

### VILLAGE OF ESTERO PLAT REVIEW STAFF REPORT

PROJECT NAME:	MILAN VILLAS
CASE TYPE:	Replat
CASE NUMBER:	PLT2022-E001
COUNCIL DATE:	June 21, 2023

### **REQUEST**

The applicant has requested Council approval for the Milan Villas **a** REPLAT OF A PORTION OF LOT 1, BLOCK "C" OF FLORIDA GULF LAND COMPANY'S SUBDIVISION LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST. The replat creates 44 residential lots. A copy of the replat is provided in Attachment B.

### **PROPERTY DESCRIPTION**

The 10.02-acre development was formerly known as FLORIDA GULF LAND COMPANY'S SUBDIVISION. It is located on the northwest corner of Three Oaks Pkwy and Williams Road.

### ZONING

The property is zoned Residential Planned Development (RPD).

### FUTURE LAND USE DESIGNATION

Village Neighborhood 2

### **TAXES**

Property taxes must be paid prior to approval of the plat per Florida Statutes. The property taxes were paid for 2022 as verified by the Village.

### **EASEMENTS**

There are a total of eight (8) easement types present on the subject property.

### STAFF ANALYSIS

The preliminary plat package was submitted to the Village for review on May 20, 2022. Staff reviewed the plat to confirm that it is consistent with the approved Development Order. The Village Professional Surveyor Mapper (Banks Engineering) and the Village attorney reviewed the final plat for consistency with the Florida Statutes and the Village of Estero's Administrative Code. The Village attorney deemed the replat to be complete on June 14, 2023 (Attachment A).

The Village attorney and Staff confirm that the plat meets the requirements of Chapter 177, Part I, Florida Statutes, conforms with the approved development order (site plan), and meets the requirements of Administrative Code Section 13-19.

### **ATTACHMENTS**

- A. Attorney MemorandumB. Plat

From:	Robert Eschenfelder			
То:	Jim Hart			
Cc:	Mary Gibbs			
Subject:	RE: PLT2022-E001 Milan Villas Plat			
Date:	Wednesday, June 14, 2023 7:49:05 AM			
Attachments:	image001.png			
	image003.png			

# [NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Mr. Hart,

Per your request, I have reviewed the Milan Villas plat application package. I advise the application, as corrected and revised per prior Village comments, is compliant with Chapter 177 and there are no other apparent legal issues which would preclude acceptance of the plat.

Please let me know if you have any questions.

Regards, Robert M. Eschenfelder, Esquire Board Certified in City, County and Local Government Law <u>Rob@cityattorneys.legal</u> TRASK DAIGNEAULT, LLP Harbor Oaks Professional Center 1001 South Fort Harrison Avenue, Suite 201 Clearwater, FL 33756 (727) 733-0494 Phone (727) 733-2991 Fax



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From: Jim Hart <hart@estero-fl.gov>
Sent: Tuesday, June 13, 2023 9:40 AM
To: Robert Eschenfelder <Rob@cityattorneys.legal>
Cc: Mary Gibbs <gibbs@estero-fl.gov>

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KNOW ALL MEN BY THESE PRESENTS, THAT D.R. HORTON, INC., A DELAWARE CORPORATION, LICENSED TO DO BUSINESS IN FLORIDA, THE OWNER OF THE HEREON DESCRIBED LANDS HAS CAUSED THIS PLAT OF MILAN VILLAS, A REPLAT OF A PORTION OF LOT 1, BLOCK C, OF FLORIDA GULF LAND COMPANY'S SUBDIVISION, LEE COUNTY, FLORIDA, TO BE MADE, AND DOES HEREBY DEDICATE THE FOLLOWING:

- DEDICATE TO MILAN VILLAS HOMEOWNERS' ASSOCIATION, INC., A FLORIDA CORPORATION NOT FOR PROFIT:
   A. TRACTS "0-1" AND "0-2", AS OPEN SPACE AND AS A DRAINAGE EASEMENT (D.E.), WITH RESPONSIBILITY FOR MAINTENANCE.
- B. TRACT "R" AS PRIVATE ROAD RIGHT OF WAY, ACCESS EASEMENT (A.E.), DRAINAGE EASEMENT (D.E.), AND IRRIGATION EASEMENT (I.E.), WITH RESPONSIBILITY FOR MAINTENANCE.
- C. ALL DRAINAGE EASEMENTS (D.E.), WITH RESPONSIBILITY FOR MAINTENANCE. D. ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.), WITH RESPONSIBILITY FOR MAINTENANCE.

2. DEDICATE TO LEE COUNTY, FLORIDA, ITS SUCCESSORS AND /OR ASSIGNS, FOR THE PURPOSE OF PERFORMING AND DISCHARGING ITS DUTIES AND OBLIGATIONS TO PROVIDE POTABLE WATER DISTRIBUTION AND SANITARY WATER COLLECTION SERVICES, NON-EXCLUSIVE UTILITY EASEMENTS (L.C.U.E.'S) AS SHOWN AND/OR NOTED HEREIN, SUBJECT TO A RIGHT OF ACCESS TO THE DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND TO ANY PUBLIC OR PRIVATE UTILITY, OVER AND THROUGH THE DESCRIBED L.C.U.E.'S.

3. DEDICATE TO FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES AND DEPARTMENTS AND TO ALL PUBLIC UTILITIES AS DEFINED BY FLORIDA LAW AND MAY BE AMENDED FROM TIME TO TIME, WHETHER PRIVATELY OR GOVERNMENTALLY OWNED, FOR USE IN PERFORMING AND DISCHARGING OF THEIR RESPECTIVE OFFICIAL DUTIES AND OBLIGATIONS TO PROVIDE UTILITY AND OTHER GOVERNMENTAL SERVICES, INCLUDING INGRESS AND EGRESS BY POLICE, FIRE AND OTHER EMERGENCY SERVICES:

A. A NON EXCLUSIVE, PERPETUAL ACCESS EASEMENT (A.E.) FOR INGRESS AND EGRESS OVER, UNDER AND ACROSS TRACT "R". B. A NON EXCLUSIVE, PERPETUAL PUBLIC UTILITY EASEMENT (P.U.E.) OVER, UNDER AND ACROSS TRACT "R".

C. ALL PUBLIC UTILITY EASEMENTS SHOWN ON PLAT.

THE PUBLIC UTILITY EASEMENTS DESCRIBED HEREIN MAY ALSO BE USED FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION (i) SHALL NOT INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY AND (ii) SHALL COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, THE CABLE TELEVISION COMPANY SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

ALL THE DESCRIBED DEDICATIONS, RESERVATIONS, TRACTS AND EASEMENTS ARE IN ACCORDANCE WITH THE GENERAL NOTES DESCRIBED ON THIS SHEET. IN WITNESS WHEREOF, D.R. HORTON, INC., A DELAWARE CORPORATION, LICENSED TO DO BUSINESS IN FLORIDA, HAS CAUSED THIS DEDICATION TO BE MADE THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_, 2023, A.D.

D.R. HORTON, INC., A DELAWARE CORPORATION, LICENSED TO DO BUSINESS IN FLORIDA,

 ;	
WITNESS:	WITNESS:
 PRINT NAME:	PRINT NAME:

3Y: \_\_\_\_\_

BY:\_\_\_\_\_

VICE PRESIDENT D.R. HORTON, INC., A DELAWARE CORPORATION;

# ACKNOWLEDGMENT

\_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC

(SEAL)

MY COMMISSION EXPIRES:

PRINTED NAME:

# PROPERTY OWNERS ASSOCIATION ACCEPTANCE AND ACKNOWLEDGMENT

WHERE PORTIONS OF THE INFRASTRUCTURE ARE DEDICATED TO A PROPERTY OWNERS ASSOCIATION, THE PROPERTY OWNERS ASSOCIATION MUST ACCEPT THE DEDICATION AND AFFIRMATIVELY ACKNOWLEDGE THE OBLIGATION TO MAINTAIN THE INFRASTRUCTURE THAT IS THE SUBJECT OF THE DEDICATION. THIS SHALL BE ACCOMPLISHED BY SIGNING THE FACE OF THE PLAT. PROPERTY OWNERS ASSOCIATION HEREBY ACCEPTS THE DEDICATION AND ACKNOWLEDGES RESPONSIBILITY FOR MAINTENANCE OF THE INFRASTRUCTURE ASSOCIATED WITH THE DEDICATION.

OWNER: MILAN VILLAS HOMEOWNERS' ASSOCIATION, INC., A FLORIDA CORPORATION NOT FOR PROFIT

BY:\_\_\_

WITTNESS.\_\_\_\_\_

PRINT NAME:\_

PRINT NAME:

WITNESS:\_\_\_

# ACKNOWLEDGMENT

\_\_\_\_\_, PRESIDENT/SECRETARY

STATE OF FLORIDA, COUNTY OF LEE THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [ ] PHYSICAL PRESENCE OR [ ] ONLINE NOTARIZATION, ON

# MILAN VILLAS A REPLAT OF A PORTION OF LOT 1, BLOCK "C", OF FLORIDA GULF LAND COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 59, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY, FLORIDA + RANGE 25 EAST + OF HONG + HONG

### LEGAL DESCRIPTION

A PORTION OF LOT 1, BLOCK "C", OF THAT CERTAIN SUBDIVISION KNOWN AS FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOCATION SKETCH

(NOT TO SCALE)

17

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89°57'26" WEST ALONG THE SOUTH LINE OF SAID LOT 1, ALSO BEING THE SOUTH LINE OF SAID SECTION 34 AND THE NORTH RIGHT-OF-WAY OF WILLIAMS ROAD FOR 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°57'26" WEST ALONG SAID LINE FOR 309.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°40'10" WEST ALONG THE WEST LINE OF SAID LOT 1 FOR 1320.47 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°42'15" EAST ALONG THE NORTH LINE OF SAID LOT 1 FOR 331.52 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE EAST LINE OF SAID SECTION 34 AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY; THENCE SOUTH 00°35'12" EAST ALONG THE EASTERLY BOUNDARY OF SAID LOT 1, SAID SECTION 34, AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY FOR 1,291.91 FEET; THENCE SOUTH 33'16'13" WEST FOR 35.90 FEET TO THE POINT OF BEGINNING.

## LEGEND

D.E. P.U.E. L.B.E. I.E. O.R. PG. R.O.W. I.E. L.C.U.E. L.B.E. R L CHB CH	<ul> <li>PERMANENT REFERENCE MONUMENT (P.R.M., 4"X 4" CONCRETE MONUMENT STAMPED "PR DAG GEO LB 6896" (UNLESS NOTED)</li> <li>PERMANENT CONTROL POINT P.C.P. – SET A PK NAIL AND DISK STAMPED "PCP DAG GEO LB 6896"</li> <li>ACCESS EASEMENT</li> <li>DRAINAGE EASEMENT</li> <li>PUBLIC UTILITY EASEMENT</li> <li>LANDSCAPE BUFFER EASEMENT</li> <li>IRRIGATION EASEMENT</li> <li>OFFICIAL RECORDS</li> <li>PAGE</li> <li>RIGHT-OF-WAY</li> <li>IRRIGATION EASEMENT</li> <li>LEE COUNTY UTILITY EASEMENT</li> <li>LANDSCAPE BUFFER EASEMENT</li> <li>ARC LENGTH</li> <li>CHORD BEARING</li> <li>CHORD</li> </ul>
	= NON-RADIAL

## **NOTICE**:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

## **NOTICE**:

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY OR THE VILLAGE OF ESTERO. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE, OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES. SHEET 1 OF 4

# GENERAL NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY HAVING A BEARING OF SOUTH 00°35'12" EAST, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/2011) FLORIDA WEST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN FEET.

- 2. ALL MEASUREMENTS ARE BASED ON THE UNITED STATES SURVEY FOOT, SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- 3. ALL CURVES ARE CIRCULAR, CURVE RADII WERE HELD, CURVE DELTA VALUES MAY VARY BY ± 01"
- (± ONE SECOND) DUE TO ROUNDING OF TANGENT BEARINGS.
- 4. ALL LOT LINES ARE RADIAL TO THE RIGHT-OF-WAY UNLESS OTHERWISE SHOWN.

# VILLAGE OF ESTERO APPROVALS

 THIS PLAT IS ACCEPTED AND APPROVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, LEE COUNTY,

 FLORIDA THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2023. A.D.

JON MCLAIN MAYOR

1.3

CAROL SACCO VILLAGE CLERK

ROBERT M. ESCHENFELDER, ESQ. CITY ATTORNEY

\_\_\_\_\_

MARY GIBBS DIRECTOR OF COMMUNITY DEVELOPMENT

# VILLAGE OF ESTERO SURVEYOR

REVIEW BY THE VILLAGE DESIGNATED PSM DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENT OF F.S. CH. 177, PART 1.

ALLEN M. VOSE III, PSM LS7191 PROFESSIONAL SURVEYOR AND MAPPER AS VILLAGE OF ESTERO DESIGNATED PSM

# CLERK OF COURT CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF MILAN VILLAS, A REPLAT OF A PORTION OF LOT 1, BLOCK C, OF FLORIDA GULF LAND COMPANY'S SUBDIVISION, RECORDED IN PLAT BOOK 1, PAGE 59, LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT \_\_\_\_\_\_.M., THIS \_\_\_\_\_\_ DAY OF\_\_\_\_\_\_, 2023 AND DULY RECORDED AS INSTRUMENT NUMBER \_\_\_\_\_\_ IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

KEVIN C. KARNES LEE COUNTY CLERK OF COURT IN AND FOR LEE COUNTY, FLORIDA

# PREPARING SURVEYOR'S CERTIFICATION

T HEREBY CERTIFY THAT THE ATTACHED PLAT OF MILAN VILLAS, A REPLAT OF A PORTION OF LOT 1, BLOCK C, OF FLORIDA GULF LAND COMPANY'S SUBDIVISION, RECORDED IN PLAT BOOK 1, PAGE 59, LEE COUNTY, FLORIDA, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

DAGOSTINO GEOSPATIAL, INC.

BY DD

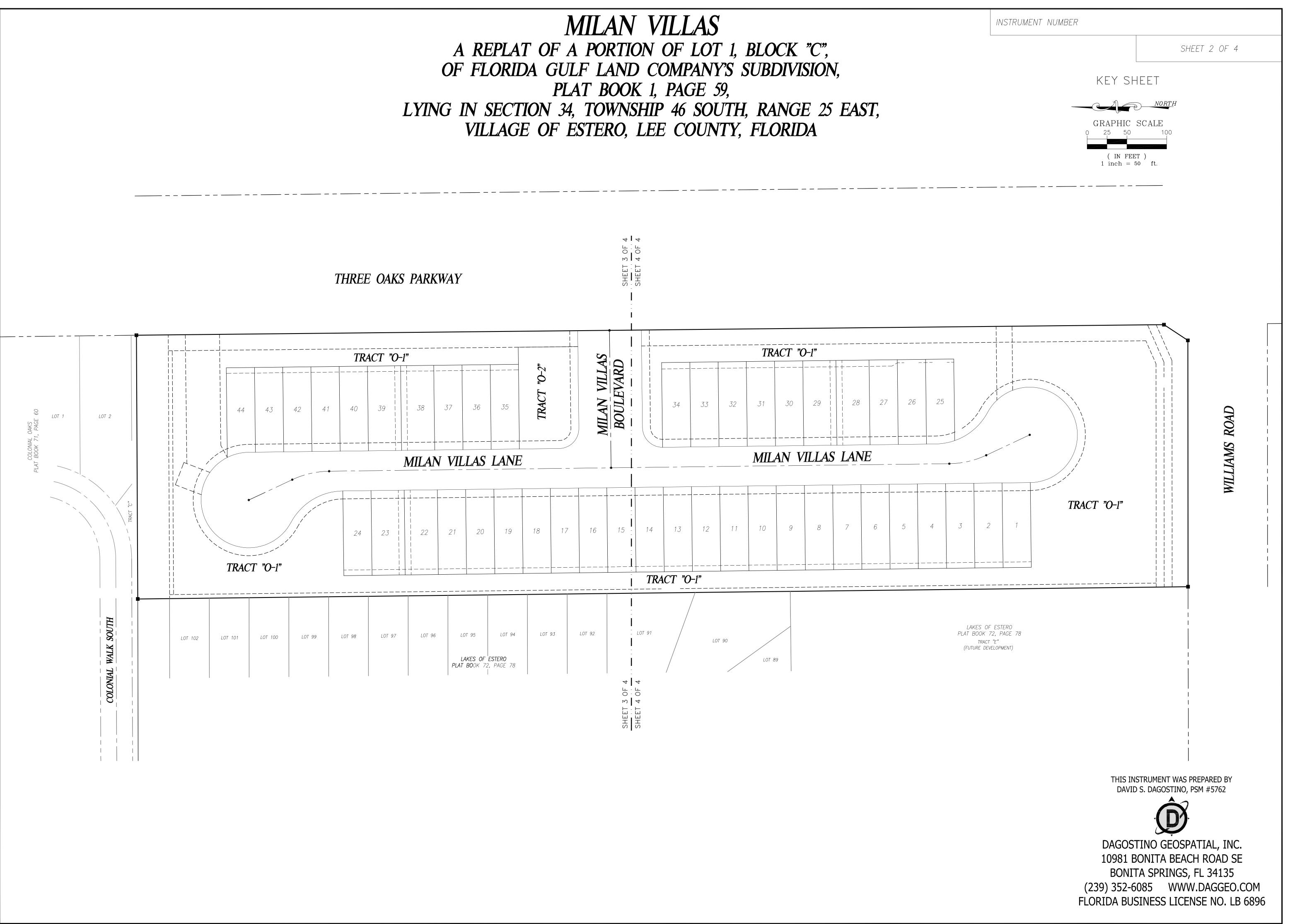
THIS \_\_\_\_\_6TH\_\_\_\_ DAY OF \_\_\_\_\_APRIL\_\_\_\_\_, 2023

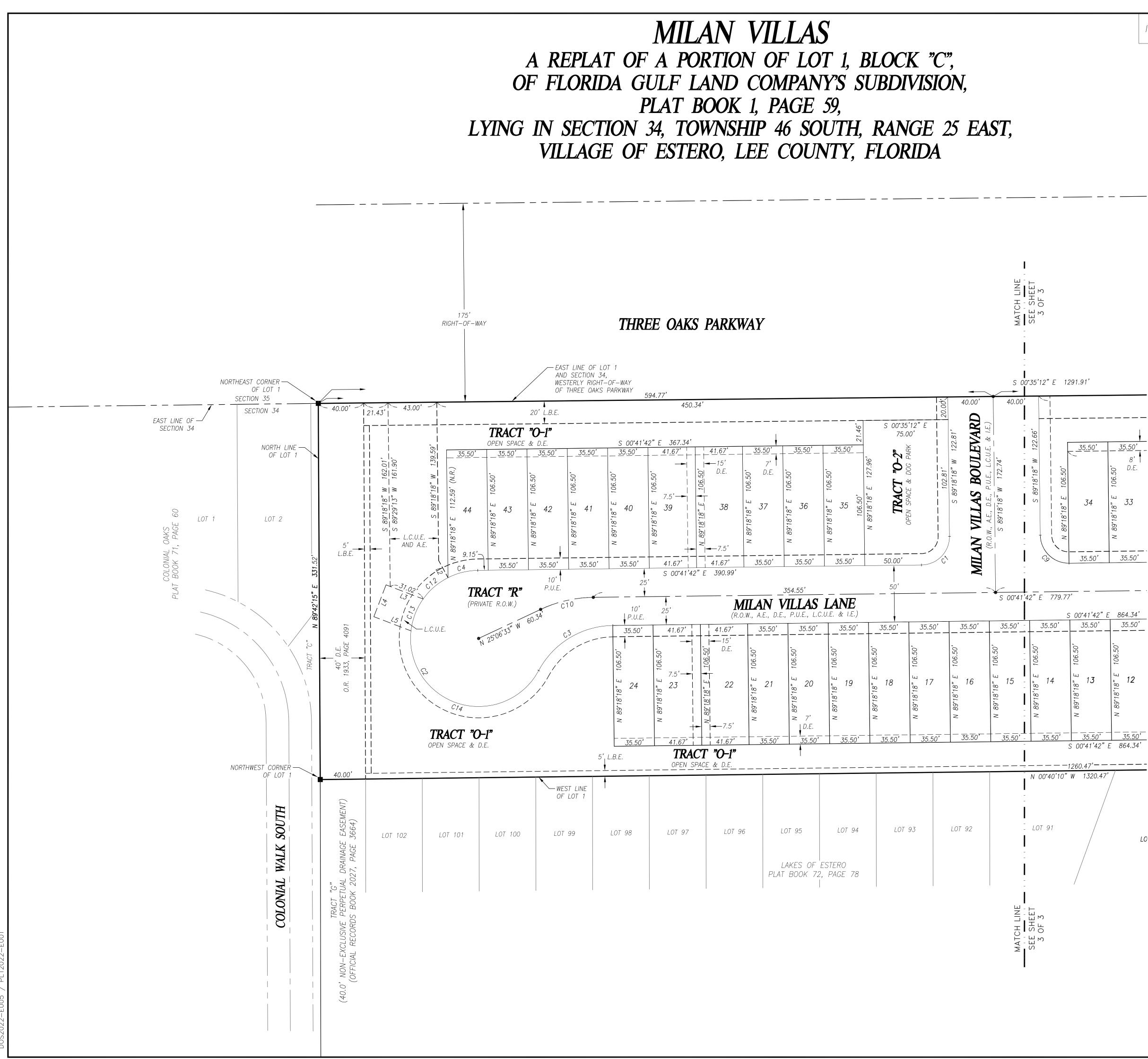
DAVID S. DAGOSTINO, PSM PROFESSIONAL SURVEY AND MAPPER STATE OF FLORIDA LICENSE NUMBER 5762

> THIS INSTRUMENT WAS PREPARED BY DAVID S. DAGOSTINO, PSM #5762



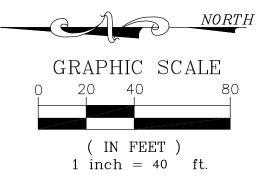
DAGOSTINO GEOSPATIAL, INC. 10981 BONITA BEACH ROAD SE BONITA SPRINGS, FL 34135 (239) 352-6085 WWW.DAGGEO.COM FLORIDA BUSINESS LICENSE NO. LB 6896





INSTRUMENT NUMBER

SHEET 3 OF 4



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	CURV	/E TABLE			
DA DA	סוווכ	APC			1 DIN

LINE TABLE

LINE

L2

L3

L4

BEARING

S61°29'51"W

N20°53'33"E

N69°06'27"W

DISTANCE

17.15'

35.00**'** 

30.00'

SOUVE WIBEE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	90°00'00"	25.00'	39.27'	S45°41'42"E	35.36'
C2	241°13'04"	60.00'	252.60'	S58°41'46"W	103.28'
С3	61°13'04"	75.00'	80.13'	N31°18'14"W	76.38'
C4	26°02'53"	60.00'	27.28'	N13°43'08"W	27.04'
С9	90°00'00"	25.00'	39.27'	S44°18'18"W	35.36'
C10	24°24'51"	112.50'	47.94'	N12°54'07"W	47.58'
C12	27°53'14"	60.00'	29.20'	N40°41'11"W	28.92'
C13	28°57'18"	60.00'	30.32'	N69°06'27"W	30.00'
C14	158°19'40"	60.00'	165.80'	S17°15'04"W	117.86'

L**O**T 90

THIS INSTRUMENT WAS PREPARED BY DAVID S. DAGOSTINO, PSM #5762



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