

**AGENDA ITEM SUMMARY SHEET**  
**VILLAGE COUNCIL MEETING**  
**October 17, 2018**

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**Agenda Item:**

Consideration of Resolution No. 2018-18 and Purchase and Sale Agreement.

**Description:**

On September 20, 2018, Village Council approved Resolution No. 2018-16 Authorizing Staff to Proceed with the Purchase of 62.05± Acres Adjacent to the Estero River.

To that end, Staff has commenced negotiations with seller to purchase this property.

At the present time, a draft purchase and sale agreement is not available, as several significant terms are currently being negotiated. The draft purchase and sale agreement will be available and provided to the Council on or before Wednesday, October 17, 2018.

Key dates currently being proposed by Village to Seller are as follows:

- October 17, 2018 Regular Meeting: Council approval of Purchase and Sale Agreement with immediate execution and a 60 day inspection period;
- December 12, 2018 Special Meeting: Council approval of Loan Commitment Letter;
- January 9, 2019 Regular Meeting: Council approval of Loan Agreement to initiate funding;
- January 14, 2019 Closing on Land Purchase. (Council action not required)

**Action Requested:**

Motion to adopt Resolution No. 2018-18, thereby approving the Purchase and Sale Agreement with the Trust for Public Land.

**Financial Impact:**

This real estate acquisition will require the Village to obtain financing and Staff is currently in the process of developing a Request for Proposals which will be issued to be consistent with the timing of the closing within 120 days from execution of the purchase and sale agreement.

\$26,000,000 has been budgeted in 2018-2019, to include the \$24,562,500 purchase price and an additional \$1,437,500 in closing, debt issuance and design/ development alternatives costs. These budgeted figures are listed as "Land Purchase A" in the approved Capital Improvement Projects. The purchase is funded on a long term basis without impact to our existing reserves or operating programs.

**Attachment:**

1. Resolution No. 2018-18

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**VILLAGE OF ESTERO, FLORIDA**

**RESOLUTION NO. 2018 - 18**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, AUTHORIZING THE  
PURCHASE OF 62.05± ACRES ADJACENT TO THE  
ESTERO RIVER; DETERMINING THAT IT IS IN THE  
BEST INTEREST AND WELFARE OF THE VILLAGE AND  
ITS RESIDENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Estero River is an important tributary to the Estero Bay and is designated an “Outstanding Florida Waters” by the Florida Department of Environmental Protection, which means the river is worthy of special protections because of its natural attributes; and

**WHEREAS**, the Estero River is listed on the Florida Department of Environmental Protection’s “Statewide Comprehensive Verified List of Impaired Waters” for impairments with dissolved oxygen, fecal coliform, iron, and nutrients. Purchasing lands along the Estero River will protect the river and its banks from development, thereby protecting waters of the Estero River from additional pollutants; and

**WHEREAS**, the Estero River consists of indigenous vegetative communities and heritage trees, including the majestic Live Oak, which provide habitat for numerous native and protected bird, mammal, fish, and reptile species. Purchasing lands along the Estero River will protect and preserve habitat for native species and heritage trees; and

**WHEREAS**, land adjacent to the Estero River are also known to contain archeological sites and artifacts of the Koreshan Unity Settlement. Purchasing lands along the Estero River complies with Policy 19.1.5.c of the Estero Transitional Comprehensive Plan by protecting and preserving the Village of Estero's unique historical and cultural resources related to Old Estero area and the Koreshans; and

**WHEREAS**, The Florida Greenways and Trails Council formally recognized the economic value of trails and greenways to Florida. Parks and greenways have been found to increase property values, increase municipal revenues, and increase tourism dollars. Many residents believe there is a need for more parks and greenspace in the Village of Estero. The Center for Disease Control and Prevention report that parks and trails can improve health through increased physical activity, improve mental health, and provide safe places for exercise away from busy streets. Purchasing lands along the Estero River provide opportunities for greenway trails that offer hiking and biking, access to the Great Calusa Blueway Trail for paddling and canoeing, and for future bicycle and pedestrian connections between Koreshan State Historic Site, Koreshan State Park, Estero Bay Preserve State Park, Estero Community Park, Happehatchee Center, the proposed Village Center, and the proposed CSX railway trail; and

46           **WHEREAS**, the Village also finds that in addition to environmental and recreational  
47 uses, there is a present public purpose in purchasing the lands along the Estero River for future  
48 municipal use and facilities; and  
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50           **WHEREAS**, the Village has identified a potential site for acquisition at the northeast  
51 corner of Corkscrew Road and US 41 (the "Property"), which contains significant frontage  
52 along the Estero River and adjacent to the Koreshan Unity Settlement and Koreshan State Park;  
53 and  
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55           **WHEREAS**, the Village Council approved Resolution 2018-16 authorizing Village  
56 staff to conduct necessary due diligence and negotiate a final purchase agreement for the  
57 Property, finding that it is in the best interest and welfare of the Village and its residents to  
58 explore funding sources for the purposes of purchasing lands from willing sellers adjacent to  
59 the Estero River to protect water supply or quality, to protect habitat of native species and  
60 heritage trees, to provide needed parks and greenways, to protect historical resources, and for  
61 other valid municipal uses; and  
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63           **WHEREAS**, the Property has been offered to the Village of Estero by the Trust for  
64 Public Land and the current owner, Village Partners, LLC, at a mutually acceptable purchase  
65 price of \$24,562,500 for 62.05 acres; and

66           **WHEREAS**, the Village intends to maintain a large set-back on both sides of the Estero  
67 River and other environmentally significant portions of the Property will be retained for public  
68 use and access to be more specifically identified after the purchase is complete, subject to a  
69 public planning process, to further the public purposes described above; and

70           **WHEREAS**, it is necessary, desirable, and in the best interest of the Village of Estero  
71 and its residents, to proceed with the purchase of the Property, and such purchase will serve a  
72 paramount public purpose for the reasons described above; and  
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74           **WHEREAS**, the Village understands that in order to achieve the purpose described  
75 herein it may be required to acquire title to portions of the Property which are not  
76 environmentally sensitive, viable for recreational use or suited for other municipal purposes.  
77 In that event, those portions of the Property not considered environmentally sensitive may be  
78 utilized for stormwater retention, rights-of-way, recreation, buffering, mitigation and other  
79 public facilities, or declared surplus and offered for sale. To the extent any of the Property is  
80 subsequently declared surplus and offered for sale, the proceeds of such sale shall be applied  
81 to the payment of any debt obligation issued to purchase the Property.  
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83           **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero,  
84 Florida:

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86           **Section 1.**     The foregoing recitals are hereby ratified and confirmed as being true  
87 and correct and are hereby made a part of this Resolution and adopted as policy findings.  
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**Section 2.** The Village Council hereby authorizes the Mayor to execute the Purchase and Sale Agreement with the Trust for Public Land attached as Exhibit "A", attached hereto and incorporated herein, or an agreement in substantially similar form, finding the purchase to be in the best interest of the residents of the Village.

**Section 3.** The Village Manager and Village Attorney are hereby further authorized to complete any necessary due diligence or other actions to consummate and close the purchase of the Property in accordance with terms of the Purchase and Sale Agreement.

**Section 4.** This Resolution shall take effect immediately upon adoption.

**ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 17<sup>th</sup> day of October, 2018.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: \_\_\_\_\_  
Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
James R. Boesch, Mayor

Reviewed for legal sufficiency:  
  
By: \_\_\_\_\_  
Burt Saunders, Esq., Village Attorney

Exhibit A: Purchase Agreement  
# 437963 v4  
10/3/18