

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2026-12

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING THE RELEASE OF PORTIONS OF TWO CONSERVATION EASEMENTS LOCATED AT WEST BAY CLUB, AND ACCEPTANCE OF TWO ALTERNATE CONSERVATION EASEMENTS ALSO LOCATED AT WEST BAY CLUB, ALL OF WHICH ARE MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN, AS CONSTITUTING AN EASEMENT “SWAP” FOR WEST BAY CLUB COMMUNITY ASSOCIATION, INC.; AND WEST BAY GOLF CLUB, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the West Bay Community Association and the West Bay Golf Club, Inc. have requested approval for the Village to release portions of two conservation easements and grant the Village two alternative conservation easements (the “Swap”) for particular parcels located within West Bay, located generally around 4606 West Bay Boulevard, Estero, FL; and

WHEREAS, the original West Bay Club rezoning (formerly known as Estero Pointe) was approved by Lee County via Resolution Z-96-005, and amended by Lee County Resolution Z-05-010, and further amended by Estero Village Council Ordinance 2021-12; and

WHEREAS, as part of the rezoning as described in Resolution Z-96-005, a conservation easement was required and granted in favor of Lee County. The conservation easement was recorded on April 30, 1998, prior to the Village’s incorporation in 2014; and

WHEREAS, pursuant to § 704.06, Fla. Stat., which provides that “conservation easements shall run with the land and be binding on all subsequent owners of the servient estate ... [and] may be released by the holder of the easement to the holder of the fee even though the holder of the fee may not be a governmental body or a charitable corporation or trust”; and

WHEREAS, upon the Village’s incorporation in 2014, the certain conservation easement granted to Lee County via Resolution Z-96-005, which runs with the land, transferred favor to the Village; and

WHEREAS, the Village has the authority to release the conservation easement granted to it by virtue of Resolution Z-96-005; and

WHEREAS, West Bay Golf Club, Inc., due to public safety concerns relative to the length, configuration, and layout of its golf course driving range and short-game area, desires to expand the area by removing two parcels from the conservation easement; and

WHEREAS, two new areas will be added to the conservation easement for a total of 3.71 new acres of conservation area, in exchange for the release of the 2.5 acres of conservation area currently subject to the easement at issue, all more particularly described in “**Exhibit A**”, for a net increase of 1.21 acres to the overall conservation area in favor of the Village; and

WHEREAS, the Swap will not affect wetlands and will result in equivalent environmental habitat value.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida that:

Section 1. The above “whereas” clauses are hereby incorporate and adopted herein.

Section 2. The Village Council hereby releases portions of two conservation easements and accepts two alternative conservation easements, approving the Conservation Easement “Swap” in West Bay Club.

Section 3. All covenants and conditions contained in this Resolution shall be binding upon and shall run with the land.

Section 4. If any section, subsection, paragraph, sentence, clause, or phrase in this Resolution is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Resolution.

Section 5. A section or provision in any other Resolution adopted by the Village or Lee County concerning the subject matter herein that conflicts with the provisions of this Resolution are hereby superseded.

Section 6. This Resolution shall take effect immediately upon adoption.

Section 7. **Exhibits**

The following exhibits are attached to this Resolution and incorporated by reference:

Exhibit A Conservation Easement Legal Description of parcels to be added and parcels to be removed.

Exhibit B Project Location Map showing release parcels and added parcels.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on this _____ day of _____, 2026.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Joanne Ribble, Mayor