

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2023 – 19

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING A COMMUNITY AESTHETIC FEATURE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A LOCAL IDENTIFICATION MARKER LOCATED NEAR THE VILLAGE OF ESTERO CORPORATE LIMITS SOUTH OF BRECKENRIDGE DRIVE ON STATE ROAD 45 (U.S. 41) IN LEE COUNTY, FLORIDA, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

This Resolution shall take effect immediately upon adoption.

WHEREAS, the Florida Constitution and Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Sections 2 and 4 of the Village Charter of the Village of Estero (“Village”) and Section 166.041, Florida Statutes, empower the Village to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Village; and

WHEREAS, the Village has the opportunity to design, install and maintain a stand-alone local identification marker community aesthetic feature (“Project”) on a certain right of way owned by the Florida Department of Transportation (“FDOT”), which is located near the Village’s northern corporate boundary south of Breckenridge Drive. on State Road 41 (U.S. 41) in Lee County, Florida; and

WHEREAS, installation of such a community identification and aesthetic feature would serve a valid public purpose; and

WHEREAS, FDOT is requesting that the Village, approve, execute and deliver to FDOT a Community Aesthetic Feature Agreement to implement the Project in accordance with the terms and conditions of the agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Council.

Section 2. The Agreement designated by FDOT as Community Aesthetic Feature Agreement No. 2023-M-192-00001, between the Florida Department of Transportation and the Village of Estero for the Project is hereby approved by the Village Council of the Village of Estero, and the Village agrees to fund all costs for the design, installation, and maintenance of the Project in accordance with the terms of the Agreement.

Section 3. The Village Manager, or his designee, is hereby authorized to apply for any necessary FDOT permits to implement the Project.

Section 4. The mayor is hereby authorized to execute the above referenced Agreement for the Project on behalf of the Village of Estero.

Section 5. The Village Manager, or his designee, is hereby authorized to execute amendments, extensions, terminations, and novation changes to the Agreement as necessary on behalf of the Village of Estero.

Section 5. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

Section 6. This resolution shall take effect immediately upon its adoption.

The foregoing Resolution was adopted by the Village Council upon a motion by _____ and seconded by _____, and upon being put to a vote, the result was as follows:

VILLAGE OF ESTERO, FLORIDA

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 7th day of September, 2023.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Carol Sacco, Village Clerk

Jon McLain, Mayor