



**VILLAGE OF ESTERO  
VACATION REVIEW  
Staff Report**

**PROJECT NAME:** Arcos Executive Center  
**CASE TYPE:** Easement Vacation  
**CASE NUMBER:** VAC2017-E002  
**PLANNING & ZONING BOARD DATE:** April 17, 2018

**REQUEST**

The applicant has requested Council approval for the vacation of a drainage detention easement located adjacent to Arcos Avenue and identified as Parcels B and C in the Plaza Del Sol Subdivision. The vacation is being requested because the storm water management detention for the development of this site, will exist outside of the easement. The proposed development is a three story office building with a total of 66,000 square feet. Village of Estero Ordinance No. 2015-01 provides that the Planning and Zoning Board makes a recommendation to the Village Council.

This request for a vacation is associated with a proposed zoning amendment which was presented to the Planning and Zoning Board on March 20, 2018. The Board recommended approval of the amendment with conditions.

**PROPERTY DESCRIPTION**

The existing detention area easement runs along the east side of Parcels B and C (adjacent to Arcos Avenue) of Plaza Del Sol, a subdivision plat recorded in Plat Book 80, Pages 74 through 76, Lee County Records. The existing detention area easement was created and recorded in OR Book 04574, Pages 0914 through 1024, Lee County Records and attached herein as Exhibit A1 through A6.

**STRAP NUMBER**

35-46-25-E1-3100B.0000 and 35-46-25-E1-3100C.0000

**ZONING**

Commercial Planned Development (CPD)

**FUTURE LAND USE DESIGNATION**

Urban Community (Proposed - Transitional Mixed Use)

**TAXES**

The Lee County Property Appraiser's website identifies the taxes for the 2016 and 2017 calendar year for the subject site (Parcels B and C) as being paid in full.

### **STAFF ANALYSIS**

The completed Application for Vacation was submitted by J.R. Evans Engineering on August 24, 2017. Village Staff reviewed the proposed vacation for legal description and sketch, proof of paid taxes, proof of ownership, proof of notification of affected property owners, and letter of "no objection" from the Plaza Del Sol Property Owners Association (Attached) who is the entity that the easement is dedicated to. Village Staff also reviewed the proposed vacation for conformance with the Florida Statutes and the Village of Estero Administrative Code 13-1. Both Staff and the Village Attorney deemed the vacation to be complete on September 29, 2017.

The Village Attorney and Staff confirm that the vacation meets the requirements of Chapter 177 of the Florida Statutes (Land Boundaries), and the requirements of the Administrative Code 13-1 for Vacation of Plats or Easements created through the platting process.

### **EXHIBITS**

- "A1 through A6" Legal Descriptions and Sketches for easement
- "B" Attorney Memorandum dated September 29, 2017
- "C" Part of Plaza Del Sol Plat with subject easement vacation delineated
- "D" Council Resolution with Exhibits
- "E" Plaza Del Sol Property Owners Association "Letter of No Objection"