

**RESOLUTION NO. 2023-02**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AUTHORIZING THE DEMOLITION OF A VILLAGE OWNED STRUCTURE; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Estero (Village) owns certain real property located at 8801 Corkscrew Road (the Property); and

**WHEREAS**, when the Village acquired title to the Property, an unoccupied residential structure commonly known as the Dauray home, was located thereon; and

**WHEREAS**, the structure has been inspected by the Village and has been found to be structurally unsound, with additional damage occurring due to the recent hurricane Ian; and

**WHEREAS**, the structure is not designated as a County historic site, and the cultural resource assessment professional retained by the Village to conduct an assessment of the structure determined that the structure was not considered historically significant; and

**WHEREAS**, the Village has no public use for the structure, and is concerned that leaving the structure in place could create liability for the Village should any person be injured while in or around the structure, or should a future windstorm cause portions of the structure to become airborne and damage other property nearby; and

**WHEREAS**, while the structure must be demolished due to the foregoing reasons, the structure contains many elements (such as fixtures, doors, windows, and certain wooden elements) which have a historical value; and

**WHEREAS**, the Council desires to preserve as many of these elements as will be practicable prior to demolition; and

**WHEREAS**, the Council finds the adoption of this resolution to be in the best interest of the Village and its citizens.

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, THAT:**

1. The Village Manager is hereby authorized to demolish the residential structure located on the Property.
2. Prior to the structure's demolition, the Manager shall undertake efforts to cause the removal and salvage of elements of the structure, such as fixtures, doors, windows, and wooden elements, which have a historical value.

3. The Manager is authorized to convey the salvaged elements to third parties under such terms and conditions as the Manager determines to be in the Village's best interests.

**BE IT FURTHER RESOLVED** that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon adoption.

**DULY ADOPTED** with a quorum present and voting this 15<sup>th</sup> day of March, 2023.

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Katy Errington, Mayor

**Attest:**

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Carol Sacco, Village Clerk