-to-day operations of Tetra Tech's response to St. James Parish following Hurricane Ida. He was responsible for training monitors and monitoring and documenting the removal of hazardous debris and trees. He also responded to field issues, as needed.

Field Supervisor (July 2021 – July 2021)

City of Miami, Florida | Surfside Building Collapse

Following the devastating 2021 Surfside Building collapse, Tetra Tech was on the ground in Miami-Dade County to provide debris monitoring and disaster recovery

services. The building collapse required specific calculated operations to remove debris as building investigation and search for missing people was also underway. Mr. Norwood served as a field supervisor supporting documentation of the removal of 10,264 tons of debris from the site.

Field Supervisor (March 2021-March 2021)

VDOT Ice Storm | Virginia

Mr. Norwood served as a field supervisor for Winter Storms of February 2021. As field supervisor, he was responsible for the quality control of debris site/tower monitors, field coordinators, and project inspectors and ensuring that all documentation that was being captured was FEMA-compliant during debris removal operations.

Field Supervisor (2020)

Hurricane Sally | Alabama

Tetra Tech provided disaster response monitoring services in Alabama and Florida after Hurricane Sally devastated the area in October 2019. Mr. Norwood was responsible for monitoring debris site/tower monitors and project inspectors, and ensuring that documentation was being captured.

Field Supervisor (2020)

Hurricane Laura | Calcasieu Parish, Louisiana

Making landfall as a Category 4 storm, Hurricane Laura had a devastating impact throughout the State of Louisiana. Mr. Norwood monitored debris site/tower monitors, contractors, and project inspectors. The Calcasieu project included the **removal of over 6 million CYs of debris** and over 40,000 hazardous trees and limbs.

Disposal Monitor (2019)

Tropical Storm Imelda | Orange County, Texas

Mr. Norwood was responsible for monitoring and documenting the removal of hazardous debris and trees. This included recording information for load tickets, monitoring contractor safety, and reporting any damage resulting from the removal of debris.

Division Supervisor (2019)

Camp Fire | California

Mr. Norwood oversaw daily duties of the Camp Fire response project, which included logistical responsibilities such as tracking and collecting inventory, training monitors, and ensuring productivity amongst homeowners, contractors, and monitors.

Field Supervisor (2018)

Hurricane Katrina | New Orleans

Mr. Norwood assisted with disposal monitoring operations for the last portion of the Hurricane Katrina recovery efforts for the City of New Orleans. He was tasked with the oversight of field operations for private property debris removal (PPDR) demolition and disposal.

Field Supervisor (2017)

Hurricane Harvey | City of Houston, Texas

Our team assisted the City of Houston in providing debris program management services following Hurricane Harvey, which included the monitoring of **over 1.4 million cubic yards of debris**. Mr. Norwood worked closely with our field project management team to provide supervision and oversight of disposal monitoring operations.

20 YEARS OF
EXPERIENCE

Areas of Expertise

- GIS Programming
- ESRI Enterprise Geodatabase and Services
- GNSS Survey Grade Data Collection
- ArcGIS Pro / ArcMap Operation and Support
- ArcGIS Server and AGOL Administration

Training/Certification

- GISP - URISA

Education

Florida State University
Master of Science, Geography,
2004

Louisiana State University
Bachelor of Science, Geography,
1999

EXPERIENCE SUMMARY

Mr. Casey Ogden has more than 20 years of experience in Geographic Information Systems (GIS), with experience with the ESRI suite of products. He holds a Master's degree from the Florida State University with a Certificate of Emergency Management, as well as, a Bachelor's Degree from Louisiana State University in the field of Geography. As the geospatial applications manager, Mr. Ogden manages a team of five GIS personnel and is responsible for developing GIS applications that are efficient, accurate, and cutting edge.

RELEVANT EXPERIENCE

GIS Applications Manager (September 2022 – Present) **Hurricane Ian Response | Multiple Jurisdictions**

Making landfall as a large category 4 storm, Hurricane Ian left devastating effects across the state of Florida. Mr. Ogden serves as a GIS Applications Manager and has authored web applications using ESRI's web app builder and dashboard platforms to depict live debris pick-up locations and incident reporting. Of these, custom dashboards were created per client specification to meet the public needs both internally and externally.

GIS Applications Manager (July 2022 – Present) **Ashbritt | USACE**

Mr. Ogden has initiated a Smartsheet/web application integration for real-time property status updates. Additionally, he has introduced site assessment and tree tag mapping automation techniques.

GIS Applications Manager (April 2022 – Present) **CA, Office of Emergency Services**

Mr. Ogden has produced a toolset for boundary maps that aid in wildfire management for the Office of Emergency Services in California. This includes functions that calculate tree hazard status, provide buffer analysis, and generate parcel boundary maps.

GIS Applications Manager (April 2022 – August 2022) **Harris County**

Mr. Ogden is responsible for automating day/night noise level reporting to include measurements to nearest roadways, railroads, airports, and managing map book production for debris zone map books.

GIS Developer (June 2021–May 2022) **NASA (Genex Systems)**

Mr. Ogden created an ArcGIS web app builder site that links data submitted for personnel to the reserved parking dataset by applying immediate calculation attribute rules developed using Arcade expressions in ArcGIS Pro. This application also incorporates validation attribute rules and smart editor rules to restrict editing capability and manage data content. This JSC Parking Application includes an editor, security viewer and viewer site, and replaces the existing parking management system.

Assistant CTO and GIS Team Lead (Jan 2017–May 2017)

Mr. Ogden automated Coastal Risk Rapid Assessment / Risk Footprint reports by utilizing ArcGIS Modelbuilder and Python scripts, turning a 3-hour process into a 1 minute runtime, and allowing the user the ability to enter an address and receive a comprehensive flood report for any address in the United States. Established various property specific tools that determine flood vulnerability by analyzing Parcels, Light Detection and Ranging (LIDAR), Tidal Gauges, Flood Zones (NFHL), and Storm Surge models (SLOSH). Product outputs include graphs, tables, and maps in a variety of formats, csv, excel, pdf, and images.

GIS Manager (Nov 2015–Sept 2016)**NAVY, NRJ (Capstone Corporation)**

Mr. Ogden assisted Navy Region Japan's Emergency Management Division by maintaining the 'One Clear Picture' GIS web application. Duties included providing training to military personnel on techniques to broadcast Emergency Incidents to the region and establishing links/feeds from Disaster Monitoring Agencies.

GIS Specialist (Oct 2014–Oct 2015)**NOAA, (Cyberdata Technologies)**

Mr. Ogden created and fully automated GIS tools that parse ASCII files to display Tropical Cyclone Rainfall and Hurricane Best Track operational products. The mapping product that he developed, and is now in production, is the Arrival of Tropical Storm Force Winds.

GIS/Mobile Data Collection Manager (August 2012–June 2014)**Cablevision Systems**

As GIS lead, Mr. Ogden managed contracts related to LIDAR and high-resolution aerial imagery in South Florida, Los Angeles, and New York. With this technology, he performed Equivalent Power Flux Density (EPFD) analysis of potential service towers and directed site survey efforts to determine possible interference with alternative Direct Broadcast Satellite (DBS) providers. Additionally, he was responsible for identifying serviceable homes based on line of sight/diffraction analysis and parcel/tax roll databases, which were the drivers for site selection, sales territory development and the mapping application utilized by door-to-door sales team. He also developed process to automate publishing of ArcGIS Server web services to report Wi-Fi antenna performance changes, as well as co-developed Wi-Fi coverage prediction tool to measure dB loss from access point to potential customer residences.

5+ YEARS OF
EXPERIENCE

12 DISASTERS

Areas of Expertise

Project Coordination

Project Setup

Staff Training

Organization

QA/QC

Scheduling and Dispatch

Adherence to State Labor Laws

Key Training/Certifications

HAZWOPER 40

FEMA ICS-100

FEMA ICS-200

Disasters

4673 Hurricane Ian

5400 Dixie Fire

4558 North Branch Complex

4563 Hurricane Sally

4559 Hurricane Laura

3530 Hurricane Hanna

4476 TN Severe Storms

4465 Hurricane Dorian

4407 Camp Fire

4393 Hurricane Florence

4385 CT Severe Storms

4337 Hurricane Irma

Education

Hilton Head High, HS Diploma,
2014

Charleston Southern University

EXPERIENCE SUMMARY

Macy Moore is an accomplished Regional Project Coordinator with five years of experience in the disaster recovery industry. Since joining Tetra Tech in 2017, she has supported projects in California, as well as multiple states along the Gulf and East coasts following hurricanes, tornadoes, and wildfires. Ms. Moore is responsible for onboarding, training, and assisting with the oversight of project coordination (PC) teams to ensure that projects run smoothly and efficiently.

RELEVANT EXPERIENCE

Regional Project Coordinator (September 2022 –Present)

Florida | Hurricane Ian

Ms. Moore serves as the Regional Project Coordinator for multiple counties in southwest Florida including Collier, Charlotte, and Lee, as well as the central counties of Orange and Seminole. Ms. Moore's responsibilities include the hiring and oversight of local project coordinators, coordination between project management and field staff, HR and payroll liaison, and QA/QC of project documentation and time records.

Regional Project Coordinator (October 2021 – September 2022)

California | Dixie-Caldor Fire

Ms. Moore served as the on-site lead for Tetra Tech's response to the Dixie-Caldor Fire. She was responsible for conducting interviews for potential administrative staff, followed by their onboarding and initial training. Ms. Moore provided day-to-day support for operations and was responsible for the organization and tracking of licenses used for Tetra Tech's Tetraforms system.

Regional Project Coordinator (November 2020 – October 2021)

California | North Branch Complex Fire

Ms. Moore served as the on-site lead for Tetra Tech's response to the North Branch Complex Fires. She provided onsite training and support for administrative staff while processing timesheets for 150+ employees, ensuring that they were in compliance with state policies and labor laws.

Regional Project Coordinator (September 2020 – November 2020)

Alabama, Florida, Louisiana | Hurricane Laura, Hurricane Sally

Ms. Moore served as a Regional Project Coordinator across various projects in Alabama, Florida, and Louisiana. She assisted with the training of local project coordinators, managing day to day office duties, and providing immediate on-site support.

Project Coordinator (July 2020 - August 2020)

Edinburg, TX (Remote Support) | Hurricane Hanna

Ms. Moore provided remote support for projects in Texas in response to Hurricane Hanna in 2020. This included the onboarding of field monitors, I9 processing, and payroll assistance.

Project Coordinator (April 2020-May 2020)**Tennessee | Hamilton County and City of Chattanooga**

Ms. Moore served as the project coordinator for the projects of Hamilton County and City of Chattanooga in Tennessee following a tornado in April of 2020. She was responsible for onboarding and training field monitors, hiring local project coordinators, and monitoring Tetra Tech's time keeping system.

Project Coordinator (September 2019-October 2019)**South Carolina (Remote Support) | Hurricane Dorian**

Ms. Moore provided remote support for projects in South Carolina in response to Hurricane Dorian in 2019. This included the onboarding of field monitors, I9 processing, training, and monitoring of Tetra Tech's field time keeping system.

Project Coordinator (January 2019-September 2020)**California | Camp Fire**

Ms. Moore served as a Project Coordinator for Tetra Tech in response to the Camp Fire in Northern California. She was responsible for processing the time logs of all Tetra Tech and subcontractor employees, coordinating with payroll and HR, and ensuring adherence to State labor laws. During the final months of the project, Ms. Moore assisted with QA/QC of ROE (Right of Way) documentation and other final reporting tasks.

Project Coordinator (September 2018- December 2018)**North Carolina | Hurricane Florence**

Ms. Moore served as a Project Coordinator where she assisted with initial project setup and onboarding of local field staff. She was responsible for managing office duties, payroll and HR correspondence, and field monitor training.

Project Coordinator (June 2018–August 2018)**Connecticut | Severe Storms**

Ms. Moore served as the project coordinator for the Brookfield and New Fairfield projects in Connecticut following a macroburst tornado in June of 2018. She was responsible for processing payroll and Health and Safety documentation and served as a liaison between field and office staff. Ms. Moore also assisted with debris monitoring and disposal sites, and documentation of the haul out process.

Project Coordinator (September 2017 – April 2018)**Florida | Hurricane Irma**

Ms. Moore assisted with day-to-day operations of Tetra Tech's response to Miami Dade County, Miami Dade County Parks, and the City of Miami. She was responsible for managing office duties, payroll and HR documentation, and assisted with training of field staff.



13

YEARS OF
EXPERIENCE**Areas of Expertise**

Accounting
Fixed Assets
Oracle
Peoplesoft

Key Training/Certifications

Certified Public Accountant

Education

Bachelor of Science in Accounting in
Managerial Accounting, Florida State
University, 2006

Geoff Reinhart, CPA

Billing/Invoice Analyst

EXPERIENCE SUMMARY

Mr. Geoff Reinhart is an experienced CPA with both public and private sector experience. As a billing and invoice analyst at Tetra Tech, Mr. Reinhart is responsible for reconciling contractor invoices and performing quality control on data to ensure than all FEMA guidelines for debris removal monitoring are successfully fulfilled.

RELEVANT EXPERIENCE**Billing and Invoice Analyst (April 2019 - Present)****Tetra Tech | Orlando, FL**

Responsible for reconciling contractor invoices for debris removal and corresponding services. Ensured contractor invoice payment packages were submitted to the client in a timely manner.

- Performed QA/QC on data points required for payment recommendation
- Managed team of analysts to ensure QA/QC processes were performed accurately and efficiently
- Verified FEMA guidelines for debris removal were met

Audit Senior (July 2018 to April 2019)**Forehand & Associates | PA - Orlando, FL**

- Oversee multiple full-cycle financial statement audits and reviews from the planning stage through issuance.
- Financial Statement preparation for all assigned engagements, including Income Statement, Balance Sheet, Statement of Cash Flow, Disclosures & Supplementary Information required by the users of the Financial Statements.
- Design and perform analytical procedures/analysis to detect unusual financial statement relationships.
- Perform internal control analysis and substantive procedures. Identify and communicate accounting and auditing matters to managers and partners.
- Identify and communicate accounting and auditing matters to managers and partners.
- Propose adjusting journal entries and discuss audit findings with key management and / or owners.
- Document audit procedures and cross reference work papers.
- Key role in launching two firm-wide software implementation projects.

Accounting Manager (January 2017 to July 2018)**Lowndes, Drosdick, Doster, Kantor & Reed, PA | Orlando, FL**

- Lead and manage five of the Firm's ten Finance professionals, including selection/hiring, delegation of duties, performance management, development and training with indirect oversight of the remaining five members.

- Responsible for overseeing all aspects of the month-end and year-end close as well as maintenance of all accounting ledgers including monthly review of all account reconciliations and journal entries.
- Review all Operating account disbursements on a weekly basis prior to sending to the Admin. Committee for approval.
- Perform analytical procedures/analysis on the preliminary financial statements prior to close.
- Complete oversight and preparation of the annual budget.
- Prepare the monthly and quarterly Board of Directors reporting package.
- Prepare the weekly financial cash forecast.
- Ongoing assessment of current controls to ensure accuracy of financial reporting and develop controls as needed.
- Manage and lead special projects and prepare ad-hoc reports as needed.
- Oversight and management of the Firm's new Accounts Payable application as well as the implementation of the Trust Reserve feature and Direct Deposit program for employee Expense Reimbursements.

Assistant Controller (May 2016 to December 2016)

Transaction Data Systems | Orlando, FL

- Oversee all aspects of month-end close for parent company and three subsidiaries.
- Prepare GAAP & Proforma Financial Statement Reporting Package, including: Income Statements, Balance Sheets, Statements of Cash Flow, Key performance Indicator Reports, Quality of Earnings Reports, and various Ad Hoc reports as needed.
- Review the work completed by the Parent Company's Accounting Manager & subsidiary's controller, including the monthly reconciliation package and all journal entries.
- Perform analytical procedures/analysis on the financial statements.
- Assist in the preparation of the annual budget using key assumptions and prior year knowledge.
- Prepare monthly and quarterly financial update presentations for the Board of Directors.
- Prepare weekly financial snapshots for the CEO & Controller.
- Manage the needs of the external auditors to ensure the process is as efficient and effective as possible.

Staff Auditor II (April 2014 to May 2016)

EY | Orlando, FL

- Conduct comprehensive financial audits and agreed-upon procedures.
- Perform analytical procedures/analysis to detect unusual financial statement relationships.
- Perform internal control and substantive procedures. Identify and communicate accounting and auditing matters to seniors and managers.
- Propose adjusting journal entries and discuss audit findings with clients. Identify and communicate accounting and auditing matters to seniors and managers.
- Prepare PBC lists and confirmation requests.
- Document audit procedures and cross reference work papers.
- Create management representation letter comments and recommendations and draft audit reports for management review.

Lead Staff Accountant (December 2007 to March 2014)

Stanton & Gasdick, PA | Orlando, FL

- Oversee firm-wide accounting including the daily activities of three staff accountants.
- Personally manage seven timeshare escrow accounts and oversee all postings.
- Responsible for month-end General Ledger review and adjustments as well as yearly 1099 preparations.
- Oversee Accounts Payable and Accounts Receivable as well as firm-wide billing.
- Ensure all trust accounts are in compliance with Florida's trust account guidelines.
- Simultaneously complete timeshare funding as well as firm-wide incoming and outgoing wires.

6 YEARS OF
EXPERIENCE

8 DISASTERS

Areas of Expertise

Right-of-Way Debris Removal

Waterway Debris Removal

Data Management

QA/QC

Data Analysis

Project Reporting

Truck Certification

Aerial Imaging

Grant Experience

FEMA PA Category A

Key Training/Certifications

CompTIA A+, Network+ and

Security+ Certifications

HAZWOPER

Education

College of Charleston, BS in Biology &
Political Science

EXPERIENCE SUMMARY

Mr. Eason is a data manager with expertise in geographic information systems, documentation management, QA/QC, database management, and reporting. He has an in-depth understanding of FEMA eligibility, documentation requirements, and Tetra Tech's proprietary ADMS technology.

RELEVANT EXPERIENCE

Lead Data Manager (October 2021 –Present)

Calcasieu Parish, LA | Hurricane Laura Drainage Laterals

Mr. Eason was a Lead Data Manager for Calcasieu Parish following Hurricane Laura. His responsibilities include electronically tracking site documentation for drainage canals and training data personnel, which included the removal of debris from drainage canals.

Lead Data Manager (February 2021 – July 2021)

Virginia | VDOT Winter Storm 2021

Mr. Eason was a Data Manager Lead for Tetra Tech for the VDOT Severe Winter Storm response project. His responsibilities included electronically tracking site documentation and training data personnel. Which included the removal of hazardous debris. Mr. Eason ensured quality assurance and quality control.

Data Manager (August 2020 – February 2021)

Calcasieu Parish, LA | Hurricane Laura

Mr. Eason served Calcasieu Parish as the Data Manager for Tetra Tech in response to Hurricane Laura. His responsibilities included electronically tracking site documentation and training data personnel. Which included the removal of hazardous debris. Mr. Eason also conducted weekly aerial drone surveys, surveying debris disposal sites.

Lead Data Manager (April 2020 – July 2020)

Hamilton County | Tennessee Severe Storms & Tornadoes

Mr. Eason was a Data Manager Lead for the severe storm & tornadoes response project. His responsibilities included electronically tracking site documentation and training data personnel. Which included the removal of hazardous debris. Mr. Eason ensured quality assurance and quality control.

Operations Manager (March 2020 – April 2020)

Paradise, CA | Camp Fire

Mr. Eason fulfilled the assignments of operations manager while also balancing administrative responsibilities for the finalizing and closing out of the Camp Fire project. Mr. Eason's responsibilities included accounting, administrative tasks, and QA/QC Review of Camp Fire IPR Final Report of SSFs prior to FEMA submission.

Data Manager (February 2019 – March 2020)

Bay County, FL | Hurricane Michael

Mr. Eason worked with Bay County to remove debris from ditches and ponds impacted by Hurricane Michael. He was responsible for the quality control of all ADMS documentation in the field including producing aerial images of work areas prior to and following debris removal activities.

Field Supervisor (January 2019 – February 2019)**City of Dickinson, TX | Hurricane Harvey**

Mr. Eason served as a field supervisor for the City's waterways debris removal program. He was responsible for the quality control of all ADMS documentation in the field, along with storing the documentation in preparation for future audits. Mr. Eason also trained local monitors and provided field supervision of debris monitors.

Quality Control Manager (December 2018 – January 2019)**City of Paradise, CA | Camp Fire**

Mr. Eason served as quality control manager for PG&E's initial response to the Camp Fire in the City of Paradise. Mr. Eason's responsibilities included verifying and tracking equipment and resources deployed to the City to remove vegetative debris away from existing powerlines.

Data Manager (May 2018 – December 2018)**Collier County, FL | Hurricane Irma Waterway Disaster Debris Removal Program**

Mr. Eason served as a data manager for the County's waterways and drainage ditch removal program. He was responsible for the quality control of all ADMS documentation in the field, along with storing the documentation in preparation for future audits.

Data Manager (September 2017 – April 2018)**Monroe County, FL | Hurricane Irma**

Mr. Eason served multiple clients in Monroe County, Florida, including the cities of Key West, Islamorada, and Marathon. The Florida Keys suffered severe damage after being directly hit by Hurricane Irma. Mr. Eason was responsible for the quality control of all automated debris management system (ADMS) documentation in the field, along with storing the documentation in preparation for future audits.

Data Manager (September 2017 – October 2017)**Corpus Christi, TX | Hurricane Harvey**

Mr. Eason served as a data manager for the City of Corpus Christi, as a result of damages caused by Hurricane Harvey. Mr. Eason managed the QA/QC of data captured by the *RecoveryTrac*TM automated debris monitoring system.

Field Supervisor (October 2016 – March 2017)**Town of Hilton Head Island | Hurricane Matthew**

The popular tourist destination of Hilton Head Island was hard hit by Hurricane Matthew in 2016, causing severe damage to the city's roads and waterways. Following the completion of the town's debris removal program, Mr. Eason served as a field supervisor for the Town's waterway debris removal program, a special program ordered by the city.

Field Supervisor (October 2016 – January 2017)**Beaufort County, South Carolina | Hurricane Matthew**

In the wake of Hurricane Matthew, Mr. Eason was onboarded as a field supervisor for Beaufort County. The region suffered some of the worst damage in the Carolinas as a result of the storm. Mr. Eason verified that all debris monitors retained their training, and managed quality control standards for FEMA reimbursement compliance. In total, our team monitored the removal of over 1.7 million cubic yards of debris, 62,000 hanging limbs and dangerous trees, and waterway debris and vessel removal program.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Authorize the Town Manager to sole source Turtle Time Inc. services for sea turtle nest monitoring and relocation in the emergency berm project area.

Why the action is necessary:

State and Federal guidelines require sea turtle nest monitoring. Eve Haverfield of Turtle Time Inc. is the only entity authorized by the Florida Wildlife & Conservation Commission to monitor and relocate sea turtle nests.

What the action accomplishes:

Allows the Town to construct the emergency berm in accordance with State and Federal regulations.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

The Town is constructing an emergency berm on the beach to protect upland property from storm surge. Construction activities are occurring in sea turtle nesting habitat, during sea turtle nesting season. State and Federal guidelines require sea turtle nest monitoring. Sole source procurement is required, because Eve Haverfield of Turtle Time Inc. is the only entity authorized by the Florida Wildlife & Conservation Commission to monitor and relocate sea turtle nests.

Attachments:

1. turtle time sole source form
2. Marine Turtle Monitoring Proposal_FMB_2023

Financial Impact:

6. **Alternative Action**

Do not authorize the Town Manager

7. **Management Recommendations:**

Authorize the Town Manager to sole source Turtle Time Inc. services for sea turtle nest monitoring and relocation in the emergency berm project area.

8. **Recommended Approval:**

Chadd Chustz, Environmental Services
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/13/2023
Approved - 6/13/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION: SOLE SOURCE ACQUISITION

1. Contracting Organization: The Town of Fort Myers Beach is responsible for this action. The Department of the Town Requesting is Community Development

2. Description of Action: This procurement request is to justify the request for goods or services for the justification of a sole source vendor.

3. **Description of Goods or Services:** The purpose of this request is to provide marine turtle monitoring in the project area of the emergency berm. The vendor, Turtle Time, Inc. will be responsible for monitoring and relocating sea turtle nesting in the project area of the the emergency berm project.

4. **Authority:** The authority permitting the sole sourcing of services is Town of Fort Myers Beach Ordinance 2007-01, Section 5, subsection C page 6 “ Department Director determines in writing, after conducting a good faith review of available sources that there is only one source”. “The requisitioning department shall submit to the finance department written justification as to why there is only one source.”

5. **Applicability Of Authority:** Company X Turtle Time, Inc. is the only qualified vendor in the United States that can meet the monitoring needs of The Town and the justification is as follows:
Sea Turtle nest monitoring and relocation requires permitting from FWC. Turtle Time Inc. is the only entity that has obtained the permit authorization from FWC.

6. **Efforts to Obtain Competition:** Review of 1 companies or products was undertaken and attached to this document.

7. **Fair and Reasonable:** Comparison of cost for similar products are attached but due to the nature of the good or service we require Company X _____ be awarded due to these reasons provided:

8. Technical Requirements / Personnel Certification: We hereby certify that the technical requirements and certifications are accurate.

9. **Department Director Certification:** I hereby certify to the best of my knowledge this justification is accurate and complete.

Steve Poposki
Name

Signature

6/8/23

Date

Finance Review: Cheri Russ

If over \$20,000 Must go to Town Council for approval

Agenda Date 20 JUNE 2023 Attach Copy for Audit _____



**MARINE TURTLE MONITORING
ESTERO ISLAND NOURISHMENT PROJECT
AND FEMA BERM**

Submitted by:
Eve M. Haverfield
Turtle Time, Inc.
MTP-23-003A; MTP-23-138A (Exp. 1/31/2024)

Ecological Services:

Permit-Required Marine Turtle Monitoring for Estero Island Nourishment Project (DEP Permit No. 0413684-001-JC) and FEMA Berm Construction. First Year Sand Placement.

Daily surveys of the project area and the concomitant reference area will commence on April 15, 2023, and end October 31, 2023, or when all nests have hatched - relocated nests and *in situ* nests. All reports, including escarpment surveys, stranding documentation, nesting obstruction, disorientation reports and all end-of-season nesting and hatching productivity reports will be submitted in electronic format to FWC Bureau of Imperiled Species Management, DEP, and the Town of Fort Myers Beach by November 30, 2023. In addition, the required annual monitoring follow-up reports will be sent on a timely basis.

Pay Request:

\$15,000 May 1, 2023
\$15,000 November 30, 2023
\$ 5,000 May 1, 2024 - First-Year Post-Construction
\$ 5,000 May 1, 2025 - Second-Year Post-Construction
\$ 5,000 May 1, 2026 - Third Year Post-Construction (if required by FWC)

Thank you.
Eve Haverfield
Director

1. **Requested Motion:**

Meeting Date: June 20, 2023

Direct Staff on whether to place sand waterward of the Erosion Control Line for beachfront properties that do not sign the Town's Easement to place sand landward of the Erosion Control Line.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

An easement is required for Beachfront landowner participation in the Estero Island Shoreline Protection Project (aka Beach Renourishment). The easement allows the Town to place sand and plant dune vegetation on private property LANDWARD of the Erosion Control Line (ECL) in accordance with the Dune Management Plan. In addition, State permitting also requires the Town to monitor and till the project area for 3 years after completion. The easement does NOT grant any public access to the beach from Estero Blvd.

Beachfront property owner participation in the renourishment project has been strong in the North segment (Bowditch to Margaritaville) and the South segment (Creciente to Sun Caper). However only 1/3 of the property owners in the Central Segment (Lani Kai to Lanark) have returned easements. Staff is continuing to engage property owners for easement participation, but it is likely that a significant portion of the Central segment shoreline is not participating in the project.

Waterward of the ECL is State Lands. The Town can still place sand on State Lands, but it will leave a gap with lower elevation beach on the upland property owners portion of the beach (landward of ECL), which will fill with water.

Attachments:

Financial Impact:

Approximately \$22M in grants from TDC and FDEP. The Town's local share is approximately \$1M.

6. **Alternative Action**

Direct Staff to NOT place sand waterward of the Erosion Control Line for beachfront properties that do not sign the Town's Easement to place sand landward of the Erosion Control Line.

7. **Management Recommendations:**

Direct staff to maximize sand placement onto the beach, including placing sand on State Lands waterward of the Erosion Control Line where beachfront property owners have not signed the easement.

8. **Recommended Approval:**

Chadd Chustz, Environmental Services
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney

Created/Initiated - 6/13/2023
Approved - 6/13/2023
Approved - 6/15/2023

Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 6/15/2023
Final Approval - 6/15/2023

1. **Requested Motion:**

Meeting Date: June 20, 2023

First Reading and Public Hearing on proposed Ordinance 23-09 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on August 7, 2023 at 9:00 a.m.

Why the action is necessary:

The property owner has submitted an application requesting an amendment to conditions of approval for the Margaritaville / TPI development.

What the action accomplishes:

Approval of the amendment will modify the conditions of approval. A new ordinance is required.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

5. **Background:**

The property owner has submitted a request to amend two conditions of approval in Ordinance 18-04, the Commercial Planned Development which approved the TPI-FMB project, now known as Margaritaville. The applicant has submitted a revised narrative requesting amendments to conditions 14 and 20 to address their concern about a conservation easement and restrictive covenants in addition to the adopted ordinance and conditions of approval.

Any changes to the master concept plan are limited by the Town's Land Development Code and further restricted by conditions of approval within Ordinance 18-04. It appears that the conditions of approval were adopted in a manner that limits even administrative amendments afforded under the Town's LDC. The LPA recommended approval 5-0.

Attachments:

1. 23-09, Amending CPD Margaritaville
2. Exhibit B MCP - FINAL
3. Revised Narrative - CPD Amendment 4-26-23
4. 14922319-TPI-FMB - CPD Amd App Pkg WITH ORD 18-04

Financial Impact:

6. **Alternative Action**

Approve, Approve with changes, Deny

7. **Management Recommendations:**

8. **Recommended Approval:**

Sarah Propst, Planning & Zoning
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk

Created/Initiated - 6/12/2023
Approved - 6/13/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

ORDINANCE 23-09

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR 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 service, 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, TPI-FMB LLC and Steve Hartsell with Pavese Law Firm, applicants and agents for the property owners, generally located at 1170, 1180/1192, 1204/1206 Estero Boulevard, 251 Crescent St, 1150 Fifth St. and other unaddressed parcels, parcels generally identified as STRAP numbers 24-46-23-W3-00205.0070 (MCP parcel #3), 24-46-23-W3-00006.0000 (MCP parcel #1), 24-46-23-W3-00206.0060 (MCP parcel #1), 24-46-23-W3-00009.0000 (MCP parcels #2 AND #5), 19-46-24-W4-U0494.2609 (MCP parcel #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP parcel #2), 19-46-24-W4-0140B.0070 (MCP parcels #2 AND #5), 19-46-24-W4-U0496.2608 (MCP parcel #2), AND 19-46-24-W4-U0498.2607 (MCP parcels #2 AND #6) in the Town of Fort Myers Beach, filed applications to replace Ordinance 18-04 and amend conditions of approval of the commercial planned development zoning; and

WHEREAS, Ordinance 18-04 rezoned the property from the Commercial Planned Development (CPD), Downtown, and Environmentally Critical (EC) zoning districts to CPD with Master Concept Plan (MCP) in order to develop a hotel resort and associated facilities, on 5.1+/- acres more or less property, located at 1170, 1180/1192, 1204/1206 Estero Boulevard in the Town of Fort Myers Beach; and

WHEREAS, the subject property is located in the Pedestrian Commercial and Recreation Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, with the exception of portions of Town or County right-of-way, the applicant has indicated the subject property is under common control and Tom Torgerson serves as the managing member for each ownership listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on May 09, 2023; and

WHEREAS, at the May 09, 2023 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-85; and

WHEREAS, at the May 09, 2023 public hearing the LPA recommended approval by a 5-0 vote; and

WHEREAS, on June 20, 2023 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was legally advertised and held before the Town Council on August 7 2023; at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34- 85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, with the following terms, conditions, and requirements which the Town Council finds to be in the public health, safety, and welfare, all of which are in compliance with the comprehensive plan and the Land Development Code; and

WHEREAS, Exhibit A provides the approved property development regulations, the schedule of uses and conditions of approval for this CPD to be used during the permitting process; and

WHEREAS, Exhibit B is the approved Master Concept Plan, updated per the adopted original Ordinance 18-04; and

WHEREAS, the Town Council finds that this request to amend existing ordinance for a CPD, as a unique and individual application which does not set precedent for future development or rezoning applications.

Deviation #1

Deviation from LDC Section 34-1803(a) which establishes equivalency factors for converting allowable dwelling units to hotel rooms. The equivalency remains at three, a total of 254 hotel rooms (224 rooms on Parcel 1 and 30 rooms on Parcel 2) per the revised Master Concept Plan pages dated 5/2018 are authorized due to exceptional circumstances and unique public benefit on record to include view corridor and permanent perpetual transfer of density and development rights from the VE zone to the AE zone.

Deviation #2

Deviation from LDC Section 34-675(b) which limits building heights as follows: 3 stories and 30 feet along Crescent Street and Fifth Street; 3 stories and 40 feet along the south side of Estero Boulevard; to allow the main resort building which fronts on Estero, Crescent and Fifth to be 4 stories and 38 feet, 10 inches feet above average base flood elevation and along the south side of Estero Boulevard of 4 stories, and other buildings to be at the lesser heights as shown on the Master Concept Plan.

Deviation #3

Deviations from LDC Section 34-675(c) which limits floor area ratio (FAR) to 1.4 for properties fronting on Estero Boulevard and to 1.0 for all other properties in the CPD to allow a FAR of 1.55 on Parcel 1 and Parcel 2 and Parcel 3.

Deviation #4

Deviation from the LDC Section 10-416(d)(2) which requires a Type D buffer (15 feet wide with 5 trees and staggered hedges to form a 3-foot visual screen between parking and a right-of-way) - to replace the Type D buffer with the buffer and sidewalk plan for Estero Boulevard, Crescent Street, and Fifth Street as shown on the Master Concept Plan.

Findings for the rezoning:

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezoning to Commercial Planned Development (see LDC 34-85 and 34-216):

- a. Minor ambiguities were resolved through the deviation process.
- b. Long-standing blighted conditions on the subject property can be ameliorated through approval of this rezoning.
- c. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- d. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- e. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- f. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- g. Urban services are available and adequate to serve the proposed use.

- h. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- i. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- j. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- k. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- o. The rezoning meets all specific requirements of the Comprehensive Plan that are relevant to the request, including the following:
 - Policy 4-C-4 on building heights taller than the standard height limit
 - Policy 4-C-6 on hotel/motel densities
 - Policy 4-C-8 on density transfers
 - Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts

WHEREAS, the Town Council made the following formal findings before making final decisions on the four requested deviations from "by-right" requirements of the Land Development Code (see LDC 34-216 and 34-1803):

1. Deviations #1, #2, and #3 are being partially approved only due to the exceptional circumstances presented by the coordinated redevelopment of several critical parcels in the downtown zoning district in furtherance of policies in the Comprehensive Plan and design guidance provided by the Old San Carlos Boulevard / Crescent Street Master Plan. Key public benefits offered by the applicant include a perpetual view corridor along 324 feet of the beach side Estero Boulevard across the beach club resulting from a permanent transfer of density and development rights from the VE zone to the AE zone; and a second perpetual view corridor at the foot of the Matanzas Pass Bridge resulting from the permant transfer of density and development rights, no buildings on Parcel 3, and the donation of Parcel 4 to the Town of Fort Myers Beach.
2. All aspects of the proposed development, as limited by the special conditions being imposed by the Town Council, are compatible with the surrounding area,

including building height, traffic flow, and intensity of use.

3. The proposed development, as modified by these deviations, clearly exceeds all standards of the Fort Myers Beach Comprehensive Plan.
4. The proposed development, with the modified deviations being approved, does not exceed any maximum intensities contained in the Fort Myers Beach Comprehensive Plan.
5. Granting these deviations will enhance the achievement of the objectives of the proposed development.
6. The general intent of the LDC to protect the public health, safety, and welfare will be preserved and promoted with these deviations.
7. These deviations operate to the benefit, or at least not to the detriment, of the public interest.
8. These deviations are consistent with the Fort Myers Beach Comprehensive Plan.

WHEREAS, the Town Council finds that this application to replace Ordinance 18-04 and amend conditions of approval of the commercial planned development zoning, **consistent/ not consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **deny/ approve/ approve with conditions** the Application.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did meet its burden of proof that the request to replace Town of Fort Myers Beach's Ordinance no. 18-04 and amend the conditions of approval for the commercial planned development zoning, **does/ does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **DENY/ APPROVE/ APPROVE WITH CONDITIONS** the requested application.

Section 3. Town Ordinance 18-04 is repealed and replaced by this Ordinance and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit A, attached hereto and incorporated herein by this reference is approved.

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 7th day of August 2023.

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 5th day of May 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.

Exhibit A CONDITIONS OF APPROVAL

This project area includes six (6) parcels as demonstrated in MCP X-103-BNDY.01 Boundary Survey. Parcels 1, 2 and 3 are to be rezoned to Commercial Planned Development (CPD). Parcels 4, 5, and 6 will retain their existing zoning classifications. All parcels are included in the Master Concept Plan and subject to the conditions as outlined below:

- 1** Parcels 1, 2, and 3 are authorized for a maximum of 254 hotel rooms. Parcel 1 is approved for a maximum of 224 hotel rooms. Parcel 2 is approved for a maximum of 30 hotel rooms. Parcel 3 is approved for surface parking only and no other improvements or hotel rooms, other than an accessory surface parking lot, is permitted. The transfer of density and development rights of Parcel 3 is permanent and binding.
- 2** The CPD is authorized to allow building heights as follows, with these heights measured in accordance with 34-631 of the LDC, as depicted on the Master Concept Plan, and as described:
 - a. The main resort building on Parcel 1 may be up to 4 stories and up to 38 feet, 10 inches above base flood elevation, provided that the highest points of the roofline and any architectural features across the property shall not exceed 52 feet from 4.5 feet above mean sea level elevation.
 - b. The larger building on Parcel 2 may be up to 4 stories, provided that the highest points of the roofline and any architectural features shall be a height of 52 feet, 4 inches or less, above existing typical ground level. Approved building heights for all buildings on Parcel 2 are shown in the Master Concept Plan.
 - c. No buildings or vertical structures are permitted on Parcel 3. The transfer of density and developments rights on Parcel 3 is permanent and binding.
- 3** The CPD is authorized to allow floor area ratios as follows, measured in accordance with 34-633 of the LDC. The total land area of Parcel 1, 2, and 3 may be utilized for the floor area ratio calculation of 1.55. The square footage of the proposed buildings may be clustered as depicted on the Master Concept Plan and includes:
 - a. The constructed floor area ratio on Parcel 3 and 5 shall be 0.0. Buildings, or any other improvements other than improvements associated with an at surface grade parking lot on Parcel 3 and a pool security fence on Parcel 5, are prohibited on these parcels.
- 4** The CPD is authorized to replace the Type D buffer required by 10-416(d)(2) of the LDC with the buffer and sidewalk plan for Estero Boulevard, Crescent Street, and Fifth Street as shown on Sheets X-502-RW.00 through X-504-RW .02 of the Master Concept Plan as revised through May 2018, subject to the following requirements:

- a. Prior to obtaining any development orders, the landowner will dedicate to the town/public a perpetual public sidewalk easement to accommodate a sidewalk of seven (7) feet in width on the south side of Fifth Street where the MCP shows portions of the proposed sidewalk on private land.
- b. The landowner will construct the sidewalks, curbs, and tree yards and will plant the lawn and street trees, as shown on the Master Concept Plan, prior to the issuance of any temporary certificates of occupancy including for adjoining buildings. These improvements must meet technical specifications of the Town of Fort Myers Beach along Fifth Street and Crescent Street and of Lee County along Estero Boulevard, except for such deviations as granted by the Town when reviewing and approving the Master Concept Plan. The landowner will maintain the tree yards and street trees in perpetuity.
- c. The street trees shown along Estero Boulevard will be located closer to the curb if, prior to approval of the Development Order, but no later than January 2019 and with appropriate documentation of coordination, FOOT and Lee County approves the new 1.5-foot lateral offset standard alignment of the Florida Department of Transportation.
- d. Prior to Development Order application, the landowner will document their efforts to the Town to seek approval from Lee County to re-route stormwater from the existing drainage inlet on Estero Boulevard into the resort's stormwater system so that roots from street trees on this block cannot interfere with any underground exfiltration trench. The conveyance of the Estero Boulevard drainage into the resort stormwater system will only be constructed if there are no adverse impacts or backflow into the existing system.
- e. No buffer vegetation may be planted in any public right-of-way or any sidewalk easement other than depicted on the Town approved Master Concept Plan.
- f. While the Town approved Master Concept Plan provides conceptual approval of under-building screening of parking areas, as required by LDC 34-992 (d)(1); a compliance and enforcement determination of the materials, technical specifications, and minimum opacity of the latticework around the ground story are subject to approval of the Town Manager or designee, as required by 34-992(c) and 34-992(d)(2) of the LDC. At the concurrence of the land owner, the Town Manager may allow occasional segments of latticework to be replaced by an opaque screen to allow works of art to be displayed in place of climbing vegetation.
- g. If at the end of the one (1) year plant establishment period from the end of the Temporary Certificate of Occupancy, the buffer plantings and climbing vegetation planted on the latticework do not visually

screen activities in the ground story, the Town Manager will require corrective action. Corrective actions may include, but are not limited to, different vegetation, different management techniques, and supplemental screening behind the latticework, among other practices. The property owner will take corrective action within 30-days of written notification from the Town regarding the deficiencies in the buffer. Failure to respond to any 30-day written notice shall constitute an appealable \$500 per incident per day civil violation.

- 5 The approved property development regulations for this CPD are presented in the attached Exhibit A, which will be substituted during the permitting process for the property development regulations that the LDC provides for the DOWNTOWN zoning district.
- 6 The approved schedule of uses for this CPD is limited to the following:

Parcel 1 (Bay Side) LODGING use group: Hotel Uses Accessory to ATM Administrative Offices Consumption on Premises, outdoor service and seating limited to locations on Sheets X-505-COP.01 & X-506-COP.02 Parking Lot, Accessory Subordinate Uses Temporary Uses, if permitted by Ch. 34 MARINE use group No Marina Uses	Parcel 2 (Gulf Side) LODGING use group: Hotel RETAIL use group: Recreation Facilities, Commercial (limited to 325 total people per day who are not staying at the hotel) Restaurant Commercial Accessory Uses: ATM Administrative Offices Consumption on Premises, outdoor service and seating limited to locations on Sheets X-506-COP.01 & X-507-COP.02 Subordinate Commercial Water-oriented Rentals MARINE use group: (if permitted by Chapter 27) Parasailing Operations Office Personal Watercraft Operations Office	Parcel 3 LODGING use group: Uses Accessory to Parking Lot, Accessory (the only use permitted on Parcel 3)
---	--	---

7. The property owner is responsible for accounting and enforcement of the per day limitation of 325 non-resort guests at the aquatic venue or lesser number based upon Fire Department occupancy limitations; and, if requested, for providing records to the Town on demand for verification. Failure to provide records or limit non-hotel guests and/or hotel guests to the approved maximum limits per day shall constitute a \$500 per day per incident civil violation.
- 8 This CPD approves structures up to the following square-footage maximum on Parcels 1 and 2 which are entirely landward of the 1978 coastal construction control line and within the CPD zoning district boundary:
 - a. **Hotel**
 1. 250,783 SF, of which up to 96,085 SF could be guest units and up to 95,751 SF could be ground-story parking.
 2. 224 guest units to be on bay-side Parcel 1 (above parking) and up to 84,745 square feet could be guest units.
 3. 30 guest units to be on gulf-side Parcel 2 and up to 11,340 square feet.
 - b. **Restaurant on Parcel 2**
 1. 15,870 SF for a restaurant, of which 1,514 SF would be a bar; plus, an additional 1,364 SF for outdoor seating and an additional 2,000 SF for indoor storage
 - c. **Beach Club on Parcel 2**
 1. 3,786 SF for an ancillary restaurant
 2. 2,508 SF in an existing building for ancillary restrooms and lockers
 - d. **Pedestrian Bridges between Parcels 1- 2 if approved by Lee County**
 1. 2,691 SF for the access area required for a publicly accessible pedestrian bridge;
 2. 1,380 SF for the pedestrian bridge that is not included in the FAR.
- 9 Redevelopment and future uses on the subject property must be consistent with the attached Master Concept Plan as approved by the Town Council as part of this request. All prior Master Concept Plans, CPD zoning approvals, special conditions, and development agreements for the subject property are no longer valid. All development activities and future uses must comply with all the requirements of the Town of Fort Myers Beach Land Development Code at the time of Development Order approval, except as explicitly modified by this CPD approval. Lot lines

shown on existing plats must be vacated or replatted, as appropriate and as administratively determined by the Town Attorney, prior to issuance of Development Orders. If changes to this approval are requested, they will be reviewed as requests to formally modify this CPD. This CPD's new Master Concept Plan consists of these 26 sheets:

- a. X-G01 - Cover Sheet
- b. X-101-FLU - Future Land Use and Project Boundary
- c. X-103-BNDY.00 - Boundary Survey (1 of 2)
- d. X-103-BNDY.01 - Boundary Survey (2 of 2)
- e. X-104-DA - Developable Area Exhibit
- f. X-105-MCP.00- *Floor Area Ratio* First Floor
- g. X-106-MCP.01 - Floor Area Ratio Second Floor
- h. X-107-MCP.02- Floor Area Ratio Third Floor
- i. X-108-MCP.03 - Floor Area Ratio Fourth Floor
- j. X-109-MCP.00 - Master Concept Plan First Floor
- k. X-110-MCP.01 - Master Concept Plan Second Floor
- l. X-111-MCP.02 - Master Concept Plan Third Floor
- m. X-112-MCP.03 - Master Concept Plan Fourth Floor
- n. X-113-MCP.04 - Master Concept Plan Deviations and Notes
- o. X-114-MCP.05 - Master Concept Plan Building Height
- p. X-A201 -Exterior Elevations
- q. X-A202 -Exterior Elevations
- r. X-A203 - Exterior Elevations
- s. X-A301 - Building Sections
- t. X-501 - Parking Locations and Calculations
- u. X-502-RW.00 - Right-of-way and sidewalk/buffer plan
- v. X-503-RW.01 - Right-of-way and sidewalk/buffer plan
- w. X-504-RW.02 - Right-of-way and sidewalk/buffer plan
- x. X-505-COP.01 - Consumption on Premises Diagrams
- y. X-506-COP.02 - Consumption on Premises Diagrams Pedestrian Circulation
- z. X-507-VT-Visibility Triangles

- 10** A pedestrian bridge across Estero Boulevard is shown on the Master Concept Plan. Conceptual approval of this bridge is subject to the following requirements for design, approval, and operation:

- a. The pedestrian bridge must be constructed simultaneously with the buildings it connects.
 - b. The elevated terrace on the second story of the main resort building on Parcel 1 must include a public ADA compliant access for public use.
 - c. Visible publicly accessible stairwells and elevators on both sides of Estero Boulevard must connect the sidewalks to each end of the pedestrian bridge. The stairwell on Parcel 2 must provide access to publicly accessible restrooms in the restaurant building, with clear signage indicating the public's access and rights to use these restrooms and pedestrian bridge, if approved, without a fee or charge.
 - d. In order to guarantee the general public's permanent right to use the bridge and the adjoining stairways, elevators, and restrooms, the landowner must execute an instrument that guarantees this access in a form suitable to the Town Attorney.
 - e. Before constructing the bridge over Estero Boulevard, the landowner must obtain review and approval from Lee County and must enter into a formal agreement with Lee County regarding design, maintenance, liability, operations, future changes, and other relevant details. The bridge design must allow and not interfere with nor prevent all elements necessary for a traffic signal and grade level pedestrian crosswalk at the Estero Boulevard-Crescent Street intersection. If necessary, FOOT review and approval must be obtained.
 - f. All FOOT and Lee County approvals must be received by the applicant prior to approval by the Town. The Town's approval shall be limited to aesthetic and non-structural design.
- 11** Sheet X-109-MCP.00 of the Master Concept Plan identifies certain important features on Parcels 2 and 6 (the beach-side parcels) that will require separate critical actions by the Town and by the landowner at a later date. This sheet is being included in the Master Concept Plan with these understandings:
- a. As shown on Sheet X-105, the landowner intends to request the vacation of a narrow right-of way at the end of Crescent Street, plus the first 185 feet of Canal Street south of Estero Boulevard which is part of Town-maintained Beach Access #36. Understanding that the Town's Comprehensive Plan strictly limits vacations of rights-of-way in order to preserve future access to the water, the landowner has agreed to provide a net increase in public access by donating Parcel 6 to the Town and constructing on it a new public street replacing Canal Street. The new public street will also be providing beach access and public parking spaces on 67 feet wide new rectangular

right-of-way beginning at Estero Boulevard. The Town Manager or designee shall be responsible for design approval of the new street. The new street will be completed on or before twelve (12) months following the issuance of a Development Order.

- b. The landowner has also agreed to construct and dedicate a five-foot wide perpetual public access easement for a new pedestrian beach access at the "north" end of Parcel 2 that meets ADA accessibility requirements and the Town Manager's specifications as to design, surfacing and signage. The easement shall be constructed, completed, and open to the public on or before twenty-four (24) months following the issuance of the associated Development Order. During construction of the project the property owner shall maintain a minimum of one 25' wide ADA accessible beach access from Estero to the end of the property at or near the water.
- c. The landowner will execute instruments to complete donations, the easement(s) for new pedestrian beach access easement and Parcel 6, in a form suitable to the Town Attorney and will provide them to the Town Attorney, who will not record either instrument unless the Town Council formally vacates the two existing rights-of-way shown on Sheet X-105; and:
 - i. The landowner either completes the construction of the new street or allows continued public use of Canal Street or Temporary Beach Access until the new street is completed.
 - ii. The Town will not issue development orders for demolition, site work, or new buildings on Parcels 1 or 2 unless the Town agrees to vacate both rights-of-way and related or associated property transfers are executed.
 - iii. After the new street is constructed by the applicant and turned over to the Town, Parcel 6 will no longer be subject to any requirements of this CPD.

12 The beach club on Parcel 2 must meet these additional requirements:

- a. To allow the reduced building frontage on the south side of Estero Boulevard (see LDC 34-675), development order plans must demonstrate three view corridors from Estero Boulevard to the beach (two totaling 319 feet; one totaling five feet) that total at least 324 feet along Estero Boulevard.
- b. Any perimeter fence on the beach side of Estero Boulevard must be at least 80 percent transparent, must be placed within a landscaped planting area at least five (5) feet wide, and shall be maintained at a height of three (3) feet. If the Florida Building Code requires a taller fence at this location, the Fort Myers Beach Building Official shall adjust the fence height accordingly.

- c. A detailed lighting plan, including any lit signage, must be provided with the development order application for the beach club; this plan must comply with LDC requirements in 10-154(8) and 14-76 for sea turtle conservation.
 - d. A detailed landscaping plan showing the location and type of all plantings, including beach plantings adjacent to the existing retaining wall, must be provided with the development order application for the beach club.
 - e. Directional signage approved by the Town as to design, installation methodology, and location shall be erected along Estero Boulevard that advises the public of both new public beach accesses.
 - f. The beach club and its ancillary uses may operate only from 7am to one hour after sunset, but never later than 9 pm. That is the Beach Clubs hours of operation unless otherwise temporarily altered in the Town's special event use regulations in Section 34-1264 of the LDC.
 - g. To implement the applicant's commitment to limit access to the beach club to 325 people per day who are not staying at the hotel, the resort will be required to submit monthly reports to the Town within 10 days after the end of each month showing the number of non-guest admissions for each day; and shall provide such information on demand and allow Town officials immediate access to this information for the current day at a designated location in the resort.
 - h. The beach club and aquatic venue shall provide no less than one security personnel per 200 guests.
 - i. All necessary dune plantings and walkovers shall be provided in compliance with Town codes and ordinances.
- 13** The following transportation and access features are shown on the Master Concept Plan and are an integral part of this approval:
- a. All existing vehicular access points on Estero Boulevard shall be closed except the access to the one new public street on Parcel 6.
 - b. The one and only access point on Crescent Street will be an entrance-only driveway near the intersection with Fifth Street, which will be the main entrance for resort guests.
 - c. Access points on Fifth Street are limited to the one main exit for resort guests and a separate entrance and exit for service vehicles on Parcel 1, plus two existing driveways to the surface parking lot on Parcel 3.
- ~~**14** Prior to the Town issuing any development orders for demolition, site work, or new buildings on Parcel 2, the landowner must execute and record a restrictive covenant in favor of and enforceable by the Town in perpetuity that acknowledges that this CPD approval has consumed all~~

~~allowable density and intensity on Parcels 1, 2, 3, and 5 and that no **No** additional development may occur beyond that which is approved by this CPD **without prior approval of the Town Council**. Prior to issuance of a temporary or final certificate of completion on Parcel 2 (but not later than 36 months after commencing construction), the landowner must convey to the Town a perpetual conservation easement in a form acceptable to the Town Attorney, which after acceptance will be recorded in the Public Records of Lee County, over those portions of Parcels 2 and 3 on which structures or pavement are not constructed or proposed to be constructed under the Master Concept Plan adopted as part of this CPD. The intent of this condition is to limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by this CPD and to maintain all areas on which buildings and pavement are not constructed and as shown on the Master Concept Plan, only for outdoor recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3, but specifically excluding any additional parking facilities, buildings, and other similar structures or any additional improvements **require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application**.~~

- 15 Development order plans must identify the location of 359 off-street parking spaces within the area now identified for parking on Parcels 1 and 3. The public parking spaces to be constructed on Parcel 6 cannot be counted toward the 359 spaces reserved for resort parking.
 - a. None of the 359 spaces are eligible for joint-use agreements or sharing agreements that would allow any of these spaces to substitute for off-street parking that is required by the LDC for businesses located outside this CPD's Master Concept Plan.
 - b. Prior to the issuance of a Temporary Certificate of Occupancy, the applicant will also construct or provide 75 dedicated parking spaces at an off-site location along the trolley route from the Beach Park & Ride facility to be available for the entire resorts parking needs within 2.8 miles of Parcel 1.
 - c. Three or more years after issuance of the resort's certificate of occupancy, the applicant may request to modify this condition to eliminate some or all of these off-site parking spaces upon a convincing showing that this condition requires more parking spaces than are needed for the entire resorts parking needs.
 - d. Identify to the Town if any shared use parking agreements are currently in existence and will be terminated to meet to meet this CPD condition.
- 16 Development order plans must demonstrate that vehicles can be accommodated by a multi-vehicle parking mechanism per parking spot. Valet parking must be managed so that vehicles are never stacked on Crescent Street or 5th Street waiting to access the valet area. The property owner shall install No Stop/Stand signs on Crescent and 5th

Street.

- 17 Individual signs may be placed on this site during and after development as may be allowed by the LDC regulations that are in effect at that time. Murals are permitted in compliance with LDC regulations.
- 18 Service of alcoholic beverages for on-premises consumption is approved at the locations shown on Sheets X-505-COP.01 and X-506-COP.02 of the Master Concept Plan, subject to these limitations:
 - a. Service to outdoor seating is permitted on the second story outdoor terrace on Parcel 1, in the public restaurant on Parcel 2, and in the beach club on Parcel 2 provided service remains in substantial compliance with the COP diagrams on Sheets X-506-COP.01 and X-507-COP.02. Beverages purchased in approved indoor or outdoor service areas on Parcels 1 or 2 shall not be carried across the pedestrian bridge. The designated service areas shall be identified separately from areas where consumption is permitted, but not part of a service and/or seating area.
 - b. Alcoholic beverages and amplified music in the beach club are limited to 7:00 a.m. to one hour after sunset, but not later than 9:00 p.m. Expansion of COP onto the sandy beach seaward of the seawall is prohibited.
 - c. Amplified music on the outdoor terrace on Parcel 1 is limited 7:00 a.m. to one hour after sunset, but not later than 9:00 p.m.
 - d. Amplified music in unenclosed hotel restaurant and bar on Parcel 2 are limited to 7:00 a.m. to midnight.
 - e. Alcoholic beverages may not be served at locations other than those shown on the Master Concept Plan unless approved by special use permit, special exception or by administrative approval, as provided in 34-1264 of the LDC.
- 19 Prior to applying for a permit for the stormwater management system from the SFWMD, the landowner shall evaluate the receiving of drainage from the intersection of Crescent and Fifth for suitability and consistency with SFWMD requirements. Provided these two components can be combined under those requirements, the landowner will design and construct the project to receive stormwater from the intersection of Crescent Street and Fifth Street into and through the project's stormwater system, including cost of upsizing the project stormwater system. In order to be considered feasible, any routing of stormwater from the intersection of Crescent and Fifth Streets must accommodate the project's design as approved by this CPD and it shall be borne by the property owner. The property owner will provide copies of the SFWMD permit application, and all subsequent responses to requests for additional information, to the Town's stormwater consultant for review and concurrent with filing with the **SFWMD**.

- 20** In order to provide an additional view corridor along the approach to the Town from the Matanzas Pass Bridge, the applicant has offered and the Town has accepted the following changes to the Master Concept Plan:
- a. No buildings will be constructed on Parcel 3 in perpetuity. Parcel 3 shall remain as a 21-space surface parking lot for the resort because all development rights on Parcel 3 are being used on Parcels 1 and 2. ~~Parcel 3 will be included in the covenants and conservation easement described in Condition 14.~~ Landscape buffers shall be done in accordance with MCP X-504-RW.02.
 - b. No buildings will be constructed on Parcel 4 by the applicant and the existing building will be removed. Parcel 4 will be donated by the applicant to the Town for civic, public purposes and will include a reverter in the event the parcel is not used for such civic, public purposes. The demolition and re-grading of the property will be completed no later than September 30th, 2018. The Town shall receive Parcel 4 within 60 calendar days of the issuance of all necessary approvals related to the development order and approvals of the pedestrian bridge. After the existing building is removed by the applicant and the property transfer is completed, Parcel 4 will no longer be subject to any requirements of this CPD. Demolition of Parcel 4 may be completed prior to development order being issued.
- 21** Barring a direct hurricane or other Acts of God and governmental-related delays, Parcel 1 and the Parcel 1 main hotel shall be completed and open for operation within three years of the issuance of a development order approval. All other portions, phases, and uses shall be in operation within five years of issuance of a development order approval. A Development Order application for development of Parcel 1 shall be submitted no later than 270 calendar days from effective date of the rezoning ordinance.
- 22** Additional approvals of special events are allowed. Application for such special event approvals shall be submitted through the Town's adopted Special Event processes and may temporarily alter hours of operation, amplified music limits, and public user capacity, among other items.
- 23** Bicycle racks for public use will be provided as shown on the Master Concept Plan. All bicycles and similar alternative transportation options shall be provided within the approved development footprint. Operations of any bicycle loan business or operation shall require the returning of bicycles to the CPD properties on a daily basis; as well as comply with Town Codes, and provide education materials about Town codes and regulations to bicycle users.
- 24** Construction staging shall be authorized when in compliance with all applicable Town codes, except that concrete delivery/pumping for the building's foundations and terrace may occur no earlier than 4:00 am. No staging shall be permitted on Parcel 4 or Parcel 6 after donation to the

Town. No other approvals are inferred from approval of the CPD. The landowner or developer shall be responsible for submittal of any requests for additional staging or construction management approvals from the Town Council.

- 25** Any violation of the CPD conditions of approval or deviations shall constitute a \$500 per day per incident civil violation.
- 26** The applicant has offered to provide residents of the Fort Myers Beach community a "Discount Plan," which provides a 25 percent discount on food, alcohol and non-alcohol beverages, Family Beach Club Admission, and retail store purchases, to anyone with a valid FL Driver's License with a home address in zip code 33931.
- 27** Per LDC Section 34-216(b)(5), the revised Master Concept Plan must be submitted to the director reflecting all modifications to the deviations and conditions as made herein by the Town Council.

Findings Regarding the Conditions

- 1.** All recommended special conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

DEVELOPED BY:



OWNER
TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEFEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

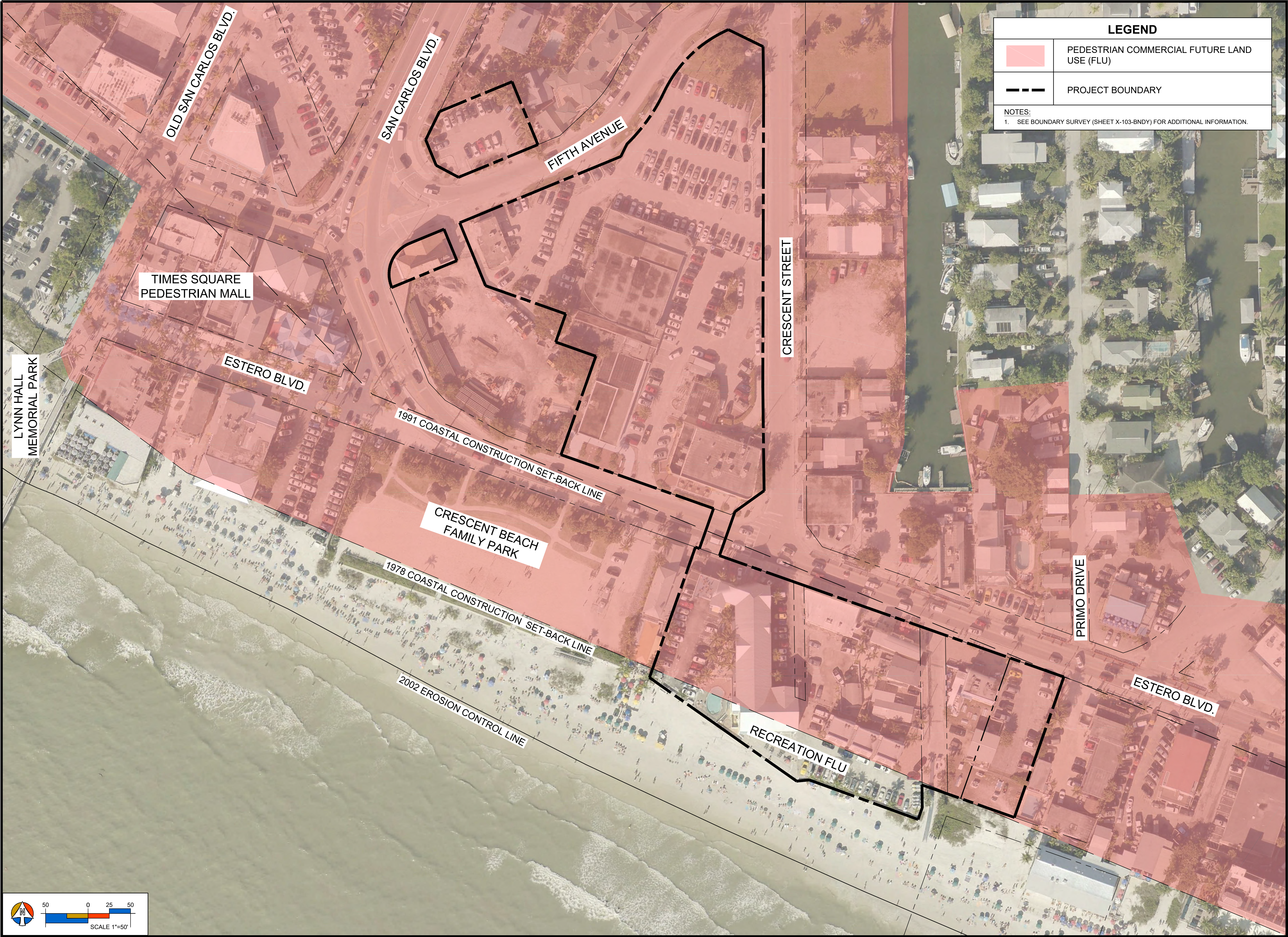
Sheet Index	
Sheet Number	Sheet Name
X-G01	COVER SHEET
X-101-FLU	FUTURE LAND USE AND PROJECT BOUNDARY
X-102-BNDY.00	BOUNDARY SURVEY (1 OF 2)
X-103-BNDY.01	BOUNDARY SURVEY (2 OF 2)
X-104-DA	DEVELOPABLE AREA EXHIBIT
X-105-FAR.00	FLOOR AREA RATIO - FIRST FLOOR (GRADE)
X-106-FAR.01	FLOOR AREA RATIO - 2ND FLOOR
X-107-FAR.02	FLOOR AREA RATIO - 3RD FLOOR
X-108-FAR.03	FLOOR AREA RATIO - 4TH FLOOR & ROOF
X-109-MCP.00	MASTER CONCEPT PLAN FIRST FLOOR
X-110-MCP.01	MASTER CONCEPT PLAN SECOND FLOOR
X-111-MCP.02	MASTER CONCEPT PLAN THIRD FLOOR
X-112-MCP.03	MASTER CONCEPT PLAN FOURTH FLOOR
X-113-MCP.04	MASTER CONCEPT PLAN DEVIATIONS AND NOTES
X-114-MCP.05	MASTER CONCEPT PLAN BUILDING HEIGHT

Sheet Index	
Sheet Number	Sheet Name
X-A201	EXTERIOR ELEVATIONS
X-A202	EXTERIOR ELEVATIONS
X-A203	EXTERIOR ELEVATIONS
X-A301	BUILDING SECTIONS
X-501	PARKING LOCATIONS & CALCULATIONS
X-502-RW.00	RIGHT OF WAY & SIDEWALK/BUFFER PLAN
X-503-RW.01	RIGHT OF WAY & SIDEWALK/BUFFER PLAN
X-504-RW.02	RIGHT OF WAY & SIDEWALK/BUFFER PLAN
X-505-COP.01	CONSUMPTION ON PREMISES DIAGRAM
X-506-COP.02	CONSUMPTION ON PREMISES DIAGRAMS PEDESTRIAN CIRCULATION
X-507-VT	VISIBILITY TRIANGLES

MASTER CONCEPT PLAN & EXHIBITS

ZONING APPLICATION NO. DC117-0001

21 MAY 2018



LEGEND	
	PEDESTRIAN COMMERCIAL FUTURE LAND USE (FLU)
	PROJECT BOUNDARY
NOTES: 1. SEE BOUNDARY SURVEY (SHEET X-103-BNDY) FOR ADDITIONAL INFORMATION.	

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI

HOSPITALITY

100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

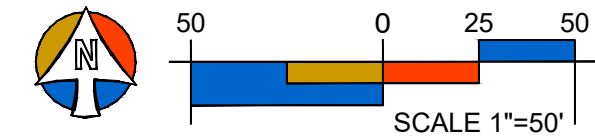
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEFEW ASSOCIATES, INC.
2814 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
FUTURE LAND USE AND PROJECT BOUNDARY	
SHEET NUMBER:	X-101-FLU
JOB/FILE NUMBER:	15069-14



CONSULTANTS:
ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

ABBREVIATIONS

BLVD.	= BOULEVARD
C1.	= CURVE DESIGNATION
C.A.	= CENTRAL ANGLE
C.B.	= CHORD BEARING
CHD.	= CHORD LENGTH
C.C.	= COASTAL CONSTRUCTION CONTROL
C.C.	= COASTAL CONSTRUCTION
CL	= CENTERLINE
CONST.	= CONSTRUCTION
D)	= DIMENSION ACCORDING TO DEED
EASE.	= EASEMENT
ELE.	= ELEVATION (NAVD88)
FCIR	= FOUND CAPPED IRON ROD
FCD	= FOUND CONCRETE MONUMENT AND DISC
FEMA	= FEDERAL EMERGENCY MANAGEMENT AGENCY
FIR	= FOUND IRON ROD
FIRM	= FLOOD INSURANCE RATE MAP
FN&D	= FOUND NAIL AND DISC
L1	= LINE DESIGNATION
L	= LICENSED BUSINESS
LOMR	= LETTER OF MAP REVISION (FEMA FIRM MAP)
(M)	= FIELD MEASUREMENT DIMENSION
587 / 198	= OFFICIAL RECORDS BOOK AND PAGE
O.R.	= OFFICIAL RECORDS BOOK
P.	= PAGE
P.B.	= PLAT BOOK
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
RAD.	= RADIUS
R/W	= RIGHT OF WAY
SCIR	= SET CAPPED IRON ROD
SN&D	= SET NAIL AND DISC
SQ. FT.	= SQUARE FEET
S.R.	= STATE ROAD
TEMP	= TEMPORARY
TWP.	= TOWNSHIP
TYP.	= TYPICAL

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 42°54'58" W	28.45'
L2	N 67°38'39" E	2.18'
L3	N 26°11'29" E	16.43'
L4	N 61°53'00" W	29.83'
L5	N 26°00'15" E	37.02'
L6	S 00°47'09" E	26.69'
L7	S 19°35'15" W	15.41'
L8	N.69°51'54"W	1.52'
L9	N.88°24'04"W	1.34'
L10	N.71°18'46"W	7.35'
L11	N.54°54'52"W	1.35'
L12	N.70°40'41"W	47.63'
L13	S 84°21'17" W	15.65'
L14	N 19°24'24" E	12.72'
L15	S 19°24'09" E	0.34'

CURVE DATA

E "C1"	CURVE "C3"
= 219.00'	RAD. = 209.00'
10°25'48"	C.A.=20°34'29"
= 5.47'	ARC = 75.05'
N 16°32'15" W	C.B.= N 35°34'53" E
= 5.47'	CHD=74.65'
E "C2"	CURVE "C4"
= 39.00'	RAD. = 151.00'
83°27'39"	C.A.=41°00'22"
= 56.81'	ARC = 108.07'
N 25°54'29" E	C.B.= N 45°47'52" E
= 51.92'	CHD=105.78'

NOTE "1-A":

COASTAL CONSTRUCTION SET-BACK LINE AS PER LEE COUNTY ORD. #76-3, AND DESCRIBED IN P.B. 31, 1-1-71, PUBLIC RECORDS OF LEE COUNTY, FLORIDA IN MARCH 1978.. (THIS IS THE FORMER CCOL.)

COASTAL CONSTRUCTION CONTROL LINE AS RECORDED IN O.R. BOOK 48, PAGES 15-34 AND O.R. BOOK 2224, PG. 1010, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

EROSION CONTROL LINE AS RECORDED IN PLAT BOOK 7, PAGES 25-39, O.R. BOOK 3585, PG. 346, AND O.R. BOOK 3556, PG. 2917 OF THE LEE COUNTY RECORDS (EROSION CONTROL LINE ALSO MHW LINE AS PER P.B. 7, PG. 25-39.)



LEGEND	
#	PARCEL DESIGNATION
---	LOT / RIGHT-OF-WAY / PROJECT BOUNDARY

TOTAL PARCEL AREA			
PARCEL	LAND AREA (SQ. FT.)	PERMITTED FAR	BUILDING AREA (SQ. FT.)
1	117,840	1.4	164,977
2	64,086	1.4	89,720
3	9,041	1.0	9,041
4	2,969	N/A	0
5	14,315	N/A	0
6	11,740	N/A	0
AREA TOTAL	219,991	--	263,738

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI **HOSPITALITY**
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

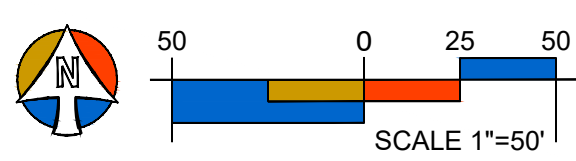
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2814 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

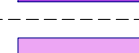
TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	DEVELOPABLE AREA EXHIBIT
SHEET NUMBER:	X-104-DA
JOB/FILE NUMBER:	15069-14





MASTER CONCEPT PLAN - SQUARE FOOTAGE

SQUARE FOOTAGE PER USE							
NORTH OF ESTERO (BAYSIDE)		USE	1ST / GRADE	2ND FLOOR	3RD FLOOR	4TH FLOOR / TOTAL	
	PARKING		95,751 S.F.	0 S.F.	0 S.F.	0 S.F.	95,751 S.F.
	GUEST UNIT		0 S.F.	14,500 S.F.	33,395 S.F.	36,850 S.F.	84,745 S.F.
	GUEST UNIT ACCESSORY		1,772 S.F.	37,040 S.F.	17,575 S.F.	13,900 S.F.	70,287 S.F.
PEDESTRIAN OVERPASS							
	ACCESS TO PEDESTRIAN BRIDGE		663 S.F.	2,028 S.F.	0 S.F.	0 S.F.	2,691 S.F.
SOUTH OF ESTERO (BEACHSIDE)							
	RESTAURANT		7,200 S.F.	8,670 S.F.	0 S.F.	0 S.F.	15,870 S.F.
	INDOOR STORAGE		2,000 S.F.	0 S.F.	0 S.F.	0 S.F.	2,000 S.F.
	OUTDOOR REC. RESTROOMS		2,508 S.F.	0 S.F.	0 S.F.	0 S.F.	2,508 S.F.
	RESTAURANT - PRIVATE REST.		2,030 S.F.	1,756 S.F.	0 S.F.	0 S.F.	3,786 S.F.
	ADMIN OFFICES		0 S.F.	0 S.F.	1,800 S.F.	0 S.F.	1,800 S.F.
	GUEST UNIT		0 S.F.	0 S.F.	5,340 S.F.	6,000 S.F.	11,340 S.F.
	GUEST UNIT ACCESSORY		320 S.F.	320 S.F.	2,870 S.F.	2,080 S.F.	5,590 S.F.
TOTALS			112,244 S.F.	64,314 S.F.	60,980 S.F.	58,830 S.F.	296,368 S.F.

PROJECT:

A PROPOSED
FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8675

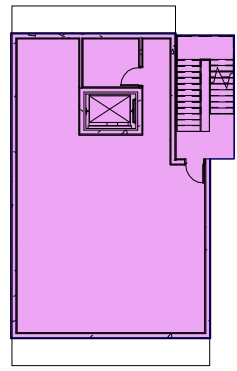
**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**

MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3999

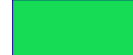
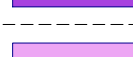
TRANSPORTATION

DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-264

REVISIONS	DATE
PROJECT MANAGER:	JDH
DRAWING BY:	ADO
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	-
SHEET TITLE:	
	MCP S.F. - 1ST FLOOR (GRADE)
SHEET NUMBER:	X-105-FAR.00
JOB/FILE NUMBER:	30479



SQUARE FOOTAGE PER USE

SQUARE FOOTAGE PER USE						
NORTH OF ESTERO (BAYSIDE)	USE	1ST / GRADE	2ND FLOOR	3RD FLOOR	4TH FLOOR /	TOTAL
	PARKING	95,751 S.F.	0 S.F.	0 S.F.	0 S.F.	95,751 S.F.
	GUEST UNIT	0 S.F.	14,500 S.F.	33,395 S.F.	36,850 S.F.	84,745 S.F.
	GUEST UNIT ACCESSORY	1,772 S.F.	37,040 S.F.	17,575 S.F.	13,900 S.F.	70,287 S.F.
PEDESTRIAN OVERPASS 	ACCESS TO PEDESTRIAN BRIDGE	663 S.F.	2,028 S.F.	0 S.F.	0 S.F.	2,691 S.F.
SOUTH OF ESTERO (BEACHSIDE)						
	RESTAURANT	7,200 S.F.	8,670 S.F.	0 S.F.	0 S.F.	15,870 S.F.
	INDOOR STORAGE	2,000 S.F.	0 S.F.	0 S.F.	0 S.F.	2,000 S.F.
	OUTDOOR REC. RESTROOMS	2,508 S.F.	0 S.F.	0 S.F.	0 S.F.	2,508 S.F.
	RESTAURANT - PRIVATE REST.	2,030 S.F.	1,756 S.F.	0 S.F.	0 S.F.	3,786 S.F.
	ADMIN OFFICES	0 S.F.	0 S.F.	1,800 S.F.	0 S.F.	1,800 S.F.
	GUEST UNIT	0 S.F.	0 S.F.	5,340 S.F.	6,000 S.F.	11,340 S.F.
	GUEST UNIT ACCESSORY	320 S.F.	320 S.F.	2,870 S.F.	2,080 S.F.	5,590 S.F.
TOTALS		112,244 S.F.	64,314 S.F.	60,980 S.F.	58,830 S.F.	296,368 S.F.

① FLOOR
1/32" = 1'-0"

A PROPOSED
FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

FORT MYERS
BEACH FLORIDA



TPI **HOSPITALITY**
100% Employee Owned

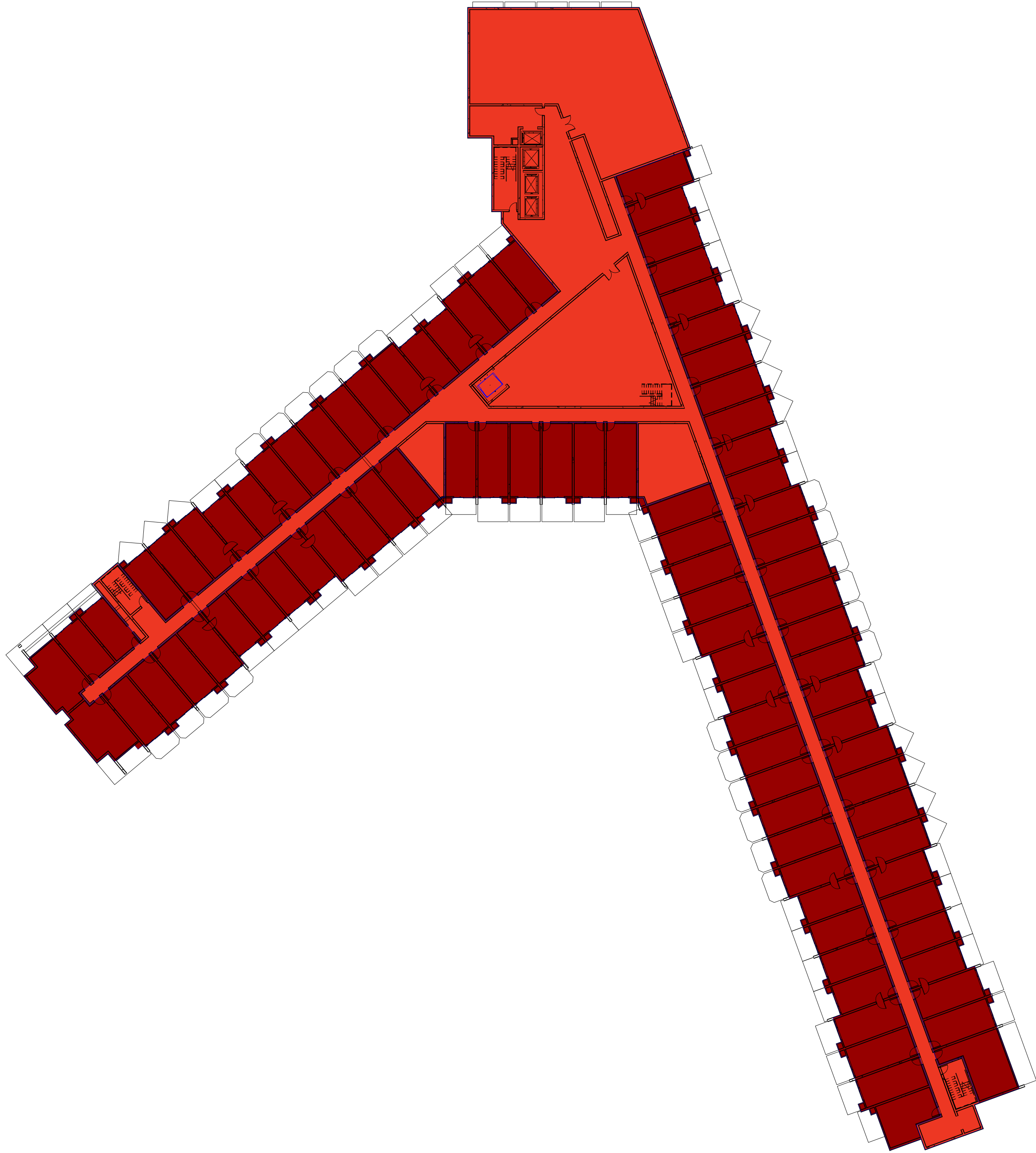
TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

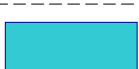
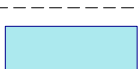
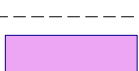
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

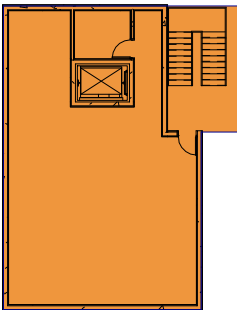
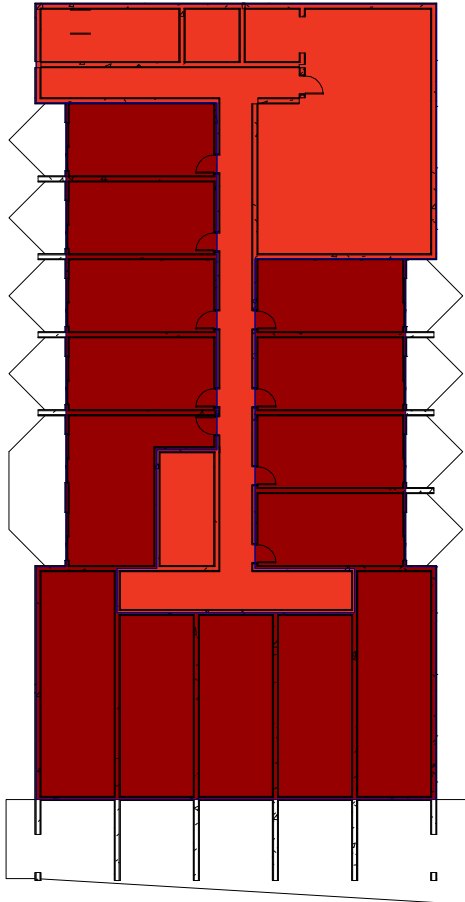
REVISIONS		DATE
PROJECT MANAGER:		JDH
DRAWING BY:		ADO
JURISDICTION: TOWN OF FORT MYERS BEACH		
DATE:		-
SHEET TITLE:		
MCP S.F. - 2ND FLOOR		
SHEET NUMBER:		X-106-FAR.01
JOB/FILE NUMBER:		30479



MASTER CONCEPT PLAN -
SQUARE FOOTAGE

SQUARE FOOTAGE PER USE						
NORTH OF ESTERO (BAYSIDE)	USE	1ST / GRADE	2ND FLOOR	3RD FLOOR	4TH FLOOR /	TOTAL
	PARKING	95,751 S.F.	0 S.F.	0 S.F.	0 S.F.	95,751 S.F.
	GUEST UNIT	0 S.F.	14,500 S.F.	33,395 S.F.	36,850 S.F.	84,745 S.F.
	GUEST UNIT ACCESSORY	1,772 S.F.	37,040 S.F.	17,575 S.F.	13,900 S.F.	70,287 S.F.
PEDESTRIAN OVERPASS						
	ACCESS TO PEDESTRIAN BRIDGE	663 S.F.	2,028 S.F.	0 S.F.	0 S.F.	2,691 S.F.
SOUTH OF ESTERO (BEACHSIDE)						
	RESTAURANT	7,200 S.F.	8,670 S.F.	0 S.F.	0 S.F.	15,870 S.F.
	INDOOR STORAGE	2,000 S.F.	0 S.F.	0 S.F.	0 S.F.	2,000 S.F.
	OUTDOOR REC. RESTROOMS	2,508 S.F.	0 S.F.	0 S.F.	0 S.F.	2,508 S.F.
	RESTAURANT - PRIVATE REST.	2,030 S.F.	1,756 S.F.	0 S.F.	0 S.F.	3,786 S.F.
	ADMIN OFFICES	0 S.F.	0 S.F.	1,800 S.F.	0 S.F.	1,800 S.F.
	GUEST UNIT	0 S.F.	0 S.F.	5,340 S.F.	6,000 S.F.	11,340 S.F.
	GUEST UNIT ACCESSORY	320 S.F.	320 S.F.	2,870 S.F.	2,080 S.F.	5,590 S.F.
TOTALS		112,244 S.F.	64,314 S.F.	60,980 S.F.	58,830 S.F.	296,368 S.F.

① MCP FAR BREAKDOWN - THIRD FLOOR
1/32" = 1'-0"



PROJECT:

A PROPOSED
FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

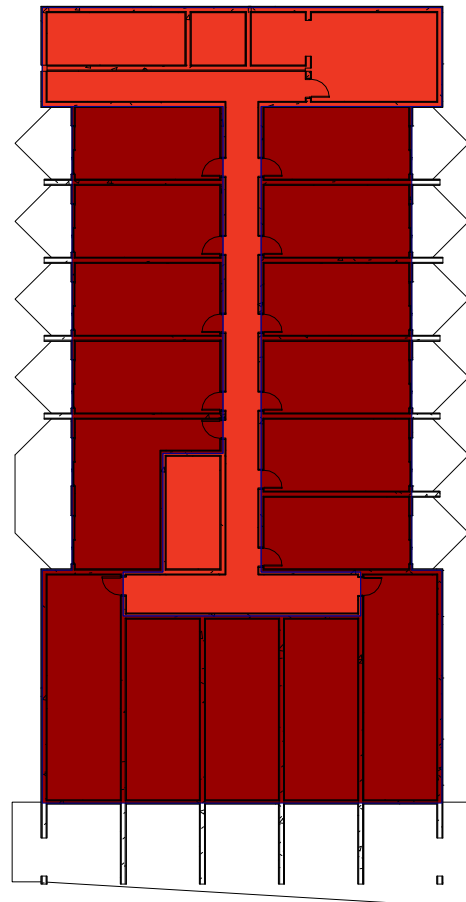
REVISIONS DATE

PROJECT MANAGER: JDH
DRAWING BY: ADO
JURISDICTION: TOWN OF FORT MYERS BEACH
DATE: -

SHEET TITLE:
MCP S.F. - 3RD
FLOOR

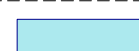
SHEET NUMBER: X-107-FAR.02

JOB/FILE NUMBER: 30479



① FLOOR
 $1/32" = 1'-0"$

MASTER CONCEPT PLAN - SQUARE FOOTAGE

SQUARE FOOTAGE PER USE							
NORTH OF ESTERO (BAYSIDE)		USE	1ST / GRADE	2ND FLOOR	3RD FLOOR	4TH FLOOR / TOTAL	
	PARKING		95,751 S.F.	0 S.F.	0 S.F.	0 S.F.	95,751 S.F.
	GUEST UNIT		0 S.F.	14,500 S.F.	33,395 S.F.	36,850 S.F.	84,745 S.F.
	GUEST UNIT ACCESSORY		1,772 S.F.	37,040 S.F.	17,575 S.F.	13,900 S.F.	70,287 S.F.
PEDESTRIAN OVERPASS							
	ACCESS TO PEDESTRIAN BRIDGE		663 S.F.	2,028 S.F.	0 S.F.	0 S.F.	2,691 S.F.
SOUTH OF ESTERO (BEACHSIDE)							
	RESTAURANT		7,200 S.F.	8,670 S.F.	0 S.F.	0 S.F.	15,870 S.F.
	INDOOR STORAGE		2,000 S.F.	0 S.F.	0 S.F.	0 S.F.	2,000 S.F.
	OUTDOOR REC. RESTROOMS		2,508 S.F.	0 S.F.	0 S.F.	0 S.F.	2,508 S.F.
	RESTAURANT - PRIVATE REST.		2,030 S.F.	1,756 S.F.	0 S.F.	0 S.F.	3,786 S.F.
	ADMIN OFFICES		0 S.F.	0 S.F.	1,800 S.F.	0 S.F.	1,800 S.F.
	GUEST UNIT		0 S.F.	0 S.F.	5,340 S.F.	6,000 S.F.	11,340 S.F.
	GUEST UNIT ACCESSORY		320 S.F.	320 S.F.	2,870 S.F.	2,080 S.F.	5,590 S.F.
TOTALS			112,244 S.F.	64,314 S.F.	60,980 S.F.	58,830 S.F.	296,368 S.F.

PROJECT:

A PROPOSED
FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT

RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

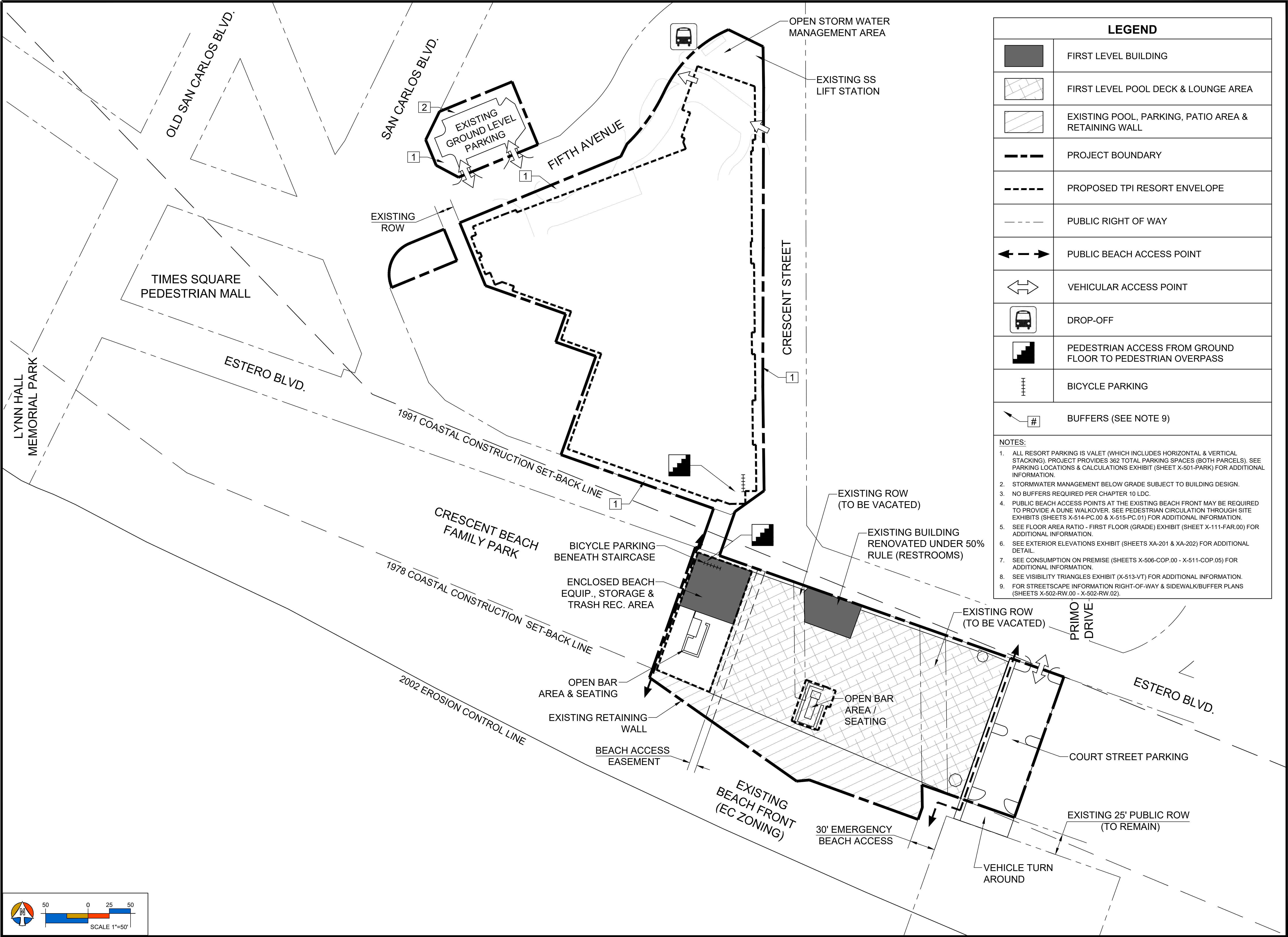
**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**

MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION

DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS:	DATE:
PROJECT MANAGER:	JDH
DRAWING BY:	ADO
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	-
SHEET TITLE:	
MCP S.F. - 4TH FLOOR	
SHEET NUMBER:	X-108-FAR.03
JOB/FILE NUMBER:	30479



FIRST LEVEL BUILDING

FIRST LEVEL POOL DECK & LOUNGE AREA

EXISTING POOL, PARKING, PATIO AREA & RETAINING WALL

PROJECT BOUNDARY

PROPOSED TPI RESORT ENVELOPE

PUBLIC RIGHT OF WAY

PUBLIC BEACH ACCESS POINT

VEHICULAR ACCESS POINT

DROP-OFF

PEDESTRIAN ACCESS FROM GROUND FLOOR TO PEDESTRIAN OVERPASS

BICYCLE PARKING

#

BUFFERS (SEE NOTE 9)

NOTES:

- ALL RESORT PARKING IS VALET (WHICH INCLUDES HORIZONTAL & VERTICAL STACKING). PROJECT PROVIDES 362 TOTAL PARKING SPACES (BOTH PARCELS). SEE PARKING LOCATIONS & CALCULATIONS EXHIBIT (SHEET X-501-PARK) FOR ADDITIONAL INFORMATION.
- STORMWATER MANAGEMENT BELOW GRADE SUBJECT TO BUILDING DESIGN.
- NO BUFFERS REQUIRED PER CHAPTER 10 LDC.
- PUBLIC BEACH ACCESS POINTS AT THE EXISTING BEACH FRONT MAY BE REQUIRED TO PROVIDE A DUNE WALKOVER. SEE PEDESTRIAN CIRCULATION THROUGH SITE EXHIBITS (SHEETS X-514-PC.00 & X-515-PC.01) FOR ADDITIONAL INFORMATION.
- SEE FLOOR AREA RATIO - FIRST FLOOR (GRADE) EXHIBIT (SHEET X-111-FAR.00) FOR ADDITIONAL INFORMATION.
- SEE EXTERIOR ELEVATIONS EXHIBIT (SHEETS XA-201 & XA-202) FOR ADDITIONAL DETAIL.
- SEE CONSUMPTION ON PREMISE (SHEETS X-506-COP.00 - X-511-COP.05) FOR ADDITIONAL INFORMATION.
- SEE VISIBILITY TRIANGLES EXHIBIT (X-513-VT) FOR ADDITIONAL INFORMATION.
- FOR STREETScape INFORMATION RIGHT-OF-WAY & SIDEWALK/BUFFER PLANS (SHEETS X-502-RW.00 - X-502-RW.02).

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI

HOSPITALITY

100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

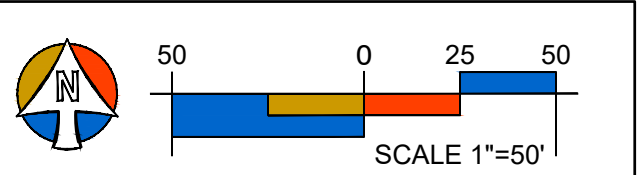
CONSULTANTS:

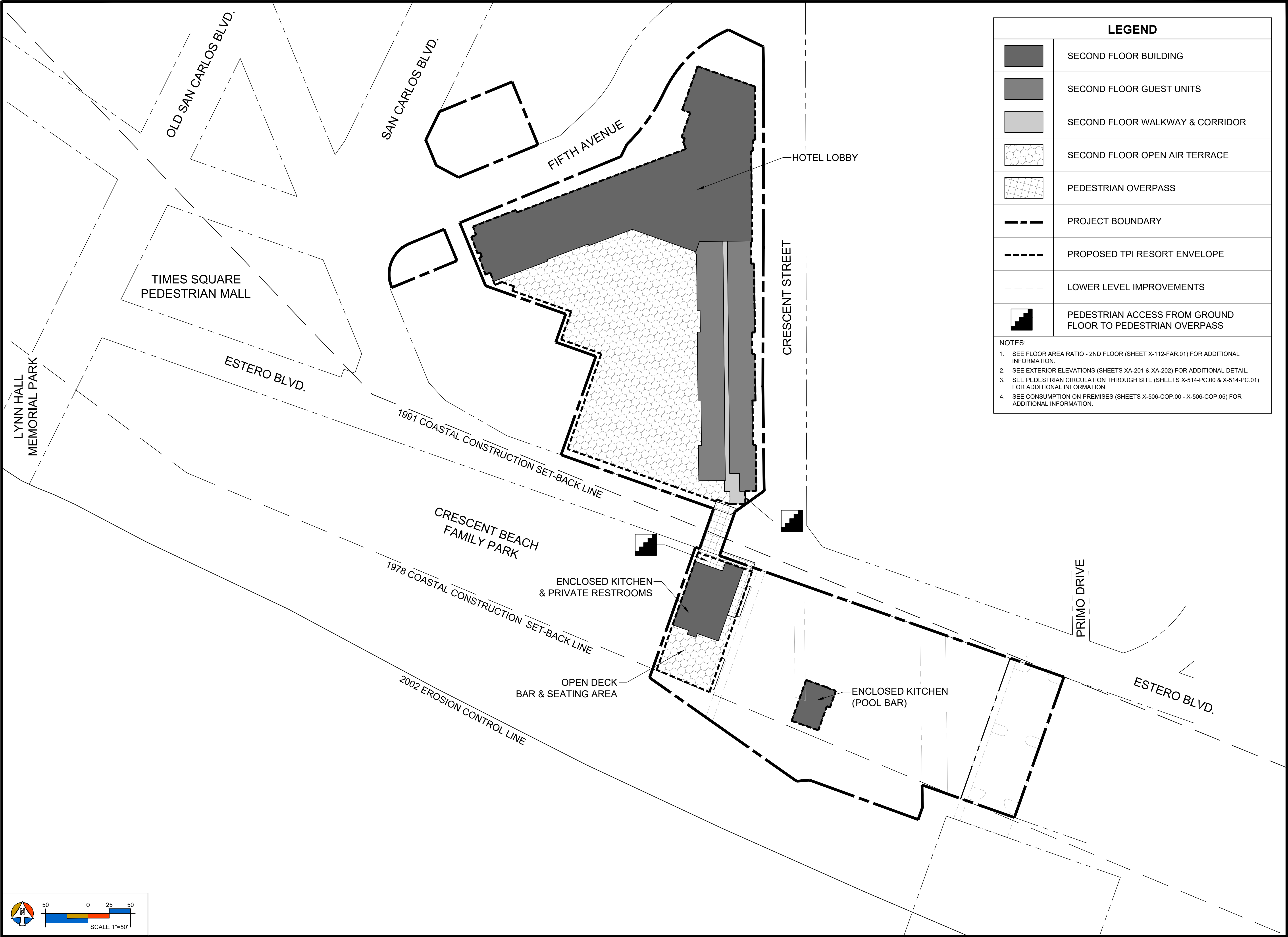
ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	MASTER CONCEPT PLAN FIRST FLOOR
SHEET NUMBER:	X-109-MCP.00
JOB/FILE NUMBER:	15069-14





LEGEND

	SECOND FLOOR BUILDING
	SECOND FLOOR GUEST UNITS
	SECOND FLOOR WALKWAY & CORRIDOR
	SECOND FLOOR OPEN AIR TERRACE
	PEDESTRIAN OVERPASS
	PROJECT BOUNDARY
	PROPOSED TPI RESORT ENVELOPE
	LOWER LEVEL IMPROVEMENTS
	PEDESTRIAN ACCESS FROM GROUND FLOOR TO PEDESTRIAN OVERPASS

NOTES:
1. SEE FLOOR AREA RATIO - 2ND FLOOR (SHEET X-112-FAR.01) FOR ADDITIONAL INFORMATION.
2. SEE EXTERIOR ELEVATIONS (SHEETS XA-201 & XA-202) FOR ADDITIONAL DETAIL.
3. SEE PEDESTRIAN CIRCULATION THROUGH SITE (SHEETS X-514-PC.00 & X-514-PC.01) FOR ADDITIONAL INFORMATION.
4. SEE CONSUMPTION ON PREMISES (SHEETS X-506-COP.00 - X-506-COP.05) FOR ADDITIONAL INFORMATION.

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI

HOSPITALITY

100% Employee Owned

TPI HOSPITALITY

103 FIFTEEN AVE. NW

WILLMAR, MN 56201

PHONE (320) 235-7207, FAX (320) 235-5563

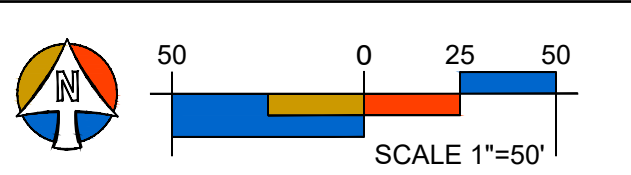
CONSULTANTS:

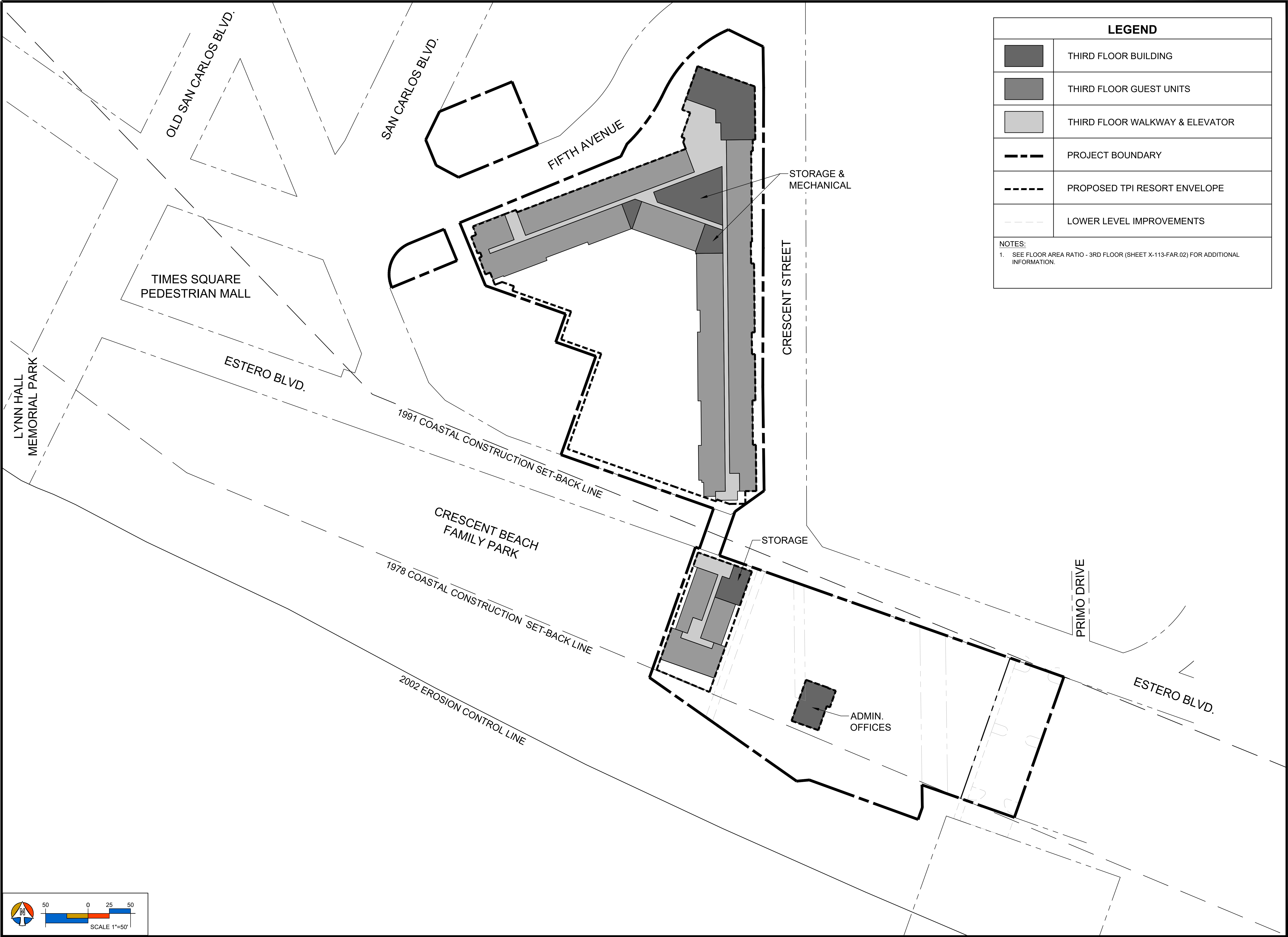
ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN SECOND FLOOR	
SHEET NUMBER:	X-110-MCP.01
JOB/FILE NUMBER:	15069-14





LEGEND	
	THIRD FLOOR BUILDING
	THIRD FLOOR GUEST UNITS
	THIRD FLOOR WALKWAY & ELEVATOR
	PROJECT BOUNDARY
	PROPOSED TPI RESORT ENVELOPE
	LOWER LEVEL IMPROVEMENTS

NOTES:
 1. SEE FLOOR AREA RATIO - 3RD FLOOR (SHEET X-113-FAR.02) FOR ADDITIONAL INFORMATION.

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

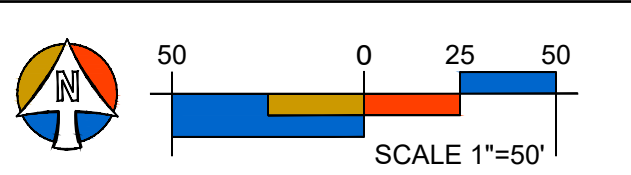
CONSULTANTS:

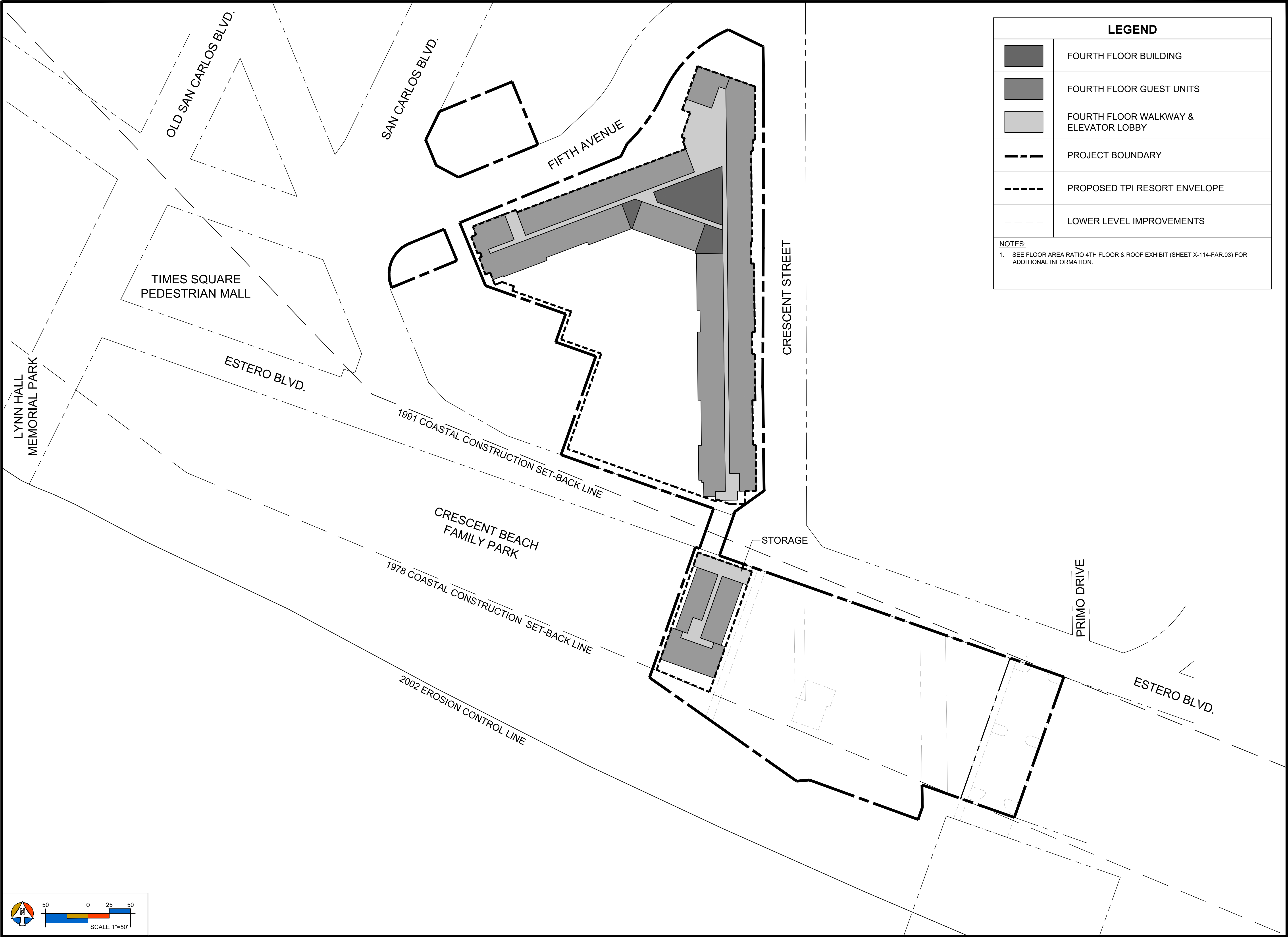
ARCHITECT
 RAMAKER & ASSOCIATES, INC.
 103 FIFTEEN AVE. NW
 WILLMAR, MN 56201
 PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
 MORRIS-DEPEW ASSOCIATES, INC.
 2814 CLEVELAND AVENUE
 FORT MYERS, FL 33901
 PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
 DAVID PLUMMER & ASSOCIATES
 2149 MCGREGOR BLVD.
 FORT MYERS, FL 33901
 PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN THIRD FLOOR	
SHEET NUMBER:	X-111-MCP.02
JOB/FILE NUMBER:	15069-14





LEGEND	
[Dark Gray Box]	FOURTH FLOOR BUILDING
[Medium Gray Box]	FOURTH FLOOR GUEST UNITS
[Light Gray Box]	FOURTH FLOOR WALKWAY & ELEVATOR LOBBY
[Dashed Line]	PROJECT BOUNDARY
[Long Dashed Line]	PROPOSED TPI RESORT ENVELOPE
[Thin Dashed Line]	LOWER LEVEL IMPROVEMENTS

NOTES:
1. SEE FLOOR AREA RATIO 4TH FLOOR & ROOF EXHIBIT (SHEET X-114-FAR.03) FOR ADDITIONAL INFORMATION.

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI **HOSPITALITY**
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

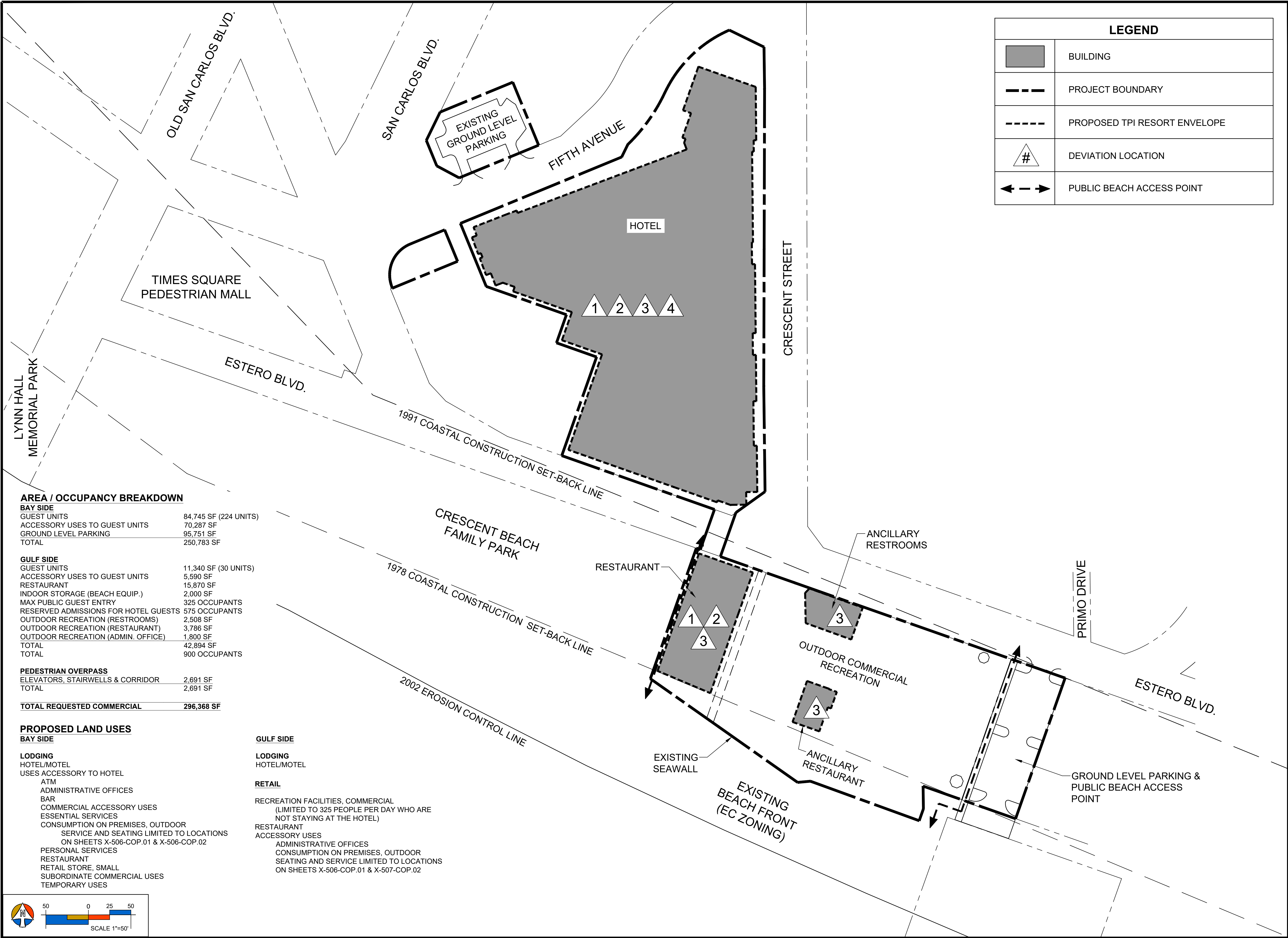
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN FOURTH FLOOR	
SHEET NUMBER:	X-112-MCP.03
JOB/FILE NUMBER:	15069-14



LEGEND	
	BUILDING
	PROJECT BOUNDARY
	PROPOSED TPI RESORT ENVELOPE
	DEVIATION LOCATION
	PUBLIC BEACH ACCESS POINT

AREA / OCCUPANCY BREAKDOWN

BAY SIDE	
GUEST UNITS	84,745 SF (224 UNITS)
ACCESSORY USES TO GUEST UNITS	70,287 SF
GROUND LEVEL PARKING	95,751 SF
TOTAL	250,783 SF

GULF SIDE	
GUEST UNITS	11,340 SF (30 UNITS)
ACCESSORY USES TO GUEST UNITS	5,590 SF
RESTAURANT	15,870 SF
INDOOR STORAGE (BEACH EQUIP.)	2,000 SF
MAX PUBLIC GUEST ENTRY	325 OCCUPANTS
RESERVED ADMISSIONS FOR HOTEL GUESTS	575 OCCUPANTS
OUTDOOR RECREATION (RESTROOMS)	2,508 SF
OUTDOOR RECREATION (RESTAURANT)	3,786 SF
OUTDOOR RECREATION (ADMIN. OFFICE)	1,800 SF
TOTAL	42,894 SF
TOTAL	900 OCCUPANTS

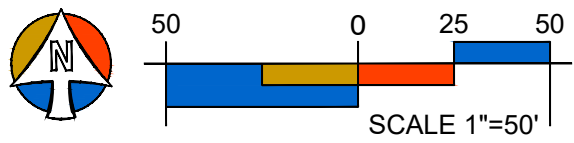
PEDESTRIAN OVERPASS	
ELEVATORS, STAIRWELLS & CORRIDOR	2,691 SF
TOTAL	2,691 SF

TOTAL REQUESTED COMMERCIAL	296,368 SF
----------------------------	------------

PROPOSED LAND USES

BAY SIDE	
LODGING	
HOTEL/MOTEL	
USES ACCESSORY TO HOTEL	
ATM	
ADMINISTRATIVE OFFICES	
BAR	
COMMERCIAL ACCESSORY USES	
ESSENTIAL SERVICES	
CONSUMPTION ON PREMISES, OUTDOOR	
SERVICE AND SEATING LIMITED TO LOCATIONS	
ON SHEETS X-506-COP.01 & X-506-COP.02	
PERSONAL SERVICES	
RESTAURANT	
RETAIL STORE, SMALL	
SUBORDINATE COMMERCIAL USES	
TEMPORARY USES	

GULF SIDE	
LODGING	
HOTEL/MOTEL	
RETAIL	
RECREATION FACILITIES, COMMERCIAL	
(LIMITED TO 325 PEOPLE PER DAY WHO ARE	
NOT STAYING AT THE HOTEL)	
RESTAURANT	
ACCESSORY USES	
ADMINISTRATIVE OFFICES	
CONSUMPTION ON PREMISES, OUTDOOR	
SEATING AND SERVICE LIMITED TO LOCATIONS	
ON SHEETS X-506-COP.01 & X-507-COP.02	



PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

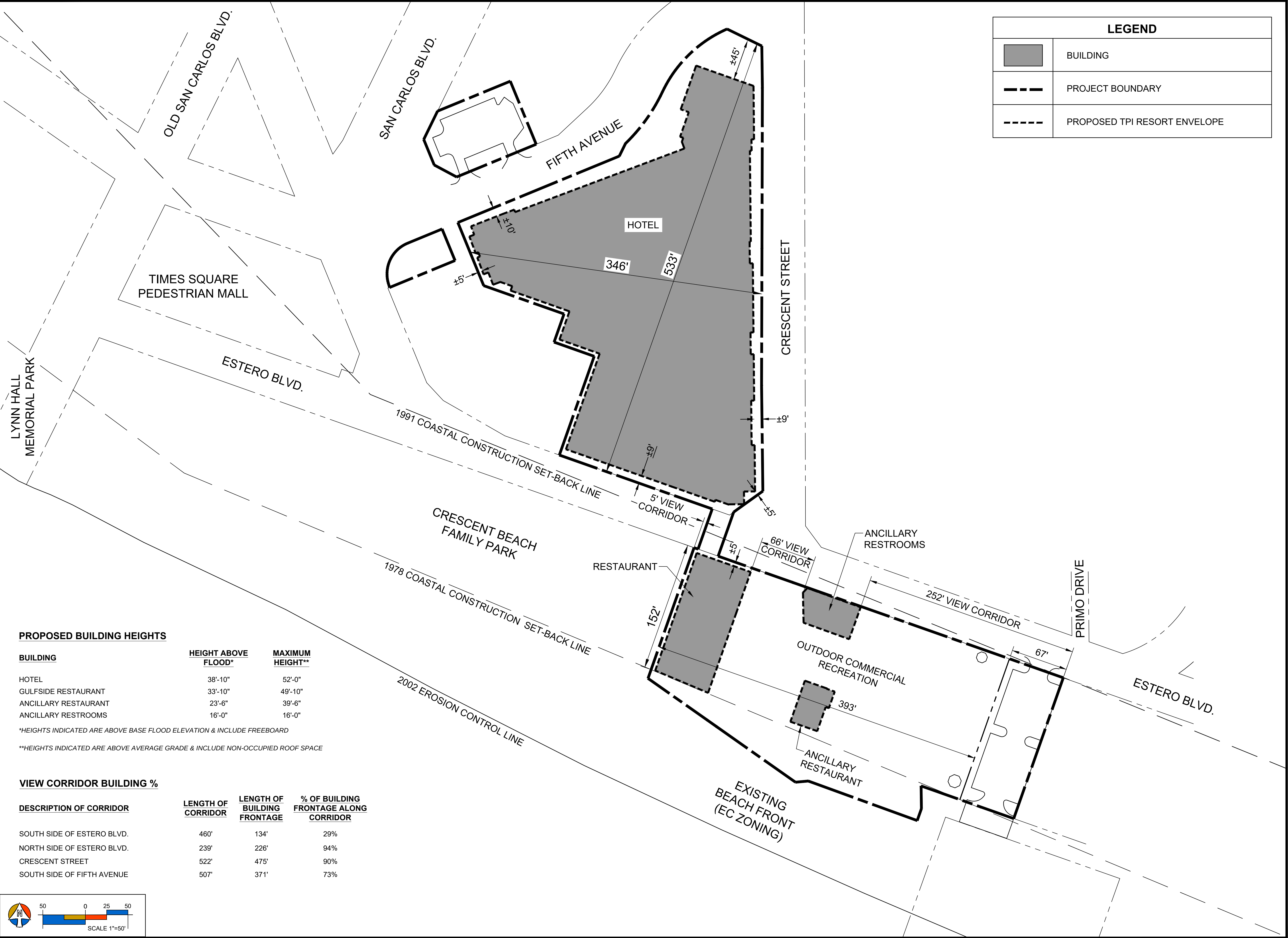
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

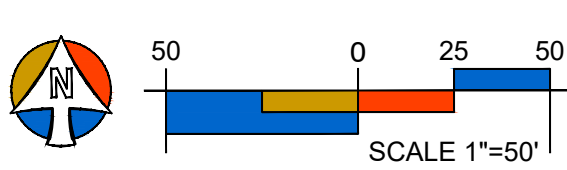
REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN DEVIATIONS AND NOTES	
SHEET NUMBER:	X-113-MCP.04
JOB/FILE NUMBER:	15069-14



LEGEND	
	BUILDING
	PROJECT BOUNDARY
	PROPOSED TPI RESORT ENVELOPE

PROPOSED BUILDING HEIGHTS		
BUILDING	HEIGHT ABOVE FLOOD*	MAXIMUM HEIGHT**
HOTEL	38'-10"	52'-0"
GULFSIDE RESTAURANT	33'-10"	49'-10"
ANCILLARY RESTAURANT	23'-6"	39'-6"
ANCILLARY RESTROOMS	16'-0"	16'-0"
*HEIGHTS INDICATED ARE ABOVE BASE FLOOD ELEVATION & INCLUDE FREEBOARD		
**HEIGHTS INDICATED ARE ABOVE AVERAGE GRADE & INCLUDE NON-OCCUPIED ROOF SPACE		

VIEW CORRIDOR BUILDING %		
DESCRIPTION OF CORRIDOR	LENGTH OF CORRIDOR	LENGTH OF BUILDING FRONTAGE % OF BUILDING FRONTAGE ALONG CORRIDOR
SOUTH SIDE OF ESTERO BLVD.	460'	134' 29%
NORTH SIDE OF ESTERO BLVD.	239'	226' 94%
CRESCENT STREET	522'	475' 90%
SOUTH SIDE OF FIFTH AVENUE	507'	371' 73%



PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

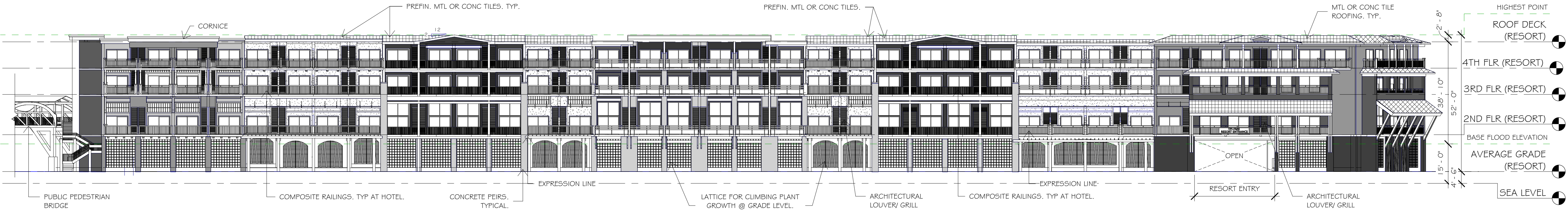
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

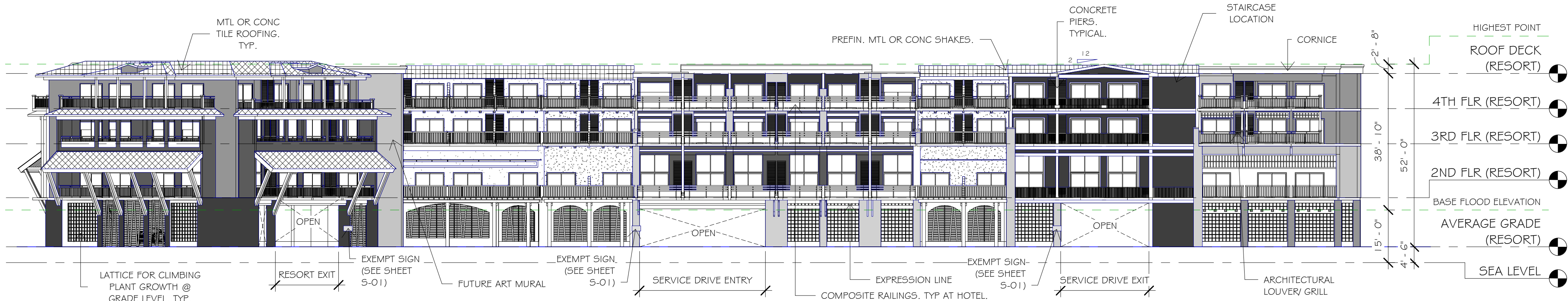
PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

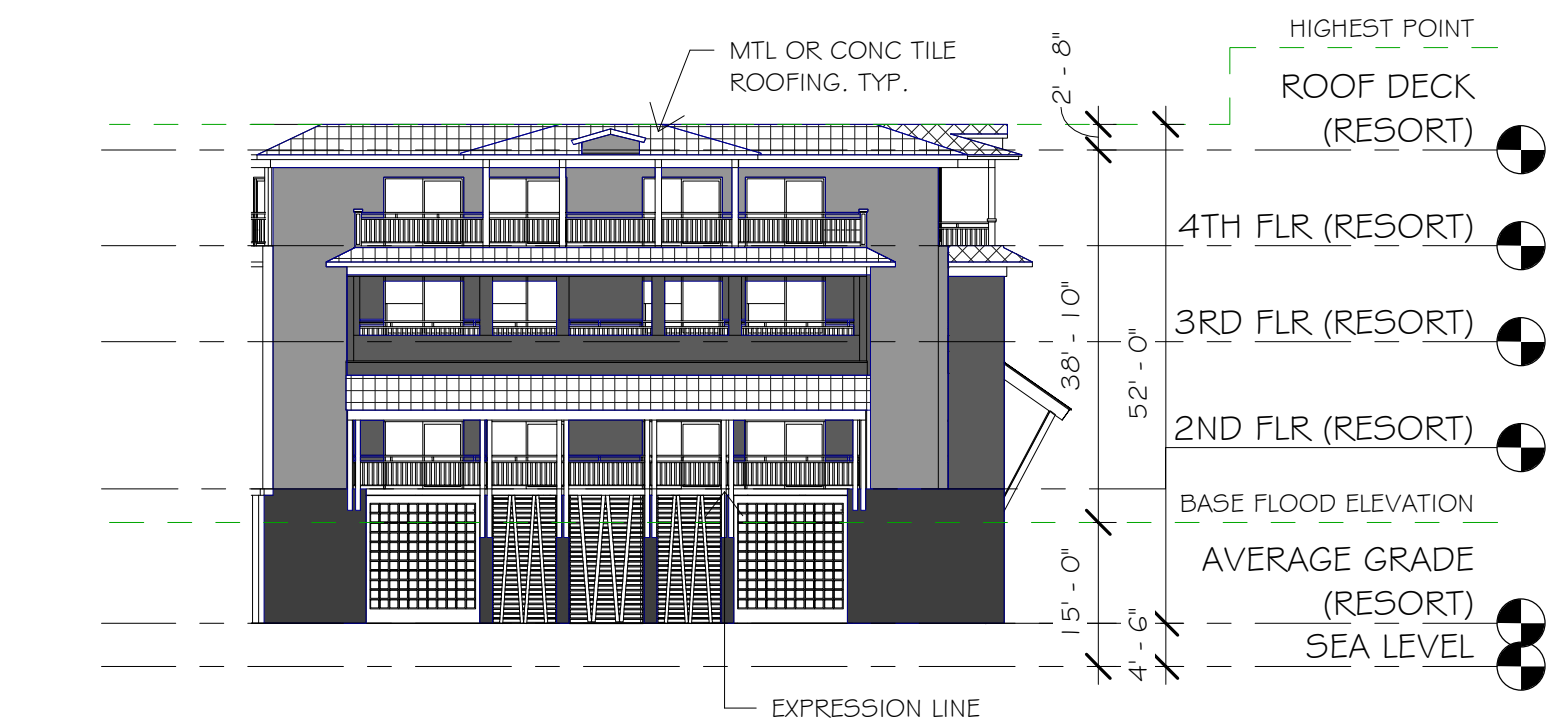
REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN BUILDING HEIGHT	
SHEET NUMBER:	X-114-MCP.05
JOB/FILE NUMBER:	15069-14



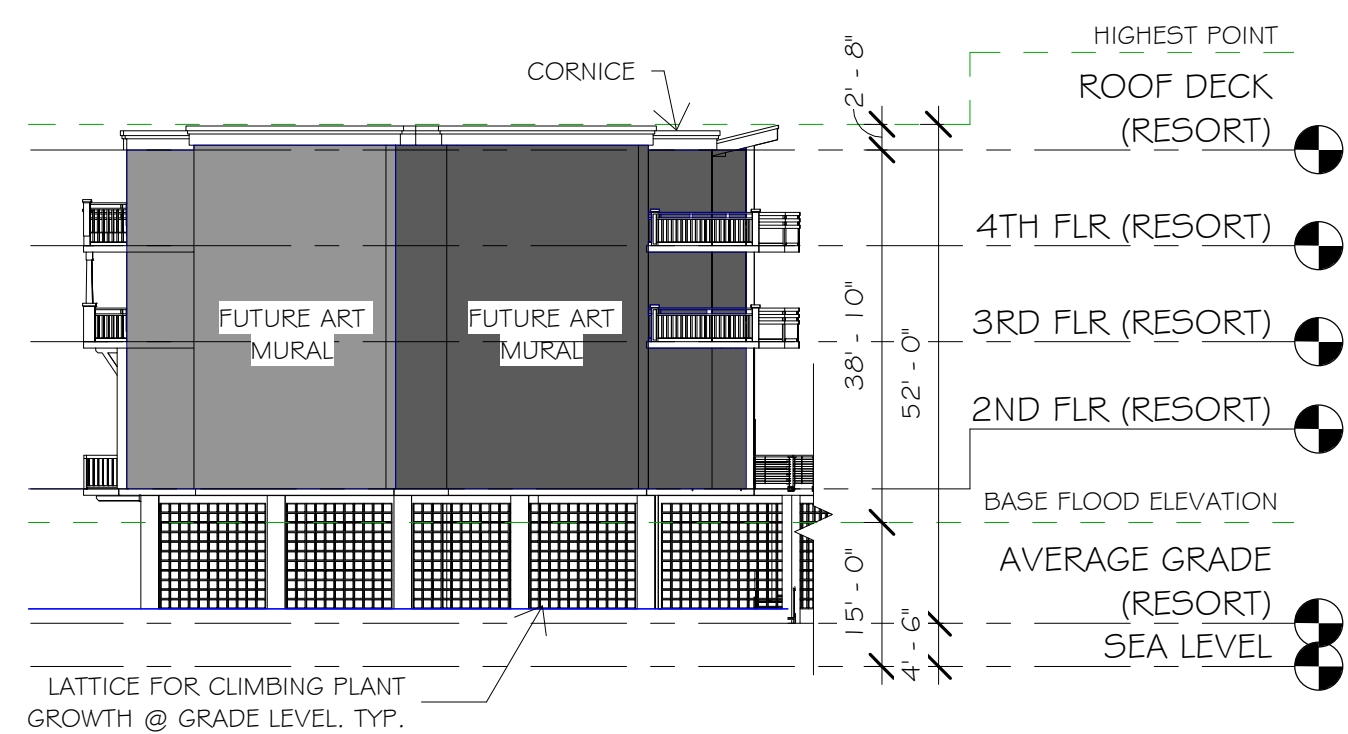
① RESORT - EAST ELEVATION
1" = 20'-0"



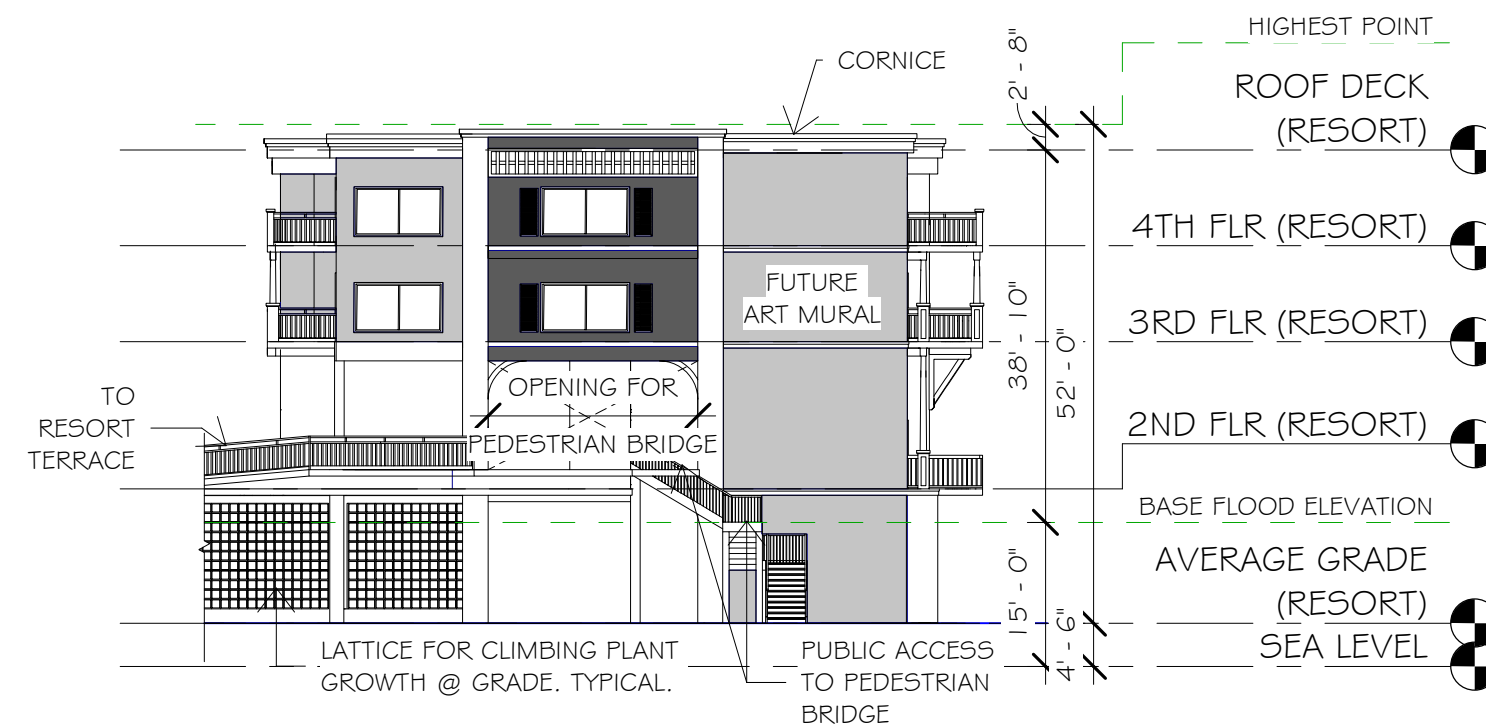
③ RESORT - NORTHWEST ELEVATION
1" = 20'-0"



② RESORT - NORTH END ELEVATION
1" = 20'-0"



④ RESORT - SW END ELEVATION
1" = 20'-0"



⑤ RESORT - SE END ELEVATION
1" = 20'-0"

EXTERIOR MATERIALS LEGEND	
	STUCCO COLOR #1
	STUCCO COLOR #2
	STUCCO COLOR #3
	STUCCO COLOR #4
	STUCCO COLOR #5
	STUCCO COLOR #6
	STUCCO COLOR #7
	STUCCO COLOR #8
	TYP. ROOFING

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

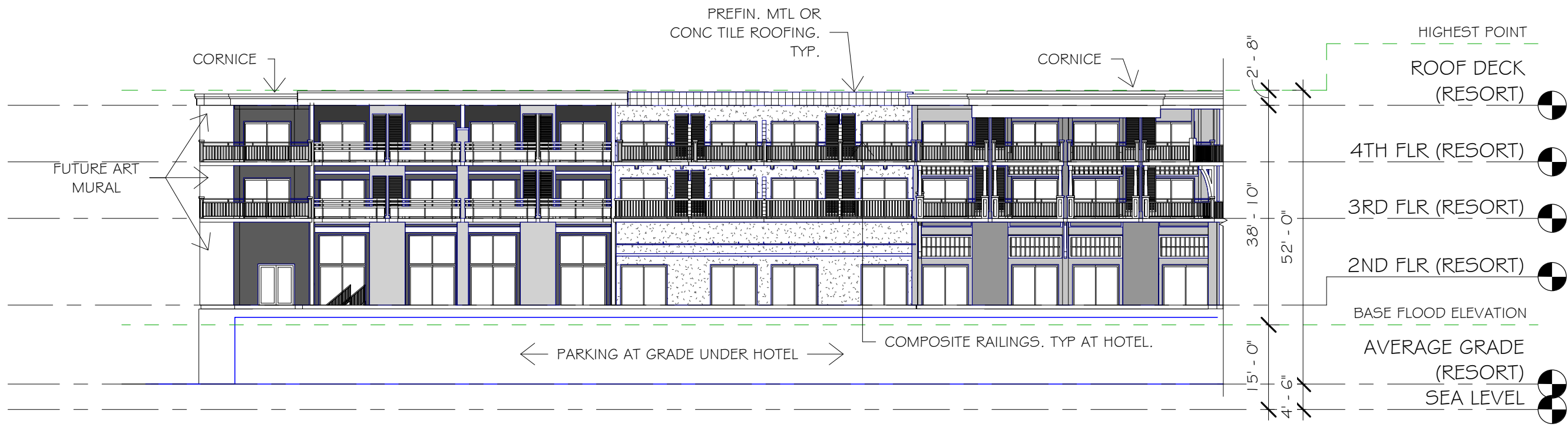
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

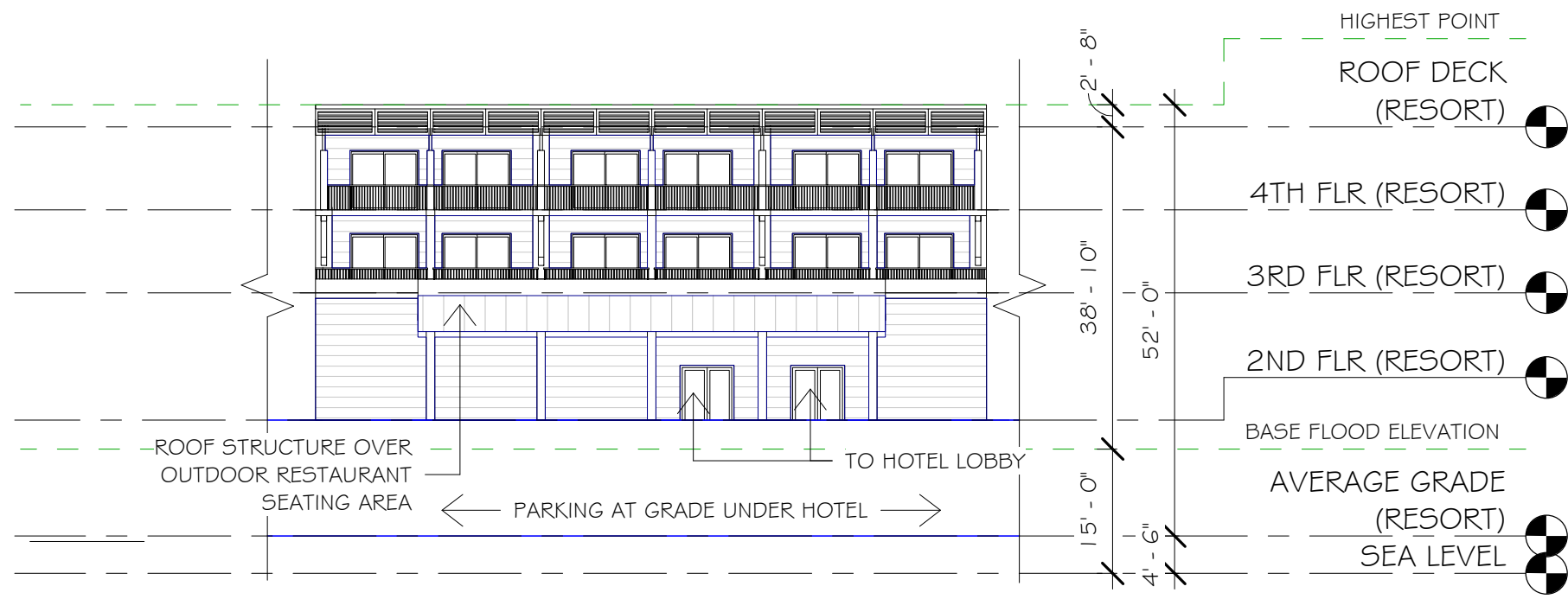
**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

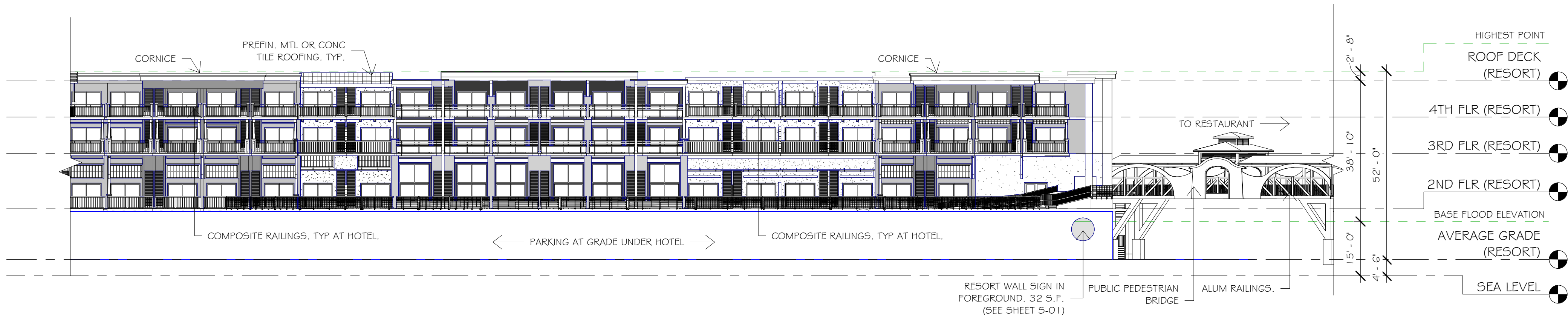
REVISIONS	DATE
PROJECT MANAGER:	JDH
DRAWING BY:	ADO
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	-
SHEET TITLE:	EXTERIOR ELEVATIONS
SHEET NUMBER:	X-A201
JOB/FILE NUMBER:	30479



RESORT - INTERIOR COURTYARD - WEST
ELEVATION
② 1" = 20'-0"



RESORT - INTERIOR COURTYARD -
NORTH ELEVATION
② 1" = 20'-0"



RESORT - INTERIOR COURTYARD - EAST
ELEVATION
② 1" = 20'-0"

EXTERIOR MATERIALS LEGEND	
	STUCCO COLOR #1
	STUCCO COLOR #2
	STUCCO COLOR #3
	STUCCO COLOR #4
	STUCCO COLOR #5
	STUCCO COLOR #6
	STUCCO COLOR #7
	STUCCO COLOR #8
	TYP. ROOFING

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

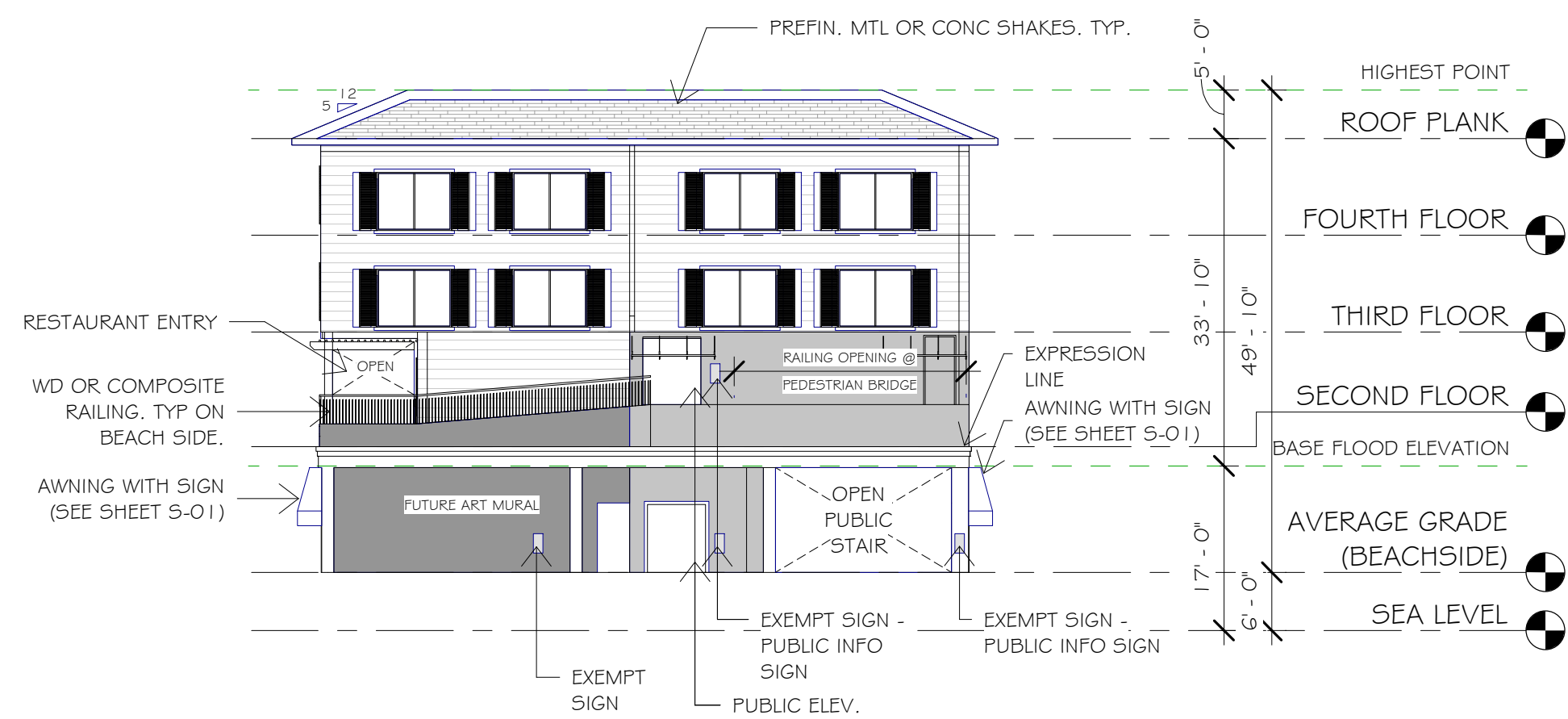
ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

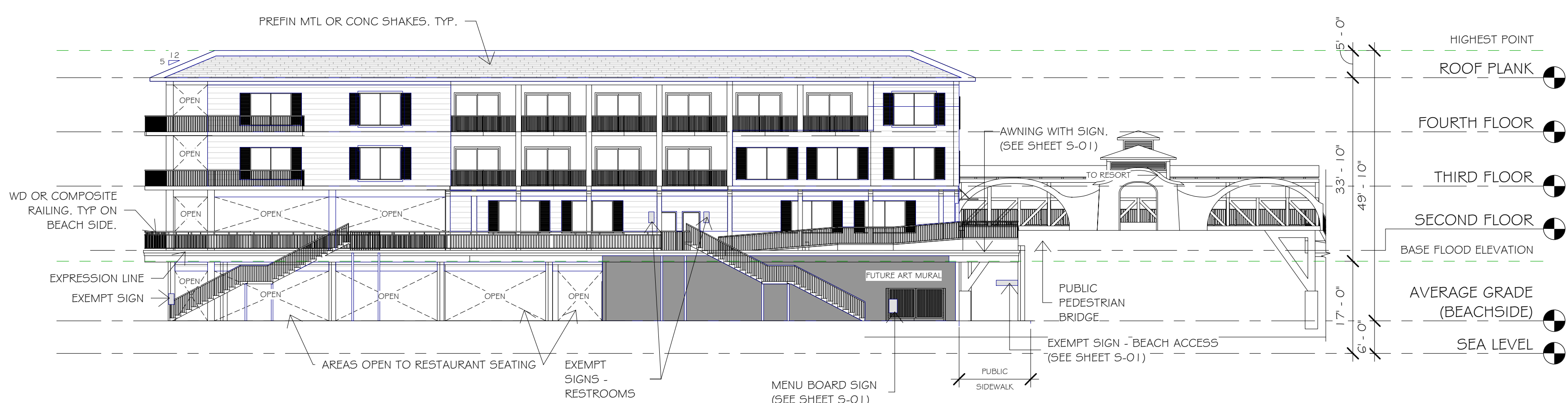
TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	JDH
DRAWING BY:	ADO
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	-
SHEET TITLE:	EXTERIOR ELEVATIONS
SHEET NUMBER:	X-A202
JOB/FILE NUMBER:	30479

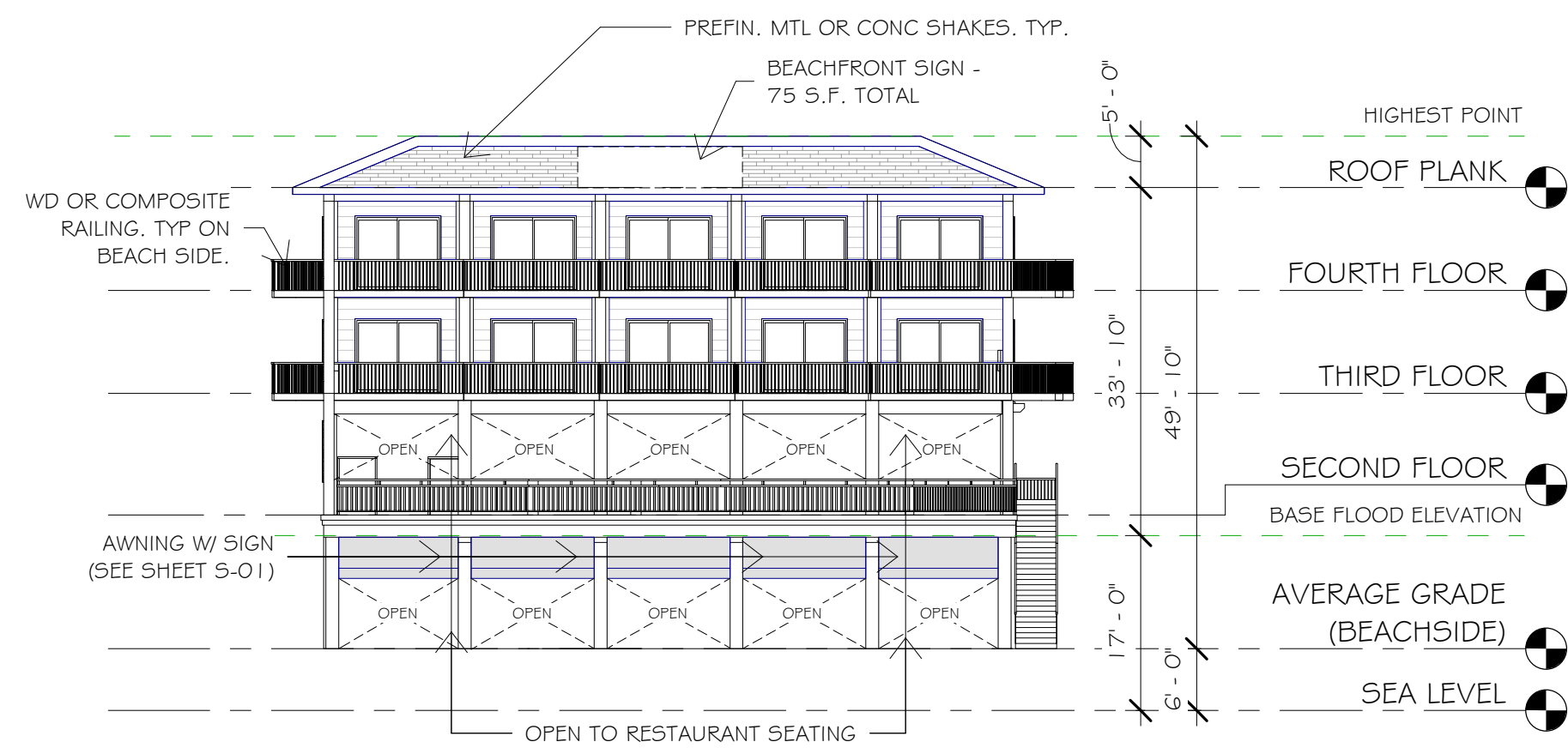
RESTAURANT



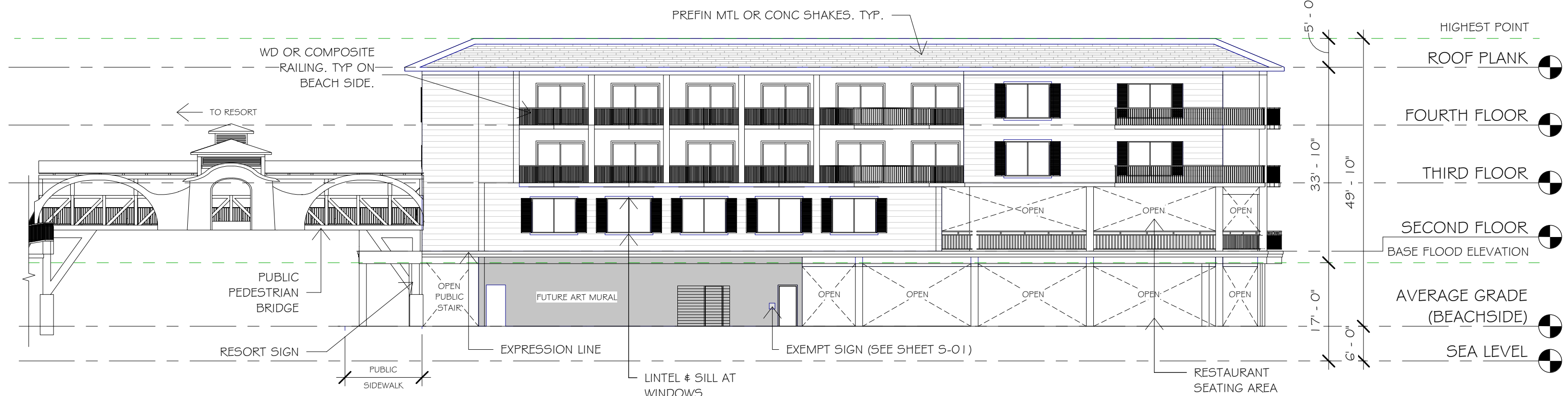
BEACHSIDE RESTAURANT - NORTH ELEVATION
1/16" = 1'-0"



BEACHSIDE RESTAURANT - EAST ELEVATION
1/16" = 1'-0"

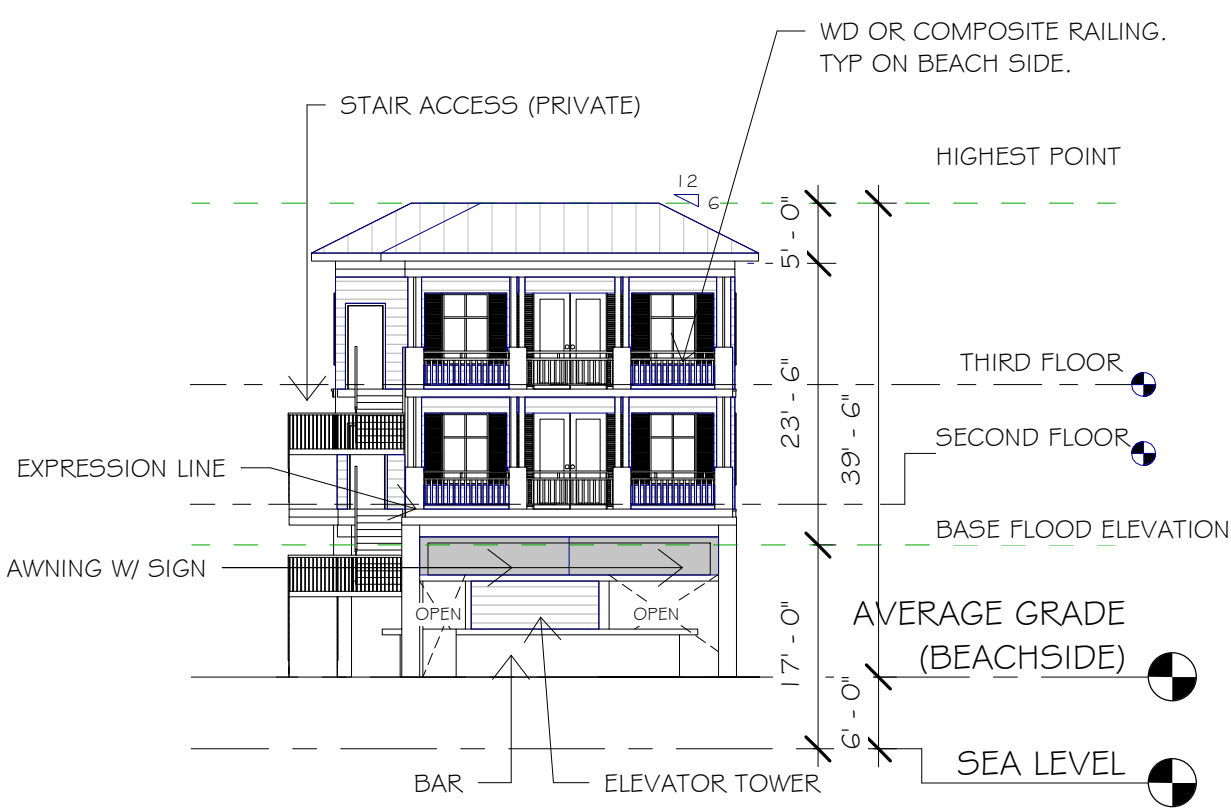


BEACHSIDE RESTAURANT - SOUTH ELEVATION
1/16" = 1'-0"

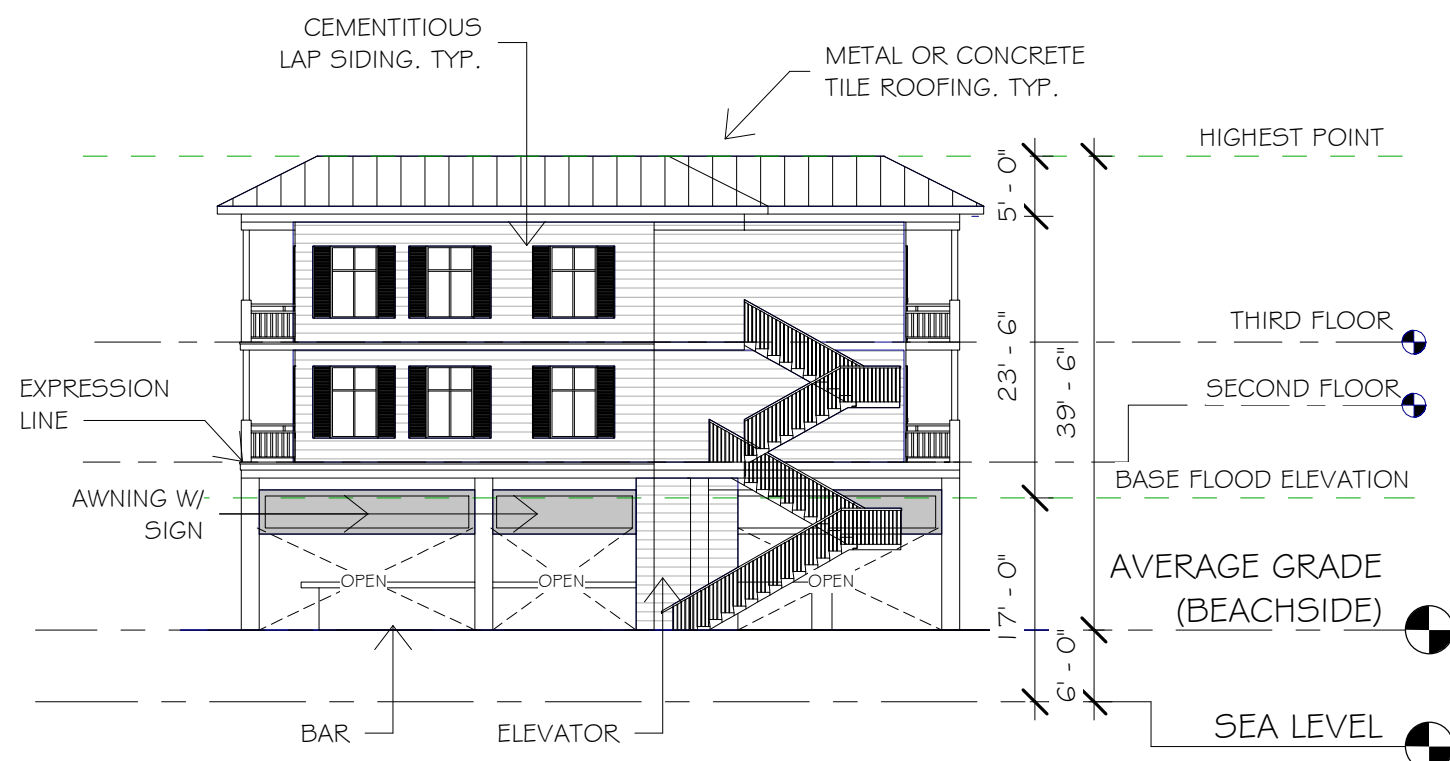


BEACHSIDE RESTAURANT - WEST ELEVATION
1/16" = 1'-0"

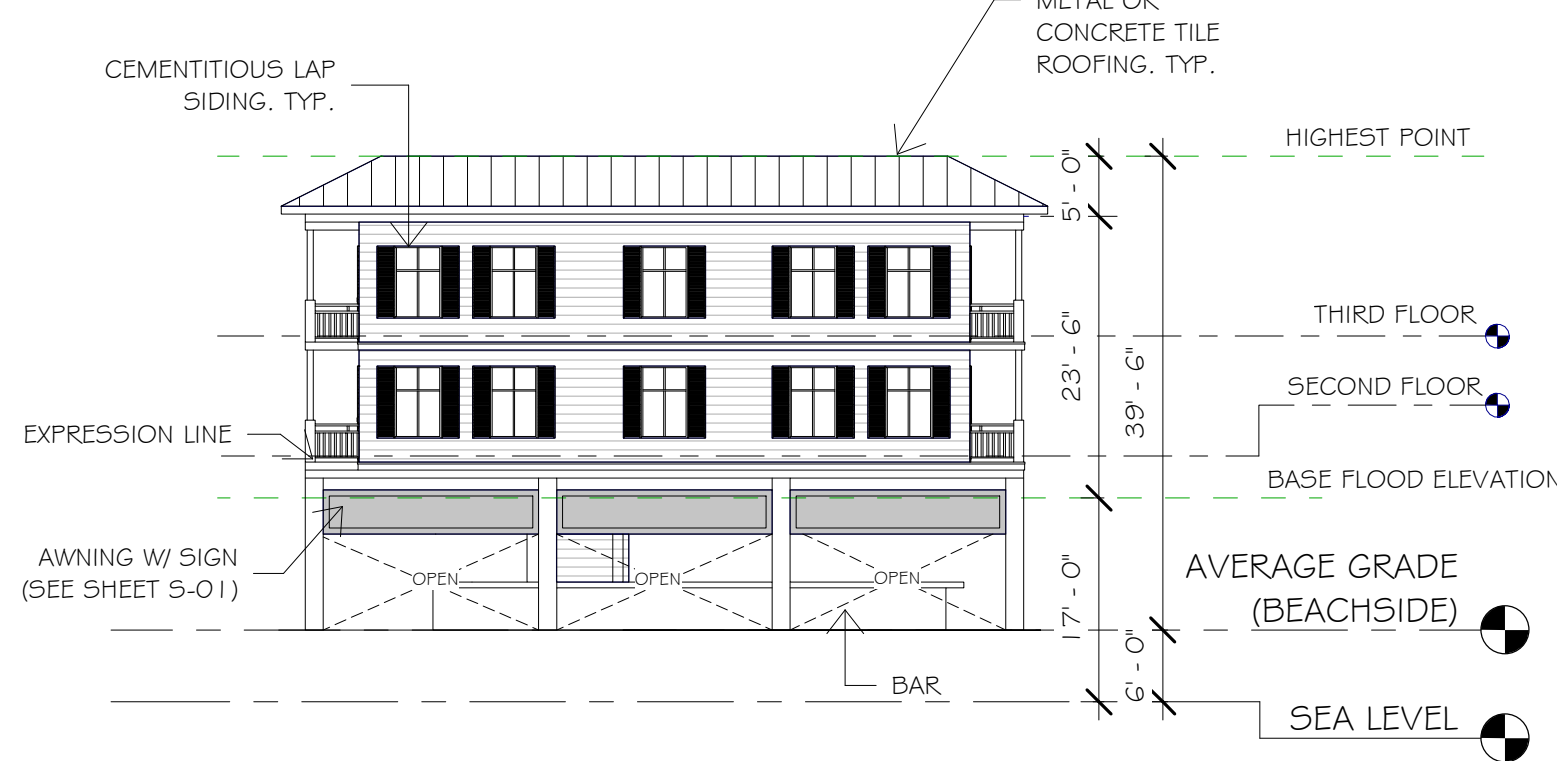
POOL VENUE



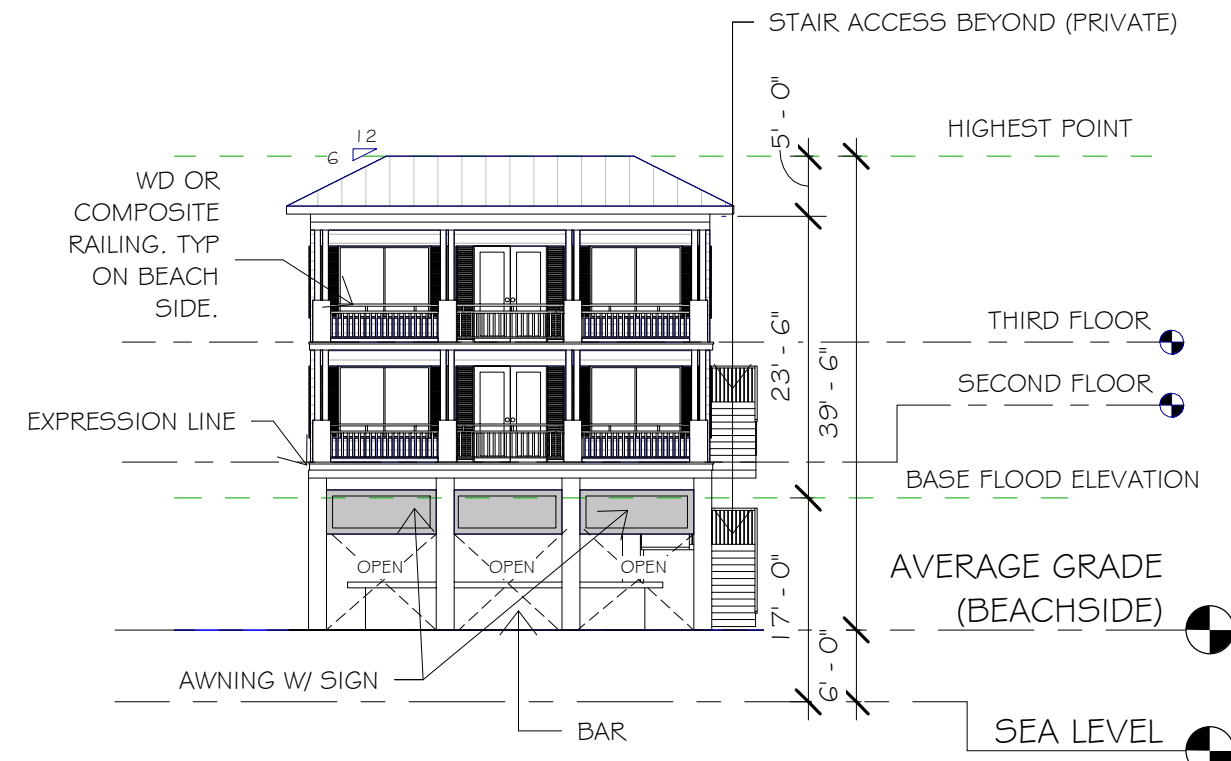
POOL BAR - NORTH ELEVATION
1/16" = 1'-0"
139 / 571 S.F. = 24% WINDOWS @ UPPER FLOORS



POOL BAR - WEST ELEVATION
1/16" = 1'-0"
208 / 1018 S.F. = 20% WINDOWS @ UPPER FLOORS



POOL BAR - EAST ELEVATION
1/16" = 1'-0"
225 / 690 S.F. = 32% WINDOWS @ UPPER FLOORS



POOL BAR - SOUTH ELEVATION
1/16" = 1'-0"
125 / 1018 S.F. = 12% WINDOWS @ UPPER FLOORS

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: Checker

DRAWING BY: Author

JURISDICTION: TOWN OF FORT MYERS BEACH

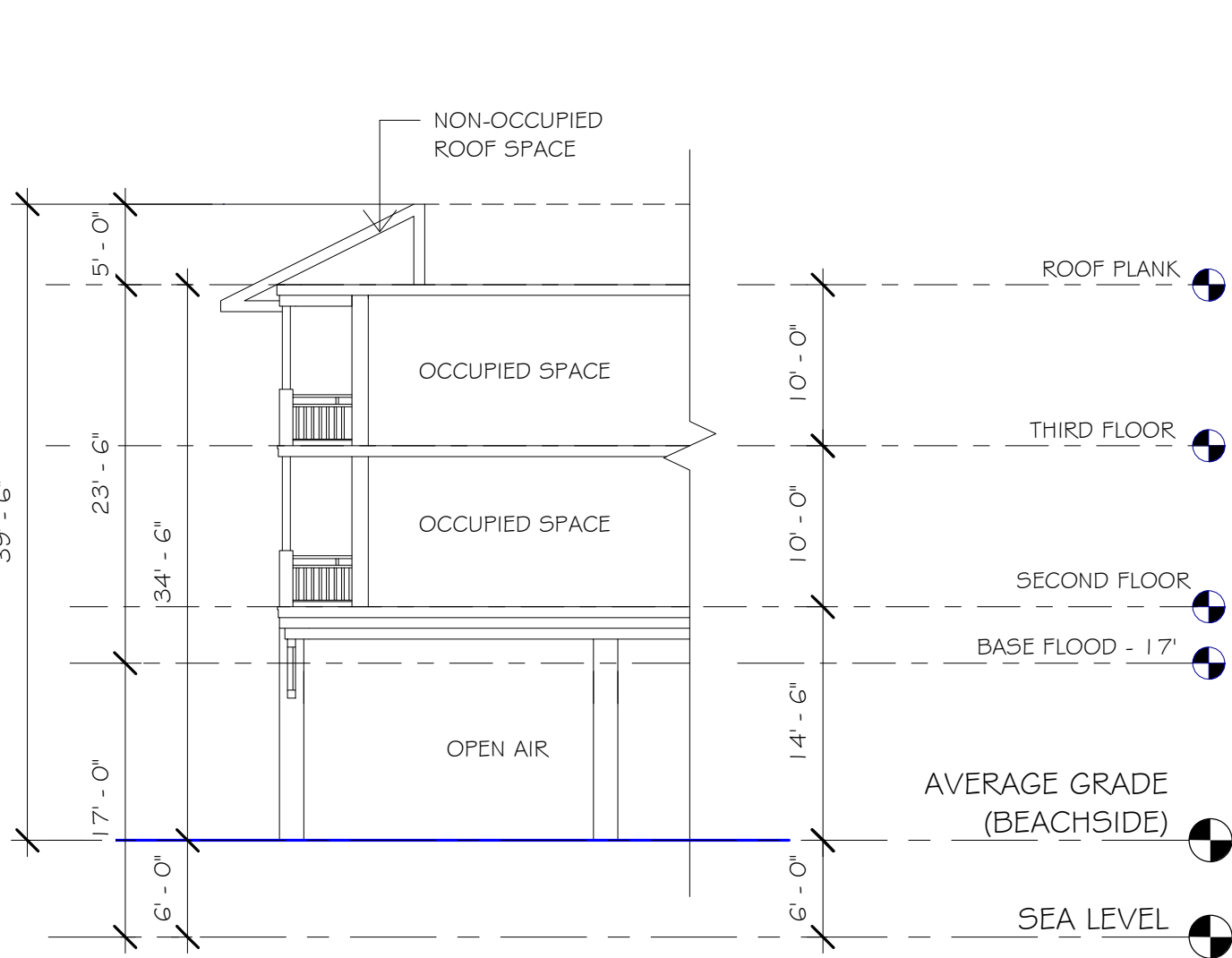
DATE: -

SHEET TITLE:

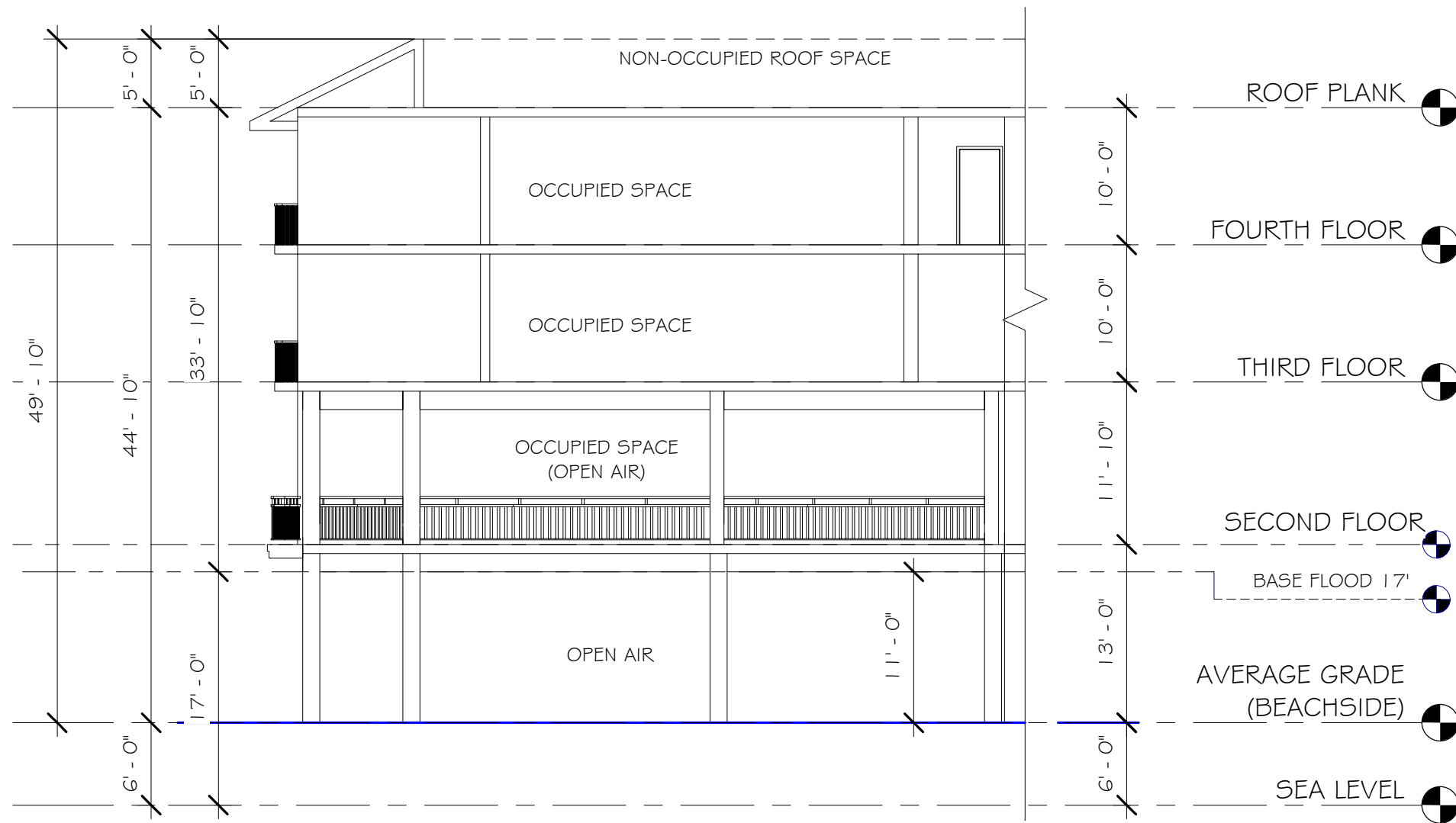
EXTERIOR
ELEVATIONS

SHEET NUMBER: X-A203

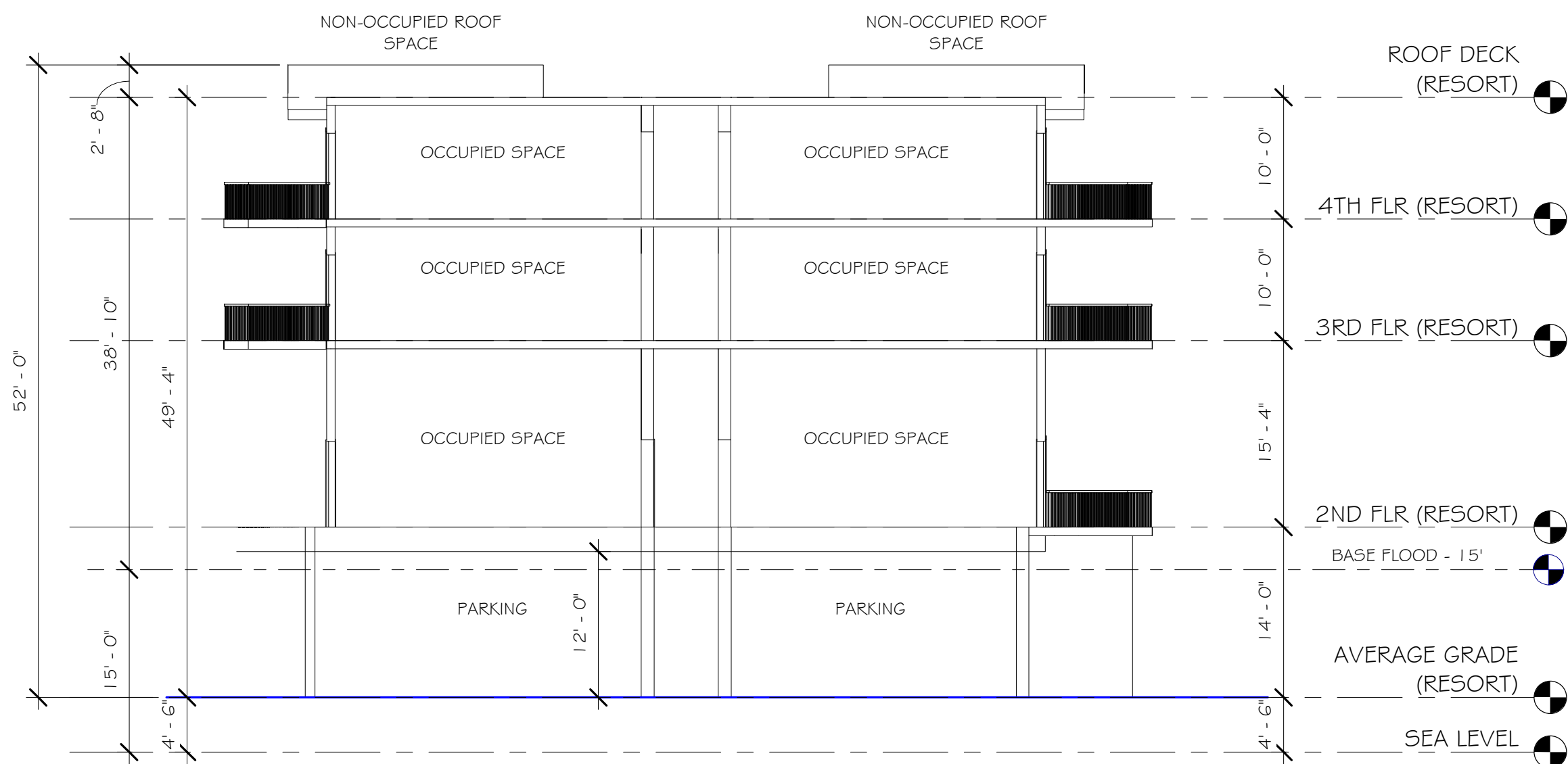
JOB/FILE NUMBER: 30479



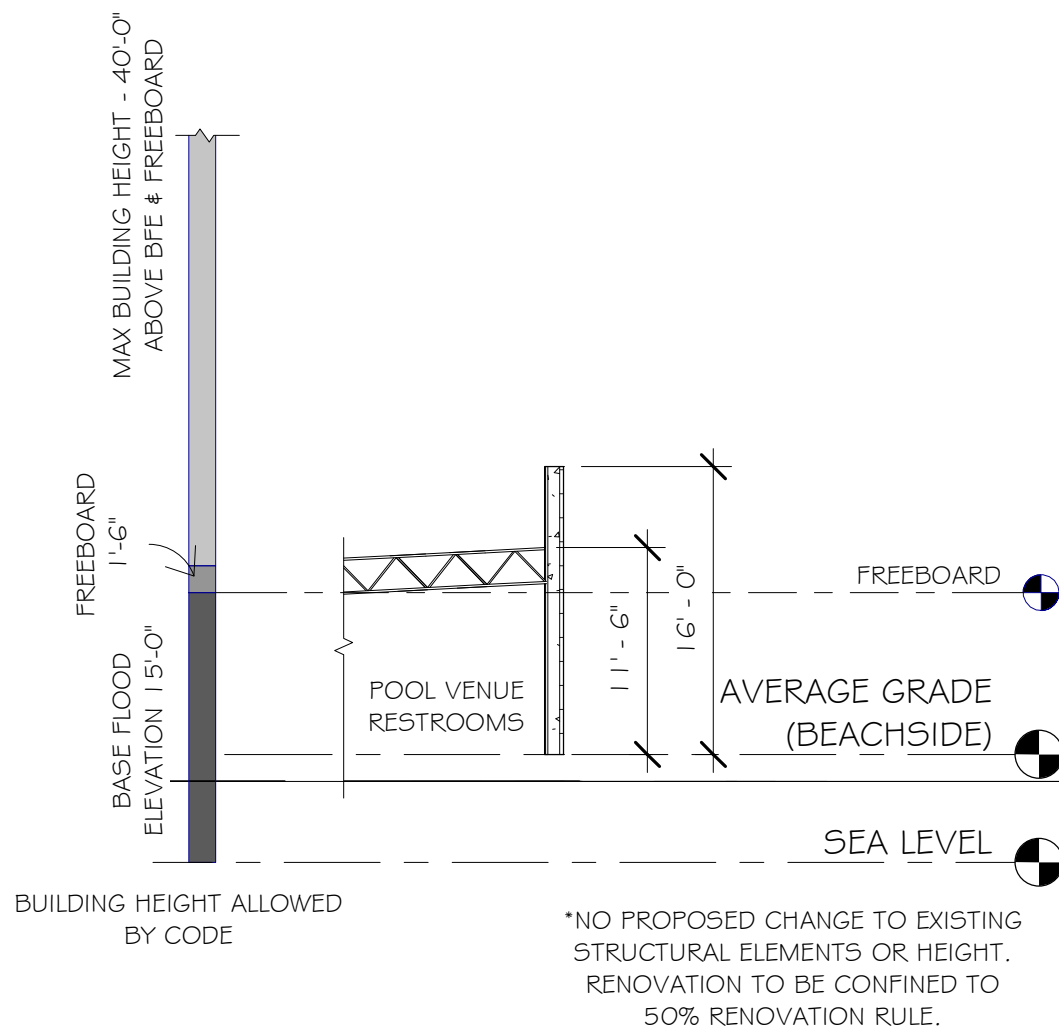
① SCHEMATIC BUILDING SECTION - BAR
BUILDING INSIDE AQUATICS VENUE
3/32" = 1'-0"



② SCHEMATIC BUILDING SECTION -
BEACHSIDE RESTAURANT
3/32" = 1'-0"



③ SCHEMATIC BUILDING SECTION - HOTEL
BUILDING
3/32" = 1'-0"



④ SCHEMATIC BUILDING SECTION @ POOL
VENUE RESTROOMS
3/32" = 1'-0"

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: JDH

DRAWING BY: ADO

JURISDICTION: TOWN OF FORT MYERS BEACH

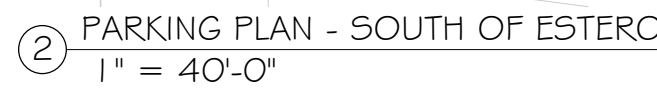
DATE: -

SHEET TITLE:

BUILDING
SECTIONS

SHEET NUMBER: X-A301

JOB/FILE NUMBER: 30479



Friday, April 20, 2018

TOTAL REQUIRED WITH 67% DOWNTOWN REDUCTION FACTOR APPLIED	357
--	------------

PARKING PLAN NOTES:

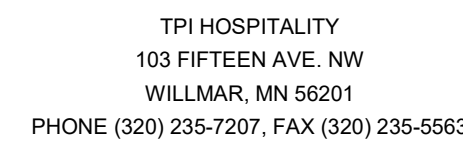
**MINOR MODIFICATIONS MAY BE NECESSARY AS WE FULLY DEVELOP THE STRUCTURAL DESIGN AND LOCATE COLUMNS MORE PRECISELY. **

PROJECT:

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



CONSULTANTS:

RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
-----------	------

PROJECT MANAGER:	JDH
------------------	-----

DRAWING BY: ADO

JURISDICTION: TOWN OF FORT MYERS BEACH

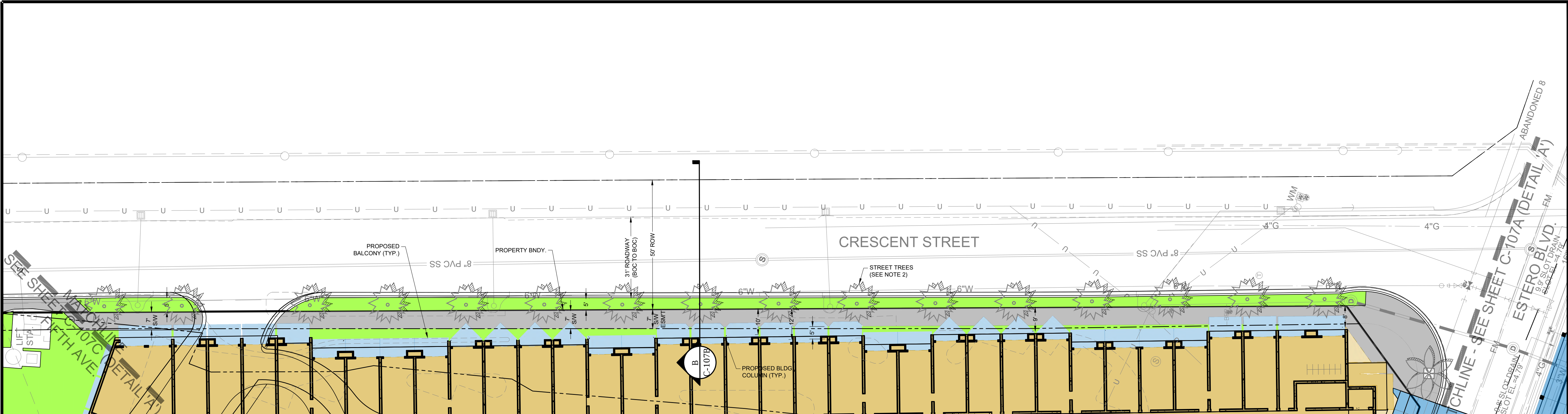
DATE: _____

SHEET TITLE

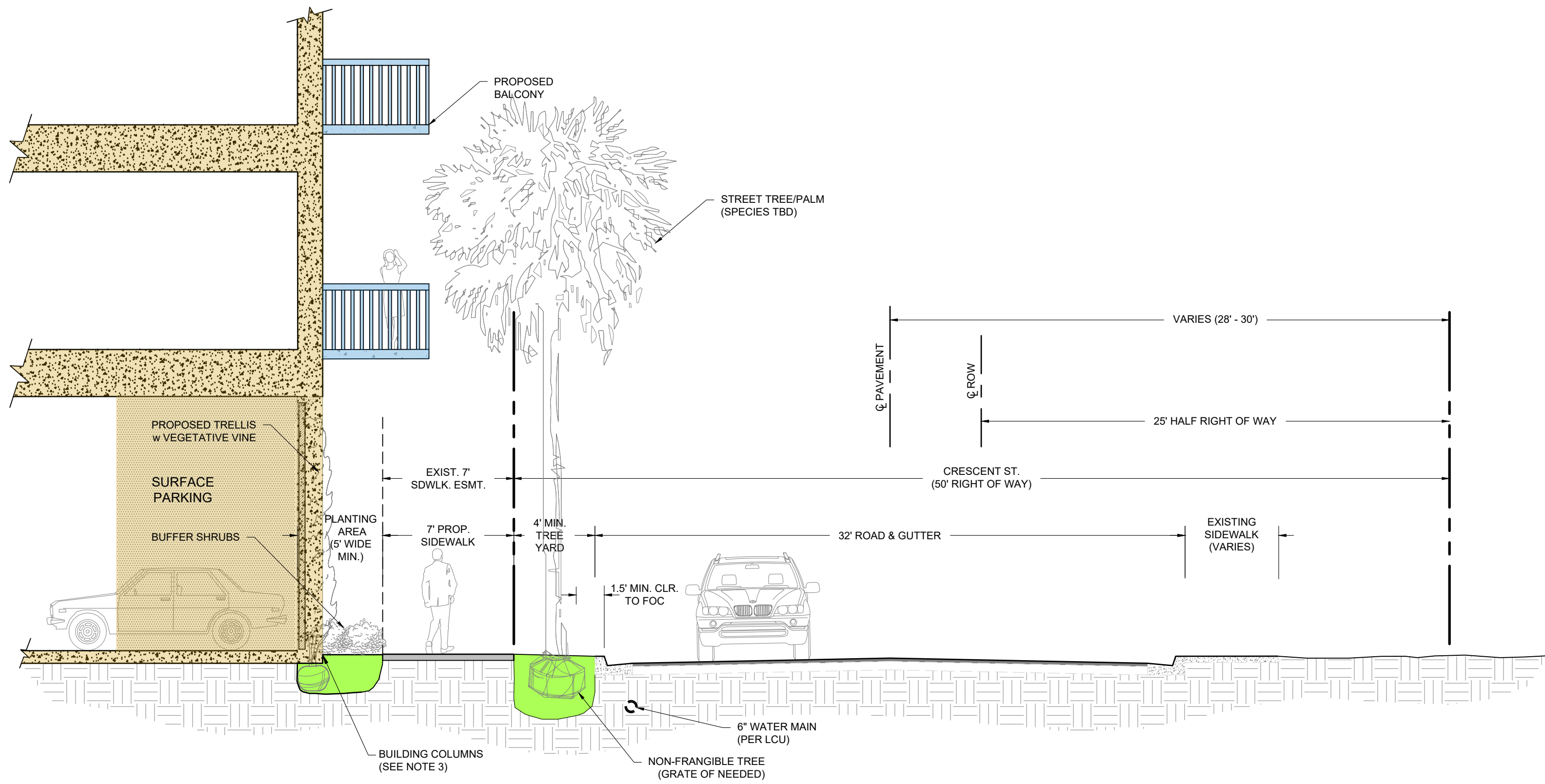
PARKING LOCATIONS & CALCULATIONS

SHEET NUMBER: X-501

JOB/FILE NUMBER: 30479



CRESCENT STREET
Scale: 1"=20'



CRESCENT ST. STREETSCAPE CROSS-SECTION

Scale: 1"=5'

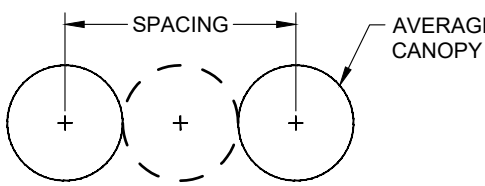
LEGEND

	PROPOSED BUILDING
	PROPOSED BUILDING OVERHANG
	PROPOSED SIDEWALK
	PROPOSED LANDSCAPE AREA

NOTES:

1. FINAL STREET TREE SPACING BASED ON SPECIES SELECTED.
2. STREET TREE SPACING IS SPECIES DEPENDANT. TREES/PALMS SHALL BE SPACED SO AS TO PROVIDE A CONTINUOUS CANOPY BASED ON AVERAGE CANOPY SIZE FOR THE SPECIES, BUT WITH EVERY OTHER TREE/PALM REMOVED. NOTE: FOR COCONUT PALMS THE AVERAGE CANOPY IS ±20' WIDE RESULTING IN A 40' AVERAGE SPACING & 12' FOR SABAL PALMS RESULTING IN A 24' AVERAGE SPACING. FINAL LOCATION AND SPACING BASED ON EXISTING CONDITIONS (I.E. UTILITIES) AND TO ENHANCE ARCHITECTURAL DETAILS OF THE PROPOSED BUILDING.
3. BUILDING COLUMNS MAY ENCROACH A MAX. OF 2' INTO THE 5' WIDE PLANTING AREA.
4. THE 5' PLANTING AREA IS MEASURED TO THE REAR (I.E. GARAGE SIDE) OF THE VEGETATED GREENSCREEN.
5. THE HORIZONTAL OFFSET FOR THE PROPOSED STREET TREES ALONG ESTERO BLVD WILL BE BASED ON THE CURRENT FDOT/COUNTY MINIMUM STANDARDS IN PLACE AT THE TIME OF THE DEVELOPMENT ORDER APPLICATION SUBMITTAL.

TREE SPACING DIAGRAM



PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT

RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**

MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION

DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: TME

DRAWING BY: DAL

JURISDICTION: TOWN OF FORT MYERS BEACH

DATE: 4/27/2018

SHEET TITLE:

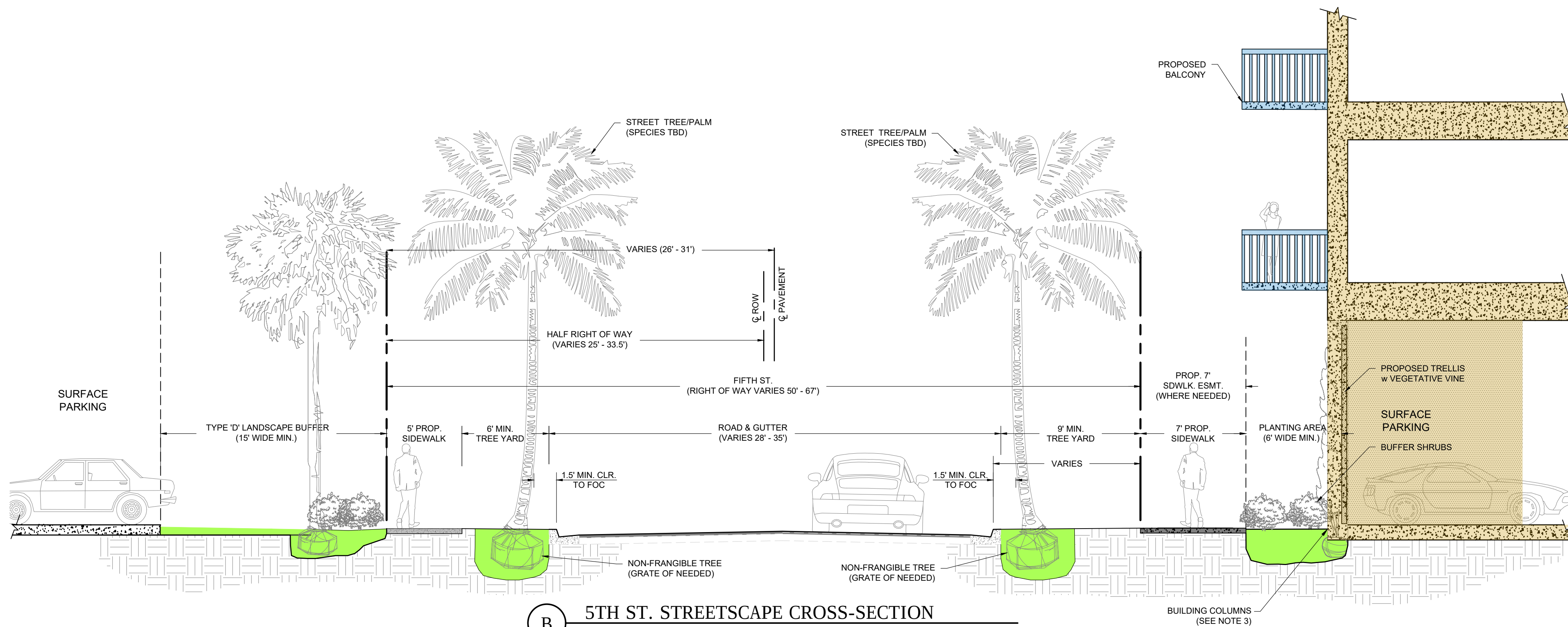
**RIGHT OF WAY &
SIDEWALK/BUFFER
PLAN**

SHEET NUMBER: X-503-RW.01

JOB/FILE NUMBER: 15069-13



A FIFTH AVENUE
Scale: 1"=20'



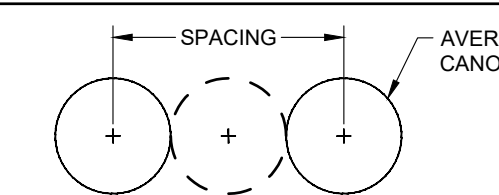
B 5TH ST. STREETSCAPE CROSS-SECTION
Scale: 1"=5'

LEGEND

	PROPOSED BUILDING
	PROPOSED BUILDING OVERHANG
	PROPOSED SIDEWALK
	PROPOSED LANDSCAPE AREA

- NOTES:
1. FINAL STREET TREE SPACING BASED ON SPECIES SELECTED.
 2. STREET TREE SPACING IS SPECIES DEPENDANT. TREES/PALMS SHALL BE SPACED SO AS TO PROVIDE A CONTINUOUS CANOPY BASED ON AVERAGE CANOPY SIZE FOR THE SPECIES, BUT WITH EVERY OTHER TREE/PALM REMOVED. NOTE: FOR COCONUT PALMS THE AVERAGE CANOPY IS 420' WIDE RESULTING IN A 40' AVERAGE SPACING & 12' FOR SABAL PALMS RESULTING IN A 24' AVERAGE SPACING. FINAL LOCATION AND SPACING BASED ON EXISTING CONDITIONS (I.E. UTILITIES) AND TO ENHANCE ARCHITECTURAL DETAILS OF THE PROPOSED BUILDING.
 3. BUILDING COLUMNS MAY ENCROACH A MAX. OF 2' INTO THE 5' WIDE PLANTING AREA.
 4. THE 5' PLANTING AREA IS MEASURED TO THE REAR (I.E. GARAGE SIDE) OF THE VEGETATED GREENSCREEN.
 5. THE HORIZONTAL OFFSET FOR THE PROPOSED STREET TREES ALONG ESTERO BLVD WILL BE BASED ON THE CURRENT FDOT/COUNTY MINIMUM STANDARDS IN PLACE AT THE TIME OF THE DEVELOPMENT ORDER APPLICATION SUBMITTAL.

TREE SPACING DIAGRAM



PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS-DEPEW ASSOCIATES, INC.
2814 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: TME

DRAWING BY: DAL

JURISDICTION: TOWN OF FORT MYERS BEACH

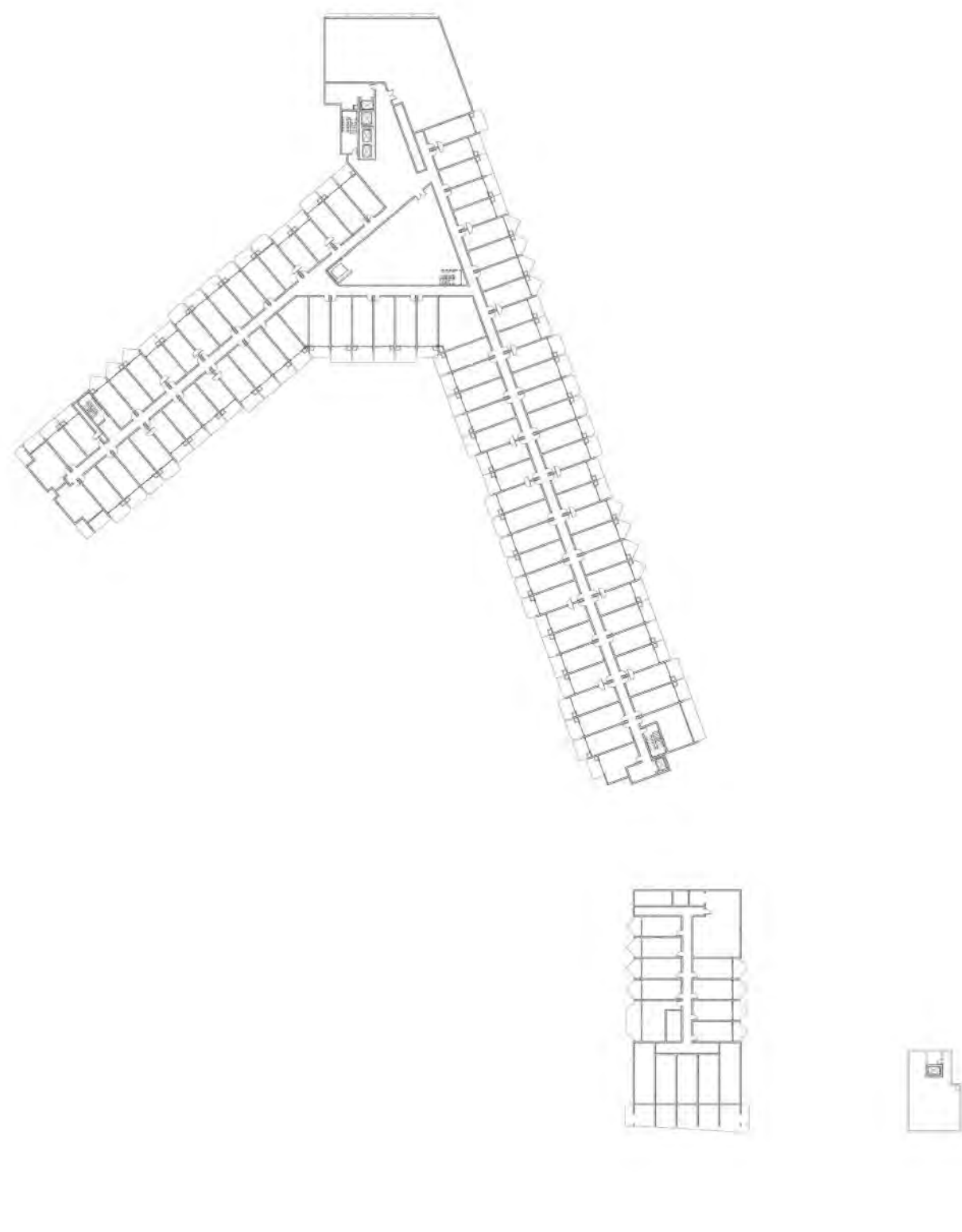
DATE: 4/27/2018

SHEET TITLE:

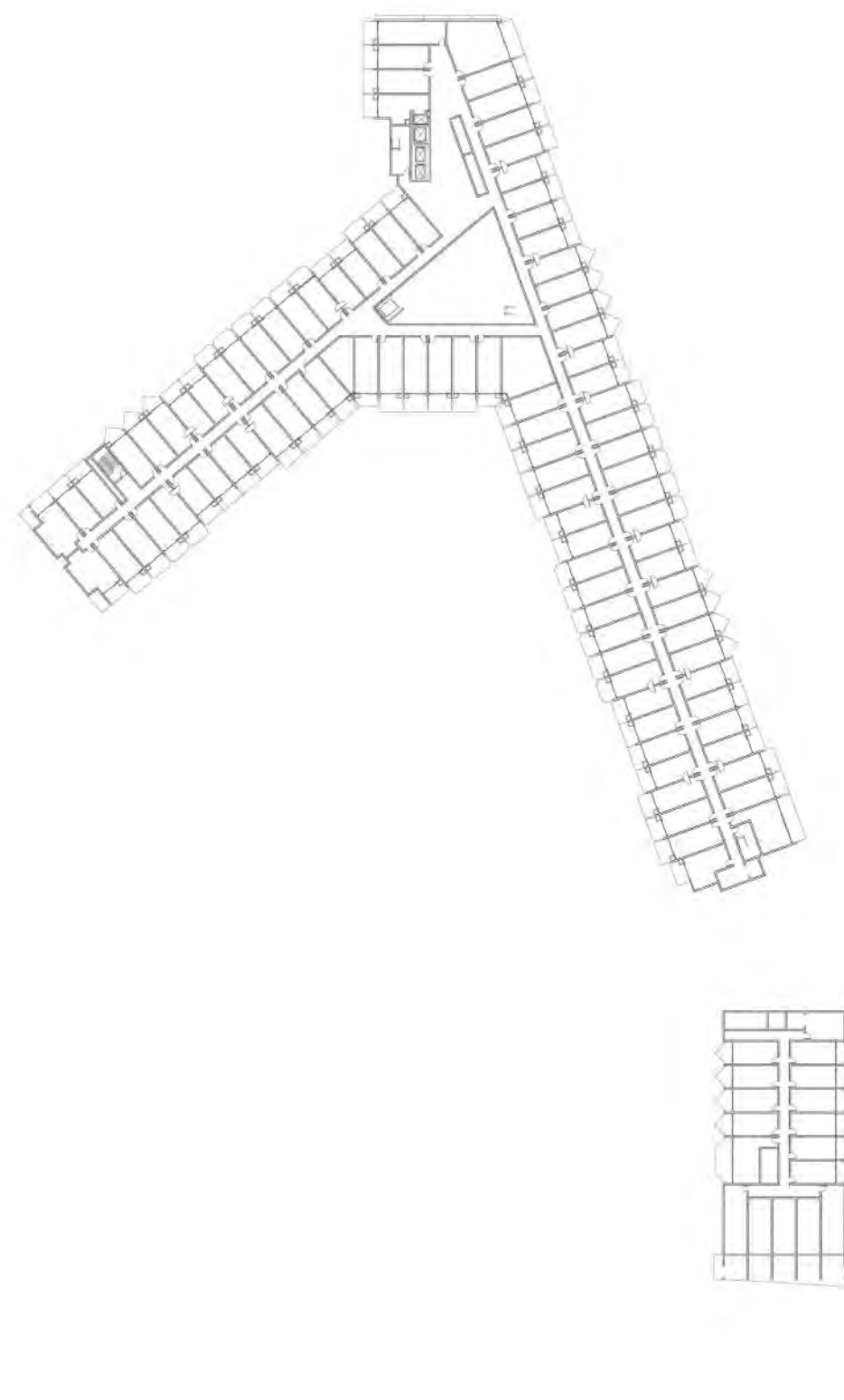
RIGHT OF WAY &
SIDEWALK/BUFFER
PLAN

SHEET NUMBER: X-504-RW.02

JOB/FILE NUMBER: 15069-13



THIRD FLOOR



FOURTH FLOOR

CONSUMPTION ON PREMISES DIAGRAM

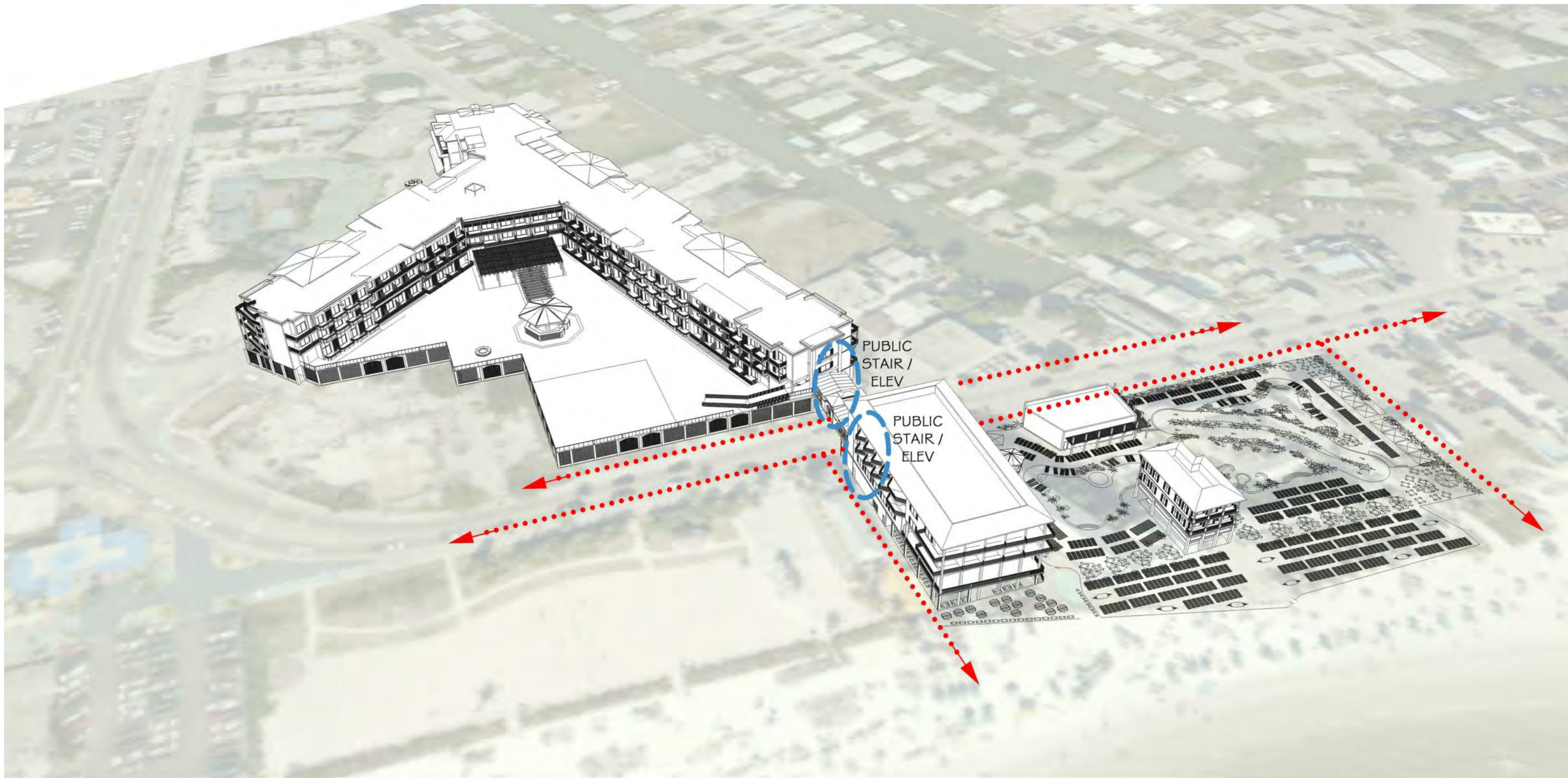
POINT OF SALE - 
COP SEATING - 

POOL AREA - 
MULTI-PURPOSE - 

CONSUMPTION ON PREMISES DIAGRAM

POINT OF SALE - 
COP SEATING - 

POOL AREA - 
MULTI-PURPOSE - 



PEDESTRIAN CIRCULATION THROUGH SITE

PEDESTRIAN CIRCULATION 
PUBLIC STAIRS / ELEVATOR 

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

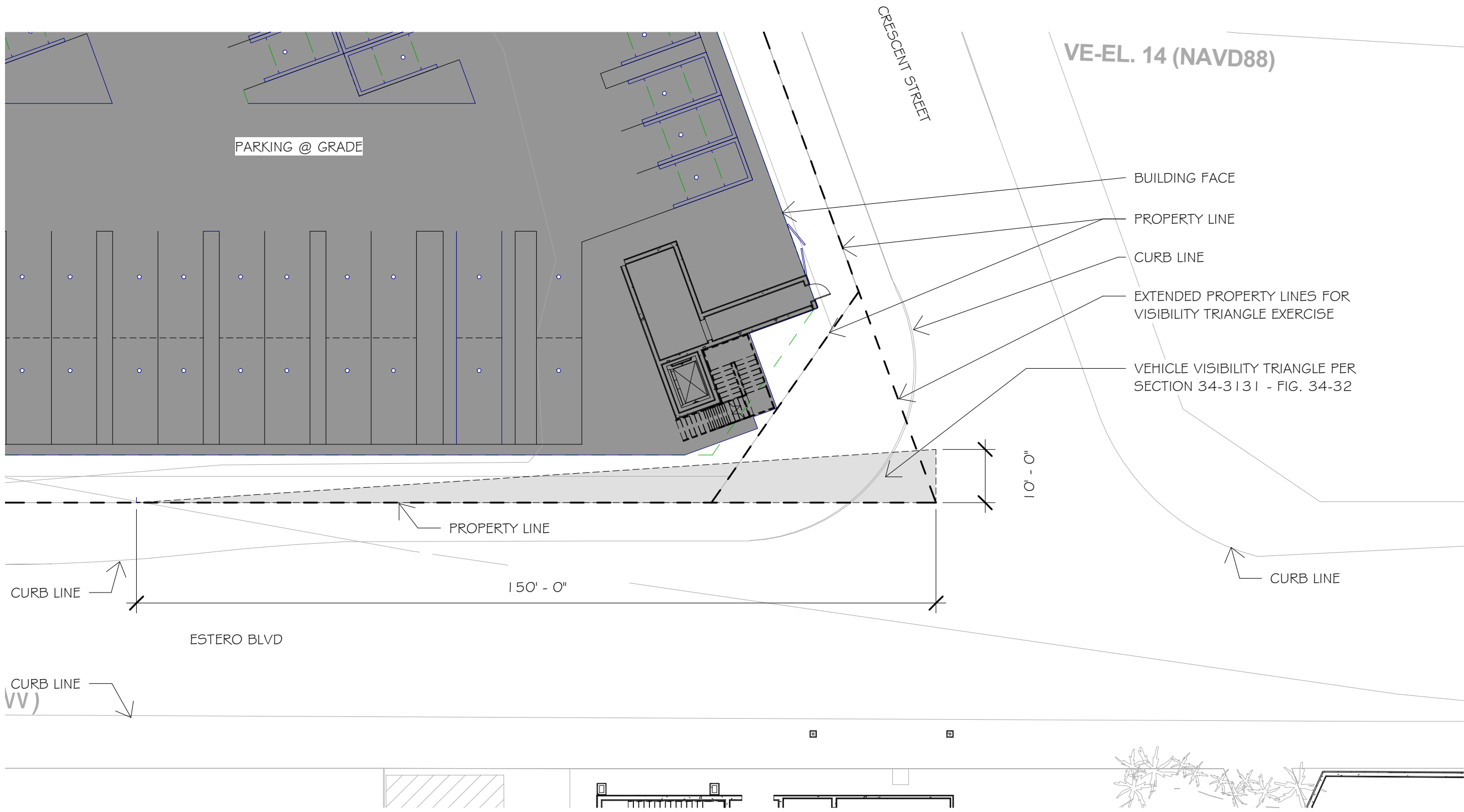
PROJECT MANAGER: JDH
DRAWING BY: ADO
JURISDICTION: TOWN OF FORT MYERS BEACH
DATE: -

SHEET TITLE:

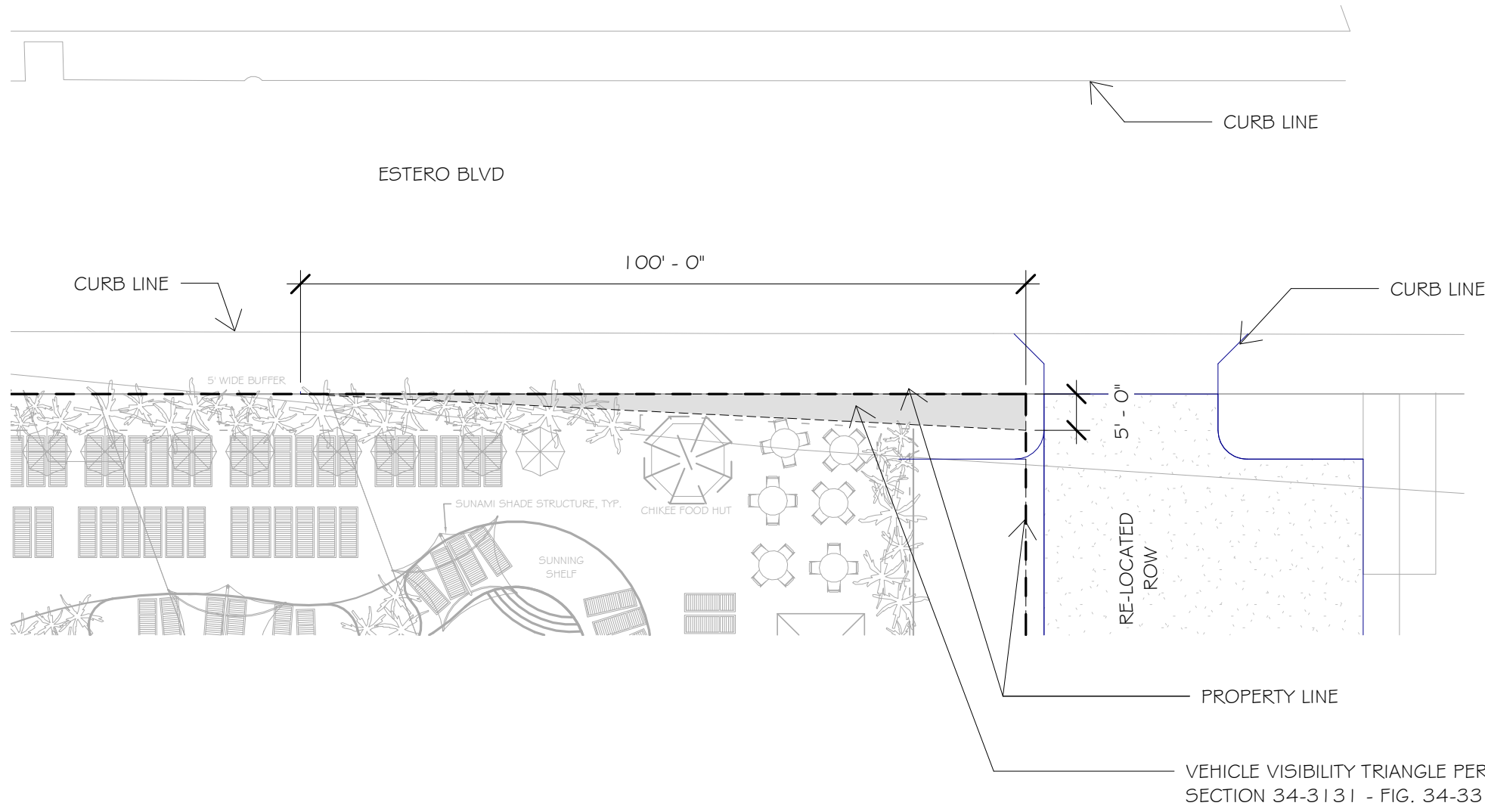
CONSUMPTION ON
PREMISES
DIAGRAMS &
PEDESTRIAN
CIRCULATION

SHEET NUMBER: X-506-COP.02

JOB/FILE NUMBER: 30479



① VISIBILITY TRIANGLE - INTERSECTION OF
CRESCENT ST. / ESTERO BLVD.
1" = 20'-0"



② VISIBILITY TRIANGLE - INTERSECTION OF
RE-LOCATED CANAL / ESTERO BLVD
1" = 20'-0"

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: JDH
DRAWING BY: ADO
JURISDICTION: TOWN OF FORT MYERS BEACH
DATE: -

SHEET TITLE:
VISIBILITY
TRIANGLES

SHEET NUMBER: X-507-VT

JOB/FILE NUMBER: 30479

Narrative

According to LDC Section 34-1(a) the purpose and intent of the Land Development Code is:

... to encourage and promote, in accordance with present and future needs, the safety, health, order, convenience, prosperity, and general welfare of the citizens of the Town of Fort Myers Beach, to recognize and promote real property rights, and to provide:

- (1) For efficiency and economy in the process of development;
- (2) For the appropriate and best use of land; ...

(Emphasis supplied).

According to LDC Section 34-85(b), when considering rezonings, the Town Council shall consider (among others):

Whether there exists an error or ambiguity which must be corrected;
and

Whether there exist changed or changing conditions which make approval of the request appropriate.

TPI submits that there are changed circumstances arising from Hurricane Ian and its impacts on the local economy and due to the devastation to the local community which require that these changed/changing circumstance be taken into account to assess what changes to the Margaritaville CPD might be appropriate. This is especially true in light of how this development may serve to anchor and inspire future redevelopment of this part of Fort Myers Beach. These are changed circumstances and ambiguities in the language of Condition #14 which it is appropriate to address. TPI submits that the impact of the proposed change to Condition 14 will promote the intent of LDC Chapter 34 and give the Town greater flexibility to allow future development and redevelopment to be consistent with future changes to the community that are reflected in future changes to the Land Development Code and the Town of Fort Myers Beach Comprehensive Plan.

Condition 14 calls for a restrictive covenant that states that the CPD:

“...has consumed all allowable density and intensity on parcels 1, 2, 3, and 5, and that no additional development may occur beyond that which is approved by this CPD.”

Due to the changed circumstances and the redevelopment planning required to address the future needs of the Town, the foregoing requirement does not further the purpose and intent in the LDC calling for efficiency and economy of development and for the appropriate and best use of the land. Instead, it unnecessarily restricts the Town Council with regard to redevelopment at a time when the Council may need flexibility and creativity to address the needs of the future. Moreover, the restrictive covenant is not necessary. No additional development may occur beyond that approved by the CPD unless the Town Council receives an application and reviews it under the regulations in effect at that time. No development can occur beyond the CPD unless the Town Council reviews and approves it. A restrictive covenant that prohibits development simply ties the hands of future Councils without consideration for future circumstances.

TPI submits that under this very new post-Hurricane Ian environment, it no longer makes any sense to completely eliminate all flexibility or future opportunities for modifications in perpetuity. That is counterproductive to the Town's desire to be certain that all development must be compatible with, and cohesively mesh with, the future framework of Town redevelopment. There must be opportunities available to future Town Councils to accommodate changing circumstances (like from Hurricane Ian).

Condition 9 specifically anticipates redevelopment and future uses on the subject property and requires that they be consistent with the Master Concept Plan approved by Town Council. The prohibition in Condition 14 against even considering any future changes on Parcels 2 and 3 is inconsistent with Condition 9. Condition 14 appears intended to bind future Town Councils from even considering any redevelopment or changes that might increase density or intensity, regardless of whether those future changes would be consistent and compatible with future development and regulations in the Town.

Condition 14 also has an inherent ambiguity because it says that the intent is to:

“...limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by the CPD and maintain all areas on which buildings and pavement are not constructed..., only for outdoor

recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3,

(Emphasis supplied.)

Maintaining the open area (“on which buildings and pavement are not constructed”) on parcel 3 “only for... a single-level surface parking lot...” is internally inconsistent and ought to be clarified. At the same time that clarification takes place, TPI proposes these changes to Condition 14:

~~Prior to the Town issuing any development orders for demolition, site work, or new buildings on Parcel 2 the landowner must execute and record a restrictive covenant in favor of and enforceable by the Town in perpetuity that acknowledges that this CPD approval has consumed all allowable density and intensity on Parcels 1, 2, 3, and 5 and that no **No** additional development may occur beyond that which is approved by this CPD **without prior approval of the Town Council**. Prior to issuance of a temporary or final certificate of completion on Parcel 2 (but not later than 36 months after commencing construction), the landowner must convey to the Town a perpetual conservation easement in a form acceptable to the Town Attorney, which after acceptance will be recorded in the Public Records of Lee County, over those portions of Parcels 2 and 3 on which structures or pavement are not constructed or proposed to be constructed under the Master Concept Plan adopted as part of this CPD. **The intent of this condition is to limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by this CPD and to maintain all areas on which buildings and pavement are not constructed and as shown on the Master Concept Plan, only for outdoor recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3, but specifically excluding any additional parking facilities, buildings, and other similar structures or any additional improvements** **require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application.**~~

[Clean Version – Clarified Condition 14]:

14. No additional development may occur beyond that which is approved by this CPD without prior approval of the Town Council. The intent of this condition is to require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application.

For consistency, Condition #20 mentions the reference to the conservation easement in #14 and should be amended as well (~~Strike-through deletion~~):

20. In order to provide an additional view corridor along the approach to the Town from the Matanzas Pass Bridge, the applicant has offered, and the Town has accepted the following changes to the Master Concept Plan:
- a. No buildings will be constructed on Parcel 3 in perpetuity. Parcel 3 shall remain as a 21-space surface parking lot for the resort because all development rights on Parcel 3 are being used on Parcels 1 and 2. ~~Parcel 3 will be included in the covenants and conservation easement described in Condition 14.~~ Landscape buffers shall be done in accordance with MCP X-504-RW.02.
 - b. No buildings will be constructed on Parcel 4 by the applicant and the existing building will be removed. Parcel 4 will be donated by the applicant to the Town for civic, public purposes and will include a reverter in the event the parcel is not used for such civic, public purposes. The demolition and re-grading of the property will be completed no later than September 30th, 2018. The Town shall receive Parcel 4 within 60 calendar days of the issuance of all necessary approvals related to the development order and approvals of the pedestrian bridge. After the existing building is removed by the applicant and the property transfer is completed, Parcel 4 will no longer be subject to any requirements of this CPD. Demolition of Parcel 4 may be completed prior to the development order being issued.

[Clean Version #20:

20. In order to provide an additional view corridor along the approach to the Town from the Matanzas Pass Bridge, the applicant has offered, and the Town has accepted the following changes to the Master Concept Plan:
- a. No buildings will be constructed on Parcel 3 in perpetuity. Parcel 3 shall remain as a 21-space surface parking lot for the resort because all development rights on Parcel 3 are being used on Parcels 1 and 2. Landscape buffers shall be done in accordance with MCP X-504-RW.02.
 - b. No buildings will be constructed on Parcel 4 by the applicant and the existing building will be removed. Parcel 4 will be donated by the applicant to the Town for civic, public purposes and will include a reverter in the event the parcel is not used for such civic, public purposes. The demolition and re-grading of the property will be completed no later than September 30th,

2018. The Town shall receive Parcel 4 within 60 calendar days of the issuance of all necessary approvals related to the development order and approvals of the pedestrian bridge. After the existing building is removed by the applicant and the property transfer is completed, Parcel 4 will no longer be subject to any requirements of this CPD. Demolition of Parcel 4 may be completed prior to the development order being issued.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 1170, 1180/1192, 1204/1206 Estero Blvd., portions of Estero Blvd. right-of-way and portions of the 5th Street right-of-way, more or less (See attached location map.)

STRAP Number: Parcel 2 (collectively): 24-46-23-W3-00009.0000, 19-46-24-W4-0140B.0070, 19-46-24-W4-U0491.2610, 19-46-24-W4-U0494.2609, 19-46-24-W4-U0496.2608, 19-46-24-W4-U0498.2607; AND Parcel 3: 24-46-23-W3-00205.0070

Applicant: TPI-FMB, LLC - Steven C. Hartsell, Authorized Applicant Phone: 239-336-6244

Contact Name: c/o Steven C. Hartsell, Esquire Phone: 239-336-6244

Email: stevehartsell@paveselaw.com Fax: 239-332-2243

Current Zoning District: Commercial Planned Development (CPD)

Future Land Use Map (FLUM) Category: Pedestrian Commercial FLU

FLUM Density Range: See Ordinance #18-04 Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☒ Planned Development ☒ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: TPI-FMB, LLC - Steven C. Hartsell, Authorized Applicant Phone: 239-336-6244

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: Post Office Drawer 1507, Fort Myers, FL 33902-1507

Email: stevehartsell@paveselaw.com Fax: 239-332-2243

Contact Name: Steven C. Hartsell, Esquire Phone: 239-336-6244



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Steven C. Hartsell, Esquire Phone: 239-336-6244
Address: Pavese Law Firm, Post Office Drawer 1507, Fort Myers, FL 33902-1507
Email: stevehartsell@paveselaw.com Fax: 239-332-2243

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: N/A Phone: _____
Address: _____
Email: _____ Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☒ Amendment. List the project number: DCI17-001
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Printed Name

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.

Notary Public Signature

PART V Property Ownership (Multiple Owners)

☒ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☒ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock
TPI-FMB, LLC, a Florida limited liability corporation, Owned by:	
Torgerson Properties, Inc., a Minnesota for profit corporation	80.9%
Thomas R. Torgerson, Manager	
103 15th Ave. NW #200, Willmar, MN 56201	
John Damermann, 100% owner of Torgerson Properties, Inc.	
TPI-FMB, LLC, a Florida limited liability corporation, Owned by:	19.1%
TPI-FMB Investment, LLC, a Florida limited liability corporation	
Thomas R. Torgerson, Manager	
103 15th Ave. NW #200, Willmar, MN 56201	
Thomas R. Torgerson, 100% owner of TPI-FMB Investment, LLC	

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock



**COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING**

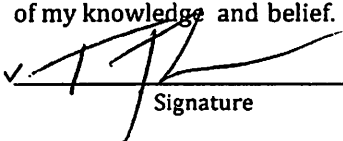
Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

✓ 

Signature

TPI-FMB, LLC, a Florida limited liability company
Thomas R. Torgerson, Manager

Printed Name

AFFIDAVIT

**APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.),
LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, Thomas R. Torgerson (name), as Manager (title)
of TPI-FMB, LLC, a Florida Limited Liability Corp. (company), swear or affirm under oath, that I am the
owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 6 of 11



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

TPI-FMB, LLC, a Florida limited liability corporation

Name of Entity (corporation, partnership, LLP, LLC, etc)

[Signature]
Signature

Manager

Title

Thomas R. Torgerson

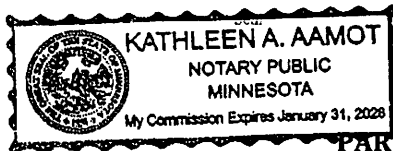
Typed or Printed Name

3-24-23

Date

STATE OF Minnesota COUNTY OF Hendry

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 24th day of March, 2023, by Thomas R. Torgerson, ☒ who is personally known to me OR ☐ who has produced _____ as identification.



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

Parcel 2 (collectively): 24-46-23-W3-00009.0000, 19-46-24-W4-0140B.0070, 19-46-24-W4-U0491.2610, STRAP: 19-46-24-W4-U0494.2609, 19-46-24-W4-U0496.2608, 19-46-24-W4-U0498.2607; AND Parcel 3: 24-46-23-W3-00205.0070

Property Address: 1170, 1180/1192, 1204/1206 Estero Blvd., portions of Estero Blvd. right-of-way and portions of the 5th Street right-of-way, more or less (See attached location map.)

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County? ☒ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) _____ Parcel 2: +/- 457.94
Parcel 3: +/- 78.31 feet

Depth (please provide an average width if irregular in shape) Parcel 2: +/-161.03 avg.; Parcel 3: +/-124.06 feet

Frontage on street: Parcel 2: +/-459.95
Parcel 3: +/-199.15 feet. Frontage on waterbody: _____ 0.00 feet

Total land area: Parcel 2: +/-1.47 Acres; Parcel 3: +/-0.21 Acres ☒ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

West on San Carlos Blvd. across the Sky Bridge. Parcel 3 is on the left side of San Carlos Blvd. just before you
get to the Fifth Street on-ramp. Continue on San Carlos Blvd. until it curves left, transitioning into Estero Blvd.

Parcel 2 is on the right-hand side of Estero Blvd. just beyond the pedestrian overpass for the Margaritaville
resort currently under construction.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☒ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☒ Attach a map showing the surrounding property owners as Exhibit 6-7.

☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density

☐ Mixed Residential

☐ Boulevard

☒ Pedestrian Commercial

☐ Marina

☐ Recreation

☐ Wetlands

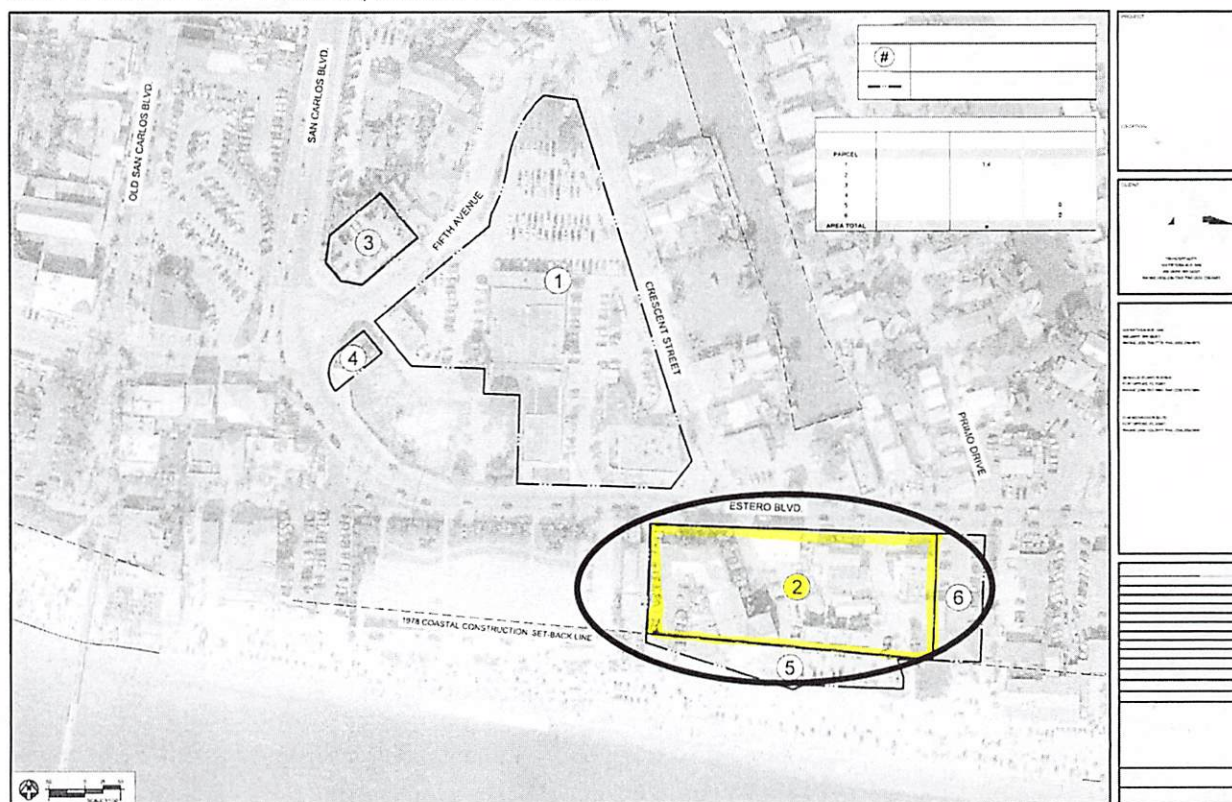
☐ Platted Overlay

DESCRIPTION - PARCEL NO. 2

PARCEL OF LAND LYING IN PARTIALLY IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND PARTIALLY IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, SAID PARCEL ENCOMPASSING UNPLATTED LANDS, PORTIONS OF "CRESCENT PARK", INCLUDING A PORTION OF CANAL STREET AND THE 12-FOOT-WIDE STRIP OF LAND SHOWN ALONG THE WEST SIDE OF LOTS 2, 3, 6, AND 7, BLOCK B, ON SAID PLAT OF "CRESCENT PARK", AS RECORDED IN PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "E", CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER"; THENCE S.0°41'08"E. ALONG THE SAID SECTION LINE, A DISTANCE OF 53.15 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ESTERO BOULEVARD AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S.70°35'51"E. A DISTANCE OF 270.05 FEET TO A POINT ON THE NORTH LINE OF LOT 4, BLOCK "A" OF SAID "CRESCENT PARK"; THENCE S.19°24'09"W. A DISTANCE OF 174.90 FEET TO A POINT ALONG THE COASTAL CONSTRUCTION SET-BACK LINE AS DESCRIBED IN PLAT BOOK 31, PAGE 1 THROUGH 21, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.67°11'13"W ALONG SAID SET-BACK LINE, FOR A DISTANCE OF 393.39 FEET; THENCE N.19°24'24"E. FOR A DISTANCE OF 151.50 FEET TO AN INTERSECTION WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD; THENCE S.70°35'51"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 122.63 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

CONTAINING 1.47 ACRES, MORE OR LESS.

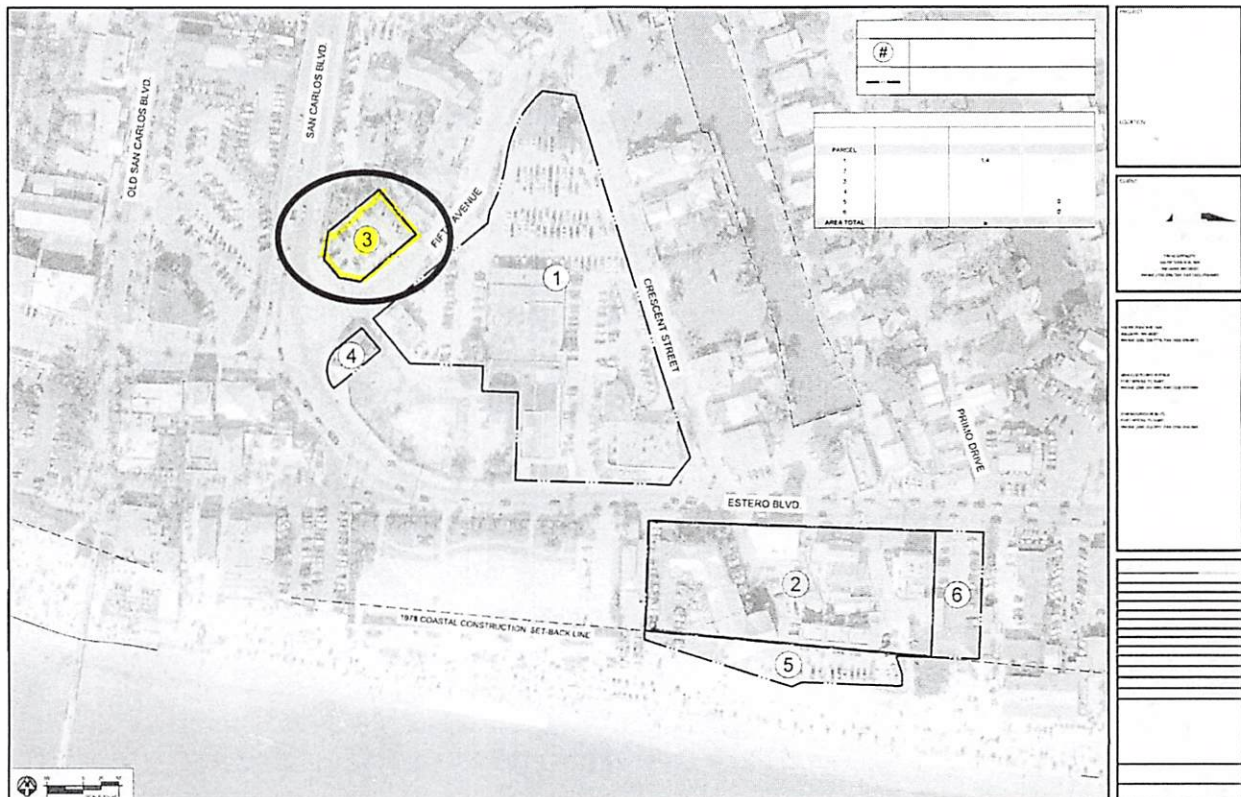


DESCRIPTION - PARCEL NO. 3

LOTS 7, 8, AND 9, BLOCK 5, BUSINESS CENTER SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 9, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SAID LOT 7 IS LESS ROAD RIGHT-OF-WAY TAKEN BY FLORIDA DEPARTMENT OF TRANSPORTATION FOR S.R. 865, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, PUBLIC RECORDS OF LEE COUNTY, FLORIDA), SAID PARCEL 3 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK 5; THENCE S.67°39'08"W. ALONG THE SOUTH LINES OF SAID LOTS 7, 8, AND 9, BLOCK 5, A DISTANCE OF 101.00 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY ACQUISITION PARCEL RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129; THENCE N.61°53'00"W. ALONG THE BOUNDARY OF SAID ACQUISITION PARCEL, A DISTANCE OF 29.83 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID LOT 7, BLOCK 5; THENCE N.22°19'38"W. ALONG THE SAID WESTERLY LINE OF LOT 7, A DISTANCE OF 32.39 FEET TO THE MOST SOUTHERLY CORNER OF THE MOST NORTHERLY PORTION OF SAID RIGHT-OF-WAY ACQUISITION PARCEL RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129; THENCE N.26°00'15"E. ALONG THE BOUNDARY OF SAID ACQUISITION PARCEL, A DISTANCE OF 37.02 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT 7, BLOCK 5; THENCE N.67°39'08"E. ALONG THE NORTH LINE OF SAID LOTS 7, 8, AND 9, A DISTANCE OF 92.35 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 9; THENCE S.22°19'38"E. ALONG THE EASTERLY LINE OF SAID LOT 9, A DISTANCE OF 80.00 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

CONTAINING 0.21 ACRE, MORE OR LESS.



DESCRIPTION
PARCEL NO. 1

PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, TOWN OF FORT MYERS BEACH, ESTERO ISLAND, LEE COUNTY, FLORIDA, SAID PARCEL ENCOMPASSING UNPLATTED PORTIONS OF "BUSINESS CENTER" INCLUDING PART OF CENTER STREET, ESTERO BOULEVARD, AS SHOWN ON PLAT OF SAID "BUSINESS CENTER," RECORDED IN PLAT BOOK 8, PAGES 9 AND 10, AND THE RIGHT-OF-WAY TACKING, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, PARCEL NO. 1 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "E," CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER," THENCE N 70°35'51"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, A DISTANCE OF 77.73 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION OF PARCEL NO. 1, THENCE CONTINUE N 70°35'51"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 211.46 FEET, THENCE S 8°19'35"E, A DISTANCE OF 122.84 FEET, THENCE N 47°33'27"W, A DISTANCE OF 56.58 FEET, THENCE N 18°23'58"E, A DISTANCE OF 35.05 FEET TO THE MOST SOUTHERLY CORNER OF LOT 7, BLOCK 8, OF SAID "BUSINESS CENTER," THENCE S 7°12'42"W, ALONG THE REAR LOT LINE OF LOT 8 AND 7, OF SAID BLOCK 8, A DISTANCE OF 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 6, THENCE N 27°18'14"W, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6, BEING ALSO THE NORTHEASTERLY LINE OF LOT 4, SAID BLOCK 8, A DISTANCE OF 82.54 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, AS SHOWN ON SAID PLAT OF "BUSINESS CENTER," THENCE S 47°17'33"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 204.87 FEET, THENCE S 26°11'29"E, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 14.4 FEET TO THE MOST SOUTHERLY CORNER OF TRACT 9, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1164, PAGE 129, OF SAID LEE COUNTY PUBLIC RECORDS, THENCE ALONG THE EASTERLY BOUNDARY OF SAID RIGHT-OF-WAY TAKING FOR THE NEXT TWO COURSES NORTHEASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 709.50 FEET, A CENTRAL ANGLE OF 20°24'29", AND WHOSE CHORD BEARS N 35°34'53"E, FOR A DISTANCE OF 74.45 FEET, HAVING AN ARC LENGTH OF 75.05 FEET TO A POINT-OF-REVERSE CURVATURE OF A CURVE TO THE RIGHT, THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 753.00 FEET, A CENTRAL ANGLE OF 41°00'22" AND WHOSE CHORD BEARS N 45°47'52"E, FOR A DISTANCE OF 105.74 FEET, HAVING AN ARC LENGTH OF 108.87 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF FOURTH STREET, AS SHOWN ON SAID PLAT OF "BUSINESS CENTER," THENCE S 49°17'52"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 47.46 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID RIGHT-OF-WAY TAKING TRACT 9 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1235, PAGE 170, OF THE SAID LEE COUNTY PUBLIC RECORDS, THENCE SOUTHERLY ALONG THE SAID WESTERLY BOUNDARY OF TRACT 9 FOR THE NEXT FIVE (5) COURSES, S 87°46'40"E, A DISTANCE OF 48.80 FEET, THENCE S 70°59'21"W, A DISTANCE OF 104.77 FEET, THENCE S 23°09'24"E, A DISTANCE OF 141.23 FEET, THENCE S 2°40'35"E, A DISTANCE OF 123.79 FEET, THENCE S 34°20'26"N, A DISTANCE OF 48.19 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 2.71 ACRES, MORE OR LESS.

DESCRIPTION
PARCEL NO. 2

PARCEL OF LAND LYING IN PARTIALLY IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND PARTIALLY IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, SAID PARCEL ENCOMPASSING UNPLATTED LANDS, PORTIONS OF "CRESCENT PARK" INCLUDING A PORTION OF CANAL STREET AND THE 12 FOOT WIDE STRIP OF LAND SHOWN ALONG THE WEST SIDE OF LOTS 2, 3, 6 AND 7, BLOCK 8, ON SAID PLAT OF "CRESCENT PARK," AS RECORDED IN PLAT BOOK 4, PAGE 38, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "E," CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER," THENCE S 0°41'06"E, ALONG THE SAID SECTION LINE, A DISTANCE OF 53.15 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ESTERO BOULEVARD AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION, THENCE S 72°35'51"E, A DISTANCE OF 370.05 FEET TO A POINT ON THE NORTH LINE OF LOT 4, BLOCK "A" OF SAID "CRESCENT PARK," THENCE S 1°24'20"N, A DISTANCE OF 174.89 FEET TO A POINT ALONG THE COASTAL CONSTRUCTION SET-BACK LINE AS DESCRIBED IN PLAT BOOK 25, PAGE 1 THROUGH 21, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE N 67°11'17"W, ALONG SAID SET-BACK LINE, FOR A DISTANCE OF 393.38 FEET, THENCE N 18°24'24"E, FOR A DISTANCE OF 151.30 FEET TO AN INTERSECTION WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, THENCE S 72°35'51"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 122.83 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 1.47 ACRES, MORE OR LESS.

DESCRIPTION
PARCEL NO. 3

LOTS 7, 8 AND 9, BLOCK 5, BUSINESS CENTER SUBDIVISION, AS RECORDED IN PLAT BOOK 8, PAGE 9, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, (AND LOT 18 LIES ROAD RIGHT-OF-WAY TAKEN BY FLORIDA DEPARTMENT OF TRANSPORTATION FOR S.R. 865, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, PUBLIC RECORDS OF LEE COUNTY, FLORIDA), SAID PARCEL 1 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK 5, THENCE S 87°30'10"W, ALONG THE SOUTH LINES OF SAID LOTS 7, 8, AND 9, BLOCK 5, A DISTANCE OF 101.91 FEET TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY ACQUISITION PARCEL, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, THENCE N 41°33'20"W, ALONG THE BOUNDARY OF SAID ACQUISITION PARCEL, A DISTANCE OF 29.83 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID LOT 7, BLOCK 5, THENCE S 22°19'59"W, ALONG THE SAID WESTERLY LINE OF LOT 7, A DISTANCE OF 22.39 FEET TO THE MOST SOUTHERLY CORNER OF THE MOST NORTHERLY PORTION OF SAID RIGHT-OF-WAY ACQUISITION PARCEL, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, THENCE N 26°10'15"E, ALONG THE BOUNDARY OF SAID ACQUISITION PARCEL, A DISTANCE OF 37.02 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT 7, BLOCK 5, THENCE N 67°18'18"E, ALONG THE NORTH LINE OF SAID LOT 7, 8 AND 9, A DISTANCE OF 82.35 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 9, THENCE S 22°19'59"E, ALONG THE EASTERLY LINE OF SAID LOT 9, A DISTANCE OF 40.20 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 0.21 ACRE, MORE OR LESS.

DESCRIPTION
PARCEL NO. 4

LOT 5, BLOCK 6, BUSINESS CENTER SUBDIVISION, AS RECORDED IN PLAT BOOK 8, PAGE 9, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS SAID RIGHT-OF-WAY TAKEN BY FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129 AND BOOK 1164, PAGE 129, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, CONTAINING 0.07 ACRES, MORE OR LESS.

DESCRIPTION
PARCEL NO. 5

PARCEL OF LAND LYING IN PARTIALLY IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND PARTIALLY IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, SAID PARCEL ENCOMPASSING UNPLATTED LANDS, PORTIONS OF "CRESCENT PARK" INCLUDING A PORTION OF CANAL STREET AND THE 12 FOOT WIDE STRIP OF LAND SHOWN ALONG THE WEST SIDE OF LOTS 2, 3, 6 AND 7, BLOCK 8, ON SAID PLAT OF "CRESCENT PARK," AS RECORDED IN PLAT BOOK 4, PAGE 38, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "E," CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER," THENCE S 0°41'06"E, ALONG THE SAID SECTION LINE, A DISTANCE OF 53.15 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ESTERO BOULEVARD, THENCE S 72°35'51"E, A DISTANCE OF 137.10 FEET TO THE NORTHEAST CORNER OF LOT 3, BLOCK "A" OF SAID "CRESCENT PARK," THENCE S 8°24'09"W, ALONG THE EASTERLY LINES OF SAID LOT 3 AND LOT 7, OF SAID BLOCK "A," A DISTANCE OF 175.23 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 7, THENCE N 70°35'51"W, ALONG THE SOUTH LINE OF SAID LOT 7 AND LOT 6, A DISTANCE OF 87.00 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION, THENCE CONTINUING N 72°35'51"W, ALONG THE SOUTH LINE OF SAID LOT 8 AND ITS NORTHEASTERLY EXTENSION, ACROSS THE RIGHT-OF-WAY OF SAID CANAL STREET FOR A DISTANCE OF 40.24 FEET TO THE NORTHEAST CORNER OF LOT 4, BLOCK "B" OF SAID "CRESCENT PARK," THENCE SOUTHERLY ALONG THE SOUTHERLY LINE OF SAID LOT 9 FOR THE NEXT TWO COURSES, S 0°41'06"E, A DISTANCE OF 36.89 FEET, THENCE S 70°35'51"W, A DISTANCE OF 16.41 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY EXTENSION OF THE SEAWARD FACE OF AN EXISTING CONCRETE RETAINING WALL, THENCE ALONG THE SAID SEAWARD FACE AND ITS NORTHEASTERLY EXTENSION FOR THE NEXT EIGHT (8) COURSES, N 89°51'54"W, A DISTANCE OF 1.82 FEET, THENCE N 89°51'54"W, FOR A DISTANCE OF 1.34 FEET, THENCE N 71°18'47"W, A DISTANCE OF 7.35 FEET, THENCE N 34°54'20"W, A DISTANCE OF 1.35 FEET, THENCE S 72°42'41"W, A DISTANCE OF 47.63 FEET, THENCE N 68°59'57"W, A DISTANCE OF 74.63 FEET, THENCE S 44°21'17"W, A DISTANCE OF 15.85 FEET, THENCE N 64°54'18"W, A DISTANCE OF 211.47 FEET, THENCE N 18°24'24"E, LEAVING SAID SEAWARD FACE OF THE CONCRETE SEAWALL, A DISTANCE OF 12.72 FEET TO AN INTERSECTION WITH THE COASTAL CONSTRUCTION SET-BACK LINE AS DESCRIBED IN PLAT BOOK 25, PAGE 1 THROUGH 21, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE S 87°11'15"E, ALONG SAID COASTAL CONSTRUCTION CONTROL LINE, A DISTANCE OF 393.38 FEET, THENCE LEAVING SAID SET-BACK LINE, N 18°24'24"E, FOR A DISTANCE OF 5.34 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 0.33 ACRES, MORE OR LESS.

DESCRIPTION
PARCEL NO. 6

PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, SAID PARCEL ENCOMPASSING ALL OF LOTS 4 AND 7, AND PORTIONS OF LOTS 4 AND 5, BLOCK "A," CRESCENT PARK, AS RECORDED IN PLAT BOOK 4, PAGE 38, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "E," CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER," THENCE S 0°41'06"E, ALONG THE SAID SECTION LINE, A DISTANCE OF 53.15 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ESTERO BOULEVARD, THENCE ALONG SAID RIGHT-OF-WAY, S 72°35'51"E, A DISTANCE OF 370.05 FEET TO A POINT ON THE NORTH LINE OF LOT 4, BLOCK "A" OF SAID "CRESCENT PARK," AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION, THENCE CONTINUING S 72°35'51"E, FOR A DISTANCE OF 87.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 3, THENCE S 70°34'09"W, A DISTANCE OF 175.23 FEET TO SOUTHEAST CORNER OF SAID LOT 7, THENCE N 72°35'51"W, ALONG THE SOUTH LINE OF LOT 7 AND LOT 6, FOR A DISTANCE OF 87.00 FEET, THENCE N 18°24'24"E, FOR A DISTANCE OF 113.23 FEET TO AN INTERSECTION WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AND THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 0.27 ACRES, MORE OR LESS.

SURVEYORS NOTES:

THE DESCRIPTIONS SHOWN HEREON ARE NEW.

SURVEYS BASED ON DESCRIPTION PROVIDED BY THE CLIENT AND THE RECORDED PLAT OF "BUSINESS CENTER," AS RECORDED IN PLAT BOOK 4, PAGES 38 AND 39, AND CRESCENT PARK SUBDIVISION, AS RECORDED IN PLAT BOOK 4, PAGE 38, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CURRENT TITLE SEARCH, ALL EASEMENTS AND RIGHT-OF-WAY TACKINGS, AND OTHER ENCUMBRANCES SHOWN HEREON ARE BASED ON PREVIOUS SURVEYS AND TITLE DOCUMENTS.

THIS MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES.

PARCELS ARE SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

ORIENTATION BASED ON THE EASTERLY LINE OF SECTION 24, T. 46 S. R. 23 E. AS BEARING N 00°41'06" W.

COORDINATES SHOWN HEREON ARE BASED ON FLORIDA GRID, NAD 83 ZONE, NAD 83 160.

THE EXISTENCE OF UNRECORDED OR NON-VISIBLE IMPROVEMENTS WAS NOT INVESTIGATED, UNLESS OTHERWISE SHOWN.

ACCORDING TO FIRM MAP NO. 1027602004F, EFFECTIVE DATE OF AUGUST 28, 2008, THESE PARCELS OF LAND ARE LOCATED IN FLOOD ZONE VE, WITH BASE FLOOD ELEVATIONS THAT VARY FROM ELE. 11 TO ELE. 17, NAVD83. SEE DRAWING FOR BASE FLOOD BOUNDARIES.

CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 6891.

DATE OF LAST FIELD WORK: 10-11-2017 IN FIELD BOOK 97, PAGE 33.

UNLESS IT BEARS THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

PREPARED BY:

MARK A. HATHFIELD P.S.M.
FLORIDA CERT. NO. 4155

DATE

PROJECT

A PROPOSED FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION

FORT MYERS BEACH
FLORIDA

CLIENT

TPI
HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
102 FIFTEEN AVE. NW
WILMINGTON, MS 39201
PHONE (202) 236-7207 FAX (202) 236-6865

CONSULTANTS

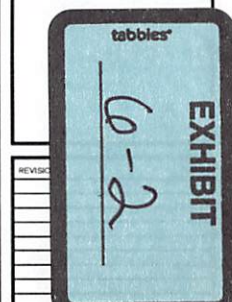
ARCHITECT
WIMBER TERRY
BARNES & ASSOCIATES, INC.
1601 PETER AVE. NW
WILMINGTON, MS 39201
PHONE (202) 236-1775 FAX (202) 236-9675

PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE

2861 CENTER FORTE DRIVE, UNIT 100
FORT MYERS, FL 33901
PHONE (239) 331-3065 FAX (239) 331-3066

TRANSPORTATION

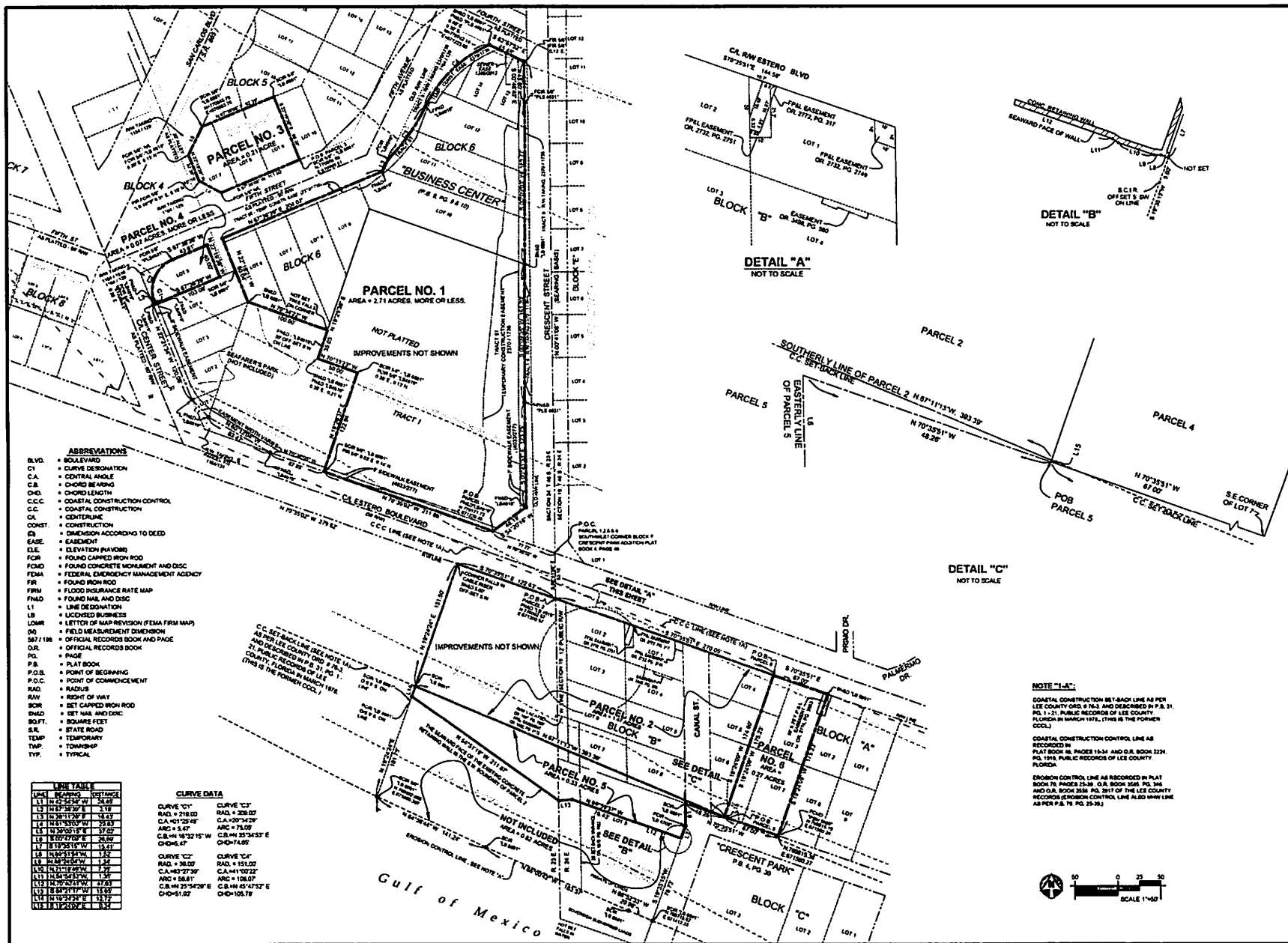
DAVID RUMMER & ASSOCIATES
2144 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 333-2617 FAX (239) 333-2646



PROJECT	BOUNDARY SURVEY
DRAWING BY	BMH
JURISDICTION	TOWN OF FORT MYERS BEACH
DATE	04.30.2018
SHEET TITLE	

BOUNDARY SURVEY

SHEET NUMBER	X-102-BNDY.00
JOINT FILE NUMBER	15069-14



PROJECT

A PROPOSED FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION

FORT MYERS BEACH
FLORIDA

CLIENT

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
140 FORT MYERS BLVD., 10TH FLOOR
FORT MYERS, FL 33901
PHONE (239) 239-7200 FAX (239) 239-6441

CONSULTANTS

ARCHITECT
HARRIS & ASSOCIATES, INC.
140 FORT MYERS BLVD., 10TH FLOOR
FORT MYERS, FL 33901
PHONE (239) 239-7200 FAX (239) 239-6441

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
WIMMER GROUP
2001 CENTER POINTE DRIVE, SUITE 100
FORT MYERS, FL 33901
PHONE (239) 333-3800 FAX (239) 333-3800

TRANSPORTATION
DAVID HARRIS & ASSOCIATES
2144 WILSON BLVD.
FORT MYERS, FL 33901
PHONE (239) 333-3817 FAX (239) 333-3800

REVISIONS	DATE

PROJECT MANAGER SMH

DRAWING BY SMH

APPROVED BY TOWN OF FORT MYERS BEACH

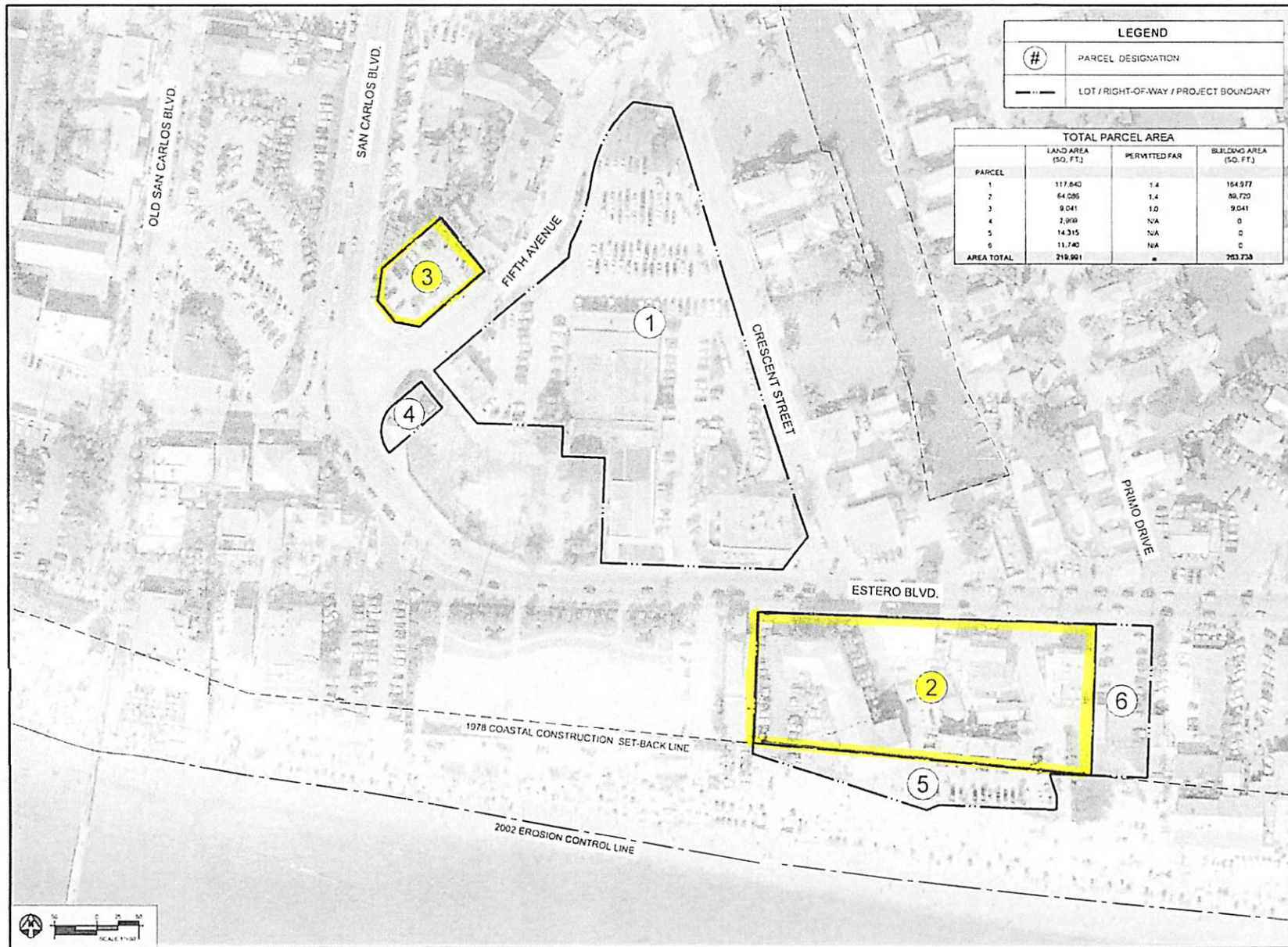
DATE 01-30-2018

SHEET TITLE

BOUNDARY SURVEY

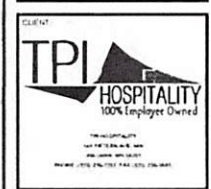
SHEET NUMBER X-103-BNDY.01

JOINT FILE NUMBER 15089-14



PROJECT
TPI-FMB CPD

LOCATION
FORT MYERS BEACH
FLORIDA



CONSULTANTS
ARCHITECT
HARRIS & HARRIS INC.
1000 TOWN AVE. SUITE 100
FORT MYERS, FL 33901
PHONE: (813) 775-1111 FAX: (813) 775-1111

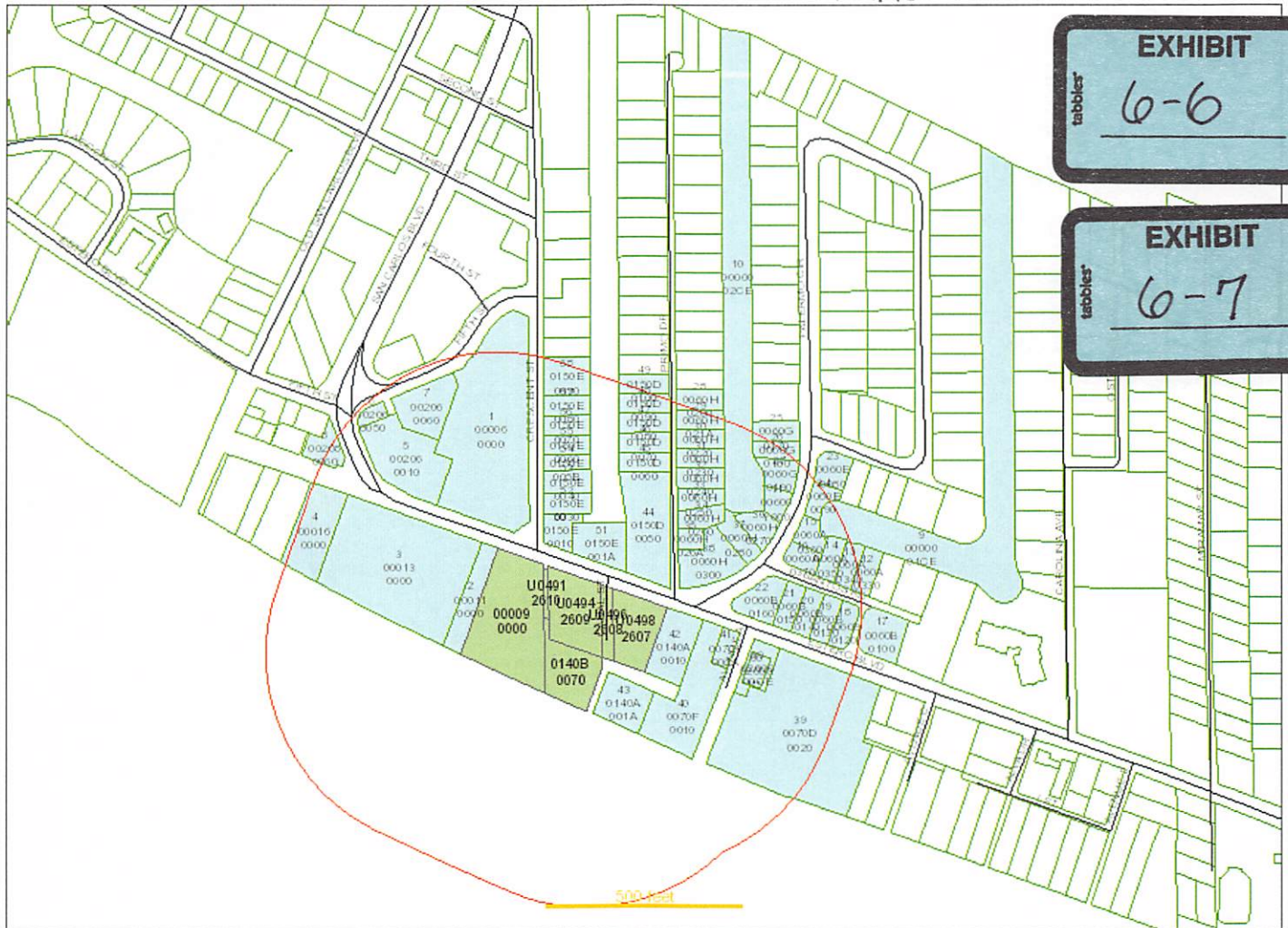
PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
HARRIS & HARRIS INC.
1000 TOWN AVE. SUITE 100
FORT MYERS, FL 33901
PHONE: (813) 775-1111 FAX: (813) 775-1111

TRANSPORTATION
HARRIS & HARRIS INC.
1000 TOWN AVE. SUITE 100
FORT MYERS, FL 33901
PHONE: (813) 775-1111 FAX: (813) 775-1111

REVISIONS	DATE



PARCEL 2



Date of Report: March 21, 2023

Buffer Distance: 500 feet

Parcels Affected: 69

Subject Parcels: 19-46-24-W4-0140B.0070, 19-46-24-W4-U0491.2610, 19-46-24-W4-U0494.2609, 19-46-24-W4-U0496.2608, 19-46-24-W4-U0498.2607, 24-46-23-W3-00009.0000

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TPI-FMB LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00006.0000 251 CRESCENT ST FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	1
CLOWNFISH RESTAURANT HOLDINGS 11201 COOPERATE CIRCLE N SAINT PETERSBURG FL 33716	24-46-23-W3-00011.0000 1154 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG SW COR BLK E CRESCENT PARK ADD ON E LI SEC 24 S ALG E LI SEC 53.24 FT TO S	2
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWN 46 R 23 S OF ESTERO BLVD AS DESC IN INST #'S 201000023675 + 201000023676	3
PRESAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	4

LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	5
TOWN OF FORT MYERS BEACH 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	6
TPI-FMB LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0060 1150 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	7
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	8
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.01CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 RIO DEL LIDO CANAL	9
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.02CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 CANAL GRANDE CANAL	10
VAN BURGESS ROBERT PO BOX 2717 FORT MYERS BEACH FL 33932	19-46-24-W4-00600.Y000 125/127 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK Y PB 6 PG 70 ALL BLK Y EXC NLY 11 FT	11
AULLS TRICIA M 7241 BERGAMO WAY UNIT 101 FORT MYERS FL 33966	19-46-24-W4-0060A.0330 1351 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 33	12
WILCOX LANCE 1339 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0340 1339 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 34	13
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0350 1335 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 35	14
CONNER CHARLES R & GAIL D 53 POMPAÑO ST FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0360 126 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 36 + S 1/2 OF BLK X LESS THE N 20 FT	15
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0370 1321 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 37	16
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0100 1397 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 W 1/2 LOT 9 LOTS 10 + 11	17
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0120 1365/1375 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 12	18
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0130 1345 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 13	19
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0140 1331 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 14	20
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0150 1325 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 15	21

7-ELEVEN INC CORP INCOME TAX DEPT 3200 HYACKBERRY RD IRVING TX 75063	19-46-24-W4-0060B.0160 1301 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETAIN GARDENS BLK B PB 6 PG 70 LOTS 16 + 17	22
GNIRCK RAPHAEL + AM MUEHLBERG 39A BAD HOMBURG VD HOEHE 61348 GERMANY	19-46-24-W4-0060E.0080 581 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.E PB 6 PG 70 LOT 8 + LOT PT 9	23
STRICK RICHARD A & 5804 PARK RIDGE CT FORT COLLINS CO 80528	19-46-24-W4-0060E.0090 130 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6/70 BLK E S 1/2 OF LOT 9 + ALL OF BLK X LESS S 20 FT	24
DAY BILLY WAYNE 3708 SHANNON RUN TRL LOUISVILLE KY 40299	19-46-24-W4-0060G.0170 155 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 17	25
LUMP THOMAS F & ANN C 145 PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-0060G.0180 145 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOT 18	26
SLOMSKI STEVEN A & PO BOX 2428 PMB 25382 PENSACOLA FL 32513	19-46-24-W4-0060G.0190 139 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 19 NLY 11 FT BLK Y	27
BAILEY JAMES P & LANA C 162 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0200 162 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LT 20	28
SANDY BEACH L L C 1892 SANDY BEACH RD CLARION IA 50525	19-46-24-W4-0060H.021A 150 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 21	29
NEUMANN SHEILA 146 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0220 146 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 22	30
140 PRIMO LLC SHEILA NEUMANN 146 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0230 140 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 23	31
SEABIRD RESIDENTIAL LLC 1709 SW 47TH TER CAPE CORAL FL 33914	19-46-24-W4-0060H.0240 136 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 24	32
HIGHLEY JAY E & MARY B 124 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0250 124 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 25	33
HIGHLEY MARY BETH TR 6620 ESTERO BLVD #1006 FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0260 122 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOT 26	34
KWSH RE LLC 2601 MULBERRY AVE MUSCATINE IA 52761	19-46-24-W4-0060H.026A 120 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOTS 26 31 32	35
ARLINGTON GREEN HOMES LLC 44 ALGONQUIN CT MARCO ISLAND FL 34145	19-46-24-W4-0060H.0270 121 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOT 27	36
KALIDINDI RAMA USHA + 44354 APACHE CIR ASHBURN VA 20147	19-46-24-W4-0060H.0280 117 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 28 + PT LOTS 26 + 29	37
1249 ESTERO ADVENTURES LLC 290 BAHIA VIA FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0300 1249 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31+32 + PT LT 29 OR2414/2433	38
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0070D.0020 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLKS D + E + VAC R/W DESC OR 1293 PG 1208	39

COLORADO EAST LLC DANA GOSFORD 6529 BRANDON PARK WAY FRANKLIN TN 37064	19-46-24-W4-0070F.0010 1250 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK LTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LTS 1-5 BLK F LESS ESTRLY 45FT OF NRTHLY 2.7 LT 3	40
OUR BEACH SAND LLC 12483 SUMMERWOOD DR FORT MYERS FL 33908	19-46-24-W4-0070F.001A 1270 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK F PB 4 PG 45 PT LOTS 1 2 & 3 DESC IN OR 1319 PG 1459	41
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0140A.0010 1240 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK PB 4 PG 39 BLK A LOTS 1 + 2 + 8 + 9	42
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0140A.001A 200 CANAL ST FORT MYERS BEACH FL	CRESCENT PARK PB 4 PG 39 BLK C LOT 3 LESS E 2.5 FT	43
TPI-FMB SUITES LLC 1207 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0050 1207 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 1 THRU 5	44
BISCHOFF JEAN B TR JEFF MAAAS 20468 ARDORE LN ESTERO FL 33928	19-46-24-W4-0150D.0060 141 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 6 + VAC R/W + LAND ADJ CANAL	45
GRIFFIS LLC 9051 E CHICAGO RD JEROME MI 49249	19-46-24-W4-0150D.0070 143 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 7 + VAC R/W + LAND ADJ CANAL	46
PATTON THOMAS D & 153 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0080 153 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 8 + VAC R/W + LAND ADJ CANAL	47
ALMEIDA ROBERT M + 163 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0090 163 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 9 + VAC R/W + LAND ADJ CANAL	48
BRIODY SUSAN S 167 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0100 167 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 10 + VAC R/W + LAND ADJ CANAL	49
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0010 1161/1165 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 PT LTS 1 + 2 OR0545/43LESR/W 2353/3036	50
DEEP DISH DOUGH LLC 328 BUCKLIN ST LA SALLE IL 61301	19-46-24-W4-0150E.001A 1167 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 BEG ON NLY SI CO RD 80 FT	51
MILLER CONRAD RE LLC PO BOX 80490 FORT WAYNE IN 46898	19-46-24-W4-0150E.0030 108/116 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 3	52
INVESTMENTS OF FMB LLC MARK DEIFT 560 NW 118 AVE PLANTATION FL 33325	19-46-24-W4-0150E.0040 118/122 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 4 + S10 FT LOT 5 LES R/W2353/3036	53
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.005B 140 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 40 FT OF LOT 5 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	54
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0060 150 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 6 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	55
RICHARD JOHN W + 152 CRESCENT ST FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0070 152 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 7 +	56

		VAC R/W + LAND ADJ LESR/WOR2353/3036	
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0080 170 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 8 + VAC R/W + LAND ADJ LESR/WOR2353/3036	57
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0090 202 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOTS 9 10 + VAC + LAND ADJ LESR/W2353/3036	58
CRESCENT SHORE CONDO ASSOC PO BOX 2990 FORT MYERS BEACH FL 33932	19-46-24-W4-02600.00CE CRESCENT SHORE C/E FORT MYERS BEACH FL 33931	A CONDO LOCATED IN SEC 19 TWP 46 RGE 24 AS DESC IN OR 1464 PG 445 COMMON ELEMENTS	59
1300 ESTERO BLVD LLC 32 BAYVIEW BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-02600.1010 1300 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNITS 101 102 + 103	60
BEYER TAMMY E TR 9656 HALYARDS CT # 24 FORT MYERS FL 33919	19-46-24-W4-02600.1040 1300 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 104	60
ANDRESEN EDWIN TR 7960 PRESERVATION DR INDIANAPOLIS IN 46278	19-46-24-W4-02600.1050 1300 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 105	60
BOCELLA SALVATORE 4 POINT VIEW CT SICKLERVILLE NJ 08081	19-46-24-W4-02600.1060 1300 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 106	60
JOHNSON NANCY ANN L/E 9 NANCY LN FORT MYERS BEACH FL 33931	19-46-24-W4-02600.2010 1300 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 201	60
HECK LLC 15561 CATALPA COVE DR FORT MYERS FL 33908	19-46-24-W4-02600.2020 1300 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 202	60
CONANT DONNA TR 8122 S FOREST HILL CIR FRANKLIN WI 53132	19-46-24-W4-02600.2030 1300 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 203	60
DENNIS R + CYNTHIA L LOKEN TRU 106 ICHABOD LN MANKATO MN 56001	19-46-24-W4-02600.2040 1300 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 204	60
LANDOLFI STEVEN J 22 VETO ST PROVIDENCE RI 02908	19-46-24-W4-02600.2050 1300 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 205	60
NIEMEIER RYAN & SUMMER 106 S WALNUT ST LA CRESCENT MN 55947	19-46-24-W4-02600.2060 1300 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 206	60

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

CLOWNFISH RESTAURANT HOLDINGS
11201 COORPORATE CIRCLE N
SAINT PETERSBURG FL 33716

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

PRESAUD PROPERTIES FL
361 SEMINOLE WAY
FORT MYERS BEACH FL 33931

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VAN BURGESS ROBERT
PO BOX 2717
FORT MYERS BEACH FL 33932

AULLS TRICIA M
7241 BERGAMO WAY UNIT 101
FORT MYERS FL 33966

WILCOX LANCE
1339 SANTOS RD
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

CONNER CHARLES R & GAIL D
53 POMPAÑO ST
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

7-ELEVEN INC
CORP INCOME TAX DEPT
3200 HYACKBERRY RD
IRVING TX 75063

GNIRCK RAPHAEL +
AM MUEHLBERG 39A
BAD HOMBURG VD HOEHE 61348
GERMANY

STRICK RICHARD A &
5804 PARK RIDGE CT
FORT COLLINS CO 80528

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

LUMP THOMAS F & ANN C
145 PALERMO CIR
FORT MYERS BEACH FL 33931

SLOMSKI STEVEN A &
PO BOX 2428 PMB 25382
PENSACOLA FL 32513

BAILEY JAMES P & LANA C
162 PRIMO DR
FORT MYERS BEACH FL 33931

SANDY BEACH L L C
1892 SANDY BEACH RD
CLARION IA 50525

NEUMANN SHEILA
146 PRIMO DR
FORT MYERS BEACH FL 33931

140 PRIMO LLC
SHEILA NEUMANN
146 PRIMO DR
FORT MYERS BEACH FL 33931

SEABIRD RESIDENTIAL LLC
1709 SW 47TH TER
CAPE CORAL FL 33914

HIGHLEY JAY E & MARY B
124 PRIMO DR
FORT MYERS BEACH FL 33931

HIGHLEY MARY BETH TR
6620 ESTERO BLVD #1006
FORT MYERS BEACH FL 33931

KWSH RE LLC
2601 MULBERRY AVE
MUSCATINE IA 52761

ARLINGTON GREEN HOMES LLC
44 ALGONQUIN CT
MARCO ISLAND FL 34145

KALIDINDI RAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

COLORADO EAST LLC
DANA GOSFORD
6529 BRANDON PARK WAY
FRANKLIN TN 37064

OUR BEACH SAND LLC
12483 SUMMERWOOD DR
FORT MYERS FL 33908

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

TPI-FMB SUITES LLC
1207 ESTERO BLVD
FORT MYERS BEACH FL 33931

BISCHOFF JEAN B TR
JEFF MAAAS
20468 ARDORE LN
ESTERO FL 33928

GRIFFIS LLC
9051 E CHICAGO RD
JEROME MI 49249

PATTON THOMAS D &
153 PRIMO DR
FORT MYERS BEACH FL 33931

ALMEIDA ROBERT M +
163 PRIMO DR
FORT MYERS BEACH FL 33931

BRIODY SUSAN S
167 PRIMO DR
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

DEEP DISH DOUGH LLC
328 BUCKLIN ST
LA SALLE IL 61301

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W +
152 CRESCENT ST
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

CRESCENT SHORE CONDO ASSOC
PO BOX 2990
FORT MYERS BEACH FL 33932

1300 ESTERO BLVD LLC
32 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

BEYER TAMMY E TR
9656 HALYARDS CT # 24
FORT MYERS FL 33919

ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08081

JOHNSON NANCY ANN L/E
9 NANCY LN
FORT MYERS BEACH FL 33931

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

DENNIS R + CYNTHIA L LOKEN TRU
106 ICHABOD LN
MANKATO MN 56001

LANDOLFI STEVEN J
22 VETO ST
PROVIDENCE RI 02908

NIEMEIER RYAN & SUMMER
106 S WALNUT ST
LA CRESCENT MN 55947

NIEMEIER RYAN & SUMMER
106 S WALNUT ST
LA CRESCENT MN 55947

LANDOLFI STEVEN J
22 VETO ST
PROVIDENCE RI 02908

DENNIS R + CYNTHIA L LOKEN TRU
106 ICHABOD LN
MANKATO MN 56001

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

JOHNSON NANCY ANN L/E
9 NANCY LN
FORT MYERS BEACH FL 33931

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08081

ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

BEYER TAMMY E TR
9656 HALYARDS CT # 24
FORT MYERS FL 33919

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

CLOWNFISH RESTAURANT HOLDINGS
11201 CORPORATE CIRCLE N
SAINT PETERSBURG FL 33716

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

PRESAUD PROPERTIES FL
361 SEMINOLE WAY
FORT MYERS BEACH FL 33931

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VAN BURGESS ROBERT
PO BOX 2717
FORT MYERS BEACH FL 33932

AULLS TRICIA M
7241 BERGAMO WAY UNIT 101
FORT MYERS FL 33966

WILCOX LANCE
1339 SANTOS RD
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

CONNER CHARLES R & GAIL D
53 POMPAÑO ST
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

7-ELEVEN INC
CORP INCOME TAX DEPT
3200 HYACKBERRY RD
IRVING TX 75063

GNIRCK RAPHAEL +
AM MUEHLBERG 39A
BAD HOMBURG VD HOEHE 61348
GERMANY

STRICK RICHARD A &
5804 PARK RIDGE CT
FORT COLLINS CO 80528

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

LUMP THOMAS F & ANN C
145 PALERMO CIR
FORT MYERS BEACH FL 33931

SLOMSKI STEVEN A &
PO BOX 2428 PMB 25382
PENSACOLA FL 32513

BAILEY JAMES P & LANA C
162 PRIMO DR
FORT MYERS BEACH FL 33931

SANDY BEACH L L C
1892 SANDY BEACH RD
CLARION IA 50525

NEUMANN SHEILA
146 PRIMO DR
FORT MYERS BEACH FL 33931

140 PRIMO LLC
SHEILA NEUMANN
146 PRIMO DR
FORT MYERS BEACH FL 33931

SEABIRD RESIDENTIAL LLC
1709 SW 47TH TER
CAPE CORAL FL 33914

HIGHLEY JAY E & MARY B
124 PRIMO DR
FORT MYERS BEACH FL 33931

HIGHLEY MARY BETH TR
6620 ESTERO BLVD #1006
FORT MYERS BEACH FL 33931

KWSH RE LLC
2601 MULBERRY AVE
MUSCATINE IA 52761

ARLINGTON GREEN HOMES LLC
44 ALGONQUIN CT
MARCO ISLAND FL 34145

KALIDINDI RAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

COLORADO EAST LLC
DANA GOSFORD
6529 BRANDON PARK WAY
FRANKLIN TN 37064

OUR BEACH SAND LLC
12483 SUMMERWOOD DR
FORT MYERS FL 33908

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

TPI-FMB SUITES LLC
1207 ESTERO BLVD
FORT MYERS BEACH FL 33931

BISCHOFF JEAN B TR
JEFF MAAAS
20468 ARDORE LN
ESTERO FL 33928

GRIFFIS LLC
9051 E CHICAGO RD
JEROME MI 49249

PATTON THOMAS D &
153 PRIMO DR
FORT MYERS BEACH FL 33931

ALMEIDA ROBERT M +
163 PRIMO DR
FORT MYERS BEACH FL 33931

BRIODY SUSAN S
167 PRIMO DR
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

DEEP DISH DOUGH LLC
328 BUCKLIN ST
LA SALLE IL 61301

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W +
152 CRESCENT ST
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

CRESCENT SHORE CONDO ASSOC
PO BOX 2990
FORT MYERS BEACH FL 33932

1300 ESTERO BLVD LLC
32 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

PARCEL 3



Date of Report: March 21, 2023

Buffer Distance: 500 feet

Parcels Affected: 60

Subject Parcel: 24-46-23-W3-00205.0070

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TPI-FMB LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00006.0000 251 CRESCENT ST FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	1
1005 ESTERO LLC 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00007.0000 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC	2
KALYMNIOUS PARTNERSHIP LLP 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00008.0000 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN NW 69 DEG 54 MIN WITH SEC	3
CLOWNFISH RESTAURANT HOLDINGS 11201 COOPERATE CIRCLE N SAINT PETERSBURG FL 33716	24-46-23-W3-00011.0000 1154 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG SW COR BLK E CRESCENT PARK ADD ON E LI SEC 24 S ALG E LI SEC 53.24 FT TO S	4
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWN 46 R 23 S OF ESTERO BLVD AS DESC IN INST #'S 201000023675 + 201000023676	5

PRESAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	6
PERSAUD PROPERTIES FL INVESTME 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00017.0000 1028 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRES PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD TH	7
BENCIN ENTERPRISES INC 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00018.0000 1010 ESTERO BLVD FORT MYERS BEACH FL 33931	A PAR AS DESC IN OR 1234 PG 1371	8
WHITAKER WILLIAM D & 15820 SAN ANTONIO CT FORT MYERS FL 33908	24-46-23-W3-00021.0000 1000 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE1/4 SEC 24 S OF ESTERO BLVD+E OFSAN CARLOS DR DESC OR 1547 PG 1077	9
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00022.0000 10 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUBD RUN NWLY ALG EXTENED N LINE PIER ONLY	10
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00023.0000 950 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUB RUN NWLY ALG EXTEN NLI PIER ON 22.0000	11
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	12
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 2 THRU 5	13
MERSCHMAN I LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	24-46-23-W3-00202.0060 1011 THIRD ST #1-4 FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 6	14
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0090 1037/1039 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 9 + 10	15
ALN BEACHVIEW LLC 615 CAPE CORAL PKWY W # 104 CAPE CORAL FL 33914	24-46-23-W3-00202.0110 1041 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 11	16
ALN BEACHVIEW LLC 151 MATANZAS ST UPSTAIRS FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0120 1051 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 12 LESS OR2325/0292	17
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 1	18
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0020 318/320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	19
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0150 1060 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 15 LES R/W OR2353/3036	20
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST	21
DIANNE HOLLAND TRUST + 570 KULAIWI DR WAILUKU HI 96793	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	22
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	PORTION OF BUSINESS CENTER BLK 3 & 5 PB 9 PG 9 AND A PORTION OF VACATED FOURTH ST AND PORTION OF	23

		VACATED 5TH AVE IN SEC 24 TWP 46 RNG 23	
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	24
TOWN OF FORT MYERS BEACH 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	25
TPI-FMB LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0060 1150 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	26
150 SAN CARLOS BLVD CORP OMG INC 408 BROADWAY NEW YORK NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	27
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00207.1000 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	28
CHAVEZ CARLOS L TR 991 AQUA LN FORT MYERS FL 33919	24-46-23-W3-00208.0010 80 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LOTS 1 + 2 LESS THE W 44	29
CHAVEZ CARLOS L TR 991 AQUA LN FORT MYERS FL 33919	24-46-23-W3-00208.002A 50 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT PT 2	30
BENSON BRADFORD J TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0040 1021 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 PT LOT 4 + ALL LOT 5	31
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.004A EASEMENT FORT MYERS BEACH FL 33931	PT LOT 4 AREA 2 SE 1/4 BUSINESS CENTER PB 9 PG 9 IN OR 297 P 427	32
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	33
BC III MASTERPIECE LLC 151 MATANZAS ST FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0080 1028 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOTS 8 + 9	34
RFN CORP 2401 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0100 1018 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT 10	35
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 1 THRU 12 + VAC LAGOON R/W OR2858/1391 + OR2660/2863 +2736/3702 + BLK B PB 9 PG 40 LOT 1	36
BAHAN SUZANNE E + 169 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0130 185 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 13 + PT LOT 14	37
ZOZO INVESTMENTS LLC 173 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	38
JENKINS CARROLL ANNE 3063 NORFOLK CR 23 RR6 TILLSONBURG ON N4G 4G9 CANADA	24-46-23-W3-0050A.016A 159/161 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	39

151 OLD SAN CARLOS LLC 17840 SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	40
BENSON BRADFORD J II TR 938 DEEP LAGOON LN FORT MYERS FL 33919	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	41
HOLIDAY COURT MOTEL LLC PO BOX 1118 LABELLE FL 33975	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 26	42
BRIODY SUSAN S 167 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0100 167 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 10 + VAC R/W + LAND ADJ CANAL	43
TOWNLEY ARTHUR JAMES III PO BOX 2452 FORT MYERS BEACH FL 33932	19-46-24-W4-0150D.0110 171 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 11 + VAC R/W + LAND ADJ CANAL	44
TOWNLEY ARTHUR J III PO BOX 2452 FORT MYERS BEACH FL 33932	19-46-24-W4-0150D.0120 191 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 12 + VAC R/W + LAND ADJ CANAL	45
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0010 1161/1165 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 PT LTS 1 + 2 OR0545/43LESR/W 2353/3036	46
MILLER CONRAD RE LLC PO BOX 80490 FORT WAYNE IN 46898	19-46-24-W4-0150E.0030 108/116 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 3	47
INVESTMENTS OF FMB LLC MARK DEIFT 560 NW 118 AVE PLANTATION FL 33325	19-46-24-W4-0150E.0040 118/122 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 4 + S10 FT LOT 5 LES R/W2353/3036	48
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.005B 140 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 40 FT OF LOT 5 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	49
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0060 150 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 6 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	50
RICHARD JOHN W + 152 CRESCENT ST FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0070 152 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 7 + VAC R/W + LAND ADJ LESR/WOR2353/3036	51
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0080 170 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 8 + VAC R/W + LAND ADJ LESR/WOR2353/3036	52
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0090 202 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOTS 9 10 + VAC + LAND ADJ LESR/W2353/3036	53
250 FMB LLC 4517 BRYWOOD DR NAPLES FL 34119	19-46-24-W4-0150E.0110 250 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 11 + VAC R/W + LAND ADJ CANAL LESS R/W	54
TORGERSON ASHLEE MICHELLE PO BOX 5088 FORT MYERS BEACH FL 33932	19-46-24-W4-0150E.0120 270 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 12 VAC R/W + LAND ADJ CANAL LESS R/W DESC IN OR 2319/4512	55
GRANT JOSEPH H & DORIS M 320 CRESCENT ST	19-46-24-W4-0150E.0130 300 CRESCENT ST	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT13+E40 FT LT	56

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	14+VAC LES R/W OR2366/2077	
GRANT JOE H 320 CRESCENT ST FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.014B 320 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 W 60 FT LT 14 + LT 15 + VAC R/W + ADJ LESS R/W DESC IN OR 2363/1290	57
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.016A 332 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT16+VAC R/W +LAND ADJ CANAL	58
REICH EUGENE E TR 6115 POND VIEW DR EXCELSIOR MN 55331	19-46-24-W4-0150E.0170 340 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PK ADD BLK E PB 4/46 LT 17 + S 20 FT OF LT 18 + VAC R/W LESS ROAD OR 2328/3484	59
CHIPPEWA LAND LLC 11577 HIBNER HARTLAND MI 48353	19-46-24-W4-0150E.0190 402/406 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 30 FT LOTS 18 + 19 + S 30 FT LOT 20 LESS R/W 2353/3036 LESS R/W OR 2370/0201	60

TPI-FMB LLC
 103 15TH AVE NW STE 200
 WILLMAR MN 56201

1005 ESTERO LLC
 1005 ESTERO BLVD
 FORT MYERS BEACH FL 33931

KALYMNOUS PARTNERSHIP LLP
 1001 ESTERO BLVD
 FORT MYERS BEACH FL 33931

CLOWNFISH RESTAURANT HOLDINGS
 11201 COORPORATE CIRCLE N
 SAINT PETERSBURG FL 33716

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

PRESAUD PROPERTIES FL
 361 SEMINOLE WAY
 FORT MYERS BEACH FL 33931

PERSAUD PROPERTIES FL INVESTME
 361 SEMINOLE WAY
 FORT MYERS BEACH FL 33931

BENCIN ENTERPRISES INC
 927 PRESCOTT ST
 FORT MYERS BEACH FL 33931

WHITAKER WILLIAM D &
 15820 SAN ANTONIO CT
 FORT MYERS FL 33908

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

RICHARD JOHN W TR
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

HOUSEBOAT LLC
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

MERSCHMAN I LLC
 1421 E LAKE SHORE DR
 SPRINGFIELD IL 62712

HOUSEBOAT LLC
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

ALN BEACHVIEW LLC
 615 CAPE CORAL PKWY W # 104
 CAPE CORAL FL 33914

ALN BEACHVIEW LLC
 151 MATANZAS ST UPSTAIRS
 FORT MYERS BEACH FL 33931

SOB INC
 340 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

LIGHTHOUSE ISLAND RESORT INC
 1051 5TH ST
 FORT MYERS BEACH FL 33931

STINGRAYS RAW BAR INC
250 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

DIANNE HOLLAND TRUST +
570 KULAIWI DR
WAILUKU HI 96793

LIGHTHOUSE ISLAND RESORT INC
1051 FIFTH ST
FORT MYERS BEACH FL 33931

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

150 SAN CARLOS BLVD CORP
OMG INC
408 BROADWAY
NEW YORK NY 10013

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

CHAVEZ CARLOS L TR
991 AQUA LN
FORT MYERS FL 33919

CHAVEZ CARLOS L TR
991 AQUA LN
FORT MYERS FL 33919

BENSON BRADFORD J TR
927 PRESCOTT ST
FORT MYERS BEACH FL 33931

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

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

BC III MASTERPIECE LLC
151 MATANZAS ST
FORT MYERS BEACH FL 33931

RFN CORP
2401 ESTERO BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

BAHAN SUZANNE E +
169 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

ZOZO INVESTMENTS LLC
173 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

JENKINS CARROLL ANNE
3063 NORFOLK CR 23 RR6
TILLSONBURG ON N4G 4G9
CANADA

151 OLD SAN CARLOS LLC
17840 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

BENSON BRADFORD J II TR
938 DEEP LAGOON LN
FORT MYERS FL 33919

HOLIDAY COURT MOTEL LLC
PO BOX 1118
LABELLE FL 33975

BRIODY SUSAN S
167 PRIMO DR
FORT MYERS BEACH FL 33931

TOWNLEY ARTHUR JAMES III
PO BOX 2452
FORT MYERS BEACH FL 33932

TOWNLEY ARTHUR J III
PO BOX 2452
FORT MYERS BEACH FL 33932

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W +
152 CRESCENT ST
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

250 FMB LLC
4517 BRYWOOD DR
NAPLES FL 34119

TORGERSON ASHLEE MICHELLE
PO BOX 5088
FORT MYERS BEACH FL 33932

GRANT JOSEPH H & DORIS M
320 CRESCENT ST
FORT MYERS BEACH FL 33931

GRANT JOE H
320 CRESCENT ST
FORT MYERS BEACH FL 33931

LIGHTHOUSE ISLAND RESORT INC
1051 5TH ST
FORT MYERS BEACH FL 33931

REICH EUGENE E TR
6115 POND VIEW DR
EXCELSIOR MN 55331

CHIPPEWA LAND LLC
11577 HIBNER
HARTLAND MI 48353

TPI-FMB LLC
 103 15TH AVE NW STE 200
 WILLMAR MN 56201

1005 ESTERO LLC
 1005 ESTERO BLVD
 FORT MYERS BEACH FL 33931

KALYMNOUS PARTNERSHIP LLP
 1001 ESTERO BLVD
 FORT MYERS BEACH FL 33931

CLOWNFISH RESTAURANT HOLDINGS
 11201 CORPORATE CIRCLE N
 SAINT PETERSBURG FL 33716

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

PRESAUD PROPERTIES FL
 361 SEMINOLE WAY
 FORT MYERS BEACH FL 33931

PERSAUD PROPERTIES FL INVESTME
 361 SEMINOLE WAY
 FORT MYERS BEACH FL 33931

BENCIN ENTERPRISES INC
 927 PRESCOTT ST
 FORT MYERS BEACH FL 33931

WHITAKER WILLIAM D &
 15820 SAN ANTONIO CT
 FORT MYERS FL 33908

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

RICHARD JOHN W TR
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

HOUSEBOAT LLC
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

MERSCHMAN I LLC
 1421 E LAKE SHORE DR
 SPRINGFIELD IL 62712

HOUSEBOAT LLC
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

ALN BEACHVIEW LLC
 615 CAPE CORAL PKWY W # 104
 CAPE CORAL FL 33914

ALN BEACHVIEW LLC
 151 MATANZAS ST UPSTAIRS
 FORT MYERS BEACH FL 33931

SOB INC
 340 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

LIGHTHOUSE ISLAND RESORT INC
 1051 5TH ST
 FORT MYERS BEACH FL 33931

STINGRAYS RAW BAR INC
250 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

DIANNE HOLLAND TRUST +
570 KULAIWI DR
WAILUKU HI 96793

LIGHTHOUSE ISLAND RESORT INC
1051 FIFTH ST
FORT MYERS BEACH FL 33931

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

150 SAN CARLOS BLVD CORP
OMG INC
408 BROADWAY
NEW YORK NY 10013

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

CHAVEZ CARLOS L TR
991 AQUA LN
FORT MYERS FL 33919

CHAVEZ CARLOS L TR
991 AQUA LN
FORT MYERS FL 33919

BENSON BRADFORD J TR
927 PRESCOTT ST
FORT MYERS BEACH FL 33931

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

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

BC III MASTERPIECE LLC
151 MATANZAS ST
FORT MYERS BEACH FL 33931

RFN CORP
2401 ESTERO BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

BAHAN SUZANNE E +
169 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

ZOZO INVESTMENTS LLC
173 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

JENKINS CARROLL ANNE
3063 NORFOLK CR 23 RR6
TILLSONBURG ON N4G 4G9
CANADA

151 OLD SAN CARLOS LLC
17840 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

BENSON BRADFORD J II TR
938 DEEP LAGOON LN
FORT MYERS FL 33919

HOLIDAY COURT MOTEL LLC
PO BOX 1118
LABELLE FL 33975

BRIODY SUSAN S
167 PRIMO DR
FORT MYERS BEACH FL 33931

TOWNLEY ARTHUR JAMES III
PO BOX 2452
FORT MYERS BEACH FL 33932

TOWNLEY ARTHUR J III
PO BOX 2452
FORT MYERS BEACH FL 33932

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W +
152 CRESCENT ST
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

250 FMB LLC
4517 BRYWOOD DR
NAPLES FL 34119

TORGERSON ASHLEE MICHELLE
PO BOX 5088
FORT MYERS BEACH FL 33932

GRANT JOSEPH H & DORIS M
320 CRESCENT ST
FORT MYERS BEACH FL 33931

GRANT JOE H
320 CRESCENT ST
FORT MYERS BEACH FL 33931

LIGHTHOUSE ISLAND RESORT INC
1051 5TH ST
FORT MYERS BEACH FL 33931

REICH EUGENE E TR
6115 POND VIEW DR
EXCELSIOR MN 55331

CHIPPEWA LAND LLC
11577 HIBNER
HARTLAND MI 48353



Case # _____ Date Received: _____

Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

**Additional Required Information for a Planned Development
Application**

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

Fee in the amount of \$8000.00 up to 1 acre +1000.00 per additional acre
\$2000.00 PD Amendment minor (< acre total property area)
\$4000.00 PD Reinstatement or \$6500.00 PD Amendment

Project Name: TPI-FMB CPD Amendment
Authorized Applicant: Steven C. Hartsell, Esquire
STRAP Number(s): Parcel 2 (collectively): 24-46-23-W3-00009.0000, 19-46-24-W4-0140B.0070, 19-46-24-W4-U0491.2610, 19-46-24-W4-U0494.2609, 19-46-24-W4-U0496.2608, 19-46-24-W4-U0498.2607; AND Parcel 3: 24-46-23-W3-00205.0070

Current Property Status: Under construction	
Current Zoning: Commercial Planned Development (CPD)	
Future Land Use Map (FLUM) Category: Pedestrian Commercial FLU	
Platted Overlay?	☐ yes, ☒ no FLUM Density Range: See Ordinance #18-04

Requested Action:

☐	DRI (with rezoning)
☒	Planned Development (also check below)
☐	Rezoning from: _____ to: _____
☒	Amendment to Master Concept Plan/attendant documentation



Case # _____ Date Received: _____

PART I
Narrative Statements

A. Comprehensive Plan Amendments (check one)

☒	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☐	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)

B. Phasing of Construction

☐	The development is to be constructed in a single phase.
☐	The development is to be constructed in phases as follows: (describe proposed phasing below)
	<i>No change proposed. See Ordinance #18-04</i>



Case # _____ Date Received: _____

C. Comprehensive Plan Compliance.

Explain how the proposed development complies with applicable Goals, Objectives, and Policies of the Fort Myers Beach Comprehensive Plan.

<i>No change proposed. See Ordinance #18-04</i>

D. Design Standards Compliance

For projects required to meet Commercial Design Standards, explain how the proposed development complies with the design standards set forth in LDC Sections 34-991 through 34-997.

<i>No change proposed. See Ordinance #18-04</i>



Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

[illegible]

Provide a list of the requested deviations keyed to the Master Concept Plan and provide a written justification for each deviation. The location of each deviation should be indicated on the Master Concept Plan.

[illegible]

TPI-FMB CPD AMENDMENT

Narrative

According to LDC Section 34-1(a) the purpose and intent of the Land Development Code is:

... to encourage and promote, in accordance with present and future needs, the safety, health, order, convenience, prosperity, and general welfare of the citizens of the Town of Fort Myers Beach, to recognize and promote real property rights, and to provide:

- (1) For efficiency and economy in the process of development;
- (2) For the appropriate and best use of land; ...

(Emphasis supplied).

According to LDC Section 34-85(b), when considering rezonings, the Town Council shall consider (among others):

Whether there exists an error or ambiguity which must be corrected;
and

Whether there exist changed or changing conditions which make approval of the request appropriate.

TPI submits that there are changed circumstances arising from Hurricane Ian and its impacts on the local economy and due to the devastation to the local community which require that these changed/changing circumstance be taken into account to assess what changes to the Margaritaville CPD might be appropriate. This is especially true in light of how this development may serve to anchor and inspire future redevelopment of this part of Fort Myers Beach. These are changed circumstances and ambiguities in the language of Condition #14 which it is appropriate to address. TPI submits that the impact of the proposed change to Condition 14 will promote the intent of LDC Chapter 34 and give the Town greater flexibility to allow future development and redevelopment to be consistent with future changes to the community that are reflected in future changes to the Land Development Code and the Town of Fort Myers Beach Comprehensive Plan.

Condition 14 calls for a restrictive covenant that states that the CPD:

"...has consumed all allowable density and intensity on parcels 1, 2, 3, and 5, and that no additional development may occur beyond that which is approved by this CPD."

Due to the changed circumstances and the redevelopment planning required to address the future needs of the Town, the foregoing requirement does not further the purpose and intent in the LDC calling for efficiency and economy of development and for the appropriate and best use of the land. Instead, it unnecessarily restricts the Town Council with regard to redevelopment at a time when the Council may need flexibility and creativity to address the needs of the future. Moreover, the restrictive covenant is not necessary. No additional development may occur beyond that approved by the CPD unless the Town Council receives an application and reviews it under the regulations in effect at that time. No development can occur beyond the CPD unless the Town Council reviews and approves it. A restrictive covenant that prohibits development simply ties the hands of future Councils without consideration for future circumstances.

TPI submits that under this very new post-Hurricane Ian environment, it no longer makes any sense to completely eliminate all flexibility or future opportunities for modifications in perpetuity. That is counterproductive to the Town's desire to be certain that all development must be compatible with, and cohesively mesh with, the future framework of Town redevelopment. There must be opportunities available to future Town Councils to accommodate changing circumstances (like from Hurricane Ian).

Condition 9 specifically anticipates redevelopment and future uses on the subject property and requires that they be consistent with the Master Concept Plan approved by Town Council. The prohibition in Condition 14 against even considering any future changes on Parcels 2 and 3 is inconsistent with Condition 9. Condition 14 appears intended to bind future Town Councils from even considering any redevelopment or changes that might increase density or intensity, regardless of whether those future changes would be consistent and compatible with future development and regulations in the Town.

Condition 14 also has an inherent ambiguity because it says that the intent is to:

"...limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by the CPD and maintain all areas on which buildings and pavement are not constructed..., only for outdoor

recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3,

(Emphasis supplied.)

Maintaining the open area ("on which buildings and pavement are not constructed") on parcel 3 "only for... a single-level surface parking lot..." is internally inconsistent and ought to be clarified. At the same time that clarification takes place, TPI proposes these changes to Condition 14:

~~*Prior to the Town issuing any development orders for demolition, site work, or new buildings on Parcel 2 the landowner must execute and record a restrictive covenant in favor of and enforceable by the Town in perpetuity that acknowledges that this CPD approval has consumed all allowable density and intensity on Parcels 1, 2, 3, and 5 and that no **No** additional development may occur beyond that which is approved by this CPD without prior approval of the Town Council. Prior to issuance of a temporary or final certificate of completion on Parcel 2 (but not later than 36 months after commencing construction), the landowner must convey to the Town a perpetual conservation easement in a form acceptable to the Town Attorney, which after acceptance will be recorded in the Public Records of Lee County, over those portions of Parcels 2 and 3 on which structures or pavement are not constructed or proposed to be constructed under the Master Concept Plan adopted as part of this CPD. The intent of this condition is to limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by this CPD and to maintain all areas on which buildings and pavement are not constructed and as shown on the Master Concept Plan, only for outdoor recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3, but specifically excluding any additional parking facilities, buildings, and other similar structures or any additional improvements require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application.*~~

[Clean Version – Clarified Condition 14]:

14. No additional development may occur beyond that which is approved by this CPD without prior approval of the Town Council. The intent of this condition is to require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application.



Case # _____ Date Received: _____

G. Administrative amendments to approved Master Concept Plan

For amendments to an approved Master Concept Plan, indicate the specific amendments that could not be approved administratively as set forth in LDC Section 34-219.

<i>NOT APPLICABLE</i>

PART 2
Submittal Requirements

All applications for a planned development must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

Public Hearing Request Form

Supplement Form PH-D

Master Concept Plan.....*No Change Proposed; See Ordinance #18-04*

Traffic Impact Statement*No Change Proposed; See Ordinance #18-04*

Architectural Elevations.....*No Change Proposed; See Ordinance #18-04*

Schedule of Uses.....*No Change Proposed; See Ordinance #18-04*

Fee in the amount of \$8000.00 up to 1 acre +1000.00 per additional acre

\$2000.00 PD Amendment minor (< acre total property area)

\$4000.00 PD Reinstatement or \$6500.00 PD Amendment

For DRI: A Binding letter of interpretation from DCA or a complete and sufficient ADA.

ORDINANCE 18-04

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A COMMERCIAL PLANNED DEVELOPMENT TO THE CURRENT ZONING MAP FOR A PROPERTY LOCATED AT 1160 ESTERO BOULEVARD FORT MYERS BEACH AND OTHER ADDRESSES FROM COMMERCIAL PLANNED DEVELOPMENT (CPD), DOWNTOWN, AND ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICTS TO COMMERCIAL PLANNED DEVELOPMENT (CPD) (4.4+/- ACRES) AND ENVIRONMENTALLY CRITICAL (EC) (0.33+/- ACRES) WITH A MASTER CONCEPT PLAN (5.1+/- ACRES) FOR A 254 UNIT HOTEL, AQUATIC VENUE AND BEACH CLUB, RESTAURANTS, TIKI BAR, RETAIL, ACCESSORY HOTEL USES, CONSUMPTION ON PREMISE, AND DEVIATIONS TO THE LDC LIMITS ON HEIGHT, NUMBER OF STORIES, HOTEL EQUIVALENCY FACTOR, AND FLOOR AREA RATIO (FAR); CONTAINING 5.1+/- ACRES GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00006.000, 24-46-23-W3-00206.0060, 24-46-23-W3-00206.0050, 24-46-23-W3-00009.0000, 19-46-24-W4-0140B.0070, 19-46-24-W4-014B.0020, 19-46-24-W4-0140B.0010, 19-46-24-W4-0140B.0040, 19-46-24-W4-0140B.0050, 19-46-24-W4-0140A.0030, 24-46-23-W3-00205.0070, PORTIONS OF 5TH STREET RIGHT-OF-WAY, PORTIONS OF ESTERO BOULEVARD RIGHT-OF-WAY, MORE OR LESS; PETITION DCI17-0001; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Tom Torgerson and Tina Ekblad of Morris-Depew Associates, Inc., applicants and agents for the property owners, filed applications to rezone the property from the Commercial Planned Development (CPD), Downtown, and Environmentally Critical (EC) zoning districts to CPD with Master Concept Plan (MCP) in order to develop a hotel resort and associated facilities, on 5.1+/- acres more or less property, located at 1160 Estero Boulevard and other addresses in the Town of Fort Myers Beach; and

WHEREAS, the subject property is located in the Pedestrian Commercial and Recreation Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, with the exception of portions of Town or County right-of-way, the applicant has indicated the subject property is under common control and Tom Torgerson serves as the managing member for each ownership listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on February 13, 2018; and

WHEREAS, at the February 13, 2018 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the

record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-85; and

WHEREAS, at the February 13, 2018 public hearing the LPA recommended approval by a 5-2 vote, subject to certain conditions; and

WHEREAS, on April 9th, 2018 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was legally advertised and held before the Town Council on May 21 2018; at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, with the following terms, conditions and requirements which the Town Council finds to be in the public health, safety, and welfare, all of which are in compliance with the comprehensive plan and the Land Development Code; and

WHEREAS, Exhibit A provides the approved property development regulations for this CPD to be used during the permitting process; while Exhibit B provides the approved conditions of approval; and

WHEREAS, the Town Council finds that this rezoning is a unique and individual application which does not set precedent for future development or rezoning applications.

Deviation #1

Deviation from LDC Section 34-1803(a) which establishes equivalency factors for converting allowable dwelling units to hotel rooms. The equivalency remains at three, a total of 254 hotel rooms (224 rooms on Parcel 1 and 30 rooms on Parcel 2) per the revised Master Concept Plan pages dated 5/2018 are authorized due to exceptional circumstances and unique public benefit on record to include view corridor and permanent perpetual transfer of density and development rights from the VE zone to the AE zone.

Deviation #2

Deviation from LDC Section 34-675(b) which limits building heights as follows: 3 stories and 30 feet along Crescent Street and Fifth Street; 3 stories and 40 feet along the south side of Estero Boulevard; to allow the main resort building which fronts on Estero, Crescent and Fifth to be 4 stories and 38 feet, 10 inches feet above average base flood elevation and along the south side of Estero Boulevard of 4 stories, and other buildings to be at the lesser heights as shown on the Master Concept Plan.

Deviation #3

Deviations from LDC Section 34-675(c) which limits floor area ratio (FAR) to 1.4 for properties fronting on Estero Boulevard and to 1.0 for all other properties in the CPD to allow a FAR of 1.55 on Parcel 1 and Parcel 2 and Parcel 3.

Deviation #4

Deviation from the LDC Section 10-416(d)(2) which requires a Type D buffer (15 feet wide with 5 trees and staggered hedges to form a 3-foot visual screen between parking and a right-of-way) – to replace the Type D buffer with the buffer and sidewalk plan for Estero Boulevard, Crescent Street, and Fifth Street as shown on the Master Concept Plan.

Findings for the rezoning:

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezoning to Commercial Planned Development (see LDC 34-85 and 34-216):

- a. Minor ambiguities were resolved through the deviation process.
- b. Long-standing blighted conditions on the subject property can be ameliorated through approval of this rezoning.
- c. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- d. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- e. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- f. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- g. Urban services are available and adequate to serve the proposed use.
- h. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.

- i. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- j. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- k. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- o. The rezoning meets all specific requirements of the Comprehensive Plan that are relevant to the request, including the following:
 - Policy 4-C-4 on building heights taller than the standard height limit
 - Policy 4-C-6 on hotel/motel densities
 - Policy 4-C-8 on density transfers
 - Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts

WHEREAS, the Town Council made the following formal findings before making final decisions on the four requested deviations from "by-right" requirements of the Land Development Code (see LDC 34-216 and 34-1803):

- 1. Deviations #1, #2, and #3 are being partially approved only due to the exceptional circumstances presented by the coordinated redevelopment of several critical parcels in the downtown zoning district in furtherance of policies in the Comprehensive Plan and design guidance provided by the Old San Carlos Boulevard / Crescent Street Master Plan. Key public benefits offered by the applicant include a perpetual view corridor along 324 feet of the beach side Estero Boulevard across the beach club resulting from a permanent transfer of density and development rights from the VE zone to the AE zone; and a second perpetual view corridor at the foot of the Matanzas Pass Bridge resulting from the permanent transfer of density and development rights, no buildings on Parcel 3, and the donation of Parcel 4 to the Town of Fort Myers Beach.
- 2. All aspects of the proposed development, as limited by the special conditions being imposed by the Town Council, are compatible with the surrounding area, including building height, traffic flow, and intensity of use.
- 3. The proposed development, as modified by these deviations, clearly exceeds all standards of the Fort Myers Beach Comprehensive Plan.

4. The proposed development, with the modified deviations being approved, does not exceed any maximum intensities contained in the Fort Myers Beach Comprehensive Plan.
5. Granting these deviations will enhance the achievement of the objectives of the proposed development.
6. The general intent of the LDC to protect the public health, safety, and welfare will be preserved and promoted with these deviations.
7. These deviations operate to the benefit, or at least not to the detriment, of the public interest.
8. These deviations are consistent with the Fort Myers Beach Comprehensive Plan; and

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

The Town Council votes to **APPROVE** the request to rezone a portion of the subject property to CPD with the remainder to remain Downtown and EC per MCP X-103-BDNY.01 Boundary Survey and MCP X-102-BDNY.00 Boundary Survey with a Master Concept Plan, subject to the deviations and conditions set forth with specificity. The special conditions imposed for approval are found in Exhibit B. The first four special conditions provide the decisions on each deviation.

CODIFICATION AND SCRIVENER'S ERRORS.

Upon second reading approval, the Town Council intends that this ordinance will not be made part of the Fort Myers Beach Code of Ordinances. Typographical errors that do not affect the intent can be corrected with the authorization of the Town Manager or designee, without the need for a public hearing. Only the specific deviations granted by the Town Council and associated plan sheets reflecting those approvals with or without conditions are so incorporated.

EFFECTIVE DATE.

This ordinance becomes effective immediately upon its adoption.

THE FOREGOING ORDINANCE was enacted by the Town Council upon a motion by Vice Mayor Joanne Shamp and seconded by Council Member Anita Cereceda and, upon being put to a roll call vote, the result was as follows:

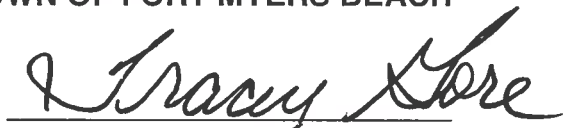
Tracey Gore, Mayor	aye	Bruce Butcher, Council Member	aye
Anita Cereceda, Council Member	aye	Joanne Shamp, Vice Mayor	aye
Dennis Boback, Council Member	aye		

DULY PASSED AND ENACTED this 21ST day of May, 2018.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Tracey Gore, Mayor

Approved as to form by:

By: 
Peterson Law Group, Town Attorney

Exhibit B CONDITIONS OF APPROVAL

This project area includes six (6) parcels as demonstrated in MCP X-103-BNDY.01 Boundary Survey. Parcels 1, 2 and 3 are to be rezoned to Commercial Planned Development (CPD). Parcels 4, 5, and 6 will retain their existing zoning classifications. All parcels are included in the Master Concept Plan and subject to the conditions as outlined below:

- 1** Parcels 1, 2, and 3 are authorized for a maximum of 254 hotel rooms. Parcel 1 is approved for a maximum of 224 hotel rooms. Parcel 2 is approved for a maximum of 30 hotel rooms. Parcel 3 is approved for surface parking only and no other improvements or hotel rooms, other than an accessory surface parking lot, is permitted. The transfer of density and development rights of Parcel 3 is permanent and binding.
- 2** The CPD is authorized to allow building heights as follows, with these heights measured in accordance with 34-631 of the LDC, as depicted on the Master Concept Plan, and as described:
 - a. The main resort building on Parcel 1 may be up to 4 stories and up to 38 feet, 10 inches above base flood elevation, provided that the highest points of the roofline and any architectural features across the property shall not exceed 52 feet from 4.5 feet above mean sea level elevation.
 - b. The larger building on Parcel 2 may be up to 4 stories, provided that the highest points of the roofline and any architectural features shall be a height of 52 feet, 4 inches or less, above existing typical ground level. Approved building heights for all buildings on Parcel 2 are shown in the Master Concept Plan.
 - c. No buildings or vertical structures are permitted on Parcel 3. The transfer of density and developments rights on Parcel 3 is permanent and binding.
- 3** The CPD is authorized to allow floor area ratios as follows, measured in accordance with 34-633 of the LDC. The total land area of Parcel 1, 2, and 3 may be utilized for the floor area ratio calculation of 1.55. The square footage of the proposed buildings may be clustered as depicted on the Master Concept Plan and includes:
 - a. The constructed floor area ratio on Parcel 3 and 5 shall be 0.0. Buildings, or any other improvements other than improvements associated with an at surface grade parking lot on Parcel 3 and a pool security fence on Parcel 5, are prohibited on these parcels.
- 4** The CPD is authorized to replace the Type D buffer required by 10-416(d)(2) of the LDC with the buffer and sidewalk plan for Estero Boulevard, Crescent Street, and Fifth Street as shown on Sheets X-502-RW.00 through X-504-RW.02 of the Master Concept Plan as revised through May 2018, subject to the following requirements:

- a. Prior to obtaining any development orders, the landowner will dedicate to the town/public a perpetual public sidewalk easement to accommodate a sidewalk of seven (7) feet in width on the south side of Fifth Street where the MCP shows portions of the proposed sidewalk on private land.
- b. The landowner will construct the sidewalks, curbs, and tree yards and will plant the lawn and street trees, as shown on the Master Concept Plan, prior to the issuance of any temporary certificates of occupancy including for adjoining buildings. These improvements must meet technical specifications of the Town of Fort Myers Beach along Fifth Street and Crescent Street and of Lee County along Estero Boulevard, except for such deviations as granted by the Town when reviewing and approving the Master Concept Plan. The landowner will maintain the tree yards and street trees in perpetuity.
- c. The street trees shown along Estero Boulevard will be located closer to the curb if, prior to approval of the Development Order, but no later than January 2019 and with appropriate documentation of coordination, FDOT and Lee County approves the new 1.5-foot lateral offset standard alignment of the Florida Department of Transportation.
- d. Prior to Development Order application, the landowner will document their efforts to the Town to seek approval from Lee County to re-route stormwater from the existing drainage inlet on Estero Boulevard into the resort's stormwater system so that roots from street trees on this block cannot interfere with any underground exfiltration trench. The conveyance of the Estero Boulevard drainage into the resort stormwater system will only be constructed if there are no adverse impacts or backflow into the existing system.
- e. No buffer vegetation may be planted in any public right-of-way or any sidewalk easement other than depicted on the Town approved Master Concept Plan.
- f. While the Town approved Master Concept Plan provides conceptual approval of under-building screening of parking areas, as required by LDC 34-992 (d)(1); a compliance and enforcement determination of the materials, technical specifications, and minimum opacity of the latticework around the ground story are subject to approval of the Town Manager or designee, as required by 34-992(c) and 34-992(d)(2) of the LDC. At the concurrence of the land owner, the Town Manager may allow occasional segments of latticework to be replaced by an opaque screen to allow works of art to be displayed in place of climbing vegetation.
- g. If at the end of the one (1) year plant establishment period from the end of the Temporary Certificate of Occupancy, the buffer plantings and climbing vegetation planted on the latticework do not visually

screen activities in the ground story, the Town Manager will require corrective action. Corrective actions may include, but are not limited to, different vegetation, different management techniques, and supplemental screening behind the latticework, among other practices. The property owner will take corrective action within 30-days of written notification from the Town regarding the deficiencies in the buffer. Failure to respond to any 30-day written notice shall constitute an appealable \$500 per incident per day civil violation.

- 5 The approved property development regulations for this CPD are presented in the attached Exhibit A, which will be substituted during the permitting process for the property development regulations that the LDC provides for the DOWNTOWN zoning district.
- 6 The approved schedule of uses for this CPD is limited to the following:

Parcel 1 (Bay Side)	Parcel 2 (Gulf Side)	Parcel 3
LODGING use group: Hotel Uses Accessory to ATM Administrative Offices Consumption on Premises, outdoor service and seating limited to locations on Sheets X-505- COP.01 & X-506- COP.02 Parking Lot, Accessory Subordinate Uses Temporary Uses, if permitted by Ch. 34 MARINE use group No Marina Uses	LODGING use group: Hotel RETAIL use group: Recreation Facilities, Commercial (limited to 325 total people per day who are not staying at the hotel) Restaurant Commercial Accessory Uses: ATM Administrative Offices Consumption on Premises, outdoor service and seating limited to locations on Sheets X-506-COP.01 & X- 507-COP.02 Subordinate Commercial Water-oriented Rentals MARINE use group: (if permitted by Chapter 27) Parasailing Operations Office Personal Watercraft Operations Office	LODGING use group: Uses Accessory to Parking Lot, Accessory (the only use per- mitted on Parcel 3)

7. The property owner is responsible for accounting and enforcement of the per day limitation of 325 non-resort guests at the aquatic venue or lesser number based upon Fire Department occupancy limitations; and, if requested, for providing records to the Town on demand for verification. Failure to provide records or limit non-hotel guests and/or hotel guests to the approved maximum limits per day shall constitute a \$500 per day per incident civil violation.
- 8 This CPD approves structures up to the following square-footage maximum on Parcels 1 and 2 which are entirely landward of the 1978 coastal construction control line and within the CPD zoning district boundary:
 - a. **Hotel**
 1. 250,783 SF, of which up to 96,085 SF could be guest units and up to 95,751 SF could be ground-story parking.
 2. 224 guest units to be on bay-side Parcel 1 (above parking) and up to 84,745 square feet could be guest units.
 3. 30 guest units to be on gulf-side Parcel 2 and up to 11,340 square feet.
 - b. **Restaurant on Parcel 2**
 1. 15,870 SF for a restaurant, of which 1,514 SF would be a bar; plus, an additional 1,364 SF for outdoor seating and an additional 2,000 SF for indoor storage
 - c. **Beach Club on Parcel 2**
 1. 3,786 SF for an ancillary restaurant
 2. 2,508 SF in an existing building for ancillary restrooms and lockers
 - d. **Pedestrian Bridges between Parcels 1– 2 if approved by Lee County**
 1. 2,691 SF for the access area required for a publicly accessible pedestrian bridge;
 2. 1,380 SF for the pedestrian bridge that is not included in the FAR.
- 9 Redevelopment and future uses on the subject property must be consistent with the attached Master Concept Plan as approved by the Town Council as part of this request. All prior Master Concept Plans, CPD zoning approvals, special conditions, and development agreements for the subject property are no longer valid. All development activities and future uses must comply with all the requirements of the Town of Fort Myers Beach Land Development Code at the time of Development Order approval, except as explicitly modified by this CPD approval. Lot lines

shown on existing plats must be vacated or replatted, as appropriate and as administratively determined by the Town Attorney, prior to issuance of Development Orders. If changes to this approval are requested, they will be reviewed as requests to formally modify this CPD. This CPD's new Master Concept Plan consists of these 26 sheets:

- a. X-G01 — Cover Sheet
- b. X-101-FLU — Future Land Use and Project Boundary
- c. X-103-BNDY.00 — Boundary Survey (1 of 2)
- d. X-103-BNDY.01 — Boundary Survey (2 of 2)
- e. X-104-DA — Developable Area Exhibit
- f. X-105-MCP.00 — *Floor Area Ratio* First Floor
- g. X-106-MCP.01 — Floor Area Ratio Second Floor
- h. X-107-MCP.02 — Floor Area Ratio Third Floor
- i. X-108-MCP.03 — Floor Area Ratio Fourth Floor
- j. X-109-MCP.00 — Master Concept Plan First Floor
- k. X-110-MCP.01 — Master Concept Plan Second Floor
- l. X-111-MCP.02 — Master Concept Plan Third Floor
- m. X-112-MCP.03 — Master Concept Plan Fourth Floor
- n. X-113-MCP.04 — Master Concept Plan Deviations and Notes
- o. X-114-MCP.05 — Master Concept Plan Building Height
- p. X-A201 — Exterior Elevations
- q. X-A202 — Exterior Elevations
- r. X-A203 — Exterior Elevations
- s. X-A301 — Building Sections
- t. X-501 — Parking Locations and Calculations
- u. X-502-RW.00 — Right-of-way and sidewalk/buffer plan
- v. X-503-RW.01 — Right-of-way and sidewalk/buffer plan
- w. X-504-RW.02 — Right-of-way and sidewalk/buffer plan
- x. X-505-COP.01 — Consumption on Premises Diagrams
- y. X-506-COP.02 — Consumption on Premises Diagrams Pedestrian Circulation
- z. X-507-VT — Visibility Triangles

- 10** A pedestrian bridge across Estero Boulevard is shown on the Master Concept Plan. Conceptual approval of this bridge is subject to the following requirements for design, approval, and operation:

- a. The pedestrian bridge must be constructed simultaneously with the buildings it connects.
- b. The elevated terrace on the second story of the main resort building on Parcel 1 must include a public ADA compliant access for public use.
- c. Visible publicly accessible stairwells and elevators on both sides of Estero Boulevard must connect the sidewalks to each end of the pedestrian bridge. The stairwell on Parcel 2 must provide access to publicly accessible restrooms in the restaurant building, with clear signage indicating the public's access and rights to use these restrooms and pedestrian bridge, if approved, without a fee or charge.
- d. In order to guarantee the general public's permanent right to use the bridge and the adjoining stairways, elevators, and restrooms, the landowner must execute an instrument that guarantees this access in a form suitable to the Town Attorney.
- e. Before constructing the bridge over Estero Boulevard, the landowner must obtain review and approval from Lee County and must enter into a formal agreement with Lee County regarding design, maintenance, liability, operations, future changes, and other relevant details. The bridge design must allow and not interfere with nor prevent all elements necessary for a traffic signal and grade level pedestrian crosswalk at the Estero Boulevard-Crescent Street intersection. If necessary, FDOT review and approval must be obtained.
- f. All FDOT and Lee County approvals must be received by the applicant prior to approval by the Town. The Town's approval shall be limited to aesthetic and non-structural design.

11 Sheet X-109-MCP.00 of the Master Concept Plan identifies certain important features on Parcels 2 and 6 (the beach-side parcels) that will require separate critical actions by the Town and by the landowner at a later date. This sheet is being included in the Master Concept Plan with these understandings:

- a. As shown on Sheet X-105, the landowner intends to request the vacation of a narrow right-of way at the end of Crescent Street, plus the first 185 feet of Canal Street south of Estero Boulevard which is part of Town-maintained Beach Access #36. Understanding that the Town's Comprehensive Plan strictly limits vacations of rights-of-way in order to preserve future access to the water, the landowner has agreed to provide a net increase in public access by donating Parcel 6 to the Town and constructing on it a new public street replacing Canal Street. The new public street will also be providing beach access and public parking spaces on 67 feet wide new rectangular

right-of-way beginning at Estero Boulevard. The Town Manager or designee shall be responsible for design approval of the new street. The new street will be completed on or before twelve (12) months following the issuance of a Development Order.

- b. The landowner has also agreed to construct and dedicate a five-foot wide perpetual public access easement for a new pedestrian beach access at the "north" end of Parcel 2 that meets ADA accessibility requirements and the Town Manager's specifications as to design, surfacing and signage. The easement shall be constructed, completed, and open to the public on or before twenty-four (24) months following the issuance of the associated Development Order. During construction of the project the property owner shall maintain a minimum of one 25' wide ADA accessible beach access from Estero to the end of the property at or near the water.
- c. The landowner will execute instruments to complete donations, the easement(s) for new pedestrian beach access easement and Parcel 6, in a form suitable to the Town Attorney and will provide them to the Town Attorney, who will not record either instrument unless the Town Council formally vacates the two existing rights-of-way shown on Sheet X-105; and:
 - i. The landowner either completes the construction of the new street or allows continued public use of Canal Street or Temporary Beach Access until the new street is completed.
 - ii. The Town will not issue development orders for demolition, site work, or new buildings on Parcels 1 or 2 unless the Town agrees to vacate both rights-of-way and related or associated property transfers are executed.
 - iii. After the new street is constructed by the applicant and turned over to the Town, Parcel 6 will no longer be subject to any requirements of this CPD.

12 The beach club on Parcel 2 must meet these additional requirements:

- a. To allow the reduced building frontage on the south side of Estero Boulevard (see LDC 34-675), development order plans must demonstrate three view corridors from Estero Boulevard to the beach (two totaling 319 feet; one totaling five feet) that total at least 324 feet along Estero Boulevard.
- b. Any perimeter fence on the beach side of Estero Boulevard must be at least 80 percent transparent, must be placed within a landscaped planting area at least five (5) feet wide, and shall be maintained at a height of three (3) feet. If the Florida Building Code requires a taller fence at this location, the Fort Myers Beach Building Official shall adjust the fence height accordingly.

- c. A detailed lighting plan, including any lit signage, must be provided with the development order application for the beach club; this plan must comply with LDC requirements in 10-154(8) and 14-76 for sea turtle conservation.
 - d. A detailed landscaping plan showing the location and type of all plantings, including beach plantings adjacent to the existing retaining wall, must be provided with the development order application for the beach club.
 - e. Directional signage approved by the Town as to design, installation methodology, and location shall be erected along Estero Boulevard that advises the public of both new public beach accesses.
 - f. The beach club and its ancillary uses may operate only from 7am to one hour after sunset, but never later than 9 pm. That is the Beach Clubs hours of operation unless otherwise temporarily altered in the Town's special event use regulations in Section 34-1264 of the LDC.
 - g. To implement the applicant's commitment to limit access to the beach club to 325 people per day who are not staying at the hotel, the resort will be required to submit monthly reports to the Town within 10 days after the end of each month showing the number of non-guest admissions for each day; and shall provide such information on demand and allow Town officials immediate access to this information for the current day at a designated location in the resort.
 - h. The beach club and aquatic venue shall provide no less than one security personnel per 200 guests.
 - i. All necessary dune plantings and walkovers shall be provided in compliance with Town codes and ordinances.
- 13** The following transportation and access features are shown on the Master Concept Plan and are an integral part of this approval:
- a. All existing vehicular access points on Estero Boulevard shall be closed except the access to the one new public street on Parcel 6.
 - b. The one and only access point on Crescent Street will be an entrance-only driveway near the intersection with Fifth Street, which will be the main entrance for resort guests.
 - c. Access points on Fifth Street are limited to the one main exit for resort guests and a separate entrance and exit for service vehicles on Parcel 1, plus two existing driveways to the surface parking lot on Parcel 3.
- 14** Prior to the Town issuing any development orders for demolition, site work, or new buildings on Parcel 2, the landowner must execute and record a restrictive covenant in favor of and enforceable by the Town in perpetuity that acknowledges that this CPD approval has consumed all

allowable density and intensity on Parcels 1, 2, 3, and 5 and that no additional development may occur beyond that which is approved by this CPD. Prior to issuance of a temporary or final certificate of completion on Parcel 2 (but not later than 36 months after commencing construction), the landowner must convey to the Town a perpetual conservation easement in a form acceptable to the Town Attorney, which after acceptance will be recorded in the Public Records of Lee County, over those portions of Parcels 2 and 3 on which structures or pavement are not constructed or proposed to be constructed under the Master Concept Plan adopted as part of this CPD. The intent of this condition is to limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by this CPD and to maintain all areas on which buildings and pavement are not constructed and as shown on the Master Concept Plan, only for outdoor recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3, but specifically excluding any additional parking facilities, buildings, and other similar structures or any additional improvements.

- 15 Development order plans must identify the location of 359 off-street parking spaces within the area now identified for parking on Parcels 1 and 3. The public parking spaces to be constructed on Parcel 6 cannot be counted toward the 359 spaces reserved for resort parking.
 - a. None of the 359 spaces are eligible for joint-use agreements or sharing agreements that would allow any of these spaces to substitute for off-street parking that is required by the LDC for businesses located outside this CPD's Master Concept Plan.
 - b. Prior to the issuance of a Temporary Certificate of Occupancy, the applicant will also construct or provide 75 dedicated parking spaces at an off-site location along the trolley route from the Beach Park & Ride facility to be available for the entire resorts parking needs within 2.8 miles of Parcel 1.
 - c. Three or more years after issuance of the resort's certificate of occupancy, the applicant may request to modify this condition to eliminate some or all of these off-site parking spaces upon a convincing showing that this condition requires more parking spaces than are needed for the entire resorts parking needs.
 - d. Identify to the Town if any shared use parking agreements are currently in existence and will be terminated to meet to meet this CPD condition.
- 16 Development order plans must demonstrate that vehicles can be accommodated by a multi-vehicle parking mechanism per parking spot. Valet parking must be managed so that vehicles are never stacked on Crescent Street or 5th Street waiting to access the valet area. The property owner shall install No Stop/Stand signs on Crescent and 5th Street.

- 17 Individual signs may be placed on this site during and after development as may be allowed by the LDC regulations that are in effect at that time. Murals are permitted in compliance with LDC regulations.
- 18 Service of alcoholic beverages for on-premises consumption is approved at the locations shown on Sheets X-505-COP.01 and X-506-COP.02 of the Master Concept Plan, subject to these limitations:
 - a. Service to outdoor seating is permitted on the second story outdoor terrace on Parcel 1, in the public restaurant on Parcel 2, and in the beach club on Parcel 2 provided service remains in substantial compliance with the COP diagrams on Sheets X-506-COP.01 and X-507-COP.02. Beverages purchased in approved indoor or outdoor service areas on Parcels 1 or 2 shall not be carried across the pedestrian bridge. The designated service areas shall be identified separately from areas where consumption is permitted, but not part of a service and/or seating area.
 - b. Alcoholic beverages and amplified music in the beach club are limited to 7:00 a.m. to one hour after sunset, but not later than 9:00 p.m. Expansion of COP onto the sandy beach seaward of the seawall is prohibited.
 - c. Amplified music on the outdoor terrace on Parcel 1 is limited 7:00 a.m. to one hour after sunset, but not later than 9:00 p.m.
 - d. Amplified music in unenclosed hotel restaurant and bar on Parcel 2 are limited to 7:00 a.m. to midnight.
 - e. Alcoholic beverages may not be served at locations other than those shown on the Master Concept Plan unless approved by special use permit, special exception or by administrative approval, as provided in 34-1264 of the LDC.
- 19 Prior to applying for a permit for the stormwater management system from the SFWMD, the landowner shall evaluate the receiving of drainage from the intersection of Crescent and Fifth for suitability and consistency with SFWMD requirements. Provided these two components can be combined under those requirements, the landowner will design and construct the project to receive stormwater from the intersection of Crescent Street and Fifth Street into and through the project's stormwater system, including cost of upsizing the project stormwater system. In order to be considered feasible, any routing of stormwater from the intersection of Crescent and Fifth Streets must accommodate the project's design as approved by this CPD and it shall be borne by the property owner. The property owner will provide copies of the SFWMD permit application, and all subsequent responses to requests for additional information, to the Town's stormwater consultant for review and concurrent with filing with the SFWMD.

- 20** In order to provide an additional view corridor along the approach to the Town from the Matanzas Pass Bridge, the applicant has offered and the Town has accepted the following changes to the Master Concept Plan:
- a. No buildings will be constructed on Parcel 3 in perpetuity. Parcel 3 shall remain as a 21-space surface parking lot for the resort because all development rights on Parcel 3 are being used on Parcels 1 and 2. Parcel 3 will be included in the covenants and conservation easement described in Condition 14. Landscape buffers shall be done in accordance with MCP X-504-RW.02.
 - b. No buildings will be constructed on Parcel 4 by the applicant and the existing building will be removed. Parcel 4 will be donated by the applicant to the Town for civic, public purposes and will include a reverter in the event the parcel is not used for such civic, public purposes. The demolition and re-grading of the property will be completed no later than September 30th, 2018. The Town shall receive Parcel 4 within 60 calendar days of the issuance of all necessary approvals related to the development order and approvals of the pedestrian bridge. After the existing building is removed by the applicant and the property transfer is completed, Parcel 4 will no longer be subject to any requirements of this CPD. Demolition of Parcel 4 may be completed prior to development order being issued.
- 21** Barring a direct hurricane or other Acts of God and governmental-related delays, Parcel 1 and the Parcel 1 main hotel shall be completed and open for operation within three years of the issuance of a development order approval. All other portions, phases, and uses shall be in operation within five years of issuance of a development order approval. A Development Order application for development of Parcel 1 shall be submitted no later than 270 calendar days from effective date of the rezoning ordinance.
- 22** Additional approvals of special events are allowed. Application for such special event approvals shall be submitted through the Town's adopted Special Event processes and may temporarily alter hours of operation, amplified music limits, and public user capacity, among other items.
- 23** Bicycle racks for public use will be provided as shown on the Master Concept Plan. All bicycles and similar alternative transportation options shall be provided within the approved development footprint. Operations of any bicycle loan business or operation shall require the returning of bicycles to the CPD properties on a daily basis; as well as comply with Town Codes, and provide education materials about Town codes and regulations to bicycle users.
- 24** Construction staging shall be authorized when in compliance with all applicable Town codes, except that concrete delivery/pumping for the building's foundations and terrace may occur no earlier than 4:00 am. No staging shall be permitted on Parcel 4 or Parcel 6 after donation to the

Town. No other approvals are inferred from approval of the CPD. The landowner or developer shall be responsible for submittal of any requests for additional staging or construction management approvals from the Town Council.

- 25** Any violation of the CPD conditions of approval or deviations shall constitute a \$500 per day per incident civil violation.
- 26** The applicant has offered to provide residents of the Fort Myers Beach community a "Discount Plan," which provides a 25 percent discount on food, alcohol and non-alcohol beverages, Family Beach Club Admission, and retail store purchases, to anyone with a valid FL Driver's License with a home address in zip code 33931.
- 27** Per LDC Section 34-216(b)(5), the revised Master Concept Plan must be submitted to the director reflecting all modifications to the deviations and conditions as made herein by the Town Council.

Findings Regarding the Conditions

- 1.** All recommended special conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Second reading and public hearing on proposed Ordinance 23-10 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 17-39, AND AMENDING THE AREA FOR CONSUMPTION ON PREMISES AND THE MASTER CONCEPT PLAN FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 645 OLD SAN CARLOS BLVD., FORT MYERS BEACH; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The applicant has submitted a request to amend the master concept plan. An ordinance amendment requires two public hearings before the Town Council.

What the action accomplishes:

The action will Approve/Approve with Conditions/Deny the requested ordinance.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

5. **Background:**

The property owner has submitted an application requesting an amendment to the Master Concept Plan that proposes to add seating and extend the consumption on premise area. They have included a revised plan and parking calculations as part of their application.

The adopted resolution identifies Parcel #1 as 645 Old San Carlos Blvd. and the conditions of approval designate it with uses of consumption on premise and restaurants. Parcel #2 is identified as the submerged land lease area. The applicant's request expands the service and seating areas in the master concept plan. The applicant has not proposed an amendment to any other conditions of approval.

Attachments:

1. 23-10, Ordinance 23-10 RE Old Seaport CPD(146181913.1)-C
2. Staff Report TC 6.20.23
3. Exhibit B COP Area MCP
4. Exhibit C MCP for overall site
5. CPD cover letter 2023
6. Adopted RES 17-39
7. Schedule of Uses
8. Snug Parking - Proposed Parking Calculations
9. Part I - C - Comp Plan
10. Part I - D - Design Stds
11. Part I - E - Decision making
12. PH Application
13. PD PH-D form
14. Ex 6-2a 2018 Boundary survey
15. Ex 6-2b Updated Survey
16. Ex 6-3 Area Location Map

Financial Impact:

unknown

6. Alternative Action

Approve/Approve with Conditions/Deny requested ordinance

7. Management Recommendations:

Approve/Approve with Conditions/Deny requested ordinance.

8. Recommended Approval:

Sarah Propst, Planning & Zoning

Steve Poposki, Community Development Director

John R Herin Jr, Town Attorney

Amy Baker, Town Clerk

Created/Initiated - 6/7/2023

Approved - 6/7/2023

Approved - 6/7/2023

Final Approval - 6/8/2023

ORDINANCE 23-10

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 17-39, AND AMENDING THE AREA FOR CONSUMPTION ON PREMISES AND THE MASTER CONCEPT PLAN FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 645 OLD SAN CARLOS BLVD., FORT MYERS BEACH; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR 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 service, 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 ("Town") 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, Robert Fowler ("Applicant"), authorized agent for Olde Seaport Place Inc. with property generally located at 645 Old San Carlos Boulevard and identified by STRAP numbers 24-46-23-W3-00026.0000, 24-46-23-W3-00026.0030, and 24-46-23-W2-000000.0000 ("Property"), filed an application to replace Town Resolution No. 17-39, and amend the master concept plan to increase the area for consumption of alcohol on premises for the previously approved commercial planned development zoning of the Property; and

WHEREAS, the Property is in the Pedestrian Commercial and Tidal Water categories of the Future Land Use Map of the Comprehensive Plan of the Town; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on May 09, 2023; and

WHEREAS, at the May 09, 2023, public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) Section 34-85; and

WHEREAS, at the May 09, 2023, public hearing the LPA recommended approval by a 5-0 vote; and

WHEREAS, on June 05, 2023, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by LDC Section 34-85; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was legally advertised and held before the Town Council on June 20 2023; at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by LDC Section 34- 85; and

WHEREAS, Exhibit A provides the approved property development regulations, the schedule of uses and conditions of approval for this CPD to be used during the permitting process; and

WHEREAS, the Town Council finds the Application to replace Town Resolution No. 17-39 and amend the area for consumption of alcohol on premises and the master concept plan for the commercial planned development zoning, is **consistent/ not consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **deny/ approve/ approve with conditions** the Application.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/did not meet its burden of proof that the request to replace Town Resolution No. 17-39 and amend the area for consumption of alcohol on premises and the master concept plan for the commercial planned development zoning, does/does not meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES/DENIES** the Application.

Section 3. Town Resolution 17-39 is repealed and replaced by this Ordinance and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit A, and the amended COP area Master Concept Plan set forth in Exhibit B, and the Existing Overall Master Concept Plan set forth in Exhibit C, and all exhibits attached hereto and incorporated herein by this reference is approved.

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 20th day of June 2023.

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ____ day of June 2023.

EXHIBITS

- Exhibit A -** Schedule of Conditions, Uses and Deviations
- Exhibit B -** Updated Master Concept Plan for COP
- Exhibit C -** Master Concept Plan for overall site

EXHIBIT A - CONDITIONS OF APPROVAL

1. Development must be consistent with the master concept plan (MCP) titled "Olde Seaport of Fort Myers Beach" (Exhibit B) for case DCI 17-0005, last revised 8/3/17, except as modified by conditions or deviations discussed herein. In accordance with LDC Section 34216(b)(S), the MCP must be updated to reflect the deviations and conditions approved by Town Council. If changes to the MCP are subsequently pursued, appropriate approvals will be required.
2. The following limits apply to the project and uses: Schedule of Uses:

Parcel #1 (North Parcel - 645 Old San Carlos Blvd.)

- Consumption on Premises Single-purpose Parking Lot Personal Services Restaurants
- Seating areas

Parcel #2 (Submerged Land Lease)

- Boat slips
- Docks
- Marina & accessory uses
- Seating areas (in connection with adjacent parcels, restaurants and food preparation areas see Exhibit C for restaurant square footages and parking calculations)
- Consumption on Premises

Parcel #3 (South Parcel - 441/445 Old San Carlos Blvd.)

- Single-purpose Parking Lot

Parcel #4 (Butler Act property)

- Seating areas (in connection with adjacent parcels restaurants and food preparation areas)
- Consumption on Premises **(additional COP area of 3,451 square feet added in the latest Master Concept Plan)**

Accessory uses on all parcels:

- Bay access if available Essential services
- Essential services equipment

3. Nothing in this rezoning, including any of the attached conditions, may be construed as a variance from the provisions of LDC Chapter 6, Article IV Floodplain regulations.
4. Approval of this rezoning does not give the developer an undeniable right to local development order approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of development order approval and permitting, except as specifically modified herein.
5. The development must comply with LDC Sec. 14-76 requirements for sea turtle conservation

applicable to new development.

6. No structure may be placed in or over, and no work may occur in, any navigable water of the United States unless properly authorized by the United States Army Corps of Engineers or its designee.
7. No stormwater management system, dam, impoundment, reservoir, appurtenant work, or works may be constructed or altered on the subject property, including submerged lands and riparian leased areas, without property permit or exemption, and unless in compliance with all conditions of such permit or exemption, from the South Florida Water Management District or Florida Department of Environmental Protection, as applicable. Stormwater management for the subject property must comply with all applicable requirements of the Land Development Code at the time of development order approval and must provide for the capture and retention of all stormwater on the site.
8. Approval of this rezoning does not address the compliance or noncompliance of proposed building elevations with the commercial design standards included in LDC Chapter 34, Article 111, Division 7. Development of the subject property must meet the commercial design standards effective at the time of local development order approval.
9. Docks for use by occupants of principal uses on the subject property, docks for lease to non-occupants of principal uses on the subject property, and docks for use by water taxi or water shuttle are limited to the areas within the existing submerged land leases and submerged land described in Exhibit A. These docks are and must remain accessory to the principal use(s) of the subject property. The number of slips within the area of a submerged land lease may not exceed the number authorized by that lease without proper approval. Construction of additional or replacement docks must comply with all applicable requirements of the LDC and all applicable state and federal regulations at the time of permitting. No live-aboard units are allowed.
10. Hours of operation:
 - All restaurants and outdoor seating areas may operate from 8:00AM to 10:00 PM.
 - Consumption on Premises in conjunction with outdoor seating shall be from 11:30AM-10:00PM. Live entertainment permitted only inside the buildings, limited to non-amplified, acoustical music.
11. Steamers must be located outside of the Marina Village at Snug Harbor Condominium building.
12. No deliveries will be permitted between 9:00PM and 7:00AM.
13. Commercial garbage collection must be provided six days a week (excluding Sundays).
14. Parking lot must be reconfigured to allow vehicular traffic flow without dead-ends.

15. Public restroom facilities must be provided in Unit C of the Marina Village at Snug Harbor Condominium building.
16. Upon the completion of the street side restaurant on parcel #1 (issuance of certificate of occupancy) no beach parking of any kind (Single-purpose Parking Lots only) shall be permitted on the subject properties at any time, all designated parking spaces shall be used for the uses established in this resolution.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Commercial Planned Development Amendment

CASE NUMBER: DCI Rezoning, 2023008

CASE NAME: 645 Old San Carlos Blvd., amend the existing Commercial Planned Development to additional seating and expand the consumption on premise.

TOWN COUNCIL HEARING DATE: June 20, 2023 at 9:00 AM
June 5, 2023 at 9:00 AM

LPA HEARING DATE: May 9, 2023 at 9:00 AM

STAFF RECOMMENDATION: Consistent with the LDC and CPD

**PREPARED/
SUBMITTED BY:** Jason Green AICP, CFM/Sarah Propst, AICP, PMP

I. APPLICATION SUMMARY

Applicant/Owner: Jim Figuerado / David McKee

Request: The applicant is requesting an amendment to the existing CPD (Res 17-39) master concept plan to allow expanded seating areas and consumption on premise area.

Subject property: See attached site plan

Physical Address: 645 Old San Carlos Blvd

STRAP #: 24-46-23-W3-00026.0000

FLU: Pedestrian

Zoning: Commercial Planned Development

Adjacent zoning and land uses:

North:	Matanzas Pass Submerged Land Lease
South:	CPD and Downtown Marina Village at Snug Harbor; Restaurant and Parking lot; Harbour House at the Inn (SE)
East:	Downtown Old Seaport Place Inc.
West:	Commercial Mixed Moss Marina

II. BACKGROUND AND ANALYSIS

Background:

The property was approved for an amendment to the CPD in 2017 (Res 17-39) to allow an expansion of restaurant, seating and service area, and amend several elements of the master concept plan. The previous request included a submerged land lease area that is also included with the proposed amendment to the master concept plan. Several of the approved components of the master concept plan have been constructed and are operational.

Previous issues concerning the amendment from 2017 includes hours of operations and noise issues related to the use. The Town Council approved conditions of approval for service hours.

Analysis:

The proposed changes include a seating and service area that will have a canvas or other “soft” cover. The area of expansion include a covered paver walkway from the dock to the street; an additional consumption on premise (COP) and restaurant service area of 3,451 square feet between the building and water/submerged land area; and an 8x10 covered hostess stand adjacent to the driveway and Old San Carlos Boulevard right-of-way; a new 25’x25’ chikee within the proposed COP area; additional 7.5 x 29 feet walkway within proposed COP area; and an additional covered seating area of 14’x65’ within proposed COP area.

Neighborhood Compatibility:

The existing and proposed areas for restaurant and COP service share the grounds with an existing residential condominium building. Residents previously expressed concerns about noise and late-night alcohol consumption.

Findings and Conclusions:

LDC Sec. 34-88 sets forth the required findings and conclusions for the approval of a special exception:

- a. Whether there exist changed or changing condition which make approval of the request appropriate*

The property with the current use and consumption on premises is existing. The materials provided by the applicant don't appear to address any changing conditions; however, they have provided a summary of how the request, located within the Pedestrian Commercial category, is consistent with the primarily commercial nature of the category.

- b. Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

The applicant has provided documentation expressing how the request is consistent with goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan, including how the Pedestrian Commercial category primary use is commercial activity.

- c. Whether the request meets or exceeds all performance and locational standards for the proposed use*

The commercial use and activity have already been approved for the location. The property owner wishes to expand that activity, including restaurant seating and COP service areas.

- d. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The applicant provides no indication of environmentally critical areas being impacted.

- e. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

The business is already in operation and the request is for an expansion of area.

- f. Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Town's Land Development Code.*

The request will be in compliance with the applicable zoning provisions and supplemental regulations. The property is zoned CPD and the use of restaurant and consumption on premise is approved for the identified areas. The proposal is to expand within those same areas. The applicant has provided a parking analysis to show compliance with the LDC for the expansion area.

III. RECOMMENDATION

Staff finds that the amendment to the CPD meets the criteria set forth in Section 34-88 of the LDC. At the May 9, 2023 LPA hearing the LPA unanimously recommended approval of the request. At the June 5th Town Council Hearing, the Town Council scheduled a second hearing for this CPD amendment.

Therefore, staff recommends that the Town Council Approve/Approve with Conditions/Deny requested ordinance DCI2023008 for the adoption of Ordinance 23-10, to modify the master concept plan by expanding the restaurant and consumption on premises service areas within those areas already permitted to have both uses. Previously approved conditions have been updated to reflect current versions. All deviations are proposed to remain.

IV. CONDITIONS OF APPROVAL

1. Development must be consistent with the master concept plan (MCP) titled "Olde Seaport of Fort Myers Beach" for case DCI 2023008, last revised 1/10/2023, except as modified by conditions or deviations as discussed herein.
2. The following limits apply to the project and uses:
 - a. Schedule of uses:
 - i. Parcel #1 (North Parcel – 645 Old San Carlos Blvd.)
 1. Consumption on Premises
 2. Personal Services
 3. Restaurants
 4. Seating areas
 5. Retail store, small
 - ii. Parcel #2 (Submerged Land Lease)
 1. Boat slips
 2. Docks
 3. Marina and related activities
 4. Seating areas (in connection with adjacent parcels restaurants and food preparation areas)
 - iii. Parcel #3 (South Parcel – 441/445 Old San Carlos Blvd.)
 1. Parking lot, shared permanent
 - iv. Parcel #4 (Butler Act property)
 1. Seating areas (in conjunction with adjacent

Accessory uses on all parcels:
Bay access if available
Essential services
Essential service equipment

3. Nothing in this rezoning, including any of the attached conditions, may be construed as a variance from the provisions of LDC Chapter 6, Article IV Floodplain regulations.
4. Approval of this rezoning does not give the developer an undeniable right to local development order approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of the development order approval and permitting, except as specifically modified herein.
5. The development must comply with LDC Sec. 14-76 requirements for sea turtle conservation applicable to new development.
6. No structure may be placed in or over, and no work may occur in, any navigable waters of the United States unless property authorization by the United States Army Corps of Engineers or its designee.
7. No stormwater management system, dam, impoundment, reservoir, appurtenant work, or works may be constructed or altered on the subject property, including submerged lands and riparian leased areas, without property permit or exemption, and unless in compliance with all conditions of such permit or exemption, from the South Florida Water Management District or Florida Department of Environmental Protection, as applicable. Stormwater Management for the property must comply with all applicable requirements of the Land Development Code at the time of development order approval and must provide for the capture and retention of all stormwater on the site.
8. Approval of the rezoning does not address compliance or noncompliance of proposed building elevations with the commercial design standards included in LDC Chapter 34, Article III, Division 7. Development of the subject property must meet the commercial design standards effective at the time of the local development order approval.
9. Docks for use by occupants of principal uses on the subject property, docks for lease to non-occupants of principal uses on the subject property, and docks used by water taxi or water shuttle are limited to areas within the existing submerged land lease described in Exhibit A. These docks are and must remain accessory to the principal use(s) of the subject property. The number of slips within the area of the submerged land lease may not exceed the number authorized by that lease without proper approval. Construction of additional or replacement docks must comply with all applicable requirements of the LDC and all applicable state and federal regulations at the time of permitting. No live-aboard units allowed.

10. Hours of operation:

All restaurants and outdoor seating areas may operate from 8:00AM to 10:00 PM.

- Consumption on Premises in conjunction with outdoor seating shall be from 11:30AM-10:00PM. Live entertainment permitted only inside the buildings,

limited to non- amplified, acoustical music.

11. Steamers must be located outside of the Marina Village at Snug Harbor Condominium building.
12. No deliveries will be permitted between 9:00PM and 7:00AM.
13. Commercial garbage collection must be provided six days a week (excluding Sundays).
14. Parking lot must be reconfigured to allow vehicular traffic flow without dead-ends.
15. Public restroom facilities must be provided in Unit C of the Marina Village at Snug Harbor Condominium building.
16. Upon the completion of the street side restaurant on parcel #1 (issuance of certificate of occupancy) no beach parking of any kind (Single-purpose Parking Lots only) shall be permitted on the subject properties at any time, all designated parking spaces shall be used for the uses established in this resolution.

NOTES FOR COP EXTENSION AND ADDITIONAL IMPROVEMENTS REQUEST:

1. ALL IMPROVEMENTS TO DATE AND CURRENT OPERATIONS ARE CONSISTENT WITH TOWN COUNCIL RESOLUTION 17-39/DCI17-0005. THIS REQUEST IS TO EXTEND THE COP AREA BY 3451 SF AND ADD A NUMBER OF IMPROVEMENTS/FACILITIES TO THE SITE.

2. ADDITIONAL IMPROVEMENTS/STRUCTURES ARE PROPOSED AS FOLLOWS:

- AN ADDITIONAL 14 FT X 65 FT (910 SF) COVERED SEATING/COP AREA EAST OF THE CURRENT FACILITIES IN THE 2018 BUTLER ACT PROPERTY:
 - SET-BACKS TO THE PROPERTY LINE AND WATER; 0 FT
 - COVERAGE; MAX 910 SF
 - MAX. HEIGHT; 20 FT ABOVE CURRENT DOCK LEVEL
- RAIL SEATING IS PROPOSED IN THE COP EXTENSION AREA, AS SHOWN ON THE PLAN:
 - SET-BACKS TO THE PROPERTY LINE AND WATER; 0 FT
 - COVERAGE; MAX. 210 SF
 - MAX. HEIGHT; N/A (NOT COVERED)
- A CHICKEE HUT IS PROPOSED IN THE COP EXTENSION AREA, AS SHOWN ON THE PLAN:
 - SET-BACK TO THE WATER; 3 FT
 - SET-BACK TO THE PROPERTY LINE; 3 FT
 - COVERAGE; MAX. 625 SF/25 FT X 25 FT
 - MAX. HEIGHT; 25 FT ABOVE EXISTING GRADE
- A PORTION OF THE EXISTING DOCK IS DESIGNATED AS A COP EXTENSION AREA
- A COVERED WALKWAY (NONE OF WHICH IS LOCATED WITHIN THE COP EXTENSION AREA) IS PROPOSED ALONG THE EXISTING BRICK WALKWAY RUNNING FROM THE STREET TO THE ENTRANCE TO THE OVER THE WATER SEATING:
 - SET-BACKS TO THE PROPERTY LINE AND WATER; 0 FT
 - COVERAGE; MAX. 2190 SF WITH MAX. WIDTH OF 10 FT
 - MAX. HEIGHT; 15 FT
- A COVERED HOSTESS STATION (NONE OF WHICH IS LOCATED WITHIN THE COP EXTENSION AREA) IS PROPOSED AT THE STREET ENTRY LOCATION, AS SHOWN ON THE PLAN. IT WILL BE CONNECTED TO THE COVERED WALKWAY AND SIGNAGE WILL BE PROVIDED AT THIS LOCATION.
 - SET-BACK TO WATER; 50 FT
 - SET-BACK TO STREET/PROPERTY LINE; 0 FT
 - COVERAGE; MAX. 80 SF/ 8 FT X 10 FT
 - MAX. HEIGHT; 15 FT

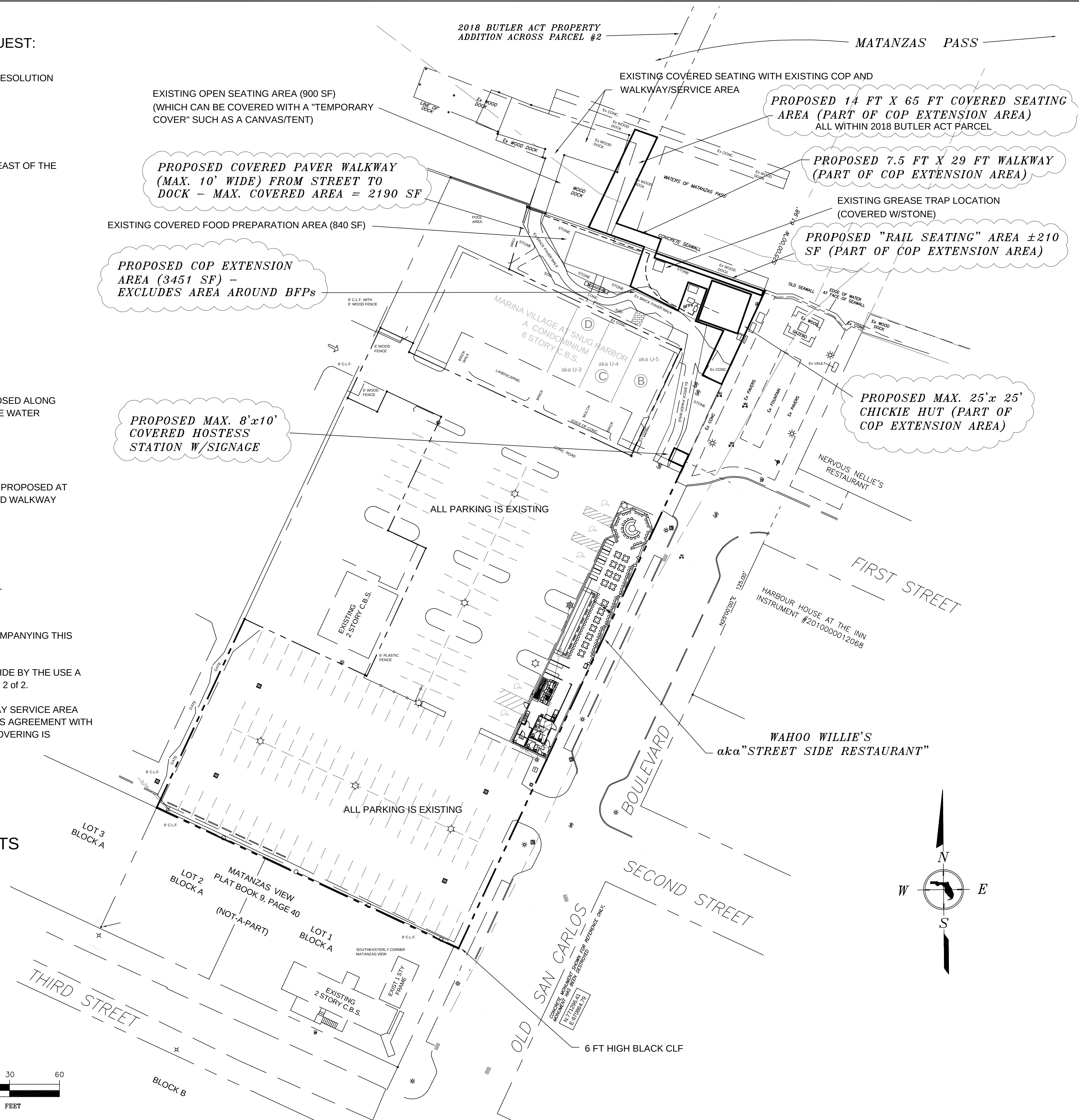
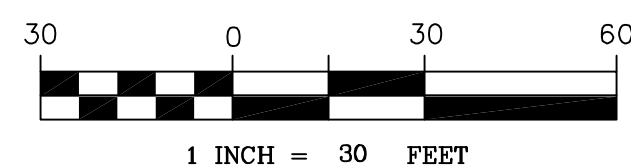
NOTE: THE TOTAL PROPOSED COP EXTENSION AREA IS 3451 SF. SEE SHEET 2 OF 2 FOR THE OVERALL DESIGNATED AREA.

3. ADEQUATE PARKING EXISTS FOR PROPOSED EXPANSION AREA. SEE PARKING CALCULATIONS ACCOMPANYING THIS PLAN.

4. THE COP EXTENSION AREA WILL BE SEPARATED FROM THE ADJACENT STREET ROW ON THE EAST SIDE BY THE USE A BARRIER SIMILAR TO WHAT IS PRESENTLY LOCATED ON THE SITE. SEE DETAILS ON MCP DETAIL SHEET 2 of 2.

5. AS A POINT OF CLARIFICATION, THE EXISTING 900 SF OF OPEN SEATING AREA EAST OF THE WALKWAY SERVICE AREA CAN HAVE A TEMPORARY COVERING SUCH AS A CANVAS OR TENT LIKE STRUCTURE. PER THE OWNER'S AGREEMENT WITH THE STATE OF FLORIDA FOR THIS SUBMERGED LAND LEASE PARCEL, NO PERMANENT/STRUCTURAL COVERING IS PERMITTED.

SEE SHEET MCP 2 of 2 FOR DETAILS OF THE PROPOSED
COP EXTENSION AREA AND ASSOCIATED IMPROVEMENTS



SCALE: 1" = 30'	DAVID E. MCKEE, PE PROFESSIONAL ENGINEER P.E. 38347, STATE OF FLORIDA					
	CAD FILE: Olde Seaport					
SHEET	DESIGN BY:	DEM	David E McKee, PE Engineering – Permitting – Land Development 5948 Kaylee Ann Drive Granite Falls, NC 28630 22180 Tallwood Court, #B04 Estero, FL 33928 Phone (239) 898-4008 email: mckeeeng@gmail.com			
MCP	DRAWN BY:	DEM				
1 of 2	CHECKED BY:	DEM				
	DATE:	1/10/2023				
OLDE SEAPORT PLACE, INC. OVERALL MASTER CONCEPT PLAN Old Seaport Place, Inc. 489 Madison Court Fort Myers Beach, FL 33931						
			DATE _____ REVISIONS: △ _____ △ _____ △ _____ △ _____ △ _____ △ _____			
			SITE PLAN			

NOTES:

1. THIS PUBLIC HEARING AMENDMENT TO CPD (RES.15-01) REQUEST INCLUDES THE SAME FOUR PARCELS OF LAND AS THE ORIGINAL REQUEST (WITH CHANGES ONLY BEING MADE TO PARCELS #2 AND #4), AS FOLLOWS:

- STRAP NO. 24-46-23-W3-00026.0000 (645 OLD SAN CARLOS BLVD), ALSO SHOWN AS NORTH PARCEL #1 ON THE ACCOMPANYING SURVEY
- STRAP NO. 24-46-23-W3-00026.0030 (441/445 OLD SAN CARLOS BLVD), ALSO SHOWN AS SOUTH PARCEL #3 ON THE ACCOMPANYING SURVEY
- A NON-STRAPPED PARCEL, KNOWN AS A "BUTLER ACT" PARCEL, ALSO SHOWN AS PARCEL #4 ON THE ACCOMPANYING SURVEY

NO PARCEL #2 IS IDENTIFIED ON THE SURVEY. FOR THE PURPOSE OF THIS AMENDMENT REQUEST, THE SUBMERGED LAND LEASE WILL BE DESIGNATED AS PARCEL #2 (ALSO NOT STRAPPED)

THE RESTAURANT KNOWN AS NERVOUS NELLIE'S LOCATED TO THE EAST, WHILE NOT PART OF THIS CPD, UTILIZES A PORTION OF THE PARKING ON THESE PARCELS AND IS INCLUDED ON THE PARKING CALCULATIONS.

2. CURRENT LAND USE/ZONING:

PARCELS 1 & 3: LAND USE: PEDESTRIAN COMMERCIAL, ZONING: PER CURRENT APPROVAL (RES. 15-01)

PARCELS 2 & 4: LAND USE: TIDAL WATER, ZONING: PER CURRENT APPROVAL (RES. 15-01)
(NOTE: PARCEL 4 FORMERLY CONTAINED THE SNUG HARBOR RESTAURANT)

3. DESCRIPTION OF PROPOSED DEVELOPMENT ON EACH PARCEL;

PARCEL #1:
- COVERED FOOD PREPARATION AREA (LOBSTER POT); 850 SF - SUPPORTED BY KITCHEN OPERATIONS OUT OF UNIT D
- RESTAURANT W/COP: MAX. 3744 SF (300 SEATS)
- PARKING; 49 SPACES

PARCEL #2:
- OPEN SEATING (AWNING PERMITTED) AREA W/COP: 900 SF (75 SEATS)

PARCEL #3; NO CHANGES PROPOSED (REMAINS AS 74 SPACE PARKING LOT)

PARCEL 4;
- COVERED SEATING W/COP: 1600 SF (125 SEATS)
- WALKWAY: 390 SF AREA FOR SEATING ACCESS/SERVICE AREA

4. SITE DATA AND DEVELOPMENT REGULATIONS:

PARCEL #1/NORTH PARCEL; TOTAL AREA = 35,768 SF
- FOOD PREPARATION AREA: 850 SF (MIN. 3 FT SET-BACK, MAX. HEIGHT = 25 FT ABOVE EX. GRADE)
- RESTAURANT W/COP: 3744 SF (0 FT SET-BACK TO STREET, MAX. HEIGHT = 30 FT ABOVE EX. GRADE)

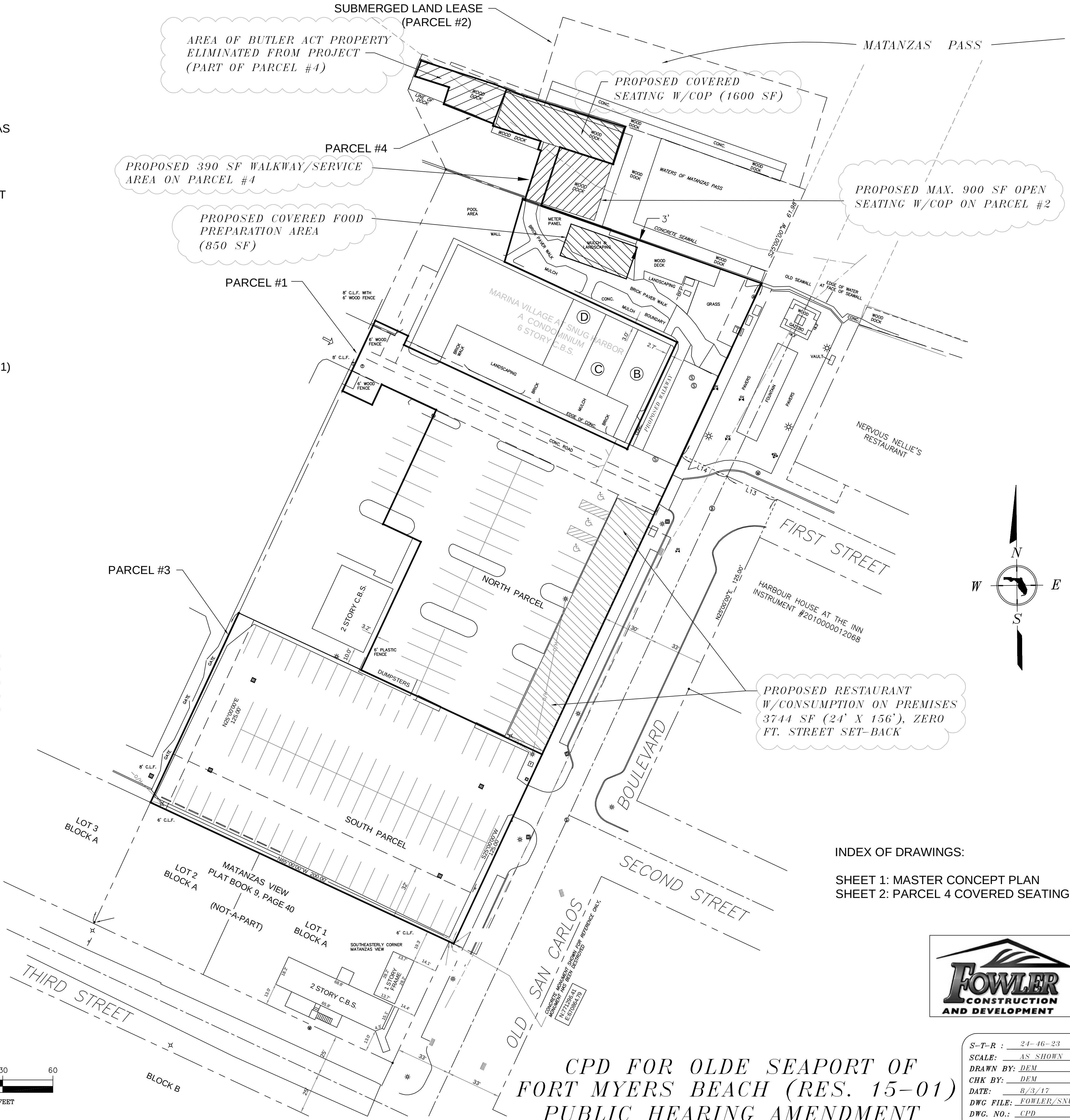
PARCEL #2/SUBMERGED LAND LEASE
- OPEN SEATING AREA W/COP: 900 SF (0 FT SET-BACK)

PARCEL #3/SOUTH PARCEL; TOTAL AREA = 25,000 SF (NO CHANGES)

PARCEL 4/BUTLER ACT PARCEL; TOTAL AREA = 3025 SF
- COVERED SEATING AREA W/COP: 1600 SF (0 FT SET-BACK, MAX. HEIGHT = 20 FT ABOVE CURRENT DOCK LEVEL)
- 390 SF WALKWAY/SERVICE AREA
- REMAINING AREA REMOVED FROM CPD

5. UNLESS OTHERWISE NOTED, EXISTING DOCKS AND WALKWAYS WILL REMAIN AND CONTINUE TO BE USED IN THE SAME MANNER.

6. UNITS "B", "C" AND "D" IN THE MARINA VILLAGE AT SNUG HARBOR, A CONDOMINIUM, ARE OWNED BY THE APPLICANT BUT NOT PART OF THIS REZONING REQUEST. THE ZONING OF MARINA VILLAGE IS "DOWNTOWN" AND ALL PROPOSED USES ARE CONSISTENT WITH THE CURRENT ZONING.



INDEX OF DRAWINGS:

SHEET 1: MASTER CONCEPT PLAN
SHEET 2: PARCEL 4 COVERED SEATING



S-T-R : 24-46-23
SCALE: AS SHOWN
DRAWN BY: DEM
CHK BY: DEM
DATE: 8/3/17
DWG FILE: FOWLER/SNUG
DWG. NO.: CPD
SHEET 1 OF 1

REVISIONS:
12/7/17 - remove parcel 1 (former "full belly dell") outdoor seating per hearing agreement

PROJECT
MASTER CONCEPT PLAN
OLD SEAPORT PLACE, INC.
2532 ESTERO BLVD, UNIT 504
FORT MYERS BEACH, FL 33931

McKee Engineering Consultants, Inc.
Engineering Permitting Land Development
5235 Starboard Lane Granite Falls, NC 28630
Phone (239) 898-4008 email: mckeeeng@gmail.com
FL CERTIFICATE OF AUTHORIZATION #27145

DATE:
DAVID E. MCKEE
REGISTERED PROFESSIONAL ENGINEER
P.E. 38847, STATE OF FLORIDA

David E. McKee, Florida P.E. #38347
5848 Kaylee Ann Drive, Granite Falls, NC 28630
239/898-4008 mckeeeng@gmail.com

January 28, 2023

Submitted by email to: zoningpermits@fmbgov.com

Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33931

Re: Request for CPD Amendment via Public Hearing for COP/Seating Area Extension – Olde Seaport of Fort Myers Beach; Zoning Resolution #17-39 (DCI17-0005)

Ladies and Gentlemen:

Please find attached a complete Public Hearing Amendment application for the above referenced project. The application is being submitted by Mr. Jim Figuerado Of Old Seaport Place., Inc, the current property owner, with this office acting as an Authorized Agent. This application generally encompasses the same properties as the original approval, as follows:

- Strap No. 24-46-23-W3-00026.0000; 645 Old San Carlos Blvd. (parcel #1)
- Strap No. 24-46-23-W3-00026.0030; 441/445 Old San Carlos Blvd. (parcel #3)
- A Butler Act parcel lying north of 645 Old San Carlos Blvd., as designated on an earlier boundary survey, which has been included for reference. The area was the location of the old Snug Harbor Restaurant until it was demolished (parcel #4). It now is part of the covered seating for the Snug Harbor Restaurant facility. It was unstrapped at the time of the 2017 zoning request but is now strapped as 24-46-23-W2-00000.0000
- A portion of a submerged land lease lying north of 645 Old San Carlos Blvd. (parcel #2). This parcel, since the original rezoning approval in November 2017, has been modified with an approximate 14 ft wide portion now being a Butler Act parcel as shown on the recorded deed and updated survey accompanying this application. This Butler Act parcel is strapped; 24-46-23-W2-00000.0020, and its' designation as a Butler Act parcel allows the area to be covered.

No changes/modifications are proposed on parcel #3 but it provides part of the required parking so it is included in this application and maintains consistency with the original approval . Similarly, no changes are proposed on Butler Act Parcel #4. It has the 1600 sf of covered seating (with COP) and a 390 sf walkway service area (1990 sf total) as was approved in 2017.

Proposed amendments on the other two parcels are as follows:

Parcel #1: An extension of the COP/seating area, as shown in detail on Detail "A" on sheet 2 of 2 of the MCP. Within this extension area the construction of a Chickee Hut (max 25' x 25') and a rail seating area along the north side of the parcel are proposed (the rail is presently existing but will be upgraded and the seating will be added in an area not exceeding 210 sf). Additionally a covered walkway area (max. 2190 sf) and covered hostess station (max 8' x 10') with signage is proposed. The last two facilities are not included in the proposed COP extension area.

Parcel #2: An additional 14 ft x 65 ft area, or 910 sf is proposed for covered seating/COP usage to the east of the current seating areas. This is all within the 2018 Butler Act property, which allows for the covered seating. An adjacent 7.5 ft x 29 ft area along the existing dock is proposed for a pedestrian walkway and includes COP usage. The COP usage designation allows patrons to walk through the area while carrying an alcoholic beverage from the waiting area on Parcel #1 waiting area to a dining table on Parcels #2 or #4.

As a point of clarification the current 900 sf of open dining area on parcel #2 does not allow a permanent covered area since it is a submerged land lease area. However, a temporary cover such as a canvas or tent type structure is permitted.

The accompanying Master Concept Plan specifically identifies these changes via revision clouds and notes are provided outlining these proposed requests. Please note that sheet 2 of 2 provides for additional details that could not be clearly shown on the overall Master Concept Plan. All other facets of the rezoning approved in 2017 remain the same. Note that the overall COP/seating extension areas total 3451 sf on parcels #1 and #2 as shown Detail "A" on sheet 2.

In requesting this CPD Amendment it is understood that the Conditions of Approval outlined in the current Zoning Resolution 17-39 will be extended. Item #1 will obviously reflect a new Master Plan approval and item #16 is already in effect given the completion of the Street Side Restaurant. Uses, operation times and conditions and all other criteria remain the same. The area known as Parcel #2/ Submerged Land Lease is now bisected by a Butler Act parcel, said parcel allowing the construction of permanent roof/coverage structure.

The application includes the following:

- This cover letter
- Completed application for Public Hearing and related Supplement PH-D for the proposed changes with Mr. Figuerado providing the proper signature pages in paper form.
- Master Concept Plan, including a detail sheet (two sheet MCP)
- Updated Parking Calculations
- A separate Part I/Section C; Comprehensive Plan Compliance narrative
- A separate Part I/Section D; Design Standards Compliance narrative
- A separate part I/Section E; Decision Making Compliance narrative
- Schedule of Uses
- Variance report with map, property owners list and mailing labels (aka Exhibits 6-6 & 6-7)
- Area Location map (aka Exhibit 6-3)
- 2018 Butler Act property documentation
- Boundary surveys (aka Exhibit 6-2a, the earlier survey with parcel designations and Exhibit 6-2b, an updated survey showing the 2018 Butler Act Property over the submerged land lease)
- Copy of RES17-39 for reference

We have not provided an updated TIS as the roadway capacities have not changed during the course of this project's development. All road segments are currently failing. Additionally, renderings of the proposed facilities have not been provided. They will follow the same architectural theme as the current facilities, including the thatched roof design of Wahoo Willies (the "street side restaurant"), and will be provided at time of the Development Order activities for review and approval.

Town of Fort Myers Beach

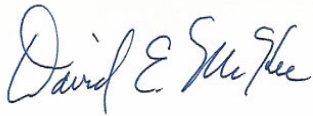
January 28, 2023

Page 3

All documents are provided in electronic form via email as directed by the Application instructions. Mr. Figuerado, the Owner and applicant, will submit directly to the Town original paper copies of the required signature sheets and a check for the required \$6500 application fee.

Should you have any questions regarding this application or require additional information, please contact me at 239/898-4008 or by email at: mckeeeng@gmail.com

Very Truly Yours,

A handwritten signature in blue ink that reads "David E. McKee". The signature is written in a cursive style with a large, stylized 'D' and 'M'.

David E. McKee, PE

RESOLUTION 17-39
THE TOWN OF FORT MYERS BEACH FLORIDA
DCI17-0005 – OLDE SEAPORT COMMERCIAL
PLANNED DEVELOPMENT AMENDMENT

WHEREAS, applicant Robert Fowler, authorized agent for Olde Seaport Place Inc. is requesting an amendment to an already approved Master Concept Plan consistent with Section 34-214 of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP numbers for the subject property are 24-46-23-W3-00026.0000, 24-46-23-W3-00026.0030, and 24-46-23-W2-000000.0000 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 645 Old San Carlos Boulevard Fort Myers Beach, FL 33931, zoned Commercial Planned Development on the Official Zoning Map and is located in the Pedestrian Commercial and Tidal Water categories of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on October 10, 2017; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85.

WHEREAS, the Town Council determined it is in the best interest of the Town to approve the request.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

1. Determination.

Based upon the recommendations, testimony, and evidence presented by Town staff, LPA, applicant, and interested parties, the Town Council APPROVES the following:

- a. An amendment to an already approved Master Concept Plan. The request amends the approval as follows: Within Parcel #1 replace the 4,020 square feet of Open Air Shops with a 3,744 square foot restaurant (with up to 800 square feet of bar area) with COP (4COPSRX); Within Parcel #2 the 1,140 square feet of History House/Public Use area is replaced by 900 square feet of open restaurant seating that will be served by "on land" facilities; Within Parcel #4 reduce the amount of Butler Act property utilized from 2,697 square feet to 1,600 square feet (with COP) of covered seating and 390 square feet of walk-way service area (1,990 square feet total).

2. Findings and Conclusions of Law:

In accordance with the requirements of LDC Section 34-85 for granting a rezoning, the Town Council make the following findings and reach the following conclusions:

- A. There **exist** changed or changing conditions which make approval of the request appropriate.
- B. The request **is consistent** with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request **meets or exceeds** all performance and locational standards set forth for the proposed use.
- D. The request **will** protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request **will** be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use **will** be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in the Land Development Code including Chapter 34.

3. Conditions of Approval

1. Development must be consistent with the master concept plan (MCP) titled "Olde Seaport of Fort Myers Beach" (Exhibit C) for case DCI17-0005, last revised 8/3/17, except as modified by conditions or deviations discussed herein. In accordance with LDC Section 34216(b)(5), the MCP must be updated to reflect the deviations and conditions approved by Town Council. If changes to the MCP are subsequently pursued, appropriate approvals will be required.

2. The following limits apply to the project and uses:

Schedule of Uses:

Parcel #1 (North Parcel – 645 Old San Carlos Blvd.)

Consumption on Premises
Single-purpose Parking Lot
Personal Services
Restaurants
Seating areas

Parcel #2 (Submerged Land Lease)

Boat slips

Docks

Marina & accessory uses

Seating areas (in connection with adjacent parcels, restaurants and food preparation areas see Exhibit B for restaurant square footages and parking calculations)

Consumption on Premises

Parcel #3 (South Parcel – 441/445 Old San Carlos Blvd.)

Single-purpose Parking Lot

Parcel #4 (Butler Act property)

Seating areas (in connection with adjacent parcels restaurants and food preparation areas)
Consumption on Premises

Accessory uses on all parcels:

Bay access if available

Essential services

Essential services equipment

3. Nothing in this rezoning, including any of the attached conditions, may be construed as a variance from the provisions of LDC Chapter 6, Article IV Floodplain regulations.
4. Approval of this rezoning does not give the developer an undeniable right to local development order approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of development order approval and permitting, except as specifically modified herein.
5. The development must comply with LDC Sec. 14-76 requirements for sea turtle conservation applicable to new development.
6. No structure may be placed in or over, and no work may occur in, any navigable water of the United States unless properly authorized by the United States Army Corps of Engineers or its designee.
7. No stormwater management system, dam, impoundment, reservoir, appurtenant work, or works may be constructed or altered on the subject property, including submerged lands and riparian leased areas, without property permit or exemption, and unless in compliance with all conditions of such permit or exemption, from the South Florida Water Management District or Florida Department of Environmental Protection, as applicable. Stormwater management for the subject property must comply with all applicable requirements of the Land Development Code at the time of development order approval and must provide for the capture and retention of all stormwater on the site.

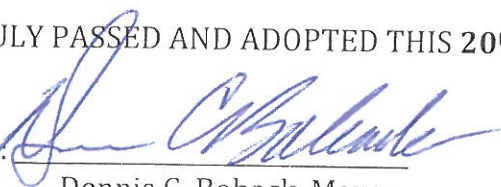
8. Approval of this rezoning does not address the compliance or noncompliance of proposed building elevations with the commercial design standards included in LDC Chapter 34, Article III, Division 7. Development of the subject property must meet the commercial design standards effective at the time of local development order approval.
9. Docks for use by occupants of principal uses on the subject property, docks for lease to non-occupants of principal uses on the subject property, and docks for use by water taxi or water shuttle are limited to the areas within the existing submerged land leases and submerged land described in Exhibit A. These docks are and must remain accessory to the principal use(s) of the subject property. The number of slips within the area of a submerged land lease may not exceed the number authorized by that lease without proper approval. Construction of additional or replacement docks must comply with all applicable requirements of the LDC and all applicable state and federal regulations at the time of permitting. No live-aboard units are allowed.
10. Hours of operation:
- All restaurants and outdoor seating areas may operate from 8:00AM to 10:00 PM.
 - Consumption on Premises in conjunction with outdoor seating shall be from 11:30AM-10:00PM. Live entertainment permitted only inside the buildings, limited to non-amplified, acoustical music.
11. Steamers must be located outside of the Marina Village at Snug Harbor Condominium building.
12. No deliveries will be permitted between 9:00PM and 7:00AM.
13. Commercial garbage collection must be provided six days a week (excluding Sundays).
14. Parking lot must be reconfigured to allow vehicular traffic flow without dead-ends.
15. Public restroom facilities must be provided in Unit C of the Marina Village at Snug Harbor Condominium building.
16. Upon the completion of the street side restaurant on parcel #1 (issuance of certificate of occupancy) no beach parking of any kind (Single-purpose Parking Lots only) shall be permitted on the subject properties at any time, all designated parking spaces shall be used for the uses established in this resolution.

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

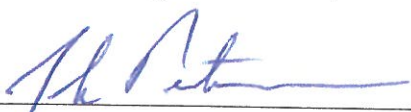
Dennis Boback, Mayor	AYE
Bruce Butcher, Member	AYE
Joanne Shamp, Member	AYE

Tracey Gore, Vice Mayor	AYE
Anita Cereceda, Member	AYE

DULY PASSED AND ADOPTED THIS 20th day **NOVEMBER, 2017.**

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

By: 
Peterson Law Group
Town Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100



EXHIBIT A

SURVEY PLAT

A PARCEL OF LAND
LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH
LEE COUNTY, FLORIDA

ELEVATIONS ARE BASED ON NVD OF 1929

Address: 11100 E. 29th Ave., Suite 200
Denver, CO 80231-6709
Phone: 303.751.0000
Fax: 303.751.0001

Bean, Whittaker, Lutz & Karelh, Inc. (US 919),
CITY ENGINEERS, STRUCTURALS AND PLANNERS
10000 E. 10TH AVE., SUITE 100, DENVER, CO 80231
(303) 461-1351

KIRIC INVESTMENTS

Whitaker, Lutz & Karel, Inc. (US 4916)
CIVIL ENGINEERS - SURVEYORS AND LANDSCAPE PLANNERS

1901-1902
1903-1904
1905-1906
1907-1908
1909-1910
1911-1912
1913-1914
1915-1916
1917-1918
1919-1920
1921-1922
1923-1924
1925-1926
1927-1928
1929-1930
1931-1932
1933-1934
1935-1936
1937-1938
1939-1940
1941-1942
1943-1944
1945-1946
1947-1948
1949-1950
1951-1952
1953-1954
1955-1956
1957-1958
1959-1960
1961-1962
1963-1964
1965-1966
1967-1968
1969-1970
1971-1972
1973-1974
1975-1976
1977-1978
1979-1980
1981-1982
1983-1984
1985-1986
1987-1988
1989-1990
1991-1992
1993-1994
1995-1996
1997-1998
1999-2000
2001-2002
2003-2004
2005-2006
2007-2008
2009-2010
2011-2012
2013-2014
2015-2016
2017-2018
2019-2020
2021-2022
2023-2024
2025-2026
2027-2028
2029-2030
2031-2032
2033-2034
2035-2036
2037-2038
2039-2040
2041-2042
2043-2044
2045-2046
2047-2048
2049-2050
2051-2052
2053-2054
2055-2056
2057-2058
2059-2060
2061-2062
2063-2064
2065-2066
2067-2068
2069-2070
2071-2072
2073-2074
2075-2076
2077-2078
2079-2080
2081-2082
2083-2084
2085-2086
2087-2088
2089-2090
2091-2092
2093-2094
2095-2096
2097-2098
2099-2100
2101-2102
2103-2104
2105-2106
2107-2108
2109-2110
2111-2112
2113-2114
2115-2116
2117-2118
2119-2120
2121-2122
2123-2124
2125-2126
2127-2128
2129-2130
2131-2132
2133-2134
2135-2136
2137-2138
2139-2140
2141-2142
2143-2144
2145-2146
2147-2148
2149-2150
2151-2152
2153-2154
2155-2156
2157-2158
2159-2160
2161-2162
2163-2164
2165-2166
2167-2168
2169-2170
2171-2172
2173-2174
2175-2176
2177-2178
2179-2180
2181-2182
2183-2184
2185-2186
2187-2188
2189-2190
2191-2192
2193-2194
2195-2196
2197-2198
2199-2200
2201-2202
2203-2204
2205-2206
2207-2208
2209-2210
2211-2212
2213-2214
2215-2216
2217-2218
2219-2220
2221-2222
2223-2224
2225-2226
2227-2228
2229-2230
2231-2232
2233-2234
2235-2236
2237-2238
2239-2240
2241-2242
2243-2244
2245-2246
2247-2248
2249-2250
2251-2252
2253-2254
2255-2256
2257-2258
2259-2260
2261-2262
2263-2264
2265-2266
2267-2268
2269-2270
2271-2272
2273-2274
2275-2276
2277-2278
2279-2280
2281-2282
2283-2284
2285-2286
2287-2288
2289-2290
2291-2292
2293-2294
2295-2296
2297-2298
2299-2300
2301-2302
2303-2304
2305-2306
2307-2308
2309-2310
2311-2312
2313-2314
2315-2316
2317-2318
2319-2320
2321-2322
2323-2324
2325-2326
2327-2328
2329-2330
2331-2332
2333-2334
2335-2336
2337-2338
2339-2340
2341-2342
2343-2344
2345-2346
2347-2348
2349-2350
2351-2352
2353-2354
2355-2356
2357-2358
2359-2360
2361-2362
2363-2364
2365-2366
2367-2368
2369-2370
2371-2372
2373-2374
2375-2376
2377-2378
2379-2380
2381-2382
2383-2384
2385-2386
2387-2388
2389-2390
2391-2392
2393-2394
2395-2396
2397-2398
2399-2400
2401-2402
2403-2404
2405-2406
2407-2408
2409-2410
2411-2412
2413-2414
2415-2416
2417-2418
2419-2420
2421-2422
2423-2424
2425-2426
2427-2428
2429-2430
2431-2432
2433-2434
2435-2436
2437-2438
2439-2440
2441-2442
2443-2444
2445-2446
2447-2448
2449-2450
2451-2452
2453-2454
2455-2456
2457-2458
2459-2460
2461-2462
2463-2464
2465-2466
2467-2468
2469-2470
2471-2472
2473-2474
2475-2476
2477-2478
2479-2480
2481-2482
2483-2484
2485-2486
2487-2488
2489-2490
2491-2492
2493-2494
2495-2496
2497-2498
2499-2500
2501-2502
2503-2504
2505-2506
2507-2508
2509-2510
2511-2512
2513-2514
2515-2516
2517-2518
2519-2520
2521-2522
2523-2524
2525-2526
2527-2528
2529-2530
2531-2532
2533-2534
2535-2536
2537-2538
2539-2540
2541-2542
2543-2544
2545-2546
2547-2548
2549-2550
2551-2552
2553-2554
2555-2556
2557-2558
2559-2560
2561-2562
2563-2564
2565-2566
2567-2568
2569-2570
2571-2572
2573-2574
2575-2576
2577-2578
2579-2580
2581-2582
2583-2584
2585-2586
2587-2588
2589-2590
2591-2592
2593-2594
2595-2596
2597-2598
2599-2600
2601-2602
2603-2604
2605-2606
2607-2608
2609-2610
2611-2612
2613-2614
2615-2616
2617-2618
2619-2620
2621-2622
2623-2624
2625-2626
2627-2628
2629-2630
2631-2632
2633-2634
2635-2636
2637-2638
2639-2640
2641-2642
2643-2644
26

[illegible]

ELEVATIONS ARE BASED ON NVD OF 1929

EXHIBIT B

Olde Seaport of Fort Myers Beach

Parking Calculations with big boat at 136 total, Parcel 1 outdoor seating (Full Belly Deli) removed, lobby and finished utility areas in Nervous Nellies added (10,127 sf total in facility) and 132 parking spaces actually available: 11/27/17

Building/Description	Unit	QTY.	Calculated		Gross Total	Downtown Reduction	Required	Provided
			Parking					
Existing "Nervous Nellie's" - Food Service	SF	9127		8 per 1000 SF	73.0	0.5	36.5	36.5
Existing "Nervous Nellie's" - Bar Area	SF	1000		13 per 1000 SF	13.0	0.5	6.5	6.5
FMB Princess Cruise Ship (150 capacity)	per patron	136	0.3333333333	per patron	45.3	0.5	22.7	22.7
Outdoor & Covered Seating*	SF	3350		8 per 1000 sf	26.8	0.5	13.4	13.4
Parcel 1 street side Restaurant	SF	2944		8 per 1000 sf	23.6	0.5	11.8	11.8
Street side Restaurant Bar Area	SF	800		13 per 1000 sf	10.4	0.5	5.2	5.2
Ticket sales/Boat rentals - Condo Unit B**	SF	840		3 per 1000 sf	2.5	0.5	1.3	1.3
Bathrooms - Condo Unit C**	SF	400		8 per 10000 sf	3.2	0.5	1.6	1.6
Kitchen/Food preparation - Condo Unit D**	SF	600		8 per 1000 sf	4.8	0.5	2.4	2.4
Boat Slips (see breakdown below)	per slip	21		0.5 per slip	10.5	0.5	5.3	5.3
TOTAL REQUIRED SPACES							106.6	106.6

The actual number of existing spaces is 132 so sufficient parking exists

* includes all parcel 2 and 4 seating areas as well as 850 sf for Covered Food Preparation area on parcel 1

** each of the Commercial Condo units is about 1200 sf. Only a portion of the area in each is used with the rest of the area empty or dead storage. Units C&D are part of the restaurant operations so the same parking requirements were used. For Unit B "other retail or business" space calcs are used

Boat Slip breakdown (21 total, including Princess Cruise Ship):

Use by Marina Village - 1

Open slips for use by diners coming by boat - 8

Slips for rental boats (by Olde Seaport) -7

Slips rented to boatowners that keep their boats moored -5

NOTES:

NORTH PARCEL #1: 24-46-23-03-0002S 0000 (645' OLD SAN CARLOS BLVD), ALSO SHOWN AS STRAP NO. 24-46-23-03-0002S 0000 (645' OLD SAN CARLOS BLVD), ALSO SHOWN AS SOUTH PARCEL #3 ON THE ACCOMPANYING SURVEY
A NON-STRAPPED PARCEL, KNOWN AS A "BUTTER ACT" PARCEL, ALSO SHOWN AS PARCEL #4 ON THE ACCOMPANYING SURVEY
NO PARCEL #2 IS IDENTIFIED ON THE SURVEY, FOR THE PURPOSE OF THIS AMENDMENT REQUEST, THE SUBMERGED LAND LEASE WILL BE DESIGNATED AS PARCEL #2 (ALSO NOT STRAPPED).

THE RESTAURANT KNOWN AS NERVOUS NELLIES LOCATED TO THE EAST, WHILE NOT PART OF THIS CDD, UTILIZES A PORTION OF THE PARKING ON THESE PARCELS AND IS INCLUDED ON THE PARKING CALCULATIONS.

2. CURRENT LAND USE/ZONING:

PARCELS 1 & 3: LAND USE: PEDESTRIAN COMMERCIAL, ZONING: PER CURRENT APPROVAL (RES. 15-01)

PARCELS 2 & 4: LAND USE: TIDAL WATER, ZONING: PER CURRENT APPROVAL (RES. 15-01)
(NOTE: PARCEL 4 FORMERLY CONTAINED THE SNUG HARBOR RESTAURANT)

3. DESCRIPTION OF PROPOSED DEVELOPMENT ON EACH PARCEL:

PARCEL #1:
COVERED FOOD PREPARATION AREA (LOBSTER POT), 850 SF - SUPPORTED BY
KITCHEN OPERATIONS OUT OF UNIT D
RESTAURANT W/COP - MAX. 374 SF (300 SEATS)
PARKING: 49 SPACES

PARCEL #2:
OPEN SEATING (AWNING PERMITTED) AREA W/COP: 900 SF (75 SEATS)

PARCEL #3; NO CHANGES PROPOSED (REMAINS AS 74 SPACE PARKING LOT)

PARCEL 4:
COVERED SEATING W/COP: 1600 SF (125 SEATS)
WALKWAY: 390 SF AREA FOR SEATING ACCESS/SERVICE AREA

1. SITE DATA AND DEVELOPMENT REGULATIONS:

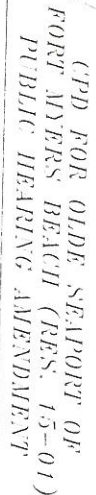
ARCCEL #1(NORTH PARCEL: TOTAL AREA = 35,768 SF
- FOOD PREPARATION AREA: 850 SF (MIN. 3 FT SET-BACK, MAX. HEIGHT = 25 FT
ABOVE EX. GRADE)
- RESTAURANT W/COFF: 3744 SF (0 FT SET-BACK TO STREET, MAX. HEIGHT = 30 FT
ABOVE EX. GRADE)

PARCEL #2/SUBMERGED LAND LEASE
- OPEN SEATING AREA W/COP: 900 SF (0 FT SET-BACK)

ARCEL #3/SOUTH PARCEL, TOTAL AREA = 25,000 SF (NO CHANGES)

- COVERED SEATING AREA W/COPI: 1600 SF (0 FT SET-BACK, MAX. HEIGHT = 20 FT ABOVE CURRENT DOCK LEVEL)
- 390 SF MAINTENANCE/SERVICE AREA

- REMAINING AREA REMOVED FROM CPD
UNLESS OTHERWISE NOTED, EXISTING DOCKS AND WALKWAYS WILL REMAIN AND CONTINUE TO BE USED IN THE SAME MANNER.
UNITS "B", "C" AND "D" IN THE MARINA VILLAGE AT SNUG HARBOR, A CONDOLINIUM OWNED BY THE APPLICANT BUT NOT PART OF THIS ZONING REQUEST, ARE THE PROPERTY OF MARINA VILLAGE AT "COUNTRYWIND" AND ALL PROPOSED USES ARE CONSISTENT WITH THE CURRENT ZONING.



SCAF.
 DRAWN BY
 CHK BY
 DATE
 DRC FILE
 DRC NO
 SHEET OF



FOWLER
CONSTRUCTION
AND DEVELOPMENT

INDEX OF DRAWINGS:

SHEET 1: MASTER CONCEPT PLAN
SHEET 2: PARCEL 4 COVERED SEATING

McKee Engineering Consultants, Inc.

MASTER CONCEPT PLAN
OLD SEAPORT PLACE, INC.
2532 ESTERO BLVD. UNIT 504
FORT MYERS BEACH, FL 33931

12/7/17 - remove price 1 (former "full belly
dell") outdoor seating per hearing agreement

**Olde Seaport of Fort Myers Beach
Commercial Planned Development**

Schedule of Uses

Parcel #1 (North Parcel – 645 Old San Carlos Blvd.)

Consumption on Premises
Parking Lot, shared permanent
Personal Services
Restaurants
Covered Seating areas
Retail store, small

Parcel #2 (2018 Butler Act Parcel/Submerged Land Lease)

Boat slips
Docks
Marina & related activities
Seating areas (in connection with adjacent parcels, restaurants and food preparation areas) with covered seating in 2018 Butler Act Parcel area
Consumption on Premises

Parcel #3 (South Parcel – 441/445 Old San Carlos Blvd.)

Parking Lot, shared permanent

Parcel #4 (Butler Act property)

Covered Seating areas (in connection with adjacent parcels restaurants and food preparation areas)
Consumption On Premises

Accessory uses on all parcels:

Bay access
Essential services
Essential services equipment

Olde Seaport of Fort Myers Beach - Rezoning Request

Parking Calculations with two passenger ships at a total of 98 patrons, expansion of seating/COP Area (this request), lobby and finished utility areas in Nervous Nellies added (10,127 sf total in facility) and 132 parking spaces actually available: 1/10/23

Building/Description	Unit	QTY.	Calculated Parking	Gross Total	Downtown Reduction	Required	Provided
Existing "Nervous Nellie's" - Food Service	SF	9127	8 per 1000 SF	73.0	0.5	36.5	36.5
Existing "Nervous Nellie's" - Bar Area	SF	1000	13 per 1000 SF	13.0	0.5	6.5	6.5
Two 49 passenger tour boats	per patron	98	0.333333333 per patron	32.7	0.5	16.3	16.3
Outdoor & Covered Seating*	SF	3350	8 per 1000 sf	26.8	0.5	13.4	13.4
Additional seating/COP Area" - 1/10/23	SF	3451	8 per 1000 sf	27.6	0.5	13.8	13.8
Parcel 1 street side Restaurant	SF	2944	8 per 1000 sf	23.6	0.5	11.8	11.8
Street side Restaurant Bar Area	SF	800	13 per 1000 sf	10.4	0.5	5.2	5.2
Ticket sales/Boat rentals - Condo Unit B**	SF	840	3 per 1000 sf	2.5	0.5	1.3	1.3
Bathrooms - Condo Unit C**	SF	400	8 per 10000 sf	3.2	0.5	1.6	1.6
Kitchen/Food preparation - Condo Unit D**	SF	600	8 per 1000 sf	4.8	0.5	2.4	2.4
Boat Slips (see breakdown below)	per slip	10	0.5 per slip	5.0	0.5	2.5	2.5
TOTAL REQUIRED SPACES						111.3	111.3

The number of existing parking spaces is 132 so a 3451 SF Extension of the seating/COP Area is possible

* includes all parcel 2 and 4 seating areas as well as 850 sf for Covered Food Preparation area on parcel 1

** each of the Commercial Condo units is about 1200 sf. Only a portion of the area in each is used with the rest of the area empty or dead storage.
Units C&D are part of the restaurant operations so the same parking requirements were used. For Unit B "other retail or business" space calcs are used

Boat Slip breakdown (21 total minus the two Passenger tour boats = 19 others available):

- Open slips for use by diners coming by boat - 9 (do not require parking spaces)
- Slips for rental boats (by Olde Seaport) - 8
- Slips rented to boatowners that keep their boats moored -2

**Olde Seaport of Fort Myers Beach
CPD: Resolution #17-39
Public Hearing Amendment Request**

Part I – C – Comprehensive Plan Compliance

The requests being made are generally an extension of previously approved uses and activities. Additional covered seating and extended COP areas along with “customer comforts” such as a covered walkway and highly visible hostess station with signage are being requested. The project, as previously zoned/approved, is in compliance with the Comprehensive Plan and will continue to be since there are no new uses or activities being requested.

Future Land Use Classifications for the properties where the use/extensions are being requested are Pedestrian Commercial and Tidal Water. The two land parcels (parcels #1 and #3), which are strapped and addressed, are Pedestrian Commercial and permit a wide array of commercial uses. The original Butler Act property (parcel #4) and the submerged land lease and 2018 Butler Act property (parcel #2) are within the Tidal Water Land Use and require that the activities generally be “water dependent”. The activities permitted by the two land use classifications are inter-related and dependent upon each other, as discussed herein, and continue to promote the overall development concept that has previously been undertaken.

Policy 4-B-6 of the Town of Fort Myers Beach Comprehensive Plan states the Pedestrian Commercial Land Use is “a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard and the area around Villa Santini Plaza)”. The proposed uses within the Pedestrian Commercial area under this rezoning request, which are discussed below, are consistent with this Future Land Use criteria:

- Parcel #3, also known as the South parcel located at 441/445 Old San Carlos Blvd., is a 74 space parking lot that provides part the required parking for all the proposed uses requested by this application. No changes are being proposed.
- Parcel #1, also known as the North parcel located at 645 Old San Carlos Blvd., fronts Matanzas Pass. The parcel presently contains the covered food preparation area and the street side restaurant/Wahoo Willies, as approved by the previous zoning, and the parking and associated use of Unit D in the adjacent Marina Village Condo. An extension of the project COP/seating area is proposed. Within this extension area the construction of a Chickee Hut (max 25' x 25') and a rail seating area along the north side of the parcel are proposed (the rail is presently existing but will be upgraded and the seating will be added in an area not exceeding 210 sf). Additionally a covered walkway area (max. 2190 sf) and covered hostess station (max 8' x 10') with signage is proposed. The last two facilities are not included in the proposed COP extension area.

Policy 4-B-10 of the Comprehensive Plan defines Tidal Water as being “applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet)”. Allowable uses are water dependent such as water sports, boating, swimming and fishing. Fixed structures for water access are also permitted as long as they comply with LDC standards. The proposed uses within the Tidal Water Future Land Use Classification under this rezoning, which are discussed below, are consistent with this Future Land Use criteria:

- The previously designated Submerged Land Lease parcel, also known as Parcel #2 and located north of 645 Old San Carlos Blvd., was modified in 2018 by the designation of a portion of the property as Butler Act property (see below). The submerged land lease portion is will continue to be used for open seating w/COP, as approved by the previous zoning and the use of the existing docks for boating, fishing/charter activities and water related special events in connection with the use of this area will continue and be enhanced. One small adjacent area of walkway/dock is being proposed for COP usage. Note that the open seating area can be covered as well as long as a non-structural roof/covering is utilized.
- Parcel #2/2018 Butler Act parcel: An extension of covered seating/COP usage is proposed, 14 ft x 65 ft (910 sf), and will be utilized in the same manner as Parcel #4 is being used.
- The Butler Act parcel, also known as Parcel #4 and located north of 645 Old San Carlos Blvd. resulted from the fact that a former restaurant occupied the site prior to 1951. As such FDEP has no jurisdiction regarding the use of the property and it is subject to local criteria. This area now contains covered seating with COP usage and a service walkway from the upland property, as was approved by the previous zoning.

**Olde Seaport of Fort Myers Beach
CPD: Resolution #17-39
Public Hearing Amendment Request**

Part I – D – Design Standards Compliance

All facilities will be designed to be consistent with current architectural features. Final design/construction plans for the proposed improvements will not be prepared until the Development Order phase and it is understood final approval must be obtained for the architectural plans prior to building permit application.

This application does not include any true building structures since there will be no new enclosed air conditioned space constructed. All proposed structures are roof only type facilities or partially enclosed areas where the walls are non-structural in nature and/or are used to enhance the theme of the area through the design. In this case, the Olde Seaport theme creates facilities that are reminiscent of the Caribbean ports of the 1800's.

**Olde Seaport of Fort Myers Beach
CPD: Resolution #17-39
Public Hearing Amendment Request**

Part I – E – Decision–Making Compliance

This proposed development complies with the decision-making process in the LDC in the following manner:

- There are no errors or ambiguities in the current CPD (RES 17-19) that needs to be corrected.
- There exists changed conditions that make the approval of this request appropriate. The designation of a portion of the Submerged land lease as Butler Act property allows the additional covered seating with COP to be requested. The project has been in operation for some time and has shown itself to be a well operated facility. This track record supports the request for an extension of the COP area. Similarly, the operating history has shown the need for additional covered area for customer comfort and a better access point to improve operations.
- The request is consistent with the goals, objectives, policies and intent, and with the densities, intensities and general uses as set forth in the Fort Myers Beach Comprehensive Plan.
- The request meets or exceeds all performance and locational standards set forth for the proposed uses.
- Urban services are available and adequate to serve the proposed development.
- The proposed development will not have any impact on the environment or natural resources.
- The request is compatible with existing and other planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- The request will not place an undue burden upon existing transportation or other services and facilities. Additionally, the expansion of the development encourages the use of additional access by water and it has been planned to attract existing pedestrian traffic to the area.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 441/445, 645 Old San Carlos Blvd, FMB and adj. Butler Act & submerged lands

STRAP Number: 24-46-23-W3-00026.0000/.0030/W2-00000.0000/.0020 & unstrapped SSL

Applicant: Jim Figuerado Phone: 239/707-4687

Contact Name: David McKee Phone: 239/898-4008

Email: marinaman181@aol.com/mckeeeng@gmail.com Fax: _____

Current Zoning District: CPD (Resolution 17-39)

Future Land Use Map (FLUM) Category: Pedestrian Commercial & Tidal Water

FLUM Density Range: (see resolution) Platted Overlay: ☒ YES ☐ NO

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☒ Planned Development ☒ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Jim Figuerado Phone: 239/707-4687

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.*

Please see PART III to complete the appropriate Affidavit form for the type of applicant.

Applicant Mailing Address: 489 Madison Court, Fort Myers Beach, FL 33931

Email: marinaman181@aol.com Fax: _____

Contact Name: same as applicant Phone: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☒ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: David McKee, PE Phone: 239/898-4008
Address: 5848 Kaylee Ann Drive, Granite Falls, NC 28630
Email: mckeeeng@gmail.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☒ Amendment. List the project number: CPD/Resolution 17-39/Olde Seaport CPD
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Printed Name

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

PART V

Property Ownership (Multiple Owners)

☒ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☒ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

James Figuerado, President

100%

489 Madison Court

Fort Myers Beach, FL 33931

(for Olde Seaport Place, Inc.)

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____	James Figuerado
Signature	Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, James Figuerado (name), as President (title)
of Olde Seaport Place, Inc. (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Olde Seaport Place, Inc.

Name of Entity (corporation, partnership, LLP, LLC, etc)

President

Signature

Title

James Figuerado

Typed or Printed Name

Date

STATE OF Florida COUNTY OF Lee

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

PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-W3-00026.0000/.0030/W2-00000.0000/.0020 and adj. submerged land lease

Property Address: 441/445, 645 Old San Carlos Blvd, FMB 33931 and adj. property

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☒ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 310 feet
Depth (please provide an average width if irregular in shape) 210 feet
Frontage on street: 310 feet. Frontage on waterbody: 151 feet
Total land area: 35,753 ☐ acres ☒ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

after coming across Sky Bridge, take first right onto Fifth Street and then turn right
onto Old San Carlos Blvd. Subject property is located at north end of Old San
Carlos Blvd. on left/west side

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☒ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| ☐ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☒ Pedestrian Commercial | ☐ Platted Overlay |

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

Additional Required Information for a Planned Development Application

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

Fee in the amount of \$8000.00 up to 1 acre +1000.00 per additional acre
 \$2000.00 PD Amendment minor (< acre total property area)
 \$4000.00 PD Reinstatement or \$6500.00 PD Amendment

Project Name: Olde Seaport Place CPD - COP/Seating Extension
Authorized Applicant: James Figuerado
STRAP Number(s): 24-46-23-W3-00026.0000/,0030(upland parcels), 24-46-23-W2-00000.0000/0.0020 (Butler Act parcels) and adj. submerged land lease (no strap)

Current Property Status: developed, "street side restaurant" recently completed
Current Zoning: CPD/Resolution 17-39
Future Land Use Map (FLUM) Category: Pedestrian Commercial and Tidal Water
Platted Overlay? ☒ yes, ☐ no FLUM Density Range:

Requested Action:

☐	DRI (with rezoning)
☐	Planned Development (also check below)
☐	Rezoning from: _____ to: _____
☒	Amendment to Master Concept Plan/attendant documentation

PART I Narrative Statements

A. Comprehensive Plan Amendments (check one)

☒	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☐	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)

B. Phasing of Construction

☐	The development is to be constructed in a single phase.
☒	The development is to be constructed in phases as follows: (describe proposed phasing below)
1 -	on land site work to be done to allow for extended COP area/seating
2 -	2018 Butler Act property to be covered & COP area/seating
3 -	Existing walkway cover to be installed
4 -	Hostess station to be constructed
5 -	Chickee Hut to be constructed
Note: Phases may be constructed in an order other than listed above and some	
phases may be combined.	

C. Comprehensive Plan Compliance.

Explain how the proposed development complies with applicable Goals, Objectives, and Policies of the Fort Myers Beach Comprehensive Plan.

(see separate document)

D. Design Standards Compliance

For projects required to meet Commercial Design Standards, explain how the proposed development complies with the design standards set forth in LDC Sections 34-991 through 34-997.

(see separate document)



Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.

Provide a list of the requested deviations keyed to the Master Concept Plan and provide a written justification for each deviation. The location of each deviation should be indicated on the Master Concept Plan.

[illegible]

G. Administrative amendments to approved Master Concept Plan

For amendments to an approved Master Concept Plan, indicate the specific amendments that could not be approved administratively as set forth in LDC Section 34-219.

The full request to extend the COP and seating areas can not be approved
administratively as they increase the size of the project and the associated
intensity. They also require added parking (see calculations), which is available.

PART 2 Submittal Requirements

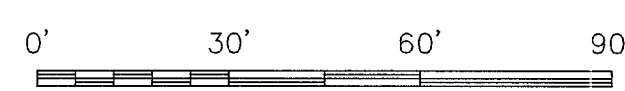
All applications for a planned development must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplement Form PH-D
- Master Concept Plan
- Traffic Impact Statement
- Architectural Elevations
- Schedule of Uses
- Fee in the amount of \$8000.00 up to 1 acre +1000.00 per additional acre
- \$2000.00 PD Amendment minor (< acre total property area)
- \$4000.00 PD Reinstatement or \$6500.00 PD Amendment

For DRI: A Binding letter of interpretation from DCA or a complete and sufficient ADA.

SURVEY PLAT
OF
A PARCEL OF LAND
LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH
LEE COUNTY, FLORIDA



NOTES:

SURVEY BASED ON TITLE COMMITMENT BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY WITH FUND FILE NUMBER 240894 WITH EFFECTIVE DATE SEPTEMBER 30, 2015. THE RECORD DEED, PREVIOUS SURVEYS BY THIS FIRM, THE DESCRIPTION OF THE QUIT CLAIM BUTLER ACT PARCEL AS NOTED AND RECORDED IN 2017000136104 AND FIELD LOCATED MONUMENTATION.

BEARINGS BASED ON THE WESTERLY LINE OF SAN CARLOS BOULEVARD TO BEAR N25°00'00"E.

CO-ORDINATES ARE STATE PLANE GRID-N.A.D. 1983/1990 ADJUSTMENT FLORIDA WEST ZONE BASED ON GPS OBSERVATIONS (NGS D4691 CORS ID FMRY).

DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

ELEVATIONS ARE BASED ON N.A.V.D. OF 1988 AND N.G.S. BENCHMARK TIDAL-2 BM #2.

PER THE NEW FLOOD MAPS, THIS PARCEL LIES IN FLOOD ZONE AE. BASE FLOOD ELEVATION OF +12' AND 13' (NAVD 1988). PER FLOOD INSURANCE RATE MAP NUMBER 1207100554, EFFECTIVE DATE AND INDEX DATE BEING 8-28-08 (COMMUNITY NAME: TOWN OF FORT MYERS BEACH AND COMMUNITY NUMBER 120673). THE ELEVATIONS ON THE NEW FLOOD MAPS ARE BASED ON N.A.V.D. OF 1988. CAUTION SHOULD BE TAKEN AS THERE IS A DIFFERENCE IN THE VERTICAL DATUM ON PREVIOUS SURVEYS AND NOT A TRUE COMPARISON. CONSULT WITH A SURVEYOR OR LEE COUNTY FLOOD PLAIN MANAGER.

PER THE NEW FEMA MAPS, THE BUTLER ACT CLAIM SHOWN HEREON LIES IN TWO FLOOD ZONES. (1) FLOOD ZONE AE WITH AN ELEVATION OF +13.0' (NAVD 1988) AND (2) FLOOD ZONE VE WITH AN ELEVATION OF +13.0' (NAVD 1988).

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.

IRON RODS "SET" ARE 5/8" X 18" REBAR WITH YELLOW CAP BEARING CORPORATION NO. LB4919.

UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.

WETLANDS, IF ANY, WERE NOT LOCATED.

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

THE PROPERTY IS SUBJECT TO ANY CLAIM THAT ANY PARCEL OF SAID LAND IS OWNED BY THE STATE OF FLORIDA BY RIGHT OF SOVEREIGNTY, RIPARIAN RIGHTS AND THE TITLE TO FILLED-IN LANDS, IF ANY.

PARCEL 1 STRAP NO. 24-46-23-W2-00026.0000
ADDRESS: 845 OLD SAN CARLOS BLVD, FORT MYERS BEACH, FL 33931

PARCEL 3 STRAP NO. 24-46-23-W3-00026.0030
ADDRESS: 441 & 445 OLD SAN CARLOS BLVD, FORT MYERS BEACH, FL 33931

PARCEL 4 STRAP NO. 24-46-23-W2-00000.0000
ADDRESS: SUBMERGED PARCEL LYING IN MATANZAS PASS, FORT MYERS BEACH, FL 33931

SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN SURVEY (1:15,000).

DATE OF LAST FIELD WORK: 12-21-17

AREA OF THE SUBJECT PARCEL IS AS FOLLOWS:
PARCEL 1: 0.82 ACRES (35,768 SF), MORE OR LESS
PARCEL 3: 0.57 ACRES (25,000 SF), MORE OR LESS
PARCEL 4: 0.06 ACRES (2,410 SF), MORE OR LESS
PARCEL 5: N/A-CONDOMINIUM UNITS

SPECIAL CONDOMINIUM NOTE:

THE UNITS SHOWN HEREON WHICH ARE LOCATED ON THE LOWER LEVEL WITHIN "MARINA VILLAGE AT SNUG HARBOR CONDOMINIUM" ARE APPROXIMATE. THEY ARE BASED ON THE DECLARATION OF CONDOMINIUM AS RECORDED IN OFFICIAL RECORD BOOK 1637, PAGES 1386 THROUGH 1449, INCLUSIVE (GRAPHICALLY SHOWN ON PAGE 1415). THESE RECORD DOCUMENTS ARE VERY DIFFICULT TO READ AND NO DIMENSIONS OF THE UNITS WERE LEGIBLE. THE NUMBERING APPEARED TO BE SEQUENTIAL FROM 01 THROUGH 05 (WEST TO EAST) AND EACH UNIT WAS DESIGNATED AS "RESERVED TO DEVELOPER". FIELD MEASUREMENTS WERE NOT OBTAINED.

*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BEAN, WHITAKER, LUTZ & KAREH, INC.

DESCRIPTIONS:

PARCEL 1

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT A CONCRETE MONUMENT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD (30.00 FEET FROM CENTERLINE) BEING THE SAME MONUMENT THAT IS SHOWN THREE FEET SOUTHEAST OF THE MOST SOUTHEASTERLY CORNER OF MATANZAS VIEW SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 40 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N25°00'00"E ALONG SAID RIGHT-OF-WAY LINE FOR 125.00 FEET TO THE POINT OF BEGINNING; THENCE N65°00'00"W FOR 119.33 FEET; THENCE N25°00'00"E FOR 84.60 FEET; THENCE N65°00'00"W FOR 25.07 FEET; THENCE N25°00'00"E FOR 75.40 FEET; THENCE N65°00'00"W FOR 36.00 FEET; THENCE S25°00'00"W FOR 13.50 FEET; THENCE N65°00'00"W FOR 19.60 FEET TO THE EASTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 438 AT PAGE 55; THENCE N25°00'00"E ALONG SAID EASTERLY LINE FOR 46.80 FEET; THENCE S65°00'00"E FOR 21.66 FEET TO THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 1637 AT PAGE 1411 FOR MARINA VILLAGE AT SNUG HARBOR, A CONDOMINIUM; THENCE S25°00'00"W ALONG SAID PARCEL FOR 6.00 FEET; THENCE S65°00'00"E ALONG SAID PARCEL FOR 147.32 FEET; THENCE N25°00'00"E ALONG SAID PARCEL FOR 70.52 FEET; THENCE N65°00'00"W ALONG SAID PARCEL FOR 113.77 FEET; THENCE N16°09'15"E FOR 38.02 FEET TO THE WATERS EDGE OF A CONCRETE SEAWALL; THENCE S70°33'16"E ALONG SAID WATERS EDGE OF A CONCRETE SEAWALL FOR 151.50 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD; THENCE S25°00'00"W ALONG SAID RIGHT-OF-WAY LINE FOR 310.74 FEET TO THE POINT OF BEGINNING.

PARCEL 3

COMMENCING AT A CONCRETE MONUMENT IN THE NORTHWESTERLY LINE OF SAN CARLOS BOULEVARD, 30 FEET FROM THE CENTER THEREOF AND BEING THE SAME MONUMENT THAT IS SHOWN THREE FEET EAST FROM THE MORE EASTERLY CORNER OF LOT 1, BLOCK A, OF MATANZAS VIEW SUBDIVISION, PLAT BOOK 9, PAGE 40, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N65°00'00"W A DISTANCE OF 200 FEET; THENCE N25°00'00"E PARALLEL TO SAN CARLOS BOULEVARD 125 FEET; THENCE S65°00'00"E ALONG SAID PARALLEL FOR 130.81 FEET TO THE POINT OF BEGINNING; BEING IN GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

PARCEL 4

A SUBMERGED TRACT OR PARCEL OF LAND LYING IN MATANZAS PASS, SITUATED IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF BLOCK 1, BUSINESS CENTER, A SUBDIVISION RECORDED IN PLAT BOOK 9, PAGE 10, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N25°00'00"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD FOR 125.00 FEET TO THE CENTERLINE OF FIRST RIGHT-OF-WAY ALONG SAID BOULEVARD AS SHOWN ON THE PLAT OF THE AFORESAID BUSINESS CENTER; THENCE RUN N65°00'00"W FOR 33 FEET TO THE CENTERLINE OF SAID SAN CARLOS BOULEVARD; THENCE CONTINUE N65°00'00"W FOR 33 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD; THENCE RUN N25°00'00"E FOR 112.75 FEET TO A DRILL HOLE MARKING THE INTERSECTION OF THE WATERS EDGE OF A CONCRETE SEAWALL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD; THENCE RUN N70°33'16"E ALONG THE WATERS EDGE OF SAID SEAWALL FOR 130.81 FEET TO THE POINT OF BEGINNING; THENCE RUN N70°33'16"E FOR 10.32 FEET; THENCE RUN N17°50'44"E FOR 31.08 FEET; THENCE RUN N69°26'24"W FOR 1.75 FEET; THENCE RUN N17°44'02"E FOR 19.60 FEET; THENCE RUN N72°15'58"W FOR 30.03 FEET; THENCE RUN N08°02'17"E FOR 1.33 FEET; THENCE RUN N65°00'00"W FOR 31.85 FEET; THENCE RUN N17°44'02"E FOR 10.60 FEET; THENCE RUN N72°15'58"W FOR 21.45 FEET; THENCE RUN N21°32'25"E FOR 10.02 FEET; THENCE RUN S.72°58'17"E FOR 46.02 FEET; THENCE RUN S.69°27'45"E FOR 20.78 FEET; THENCE RUN S.72°58'17"E FOR 61.54 FEET; THENCE RUN S.17°44'02"W FOR 23.38 FEET; THENCE RUN N.72°15'58"W FOR 33.50 FEET; THENCE RUN S.17°44'02"W FOR 36.69 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD AS BEING N25°00'00"E.

LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PARCEL PER QUIT CLAIM DEED AS RECORDED IN INSTRUMENT NO. 2017000136104, PUBLIC RECORDS OF LEE COUNTY FLORIDA.

PARCEL 5:

UNITS 3, 4 AND 5 OF MARINA VILLAGE AT SNUG HARBOR, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL RECORD BOOK 1637, PAGES 1386 THROUGH 1449, INCLUSIVE (GRAPHICALLY SHOWN ON PAGE 1415). THESE RECORD DOCUMENTS ARE VERY DIFFICULT TO READ AND NO DIMENSIONS OF THE UNITS WERE LEGIBLE. THE NUMBERING APPEARED TO BE SEQUENTIAL FROM 01 THROUGH 05 (WEST TO EAST) AND EACH UNIT WAS DESIGNATED AS "RESERVED TO DEVELOPER". FIELD MEASUREMENTS WERE NOT OBTAINED.

PARCEL 3

COMMENCING AT A CONCRETE MONUMENT IN THE NORTHWESTERLY LINE OF SAN CARLOS BOULEVARD, 30 FEET FROM THE CENTER THEREOF AND BEING THE SAME MONUMENT THAT IS SHOWN THREE FEET EAST FROM THE MORE EASTERLY CORNER OF LOT 1, BLOCK A, OF MATANZAS VIEW SUBDIVISION, PLAT BOOK 9, PAGE 40, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N65°00'00"W A DISTANCE OF 200 FEET; THENCE N25°00'00"E PARALLEL TO SAN CARLOS BOULEVARD 125 FEET; THENCE S65°00'00"E ALONG SAID PARALLEL FOR 130.81 FEET TO THE POINT OF BEGINNING; BEING IN GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

PARCEL 4

A SUBMERGED TRACT OR PARCEL OF LAND LYING IN MATANZAS PASS, SITUATED IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF BLOCK 1, BUSINESS CENTER, A SUBDIVISION RECORDED IN PLAT BOOK 9, PAGE 10, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N25°00'00"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD FOR 125.00 FEET TO THE CENTERLINE OF FIRST RIGHT-OF-WAY ALONG SAID BOULEVARD AS SHOWN ON THE PLAT OF THE AFORESAID BUSINESS CENTER; THENCE RUN N65°00'00"W FOR 33 FEET TO THE CENTERLINE OF SAID SAN CARLOS BOULEVARD; THENCE CONTINUE N65°00'00"W FOR 33 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD; THENCE RUN N25°00'00"E FOR 112.75 FEET TO A DRILL HOLE MARKING THE INTERSECTION OF THE WATERS EDGE OF A CONCRETE SEAWALL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD; THENCE RUN N70°33'16"E ALONG THE WATERS EDGE OF SAID SEAWALL FOR 130.81 FEET TO THE POINT OF BEGINNING; THENCE RUN N70°33'16"E FOR 10.32 FEET; THENCE RUN N17°50'44"E FOR 31.08 FEET; THENCE RUN N69°26'24"W FOR 1.75 FEET; THENCE RUN N17°44'02"E FOR 19.60 FEET; THENCE RUN N72°15'58"W FOR 30.03 FEET; THENCE RUN N08°02'17"E FOR 1.33 FEET; THENCE RUN N65°00'00"W FOR 31.85 FEET; THENCE RUN N17°44'02"E FOR 10.60 FEET; THENCE RUN N72°15'58"W FOR 21.45 FEET; THENCE RUN N21°32'25"E FOR 10.02 FEET; THENCE RUN S.72°58'17"E FOR 46.02 FEET; THENCE RUN S.69°27'45"E FOR 20.78 FEET; THENCE RUN S.72°58'17"E FOR 61.54 FEET; THENCE RUN S.17°44'02"W FOR 23.38 FEET; THENCE RUN N.72°15'58"W FOR 33.50 FEET; THENCE RUN S.17°44'02"W FOR 36.69 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD AS BEING N25°00'00"E.

LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PARCEL PER QUIT CLAIM DEED AS RECORDED IN INSTRUMENT NO. 2017000136104, PUBLIC RECORDS OF LEE COUNTY FLORIDA.

PARCEL 5:

UNITS 3, 4 AND 5 OF MARINA VILLAGE AT SNUG HARBOR, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL RECORD BOOK 1637, PAGES 1386 THROUGH 1449, INCLUSIVE (GRAPHICALLY SHOWN ON PAGE 1415). THESE RECORD DOCUMENTS ARE VERY DIFFICULT TO READ AND NO DIMENSIONS OF THE UNITS WERE LEGIBLE. THE NUMBERING APPEARED TO BE SEQUENTIAL FROM 01 THROUGH 05 (WEST TO EAST) AND EACH UNIT WAS DESIGNATED AS "RESERVED TO DEVELOPER". FIELD MEASUREMENTS WERE NOT OBTAINED.

SCHEDULE B-II PER TITLE COMMITMENT BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY WITH FUND FILE NUMBER 240894, AGENT'S FILE REFERENCE: 15F-061 WITH EFFECTIVE DATE SEPTEMBER 30, 2015 NOTES:

- ITEMS 1 - 6 NOT A MATTER OF SURVEY
7. TERMS AND CONDITIONS OF THE SOVEREIGNTY SUBMERGED LAND LEASE RECORDED IN O.R. BOOK 1922 PAGE 4888 AND MODIFIED IN O.R. BOOK 2171, PAGE 4786, O.R. BOOK 2608, PAGE 358, O.R. BOOK 4732, PAGE 1587 AND CLEK'S FILE NUMBER 20000000000000000000, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
8. EASEMENT AGREEMENT BY AND BETWEEN GRATON DEVELOPMENT CORPORATION AND STANDARDS OIL COMPANY RECORDED IN O.R. BOOK 398, PAGE 773, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCEL 1)
9. EASEMENT AGREEMENT BY AND BETWEEN GRATON DEVELOPMENT CORPORATION AND STANDARDS OIL COMPANY RECORDED IN O.R. BOOK 398, PAGE 773, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCEL 1)
10. EASEMENTS CONTAINED IN WARRANTY DEED FROM GRATON DEVELOPMENT CORPORATION TO HOWARD K. STILES AND LOUISE F. STILES, HIS WIFE RECORDED IN O.R. BOOK 430, PAGE 55, TOGETHER WITH EASEMENT AGREEMENT RECORDED IN O.R. BOOK 438, PAGE 57, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCELS 1, 3 & 5)
11. UTILITY EASEMENTS IN FAVOR OF LEE COUNTY RECORDED IN O.R. BOOK 1194, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCELS 1 & 5)
12. EASEMENT IN FAVOR OF UNITED TELEPHONE COMPANY OF FLORIDA RECORDED IN O.R. BOOK 1230, PAGE 1970, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCEL 1)
13. RESOLUTION NO. 79-7-13 RECORDED IN O.R. BOOK 1380, PAGE 719, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (SUBJECT PROPERTY)
14. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED IN O.R. BOOK 1501, PAGE 2062, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCEL 1)
15. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED IN O.R. BOOK 1501, PAGE 150, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCELS 1 & 3)
16. DECLARATION OF CONDOMINIUM OF MARINA VILLAGE AT SNUG HARBOR, AND ALL EXHIBITS ATTACHED THERETO AND RECORDED OCTOBER 7, 1982, IN O.R. BOOK 1637, PAGE 1386, TOGETHER WITH AMENDMENTS THERETO, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHICH CONTAIN PROVISIONS WHICH (i) ESTABLISH EASEMENTS ON THE LAND, (ii) PROVIDE A LEM FOR UNLOCATED DAMAGES, AND (iii) PROVIDE FOR A PRIVATE CHARGE OR ASSESSMENT (PARCEL 5)
17. GRANT OF EASEMENT FROM ROBERT A. KAY AND JACQUELINE A. KAY, HUSBAND AND WIFE, TO GRATON DEVELOPMENT CORP. RECORDED IN O.R. BOOK 655, PAGE 791, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCELS 1 & 5)
18. RESOLUTION NO. 01-06-11 RECORDED IN O.R. BOOK 3556, PAGE 2177, RESOLUTION OF THE BOARD OF TRUSTEES OF THE INTERNATIONAL IMPROVEMENT FUND ESTABLISHING AN EROSION CONTROL LINE ON ESTERO ISLAND, FLORIDA RECORDED IN O.R. BOOK 3585, PAGE 346, AND SURVEY RECORDED IN PLAT BOOK 70, PAGE 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (SUBJECT PROPERTY)
19. CONSENT AND EASEMENT AGREEMENT BETWEEN MARINA VILLAGE AT SNUG HARBOR CONDOMINIUM ASSOCIATION, INC. AND SNUG HARBOR GROUP, INC. RECORDED IN O.R. BOOK 2585, PAGE 790, AS ASSIGNED IN O.R. BOOK 2585, PAGE 807, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCELS 1, 2, 4 & 5)
20. NON-EXCLUSIVE PEDESTRIAN ACCESS AGREEMENT RECORDED IN O.R. BOOK 3643, PAGE 3134, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCEL 2)
21. GRANT OF NON-EXCLUSIVE EASEMENT RECORDED IN O.R. BOOK 3776, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCEL 2)
22. AGREEMENT FOR USE OF TOWN RIGHT-OF-WAY RECORDED IN CLEK'S FILE NUMBER 20000000000000000000, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (SUBJECT PROPERTY)
23. RESOLUTION RECORDED IN O.R. BOOK 4395, PAGE 28, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (PARCELS 1, 2 & 3)
24. SUBJECT TO THE FOLLOWING ENCROACHMENTS SHOWN ON SURVEY DATED MAY 11, 2013, PROJECT NO. 42206, PREPARED BY BEAN, WHITAKER, LUTZ & KAREH, INC., AERIAL, TRANSFORMER AND CONCRETE STRIP ENCROACHMENTS.
25. THE IMMEDIATELY PRECEDING EXCEPTION IS IN ADDITION TO AND NOT IN LIEU OF THE STANDARD SURVEY EXCEPTION WHICH CANNOT BE DELETED WITHOUT CURRENT SURVEY INFORMATION ACCESSIBLE TO THE COMPANY AS SET FORTH IN TITLE NOTES 25.03.06 AND 25.03.07.
26. TERMS AND CONDITIONS OF THE SOVEREIGNTY SUBMERGED LAND LEASE RECORDED IN O.R. BOOK 1922, PAGE 4888, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
27. THROUGH 33 ARE NOT A MATTER OF SURVEY.

BEAN, WHITAKER, LUTZ & KAREH, INC.

Scott C. Whitaker

Digitally signed by Scott C. Whitaker
DN: cn=Scott C. Whitaker, o=Bean, Whitaker, Lutz & Kareh, Inc., email=scott@bwllk.com, c=US
Date: 2018.01.14 14:28:02Z

**BOUNDARY SURVEY
OLD SEAPORT PARKING LOT SITE**

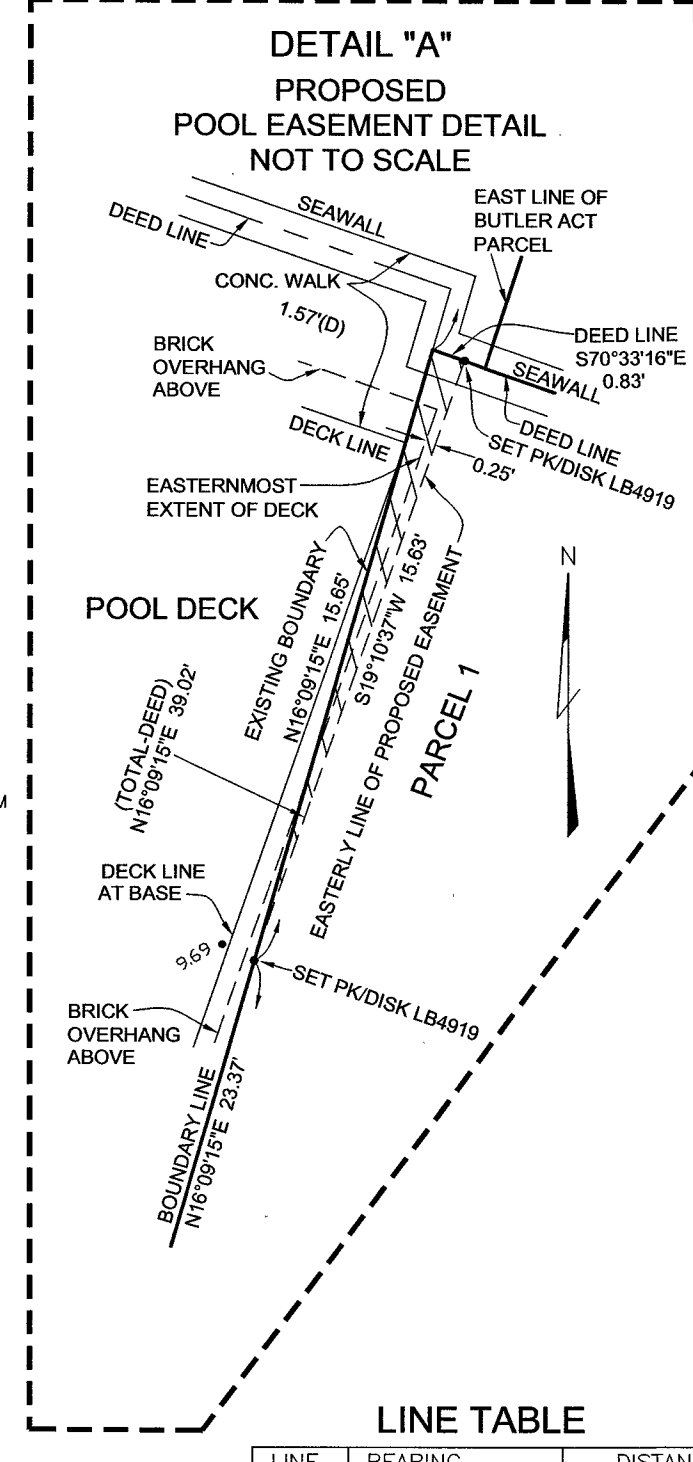
Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

ABBREVIATIONS:

P.B. = PLAT BOOK
P.T. = POINT OF TANGENCY
P.I. = POINT OF INTERSECTION
P.C.C. = POINT OF COMPOUND CURVE
P.R.C. = POINT OF REVERSE CURVE
L.R. = IRON ROD
C.M. = CONCRETE MONUMENT
P.C.P. = PERMANENT CONTROL POINT
P.R.M. = PERMANENT REFERENCE MONUMENT
C.M. = CONCRETE
E.O.P. = EDGE OF PAVEMENT
M. = MEASURED
F.M. = FOUND
N.D. = NAIL AND DISK
E.L. = ELEVATION
E.L.V. = ELEVATION
B.M. = BENCH MARK
P.U.E. = PUBLIC UTILITY EASEMENT
D.R. = DRAINAGE
P. = PLAT
F. = FIELD
C. = CALCULATED
FF. = FINISH FLOOR
INV. = INVERT
R.C.P. = REINFORCED CONCRETE PIPE
INSTR. = INSTRUMENT
DESC. = DESCRIPTION
PK. = PARKER VALON
OH. = OVERHEAD LINES
D. = DEED
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
C.L.F. = CHAIN LINK FENCE
C.B.S. = CONCRETE BLOCK STRUCTURE
P.F. = BASE FLOOD ELEVATION
S.L.L. = SUBMERGED LAND LEASE
INSTR. # = INSTRUMENT NUMBER



SPECIAL NOTE:

THE INFORMATION REGARDING BOUNDARIES OF RIPARIAN RIGHTS REPRESENTS THE GENERALLY ACCEPTED METHODOLOGY FOR DETERMINING SUCH RIPARIAN LINES. HOWEVER, A BINDING DETERMINATION OF RIPARIAN BOUNDARIES CAN ONLY BE MADE BY AGREEMENTS OF THE AFFECTED PARTIES OR BY A FINAL ADJUDICATION OF A COURT OF COMPETENT JURISDICTION. ACCEPTANCE OF THIS SURVEY AND ISSUANCE OF A PERMIT DOES NOT CONSTITUTE A BINDING DETERMINATION OF RIPARIAN BOUNDARIES.

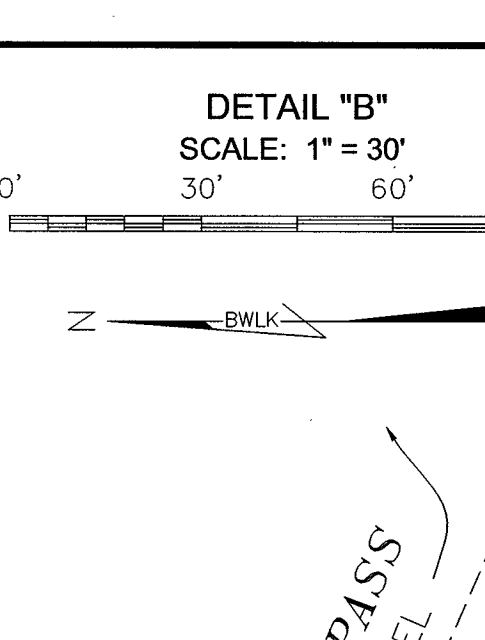
RIPARIAN LINE NOTE: RIPARIAN LINE SHOWN AS AN EXTENSION OF THE UPLAND BOUNDARY LINE AS INDICATED ON HISTORICAL DRAWINGS FOR SUBMERGED LAND LEASES ON THIS PARCEL.

LEGEND

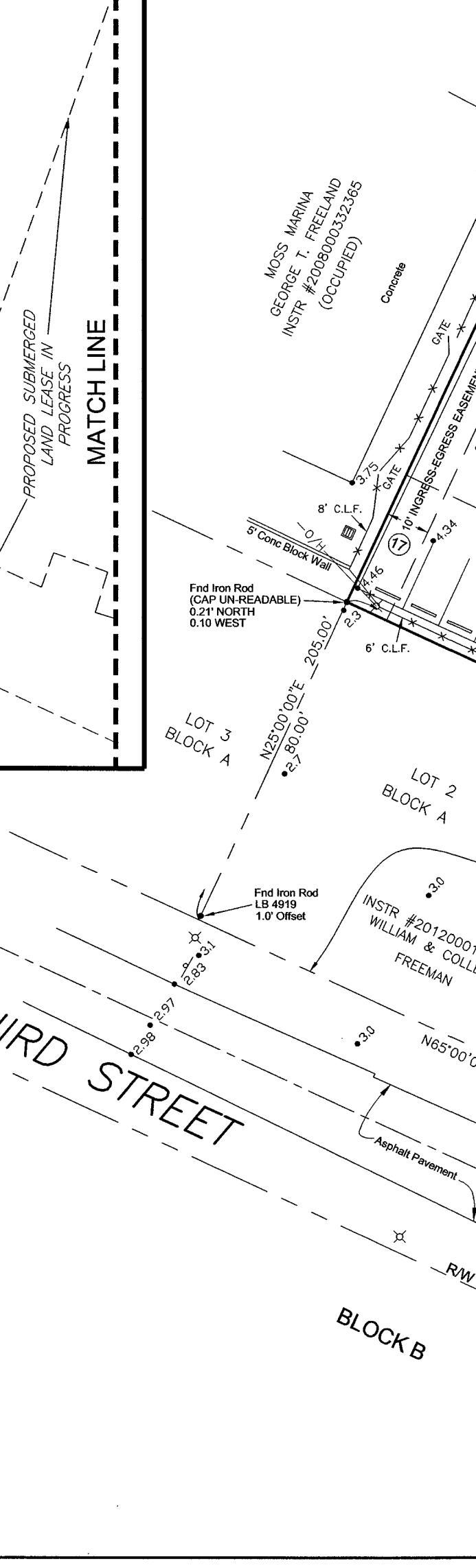
- STORM MANHOLE
- BURIED CABLE MARKER
- SIGNAL BOX
- ELECTRIC BOX
- LIGHT POLE
- WOOD POWER POLE
- GUY WIRE
- CATCH BASIN
- IRRIGATION VALVE
- SANITARY MANHOLE
- TELEPHONE BOX
- GROUND LIGHT
- CABLE TELEVISION BOX
- TRANSFORMER
- WATER METER
- BACK FLOW PREVENTER
- TITLE EXCEPTION
- EXISTING ELEVATION
- SANITARY CLEANOUT
- UNIT NUMBER PER DECLARATION

LINE TABLE

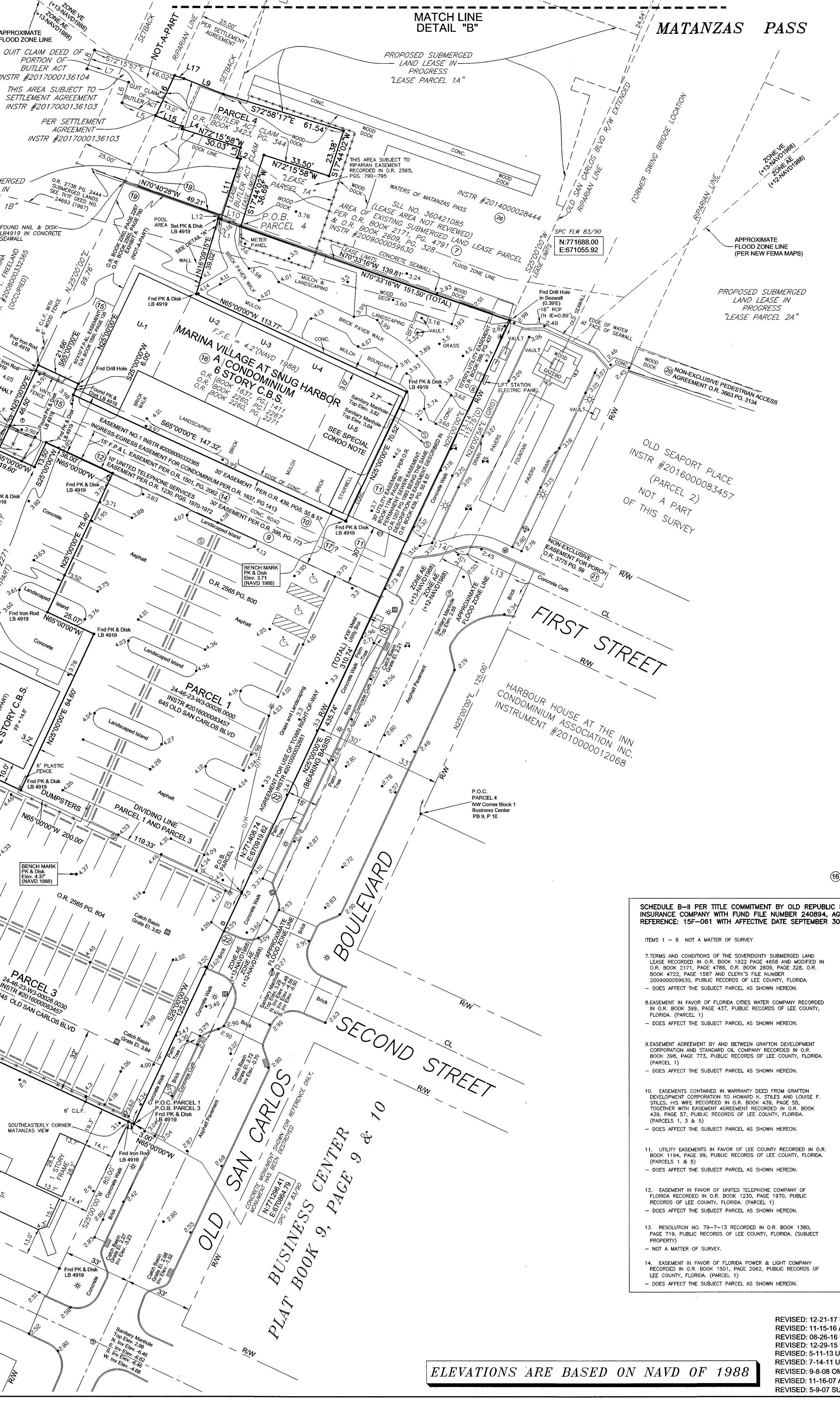
LINE	BEARING	DISTANCE
L1	S70°33'16"E	1.37'
L2	N69°26'24"W	1.75'
L3	N17°44'02"E	5.19'
L4	N09°32'17"E	1.33'
L5	N68°30'55"W	31.85'
L6	N17°44'02"E	10.60'
L7	N21°15'58"W	21.45'
L8	N21°32'25"E	10.02'
L9	S68°27'45"E	20.78'
L10	N70°33'16"W	10.32'(C)
L10	N70°23'47"W	10.32'(D)
L11	N17°50'44"E	31.11'(C)
L11	N17°50'44"E	31.08'(D)
L12	N16°09'15"E	1.57'
L13	N65°00'00"W	33.00'
L14	N65°00'00"W	33'(D)
L14	N65°00'00"W	30.00'(P&F)
L15	N68°30'55"W	14.18'
L16	N25°00'00"E	21.93'
L17	S72°15'57"E	4.83'



DETAIL "B" SCALE: 1" = 30'



DETAIL "B" SCALE: 1" = 30'



SPECIFIC PURPOSE SURVEY

OF A PARCEL OF LAND
LYING IN

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

DISCLAIMER PARCEL
INSTR #2018000296813

SPECIAL NOTE:
THE INFORMATION REGARDING BOUNDARIES OF RIPARIAN RIGHTS REPRESENTS THE GENERALLY ACCEPTED METHODOLOGY FOR DETERMINING SUCH RIPARIAN LINES. HOWEVER, A BINDING DETERMINATION OF RIPARIAN BOUNDARIES CAN ONLY BE MADE BY AGREEMENTS OF THE AFFECTED PARTIES OR BY A FINAL ADJUDICATION OF A COURT OF COMPETENT JURISDICTION. ACCEPTANCE OF THIS SURVEY AND ISSUANCE OF A PERMIT DOES NOT CONSTITUTE A BINDING DETERMINATION OF RIPARIAN BOUNDARIES. THE BOUNDARY LINE SHOWN ALONG THE FREELAND LINE IS BASED ON THE EXECUTED SETTLEMENT AGREEMENT. THE ACTUAL UPLAND OWNERS RELATIVE TO THIS RIPARIAN LINE ARE FREELAND AND MARINA VILLAGE AT SNUG HARBOR. SEE RIPARIAN LINE AGREEMENT IN INSTR #2017000136103

0' 40' 80' 120'

LINE	BEARING	DISTANCE
L1	N17°44'02"E	38.69
L2	S72°15'58"W	33.50
L3	N17°44'02"E	23.38
L4	N72°55'17"W	52.73
L5	S19°29'00"W	8.53
L6	S73°02'04"E	9.63
L7	S70°33'16"E	3.77
L8	S70°33'16"E	1.37
L9	S18°00'15"W	1.57
L10	S19°19'32"W	20.00
L11	S70°40'26"E	42.20
L12	S28°00'00"W	62.33
L13	N69°26'24"W	1.75
L14	N17°44'02"E	5.19
L15	N72°15'58"W	30.03
L16	N02°32'17"E	1.33
L17	N69°40'55"W	1.16
L18	S19°19'32"W	6.14
L19	S67°13'47"W	12.88
L20	S70°40'26"E	49.21
L21	N17°50'44"E	31.10
L22	N70°33'16"W	27.11
L23	S72°15'58"E	32.15
L24	S25°24'07"W	37.84
L25	S72°15'58"E	1.35
L26	N17°44'02"E	10.04
L27	N17°44'02"E	13.34
L28	N70°33'16"W	14.08

DETAIL LEASE PARCEL 1B
P.O.B. LEASE PARCEL 1B

LEASE PARCEL 1C
5,721 SF.
(0.131 ACRES ±)

QUIT CLAIM DEED OF PORTION OF BUTLER ACT
DISCLAIMER PARCEL
2017000136104
FREELAND

MATANZAS PASS
FEDERAL CHANNEL

LEASE PARCEL 1D
14,485 Sq. Feet
(0.333 ACRES ±)

THIS AREA SUBJECT TO SETTLEMENT AGREEMENT
RECORDED IN
INSTR#2017000136103

LEASE LIMITS

ON LINE

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE LIMITS

LEASE PARCEL 1B
1,381 Sq. Feet
(0.032 ACRES ±)

LEASE PARCEL 1A
1,100 SF. (0.025 ACRES ±)

(O.R. BOOK 2280, PAGE 2267)

FND IRON ROD LB 4919

(O.R. BOOK 2280, PAGE 2267)

(NOT-A-PART)

GEORGE FREELAND

INSTRUMENT #2008000332366

DEED TO GRANTON DEVELOPMENT

RITE DEED NO. 24993 (1982)

DEED 2738 PG. 2444 TRUSTEES

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

DEED NO. 24993 (1982)

WEST UPLAND PARCEL
OLD SEAPORT PLACE, INC.
24-48-23-W3-00028.0000
645 OLD SAN CARLOS BOULEVARD
PARCEL 1
INSTR.#201600083457

PARCEL 1

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

WEST UPLAND PARCEL
OLD SEAPORT PLACE, INC.
24-48-23-W3-00028.0000
645 OLD SAN CARLOS BOULEVARD
PARCEL 1
INSTR.#201600083457

PARCEL 1

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

INSTR.#201600083457

LEGEND

SPC = STATE PLANE COORDINATE SYSTEM
 FLW = FLORIDA WEST ZONE
 E = ELECTRIC BOX
 R/W = RIGHT-OF-WAY
 O.R. = OFFICIAL RECORD
 * = LIGHT POLE
 P.B. = PLAT BOOK
 + = UNKNOWN UTILITY
 + = PILE 8"-10"
 + = BOAT CLEAT
 P.B. = PLAT BOOK
 INSTR. = INSTRUMENT
 FND. = FOUND
 PG. = PAGE
 T.U.A.E. = TEMPORARY UPLAND ACCESS EASEMENT
 T.W. = TOP OF WALL
 B.W. = BOTTOM OF WALL

SPECIFIC PURPOSE SURVEY

OF A PARCEL OF SUBMERGED LAND
 LYING IN

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
 TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

MATANZAS PASS

DETAIL
 LEASE
 PARCEL 1B

R/W OF FEDERAL CHANNEL
 FROM DEPARTMENT OF THE ARMY
 EXAMINATION SURVEY 11 AND 12-FOOT
 PROJECT BY FIBURN & COOM, INC.
 DATED APRIL 1993
 WITH D.O. FILE NO. 57-36.585

MATCH LINE
 SEE SHEET 3

QUIT CLAIM DEED OF
 PORTION OF
 BUTLER ACT
 DISCLAIMER PARCEL
 INSTR# 2017000135104
 (AREA WEST OF RIPARIAN LINE)

LEASE
 PARCEL 1C
 5,721 SF. (0.131 ACRES ±)

SPECIAL NOTE:
 THIS AREA SUBJECT TO
 SETTLEMENT AGREEMENT
 RECORDED IN
 INSTR# 2017000136103

LEASE
 PARCEL 1D
 14,485 SF. (0.333 ACRES ±)

DETAIL
 POB LEASE
 PARCEL 1B

MATCH LINE SEE SHEET 5

LEASE
 PARCEL 1B
 1,381 SF.
 (0.032 ACRES ±)

LEASE
 PARCEL 1A
 1,100 SF.
 (0.025 ACRES ±)

P.O.B.
 LEASE PARCEL 1C
 N:771770.35
 E:576371.67

EXISTING DOCKS UNDER
 CONSTRUCTION

P.O.B.
 LEASE PARCEL 1D
 N:771688.00
 E:571055.92

O.R. 2250, PG. 2267
 (NOT-A-PART)

LINE TABLE

LINE	BEARING	DISTANCE
1	N77°44'02"E	35.60
2	S72°12'58"W	35.50
3	N77°44'02"E	23.30
4	N72°58'17"W	24.75
5	S19°29'00"W	6.35
6	S73°04'04"E	6.35
7	S70°33'18"W	1.77
8	S50°33'18"E	1.57
9	S16°42'15"W	1.57
10	S19°18'32"W	20.20
11	S70°40'28"E	42.70
12	S25°00'00"W	62.33
13	N68°26'24"W	1.75
14	N17°44'02"E	6.18
15	N72°15'58"W	30.03
16	N69°32'19"E	1.30
17	N68°30'55"W	1.18
18	S19°15'52"W	6.64
19	S57°13'47"W	13.85
20	S70°40'28"E	49.21
21	N17°40'44"E	31.10
22	N70°33'16"W	27.11
23	S72°15'58"W	32.15
24	S25°02'07"W	37.84

P.O.B.
 LEASE
 PARCEL 1B
 N:771740.48
 E:570815.28

SPC FLW 83/90
 SEE DETAIL

Attachment A
 Page 12 of 24 Pages
 SSLL NO. 360421085

SCALE 1"=30'

SUBMERGED LAND LEASE AREA
 OLD SEAPORT PLACE, INC.

BWLK CESINC

Engineers • Environmental Scientists • Surveyors

13041 Mcgregor Boulevard, Fort Myers, Florida 33919

PH (239) 401-1331

SR43091_SLL.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
07-28-17	43091	RLC	1"=30'	4 OF 13	24-46-23

LINE	BEARING	DISTANCE
128	S72°15'58"E	1.35
129	N17°44'02"E	10.04
131	N17°44'02"E	13.34
132	N70°33'16"W	14.08

FND NAIL &
 DISK LB 4919

LOT 1
 BLOCK A

P.O.C.
 NW CORNER
 BLOCK
 BUSINESS
 CENTER
 PB 8, PAGE 10



Exhibit 6-3

David E. McKee, PE

Engineering Permitting Land Development
5848 Kaylee Ann Drive Granite Falls, NC 28630
Phone (239) 898-4008 Fax (239) 495-5008
email: mckeeeng@gmail.com

PROJECT

Area Location Map
Olde Seaport of Fort Myers Beach
441/445 & 645 Old San Carlos Blvd, FMB 33931

1. **Requested Motion:**

Meeting Date: June 20, 2023

Second Reading and Public Hearing on proposed Ordinance 23-11 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION II. DOWNTOWN ZONING DISTRICT, SECTION 34-674 BUILDING PLACEMENT; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Why the action is necessary:

Ordinances must be heard at two Town Council hearings for adoption.

What the action accomplishes:

Adoption of the ordinance will allow two family and single family homes to be built with a front setback between 0 and 25 feet from the street property line.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

5. **Background:**

The Downtown zoning district contains many single family and two family properties, however, the district dimensional regulations were created, primarily, for commercial developments with pedestrian activity in mind. The proposed code amendment allows flexibility for the setbacks of properties on secondary streets on the beach side of Estero Boulevard.

Attachments:

1. 23-11, Ordinance 23-11 re Building Placement in Downtown Zoning District(146183830.1)-C
2. Com vs Res Setbacks Staff Report TC
3. Exhibit A to 23-11 Sec 34-674 strikethrough underline-C

Financial Impact:

unknown

6. **Alternative Action**

Recommend any changes and approve the ordinance.

7. **Management Recommendations:**

Approve the proposed ordinance.

8. **Recommended Approval:**

Sarah Propst, Planning & Zoning
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk

Created/Initiated - 6/7/2023
Approved - 6/7/2023
Approved - 6/7/2023
Final Approval - 6/8/2023

ORDINANCE NO. 23-11

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION II. DOWNTOWN ZONING DISTRICT, SECTION 34-674 BUILDING PLACEMENT; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND 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 service, 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 ("Town") 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 recognizes that redevelopment of the Town, following hurricane Ian requires evaluation and updates to the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council desires to update the LDC to clarify, improve and create consistency among sections; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on May 9, 2023, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 7-0, to recommend approval of the requested amendment to Chapter 34., Section 34-674 of the LDC; and

WHEREAS, on June 5, 2023, the Town Council held a first reading of this proposed Ordinance; and

WHEREAS, on June 20, 2023, the Town Council held a second reading of this proposed Ordinance.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Chapter 34, Article III., Division 5, Section 34-674 Building Placement is hereby amended to read as found in attached Exhibit A – Amended Building Placement:

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 4. Whenever the requirements or provisions of this ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance, or any part thereof, other than the part so declared.

Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember ____ and seconded by Councilmember ____ and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Bill Veach, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this 20th day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ____ day of June 2023.

Exhibits

Exhibit A – Amended Downtown Building Placement



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Town Council
From: Sarah Propst, Community Development
Date: June 20, 2023
Re: Setbacks for Houses in Primarily Non-Residential Districts

BACKGROUND

The LPA had directed staff to provide some options for quick fixes to codes, to resolve unnecessary conflicts. One item that has arisen as a conflict, most recently, is reconstruction of homes in zoning districts with minimal front setbacks or build-to lines that are difficult to accommodate with a residence.

Residential single-family and two-family homes are permitted in the Downtown, Santini, Commercial Boulevard and Commercial Resort zoning districts. These district dimensional regulations were created, primarily, with commercial developments in mind. The Downtown, Santini and Commercial Boulevard districts all have build-to lines, which require that a structure is built between 0 and 10 feet from the adjacent rights of way. The Commercial Resort district allows a 10-foot front setback and requires a 20-foot side setback. Below is a table containing the required setbacks for the above referenced zoning districts as well as the standard residential district setbacks.

Table 34-3— Dimensional Regulations in Conventional Zoning Districts								
ZONING DISTRICT	Street Setback	Side Setback - waterfront lot	Side Setback- non-waterfront	Rear Setback	Water body Setback	FAR (#) or Building Coverage (%)	Height (feet)	Height (stories)
<i>RS & RC</i>	25 (8)	7.5 or 10 (9)	7.5 or 10 (9)	20	25	40%	30	3
<i>CR Commercial</i>	10	20	15	20	25	1.2	30	3
<i>D Downtown</i>	0-10*	0-5	0-5	25	25	1.0 to 1.8	30 or 40	3
<i>Santini</i>	0-10*	0	0	0	25	1.0	30	2 or 3
<i>CB Commercial Boulevard</i>	5-10* (from Estero), 10 (other streets)	5	5	20	25	1.00	40	3
Note (6): Single-family and two-family homes in the RM zoning district must maintain a 7.5-foot side setback for lots up to 75 feet and 10 feet for lots wider than 75 feet.								
Note (9): Each side setback shall be 7.5 feet for lots 75 feet or less wide and 10 feet for lots wider than 75 feet.								

PROPOSED SOLUTIONS

Staff proposed two options for the LPA to consider.

Option 1: Amend the code to implement RS and RC zoning setbacks for all single-family and two-family homes.



This option would ensure that no matter what zoning district a home is constructed in, it will have a standard front, side and rear setback. Currently Table 34-3 Dimensional Regulations in Conventional Zoning Districts includes a footnote that single family and two-family homes in the RM zoning district have the same side setback as the RS and RC zoning district.

Pros: This will allow homes to be designed in a standard way with a front yard and a driveway with room for a vehicle in front of the home. This is a standard design that is easy to accommodate. Having a very small setback would require that parking is either completely contained under the home or that the side yard is expanded to make room for a driveway. The standard RS and RC setbacks will work for most lots.

Cons: Some owners may prefer to have the less restrictive setbacks of the commercial zoning district and may have purchased the property with the intent of developing a home that is designed to meet the current code requirements. Also, if all other development in the commercial zoning district is built to the front build-to line, the single family and two family residences will create a noticeable gap in the street façade.

Option 2: Allow flexibility regarding which dimensional regulations are applied.

This option would allow the property owner to develop the home to either the zoning district standard or the RS/RC zoning district standards. In the instance where a property was purchased with the intent of designing to meet the build-to lines and other applicable setback requirements, the property owner can choose which set of regulations are applied. It would be important to require that all of the applicable code requirements are applied, there would not be an opportunity to “mix and match” the regulations which would be difficult to regulate and could lead to over building on certain sites.

Pros: This would allow the property owner to design the home as they choose, either to fit in with the fabric of that zoning district or to design to a more typical residential setback.

Cons: Residential homes could be constructed with a more urban design, without a large front yard and setback.

RECOMMENDATION

At the April 11, LPA hearing, the LPA recommended that residential structures in the downtown zoning district, on the second tier, beachside streets should have the option to apply residential setbacks. Attached you will find proposed ordinance language that accomplishes this recommendation.

At the June 5, Town Council hearing the Town Council heard the proposed ordinance language and scheduled a second hearing for June 20th, 2023.

Staff recommends Town Council approve Ordinance 23-11 to amend Sec. 34-674 Building Placement regulations in the Downtown Zoning District.

Sec. 34-674. - Building placement.

- (a) *Build-to lines established.* Build-to lines (see § 34-662 of this chapter) vary according to the streets and street types designated on Figure 34-7.
- (1) Build-to lines for all streets are five feet to ten feet from front property lines, except:
 - a. Build-to lines are 0 feet for Old San Carlos Boulevard, all properties facing the Times Square and Bayfront pedestrian plazas, and Estero Boulevard west of the Sky Bridge.
 - b. Built-to lines are 0 to five feet for all of First, Second, Third, and Fifth, and the south side of Estero Boulevard from the Sky Bridge to Miramar Street.
 - c. Build to lines are 0-25 feet for single family and two-family residential construction on secondary streets on the beach side of Estero Blvd.
 - (2) The adjustments to build-to lines to maintain visibility that are required by § 34-662(b)(4) of this chapter do not apply:
 - a. To building fronts facing the Times Square or Bayfront pedestrian plazas; or
 - b. To building fronts along Old San Carlos Boulevard, where wide sidewalks and on-street parking lanes will allow the necessary visibility.
 - (3) Awnings, canopies, and marquees over sidewalks and pedestrian walkways are encouraged by the commercial design standards (§§ 34-991—34-1010 of this chapter) and are required along Old San Carlos Boulevard.
 - (4) Enclosed habitable space may also be allowed over a public right-of-way if located over an arcade or colonnade that shades a public sidewalk (see § 34-995(e)(6) of this chapter), provided that specific permission is granted by the Town of Fort Myers Beach.
- (b) *Setback lines established.* Setback lines (see § 34-662 of this chapter) are established as follows:
- (1) *For principal buildings:*
 - a. Minimum rear setbacks are 25 feet from rear property lines, except as follows:
 1. In Times Square, as defined on Figure 34-6, the minimum rear setback is ten feet.
 2. In areas where parking garages could be built, as defined on Figure 34-8, buildings shall be placed so as not to preclude future parking garages from being built on the interiors of these blocks. Along Old San Carlos Boulevard blocks with potential parking garages, this requirement means that principal buildings shall not extend further to the rear of lots than 50 feet back from the right-of-way for Old San Carlos Boulevard.
 - b. Minimum side setbacks are five feet from side property lines, except they may be 0 feet for properties fronting on Old San Carlos, Estero Boulevard, and in Times Square.
 - c. Minimum setbacks from waterbodies are set forth in § 34-638(d)(3) of this chapter.
 - d. Minimum setbacks along those portions of properties abutting the town-owned parking lot between Old Carlos Boulevard and the Sky Bridge that had been platted as "Center Street" in Plat Book 9, Page 9 shall be the same as if those properties abutted any other private property.
 - (2) For accessory structures, minimum setbacks are set forth in §§ 34-1171—34-1176.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Second Reading and Public Hearing on proposed Ordinance 23-12 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Why the action is necessary:

An ordinance requires two Town Council hearings.

What the action accomplishes:

This ordinance will allow lots less than 50 feet wide to have a setback of 6.5 feet. This is a change from 7.5 feet.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

5. **Background:**

The LPA asked staff to propose a decrease in side setbacks for lots less than 50 feet wide. Staff coordinated with the Fire Department and the Building Department to determine that a 6.5-foot setback would be an option that would not trigger additional building code or fire flow standards. The proposed ordinance before you proposes an amendment to Table 34-3 Dimensional Regulations in Conventional Zoning Districts to allow lots less than 50 feet wide to have a 6.5 foot side setback.

Attachments:

1. 23-12, Ordinance 23-12 re Setbacks for 50' Lots.(146189066.1)-C
2. Side Setback Memo TC2
3. Exhibit A Amended Setback Regulations

Financial Impact:

unknown

6. **Alternative Action**

Recommend changes and approve ordinance.

7. **Management Recommendations:**

Provide feedback on suggested optional modifications and approve ordinance 23-12.

8. **Recommended Approval:**

Sarah Propst, Planning & Zoning
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk

Created/Initiated - 6/7/2023
Approved - 6/7/2023
Approved - 6/7/2023
Final Approval - 6/8/2023

ORDINANCE NO. 23-12

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND 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 service, 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 ("Town") 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 recognizes that redevelopment of the Town, following Hurricane Ian requires evaluation and updates to the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council desires to update the LDC to clarify, improve and create consistency among sections; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on May 9, 2023, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 7-0, to recommend approval of the requested amendment to Chapter 34., Division 4, Table 34-3 "Dimensional Regulations in Conventional Zoning Districts" of the LDC; and

WHEREAS, on June 5, 2023, the Town Council held a first reading of this proposed Ordinance; and

WHEREAS, on June 20, 2023, the Town Council held a second reading of this proposed Ordinance.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Chapter 34, Article III., Division 4, Table 34-3 Dimensional Regulations in Conventional Zoning Districts is hereby amended to read as found in attached Exhibit A –

Amended Setback Regulations.

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 4. Whenever the requirements or provisions of this ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance, or any part thereof, other than the part so declared.

Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember _____ and seconded by Councilmember _____ and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Bill Veach, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this 20th day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ____ day of June 2023.

Exhibits

Exhibit A – Amended Setback Regulations



Town of Fort Myers Beach COMMUNITY DEVELOPMENT DEPARTMENT

To: Town Council
From: Sarah Propst, Community Development
Date: June 20, 2023
Re: Setbacks for lots less than 50 feet wide

BACKGROUND

The LPA asked that staff provide some options for quick fixes to codes, to resolve unnecessary conflicts. One item that was raised as an issue, at a previous LPA hearing, is reconstruction of homes on parallelogram lots. Along with the parallelogram lot ordinance, the LPA asked staff to recommend, to Council, a side setback decrease to 6.5 feet for lots less than 50 feet wide.

Originally the LPA had been interested in a 5-foot setback for lots less than 50 feet wide, however, input from the Fire Department and the Building Department about the code modification to 5 feet raised concerns. The Fire Department stated it was important to ensure that adequate fire flow existed in these neighborhoods to protect the neighborhood in the instance of a fire. The Building Department was concerned that the allowed three-foot overhang would result in projections less than 40 inches from the property line, that are required to be fire rated.

Due to these concerns, the LPA recommended an ordinance to amend the side setback requirement for lots less than 50 feet wide to be decreased to 6.5 feet.

OPTIONAL MODIFICATIONS

At the first Town Council hearing, staff was asked to provide some options regarding ways to create a more open feeling when the smaller setbacks are applied.

- 1) One option would be to allow only a single car garage below these homes. A maximum width would have to be determined, as there are many views regarding how large a single car garage must be. In review of garage sizes, an oversized garage is 20' wide by 24' deep. This will allow large trucks and even boats to fit in the garage. It will also allow room for storage of a lawnmower and some shelves.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2525 Estero Boulevard, Fort Myers Beach, FL 33931



- 2) A second option would be to push the garage area back further, this would leave more open space below the house at the front and feel more open at the street level. This would likely require support columns in front of the garage door.
- 3) The third option would be to allow only the enclosure below flood that is allowed for an entry plus the elevator shaft.

REQUESTED FEEDBACK

The attached ordinance reduces the side setbacks for lots less than 50 feet wide to 6.5 feet. This ordinance change will not require an amendment to any other code sections. The optional modifications above provide a few amendments that could be made to the code to allow for less impact of the increased massing at the street level. Please provide staff with any recommendation and approve the proposed ordinance.

EXHIBITS

Exhibit A- Proposed Amendments to the Dimensional Requirements Table 34-3

Table 34-3— Dimensional Regulations in Conventional Zoning Districts														
	street	side - waterfront lot	side - non-waterfront	rear	water body (1)	Gulf of Mexico (2)	area	width	depth	ratio	percentage		feet	stories
ZONING DISTRICT	Setbacks (see § 34-638 for explanations and exceptions)						Lot size (see § 34-637 for explanations and exceptions)			F.A.R. §34-633	Building Coverage § 34-634	Density § 34-632	Height (see § 34-631)	
<i>RS Residential Single-family</i>	25(8)	<u>6.5, 7.5 or 10</u> (9)	<u>6.5, 7.5 or 10</u> (9)	20	25	50	7,500	75	100	-	40%	(3), (4)	30	3
<i>RC Residential Conservation</i>	25(9)	<u>6.5, 7.5 or 10</u> (9)	<u>6.5, 7.5 or 10</u> (9)	20	25	50	4,000	45	80	-	40%	(3), (4), (5)	30	3
<i>RM Residential Multifamily</i>	25(8)	20 (6)	20 (6)	20	25	50	7,500	75	100	1.2	-/	(3), (4), (5)	35	3

<i>CR Commercial Resort</i>	10	20	15	20	25	50	20,000	100	100	1.2	-	(3)	30	3
<i>CM Commercial Marina</i>	20	20	20	20	0	50	20,000	100	100	1.0	-	-	35	3
<i>CO Commercial Office</i>	10	10	7	20	25	50	7,500	75	100	1.2	-	(3), (4), (5)	30	3
<i>Santos</i>	10	7	5	20	25	50	5,000	50	100	0.6	-	(3), (4), (5)	25	3
<i>IN Institutional</i>	20	10	7	20	25	50	7,500	75	100	0.8	-	(3)	35	3
<i>CF Community Facilities</i>	20	15	10	20	25	50	N/A	N/A	N/A	0.1	-	(3)	35	3
<i>BB Bay Beach</i>	— see § 34-651(b) —													
<i>EC Environmentally Critical</i>	20	25	-	25	20	50	(7)	N/A	N/A	0.01	-	(3), (7)	25	2

Note (1): An additional wetland buffer is required for new development; see § 34-638(c). Note (2): See § 34-638(d)(3)a.

Note (3): Maximum densities are established by the Fort Myers Beach Comprehensive Plan; see Section 34-632

Note (4): Accessory apartments are allowed in owner-occupied homes under certain conditions; see Section 34-1178.

Note (5): A second dwelling unit or accessory apartment may be allowed on larger lots; for details, see Section 34-632, 34-1177, and 34-1178

Note (6): Single-family and two-family homes in the RM zoning district must maintain a 6.5-foot side setback for lots less than 50 feet wide, 7.5-foot side setback for lots 50 feet wide up to 75 feet wide, and 10 feet for lots wider than 75 feet.

Note (7): See Section 34-652(e)(3).

Note (8): Maximum 65 feet of house may be built to the 25-foot front setback. Any house frontage exceeding 65 feet in length shall be subject to additional setbacks from the street property line. See Section 34-638(d)(5)a.

Note (9): Each side setback shall be 6.5 feet for lots less than 50 feet wide, 7.5 feet for lots 50 feet wide to 75 feet ~~or less~~ wide, and 10 feet for lots wider than 75 feet.

1. **Requested Motion:**

Meeting Date: June 20, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230060 TO ALLOW HIBISCUS DRIVE FRONTAGE THE FRONT STREET AND ESTERO BOULEVARD THE SIDE STREET; TO SWITCH SIDE AND REAR SETBACKS; TO REDUCE HIBISCUS DR SETBACK FROM 25 FEET TO 15 FEET 10 INCHES; AND TO REDUCE THE SIDE SETBACK FROM 7.5 FEET TO 5.5 FEET.

Why the action is necessary:

The Town Council must approve or deny variance requests.

What the action accomplishes:

Denial of the variance will require the applicant to meet the LDC setbacks. Approval will allow the proposed setback encroachments.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

Approve/Approve with Conditions/Deny variance request VAR20230060 for the following variances: a) make Hibiscus Drive frontage the front street and Estero Boulevard the side street; b) to switch side and rear setbacks; c) to reduce Hibiscus Dr setback from 25 feet to 15 feet 10 inches; and d) to reduce the side setback from 7.5 feet to 5.5 feet. The property is located at 106 HIBISCUS DRIVE.

The subject property is a corner lot in RS zoning. The front street setback is along Estero Blvd and the side street setback is along Hibiscus Drive. The previous house was destroyed in Hurricane Ian. The Applicant is now proposing a residence that requires three variances from the LDC:

1. Variance from Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback. This variance would also make the rear setback located opposite Hibiscus Dr and the side setback opposite of Estero Blvd.
2. Variance from LDC Table 34-3, which requires that a single-family home in the RS zoning district provide a street setback of 25 feet from the front street property line.
3. Variance from LDC Table 34-3, which requires that a single-family home in the RS zoning district provide a side setback of 7.5 feet.

Attachments:

1. 23-64 Resolution 106 Hibiscus Dr
2. 106 Hibiscus Drive- Variance Staff Report
3. Exhibit A- Application
4. Exhibit B Postcard

Financial Impact:

Unknown

6. **Alternative Action**

Recommend Approval/ Approval with conditions

7. **Management Recommendations:**

- a) DENY variance to treat Hibiscus Drive frontage as the front street setback instead of the Estero Boulevard frontage;
- b) APPROVE variance to allow side and rear setbacks to be switched;
- c) DENY variance of front street (Hibiscus Dr) setback from 25 feet to 15 feet 10 inches; and
- d) DENY variance of side setback from 7.5 feet to 5.5 feet.

8. **Recommended Approval:**

Sarah Propst, Planning & Zoning
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/13/2023
Approved - 6/13/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

RESOLUTION NUMBER 23-64

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230060 TO ALLOW HIBISCUS DRIVE FRONTAGE THE FRONT STREET AND ESTERO BOULEVARD THE SIDE STREET; TO SWITCH SIDE AND REAR SETBACKS; TO REDUCE HIBISCUS DR SETBACK FROM 25 FEET TO 15 FEET 10 INCHES; AND TO REDUCE THE SIDE SETBACK FROM 7.5 FEET TO 5.5 FEET.

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 service, 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, applicant Samir Malviya from Homebound Technologies Inc, on behalf of owner Jackquelyn Lyszak- Trustee for Lyszak-May Trust, is requesting a variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts; and

WHEREAS, the STRAP number for the subject property is 29-46-24-W2-01441.0000; and

WHEREAS, the Property is located in the “Low Density” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Single-Family” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 13, 2023, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted 5-0 to recommend approval of the variance; and

WHEREAS, on June 20, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance do/ do not meet the requirements of the Town Comprehensive Plan and LDC, and approving/ approving with conditions/ denying the Variance is in the best interest of the Town to approve/ approve with conditions/ deny. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variance from LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks and from LDC Table 34-3.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 20th day of June, 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2023.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230060

CASE NAME: 106 Hibiscus Dr; requesting relief from LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback. The Applicant is also requesting relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 foot and a side setback of 7.5 foot.

LPA

HEARING DATE: June 13, 2023

TOWN COUNCIL

HEARING DATE: June 20, 2023

STAFF

RECOMMENDATION: a) DENY variance to treat Hibiscus Drive frontage as the front street setback instead of the Estero Boulevard frontage;
b) APPROVE variance to allow side and rear setbacks to be switched;
c) DENY variance of front street (Hibiscus Dr) setback from 25 feet to 15 feet 10 inches; and
d) DENY variance of side setback from 7.5 feet to 5.5 feet.

**PREPARED/
SUBMITTED BY:** Sarah Propst AICP, PMP/Sakshi Goel

I. APPLICATION SUMMARY

Applicant/Owner: Samir Malviya from Homebound Technologies Inc.
(Applicant)/ Jackquelyn Liszak- Trustee for Liszak-May Trust (Owner)

Request: Relief from LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback. The Applicant is also requesting relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 foot and a side setback of 7.5 foot.

The Applicant is requesting a variance to treat Hibiscus Drive frontage as the primary front street setback instead of the Estero Boulevard frontage. The Applicant is also requesting a variance of 9 feet 2 inches from the required front street setback and a variance of 2 feet from the required side setback, to build a new single-family home.

Subject property: See attached site plan

Physical Address: 106 Hibiscus Drive

STRAP #: 29-46-24-W2-01441.0000

FLU: Low Density Residential

Zoning: Residential Single-Family (RS)

Adjacent zoning and land uses:

North: LOW DENSITY RESIDENTIAL
Residential Single Family (RS)

SOUTH: MIXED RESIDENTIAL
Residential Conservation (RC)

East: LOW DENSITY RESIDENTIAL
Residential Single Family (RS)

West: LOW DENSITY RESIDENTIAL
Residential Single Family (RS)

II. BACKGROUND AND ANALYSIS

Background:

Samir Malviya, the applicant for 106 Hibiscus drive, is requesting the following three variances from the Town's Land Development Code (LDC):

1. LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback and allows a reduced setback from the side street. This request includes two points:
 - a) application of the 25-foot front street setback to the Hibiscus Dr setback and a reduction in the setback from Estero Blvd to 20 feet, and
 - b) switching the side and rear setbacks so that the rear is opposite of the Hibiscus Dr frontage.
2. LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 feet.
3. LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a side setback of 7.5 feet.

Analysis:

The purpose of the RS zoning district is to provide stable neighborhoods where single-family detached homes are the predominant land use. The subject property is a corner lot, the front street setback is along Estero Blvd and the side street setback is along Hibiscus Drive. The subject property is a trapezoid 100 feet long lot with the width between Estero Blvd and the opposite property line varying from 50 feet to 76 feet.

The previous existing single-family residence appeared to be consistent with Town's LDC setback requirements, except that the rear setback and side setback were situated as per the proposed layout, with the rear opposite Hibiscus Dr. The previous house was destroyed in Hurricane Ian. The Applicant is now proposing a residence that requires three variances from LDC:

- 1) Relief from Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback. The applicant proposes that the front street setback of 25 feet be measured from the Hibiscus Dr property line and the side street setback of 20 feet be measured from the Estero Blvd property line. This variance would also, make the rear setback located opposite Hibiscus Dr and the side setback opposite of Estero Blvd.
- 2) Relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 feet from the front street property line. The applicant proposes a reduction of 9 feet 2 inches, to allow a setback of 15 feet and 10 inches.
- 3) Relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a side setback of 7.5 feet. The applicant is proposing a reduction of 2 feet from the requirement, for a side setback of 5.5 feet.

The Town recently modified the Corner Lot regulations found in Section 34-638(a)(4), to require corner properties on Estero Blvd to treat Estero Boulevard as

the front street setback. This was to ensure adequate and consistent distance from a busy right of way. Staff feels that a variance from this code section hinders the purpose of code modification.

The Applicant argues that if Estero Blvd is treated as the front street setback, a 25 feet wide front setback and 20 feet wide rear setback will leave very little to no room for construction of a single-family residence on this trapezoid lot. The applicant could request switching the side and rear setbacks as an administrative variance, without requiring a full variance, if the proposed home were designed to meet the other LDC required setbacks. The proposed house does not meet the LDC setbacks and therefore the Applicant is requesting a variance to treat Hibiscus Drive frontage as the primary front street setback with 25 feet and Estero Boulevard as the side street with a setback of 20 feet. In order to, accommodate the proposed house, the Applicant must also request a variance to reduce the Hibiscus setback by 9 feet 2 inches and a variance of 2 feet from the required side setback.

Neighborhood Compatibility:

All properties along Estero Blvd are required to have a minimum front street setback of 25 feet. All single-family residences within quarter-mile radius of the subject property, appear to be consistent with the Town's LDC.

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. *That there are/**are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is/**is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

There are no exceptional or extraordinary conditions that are inherent to the property. The property is a trapezoid shaped corner lot, with two street frontages- front street frontage along Estero Blvd and side street frontage along Hibiscus Drive. The code for corner lots was recently updated and would allow a reduced side street setback of 20 feet from Hibiscus Dr, by right. The buildable area of the lot, with the approval of the administrative variance to switch the side and rear setback, would be quite large, but not rectangular in shape. Therefore, the request is not for a de minimis variance.

- b. *That the conditions justifying the variance **are**/are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance are the result of the actions of the Applicant. The Applicant is opting to build a residence that is rectangular in shape and not in compliance with the setback regulations.

- c. *That the variance granted is/is **not** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to this property.*

The property is a trapezoid corner lot, with two street frontages- front street frontage along Estero Blvd and side street frontage along Hibiscus Drive. Nonetheless, the circumstances leading to this variance are a result of a design choice and are subjective in nature.

- d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare but will impact the consistent setback distance from Estero Blvd.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property, for which the subject variances are sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Town's Staff has reviewed the request for variances from LDC Section 34-638(a)(4) and LDC Table 34-3. *LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback and LDC Table 34-3 requires that a single-family home in the RS zoning district provide a street setback of 25 feet and a side setback of 7.5 feet.* The Town's staff finds that the variances requested do not meet the requirements set forth in LDC sec. 34-87.

Therefore, staff recommends the following for the requests contained in the variance application of VAR20230060: a) DENIAL of the variance to treat Hibiscus Drive frontage as the front street and Estero Boulevard as the side street; b) APPROVAL of the variance to allow side and rear setbacks to be switched; d) DENIAL of the variance to the Hibiscus Dr setback from 25 feet to 15 feet 10 inches; and d) DENIAL of the variance from the side setback from 7.5 feet to 5.5 feet.

Attachments

Exhibit A – Application
Exhibit B- Post Cards



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 106 Hibiscus Drive
STRAP Number: 29-46-24-W2-01441.0000
Applicant: Homebound Technologies Inc Phone: 719.213.4409
Contact Name: Samir Malviya Phone: 248.894.9610
Email: smalviya@homebound.com Fax: _____
Current Zoning District: Coastal VE
Future Land Use Map (FLUM) Category: Residential
FLUM Density Range: Low-Density Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☐ Special Exception
☒ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: Samir Malviya Phone: 248.894.9610
**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*
Applicant Mailing Address: 244 Harbor Court | Fort Myers Beach, FL | 33931
Email: smalviya@homebound.com Fax: _____
Contact Name: Samir Malviya Phone: 248.864.9610



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|--|---|--|
| ☐ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☒ Authorized Representative* ☐ Other* (please indicate) _____ | | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Samir Malviya Phone: 248.864.9610
Address: 422 Harbor Court | Fort Myers Beach, FL | 33931
Email: _____ Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Tyler Knafelc Phone: 719.213.4409
Address: 422 Harbor Court | Fort Myers Beach, FL | 33931
Email: tknafelc@homebound.com Fax: _____

Name: Drew Whiting Phone: 224.723.9198
Address: 422 Harbor Court | Fort Myers Beach, FL | 33931
Email: dwhiting@homebound.com Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 34 - 638
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Printed Name

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

PART V

Property Ownership (Multiple Owners)

☒ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☒ Complete Disclosure of Interest Form (see below)
- ☒ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address
Jacquelyn Liszak-May

Percentage Ownership
100



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
<u>Liszak Family Trust</u>	<u>189 Sabal Drive Fort Myers Beach, FL 33931</u>
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature

Jacquelyn Liszak-May

Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Jackquely Liszak-May (name), as Trustee (title)
of Liszak Family Trust (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Liszak Family Trust

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

Jacquelyn Liszak-May

Typed or Printed Name

Trustee

Title

Date

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

PART VI- Property Information

A. Legal Description:

STRAP: 24-46-24-W2-01441.0000

Property Address: 106 Hibiscus Drive

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: 14 Page: 21 Unit: _____ Block: 01441 Lot(s): 0000

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 63.06 feet
Depth (please provide an average width if irregular in shape) 97.16 feet
Frontage on street: 100.61 feet. Frontage on waterbody: _____ feet
Total land area: 6087 ☐ acres ☒ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☒ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☐ Attach a map showing the surrounding property owners as Exhibit 6-7.
☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| ☒ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

- A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
- B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
- C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
- D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
- E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
- F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
- G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a “variance report” from the Map Sales Office at the Lee County Property Appraiser’s Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
- H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan’s Future Land Use Map, and whether the property is located in the “platted overlay” on the map.
- I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.



Case # _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Lyszak Residence 106 Hibiscus Drive
Authorized Applicant: Tyler Knafelc Pre-Construction PM Homebound
LeePA STRAP Number: 29-46-24-W2-01441.0000

Current Property Status: Demolition Complete	
Current Zoning: Coastal VE	
Future Land Use Map (FLUM) Category: Residential	
Comp Plan Density: Low Density	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number

Title of Section or Subsection

34-638(d)(6) - Minimum Setbacks / Corner Lot Street Setbacks

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 34-638 (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
Ordinance No. 23-02 amending Minimum Setbacks in Exhibit A - New Corner Lot Regulations has
created a hardship for several lots along Estero Blvd. While the new corner lot regulations allow
homeowners to choose their front street setback and side street setback, lots along Estero Blvd are
required to use Estero Blvd frontage as their front street setback. While the majority of the island is
not affected by this stipulation as their lots are oriented toward Estero Blvd with deeper lot
dimensions perpendicular to Estero Blvd, there are five lots oriented toward the side street with
narrower dimensions perpendicular to Estero Blvd in which the larger front and rear setbacks create
undue hardship and unbuildable footprints within the setbacks. For 106 Hibiscus Dr, the space to
build inside the setbacks would be 69'-6" wide with a depth of 24'-8" on one side tapering down to 6'
at the other. We are requesting a variance to rotate the lot's orientation toward Hibiscus and
create relief from the large side street setback due to the lot's width at 76.12' at the front - quickly
tapering down below 75' and ending at 50' at the rear.

Reasons for request

Explain why the variance is needed:
The variance is needed to first rotate the frontage of the corner lot to Hibiscus Drive so the front
street setback is off of Hibiscus Drive, the side street setback is off of Estero Blvd, the side setback
faces the neighboring lot at 112 Hibiscus Drive, and the rear setback is opposite the front street
setback. This rotation creates setbacks that are more proportional with the lot shape and
proportions. Secondly, a variance is then needed to relieve the hardship of the side street setback
being based on a lot with greater than 75' frontage (at 76.12') - triggering a 20' side street setback.
As the lot quickly tapers below 75' and ultimately ends at 50' at the rear property line, a 15' side
street setback would be more in line with the property. However, understanding that the New
Corner Lot Regulations' intent is to maintain a greater setback off of Estero Blvd, we are seeking
relief to the front (Hibiscus) and interior yard setbacks in order to maintain a 20' setback from
Estero Blvd. The resulting ask is a front setback reduction of 8' (17' from 25') and interior side
yard setback reduction of 2' (5.5' from 7.5').

Explain the possible effect the variance, if granted, would have on surrounding properties:

Once the lot oriented toward Hibiscus, the most affected property would be the neighbor at 112
Hbiscus Dr. where we are asking for a 2' reduction in the side setback. This ask has very little
effect on the neighbor as the existing house had a reduced side setback on this side of less than 5',
and an easement protrudes into 112 Hibiscus Dr.'s lot to allow access for 106 Hibiscus Dr.
Secondly, the reduction of the front yard setback by 5' has little effect to the rest of the street due to
the way the lot is perceived differently as a corner lot. Ultimately, an encroachment to the Estero Blvd
setback would have the greatest effect as the majority of the community will pass this site on a
daily basis, and the proposed house is intended to remove any encroachments that are not allowed
into the Estero Blvd. setback.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

The hardship is the result of two unique characteristics about this property:
1. Being a corner lot on Estero Blvd with an obvious orientation toward Hibiscus
Dr. that is being forced to orient its setbacks toward Estero Blvd, and create a
depth that is impossible to build on, and 2. Having a greater than 75' frontage
(once rotated) that requires a greater side street setback along Estero Blvd. Our
proposed house attempts to relieve this issue by maintaining the intent of the
New Corner Lot Regulations and maximizing the side street setback along
Estero Blvd. by finding relief along the front and interior side setbacks.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

The property qualifies for a variance due to the hardship created by the New Corner Lot Regulations to orient the lot toward Estero Blvd and creating an unbuildable depth. Once the orientation is rotated, the New Corner Lot Regulations restrict the buildable width by the artificially large street side setback along Estero Blvd due to the Hibiscus Dr frontage being 76.12' (over 75') and quickly tapering down below 75' to eventually reach a lot width of 50' at the rear property line - effectively spanning the full spectrum of side street setbacks at 10' (50' or less), 15' (greater than 50 up to 75'), and 20' (greater than 75'). Our solution to the hardship of restricted lot width requests relief at the front setback of 8' (17' from 25') and interior side setback of 2' (5.5' from 7.5'); this solution maximizes the houses setback off of Estero Blvd and maintains the larger setback to be more in line with other properties with frontage on Estero Blvd. While there is a small triangle of a wraparound porch that encroaches into the 20' side street setback along Estero Blvd, this encroachment is allowed as a 1 story porch and should help maintain the look of a property facing Estero Blvd.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

"Variance is requested from..." Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

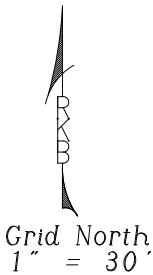
Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

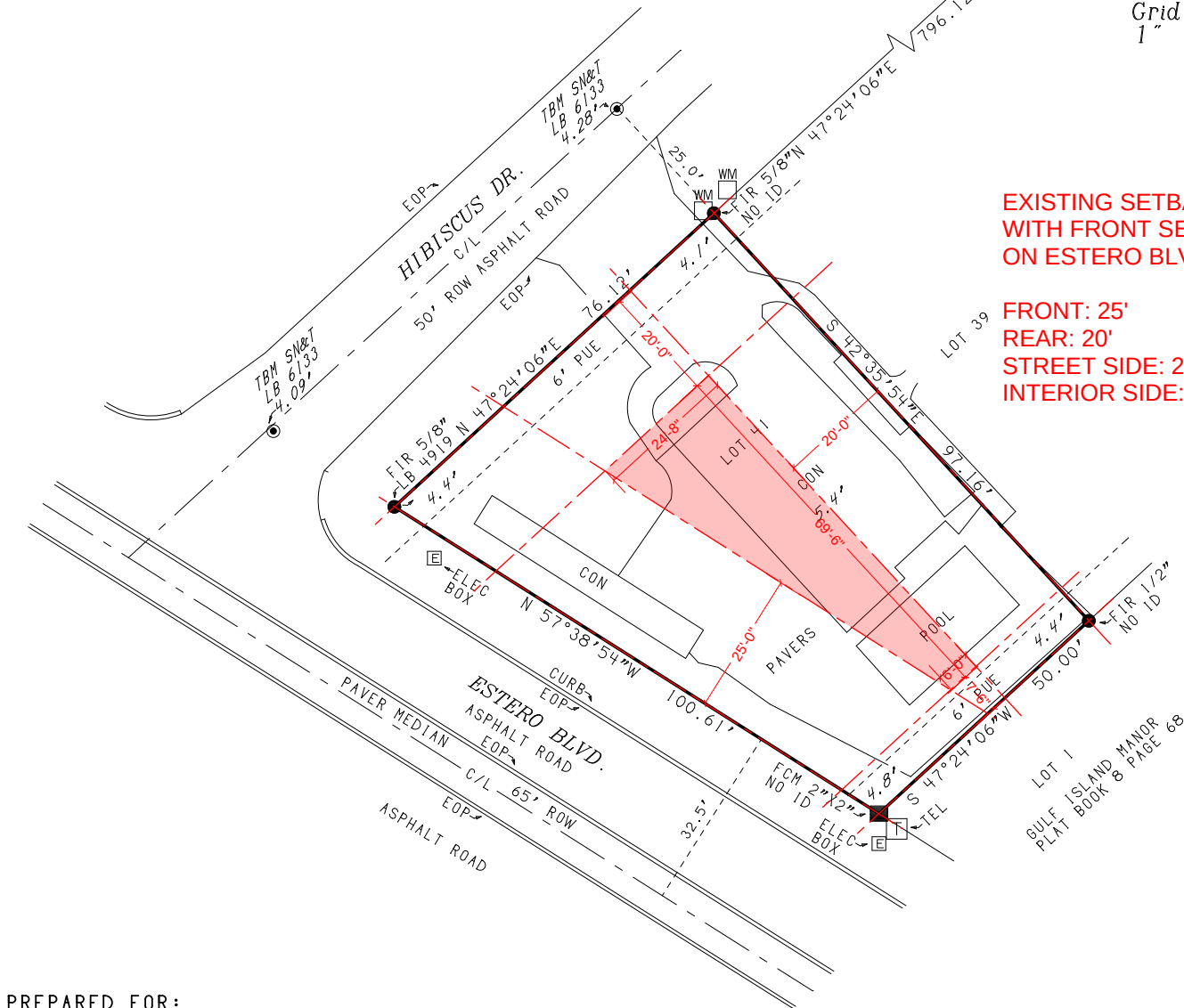
The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.



EXISTING SETBACKS
WITH FRONT SETBACK
ON ESTERO BLVD:

FRONT: 25'
REAR: 20'
STREET SIDE: 20'
INTERIOR SIDE: 7'-6"



PREPARED FOR:
HOMEBOUND TECHNOLOGIES, INC

PARCEL DESCRIPTION:
LOT 41, LEILANI SUBDIVISION, ACCORDING TO THE MAP
OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE
21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THIS MAP OF SURVEY IS ONLY FOR THE LAND DESCRIBED.
IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT,
FREEDOM OF ENCUMBRANCE, OWNERSHIP OR RIGHTS-OF-WAY.

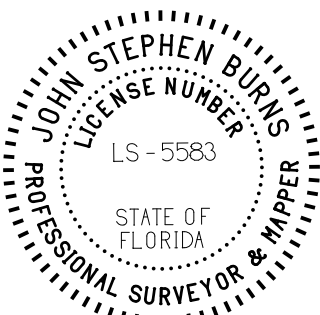
ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHERS
THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED
WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE
PERSONS LISTED AND SHOULD NOT BE RELIED ON TO
MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

DRAWN BY:WNH

LEGEND: (C) = CALCULATED (F) = FIELD MEASURED (NR) = NON-RADIAL (R) = RECORD (RAD) = RADIAL BOB = BASIS OF BEARINGS (GRID-NAD 83-FL WEST ZONE) C/L = CENTERLINE CATV = CABLE TV BOX CCED = CAPE CORAL ENGINEERING DEPT. CCP = COVERED CONCRETE PAD CLF = CHAIN LINK FENCE CON = CONCRETE CP = CONCRETE PAD DE = DRAINAGE EASEMENT DUE = DRAINAGE & UTILITY EASEMENT EOP = EDGE OF PAVEMENT FC = FENCE CORNER FCM = FOUND CONCRETE MONUMENT FF = FINISHED FLOOR ELEVATION FIR = FOUND IRON ROD FN = FOUND NAIL FN&T = FOUND NAIL & TAB GF = GARAGE FLOOR ELEVATION GW = GUY WIRE HYD = FIRE HYDRANT LB = LICENSED BUSINESS LS = LICENSED SURVEYOR MH = MANHOLE NAD = NORTH AMERICAN DATUM	NAVD = NORTH AMERICAN VERTICAL DATUM O/S = OFFSET OHP = OVERHEAD POWER LINE OL = OUTDOOR LIGHT PC = POINT OF CURVE PCP = PERMANENT CONTROL POINT PP = POWER POLE PS&M = PROFESSIONAL SURVEYOR & MAPPER PT = POINT OF TANGENCY PUE = PUBLIC UTILITY EASEMENT ROW = RIGHT OF WAY SD = STORM DRAIN SEP = APPROXIMATE LOCATION OF SEPTIC TANK SIR = SET 5/8" X 18" IRON ROD AND CAP STAMPED "RKB LB 6133" SN&T = SET NAIL & TAB SP = SCREENED PORCH SW = SEAWALL TB = TOP BANK TBM = TEMPORARY BENCHMARK TEL = TELEPHONE BOX TYP = TYPICAL UE = UTILITY EASEMENT USC&G = UNITED STATES COAST & GEODETIC SURVEY WM = WATER METER WV = WATER VALVE WW = WALKWAY
---	--

- NOTES:
- 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - 2) UNDERGROUND UTILITIES, FOUNDATIONS, AND STRUCTURES WERE NOT FIELD LOCATED OR SHOWN.
 - 3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.
 - 4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED BY THE CLIENT.
 - 5) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
 - 6) NO WETLANDS OR JURISDICTION LINES WERE LOCATED.
 - 7) ABSTRACT NOT REVIEWED.
 - 8) PARCEL LIES IN FLOOD ZONE VE 14.0' (FIRM 12071C 05586 11/17/2022).
 - 9) ELEVATIONS (SHOWN LIKE SO 4.83') ARE NAVD 1988 BASED ON BM 5351 E.
 - 10) PARCEL LIES BETWEEN THE 1978 & 1991 COASTAL CONSTRUCTION CONTROL LINES



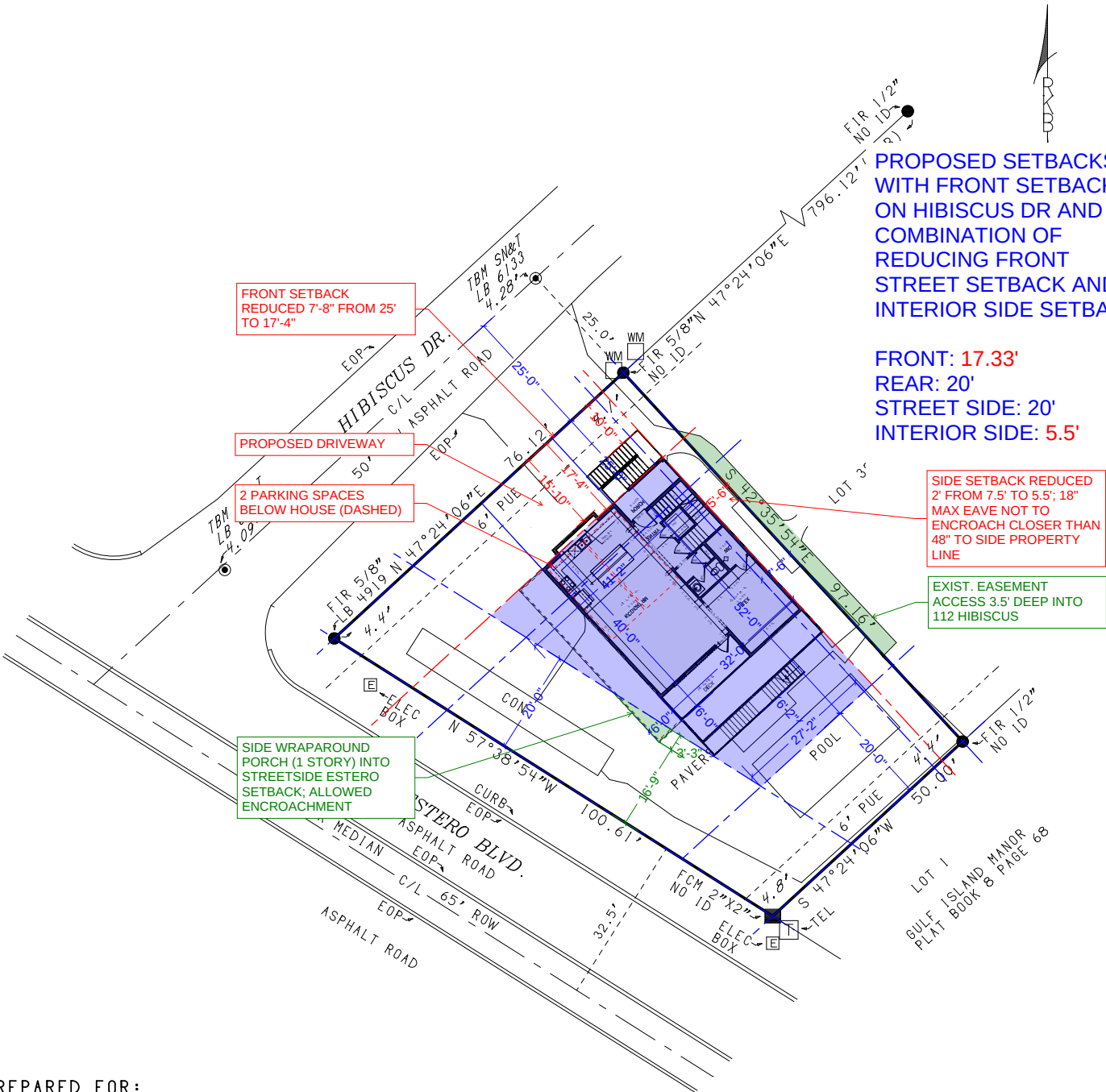
R.K.BURNS SURVEYING, INC. LB 6133

3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/21/2023

By:



PREPARED FOR:
HOMEBOUND TECHNOLOGIES, INC

PARCEL DESCRIPTION:
LOT 41, LEILANI SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THIS MAP OF SURVEY IS ONLY FOR THE LAND DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT, FREEDOM OF ENCUMBRANCE, OWNERSHIP OR RIGHTS-OF-WAY.

ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHERS THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

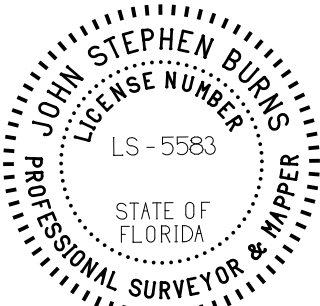
THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE PERSONS LISTED AND SHOULD NOT BE RELIED ON TO MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

DRAWN BY:WNN

LEGEND:
(C) = CALCULATED
(F) = FIELD MEASURED
(NR) = NON-RADIAL
(R) = RECORD
(RAD) = RADIAL
BOB = BASIS OF BEARINGS
(GRID-NAD 83-FL WEST ZONE)
C/L = CENTERLINE
CATV = CABLE TV BOX
CCED = CAPE CORAL ENGINEERING DEPT.
CCP = COVERED CONCRETE PAD
CLF = CHAIN LINK FENCE
CON = CONCRETE
CP = CONCRETE PAD
DE = DRAINAGE EASEMENT
DUE = DRAINAGE & UTILITY EASEMENT
EOP = EDGE OF PAVEMENT
FC = FENCE CORNER
FCM = FOUND CONCRETE MONUMENT
FF = FINISHED FLOOR ELEVATION
FIR = FOUND IRON ROD
FN = FOUND NAIL
FN&T = FOUND NAIL & TAB
GF = GARAGE FLOOR ELEVATION
GW = GUY WIRE
HYD = FIRE HYDRANT
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
MH = MANHOLE
NAD = NORTH AMERICAN DATUM

NAVD = NORTH AMERICAN
VERTICAL DATUM
O/S = OFFSET
OHP = OVERHEAD POWER LINE
OL = OUTDOOR LIGHT
PC = POINT OF CURVE
PCP = PERMANENT CONTROL POINT
PP = POWER POLE
PS&M = PROFESSIONAL SURVEYOR
& MAPPER
PT = POINT OF TANGENCY
PUE = PUBLIC UTILITY EASEMENT
ROW = RIGHT OF WAY
SD = STORM DRAIN
SEP = APPROXIMATE LOCATION OF
SEPTIC TANK
SIR = SET 5/8" X 18" IRON
ROD AND CAP STAMPED
"RKB LB 6133"
SN&T = SET NAIL & TAB
SP = SCREENED PORCH
SW = SEAWALL
TB = TOP BANK
TBM = TEMPORARY BENCHMARK
TEL = TELEPHONE BOX
TYP = TYPICAL
UE = UTILITY EASEMENT
USC&G = UNITED STATES COAST &
GEODETIC SURVEY
WM = WATER METER
WV = WATER VALVE
WW = WALKWAY

NOTES:
1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2) UNDERGROUND UTILITIES, FOUNDATIONS, AND STRUCTURES WERE NOT FIELD LOCATED OR SHOWN.
3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.
4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED BY THE CLIENT.
5) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
6) NO WETLANDS OR JURISDICTION LINES WERE LOCATED.
7) ABSTRACT NOT REVIEWED.
8) PARCEL LIES IN FLOOD ZONE VE 14.0' (FIRM 12071C 05586 11/17/2022).
9) ELEVATIONS (SHOWN LIKE SO 4.83') ARE NAVD 1988 BASED ON BM 5351 E.
10) PARCEL LIES BETWEEN THE 1978 & 1991 COASTAL CONSTRUCTION CONTROL LINES



R.K.BURNS SURVEYING, INC. LB 6133

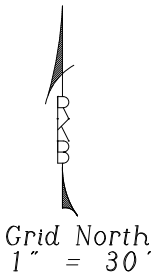
3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/21/2023

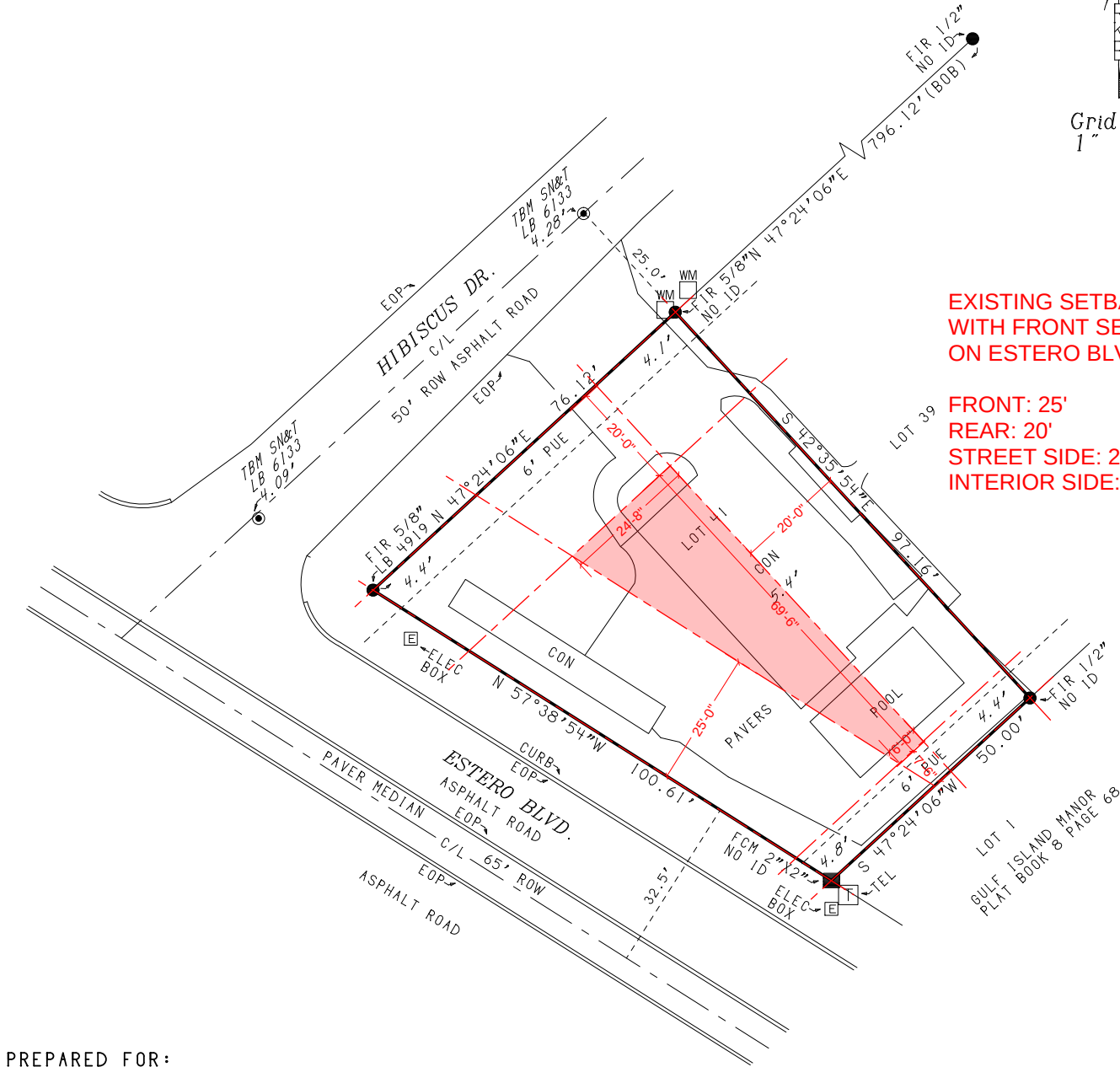
By: *John Burns*

SUPERCEDED



EXISTING SETBACKS
WITH FRONT SETBACK
ON ESTERO BLVD:

FRONT: 25'
REAR: 20'
STREET SIDE: 20'
INTERIOR SIDE: 7'-6"



PREPARED FOR:
HOMEBOUND TECHNOLOGIES, INC

PARCEL DESCRIPTION:
LOT 41, LEILANI SUBDIVISION, ACCORDING TO THE MAP
OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE
21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THIS MAP OF SURVEY IS ONLY FOR THE LAND DESCRIBED.
IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT,
FREEDOM OF ENCUMBRANCE, OWNERSHIP OR RIGHTS-OF-WAY.

ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHERS
THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED
WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

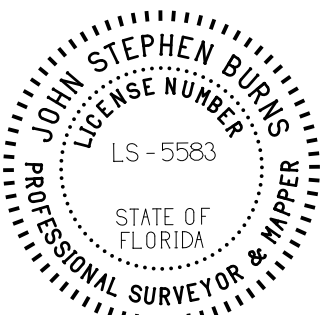
THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE
PERSONS LISTED AND SHOULD NOT BE RELIED ON TO
MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

DRAWN BY:WNN

LEGEND:
(C) = CALCULATED
(F) = FIELD MEASURED
(NR) = NON-RADIAL
(R) = RECORD
(RAD) = RADIAL
BOB = BASIS OF BEARINGS
(GRID-NAD 83-FL WEST ZONE)
C/L = CENTERLINE
CATV = CABLE TV BOX
CCED = CAPE CORAL ENGINEERING DEPT.
CCP = COVERED CONCRETE PAD
CLF = CHAIN LINK FENCE
CON = CONCRETE
CP = CONCRETE PAD
DE = DRAINAGE EASEMENT
DUE = DRAINAGE & UTILITY EASEMENT
EOP = EDGE OF PAVEMENT
FC = FENCE CORNER
FCM = FOUND CONCRETE MONUMENT
FF = FINISHED FLOOR ELEVATION
FIR = FOUND IRON ROD
FN = FOUND NAIL
FN&T = FOUND NAIL & TAB
GF = GARAGE FLOOR ELEVATION
GW = GUY WIRE
HYD = FIRE HYDRANT
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
MH = MANHOLE
NAD = NORTH AMERICAN DATUM

NAVD = NORTH AMERICAN
VERTICAL DATUM
O/S = OFFSET
OHP = OVERHEAD POWER LINE
OL = OUTDOOR LIGHT
PC = POINT OF CURVE
PCP = PERMANENT CONTROL POINT
PP = POWER POLE
PS&M = PROFESSIONAL SURVEYOR
& MAPPER
PT = POINT OF TANGENCY
PUE = PUBLIC UTILITY EASEMENT
ROW = RIGHT OF WAY
SD = STORM DRAIN
SEP = APPROXIMATE LOCATION OF
SEPTIC TANK
SIR = SET 5/8" X 18" IRON
ROD AND CAP STAMPED
"RKB LB 6133"
SN&T = SET NAIL & TAB
SP = SCREENED PORCH
SW = SEAWALL
TB = TOP BANK
TBM = TEMPORARY BENCHMARK
TEL = TELEPHONE BOX
TYP = TYPICAL
UE = UTILITY EASEMENT
USC&G = UNITED STATES COAST &
GEODETIC SURVEY
WM = WATER METER
WV = WATER VALVE
WW = WALKWAY

NOTES:
1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2) UNDERGROUND UTILITIES, FOUNDATIONS, AND
STRUCTURES WERE NOT FIELD LOCATED OR SHOWN.
3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.
4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED
BY THE CLIENT.
5) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS,
RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
6) NO WETLANDS OR JURISDICTION LINES WERE LOCATED.
7) ABSTRACT NOT REVIEWED.
8) PARCEL LIES IN FLOOD ZONE VE 14.0'
(FIRM 12071C 05586 11/17/2022).
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON BM 5351 E.
10) PARCEL LIES BETWEEN THE 1978 & 1991 COASTAL
CONSTRUCTION CONTROL LINES



R.K.BURNS SURVEYING, INC. LB 6133

3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

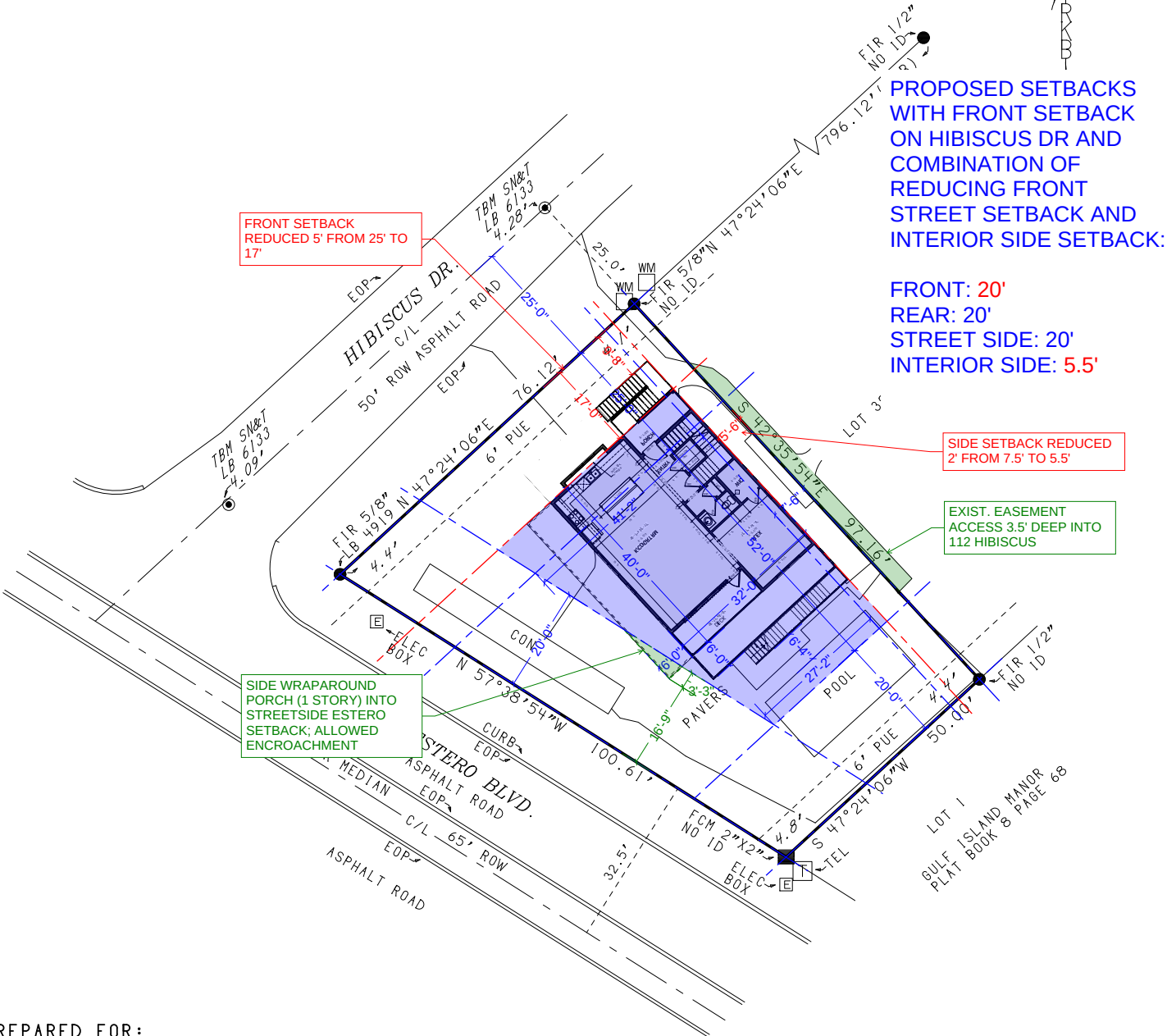
MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/21/2023

By:

John Stephen Burns

SUPERCEDED



PREPARED FOR:
HOMEBOUND TECHNOLOGIES, INC

PARCEL DESCRIPTION:
LOT 41, LEILANI SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THIS MAP OF SURVEY IS ONLY FOR THE LAND DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT, FREEDOM OF ENCUMBRANCE, OWNERSHIP OR RIGHTS-OF-WAY.

ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHERS THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE PERSONS LISTED AND SHOULD NOT BE RELIED ON TO MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

DRAWN BY:WNN

LEGEND:

(C) = CALCULATED

(F) = FIELD MEASURED

(NR) = NON-RADIAL

(R) = RECORD

(RAD) = RADIAL

BOB = BASIS OF BEARINGS (GRID-NAD 83-FL WEST ZONE)

C/L = CENTERLINE

CATV = CABLE TV BOX

CCED = CAPE CORAL ENGINEERING DEPT.

CCP = COVERED CONCRETE PAD

CLF = CHAIN LINK FENCE

CON = CONCRETE

CP = CONCRETE PAD

DE = DRAINAGE EASEMENT

DUE = DRAINAGE & UTILITY EASEMENT

EOP = EDGE OF PAVEMENT

FC = FENCE CORNER

FCM = FOUND CONCRETE MONUMENT

FF = FINISHED FLOOR ELEVATION

FIR = FOUND IRON ROD

FN = FOUND NAIL

FN&T = FOUND NAIL & TAB

GF = GARAGE FLOOR ELEVATION

GW = GUY WIRE

HYD = FIRE HYDRANT

LB = LICENSED BUSINESS

LS = LICENSED SURVEYOR

MH = MANHOLE

NAD = NORTH AMERICAN DATUM

NAVD = NORTH AMERICAN VERTICAL DATUM

O/S = OFFSET

OHP = OVERHEAD POWER LINE

OL = OUTDOOR LIGHT

PC = POINT OF CURVE

PCP = PERMANENT CONTROL POINT

PP = POWER POLE

PS&M = PROFESSIONAL SURVEYOR & MAPPER

PT = POINT OF TANGENCY

PUE = PUBLIC UTILITY EASEMENT

ROW = RIGHT OF WAY

SD = STORM DRAIN

SEP = APPROXIMATE LOCATION OF SEPTIC TANK

SIR = SET 5/8" X 18" IRON ROD AND CAP STAMPED "RKB LB 6133"

SN&T = SET NAIL & TAB

SP = SCREENED PORCH

SW = SEAWALL

TB = TOP BANK

TBM = TEMPORARY BENCHMARK

TEL = TELEPHONE BOX

TYP = TYPICAL

UE = UTILITY EASEMENT

USC&G = UNITED STATES COAST & GEODETIC SURVEY

WM = WATER METER

WV = WATER VALVE

WW = WALKWAY

NOTES:

1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2) UNDERGROUND UTILITIES, FOUNDATIONS, AND STRUCTURES WERE NOT FIELD LOCATED OR SHOWN.

3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.

4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED BY THE CLIENT.

5) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

6) NO WETLANDS OR JURISDICTION LINES WERE LOCATED.

7) ABSTRACT NOT REVIEWED.

8) PARCEL LIES IN FLOOD ZONE VE 14.0' (FIRM 12071C 05586 11/17/2022).

9) ELEVATIONS (SHOWN LIKE SO 4.83') ARE NAVD 1988 BASED ON BM 5351 E.

10) PARCEL LIES BETWEEN THE 1978 & 1991 COASTAL CONSTRUCTION CONTROL LINES

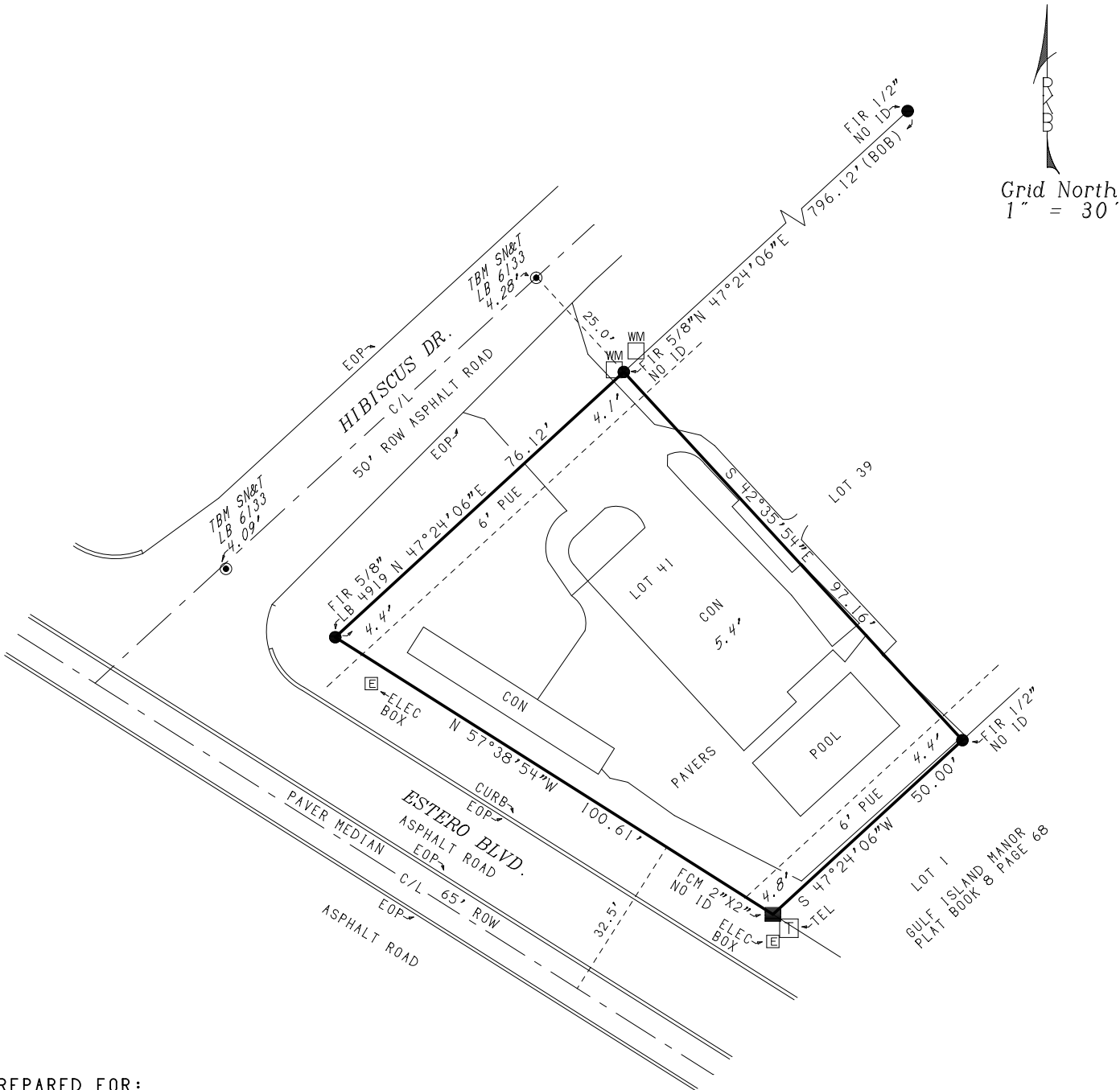
R.K.BURNS SURVEYING, INC. LB 6133

3507 LEE BLVD. # 230
 LEHIGH ACRES, FL. 33971
 239-303-0764
 239-303-0832 (FAX)
 INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/21/2023

By: *John Burns*



PREPARED FOR:
HOMEBOUND TECHNOLOGIES, INC

PARCEL DESCRIPTION:
LOT 41, LEILANI SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

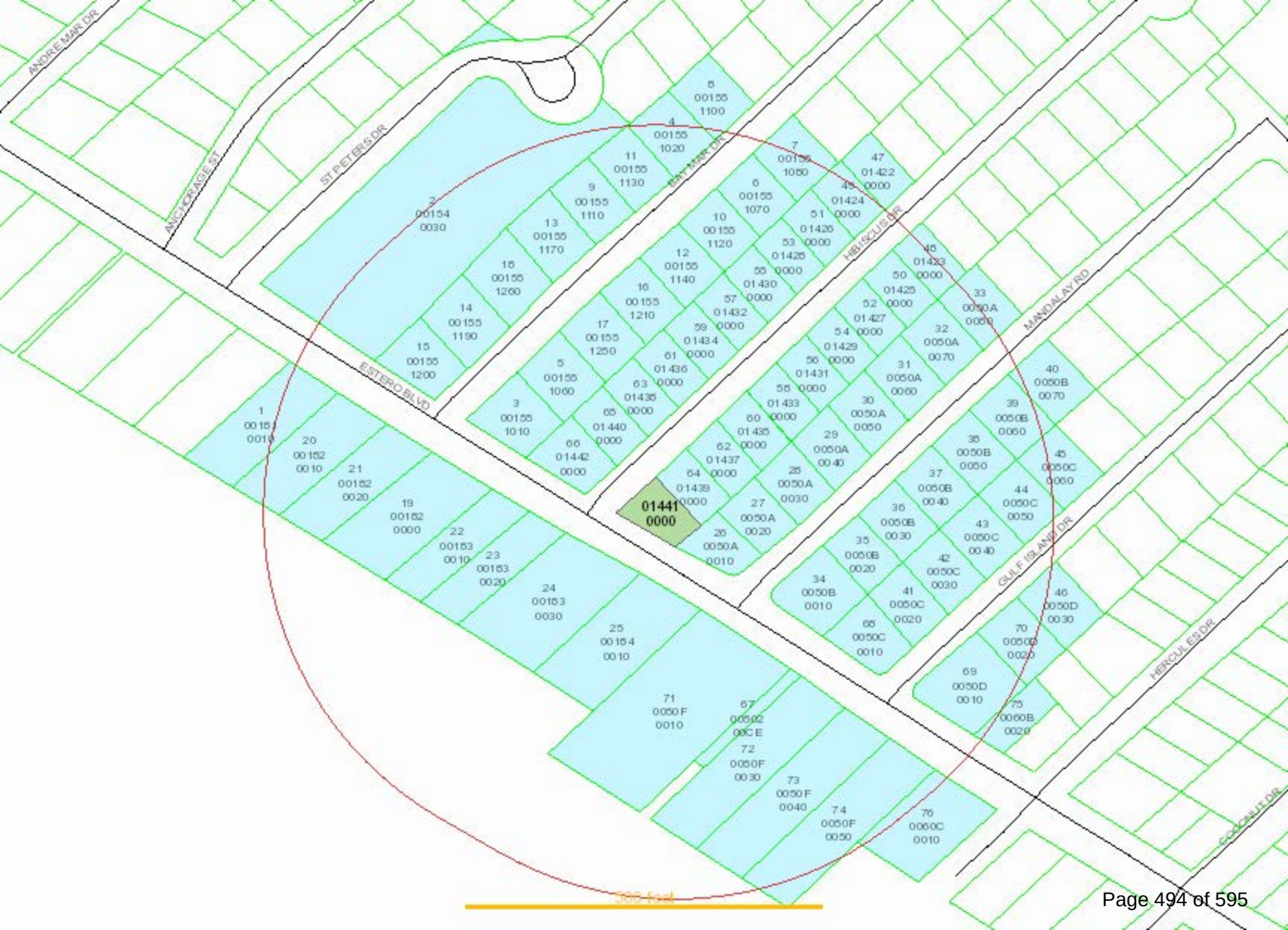
THIS MAP OF SURVEY IS ONLY FOR THE LAND DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT, FREEDOM OF ENCUMBRANCE, OWNERSHIP OR RIGHTS-OF-WAY.

ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHERS THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE PERSONS LISTED AND SHOULD NOT BE RELIED ON TO MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

DRAWN BY:WNH

LEGEND: (C) = CALCULATED (F) = FIELD MEASURED (NR) = NON-RADIAL (R) = RECORD (RAD) = RADIAL BOB = BASIS OF BEARINGS (GRID-NAD 83-FL WEST ZONE) C/L = CENTERLINE CATV = CABLE TV BOX CCED = CAPE CORAL ENGINEERING DEPT. CCP = COVERED CONCRETE PAD CLF = CHAIN LINK FENCE CON = CONCRETE CP = CONCRETE PAD DE = DRAINAGE EASEMENT DUE = DRAINAGE & UTILITY EASEMENT EOP = EDGE OF PAVEMENT FC = FENCE CORNER FCM = FOUND CONCRETE MONUMENT FF = FINISHED FLOOR ELEVATION FIR = FOUND IRON ROD FN = FOUND NAIL FN&T = FOUND NAIL & TAB GF = GARAGE FLOOR ELEVATION GW = GUY WIRE HYD = FIRE HYDRANT LB = LICENSED BUSINESS LS = LICENSED SURVEYOR MH = MANHOLE NAD = NORTH AMERICAN DATUM	NAVD = NORTH AMERICAN VERTICAL DATUM O/S = OFFSET OHP = OVERHEAD POWER LINE OL = OUTDOOR LIGHT PC = POINT OF CURVE PCP = PERMANENT CONTROL POINT PP = POWER POLE PS&M = PROFESSIONAL SURVEYOR & MAPPER PT = POINT OF TANGENCY PUE = PUBLIC UTILITY EASEMENT ROW = RIGHT OF WAY SD = STORM DRAIN SEP = APPROXIMATE LOCATION OF SEPTIC TANK SIR = SET 5/8" X 18" IRON ROD AND CAP STAMPED RKB LB 6133" SN&T = SET NAIL & TAB SP = SCREENED PORCH SW = SEAWALL TB = TOP BANK TBM = TEMPORARY BENCHMARK TEL = TELEPHONE BOX TYP = TYPICAL UE = UTILITY EASEMENT USC&G = UNITED STATES COAST & GEODETIC SURVEY WM = WATER METER WV = WATER VALVE WW = WALKWAY	NOTES: 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. 2) UNDERGROUND UTILITIES, FOUNDATIONS, AND STRUCTURES WERE NOT FIELD LOCATED OR SHOWN. 3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED. 4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED BY THE CLIENT. 5) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD. 6) NO WETLANDS OR JURISDICTION LINES WERE LOCATED. 7) ABSTRACT NOT REVIEWED. 8) PARCEL LIES IN FLOOD ZONE VE 14.0' (FIRM 12071C 05586 11/17/2022). 9) ELEVATIONS (SHOWN LIKE SO 4.83') ARE NAVD 1988 BASED ON BM 5351 E. 10) PARCEL LIES BETWEEN THE 1978 & 1991 COASTAL CONSTRUCTION CONTROL LINES
R.K.BURNS SURVEYING, INC. LB 6133 3507 LEE BLVD. # 230 LEHIGH ACRES, FL. 33971 239-303-0764 239-303-0832 (FAX) INFO@BURNSSURVEYING.COM MAP OF BOUNDARY SURVEY FIELD WORK COMPLETED:03/21/2023		By: <i>John Stephen Burns</i>



Subjects: 1 Affected: 76 Buffer: 500 Date: 5/2/2023 12:00:00 AM List Size: 77																
Index	Subject	Foliod	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry	SiteNumber	SiteStreet	SiteUnit	SiteCity	SiteZip
0	TRUE	10229832	29-46-24-W2-01441.0000	LISZAK-MAY JACQUELYN TR		106 HIBISCUS DR		FORT MYERS BEACH	FL	33931		106	HIBISCUS DR		FORT MYERS BEACH	33931
1	FALSE	10229269	29-46-24-W1-00181.0010	DAVIS MATHEW L & KRISTI A		415 MACKENZIE CT		SAINT PETER	MN	56082		3780	ESTERO BLVD		FORT MYERS BEACH	33931
2	FALSE	10229652	29-46-24-W2-00154.0030	ST PETER EVANGELICAL LUTHERAN		3751 ESTERO BLVD		FORT MYERS BEACH	FL	33931		3751	ESTERO BLVD		FORT MYERS BEACH	33931
3	FALSE	10229654	29-46-24-W2-00155.1010	DEFOE WILLIAM G TR	SWAYZE	165 NE SAGAMORE TER		PORT SAINT LUCIE	FL	34983		100/102	BAY MAR DR		FORT MYERS BEACH	33931
4	FALSE	10229655	29-46-24-W2-00155.1020	HENTZ WENDY LYNN		2943 ST CLAIR GARDENS		SOMBRA	ON	N0P 2H0	CANADA	127	BAY MAR DR		FORT MYERS BEACH	33931
5	FALSE	10229659	29-46-24-W2-00155.1060	CHERRY BETH A & TIM I		108 BAY MAR DR		FORT MYERS BEACH	FL	33931		104	BAY MAR DR		FORT MYERS BEACH	33931
6	FALSE	10229660	29-46-24-W2-00155.1070	KELLETT KATHLEEN D		9 MOHAWK TRL		RINGWOOD	NJ	7456		124	BAY MAR DR		FORT MYERS BEACH	33931
7	FALSE	10229661	29-46-24-W2-00155.1080	TABOR MARK F &		909 BELGRADE LN		PLATTSMOUTH	NE	68048		128	BAY MAR DR		FORT MYERS BEACH	33931
8	FALSE	10229663	29-46-24-W2-00155.1100	MICHELINI DAVID		131 BAY MAR DR		FORT MYERS BEACH	FL	33931		131	BAY MAR DR		FORT MYERS BEACH	33931
9	FALSE	10229664	29-46-24-W2-00155.1110	KRAMER MARDIS KELLEY		3895 OAKVIEW DR		BEAVERCREEK	OH	45430		117/119	BAY MAR DR		FORT MYERS BEACH	33931
10	FALSE	10229665	29-46-24-W2-00155.1120	STONE MEGHAN E		PO BOX 1313		LIVINGSTON MANOR	NY	12758		120	BAY MAR DR		FORT MYERS BEACH	33931
11	FALSE	10229666	29-46-24-W2-00155.1130	DRUMM DAVID		123 BAY MAR DR		FORT MYERS BEACH	FL	33931		123	BAY MAR DR		FORT MYERS BEACH	33931
12	FALSE	10229667	29-46-24-W2-00155.1140	STEWART RICHARD L &		116 BAY MAR DR		FORT MYERS BEACH	FL	33931		116	BAY MAR DR		FORT MYERS BEACH	33931
13	FALSE	10229670	29-46-24-W2-00155.1170	WHITMER EDWARD R &		614 SE 46TH LN		CAPE CORAL	FL	33904		115	BAY MAR DR		FORT MYERS BEACH	33931
14	FALSE	10229672	29-46-24-W2-00155.1190	SHADLE TIMOTHY J		147 SANDHILL TER		STROUDSBURG	PA	18360		103-107	BAY MAR DR		FORT MYERS BEACH	33931
15	FALSE	10229673	29-46-24-W2-00155.1200	GOTHAM ROBERT M & DONNA S TR		101 BAY MAR DR		FORT MYERS BEACH	FL	33931		101	BAY MAR DR		FORT MYERS BEACH	33931
16	FALSE	10229674	29-46-24-W2-00155.1210	REED JAMES S JR & REBECCA L		112 BAY MAR DR		FORT MYERS BEACH	FL	33931		112	BAY MAR DR		FORT MYERS BEACH	33931
17	FALSE	10229678	29-46-24-W2-00155.1250	CHERRY TIM I & BETH A		108 BAY MAR DR		FORT MYERS BEACH	FL	33931		108	BAY MAR DR		FORT MYERS BEACH	33931
18	FALSE	10229679	29-46-24-W2-00155.1260	111 BAY MAR LLC		11985 BAY OAK DR		FORT MYERS	FL	33913		111	BAY MAR DR		FORT MYERS BEACH	33931
19	FALSE	10229682	29-46-24-W2-00182.0000	ESTERO BEACH REAL ESTATE LLC		11455 FAIRPORT CIRCLE		INDIANAPOLIS	IN	46236		3830	ESTERO BLVD		FORT MYERS BEACH	33931
20	FALSE	10229683	29-46-24-W2-00182.0010	SMITH RONALD	BRENDA J SMITH	3440 S BAY DR		JONESBORO	GA	30236		3800	ESTERO BLVD		FORT MYERS BEACH	33931
21	FALSE	10229684	29-46-24-W2-00182.0020	PAUGH JOHN N		4020 WEST 73RD ST		ANDERSON	IN	46011		3810	ESTERO BLVD		FORT MYERS BEACH	33931
22	FALSE	10229685	29-46-24-W2-00183.0010	SCHAEFER JOSEPH +		3850 ESTERO BLVD		FORT MYERS BEACH	FL	33931		3850	ESTERO BLVD		FORT MYERS BEACH	33931
23	FALSE	10229686	29-46-24-W2-00183.0020	VANDERBIE THOMAS J		399 COVE DR SE		CALEDONIA	MI	49316		3860	ESTERO BLVD		FORT MYERS BEACH	33931
24	FALSE	10229687	29-46-24-W2-00183.0030	PERSAUD PROPERTIES FL INVESTME		361 SEMNOLE WAY		FORT MYERS BEACH	FL	33931		3870	ESTERO BLVD		FORT MYERS BEACH	33931
25	FALSE	10229688	29-46-24-W2-00184.0010	REITZ LAWRENCE A & CAROL		3880 ESTERO BLVD		FORT MYERS BEACH	FL	33931		3880	ESTERO BLVD		FORT MYERS BEACH	33931
26	FALSE	10229690	29-46-24-W2-0050A.0010	DUNBAR MARY ANN		1701 A CROWN POINT RD		WEST DEPTFORD	NJ	8086		3891	ESTERO BLVD		FORT MYERS BEACH	33931
27	FALSE	10229691	29-46-24-W2-0050A.0020	ROBERT JOSEPH SAVIDGE TRUST +		105 MANDALAY RD		FORT MYERS BEACH	FL	33931		105	MANDALAY RD		FORT MYERS BEACH	33931
28	FALSE	10229692	29-46-24-W2-0050A.0030	SWAN JANE F TR		4024 DOGLEG TRL		MEDINA	OH	44256		115	MANDALAY RD		FORT MYERS BEACH	33931
29	FALSE	10229693	29-46-24-W2-0050A.0040	GROUP SIX INC		110 MOUNT TABOR RD		LEXINGTON	KY	40517		119	MANDALAY RD		FORT MYERS BEACH	33931
30	FALSE	10229694	29-46-24-W2-0050A.0050	RUBRIGHT-GALLO TAMMY T		101 GAIL CIR		WYOMISSING	PA	19610		125	MANDALAY RD		FORT MYERS BEACH	33931
31	FALSE	10229695	29-46-24-W2-0050A.0060	KUHN MADELYN		133 MANDALAY RD		FORT MYERS BEACH	FL	33931		133	MANDALAY RD		FORT MYERS BEACH	33931
32	FALSE	10229696	29-46-24-W2-0050A.0070	RICHEY MATTHEW +		205 S 7TH AVE		BOZEMAN	MT	59715		139	MANDALAY RD		FORT MYERS BEACH	33931
33	FALSE	10229697	29-46-24-W2-0050A.0080	OT 145 MANDALAY ROAD LLC +		4294 DALBERG DR		GOLDEN VALLEY	MN	55422		145	MANDALAY RD		FORT MYERS BEACH	33931
34	FALSE	10229703	29-46-24-W2-0050B.0010	ANDREW JEFFREY B & MELANIE		PO BOX 237		BATH	OH	44210		3909	ESTERO BLVD		FORT MYERS BEACH	33931
35	FALSE	10229704	29-46-24-W2-0050B.0020	OTKE THOMAS G TR		106 MANDALAY RD		FORT MYERS BEACH	FL	33931		106	MANDALAY RD		FORT MYERS BEACH	33931
36	FALSE	10229705	29-46-24-W2-0050B.0030	BASSETT AGNES JANE		118 MANDALAY ROAD		FORT MYERS BEACH	FL	33931		118	MANDALAY RD		FORT MYERS BEACH	33931
37	FALSE	10229706	29-46-24-W2-0050B.0040	SABULA NICHOLAS		4022 SAND TER		KATY	TX	77450		126	MANDALAY RD		FORT MYERS BEACH	33931
38	FALSE	10229707	29-46-24-W2-0050B.0050	COX DAVID W & BRENDA P		3124 ROXBURG DR		LEXINGTON	KY	40503		132	MANDALAY RD		FORT MYERS BEACH	33931
39	FALSE	10229708	29-46-24-W2-0050B.0060	ASHFORD THOMAS B		138 MANDALAY RD		FORT MYERS BEACH	FL	33931		138	MANDALAY RD		FORT MYERS BEACH	33931
40	FALSE	10229709	29-46-24-W2-0050B.0070	TURNER ANITA D TR		146 MANDALAY RD		FORT MYERS BEACH	FL	33931		146	MANDALAY RD		FORT MYERS BEACH	33931
41	FALSE	10229715	29-46-24-W2-0050C.0020	BURTON PAULA J TR		3398 MATERPAW LANE		DANVILLE	IN	46122		107	GULF ISLAND DR		FORT MYERS BEACH	33931
42	FALSE	10229716	29-46-24-W2-0050C.0030	MC FARLAND MARLENE V		115 GULF ISLAND DR		FORT MYERS BEACH	FL	33931		115	GULF ISLAND DR		FORT MYERS BEACH	33931
43	FALSE	10229717	29-46-24-W2-0050C.0040	BLAHA JOHN W		121 GULF ISLAND DR		FORT MYERS BEACH	FL	33931		121	GULF ISLAND DR		FORT MYERS BEACH	33931
44	FALSE	10229718	29-46-24-W2-0050C.0050	FM BEACH DELIGHT LLC		2434 COTTAGE AVE		FORT MYERS BEACH	FL	33931		131	GULF ISLAND DR		FORT MYERS BEACH	33931
45	FALSE	10229719	29-46-24-W2-0050C.0060	PIERATT BRUCE E &		815 CINDY BLAIR WAY		LEXINGTON	KY	40503		133	GULF ISLAND DR		FORT MYERS BEACH	33931
46	FALSE	10229726	29-46-24-W2-0050D.0030	JGCY PROPERTIES LLC	JANET GARRITY	107 CAMELOT LN		NEWTOWN SQUARE	PA	19073		120	GULF ISLAND DR		FORT MYERS BEACH	33931
47	FALSE	10229813	29-46-24-W2-01422.0000	TRAITEL ANA &		3685 NORTHCREST RD		ATLANTA	GA	30340		167	HIBISCUS DR		FORT MYERS BEACH	33931
48	FALSE	10229814	29-46-24-W2-01423.0000	WHITE JACK P		162 HIBISCUS DR		FORT MYERS BEACH	FL	33931		162	HIBISCUS DR		FORT MYERS BEACH	33931
49	FALSE	10229815	29-46-24-W2-01424.0000	RILEY SANDRA ANN &		161 HIBISCUS DR		FORT MYERS BEACH	FL	33931		161	HIBISCUS DR		FORT MYERS BEACH	33931
50	FALSE	10229816	29-46-24-W2-01425.0000	EKONOMIUK RADOSLAW &		229 HILLDALE DR		BLOOMINGDALE	IL	60108		156	HIBISCUS DR		FORT MYERS BEACH	33931
51	FALSE	10229817	29-46-24-W2-01426.0000	GONZALEZ CECILIA C		13224 SW 9TH TER		MIAMI	FL	33184		155	HIBISCUS DR		FORT MYERS BEACH	33931
52	FALSE	10229818	29-46-24-W2-01427.0000	JARRELL ROBERT L III &		1217 CAPE CORAL PKWY E #92		CAPE CORAL	FL	33904		150	HIBISCUS DR		FORT MYERS BEACH	33931
53	FALSE	10229819	29-46-24-W2-01428.0000	DRUMM DAVID R		123 BAY MAR DR		FORT MYERS BEACH	FL	33931		149	HIBISCUS DR		FORT MYERS BEACH	33931
54	FALSE	10229820	29-46-24-W2-01429.0000	LIOTT FRANK J & JUDYANN M		2605 TROPICANA PARKWAY W		CAPE CORAL	FL	33993		144	HIBISCUS DR		FORT MYERS BEACH	33931
55	FALSE	10229821	29-46-24-W2-01430.0000	REALGO CORP +		4645 SE 11TH PL STE 102		CAPE CORAL	FL	33904		143	HIBISCUS DR		FORT MYERS BEACH	33931
56	FALSE	10229822	29-46-24-W2-01431.0000	SHOLA CHRISTAL		52 W SHORE DR		EXETER	RI	2822		138	HIBISCUS DR		FORT MYERS BEACH	33931
57	FALSE	10229823	29-46-24-W2-01432.0000	BAILEY MARY VICTORIA		130 OCTOBER LN		MARYVILLE	TN	37804		137	HIBISCUS DR		FORT MYERS BEACH	33931
58	FALSE	10229824	29-46-24-W2-01433.0000	BOSCAINO JEFFREY		1020 MOCKING BIRD CT		ALLEN TOWN	PA	18103		128	HIBISCUS DR		FORT MYERS BEACH	33931
59	FALSE	10229825	29-46-24-W2-01434.0000	GARCIA MARK +		131 HIBISCUS DR		FORT MYERS BEACH	FL	33931		131	HIBISCUS DR		FORT MYERS BEACH	33931
60	FALSE	10229826	29-46-24-W2-01435.0000	SZEKELY TIMOTHY A & DEBRA A		127 MANCHESTER DRIVE		IRWIN	PA	15642		122	HIBISCUS DR		FORT MYERS BEACH	33931
61	FALSE	10229827	29-46-24-W2-01436.0000	BEDNARZ ANTHONY P &		121 HIBISCUS DR		FORT MYERS BEACH	FL	33931		121	HIBISCUS DR		FORT MYERS BEACH	33931
62	FALSE	10229828	29-46-24-W2-01437.0000	NELSON JOHN R &		103 KIMBALL RD		AMESBURY	MA	1913		116	HIBISCUS DR		FORT MYERS BEACH	33931
63	FALSE	10229829	29-46-24-W2-01438.0000	MSV-HOLDING TRUST CORP		206 HIBISCUS DR		FORT MYERS BEACH	FL	33931		117	HIBISCUS DR		FORT MYERS BEACH	33931
64	FALSE	10229830	29-46-24-W2-01439.0000	MAY SHAWN WILLIAM		106 HIBISCUS DR		FORT MYERS BEACH	FL	33931		112	HIBISCUS DR		FORT MYERS BEACH	33931
65	FALSE	10229831	29-46-24-W2-01440.0000	TROENDLY RICHARD ANTHONY +		2337 WEST PARK AVE		NAPA	CA	94558		111	HIBISCUS DR		FORT MYERS BEACH	33931
66	FALSE	10229833	29-46-24-W2-01442.0000	TROPICAL BEACH PROPERTIES LLC		110870 CANDLEWOOD CT		MARSHFIELD	WI	54449		101	HIBISCUS DR		FORT MYERS BEACH	33931
67	FALSE	10590510	29-46-24-W3-00502.00CE	GULF ISLAND MANOR HOA		PO BOX 2868		FORT MYERS BEACH	FL	33932		3910	ESTERO BLVD		FORT MYERS BEACH	33931
68	FALSE	10229862	29-46-24-W3-0050C.0010	CALIENES RICHARD J &		7525 SW 60TH ST		MIAMI	FL	33143		103	GULF ISLAND DR		FORT MYERS BEACH	33931
69	FALSE	10229863	29-46-24-W3-0050D.0010	JEFFREY D RUPP TRUST +		24547 COUNTY ROAD E		ARCHBOLD	OH	43502		4009	ESTERO BLVD		FORT MYERS BEACH	33931
70	FALSE	10229864	29-46-24-W3-0050D.0020	GROLL DEBORAH A		110 GULF ISLAND DR		FORT MYERS BEACH	FL	33931		110	GULF ISLAND DR		FORT MYERS BEACH	33931
71	FALSE	10229865	29-46-24-W3-0050F.0010	HERBERT THOMAS MICHAEL		3898 ESTERO BLVD		FORT MYERS BEACH	FL	33931		3898/3900	ESTERO BLVD		FORT MYERS BEACH	33931
72	FALSE	10229866	29-46-24-W3-0050F.0030	3950 ESTERO BOULEVARD LLC		416 GEORGETOWN DR		MORGANVILLE	NJ	7751		3950	ESTERO BLVD		FORT MYERS BEACH	33931
73	FALSE	10229867	29-46-24-W3-0050F.0040	MCLAUGHLIN SAMUEL R &		4700 EDEN PARK DR		ZANESVILLE	OH	43701		3970	ESTERO BLVD		FORT MYERS BEACH	33931
74	FALSE	10229868	29-46-24-W3-0050F.0050	BADIA ANAIS AURORA		12750 TERRABELLA WAY		FORT MYERS	FL	33912		4000	ESTERO BLVD		FORT MYERS BEACH</	

Legal
LEILANI<CR>PB 14 PG 21<CR>LOT 41
CASES SUBD<CR>PB 1 PG 58<CR>LOT PT 81
CASES SUBD PB 1/58<CR>LT PT OF 54 AND PARL<CR>DESC 1045-121
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>BEG SELY COR OF LOT 55 RUN
CASES SUBD<CR>> PB 1 PG 58<CR>PT LOT 55 FR SELY COR OF
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>FR SE COR LOT 55 RUN NWLY
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>BEG 100.6 FT NWLY + 498.31
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>BEG 100.6 FT NWLY + 578.31
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>FR C/C MON IN SELY COR LOT
CASES SUBD<CR>> PB 1 PG 58<CR>PT LOT 55 FR SE COR OF LOT
CASES SUBD<CR>> PB 1 PG 58<CR>PT LOT 55 FR SE COR OF LOT
CASES SUBD PB 1 PG 58<CR>PT LOT 55 AKA LT 6 BLK A MARSH UNREC
CASES SUBD<CR>PB 1 PG 58 PT LOT 55<CR>DESC IN OR 1311 PG 1420
CASES SUBD<CR>PG 1 PG 58<CR>FR SLY COR LOT 55 RUN NWLY
CASE SUB PB 1 PG 58FR SLY COR LOT 55 RUN NWLY 152.40FT THENCE DEFLECT 1050 TO THE R AND RUN NELY ALONG NWLY LINE
FR SELY COR OF LOT 55<CR>CASES SUBD RUN NWLY ALG<CR>R/L LI OF ESTERO BLVD
FR SLY COR OF LOT 55 CASE<CR>SUBD DB 131 PG 300 + TH<CR>NELY R/W LI OF ESTERO BLVD
FR TH SLY COR OF LOT 55<CR>CASE SUBD + NELY R/W LI OF<CR>ESTERO BLVD RUN NWLY ALG
CASES SUBD<CR> PB 1 PG 58<CR>PT LOT 55 BEG SELY COR LOT
CASES SUBD<CR> PB 1 PG 58<CR>LOT 82 LESS TH WLY 150 FT
CASES SUBD<CR>PB 1 PG 58<CR>PT OF LOT 82 TH WLY 75 FT
CASES SUBD<CR>PB 1 PG 58<CR>LOT 82 PART OF BEG NW COR
CASES SUBD.<CR>> PB 1 PG 58<CR>LOT PT 83 AKA WLY 1/4
CASES SUBD<CR>PB 1 PG 58<CR>LOT PT 83
CASES SUBD<CR>PB 1 PG 58<CR>LOT PT 83
CASES SUBD<CR>PB 1 PG 58<CR>LOT PT 84
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 1
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 2
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 3.
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 4
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 5
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 6
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 7
GULF ISLAND MANOR<CR>BLK A PB 8 PG 71<CR>LOT 8
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 1
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 2
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 3.
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 4
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 5
GULF ISLAND MANOR<CR>BLK B REC IN PB 8 PG 68<CR>LOT 6
GULF ISLAND MANOR<CR>BLK B REC IN PB 8 PG 68<CR>LOT 7
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 2
PARL IN GULF ISLAND MANOR<CR>BLK C LOT 3 REC IN PB 8 PG 68<CR>DESC IN OR 477 PG 750
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 4
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 5.
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 6
GULF ISLAND MANOR<CR>BLK D PB 8 PG 68<CR>LOT 3.
LEILANI<CR>PB 14 PG 21<CR>LOT 22
LEILANI<CR>PB 14 PG 21<CR>LOT 23
LEILANI<CR>> PB 14 PG 21<CR>LOT 24
LEILANI<CR>PB 14 PG 21<CR>LOT 25
LEILANI<CR>PB 14 PG 21<CR>LOT 26
LEILANI<CR>> PB 14 PG 21<CR>LOT 27
LEILANI<CR>> PB 14 PG 21<CR>LOT 28
LEILANI<CR>> PB 14 PG 21<CR>LOT 29
LEILANI<CR>> PB 14 PG 21<CR>LOT 30
LEILANI<CR>PB 14 PG 21<CR>LOT 31
LEILANI<CR>PB 14 PG 21<CR>LOT 32
LEILANI<CR>> PB 14 PG 21<CR>LOT 33
LEILANI<CR>> PB 14 PG 21<CR>LOT 34
LEILANI<CR>PB 14 PG 21<CR>LOT 35
LEILANI<CR>> PB 14 PG 21<CR>LOT 36
LEILANI<CR>PB 14 PG 21<CR>LOT 37
LEILANI<CR>PB 14 PG 21<CR>LOT 38
LEILANI<CR>PB 14 PG 21<CR>LOT 39
LEILANI<CR>PB 14 PG 21<CR>LOT 40
LEILANI<CR>> PB 14 PG 21<CR>LOT 42
TRACT OF LAND IN GULF ISLAND PARK PB 8 PG 68<CR>DESC AS TRACT 2 IN OR 252 PG 868
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 1
GULF ISLAND MANOR<CR>BLK D PB 8 PG 68<CR>LOT 1
GULF ISLAND MANOR<CR>BLK D PB 8 PG 68<CR>LOT 2.
GULF ISLAND MANOR<CR>BLK F PB 8 PG 68<CR>LOTS 1 + 2
GULF ISLAND MANOR<CR>BLK F PB 8 PG 68<CR>LOT 3
PARL IN GULF ISLAND MANOR<CR>BLK F REC IN PB 8 PG 68<CR>LOT 4
GULF ISLAND MANOR<CR>BLK F PB 8 PG 68<CR>LOT 5
HERCULES PARK<CR>BLK B PB 5 PG 22<CR>LOT 2 + PT 3
HERCULES PARK<CR>BLK C PB 5 PG 22<CR>LOTS 1 THRU 3

Judith Farrell
174 Hibiscus Drive
Ft. Myers Beach, FL 33931

Dear Kendra,

I hope you are well. My neighbor, Jacki Lizak at 106 Hibiscus Drive has informed me that she has submitted her variance application to seek relief with regards the setbacks and orientation of her home; this variance will allow her to rebuild. I have reviewed the application and understand how it will impact the streetscape and my property. I have no concerns about her application and support the Town of Ft. Myers Beach granting her variance. Please do not hesitate to reach out to me at 708-218-7116 if you have any further questions.

Regards,

Judith Farrell

Judith

05 / 09 / 2023

Signature Certificate

Reference number: U7SHC-4LUVH-4YU6Y-MRTGS

Signer

Timestamp

Signature

Judith Farrell

Email: smalviya@homebound.com

Sent:

09 May 2023 14:24:28 UTC

Signed:

09 May 2023 14:24:28 UTC

Judith Farrell

IP address: 166.199.100.36

Location: Orlando, United States

Document completed by all parties on:

09 May 2023 14:24:28 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.



Deby Szekely
122 Hibiscus Drive
Ft. Myers Beach, FL 33931

Dear Kendra,

I hope you are well. My neighbor, Jacki Lizak at 106 Hibiscus Drive has informed me that she has submitted her variance application to seek relief with regards the setbacks and orientation of her home; this variance will allow her to rebuild. I have reviewed the application and understand how it will impact the streetscape and my property. I have no concerns about her application and support the Town of Ft. Myers Beach granting her variance. Please do not hesitate to reach out to me at 724-396-5488 if you have any further questions.

Regards,

Deby Szekely

Deby Szekely

05 / 10 / 2023

Signature Certificate

Reference number: S9H4A-RVXV3-NQP6I-YPMVD

Signer

Timestamp

Signature

Deby Szelaky

Email: sixszekely@verizon.net

Signed in person

Sent:

10 May 2023 20:34:25 UTC

Signed:

10 May 2023 20:34:54 UTC

Deby Szekely

IP address: 165.225.8.180

Location: Reston, United States

Document completed by all parties on:

10 May 2023 20:34:54 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.



Shawn William May
112 Hibiscus Drive
Ft. Myers Beach, FL 33931

Dear Kendra,

I hope you are well. My neighbor, Jacki Lizak at 106 Hibiscus Drive has informed me that she has submitted her variance application to seek relief with regards the setbacks and orientation of her home; this variance will allow her to rebuild. I have reviewed the application and understand how it will impact the streetscape and my property. I have no concerns about her application and support the Town of Ft. Myers Beach granting her variance. Please do not hesitate to reach out to me at 954-461-0234 if you have any further questions.

Regards,

Shawn William May

Shawn William May

05 / 10 / 2023

Signature Certificate

Reference number: J4VDJ-QZR5G-WEMYU-DBTYR

Signer

Timestamp

Signature

Shawn May

Email: shawnwilliammay@gmail.com

Shared via link

Sent:

09 May 2023 12:58:39 UTC

Viewed:

10 May 2023 14:44:17 UTC

Signed:

10 May 2023 14:44:38 UTC

Shawn William May

IP address: 96.71.20.165

Location: Hollywood, United States

Document completed by all parties on:

10 May 2023 14:44:38 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.





Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

1. **Requested Motion:**

Meeting Date: June 20, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230055 TO ALLOW 2.5 FEET IN EAST SIDE SETBACK FOR THE PROPERTY LOCATED AT 718 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

LPA must make a recommendation to the Town Council regarding a variance request

What the action accomplishes:

The recommendation of the LPA will be provided to the Town Council for the variance decision.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

Approve/Approve with Conditions/Deny variance request VAR20230055 seeking a variance from LDC Table 34-3, which requires a single-family home in RM zoning district to provide a minimum 7.5-foot side setback. The property is located at 718 Estero Blvd.

The subject property is zoned RM and is one of the beach-facing cottage homes connected by a 7.5 foot wide access (7.5 feet on each side, for a total of 15 feet) easement from Estero Blvd. The lot is 50 feet wide and 187.66 feet long and is a non-conforming lot. The property supported a single-family residence, prior to Hurricane Ian. The applicant is requesting a variance of 2.5 feet on the east side setback to build a new single-family home.

Attachments:

1. 23-65, 718 Estero Blvd Variance
2. 718 estero blvd variance- TC staff report
3. Exhibit A- Application
4. Exhibit B Postcard
5. Exhibit C Postcard TC

Financial Impact:

Unknown

6. **Alternative Action**

Recommend Approval/ Approval with conditions

7. **Management Recommendations:**

Denial

8. **Recommended Approval:**

Kendra Rosa, Zoning Coordinator/Planner 1
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk

Created/Initiated - 6/14/2023
Approved - 6/15/2023
Approved - 6/15/2023

RESOLUTION NUMBER 23-65

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230055 TO ALLOW 2.5 FEET IN EAST SIDE SETBACK FOR THE PROPERTY LOCATED AT 718 ESTERO BLVD; AND PROVIDING FOR 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 service, 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, applicant Robert Holland, on behalf of owner Vincent H. Zeller, is requesting a variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-00400.008A; and

WHEREAS, the Property is located in the “Mixed Residential and Recreational” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Multifamily and Environmental Conservation” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 13, 2023, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted 7-0 to recommend approval of the variance; and

WHEREAS, on June 20, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance do/ do not meet the requirements of the Town Comprehensive Plan and LDC, and approving/ approving with conditions/ denying the Variance is in the best interest of the Town to approve/ approve with conditions/ deny. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 20th day of June, 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2023.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230055

CASE NAME: 718 Estero Boulevard; requesting relief from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 7.5-foot side setback.

TOWN COUNCIL HEARING DATE: June 20, 2023

STAFF RECOMMENDATION: DENIAL

**PREPARED/
SUBMITTED BY:** Sarah Propst / Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Robert Holland (Applicant)/ Vincent H. Zeller (Owner)

Request: Relief from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 7.5-foot side setback.

The lot is one of the beach-facing cottage homes connected through a 7.5-foot-wide access easement from Estero Blvd. The property supported a single-family residence, prior to Hurricane Ian. The Applicant is requesting a variance of 2.5 feet in east side setback, to build a new single family.

Subject property: See attached site plan

Physical Address: 718 Estero Boulevard

STRAP #: 24-46-23-W3-00400.008A

FLU: Mixed Residential and Recreational

Zoning: Residential Multifamily (RM) and Environmental Conservation (EC)

Adjacent zoning and land uses:

North: MIXED RESIDENTIAL
Residential Multifamily (RM)

South: GULF OF MEXICO

East: MIXED RESIDENTIAL AND RECREATIONAL
Residential Multifamily (RM) and Environmental Conservation (EC)

West: MIXED RESIDENTIAL AND RECREATIONAL
Residential Multifamily (RM) and Environmental Conservation (EC)

II. LPA OUTCOME

During the LPA presentation the discussion centered on whether the Applicant's request for both a front and rear setback variances, Mr. Vanasse suggested that by moving the structure to the 1978 CCCL may allow them to forgo the need for the previous request of 6.35-feet.

Based on the suggestion of revising their plans, the Applicant has provided an amended variance application to request only the side-yard variance of 2.5-feet, providing no-less than a 5-foot setback to the side property line.

The LPA voted 7-0 to recommend approval of both variance requests.

III. BACKGROUND AND ANALYSIS

Background:

Robert Holland, the applicant for 718 Estero Boulevard, is requesting two variances from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 7.5-foot side setback.

The subject property is one of the beach-facing cottage homes connected through a 7.5-foot-wide access (7.5 feet on each side, for a total of 15 feet) easement from Estero Blvd. The property supported a single-family residence, prior to Hurricane Ian. The Applicant is requesting a variance of 2.5 feet in east side setback to build a new single-family home.

Analysis:

The purpose of the RM zoning district is to designate suitable locations for a wide variety of multifamily residences. The lot is 50 feet wide and 187.66 feet long and is a non-conforming lot. The existing single-family residence was destroyed in Hurricane Ian and the Applicant is proposing to rebuild a residence of higher square footage. The Applicant acquired a minimum use determination on January 24, 2023.

Based on LDC Section 34-3273 (7) *A nonconforming lot, which previously had or currently has a residence constructed on it and receives an affirmative minimum use determination per Sec. 34-3274 may request an administrative setback variance in accordance with sec. 34-268.* LDC Section 34-268 (a) (1) b. grants the director authority to modify the setbacks through an administrative variance if the proposed structure is no larger in square footage than the previously constructed home. The Applicant is, however, proposing a house of greater square footage with reduced setbacks and thus, does not qualify for administrative variance.

As per LDC table 34-3, a single-family home in the RM zoning district shall provide a minimum street setback equal to 25 foot and a minimum side setback of 7.5 foot. The Applicant is requesting a variance of 2.5 feet from the east side setback, to build a new single family.

The property is located off Estero Boulevard and is accessible via an access easement connecting Estero Blvd and the other properties within this subdivision. The Applicant is requesting a variance of 2.5 feet from the required 7.5-foot side setback to accommodate a setback of 5 feet.

The Applicant has the choice to construct a residence of same square footage as the residence that existed prior to Hurricane Ian, which would be consistent with the Town's LDC and could be approved through the process of administrative variance. Staff notes that the proposed residence is a single story over open pilings, with only an elevator shaft enclosed.

Neighborhood Compatibility:

The subject property is part of the cottages situated in southwest quadrant formed by the intersection of Estero Blvd and Matanzas Street. All these properties are non-conforming lots. The proposed cottage is similar in style and nature to the previously existing cottages in this neighborhood.

IV. FINDINGS AND CONCLUSION

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request*

is/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The subject property is a non-conforming lot with access through a 7.5-foot wide access easement from Estero Boulevard. The Applicant has already acquired a minimum use determination letter to allow a construction of a single-family resident post Ian. The town's LDC allows the Applicant to build a single-family residence of same footprint as before Ian through an administrative variance. The Applicant is, however, proposing a house of greater footprint and thus, requires a side setback variance.

- b. That the conditions justifying the variance **are**/are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance are the result of the actions of the Applicant. As mentioned earlier, the town's LDC allows the Applicant to build a single-family residence of the same size footprint as before Ian through an administrative variance. However, the Applicant is opting to build a residence of higher square footage leading to the necessity for a full variance from the setback regulations set forth by table 34-3 of the LDC.

- c. That the variance granted is/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

The circumstances leading to this variance are a result of a design choice and are subjective in nature.

- d. That the granting of the variance **will**/will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance might be injurious to the neighborhood or otherwise detrimental to the public welfare. The site is accessible from Estero Blvd via a 7.5-foot easement (a total width of the combined easements is 15 feet) . Staff has been coordinating with the Fire Department regarding access concerns to all of the cottage sites. Staff has no additional concerns regarding detriment to the neighborhood.

- e. That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

V. RECOMMENDATION

Staff has reviewed the request for a variance *from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 7.5-foot side setback* and found that the variance request does not meet the requirements set-forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20230055, a request for a variance of 2.5 feet on the east side for a setback of 5 feet, to build a new single-family home.

VI. EXHIBITS

Exhibit A: Complete Application Packet

Exhibit B: Postcards to Adjacent Property Owners



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 718 Estero Blvd
STRAP Number: 244623W300400008A
Applicant: James Zeller Manager/Sole Owner of 718 Estero LLC Phone: 480-335-6152
Contact Name: Robert J Holland Jr Phone: 614-306-7920
Email: rhollandjr@aol.com Fax: _____
Current Zoning District: RM (contend NCL with an MUD in RM to be treated as RC)
Future Land Use Map (FLUM) Category: _____
FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

- ☐ Special Exception
☒ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: James Zeller Phone: 480-335-6152
**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*
Applicant Mailing Address: PO BOX 270 ONEIDA, NY 13421
Email: brujito143@yahoo.comv Fax: _____
Contact Name: Robert J Holland Jr Phone: 614-306-7920



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Vincent H. Zeller Phone: 315-436-9054

Address: PO BOX 270 ONEIDA, NY 13421

Email: vzeller@rocketmail.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Robert J Holland Jr AIA, CDT, LEED AP, PMP Phone: 614-306-7920

Address: 2358 Brixton Road Columbus Ohio 43221

Email: rhollandjr@aol.com Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 34 - 638 & deleted T34-3
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: James Zeller Phone: 480-335-6152

Mailing Address: PO Box 270 Oneida, New York 13421

Email: brujito143@yahoo.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, VINCENT H. ZELLER swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Vincent H. Zeller
Signature

VINCENT H. ZELLER
Printed Name

STATE OF New York COUNTY OF Madison **SEE ATTACHED ENDURING POA**

The foregoing instrument was certified and subscribed before me by means of X physical
presence OR _____ online notarization, this 10th day of April, 2023, by
Vincent H. Zeller ☒ who is personally known to me OR ☐ who has produced

_____ as identification.

(SEAL)

Tammy S. Smolenski
Notary Public Signature

Tammy S Smolenski
Notary Public, State of New York
No. 01SM8278573
Qualified in Oneida County
My Commission Expires
March 25, 2026

PART V

Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership
_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____	_____
Signature	Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

718 ESTERO LLC

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

VINCENT H. ZELLER

Typed or Printed Name

Title

Date

SEE ATTACHED ENDURING POA

STATE OF New York COUNTY OF Madison

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ☐ online notarization, this 10th day of April, 2023, by Vincent H. Zeller, ☒ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Tammy S. Smolenski
Notary Public Signature

Tammy S Smolenski
Notary Public, State of New York
No. 01SM8278573
Qualified In Oneida County
My Commission Expires
March 25, 2025

PART VI- Property Information

A. Legal Description:

STRAP: 244623W300400008A

Property Address: 718 Estero Blvd Fort Myers Beach Florida

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: ISLAND SHORES

Book: 9 Page: 24 Unit: 1 Block: _____ Lot(s): PART OF 8

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 50' feet
Depth (please provide an average width if irregular in shape) 80' feet
Frontage on street: access easement 80' feet. Frontage on waterbody: 50' feet
Total land area: 4000 SQ FT ☐ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

North of Downtown, 1600' from Matanzas Pass Bridge

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☐ There are no deed restrictions and/or covenants on the subject property.
☒ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☒ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| ☐ Low Density | ☐ Marina |
| ☒ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

- A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
- B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
- C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
- D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
- E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
- F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
- G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
- H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
- I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: 718 Estero Zeller Family Cottage
Authorized Applicant: James Zeller
LeePA STRAP Number: 244623W300400008A

Current Property Status: Cottage destroyed by Ian, site cleared and surveyed	
Current Zoning: NCL with an MUD in and RM to be treated as RC	
Future Land Use Map (FLUM) Category:	
Comp Plan Density:	Platted Overlay? ☐ Yes ☐ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638	Minimum Setbacks.
34-3273	General requirements for residential uses on nonconforming lots.
Deleted Table 34-3.	
Previously deleted NCL setback language (5', 7'...) see attachment of code history.	
Previously deleted language regarding treating NCLs in an RM zone as an RC	
which would allow 40% coverage.	

Complete the narrative statements below for EACH variance requested.

PART I

Narrative Statements

Request for variance from 34-638, -3273, T34-3 (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
Explaining the specific regulation from which relief is sought is difficult as it there
are several regulations and it involves the history of the FMB Land Development
Code. Apparently prior to incorporation the Lee County Development
Code was in effect. Please see the cover letter and more importantly the
attached FMB Code History 2023.02-13. The blue arrows and red boxes indicate
relevant text for NCL set back criteria. For a considerable amount of time:
side setbacks were 10% of lot width or 5', whichever is greater; rear setbacks were
1/4 of lot depth but not greater than 20'; and street or waterbody set backs were
per that zoning district. Furthermore there was once a provision that NCL "side,
rear, and waterbody setbacks shall be as set forth for lots in the RC zoning
district (see Table 34-3)" which allowed 40% coverage. Not all these criteria
are coordinated and in some cases its difficult to determine which prevails.

Reasons for request

Explain why the variance is needed:
We need this Variance to be able rebuild for this family. We have pursued an
Administrative Variance and learned this is the way forward. We have a MUD and
are seeking a Variance from council to rebuild one of the 'cottage' lots. Due to the
footprint of an elevator, ADA accessibility clearances or nearly so, adequate
circulation, greater wall thickness, a more robust structure, and additional stairs
due to the required height above BFE; we need this variance
to achieve a reasonable floor plan, please see the attached floor plan.
The calculations justify the 1600 square foot or 40% lot coverage as allowed
by several previous versions of the LDC, please see the attached code history.
The original cottage was about 850 sf and the impact of the items listed above
totals about 686 sf which yields 1536 sf. A ten foot deck with a six foot
expansion by permit is to be rebuilt in the front G/M setback on this 80' deep lot.

Explain the possible effect the variance, if granted, would have on surrounding properties:

Granting this variance would be of benefit to the immediate neighbors and beyond. For those next door it would bring hope for their rebuilding efforts and belief in a path forward. It will help afford clearer direction to Owner's, Design Professional, as well as potential buyers or sellers. It will allow for a more reasonable floor plan and help Owners contend with the additional height required and the collateral impact such as additional stairs, perhaps an elevator, a more robust structure, accessibility, etc. This will help this unique neighborhood find its way forward to recreate albeit much higher. Being a little larger will not only make the individual structures more stable, it will also help make this neighborhood suffer as much from the adjacent high rises which creates a funneling effect. This variance makes this cottage more desirable and rentable which drives up occupancy and in turn generates additional revenue which benefits a wider community. And if it begets greater clarity for NCL setbacks by setting precedent such as: 5' side setbacks; variable to an extent, front & rear setbacks; driven by 40% coverage; it will free up council and staff time.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

This property is unique for four reasons. 1. It is one of the 1960 Nice Cottages on a little Lane. The original cottage was of 1960's vintage and has remained in the same family. The family has grown but the cottage has not. People are larger now and the old cottage was tight. There is not the only family in this situation. With what appears to be 42 NCLs north on Matanzas Pass Bridge they may not be in this regard. 2. Codes have changed now require taller and more robust structures. This consumes available square footage and in a smaller area it is a higher percentage of allowable area. 3. This property is one of the relatively few NCLs left and should be rebuilt for a whole other set of reasons. 4. This property and its neighbors suffer from being sandwiched in between high rises which creates a funneling effect and consequently their structures will need to be correspondingly more robust than may otherwise be necessary or prudent.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

1. There are exceptional circumstances inherent to the property in question: first, it predates incorporation of FMB and was permitted under the governing Lee County Ordinances; secondly, it has remained in the same family since it was built and then repaired after Charlie; and third it is one of the few (42+/-) original old southwest cottages that afforded FMB its old SW Florida charm. And fourth, the codes have changed, the structure must be higher and more robust, and the increased height all result in a consumption of available square footage that are extremely challenging to create a reasonable floor plan. The Owners would like to rebuild it as best they can for future generations which includes handicapped accessibility or nearly so.

There are extraordinary conditions inherent to the property. Having been built under previous codes some time ago the aging structure was unable to with stand rising sea levels and increased storm ferocity. Furthermore, adjacent high rise, greater density, development after its original construction serves to final the storm surge at these small cottages on Non-Conforming Lots (NCLs), which we prefer to call Nice Cottages on a Lane to the beach.

Given the evolution of the LDC with respect to the NCLs over the years we believe allowing the previous side setbacks, in conjunction with 40% coverage previously allowed for under RC criteria being applicable in an RM zone and allowing the front and rear setbacks to vary with in reason; justifies not forcing rigid compliance with the current code and is not necessary to protect public policy. We believe it is consistent with public policy seeking to rebuild FMB as it was or nearly so to allow this de minimis variance.

2. Both the exceptional and extraordinary conditions surrounding and having influence on this property are not the result of actions taken by this applicant taken after the adoption of the regulation(s) in question. Additionally, the applicant, and their neighbors are questioning why regulations directly affecting this constituency were never notified of several iterations of the LDC directly affecting their property and their ability to rebuild when it becomes necessary.
3. We believe; and believe we have demonstrated vis a vis the attached floor plan, that this is the minimum variance required to relieve the applicant of the unreasonable burden created by the regulation and the appropriate thing to do is to grant this variance request. Please refer to the attached floor plan and the tabulation of additional square footage required and why it is required.
4. Granting this variance will not in any way be injurious to the immediate neighborhood and beyond. We believe it will actually be beneficial to the immediate neighbors as well as all the other NCLs in FMB, 42 of which are north of Matanzas Pass Bridge because it establishes precedent and therefore greater clarity and guidance for their reconstruction. Furthermore, granting this variance will actually be beneficial to the larger community because it will foster greater utilization of these properties resulting in additional income stream to the community' benefit.
5. We whole heartedly believe the conditions, the circumstances, and the intended use of this property, for which this variance is requested are of such a recurrent nature that it is probably more reasonable and practical to amend the regulation in question. This will benefit the numerous NCLs by providing more reasonable criteria and greater clarity for their reconstruction efforts. Furthermore, this will benefit staff and council by relieving the burden of numerous virtually identical variance requests.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

“Variance is requested from...” Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

614-306-7920

2358 Brixton Road Columbus, Ohio, 43221

FLA. # AR 93734

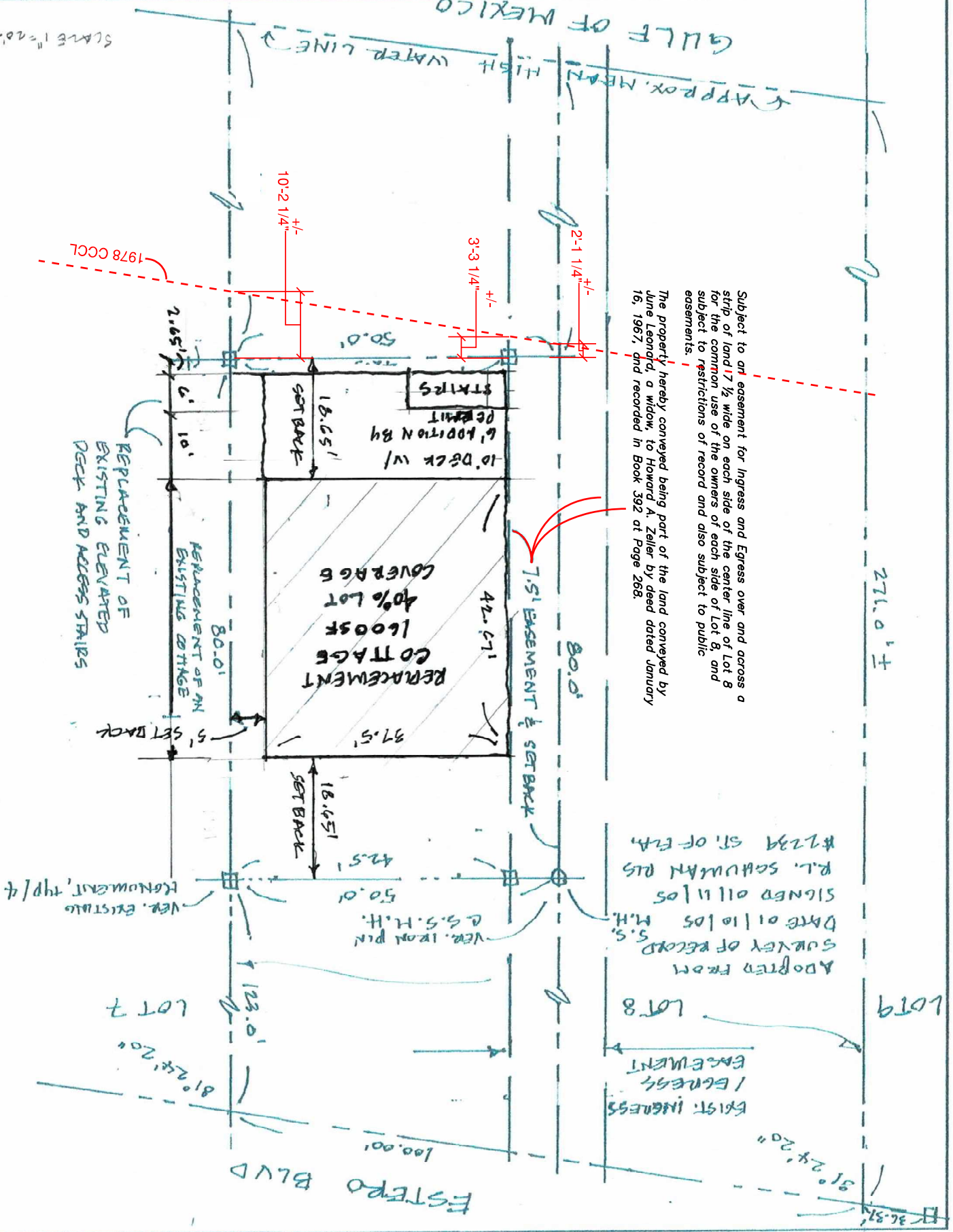
Robert J. Holland Jr. AIA, CDT, LEED AP, PMP

PROJECT 718 ESTERO BLVD.: JAMES ZELLER
SUBJECT PROPOSED SITE PLAN
DATE 11 MAR 23
REV 12 MAY 23

SHEET NO. 1/1

BY R.J. HOLLAND & CHECKED

SCALE 1" = 20'-0"



Subject to an easement for ingress and egress over and across a strip of land 17 1/2' wide on each side of the center line of Lot 8 for the common use of the owners of each side of Lot 8, and subject to restrictions of record and also subject to public easements.

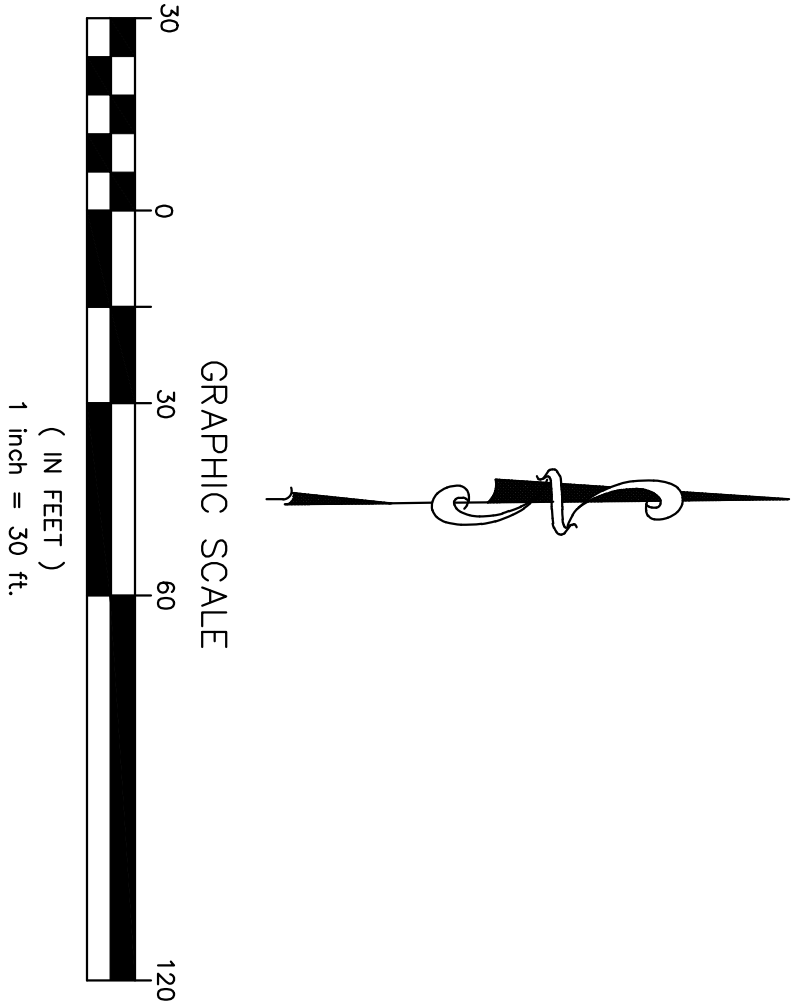
The property hereby conveyed being part of the land conveyed by June Leonard, a widow, to Howard A. Zeller by deed dated January 16, 1967, and recorded in Book 392 at Page 268.

ADOPTED FROM
SURVEY OF RECORD
DATE 01/10/05 M.H.
SIGNED 01/11/05
R.L. SCHUMANN RLS
#2239 ST. OF E.A.

- NOTES:
1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BENCHMARKS ARE BASED ON PLAT OF DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.D. 1983
5. THERE ARE NO VISIBLE ENCROACHMENTS THAN AS SHOWN.
6. THERE ARE NO EVIDENT ENCROACHMENTS THAN AS SHOWN.
7. RECORDS IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
8. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
9. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
10. SLOPE LIMITS LIABILITY LIES UP TO THE COST OF SURVEY.
11. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
12. CLIENT, ON INFORMATION PROVIDED BY CLIENT AND EXISTING DOCUMENTATION.
13. ADJACENT OR RELATIONS TO SURVEY LOTS OR REPORTS BY OTHERS THAN THE SAVING PARTY OR PARTIES IS PROVIDED WITHOUT ANYWITHE CONSENT OF THE SAVING PARTY.
14. THE FIRM FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON LOTS PROVIDED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION IS FOR INFORMATION ONLY.
15. PARCEL CONTAINS 9.829 SQUARE FEET PLUS OR MINUS.
16. PART II, FLOOD ZONE STATUTES.
17. MEAN HIGH WATER LINE WAS ESTABLISHED BY THIS FIRM BY FIELD CREW USING GPS.
18. INFORMATION FOR PROJECT ME: MND038 + 11841 = MND0320

- | | |
|----------|--|
| (A) | - ARC LENGTH |
| A.C. | - AIR CONDITIONER |
| C | - CABLE TV |
| (C) | - CALCULATED |
| C.B. | - CATCH BASIN |
| CB | - CHORD BEARING |
| CDM | - CHORD DISTANCE |
| (D) | - DEED |
| B.O.B. | - DEED OF BOUNDARIES |
| D.E. | - DRAINAGE EASEMENT |
| E.L. | - ELEVATION |
| E.O.P. | - EDGE OF PAVEMENT |
| FIND | - FOUND |
| G.V. | - GATE VALVE |
| I.R. | - IRON ROD |
| G.W. | - GUT WIRE |
| (M) | - MEASURED |
| N&T | - NAIL & TAB |
| N.A.I.D. | - NORTH AMERICAN VERTICAL DATUM (1985) |
| (N.S.) | - NOT SURVEYED |
| (NR) | - NOT RADIAL |
| O.R. | - OFFICIAL RECORD |
| P | - PLAT |
| (P) | - PLAT BOOK |
| P.C. | - POINT OF CURVATURE |
| P.C.T. | - POINT OF CURVATURE TANGENT |
| P.C.R. | - PERMANENT CONTROL POINT |
| P.L. | - POINT OF INTERSECT |
| P.G. | - PAGE |
| P.O.B. | - POINT OF BEGINNING |
| P.O.C. | - POINT OF COMMENCEMENT |
| P.P.C. | - POWER POLE |
| P.P.C.T. | - POWER POLE CURVATURE TANGENT |
| P.R.M. | - PERMANENT REFERENCE MONUMENT |
| P.T. | - POINT OF TANGENCY |
| P.U.E. | - PUBLIC UTILITY EASEMENT |
| R | - RADIUS |
| R.O.D. | - ROAD |
| R.O.W. | - RIGHT OF WAY |
| S.E.T. | - SECTION |
| SEC. | - SETBACK |
| SET I.R. | - SET 1/2" IRON ROD LB#427 |
| SPND | - SET PK NAIL AND DISC LB#427 |
| S.K. | - SIDEWALK |
| T.D.B. | - TELEPHONE BOX |
| U.P. | - UTILITY PRESSURE |
| W | - WATER METER |
| Δ | - DELTA ANGLE |
| ▽ | - FINE HYDRAUNT |
| — | - TEMPORARY BENCHMARK |
| ⊕ | - CENTERLINE |
| — | - WOOD FENCE |
| — | - OVERHEAD WINGS |
| CONC | - CONCRETE PAD |
| EXISTING | - EXISTING ELEVATION |
| 6 | - LOT NUMBER |
| X | - MEAN HIGH WATER |
| MHW | - MEAN LOW WATER |
| MIN | - MINIMUM |

COMMUNITY PANEL NUMBER: 120673 / 12071C0554F	DATE OF MAP: 08/28/2008	FLOOD ZONE: VE	ELEVATION: 17.0'(NAVD88)
--	-------------------------	----------------	--------------------------



CERTIFIED TO:
Jim Zeller

LEGAL DESCRIPTION:

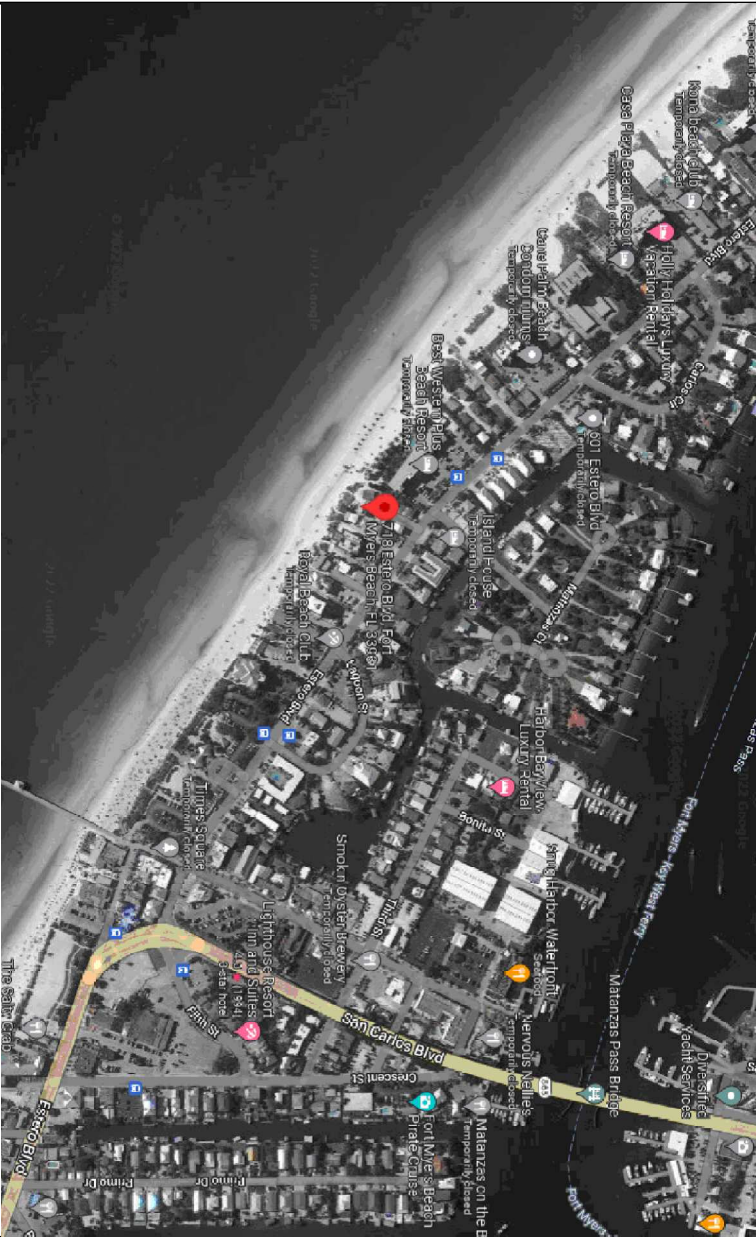
718 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931

Part of Lot 8, Unit 1, Island Shores, a Subdivision, according to the plat thereof recorded in the public records of Lee County, in Plat Book 9, at Page 24, to wit:

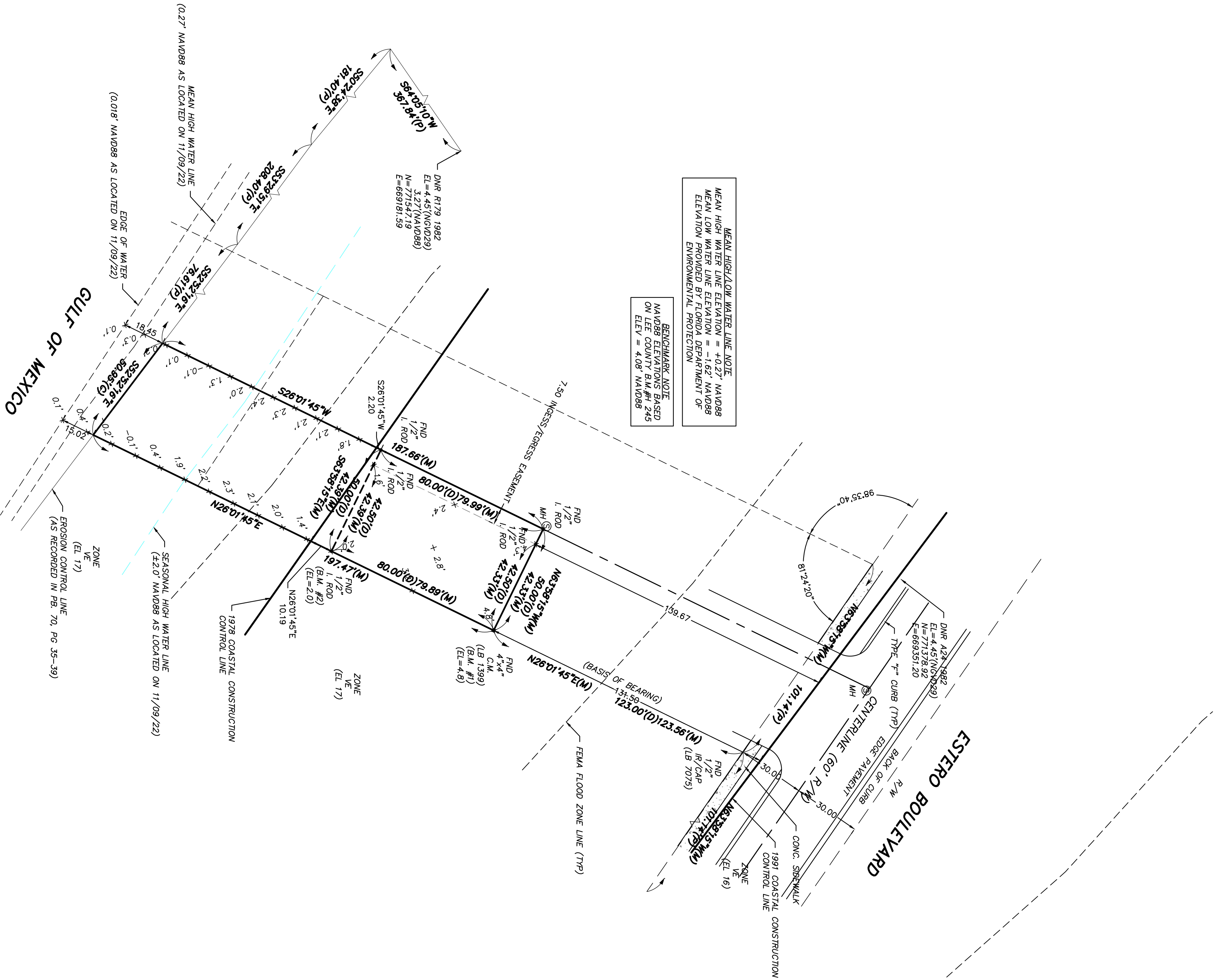
Beginning at a point in the common line of Lots 7 and 8, 123.00 feet Southwesterly of the Southwesterly line of Estero Boulevard, which point is at the Southwesterly corner of property conveyed by Howard A. Zeller to Robert H. and Edna Smith by deed dated December 24, 1969, and which point is marked by a concrete monument set in the ground, thence running at a right angle to the common line of Lots 7 and 8 in the Northwesterly direction a distance of 42 1/2 to a concrete monument set in the ground and thence continue in the same direction an additional 7 1/2 to an iron pipe set in the ground abutting the concrete culvert running in a sanitary sewer manhole for a total of 50, thence running in a Southwesterly direction parallel to the common line of Lots 7 and 8 a distance of 80' to an iron rod set in the ground and thence continue in the same direction to the waters of the Gulf of Mexico, thence running Southwesterly along said waters a distance of 50 1/2 to the common line of Lots 7 and 8, thence to running Northwesterly along the common line of Lots 7 and 8 to the place of beginning. Together with any riparian rights thereto pertaining.

Subject to an easement for Ingress and Egress over and across a strip of land 7 1/2 wide on each side of the center line of Lot 8 for the common use of the owners of each side of Lot 8, and subject to restrictions of record and also subject to public easements.

The property hereby conveyed being part of the land conveyed by Volume Leonard, a widow, to Howard A. Zeller by deed dated January 15, 1967, and recorded in Book 392 at Page 268.

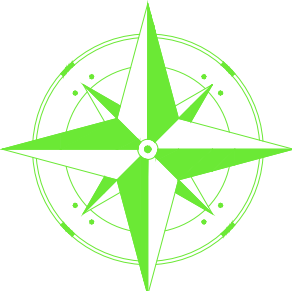


VICINITY MAP
N.T.S.



I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE, NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

FIELD SURVEY	11/09/2022
CREW CHIEF	O. DELGADO
DRAWN BY	J. KNORR
SCALE	1" = 30'
ELITE JOB NO	220925
SHEET: 1 OF 1	DATE: 11/22/2022



**ELITE
SURVEYING**

4371 NOCATEE LANE.
FORT MYERS, FL 33905
-3928(OFFICE) INFO@ELITESURVEYING.NET
LB8427

Reviewed and Approved By:
 John Robert Avery III
 P.S.M. Professional
 Surveyor and Mapper
 FL License No. 5298

Digitally signed by John Robert
 Avery III P.S.M. Professional
 Surveyor and Mapper FL License
 No. 5298
 Date: 2023.05.09 08:32:52 -0400

(SIGNED)

**John Robert Avery III, P.S.M.
 Professional Surveyor & Mapper
 State of Florida License No. 5298**

*Not Valid without Signature and Original Raised Seal or
 Adobe Electronic Signature of John Robert Avery III, P.S.M.*

[illegible]

This Indenture

JAN 24 11 21 AM '67

Wherever used herein the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties hereto. The use of the singular number shall include the plural and the plural the singular. The use of "person" shall include all persons, whether natural or artificial, and if used, the term "person" shall include the heirs, successors and assigns of the person so designated.

CLERK CL. J. COURT
BY *[Signature]*

Made this 16th day of January
Between JUNE LEONARD, a widow

of the County of Jasper in the State of Missouri
party of the first part, and HOWARD A. ZELLER, South Main Street,
Munnsville

of the County of Madison in the State of New York
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations Dollars, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Lee State of Florida, to wit: Begin at the common corner of Lots 7 & 8, Island Shores, Unit #1, a subdivision according to the map or plat thereof on file and recorded in the public records of Lee County, Florida in Plat Book 9 pg. 24, at the southerly edge of Estero Blvd.; thence westerly along the southerly line of said Blvd. 50.57 feet; thence south and parallel with easterly line of said lot 8 to the waters of the Gulf of Mexico; southeasterly along the waters of the Gulf of Mexico to an intersection with the common line of Lots 7 & 8; Northeasterly along said common line to the point of beginning; together with all reparian rights thereunto pertaining. Subject to an easement for ingress and egress over and across a strip of land 7½ feet wide on each side of the center line of said Lot 8, extending from Estero Blvd. to the Waters of the Gulf of Mexico. Such easement to be for the common use of the owners of each side of Lot 8, their heirs and assigns. And further subject to restrictions of record and taxes for the calendar year, 1967. Together with furniture, furnishings, fixtures and equipment now located in, on or about the above described premises.

This property is the same parcel deeded to the Grantor by Deed recorded in D. B. 257 Page 398, Lee County, Florida, public records.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

[Signature]
[Signature]

[Signature]

State of Florida MISSOURI

County of JASPER

LEE
COUNTY

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
JAN 24 '67
6000
COMPTROLLER
PB 170141

I Herby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

JUNE LEONARD

to me well known and known to me to be the individual described in and who executed the foregoing deed, and she acknowledged before me that she executed the same freely and voluntarily for the purposes therein expressed. Witness my hand and official seal at Joplin Missouri
County of Jasper and State of Missouri, this 16th day of January, A. D. 1967

My Commission Expires Sept. 19, 1967

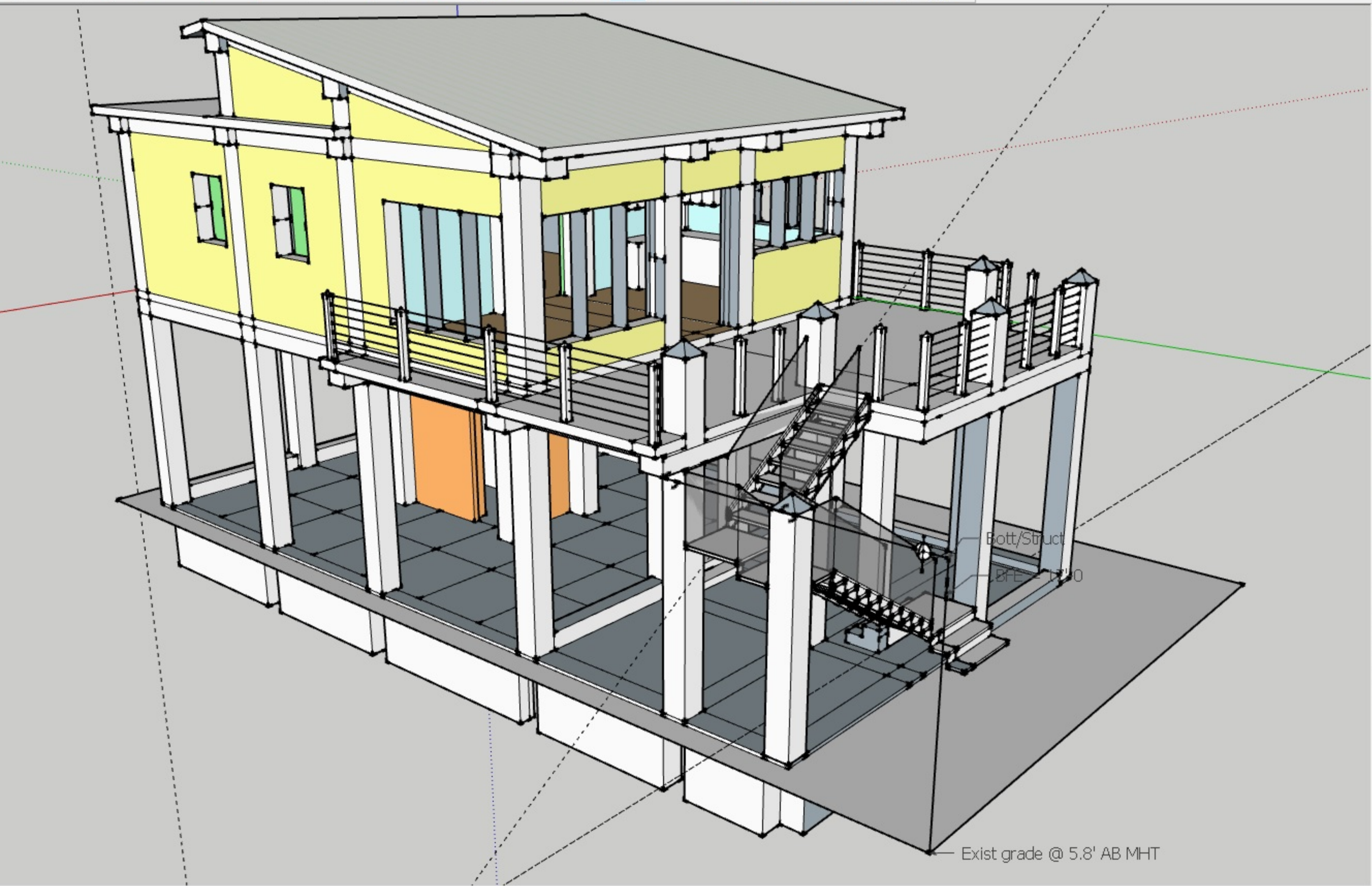
Notary Public

225
60008
22007

17



Before



Default
▼ Ent
No Se

▼ Ma

Select
← →

► Co
► Sty
► Tag
► Sha
► Sce
▼ Ins



EXHIBIT 6-3 718 ESTERO AREA MAP 1600 FT

718 Estero Blvd

Variance Application Exhibit 6-4

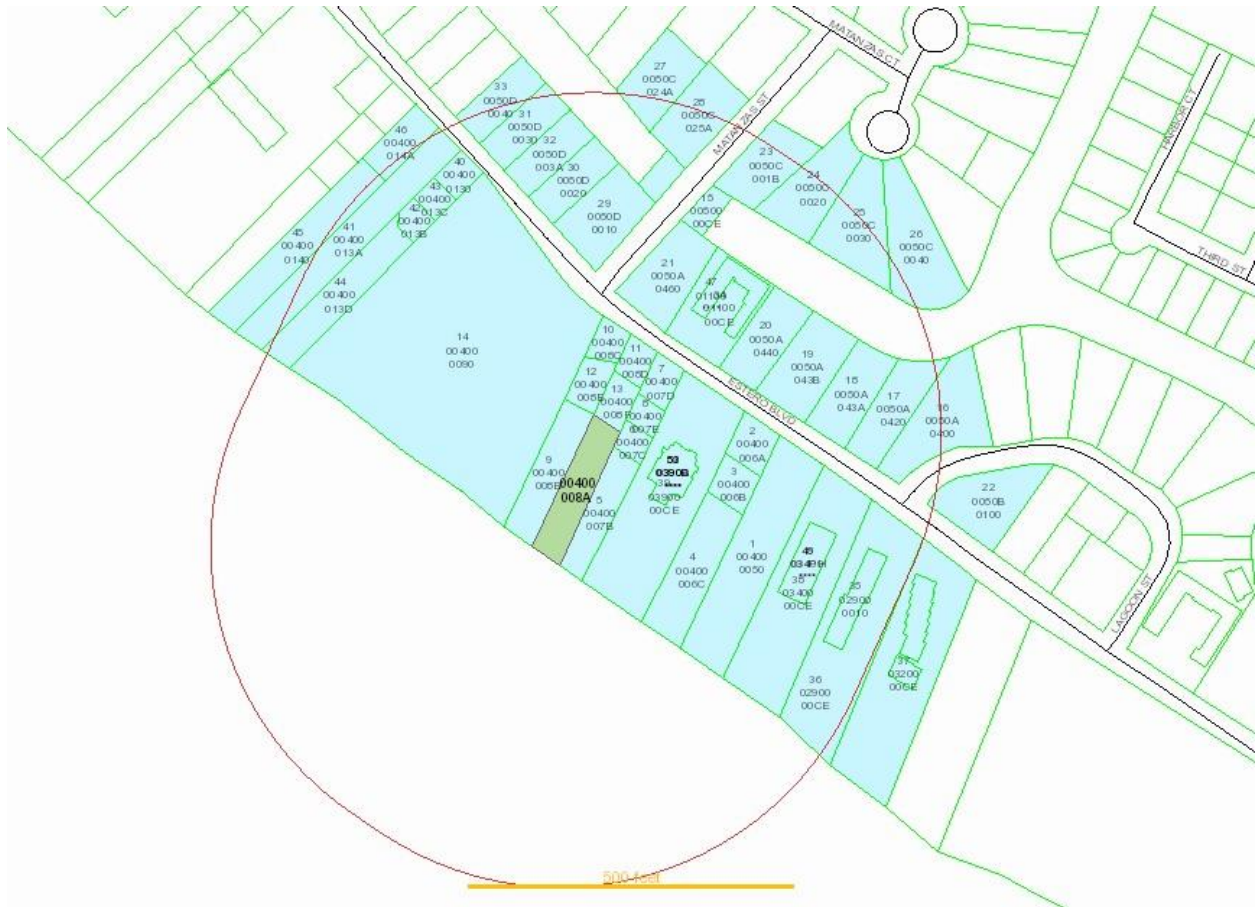
There is one deed restriction / covenant affecting this property. It is a 7.5' easement along the northern edge of the property. Please refer to the attached surveys and the County Recorder's office page from Book 392 Page 268 demonstrating this easement has been duly recorded.

Variance Application Exhibit 6-5

This easement is harmful to this property in that it makes what would be a 5' side setback effectively a 7.5' setback rendering 200 square feet unbuildable.

This easement is beneficial to this property in that it, in conjunction with a similar easement on the neighbors, affords direct access to Estero Boulevard and serves to satisfy one of the listed criteria for a Minimum Use Determination which we have acquired.

718 Estero 500' Capture for Variance Map Exhibit 6-7



DULLARD ROBERT TR
PO BOX 2695
FORT MYERS BEACH FL 33931

ETCHISON CAROLYN +
200 GREEN RD
ALPHARETTA GA 30004

CAMMICK PETER & VIVIAN
1270 PLAYMOOR DR
PALM HARBOR FL 34683

KRAAI RONALD E TR
758 ESTERO BLVD VILLA B
FORT MYERS BEACH FL 33931

SEA SHELL REAL ESTATE II LLC
7211 WINNETKA AVE N
BROOKLYN PARK MN 55428

PARISER KENNETH R TR
3524 MCGREGOR BLVD
FORT MYERS FL 33901

PAYNE DONNA L
501 WILLIN WAY
MOUNT STERLING KY 40353

GRAYBILL PATRICIA TR
6420 CONGRESS AVE #1900
BOCA RATON FL 33487

MAGNUM FMB 3 LLC
4210 MORREN
WAYLAND MI 49348

DERAMO NANCY A +
1920 BRIAR CREEK PL
SARASOTA FL 34235

GROSSMAN BARRY G
631 KENILWORTH ST
PHILADELPHIA PA 19147

UNKNOWN HEIRS OF
107 SAINT ANDRE ST
WORTHINGTON OH 43085

716 ESTERO LLC
1999 92ND ST SE
CALEDONIA MI 49316

FMB ASSOCIATES LP
684 ESTERO BLVD
FORT MYERS BEACH FL 33931

ISLAND SHORES UNIT 2
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

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

EDGEWATER INN LLC
1440 BRICKELL BAY DR STE PH3
MIAMI FL 33131

PAYNE DONNA L
501 WILLIN WAY
MOUNT STERLING KY 40353

SAVINO STEPHEN JR & LORI
58 HIGH VALLEY DR
CANTON CT 06019

SMITH STEPHEN E & CYNTHIA
13140 BIRD RD
FORT MYERS FL 33905

COOKS ISLAND HOUSE
PO BOX 792
GRAND HAVEN MI 49417

PAINE FREDERICK L &
12 BELKNAP SHORES
SUPERIOR WI 54880

KEITH HIATT TRUST
8374 W CAPOVILLA AVE
LAS VEGAS NV 89113

JOHANNESON KEITH A &
710 MATANZAS CT
FORT MYERS BEACH FL 33931

MORIONDO LARRY E TR
15482 LAWRENCE 2130
MOUNT VERNON MO 65712

VANFOSSEN TERRI D
724 MATANZAS CT
FORT MYERS BEACH FL 33931

ALN II BEACHVIEW LLC
151 MATANZAS ST
FORT MYERS BEACH FL 33931

PYTLIK PETER J & KIM M
173 WEST ST
NAPLES FL 34108

BEACH HOUSE 41734 LLC
1729A E FOREST CIR
BALSAM LAKE WI 54810

SCRJ INVESTMENTS LLC
11279 BIRCH ISLAND RD
EAST GULL LAKE MN 56401

SOLOMON RESULTS LLC
5553 N OCEAN BLVD
OCEAN RIDGE FL 33435

671 ESTERO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

COLUMBIA CITY HOLDINGS LLC
140 N WESTCHESTER DR
COLUMBIA CITY IN 46725

RIPTIDE CONDO ASSOC INC
711 ESTERO BLVD
FORT MYERS BEACH FL 33931

ROYAL BEACH CLUB CONDO ASSN
PO BOX 3427
NORTH FORT MYERS FL 33918

ROYAL BEACH CLUB CONDO
800 ESTERO BLVD
FORT MYERS BEACH FL 33931

ROYAL BEACH CLUB CONDO PH II
800 ESTERO BLVD
FORT MYERS BEACH FL 33931

BEL-AIR BEACH CLUB CONDO
780 ESTERO BLVD
FORT MYERS BEACH FL 33931

BAY TO BEACH ASSN
740 ESTERO BLVD
FORT MYERS BEACH FL 33931

MOOSE CREEK LLC
PO BOX 772
CODY WY 82414

EVANS DOTTIE DARLENE TR
23716 OAKHURST DR
NEWHALL CA 91321

RICE FREDERICK C &
422 PINE HILL RD
KITANNING PA 16201

PAPAS RETREAT LLC
PO BOX 150256
CAPE CORAL FL 33915

EVANS DOTTIE DARLENE TR
23716 OAKHURST DR
NEWHALL CA 91321

FARRELL JOSEPH J & LINDA M L/E
628 ESTERO BLVD
FORT MYERS BEACH FL 33931

FARRELL JOSEPH J & LINDA M L/E
628 ESTERO BLVD
FORT MYERS BEACH FL 33931

XL REAL PROPERTY SERVICES LLC
5 SHELDON DR
SPENCERPORT NY 14559

SCHULTZ HARRY J & KAREN JO
2324 SUNRISE CIR
WARSAW IN 46580

ANDERSON WILLIAM L
711 ESTERO BLVD
FORT MYERS BEACH FL 33931

LONG JEFF LEE & JONI KAY
5869 OXBOW CT
ELKHART IN 46516

STUART ROBERT W JR &
8371 BRANDYWINE RD
NORTHFIELD OH 44067

MARRONE THOMAS G
PO BOX 60801
FORT MYERS FL 33906

SANTILLI DOROTHY A TR
41 BREAKNECK HILL RD UNIT 19
LINCOLN RI 02865

K + S RIPTIDE LLC
6249 147TH AVE
HOLLAND MI 49423

GEIGER PHILLIP J
5 SHELDON DR
SPENCERPORT NY 14559

ASHER DAVID D & VICKI
11610 NE 116TH ST
LIBERTY MO 64068

ALBOHER HEATH M & RAEANN
2601 ATLANTIC AVE
FERNANDINA BEACH FL 32034

STANITZEK JOHN M & ANNE M
2035 MEADOW VALLEY CT
GRAND RAPIDS MI 49504

CORRIGAN ROBERT E &
287 BEECHNUT DR
NORTH CONWAY NH 03860

BEL-AIR BEACH CLUB ASSOC
RAL RESORT PROPERTY MGMT
17810 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

SAWYER WILLIAM R & SONYA L
PO BOX 69
MILTON VT 05468

WILLE BRIAN +
19752 REGAN RD
NEW LENOX IL 60451

CANNY COLLEEN M TR
4536 GRAND AVE
WESTERN SPRINGS IL 60558

DEALEY LARRY & JUDY
PO BOX 259
CONVOY OH 45832

WATTS SHEILA A TR
17274 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RUPERT DONALD F JR &
329 BONNIEMERE RD
SHELBYVILLE KY 40065

RYFINSKI WENDY K TR
780 ESTERO BLVD #PH4
FORT MYERS BEACH FL 33931

ENDRES BRENDA J
5798 EMERALD GROVE LANE
WAUNAKEE WI 53597

BAUMGARTNER VACATION PROPERTIE
PO BOX 109
GENEVA IL 60134

MESSER MICHAEL J TR
2033 MARINETTE AVE
MARINETTE WI 54143

CEDARQUEST LLC
3368 104TH AVE
ZEELAND MI 49464

KRAMER HEIDI & MICHAEL
1800 W SUNNYDALE LN
THIENSVILLE WI 53092

WISCONSIN LAND EXCHANGE LLC
PO BOX 68
LAKE DELTON WI 53940

DURNELL MIKE & KIM
426 COUNTY RD 57 W
BELLEFONTAINE OH 43311

BAY TO BEACH OF FORT MYERS LLC
240 E 8TH ST
HOLLAND MI 49423

SOLANS ENRIC P &
1821 BOULDER DR
MT PROSPECT IL 60056

O BRIEN DANIEL GEORGE
740 ESTERO BLVD #C2
FORT MYERS BEACH FL 33931

MACKENZIE DAVID L & JENNY H
4105 LIMERICK DR
LAKE WALES FL 33859

OBRIEN DANIEL GEORGE
740 ESTERO BLVD UNIT C2
FORT MYERS BEACH FL 33931

DUFFY DONALD A +
106 EULA ST
WILMINGTON IL 60481

OSTERGAARD PER & ZITA
GASLINGESTIEN 1
VEDBACK DK-2950
DENMARK

From: rhollandjr@aol.com,
To: jsmalley@fmbgov.com,
Cc: vzeller@rocketmail.com, brujito143@yahoo.com, tsmolenski@thezellergroup.com,
Subject: Re: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A
Date: Fri, May 12, 2023 5:22 pm
Attachments: 718 Estero New Site Plan 12 May 23.pdf (669K), 220925(Signed & Sealed) (Rev10MAY23 (1978CCCL)).pdf (632K),

Good evening Jason;
Attached are two files incorporating the 1978 CCCL.
One is the 718 Estero New Site Plan and the other is the updated S&S survey.
You were right it was closer, at the north end it is 2.2' away and the south end it is 10.19' away.
This means our proposed cottage is just under 6' away on the north and just over 12' on the south from the 1978 CCCL.
I'll call late Monday to make sure you saw this updated information.
Thanks and have a great weekend, Bob.

Robert J. Holland Jr. AIA, CDT, LEED AP, PMP
2358 Brixton Road
Columbus, Ohio, 43221
home 614-487-0419
cell 614-306-7920

-----Original Message-----
From: rhollandjr@aol.com
To: jsmalley@fmbgov.com <jsmalley@fmbgov.com>
Cc: vzeller@rocketmail.com <vzeller@rocketmail.com>; brujito143@yahoo.com <brujito143@yahoo.com>; tsmolenski@thezellergroup.com <tsmolenski@thezellergroup.com>
Sent: Wed, Apr 26, 2023 11:10 am
Subject: Re: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Thanks Jason;
I've spoken with the surveyor's office.
They showed the 1991 CCCL but not the 1978 CCCL.
Jeff is in the field now but will update the survey upon his return so its definitive.
Thanks again, Bob.

Robert J. Holland Jr. AIA, CDT, LEED AP, PMP
2358 Brixton Road
Columbus, Ohio, 43221
home 614-487-0419
cell 614-306-7920

-----Original Message-----
From: Jason Smalley <jsmalley@fmbgov.com>
To: rhollandjr@aol.com <rhollandjr@aol.com>
Cc: vzeller@rocketmail.com <vzeller@rocketmail.com>; brujito143@yahoo.com <brujito143@yahoo.com>; tsmolenski@thezellergroup.com <tsmolenski@thezellergroup.com>
Sent: Wed, Apr 26, 2023 9:15 am
Subject: RE: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Bob,

While not determinative, I am working off the lot dimensions from LEEPA showing the depth from the front property line to the CCCL is approx. 85', so I assumed it was the line adjacent to the proposed deck, the dotted light blue line is definitely high-water, but the CCCL is measurably more landward than that line, in my opinion.

Measure Map



Measure a distance.

LENGTH: 85.75 Feet





Jason Smalley

Senior Planner

Town of Fort Myers Beach

2525 Estero Boulevard

Fort Myers Beach, FL, 33931

Phone: (239) 765-0202 ext.1315

FMBgov.com

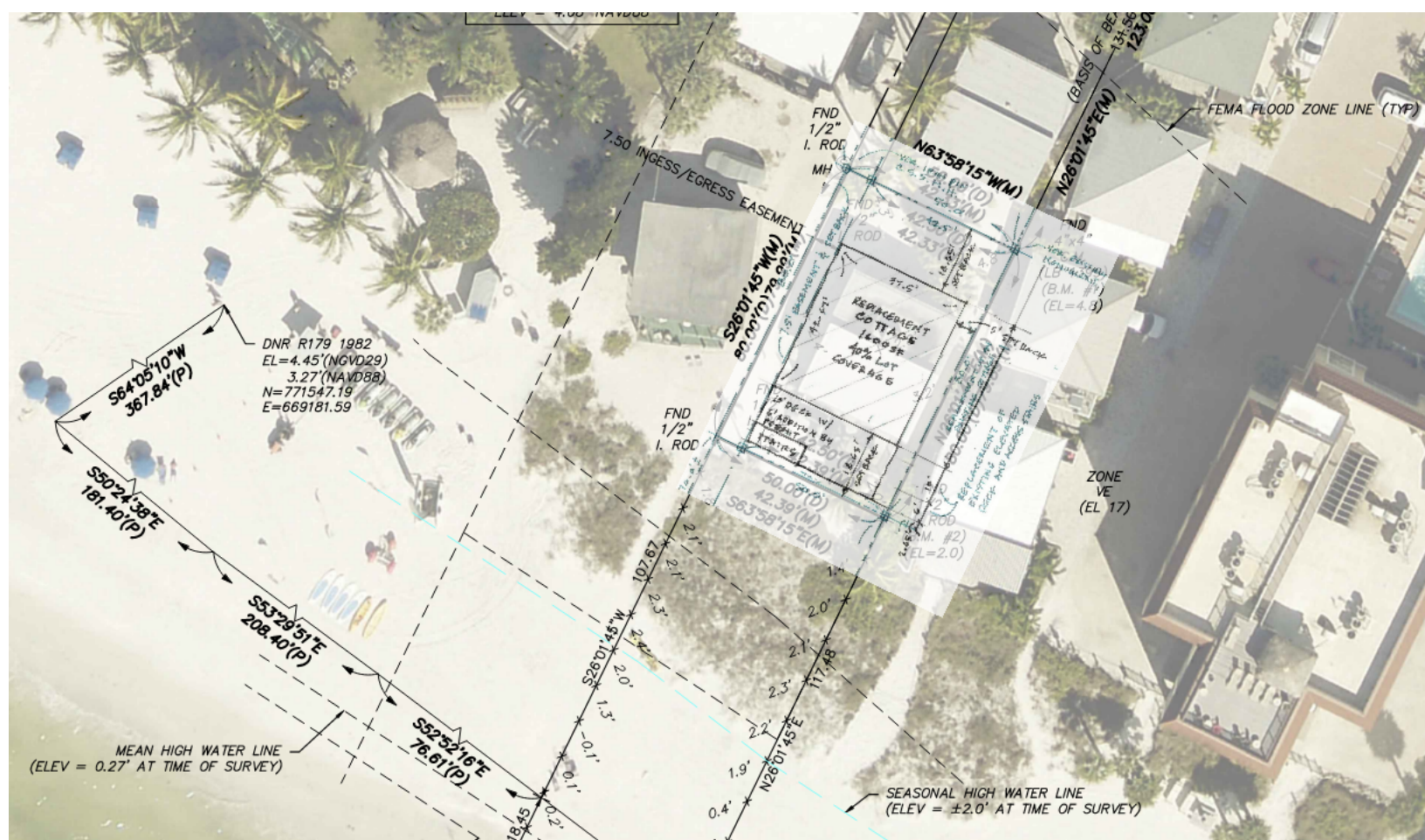


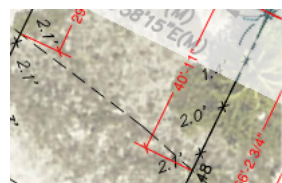
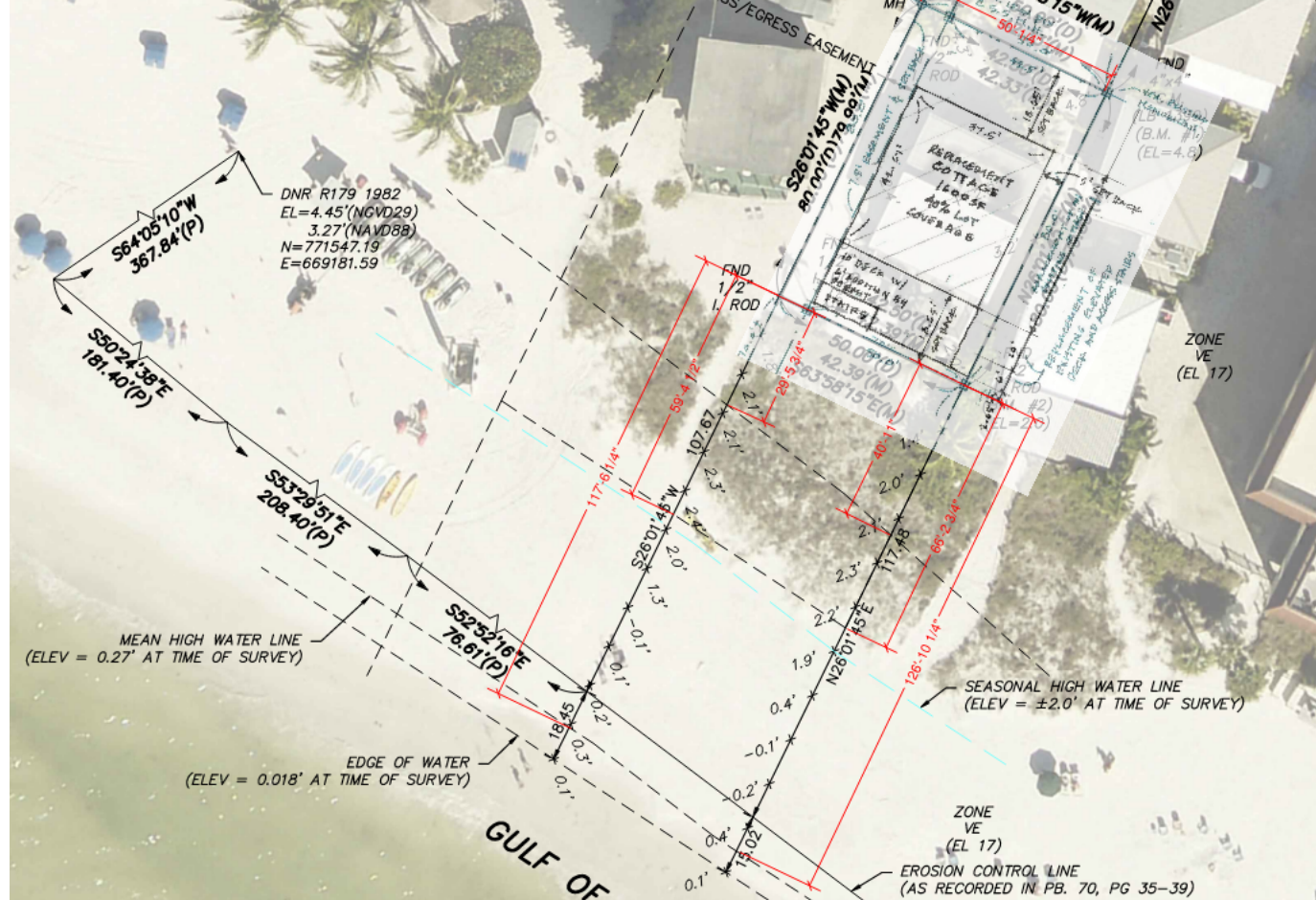
Please Note: Florida has very broad public records laws. Most written communications to and from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

From: rhollandjr@aol.com <rhollandjr@aol.com>
Sent: Tuesday, April 25, 2023 7:24 PM
To: Jason Smalley <jsmalley@fmbgov.com>
Cc: vzeller@rocketmail.com; brujito143@yahoo.com; tsmolenski@thezellergroup.com
Subject: Re: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Jason;
I overlaid the proposed site plan on the signed and sealed survey at 50% and 70% opacity.
The screenshots below are what it looks like.
I believe the 1978 CCCL is the dashed line that points at HIGH in the note seasonal high water...
The last shots are of measurements which show its 29-40' away, and it has a slight bend in it.
Attached are pdfs reflecting these updates.
Please let me know if these are satisfactory.

Thanks, Bob.





Robert J. Holland Jr. AIA, CDT, LEED AP, PMP
 2358 Brixton Road
 Columbus, Ohio, 43221
 home 614-487-0419
 cell 614-306-7920

-----Original Message-----

From: Jason Smalley <jsmalley@fmbgov.com>
 To: rhollandjr@aol.com <rhollandjr@aol.com>
 Cc: vzeller@rocketmail.com <vzeller@rocketmail.com>; brujito143@yahoo.com <brujito143@yahoo.com>; tsmolenski@thezellergroup.com <tsmolenski@thezellergroup.com>
 Sent: Tue, Apr 25, 2023 4:05 pm
 Subject: RE: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Bob,

I spoke with our consulting planner and we're both of the mind that you've correctly expressed your proposed site-plan, but we would like to see two adjustments made to a survey before we feel that the package is ready for staff review:

- Both 7.5' (15' collectively) easements should be shown on a survey with the correct notation for each, I believe you've got this information based on the notes we see on the proposed site plan, but those should be on there to ensure that the Fire Department's review isn't stalled since the easement width will be one of their main concerns.
- The 1978 CCCL line should be shown and noted on a survey, I believe that the rear line directly adjacent to the proposed deck is the CCCL, but we should extend that across the entire survey and note it as such.

These are our biggest concerns and we are available for questions you may have about what is being requested. Thanks



Jason Smalley

Senior Planner

Town of Fort Myers Beach

2525 Estero Boulevard

Fort Myers Beach, FL. 33931

Phone: (239) 765-0202 ext.1315

FMBgov.com



Please Note: Florida has very broad public records laws. Most written communications to and from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

From: rhollandjr@aol.com <rhollandjr@aol.com>

Sent: Wednesday, April 12, 2023 4:37 PM

To: Jason Smalley <jsmalley@fmbgov.com>

Cc: vzeller@rocketmail.com; brujito143@yahoo.com; tsmolenski@thezellergruop.com

Subject: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Jason;

First, thanks for all help and guidance. We were able to find the easement was recorded and that is in our request.

Second, attached are a number of files pertaining to our request. Please let me know if we need to provide hardcopies of everything.

Third, I think I've filled out the forms and provided sufficient information for a review and determination by Council. If I have not please let me know.

Fourth, as we discussed with Sarah we can transfer the fee from the Administrative Variance Request to this request. Please let us know the difference and the proper mechanism to pay the fee. As I recall FMB generated an invoice and we paid it online.

Lastly, please let me know what the next step is in the process. James is in Costa Rica until September and has given his son, Vince, an enduring POA so he can take care of things.

Thanks again, Bob

Robert J. Holland Jr. AIA, CDT, LEED AP, PMP

2358 Brixton Road

Columbus, Ohio, 43221

home 614-487-0419

cell 614-306-7920

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 20th, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Town Council** will review the application materials and hear testimony to make a **decision**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 20th, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Town Council** will review the application materials and hear testimony to make a **decision**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 20th, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Town Council** will review the application materials and hear testimony to make a **decision**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 20th, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Town Council** will review the application materials and hear testimony to make a **decision**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

1. Requested Motion:

Meeting Date: June 20, 2023

Approve Resolution No. 23-67 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF 1.1200 MILLS FOR FISCAL YEAR 2023-2024 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2023-2024; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Pursuant to state law, a Tentative Millage Rate must be adopted by the Town Council prior to August 1st and submitted to the County Property Appraiser prior to August 4th. Once the tentative millage rate has been set it cannot be increased, only reduced.

What the action accomplishes:

Sets the Tentative Millage Rate in compliance with state law.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

A resolution is required to set the Tentative Millage Rate.

4. Submitter of Information:

5. Background:

A Tentative Millage Rate must be adopted by the Town Council prior to August 1st and submitted to the County Property Appraiser prior to August 4th. Once the tentative millage rate has been set it cannot be increased, only reduced.

Currently the Town staff is developing the General Fund Operating Budget.

On June 1, 2023 the county released the Estimated Property Values for Lee County. The Town of Fort Myers Beach is estimated to have a 39% loss in ad valorem revenues. The county will release the Final Property Values for FY23 on or before July 1.

In FY24, staff does not estimate any additional revenue to be available for new initiatives. To the contrary, due to the effects of Hurricane Ian, there will be a substantial shortfall in operating revenues. The Town has been awarded an \$11,900,000 Bridge Loan to offset those shortfalls.

It is staff's opinion that the Bridge Loan be used to cover the decrease in revenue compared to normal year revenue, and any increase in expense above FY23 expenditures should be funded with a millage rate increase. Preliminary budget numbers show an increase in expenditures of approximately \$340,000. Therefore, the tentative millage rate should be increased to 1.12 mills, a 13% increase.

Budget reports will be distributed electronically or hard copy and discussed with the Council prior to the Budget Hearings that will occur in September.

Attachments:

1. 2023 Estimate Tax Roll Values
2. 23-67 Resolution 23-67 re FY24 Tentative Millage Rate

Financial Impact:

Preliminary budget numbers show an increase in expenditures of approximately \$340,000. Therefore, the tentative millage rate should be increased to 1.12 mills to cover this increase in expenditures, which would be a 13% increase to the millage rate.

6. Alternative Action

Consider other millage rate adjustments

7. Management Recommendations:

Staff recommends Town Council consider setting the Tentative Millage Rate at 1.12 per \$1,000 of property value, which would be high enough to cover the proposed increase in budgeted expenditures.

8. Recommended Approval:

Joe Onzick, Finance Director
Joe Onzick, Finance Director
Cheri Russ, Accounting Manager
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/14/2023
Approved - 6/14/2023
Approved - 6/14/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

LEE COUNTY TAX ROLL VALUES - 2023

<i>COUNTYWIDE</i>	Post VAB Final 2022	Estimate 2023	Value change from 2022 Post VAB Final to 2023 Estimate	% Change from 2022 Post VAB Final to 2023 Estimate
TOTAL JUST:	\$ 180,629,897,687	\$ 199,228,765,000	\$ 18,598,867,313	10.30%
TOTAL ASSESSED:	\$ 131,848,363,600	\$ 138,168,358,000	\$ 6,319,994,400	4.79%
TOTAL TAXABLE:	\$ 112,604,506,532	\$ 118,466,520,000	\$ 5,862,013,468	5.21%
SCHOOL TAXABLE:	\$ 133,136,232,873	\$ 142,767,028,000	\$ 9,630,795,127	7.23%
<i>Total New Construction Just:</i>	\$ 3,687,656,809	\$ 2,782,798,824		
<i>New Construction Taxable:</i>	\$ 3,395,831,720	\$ 2,705,386,239		

LEE COUNTY TAX ROLL VALUES - 2023

<i>City of Fort Myers</i>	Post VAB Final 2022	Estimate 2023	Value change from 2022 Post VAB Final to 2023 Estimate	% Change from 2022 Post VAB Final to 2023 Estimate
TOTAL JUST:	\$ 16,535,398,888	\$ 18,338,169,000	\$ 1,802,770,112	10.90%
TOTAL ASSESSED:	\$ 12,680,990,742	\$ 13,793,857,000	\$ 1,112,866,258	8.78%
TOTAL TAXABLE:	\$ 10,319,057,041	\$ 11,415,836,000	\$ 1,096,778,959	10.63%
Total New Construction Just:	\$ 568,470,462	\$ 193,405,892		
New Construction Taxable:	\$ 530,882,432	\$ 189,007,709		

<i>City of Cape Coral</i>	Post VAB Final 2022	Estimate 2023	Value change from 2022 Post VAB Final to 2023 Estimate	% Change from 2022 Post VAB Final to 2023 Estimate
TOTAL JUST:	\$ 39,449,126,436	\$ 42,320,031,000	\$ 2,870,904,564	7.28%
TOTAL ASSESSED:	\$ 26,855,824,529	\$ 29,582,325,000	\$ 2,726,500,471	10.15%
TOTAL TAXABLE:	\$ 22,545,069,623	\$ 25,164,778,000	\$ 2,619,708,377	11.62%
Total New Construction Just:	\$ 1,049,649,908	\$ 708,654,831		
New Construction Taxable:	\$ 1,038,047,685	\$ 695,782,007		

<i>City of Sanibel</i>	Post VAB Final 2022	Estimate 2023	Value change from 2022 Post VAB Final to 2023 Estimate	% Change from 2022 Post VAB Final to 2023 Estimate
TOTAL JUST:	\$ 8,840,510,867	\$ 7,381,019,000	\$ (1,459,491,867)	-16.51%
TOTAL ASSESSED:	\$ 6,676,250,345	\$ 4,711,179,000	\$ (1,965,071,345)	-29.43%
TOTAL TAXABLE:	\$ 6,338,265,027	\$ 4,382,628,000	\$ (1,955,637,027)	-30.85%
Total New Construction Just:	\$ 23,346,099	\$ 4,953,683		
New Construction Taxable:	\$ 22,712,796	\$ 1,772,176		

LEE COUNTY TAX ROLL VALUES - 2023

<i>Town of Fort Myers Beach</i>	Post VAB Final 2022	Estimate 2023	Value change from 2021 Post VAB Final to 2022 Estimate	% Change from 2022 Post VAB Final to 2023 Estimate
TOTAL JUST:	\$ 6,263,620,895	\$ 4,329,920,000	\$ (1,933,700,895)	-30.87%
TOTAL ASSESSED:	\$ 4,709,251,015	\$ 2,903,881,000	\$ (1,805,370,015)	-38.34%
TOTAL TAXABLE:	\$ 4,469,009,246	\$ 2,699,866,000	\$ (1,769,143,246)	-39.59%
<i>Total New Construction Just:</i>	\$ 44,765,524	\$ 861,291		
<i>New Construction Taxable:</i>	\$ 44,765,524	\$ 861,291		

<i>City of Bonita Springs</i>	Post VAB Final 2022	Estimate 2023	Value change from 2022 Post VAB Final to 2023 Estimate	% Change from 2022 Post VAB Final to 2023 Estimate
TOTAL JUST:	\$ 20,318,742,168	\$ 24,826,472,000	\$ 4,507,729,832	22.19%
TOTAL ASSESSED:	\$ 15,603,390,098	\$ 16,621,656,000	\$ 1,018,265,902	6.53%
TOTAL TAXABLE:	\$ 14,314,866,319	\$ 15,315,560,000	\$ 1,000,693,681	6.99%
<i>Total New Construction Just:</i>	\$ 255,227,359	\$ 231,046,194		
<i>New Construction Taxable:</i>	\$ 251,415,552	\$ 230,319,241		

<i>Village of Estero</i>	Post VAB Final 2022	Estimate 2023	Value change from 2022 Post VAB Final to 2023 Estimate	% Change from 2022 Post VAB Final to 2023 Estimate
TOTAL JUST:	\$ 11,132,499,571	\$ 14,127,846,000	\$ 2,995,346,429	26.91%
TOTAL ASSESSED:	\$ 8,872,248,908	\$ 9,563,698,000	\$ 691,449,092	7.79%
TOTAL TAXABLE:	\$ 7,929,707,459	\$ 8,615,053,000	\$ 685,345,541	8.64%
<i>Total New Construction Just:</i>	\$ 68,478,720	\$ 20,523,937		
<i>New Construction Taxable:</i>	\$ 68,262,092	\$ 20,453,380		

LEE COUNTY TAX ROLL VALUES - 2023

<i>Fire Districts</i>	Post VAB Final 2022	Estimate 2023	Value change from 2022 Post VAB Final to 2023 Estimate	% Change from 2022 Post VAB Final to 2023 Estimate
ALVA FIRE DISTRICT	\$ 463,221,832	\$ 453,585,000	\$ (9,636,832)	-2.08%
BAYSHORE FIRE DISTRICT	\$ 599,849,392	\$ 616,122,000	\$ 16,272,608	2.71%
BOCA GRANDE FIRE DISTRICT	\$ 3,162,022,991	\$ 3,272,609,000	\$ 110,586,009	3.50%
BONITA SPRINGS FIRE DISTRICT	\$ 14,912,603,911	\$ 15,106,152,000	\$ 193,548,089	1.30%
CAPTIVA FIRE DISTRICT	\$ 1,755,080,264	\$ 1,537,142,000	\$ (217,938,264)	-12.42%
ESTERO FIRE DISTRICT	\$ 9,305,095,521	\$ 9,601,247,000	\$ 296,151,479	3.18%
FORT MYERS BEACH FIRE DISTRICT	\$ 5,305,633,711	\$ 3,271,131,000	\$ (2,034,502,711)	-38.35%
FORT MYERS SHORES FIRE DISTRICT	\$ 2,899,929,828	\$ 3,085,334,000	\$ 185,404,172	6.39%
IONA MCGREGOR FIRE DISTRICT	\$ 10,224,363,752	\$ 9,434,321,000	\$ (790,042,752)	-7.73%
LEHIGH ACRES FIRE DISTRICT	\$ 6,710,719,743	\$ 6,847,449,000	\$ 136,729,257	2.04%
MATLACHA-PINE ISLAND FIRE DIST	\$ 2,154,583,991	\$ 2,054,688,000	\$ (99,895,991)	-4.64%
NORTH FORT MYERS FIRE DISTRICT	\$ 3,825,036,939	\$ 3,580,365,000	\$ (244,671,939)	-6.40%
SAN CARLOS FIRE DISTRICT	\$ 6,991,259,041	\$ 7,538,038,000	\$ 546,778,959	7.82%
SANIBEL FIRE DISTRICT	\$ 6,461,026,367	\$ 4,383,098,000	\$ (2,077,928,367)	-32.16%
SOUTH TRAIL FIRE DISTRICT	\$ 8,656,287,785	\$ 8,746,651,000	\$ 90,363,215	1.04%
TICE FIRE DISTRICT	\$ 1,362,809,264	\$ 1,349,722,000	\$ (13,087,264)	-0.96%
UPPER CAPTIVA FIRE DISTRICT	\$ 301,915,334	\$ 313,647,000	\$ 11,731,666	3.89%

RESOLUTION NUMBER 23-67

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF 1.1200 MILLS FOR FISCAL YEAR 2023-2024 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2023-2024; 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, Section 200.065, *Florida Statutes*, establishes the method for determining and levying an ad valorem millage rate and adopting a budget for all taxing authorities in the State of Florida; and

WHEREAS, the Town of Fort Myers Beach, by and through its Town Council, hereby determines it is in the best interest of the Town and orderly governmental process to hold public hearings as required by Section 200.065, *Florida Statutes*; and

WHEREAS, it is in the best interest of the health, safety and welfare of the residents and visitors of Fort Myers Beach that the Town Council set the tentative operating millage rate as set forth herein and take the other actions set forth herein; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within the Town of Fort Myers Beach, Lee County, Florida has been preliminary certified by the Lee County Property Appraiser to the Town of Fort Myers Beach estimated as \$2,699,866,000 as documented on Attachment "A".

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by this reference and adopted as the legislative and administrative findings of the Town Council.

Section 2. The tentative ad valorem operating millage rate for Fiscal Year 2023-2024, is hereby adopted at 1.1200 mills, which equals \$112 per \$100,000 dollars of property value.

Section 3. Public meetings and hearings will be held in compliance with Florida Property Tax Truth In Millage (TRIM) Process at Diamondhead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, to consider and adopt the final millage rate and to consider and adopt the Town budget for Fiscal Year 2023-2024 as set forth in Section 200.0654, et seq., *Florida Statutes*.

Section 4. 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 _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
Bill Veach, Council Member	_____
Karen Woodson, Council Member	_____
John King, Council Member	_____

ADOPTED this 20th day of June 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2023.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve Resolution updating Town representatives, signatories and users of the Town's Truist Public Fund Checking Account f/k/a SunTrust Bank

Why the action is necessary:

Updates the signing and user authority on the Town Business Credit Card Account.

What the action accomplishes:

Enables online access to:

- Monitor and track spending,
- Order/Activate new or replacement cards,
- Add/Delete cardholders
- View pending transactions and history,
- Dispute transactions, etc.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

SunTrust Bank now Truist has advised staff that the Bankcard Resolution will need to be updated to reflect the current authorized signers/users. The bank's records indicate the following individuals are currently listed as authorized signers/users for the checking account: Roger T. Hernstadt, Tracey Gore and Joanne Shamp.

Recommended authorized signers are the Mayor, Vice Mayor, Town Manager, Town Clerk and Finance Director.

Attachments:

1. 23-70, Signatory Authority SunTrust Checking

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/16/2023
New -

RESOLUTION NUMBER 23-70

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN BUSINESS PUBLIC FUND CHECKING ACCOUNT WITH TRUIST (FORMERLY SUN TRUST BANK): 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 service, 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 resolution as may be required for the proper governing of the Town; and

WHEREAS, the Town currently has Business Checking with SunTrust Bank now Truist and SunTrust Bank now Truist required that any change in authorized account representatives be approved by the Town Council via resolution; and

WHEREAS, several former Council members and Town staff are no longer representatives of the Town, necessitating a change in the account referenced above.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. Authorization to add authorized persons to SunTrust now Truist Public Fund Checking Account #0153531004956 to perform the normal ministerial function which accompany such authority:

Andrew Hyatt, Town Manager
Amy Baker, Town Clerk
Joseph Onzick, Finance Director
Daniel Allers, Mayor
James Atterholt, Vice Mayor

Section 3. Authorization to assign a new System Administrator to the Public Fund Checking Account #0153531004956
Andrew Hyatt

Section 4. Authorization to remove persons from SunTrust now Truist Public Fund Checking Account #0153531004956
Roger T. Hernstadt
Tracey Gore
Joanne Shamp

Section 4. Continuity of Authorization. The person(s) set forth in Section 2 shall continue to have the indicated authority on behalf of the Town until such time as the Town passes a superseding Resolution.

Section 5. 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 motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor
Jim Atterholt, Vice Mayor
John King, Council Member
Bill Veach, Council Member
Karen Woodson, Council Member

ADOPTED this 20th day of June 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20th day of June 2023.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Approve Resolution updating Town representatives, signatories and users of the Town's Truist Business Credit Card Account f/k/a SunTrust Bank

Why the action is necessary:

Updates the signing and user authority on the Town Business Credit Card Account.

What the action accomplishes:

Enables online access to:

- Monitor and track spending,
- Order/Activate new or replacement cards,
- Add/Delete cardholders
- View pending transactions and history,
- Dispute transactions, etc.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

SunTrust Bank now Truist has advised staff that the Bankcard Resolution will need to be updated to reflect the current authorized signers/users. The bank's records indicate the following individuals are currently listed as authorized signers/users for the checking account: Roger T. Hernstadt, Amy Baker, Raymond P. Murphy and Rexann Hosafros.

Recommended authorized signers are the Mayor, Vice Mayor, Town Manager, Town Clerk and Finance Director.

Attachments:

1. 23-71, Signatory Authority SunTrust now Truist Credit Cards

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/16/2023
New -

RESOLUTION NUMBER 23-71

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN BUSINESS CREDIT CARD ACCOUNT WITH TRUIST (FORMERLY SUN TRUST BANK): 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 service, 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 resolution as may be required for the proper governing of the Town; and

WHEREAS, the Town currently has Business Credit Card Accounts with SunTrust Bank now Truist and SunTrust Bank now Truist required that any change in authorized account representatives be approved by the Town Council via resolution; and

WHEREAS, several former Council members and Town staff are no longer representatives of the Town, necessitating a change in the account referenced above.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. Authorization to add authorized persons to SunTrust now Truist Business Credit Card Account Control #4223072600014106 to perform the normal ministerial function which accompany such authority:

Andy Hyatt, Town Manager
Amy Baker, Town Clerk
Joe Onzick, Finance Director
Dan Allers, Mayor
Jim Atterholt, Vice Mayor

Section 3. Authorization to remove persons from SunTrust now Truist Business Credit Card Account Control #4223072600014106

Roger T. Hernstadt
Raymond P. Murphy
Rexann Hosafros

Section 4. Continuity of Authorization. The person(s) set forth in Section 2 shall continue to have the indicated authority on behalf of the Town until such time as the Town passes a superseding Resolution.

Section 5. 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 motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor
Jim Atterholt, Vice Mayor
John King, Council Member
Bill Veach, Council Member
Karen Woodson, Council Member

ADOPTED this 20th day of June 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20th day of June 2023.

1. **Requested Motion:**

Meeting Date: June 20, 2023

Shop Local Productions is requesting a special event permit to hold Saturday Farmer's Markets in Fort Myers Beach.

Why the action is necessary:

Ordinance 20-17

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Shop Local Productions is requesting approval to use the parking spaces under the Matanzas Bridge every Saturday from July 8, 2023 through June 29th, 2024. Moving the Farmers Market from Santini Plaza and the Beach baptist Church to this location. This is the same event as the previously mentioned event. Requesting waiver of parking fees in the amount of \$118,300.00 in total. See attachment. Pending approval from the Fire Department and updated insurance.

Attachments:

1. 232975 Farmers Market Under the Bridge_5_1_2023

Financial Impact:

Lost of revenue of 65 spaces for 7 hours per day = \$2,275.00 per day for 52 days = \$118,300.00. Under the bridge is one of the very few places people who paid for parking passes can park, taking away their ability to utilize those spaces that they paid for.

6. **Alternative Action**

Allow the Farmer's Market to take place on the Times Square right-of-way pending Fire safety and Town approvals with the agreement to relocate to an alternate location if and when the Town begin's redevelopment/construction.

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/9/2023
Approved - 6/9/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com



Name of event Under The Bridge Market FMB
Attach separate sheet of paper with detailed description of event
SATURDAYS JUL 8, 15, 22, 29 AUG 5, 12, 19, 26 SEPT 2, 9, 16, 23, 30 OCT. 7, 14, 21, 28
Date(s) and times of event NOV 4, 11, 18, 25 DEC 2, 9, 16, 23, 30 JAN 6, 13, 20, 27 FEB 3, 10, 17, 24
MAR 2, 9, 16, 23, 30 APR 6, 13, 20, 27 MAY 4, 11, 18, 25 JUN 1, 8, 15, 22, 29
Address of event CITY LOTS under the bridge 92 days

Expected # of participants/attendees 45 / 300

Sponsoring Organization Shop Local Productions

Organization address 19552 The Place Blvd. Estero, FL

Contact Person/Phone# ShopLocalPro@gmail.com

E-mail Linda Miller (239) 289-3786

Amplified Music Y ☐ N ☐ 500 Ft Notifications ☐ Copy of Letter ☐

Renting Town Property Y ☐ N ☐ Renting Parking Spaces Y ☐ N ☐

How many Spaces? 7 hours How many hours 8am-2pm includes setup + break down
9am-1pm OP. HOURS

Extension of Premises? Y ☐ N ☐ ABT Form ☐ How many days? 52 (Over 3 days needs to go to Council)

Letters of Permission to use Property ☐

Letters of Permission to use Parking ☐ Parking Plan ☐

Site Plan ☐ Insurance ☒ (Naming Town of FMB as Certificate Holder)

Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒

Requires Council Approval:

Waiver of open container Y ☐ N ☒ Waiver of Town parking fees Y ☒ N ☐

Waiver of Noise Ordinance Y ☒ N ☐ Recurring Event Y ☒ N ☐

Applicant Signature Linda Miller

Printed Name Linda Miller

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

Applicant to Complete:

Company managing trash removal: Vendors Remove Trash

No. of dumpsters: 0 Type of dumpsters: NA

Who is responsible for clean-up and payment: NA

City right-of-way Parking Use: _____ Number of spaces: _____

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: See Attached

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: See Attached

Approval: _____ Date: _____



Date: 04/10/2023

Permit #: 232975

Permit Date: 04/05/2023

Review Date: 04/05/2023

Permit Type:

Review Type: SEP-Public Works Review

Target Date: 04/07/2023

Scheduled Time: 00:00

Completed Date:

Description:

Review Status: APPROVED

Assigned To: Martin Pitts

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Property Information

Parcel#: TIMESQUARE ROW ESTERO/ OLD SAN CARLOS

2525/2523 ESTERO BLVD

Zoning: 1S-1Lot: Block:

2525/2523 ESTERO BLVD

FORT MYERS BEACH, FL 33931



Date: 04/10/2023

Permit #: 232975

Permit Date: 04/05/2023

Review Date: 04/05/2023

Permit Type:

Review Type: SEP-Environmental

Target Date: 04/07/2023

Scheduled Time: 00:00

Completed Date: 04/08/2023

Description:

Review Status: REVIEWED W/CONDITIONS

Assigned To: Chadd Chustz

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Notes

Special event permit holders are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. In the event this section is not complied with, the town manager has the authority to contract with a cleaning service and the cost of the cleanup will be the responsibility of the permit holder (Sec. 22-12).

04/08/2023

No person shall make, continue or cause to be made or continued any noise disturbance in accordance with Land Development Code Sec. 14-23. Noises resulting from a special event authorized pursuant to chapter 22 of the Land Development Code are excepted; provided, such noises are in compliance with any specific limitations as set forth within the special event permit. If no specific limitations are set forth in the special event permit, the provisions of Land Development Code Sec. 14-23 shall fully apply.

Property Information

Parcel#: TIMESQUARE ROW ESTERO/ OLD SAN CARLOS

2525/2523 ESTERO BLVD

Zoning: 1S-1Lot: Block:

2525/2523 ESTERO BLVD

FORT MYERS BEACH, FL 33931

FORT MYERS BEACH FIRE DEPT

100 Voorhis Street • Fort Myers Beach, Florida 33931

Tel (239) 590-4210

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

prevention@fimbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

Tel (239) 477-1830 Fax (239) 432-0268

15650 Pine Ridge Road, Fort Myers, FL 33908

Parking: All parking will be in authorized areas only & the right-of-way must not be impeded at any time.

Deputies (how many?) None required for this event.

Traffic Control: _____

Fees: None required for this event.

Special Arrangements: Event traffic should not impede the normal flow of traffic. Should it be found to, an extra duty traffic detail may be required at the vendor's expense.

Paul Cummings
Print Name

[Signature]
Approval Signature

4 4 23
Date

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Kelly Cramer

Tel (239) 770-7502 Fax (850) 412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: NA (not on beach)

Check list: Application _____ Site Plan _____ Description _____

Florida DEP approval: _____ Date: _____

Turtle Time Inc.: Eve Haverfield

Tel (239) 481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: NA (not on beach)

Turtle Time approval: _____ Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/30/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

Hiscox Inc.
520 Madison Avenue
32nd Floor
New York, New York 10022

CONTACT**NAME:**

PHONE (A/C, No, Ext): (888) 202-3007

FAX (A/C, No):

E-MAIL: contact@hiscox.com

ADDRESS:**INSURER(S) AFFORDING COVERAGE**

NAIC #

INSURER A: Hiscox Insurance Company Inc

10200

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED

Watergemz, LLC DBA Shop Local Productions
19552 The Place Blvd
Estero, FL 33928

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	Y		P100.409.208.3	07/15/2022	07/15/2023	EACH OCCURRENCE \$ 2,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	☒ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG \$ S/T Gen. Agg.
	OTHER:						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO						BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS	☐ NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
	☐ UMBRELLA LIAB	☐ OCCUR					\$
	☐ EXCESS LIAB	☐ CLAIMS-MADE					EACH OCCURRENCE \$
	DED RETENTION \$						AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						\$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					PER STATUTE
	If yes, describe under DESCRIPTION OF OPERATIONS below	☐ N/A					OTH-ER
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Town of Fort Myers Beach
2525 Estero Blvd.
Fort Myers Beach, FL 33931

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

FMBeach Farmers Market Description

Fort Myers Beach 33931

Sponsored by Shop Local Productions

41markets.com

Open Saturdays mid-July through May, 9am-2pm.

Mission:

To provide a positive community event for all ages to convene and to enjoy accessibility to healthy, unique foods, items and art. This event provides employment to over 40 families.

Description:

More than ever and since the Hurricane devastation, FMB locals and visitors request and need fresh and varietal foods, produce, seafood and commodities brought into the island and something lively and happy to do when getting out of the house.

Over 20 websites are used to attract visitors to the markets and Fort Myers Beach including Google where this market gets 30K views per month during season.

Vendors include a few hot food vendors, cottage food products, local seafood, honey and produce, bakeries, coffee, guacamole, smoothies, nuts, healthy snacks, organic skincare, handmade jewelry and art. These niche items fill a void in FMB shopping. Contrary to common belief this market brings a lot of business to the shopping center and two of the tenants participate happily every year for last five years. Even 7/11 and CVS across the street has reported better sales on the days the market is open.

Per the American Independent Business Alliance the money made at local businesses pushes 80% back into our local economy unlike corporate businesses: <https://www.amiba.net/resources/multiplier-effect>

Set Up

Set up is 2 hours before opening and 1 hour after close. Vendors are responsible for removing all trash from location.

Volunteers:

The market has 2 managers with decades of retail management experience.

Superb Record:

In all of its history the market has had no emergencies, accidents or complaints.

Information:

Vendor Inquiries and more info can be found at 41markets.com

Patty Prevost

132975

From: Todd Sears
Sent: Wednesday, April 5, 2023 1:28 PM
To: Patty Prevost
Subject: FMBeach Market Parking

Importance: High

We have 65 parking spaces in MP lots 2-4. They are asking for 46 spaces. We are unable to close off part of a parking lot to appease 46 spaces. Also, the last time that we approved parking under the bridge we received several complaints from residents that obtained residential parking permits as this is the only place that they are allowed to park downtown. The price breakdown is as follows:
65 spaces for 7 hours per day = \$2,275 per day.
52 days of event @\$2,275 per day = \$118,300.
If you have any questions, please let me know.

Todd Sears

Beach Enforcement Supervisor
Town of Fort Myers Beach, FL
2525 Estero Blvd. 33931
239-463-5888

Farmers Market under the Bridge Permit Application

To Jennifer Campbell jcampbell@gmbfirefl.gov

CC: Patty Prevost

4/21/2023

Re: Farmers Market Under the Bridge Permit Application Corrections

Dear Jennifer,

Attached you will find the amended FMB Fire District Special Event Application for the farmers market.

3 vendors will be cooking onsite as shown amended on Page 8.

4 vendors will be using generators as shown on Page 8.

See their designated spaces on the Floorplan. For your convenience a Google Map is also provided.

Thank you for your assistance.

Best regards,

Linda Miller

Shop Local Productions

239-289-3786



Date: 04/18/2023

Contractor: Shop Local Productions

RE: 232975 / 2525/2523 ESTERO BLVD/ Farmers Market Under the Bridge

Cc: Property Owner

The drawings submitted for the referenced project have been reviewed following the 7th Edition (2020) Florida Building Codes, Florida Statutes (F.S), and the Town of Fort Myers Beach Land Development Code. For the reasons listed below, we cannot approve your application at this time.

Please provide the Rejection Letter and a Cover Letter showing where each corrected item can be found.

1st Fire Review – Jennifer Campbell -jcampbell@fmbfirefl.gov

The following information is required:

1. Complete the FMB Fire District Special Event Application and submit to the Town.
2. Provide # of vendors that will be cooking at the site.
3. Provide # of vendors that will be using a generator.

PLEASE NOTE:

- **Mailed in or paper plans will not be accepted.**
- Submit all corrections together at one time with an appropriate response/ cover letter showing where each corrected item can be found to resubmittal@fmbgov.com.
- Please note that no other reviews will be done until the **Zoning Review** is approved.
- Resubmittals will not be processed unless all review comments are addressed.

Please refer to the **Permit Portal** to access a copy of this rejection letter.

Sincerely,

Town of Fort Myers Beach Building Services and Community Development Departments.

WATER

PAGE 8

7 ←

UNDER THE BRIDGE FMB Farmers Market

THIRD STREET					SECOND STREET					FIRST STREET				
Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking
22	21	20	19	18	17	16	15	34	23	22	11	10	9	8
23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking	Vendor Parking
40	41	42	43	44	45	46	47	48	49	50	51	52	53	54
Cuban Café, French Food, Smoothies, Crepes					Cuban Café, French Food, Smoothies, Crepes					Cuban Café, French Food, Smoothies, Crepes				

3 COOKING ON SITE
4 GENERATORS



Imagery ©2023 Maxar Technologies, U.S. Geological Survey, Map data ©2023 Google 100 ft

1. **Requested Motion:**

Meeting Date: June 20, 2023

Motion to approve STA #8 authorizing the appropriation of additional funds for Axis International to continue to provide planning and zoning professional services.

Why the action is necessary:

This request for additional funds allows continuation of these services, retroactive to the last week of April 2023.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Axis International provides planning and zoning consulting services for the Town of Fort Myers Beach. Every year this contract has had to have a supplemental funding from the current year's budget to pay for last year's invoicing.

Attachments:

1. STA Form_Town of Fort Myers Beach_5_5_2023

Financial Impact:

\$98,800

6. **Alternative Action**

7. **Management Recommendations:**

Management recommends approval to enable continuation of Axis as a consulting firm and provide a more accurate annual cost projection for these consultation services.

8. **Recommended Approval:**

Amy Baker, Town Clerk
Steve Poposki, Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/9/2023
Approved - 6/9/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

**TOWN OF FORT MYERS BEACH SERVICE AGREEMENT
SUPPLEMENTAL TASK AUTHORIZATION**

X Supplemental Task Authorization

NO.: STA # 8

CONTRACT/PROJECT NAME: Technical Support, GIS, Special Project Management,
Comprehensive Plan and LDC Support, Workforce Housing and Miscellaneous Assigned Tasks
Extension

CONSULTANT: Axis Infrastructure

PROJECT NO.: _____

SOLICIT NO.: RFQ #20-22-AD

CONTRACT NO.: _____

REQUESTED BY: Steven PoposkiComm Dev

DATE OF REQUEST: 4/25/2023

PURCHASE ORDER NUMBER: _____

Upon the completion and execution of this Supplemental Task Authorization by both parties, the Consultant/Provider is authorized to and shall proceed with the following:

EXHIBIT "A" SCOPE OF PROFESSIONAL SERVICE: DATED: 11/01/2022

EXHIBIT "B" COMPENSATION & METHOD OF PAYMENT: DATED: 11/01/2022

EXHIBIT "C" TIME AND SCHEDULE OF PERFORMANCE: DATED: 11/01/2022

EXHIBIT "D" CONSULTANT'S/PROVIDER'S ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 11/01/2022

It is understood and agreed that the acceptance of this modification by the
CONSULTANT/PROVIDER constitutes an accord and satisfaction.

RECOMMENDED:

By: [Signature] 5/4/23 By: _____
Department Director Date Contracts Manager Date

By: [Signature] 5/5/2023
Finance Department Date

ACCEPTED: Axis Infrastructure

By: _____
Consultant/Provider Date

TOWN APPROVAL:

By: _____
Town Manager Date

Date to Proceed: 4/2023

Cost of STA: \$ _____

Completion Due Date: 9/30/2023

Date: 4/25/2023

EXHIBIT A

SCOPE OF PROFESSIONAL SERVICES
Technical Support, GIS, Special Project Management, Comprehensive Plan and LDC Support,
Workforce Housing and Miscellaneous Assigned Tasks Extension

Overview

STA NO. 7: Planning and Zoning Technical Support, GIS, Special Project Management

The following services will be provided by Axis Infrastructure:

- 1: Planning and Zoning staff, permit review, technical analysis as required by the Comprehensive Plan and Land Development Code.
- 2: Coordinate with Town departments, advisory boards, and Town Council public hearings.
- 3: Coordinate special projects, manage comprehensive plan and LDC updates, manage GIS resource and other planning assets.
- 4: Coordinate with Town Manager and Town Council to assist in developing strategies to support and implement priority planning and development issues.
- 5: Provide services as of April 26, 2023.

Hourly Breakdown:

Senior Planner/Planning Manager	\$120
Planner/GIS	\$100

Total Cost (of Job): \$98,800.00

EXHIBIT BDate: 4/25/2023**COMPENSATION AND METHOD OF PAYMENT FOR****Permitting and Floodplain Management Support Services Post – Disaster Recovery****Section 1. BASIC SERVICES/TASK(S)**

The TOWN shall compensate the CONSULTANT for providing and performing the Task(s) set forth and enumerated in EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "A". In accordance with Agreement Article 5.02(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
#1	<u>Technical Support, GIS, Special Project Management, Comprehensive Plan and LDC Support, Workforce Housing and Miscellaneous Assigned Tasks</u>	\$98,800	NTE	WIPP
TOTAL (Unless list is continued on next page)		\$98,800	NTE	

Section 2. ADDITIONAL SERVICES

The TOWN shall compensate the CONSULTANT for such ADDITIONAL SERVICES as are requested and authorized in writing for such amounts or on such a basis as may be mutually agreed to in writing by both parties to this Agreement. The basis and/or amount of compensation to be paid the CONSULTANT for ADDITIONAL SERVICES requested and authorized in writing by the TOWN shall be as set forth in Article 4 of this Agreement.

Should it be mutually agreed to base compensation for ADDITIONAL SERVICES on an hourly rate charge basis for each involved professional and technical employee's wage rate classification, the applicable hourly rates to be charged are as set forth and contained in ATTACHMENT NO. 1 hereto dated 10/1/2021, entitled "CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE".

Section 3. REIMBURSABLE EXPENSES AND COSTS

When the CONSULTANT'S compensation and method of payment is based on an hourly rate for professional and/or technical personnel, the CONSULTANT shall, in addition to such hourly rates as are set forth in Attachment No. 1 hereto, be entitled to reimbursement of out-of-pocket, non-personnel expenses and costs as set forth in ATTACHMENT NO. 2 hereto 10/01/2021 entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

ATTACHMENT NO. 1 TO EXHIBIT B

Date: 10/31/2022

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE FOR Permitting and Technical Support, GIS, Special Project Management, Comprehensive Plan and LDC Support, Workforce Housing and Miscellaneous Assigned Tasks

Consultant or Sub-consultant Name: Axis Infrastructure
(A separate Attachment No. 1 should be included for each Sub-Consultant)

(1) Project Position or Classification (Function to be Performed)	(2) Current Direct* Payroll Average Hourly Rate	(3) Multiplier**	(4) Hourly Rate To Be Charged (Column 2x3)
Senior Planner/Manager	53/hr	2.18	\$120
Planner	36.50	2.74	\$100

***NOTE:** Direct Payroll hourly rate means the actual gross hourly wage paid.

****NOTE:** Indicate applicable multiplier for indirect personnel costs, general administrative & overhead costs, and profit.

***NOTE: A separate personnel hourly rate schedule should also be attached for each Sub-Consultant listed in Exhibit "D".

ATTACHMENT NO. 2 TO EXHIBIT B

Date: 4/25/2023

NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS FOR
Technical Support, GIS, Special Project Management, Comprehensive Plan and LDC Support,
Workforce Housing and Miscellaneous Assigned Tasks

CONSULTANT OR SUB-CONSULTANT NAME: Axis Infrastructure
(A separate Attachment No. 2 should be included for each Sub-Consultant)

[illegible]

NOTE: N.T.E. indicates Not-To-Exceed

EXHIBIT C

Date: 4/25/2023

TIME AND SCHEDULE OF PERFORMANCE FOR

Technical Support, GIS, Special Project Management, Comprehensive Plan and LDC Support,
Workforce Housing and Miscellaneous Assigned Tasks

This EXHIBIT "C" establishes times of completion for the various phases and tasks required to provide and perform the services and work set forth in EXHIBIT "A" of this Agreement. The times and schedule of performance set forth hereinafter is established pursuant to this Agreement.

[illegible]

EXHIBIT DDate: 10/31/2022

CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S) FOR

Technical Support, GIS, Special Project Management, Comprehensive Plan and LDC Support, Workforce Housing and Miscellaneous Assigned Tasks

CONSULTANT has identified the following Sub-Consultant(s) and/or Subcontractor(s) which may be engaged to assist the CONSULTANT in providing and performing services and work on this Project:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm				Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage
					Yes No
1	Planning Analytics, LLC				X

1. **Requested Motion:**

Meeting Date: June 20, 2023

Discussion regarding Indemnification & Hold Harmless Agreement - Kurt Kroemer and Edward Rood.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

COUNCILMEMBERS ITEMS AND
REPORTS

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Attachments:

1. Indemnification Hold Harmless Agreement(145617959.3)-C (002)

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2023
Approved - 6/15/2023
Approved - 6/15/2023
Final Approval - 6/15/2023

INDEMNIFICATION / HOLD HARMLESS AFFIDAVIT

DATE APPROVED:

City Manager or Designee

RE: PROPERTY(S) LOCATED AT:

TO: TOWN OF FORT MYERS BEACH, FLORIDA
ATTN: DIRECTOR OF COMMUNITY DEVELOPMENT
2525 ESTERO BLVD.
FORT MYERS BEACH, FL 33931

FROM: Kurt Kroemer and Edward Rood
Legal owner(s) of the above property ("Owners").

The undersigned hereby affirm that he/she is/are the legal owner of the above-referenced property(s) ("Properties"). Furthermore, the undersigned hereby acknowledges that he/she has made application(s) for and received approval from the Town of Fort Myers Beach, Florida ("Town"), for a Special Exception for the construction of a dune walkover on the Properties, which is the subject of a legal appeal currently pending before the Twentieth Judicial Circuit court in and for Lee County Florida ("Pending Appeal").

In connection with the foregoing, the undersigned is hereby requesting the Town to issue a building permit(s) for the construction of the following described improvement(s) on the Properties prior to the conclusion of the Pending Appeal:

Dune Walkover

In consideration of the Town agreeing to issue a building permit(s) to the undersigned as herein requested, the undersigned agrees as follows:

- a) Pay all actual or estimated permit costs and other applicable Town regulatory fees associated with the improvements requested to be built prior to issuance of any building permits by the Town; and

- b) Acknowledge he/she is proceeding at his/her own risk and hereby agrees to assume all responsibility and to indemnify, defend, and hold harmless the Town, its officers, agents, and assigns in connection herewith; and
- c) Immediately cease all construction on the Dune Walkover if an injunction, stay, stop work order or other similar order is issued by a court or the Town during the Pending Appeal; and
- d) Immediately remove the Dune Walkover, whether completed or not, if an injunction, or other similar order is issued by a court ordering the removal of the Dune Walkover; and
- e) Acknowledge that before construction of the Dune Walkover may commence, he/she must obtain all approvals and permits which are required by all applicable Federal and State agencies; and
- f) Acknowledge that the Town may impose conditions on approval which are required by State, County, or Town laws and regulations that are otherwise necessary to insure the public health, safety, and welfare of the residents of the Town; and that the Town may enforce the terms of this affidavit by its issuance of the building permit(s); and
- g) Acknowledge that the issuance of building permit(s) to the undersigned does not give rise to a claim of equitable estoppel, nor a grant of any vested right whatsoever for use, or completion of construction of the Dune Walkover on the Properties; and
- h) Indemnify, defend, and hold harmless the Town, its officers, agents, and assigns from any claims, demands, liabilities, losses, causes of action of any nature whatsoever arising out of or in connection with the building permit(s) issued or any part thereof, from and against all costs, fees, expenses, liabilities, any orders, judgments, or decrees which may be entered, and from and against all costs for attorneys' fees, expenses and liabilities incurred in the defense of such claim or in the investigation thereof.
- i) If the Town brings any action or proceeding relating to this Agreement or the enforcement of any provision of this Agreement it shall be entitled to recover from the owner of the Properties reasonable attorneys' fees, costs, and disbursements (in addition to any other relief to which the Town may be entitled).
- j) Authorize the Town to enter the Properties and immediately remove the and remove the Dune Walkover if an injunction, stay, stop work order or other similar order is issued by a court or the Town during the Pending Appeal and the owners of the Properties fail to immediately remove the Dune Walkover as provided for herein. The Town is further authorized to record a special assessment for the full cost of the removal of the Dune Walkover in the public records of Lee County, which shall constitute a lien against the Properties.

Kurt Kroemer

Owner's Signature

STATE OF FLORIDA)
COUNTY OF LEE)

The undersigned instrument was acknowledged before me this ____ day of June, 2023. He /she has personally appeared before me and is known to me or has produced _____ as identification and did (did not) take an oath.

Name: Notary Public –State of Florida

Commission no:

My commission expires:

Edward Rood

Owner's Signature

STATE OF FLORIDA)
COUNTY OF LEE)

The undersigned instrument was acknowledged before me this ____ day of June, 2023. He /she has personally appeared before me and is known to me or has produced _____ as identification and did (did not) take an oath.

Name: Notary Public –State of Florida

Commission no:

My commission expires: