

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**

**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 the 21<sup>st</sup> day of September, 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 6<sup>th</sup> day of July, 2022.

93  
94 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
95 Florida this 21<sup>st</sup> day of September, 2022.

96  
97  
98 Attest:

**VILLAGE OF ESTERO, FLORIDA**

99  
100  
101 By: \_\_\_\_\_  
102 Carol Sacco, Village Clerk

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

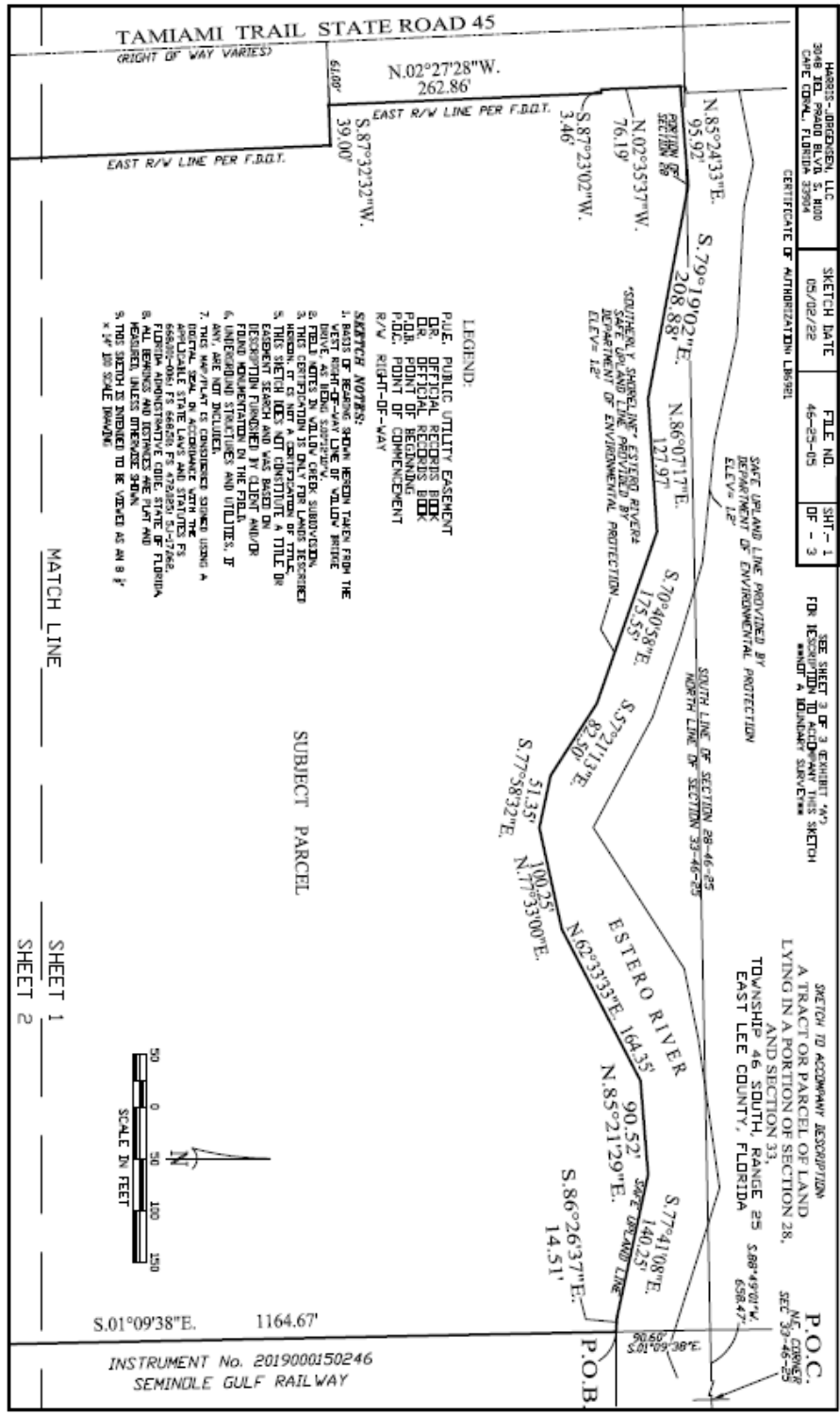
103  
104  
105 Reviewed for legal sufficiency:

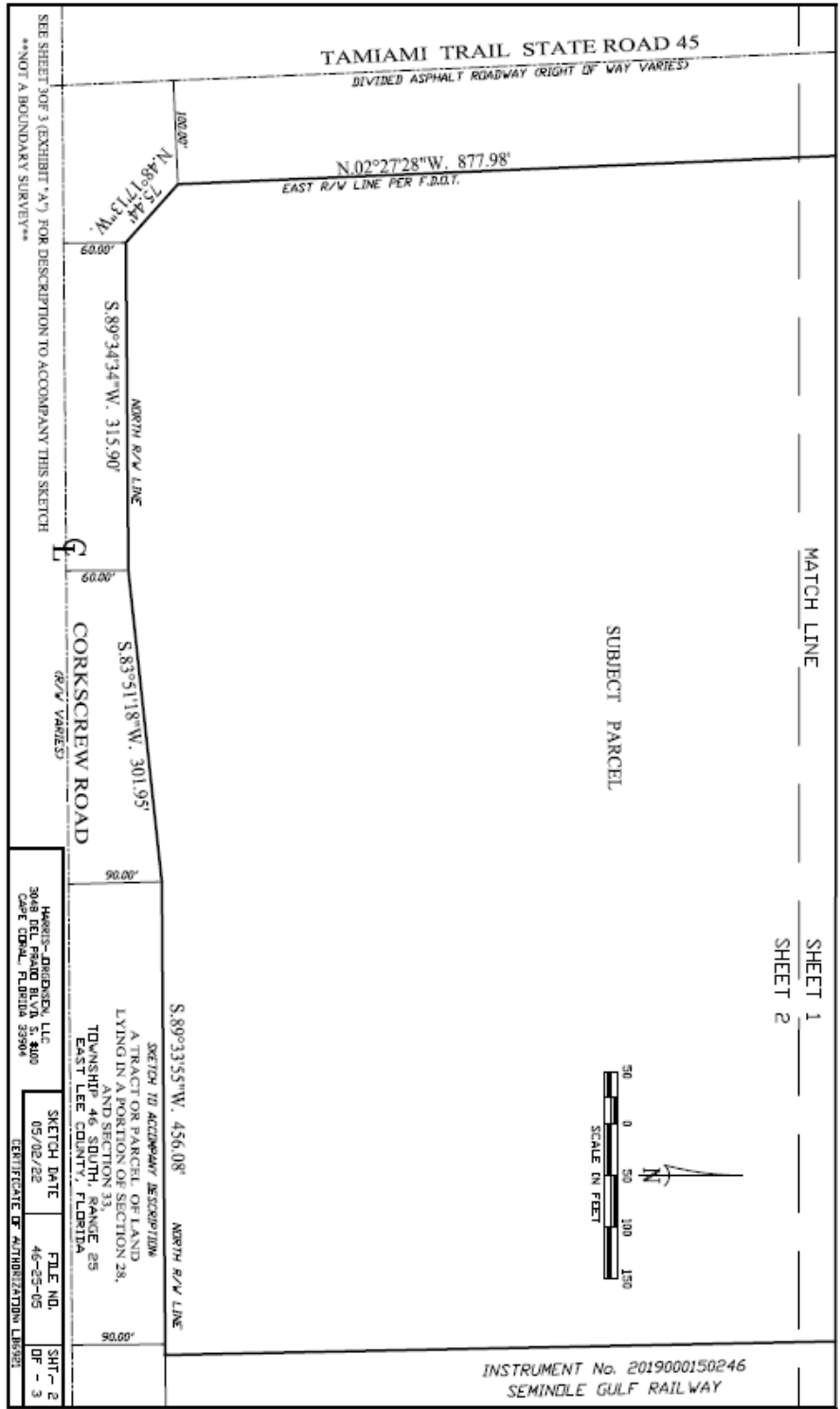
106  
107  
108 By: \_\_\_\_\_  
109 Nancy Stroud, Esq., Village Land Use Attorney

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

EXHIBIT A  
LEGAL DESCRIPTION





132  
133

# 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'

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

CERTIFICATE OF  
AUTHORIZATION: LB6921

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

SHEET 3 OF 3

134  
135

136  
137

EXHIBIT B  
FUTURE LAND USE MAP



138