

RESOLUTION NO. 2023-22

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING A REPLAT OF TRACT B OF ESTERO TOWN COMMONS, INSTRUMENT NUMBER 2006000411908, LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LOCATED ON CORKSCREW ROAD AND ESTERO TOWN COMMONS PLACE; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 177.071(1) provides, in relevant part, that before a plat located wholly within the boundaries of a municipality is offered for recording, it must be approved by the municipality’s governing board, which has exclusive jurisdiction to approve the replat, and evidence of such approval must be placed on the replat; and

WHEREAS, BW Corkscrew Estero Town Commons, LLC, A Florida Limited Liability Company, And KRG Estero, LLC, A Florida Limited Liability Company (the “Applicant”), filed an application for a replat of a Tract B of Estero Town Commons for two commercial lots located on the southwest corner of Corkscrew Road and Estero Town Commons Place (the “Property”); and

WHEREAS, the Property STRAP numbers are 35-46-25-E1-3300B.0010 and 35-46-25-E1-3300B.0000, and legally described as:

Tract B of Estero Town Commons, according to the plat thereof, recorded in instrument number 2006000411908 of the public records of Lee County, Florida.; and

WHEREAS, Florida Statutes Chapter 177 and the Village of Estero Land Development Code establish the Village’s requirements for the acceptance of a plat or replat; and

WHEREAS, on September 7th, 2023, the Village Council conducted a duly noticed public meeting, at which meeting the Council considered: 1) the plat application materials and presentations of the Applicant, 2) comments and input from the Village’s professional staff, and 3) comments of the public; and

WHEREAS, pursuant to Florida Statutes § 177.081(1), the plat/replat being approved by this Resolution has been reviewed for conformity to Florida Statutes Chapter 177 by a professional surveyor and mapper either employed by or under contract to the Village, the costs of which have been borne by the applicant offering the plat or replat for recordation, and evidence of such review has been placed on such plat or replat; and

WHEREAS, the Applicant’s replat application materials have been reviewed by the Village Attorney who has advised the application materials satisfy the legal requirements of Part I of Florida Statutes Chapter 177 and of the Village’s Land Development Code; and

WHEREAS, the Council finds that plat meets the technical requirements of Part I of Florida Statutes Chapter 177, and the requirements of the Village’s Land Development Code; 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 replat for of Tract B of Estero Town Commons (incorporated herein by reference) is approved.
2. The Village Manager, through staff and/or agents of the Village, is hereby authorized to execute any supplemental documentation the Applicant may request which may be required to allow the Applicant to complete the recordation of the approved replat.

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 7th day of September 2023.

Jon McLain, Mayor

Attest:

Carol Sacco, Village Clerk