

CITY OF SANIBEL RESOLUTION 25-062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING A TEMPORARY WAIVER, REQUESTED BY COMMUNITY HOUSING & RESOURCES (CHR), FROM THE BELOW MARKET RATE HOUSING REQUIREMENTS OF THE 2009 GROUND LEASE BETWEEN THE CITY OF SANIBEL AND CHR, TO ALLOW ON-DUTY LEE COUNTY EMERGENCY MEDICAL SERVICES (EMS) PERSONNEL TO TEMPORARILY OPERATE IN A BELOW MARKET RATE HOUSING UNIT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel (CITY) owns land located on Whitehall Drive within the City of Sanibel (STRAP: 25-46-22-T3-02200.0000); and

WHEREAS, on February 3, 2009, The City of Sanibel (CITY) and CHR entered into a 135-year ground lease allowing CHR to construct, own, and manage, a residential structure on the CITY-owned property on Whitehall Drive to be used solely for the purposes of providing Below Market Rate Housing (BMRH) for its clients; and

WHEREAS, CHR and Lee County (COUNTY) wish to enter into an agreement for the COUNTY's temporary use of a below market rate housing unit to provide a temporary operations location for on-duty EMS personnel while the Sanibel Fire and Rescue District's Station House No. 171 is demolished and reconstructed; and

WHEREAS, approving CHR's waiver from the requirement to provide only BMRH at the subject property allows EMS to operate temporarily from the CHR property on Whitehall Drive, Sanibel, FL, thereby providing a public benefit to the citizens of Sanibel by ensuring EMS response times remain fast and effective throughout the estimated two-year timeframe for Station House No. 171 to be reconstructed; and

WHEREAS, at its October 21, 2025 meeting, City Council briefly discussed this resolution, directing that it be continued to allow staff the opportunity to send notice of this proposal to the affected neighborhood and to also include provision for a review of the operations six months following approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. A temporary waiver of the BMRH requirements defined in the 2009 Ground Lease between the CITY and CHR, is hereby approved to allow Lee County EMS to occupy the CHR-owned structure on Whitehall Drive facilitating the ongoing needs of the Sanibel community while the Sanibel Fire and Rescue District Station House No. 171 is reconstructed.

SECTION 2. To protect the character of the surrounding residential neighborhood, Lee County EMS personnel have agreed to operate its equipment at the subject property without the use of sirens or emergency lights within the residential area, except in cases of urgent necessity.

SECTION 3. This temporary waiver shall be reviewed by City Council to determine adherence to the mandates contained therein following six months of operation by Lee County EMS at the city-owned site.

SECTION 4. This Resolution shall take effect immediately upon approval.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 4TH DAY OF NOVEMBER 2025.

Attest:

Scotty Lynn Kelly, City Clerk

Michael Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller	_____
Smith	_____
DeBruce	_____
Henshaw	_____
Johnson	_____