

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

**VILLAGE OF ESTERO, FLORIDA**

**RESOLUTION NO. 2021 – 19**

**A RESOLUTION OF THE VILLAGE OF ESTERO, FLORIDA, VACATING A 66-FOOT WIDE PUBLIC RIGHT-OF-WAY THAT IS PART OF THE PLAT OF THE FLORIDA GULF LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING AND BEING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subdivision plat for Florida Gulf Land Company's Subdivision contains a 66-foot wide right-of-way, and the owners have filed an application to vacate that right-of-way described herein (VAC2019-E001); and

**WHEREAS**, at a duly noticed public hearing held on August 10 and 24, 2021 the Planning, Zoning and Design Board considered the request and continued the hearing; and

**WHEREAS**, at a continued public hearing held on September 14, 2021 the Planning, Zoning and Design Board recommended approval of the vacation request; and

**WHEREAS**, the Village Attorney has reviewed the vacation and finds that it meets the technical requirements of the Florida Statutes; and

**WHEREAS**, the Village held a duly advertised public hearing prior to the adoption of this Resolution; and

**WHEREAS**, the pertinent review agencies have offered letters of no objection. Lee County Department of Transportation did not object as long as the drainage easements are excluded; and

**WHEREAS**, the Village Council finds that the right-of-way described herein no longer serves a public purpose as Via Coconut Point Road was constructed in an alternate location. Therefore, the right-of-way is no longer needed, and this is a proper subject for vacation pursuant to Chapter 177, Florida Statutes.

**NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero:

44            **Section 1.** The above recitals are true and correct and are incorporated herein by  
45 reference.

46  
47            **Section 2.** The Village Council hereby vacates that portion of the plat of the Florida  
48 Gulf Land Company’s Subdivision as described in Exhibit A attached hereto, excluding  
49 drainage easements.

50  
51            **Section 3.** This Resolution shall take effect immediately upon adoption.

52  
53            **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida,  
54 this 20th day of October, 2021.

55  
56 Attest:

**VILLAGE OF ESTERO, FLORIDA**

57  
58  
59  
60 By: \_\_\_\_\_  
61 Carol Sacco, Village Clerk

By: \_\_\_\_\_  
Katy Errington, Mayor

62  
63  
64 Reviewed for legal sufficiency:

65  
66  
67 By: \_\_\_\_\_  
68 Burt Saunders, Esq., Village Attorney

69  
70 Exhibit:  
71 A. Legal Description and Sketch