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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE MAP FOR A 31.5 ACRE PROPERTY AT THE NORTHEAST CORNER OF US 41 AND CORKSCREW ROAD FROM VILLAGE CENTER TO PUBLIC PARKS AND RECREATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Comprehensive Plan became effective on November 21, 2019; and

WHEREAS, the Village has acquired the approximately 31.5 acre property at the northeast corner of US 41 and Corkscrew Road, described in the legal description attached as Exhibit “A”; and

WHEREAS, the property is currently designated as Village Center on the Future Land Use Map; and

WHEREAS, the Village desires to amend the Comprehensive Plan designation for the property to better match the intended recreation uses and public access to the Estero River; and

WHEREAS, Council voted on March 16, 2022 to initiate a Comprehensive Plan amendment for that purpose; and

WHEREAS, the Village desires to change the Future Land Use designation for the property to Public Parks and Recreation, as depicted on Exhibit “B” (the “Comprehensive Plan Amendment”); and

WHEREAS, the Comprehensive Plan Amendment is a small scale comprehensive plan amendment pursuant to Section 163.3187, Florida Statutes; and

WHEREAS, the Village Planning, Zoning, and Design Board held a duly noticed public hearing on June 14, 2022 at which time the Board recommended approval of the Comprehensive Plan Amendment; and

44 **WHEREAS**, the Village Council, at a duly noticed meeting, held a Public Hearing and
45 First Reading on July 6, 2022; and

46
47 **WHEREAS**, the Village Council, at a duly noticed meeting, held a Public Hearing for
48 Second Reading on ____ day of _____, 2022 for adoption of the Comprehensive Plan
49 amendment, and considered the Staff report, the recommendation of the Village Planning,
50 Zoning, and Design Board and the comments of the public.

51
52 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
53 Florida:

54
55 **Section 1. Recitals.**

56
57 The foregoing “Whereas” clauses are hereby ratified and incorporated as a part of this
58 Ordinance.

59
60 **Section 2. Adoption of the Comprehensive Plan Amendment.**

61
62 The Village Council hereby redesignates the property legally described in Exhibit “A”
63 and depicted on Exhibit “B” from Future Land Use Designation Village Center to Public Parks
64 and Recreation.

65
66 **Section 3. Transmittal.**

67
68 The Village Manager or his designee shall transmit the Comprehensive Plan
69 Amendment to the State Land Planning Agency pursuant to Section 163.3187, Florida Statutes.

70
71 **Section 4. Severability.**

72
73 If any provision of this Ordinance or its application to any person or circumstance is
74 held invalid, the invalidity does not affect other provisions or applications of this Ordinance
75 which can be given effect without the invalid provision or application, and to this end the
76 provisions of this Ordinance are severable.

77
78 **Section 5. Conflict.**

79
80 All ordinances, resolutions, official determinations or parts thereof previously adopted
81 or entered by the Village or any of its officials and in conflict with this Ordinance are hereby
82 repealed to the extent inconsistent herewith.

83
84 **Section 6. Effective Date.**

85
86 This ordinance shall take effect upon adoption at second reading, except that the
87 effective date of the Comprehensive Plan Amendment shall be effective thirty-one (31) days

88 after its adoption or, if timely challenged, thirty-one (31) days after the state Land Planning
89 Agency, or the Administration Commission enters a final order determining the adopted Plan
90 Amendment to be in compliance.

91
92 **PASSED** on first reading this 6th day of July, 2022.

93
94 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
95 Florida this _____ day of _____, 2022.

96
97
98 Attest: **VILLAGE OF ESTERO, FLORIDA**

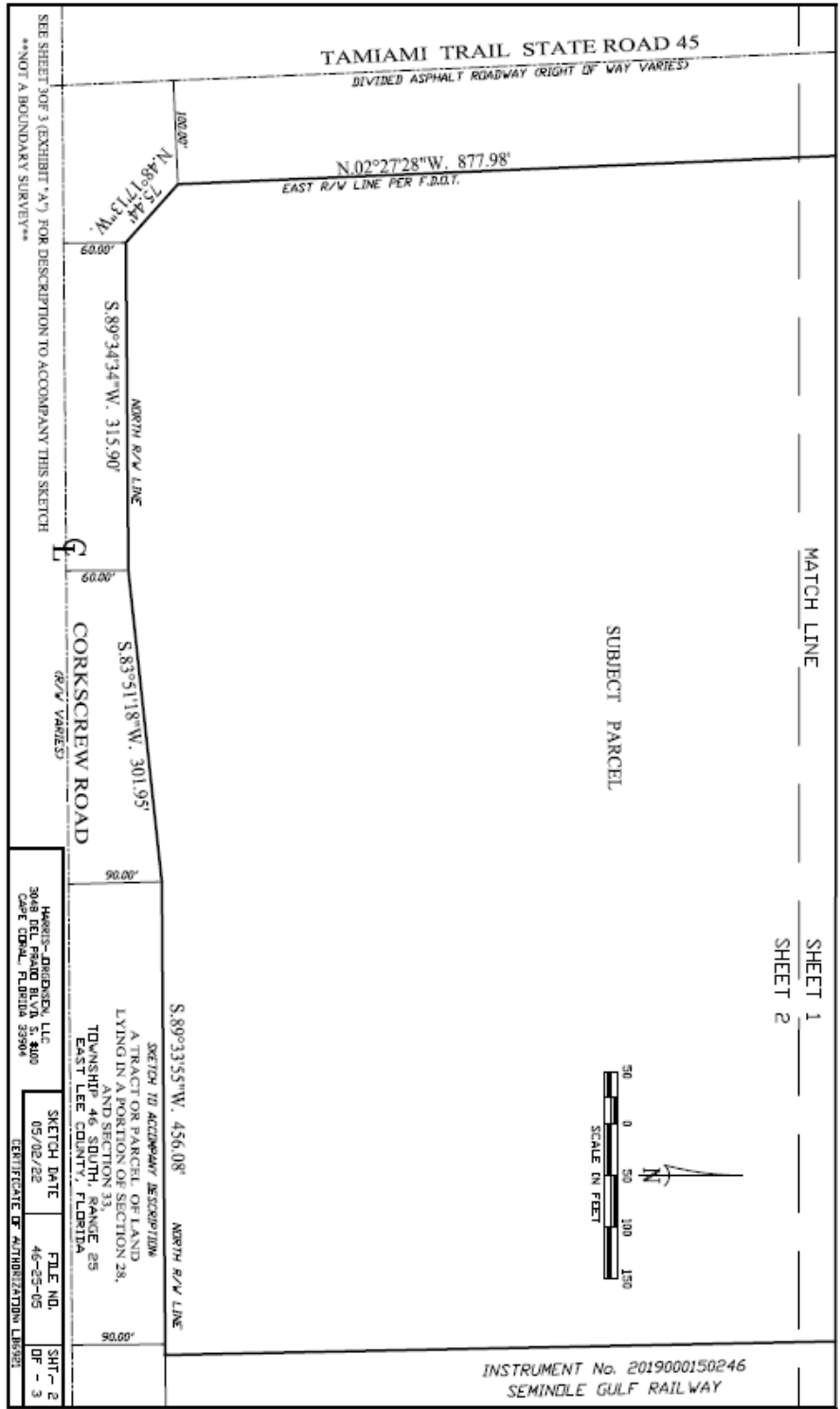
99
100
101 By: _____ By: _____
102 Carol Sacco, Village Clerk Katy Errington, Mayor

103
104
105 Reviewed for legal sufficiency:

106
107
108 By: _____
109 Nancy Stroud, Esq., Village Land Use Attorney

110
111
112
113
114 Vote: AYE NAY
115 Mayor Errington _____
116 Vice Mayor McClain _____
117 Councilmember Ribble _____
118 Councilmember Fiesel _____
119 Councilmember Boesch _____
120 Councilmember Ward _____
121 Councilmember Wilson _____

122
123
124 Exhibit A: Legal Description
125 Exhibit B: Future Land Use Map



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EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
AND SECTION 33,
TOWNSHIP 46 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

****NOT A BOUNDARY SURVEY****

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S,88°49'01"W, ALONG THE NORTH LINE OF SAID SECTION 33, FOR 858.47 FEET; THENCE RUN S,01°09'38"E, TO A POINT LYING ALONG THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S,01°09'38"E, TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES; S,89°33'55"W, FOR 456.08 FEET, S,835°118"W, FOR 301.95 FEET, S,89°34'34"W, FOR 315.90 FEET; THENCE RUN N,48°17'13"W, TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMAMI TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N,02°27'28"W, FOR 677.98 FEET; THENCE RUN S,87°32'32"W, FOR 39.00 FEET; THENCE RUN N,02°27'28"W, FOR 282.88 FEET; THENCE RUN S,67°23'02"W, FOR 3.48 FEET; THENCE RUN N,02°35'37"W, TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES; N,85°24'33"E, FOR 95.92 FEET, S,79°19'02"E, FOR 208.88 FEET, N,86°07'17"E, FOR 127.97 FEET, S,70°40'58"E, FOR 175.55 FEET, S,57°21'13"E, FOR 82.50 FEET, N,77°33'00"E, FOR 100.25 FEET, N,62°33'33"E, FOR 164.35 FEET, N,85°21'29"E, FOR 90.52 FEET, S,77°41'08"E, FOR 140.25 FEET, S,86°26'37"E, FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT. OR 31.48 ACRES, MORE OR LESS.

Phillip M
Mould, P.S.M.
6515 State of
Florida
Date: 2022.05.05
08:52:55 -04'00'

CERTIFICATE OF
AUTHORIZATION: LB6921

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
05/05/2022

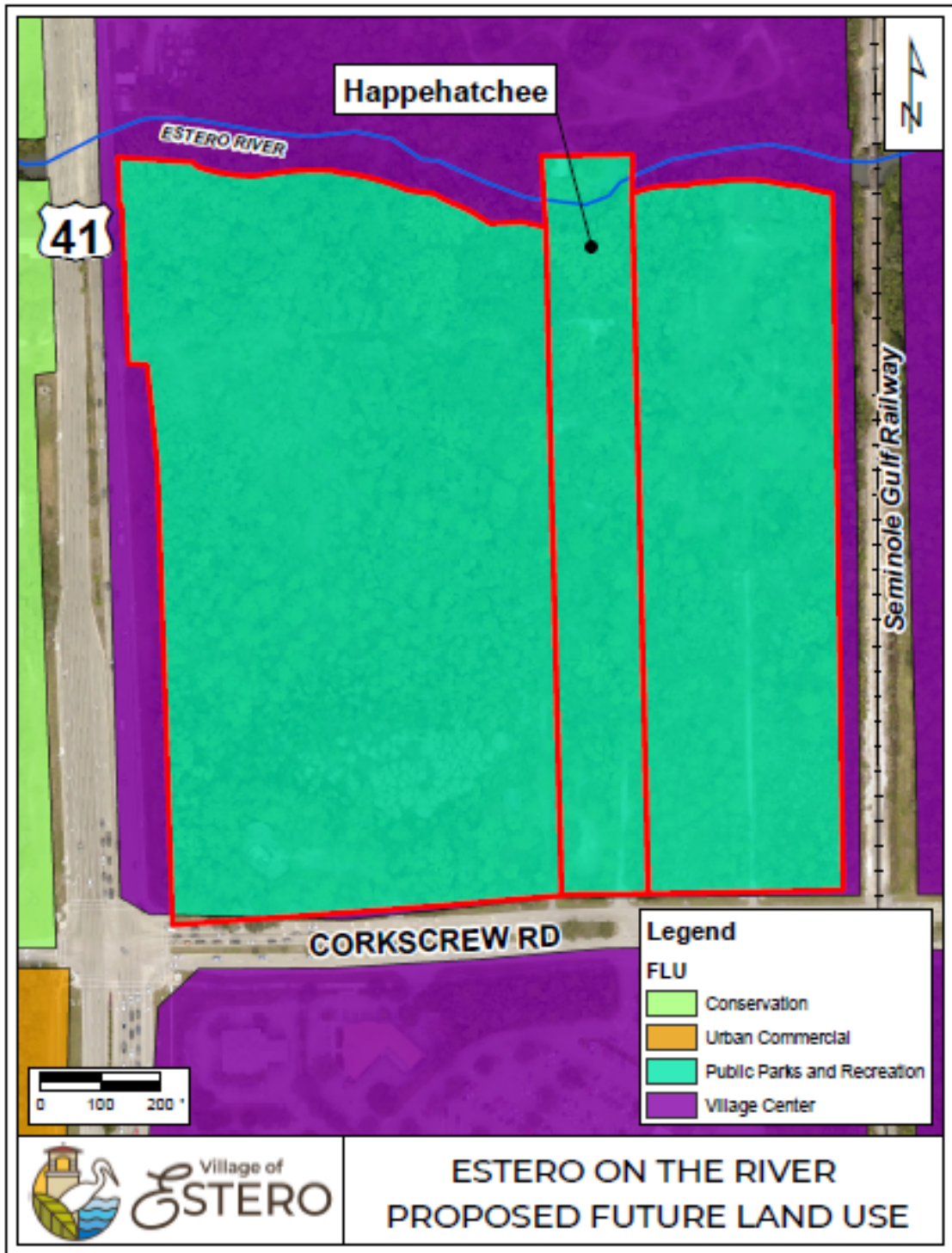
HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD, S.
#100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

SHEET 3 OF 3

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EXHIBIT B
FUTURE LAND USE MAP



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