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VILLAGE OF ESTERO

ORDINANCE NO. 2019 - 30

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ANNEXING PROPERTY LOCATED AT 4528, 4406 AND 4410 COCONUT ROAD, LEE COUNTY, FLORIDA, INTO THE CORPORATE LIMITS OF THE VILLAGE IN ACCORDANCE WITH THE ANNEXATION PROVISIONS OF CHAPTER 171, FLORIDA STATUTES; REDEFINING THE BOUNDARY LINES OF SAID VILLAGE IN CONFORMANCE THEREWITH; AMENDING THE OFFICIAL BOUNDARY MAP OF THE VILLAGE OF ESTERO, FLORIDA, PROVIDING THAT EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS REMAIN UNTIL CHANGED BY THE VILLAGE ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Headwaters Coconut Road General Partnership (“Property Owner”) has initiated a voluntary annexation of real property, located at 4528 Coconut Road and 4406/4410 Coconut Road, Lee County, Florida (“the Properties”) as described and depicted in Exhibit “A” and Exhibit “B”, attached hereto; and,

WHEREAS, the Village has identified certain lands that are logical for annexation into the Village, the appropriate land uses and infrastructure needs for said areas, and the provider of services and infrastructure for said areas; and,

WHEREAS, the Property Owner, before seeking annexation into the Village, was proceeding with its development plans before Lee County and, though desirous of annexation into the Village, the Property Owner does not wish to restart the development review process, or add complexity or delay to its plans; and

WHEREAS, in recognition of the foregoing, the Village has agreed to expeditiously process the Property Owner’s application; and

WHEREAS, in order to accommodate the Property Owner and in recognition of its existing rights under the Comprehensive Plan and Land Development Regulations of Lee County for a period of 24 months or until otherwise superseded by inclusion into Village Comprehensive Plan; and

WHEREAS, for the foregoing transition period, the Lee County Comprehensive Plan and Land Development Regulations, along with Lee County impact and permit fees, shall continue to apply; and

46 **WHEREAS**, with the exception of the Village's Design Review Board, all Village
47 procedural requirements will apply during the transition period; and
48

49 **WHEREAS**, the properties to be annexed shall retain the Comprehensive Plan Future Land
50 Use and Zoning classifications existing at the time this Ordinance is approved subject to the
51 aforementioned time limits; unless otherwise requested by the Property Owner, the properties will
52 become subject to the Village Comprehensive Plan Future Land Use and Zoning classifications
53 most consistent with the retained classifications upon subsequent action by the Village.
54

55 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero, Florida:
56

57 **Section 1.** The foregoing recitals are true and correct and are incorporated herein by
58 reference.
59

60 **Section 2.** The Village Council, after first reading on December 4, 2019 and duly
61 advertised public hearing on January 8, 2020 continued to January 22, 2020, hereby adopts
62 Ordinance 2019-30, annexing the properties into the Village of Estero municipal boundary.
63

64 **Section 3.** The Property Owner's exclusive remedy to address any Village obligation
65 contained in this Ordinance shall be through a petition for contraction pursuant to Chapter 171,
66 Florida Statutes.
67

68 **Section 4. Conflict.**
69 The provisions of this article shall supersede any provisions of existing ordinances in conflict
70 herewith to the extent of said conflict.
71

72 **Section 5. Severability.**
73 In the event that any portion of this Ordinance is for any reason held invalid or
74 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,
75 distinct and independent provision, and such holding shall not affect the validity of the remaining
76 portions of this Ordinance.
77

78 **Section 6. Effective Date.**
79 This Ordinance shall become effective immediately upon its adoption.
80

81 **PASSED** on first reading this 4th day of December, 2019.
82

83 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
84 Florida on second reading this 22nd day January, 2020.
85

86 Attest:

VILLAGE OF ESTERO, FLORIDA

87
88
89 By: Kathy Hall
90 Kathy Hall, MMC, Village Clerk

By: Bill Ribble
Bill Ribble, Mayor

91 Reviewed for legal sufficiency:

92
93
94 By: *Burt A. Saunders*
95 Burt Saunders, Esq., Village Attorney

97		AYE	NAY
98	Vote:		
99	Mayor Ribble	<u>✓</u>	_____
100	Vice Mayor Errington	<u>✓</u>	_____
101	Councilmember Batos	<u>✓</u>	_____
102	Councilmember Boesch	<u>✓</u>	_____
103	Councilmember Levitan	<u>✓</u>	_____
104	Councilmember McLain	<u>✓</u>	_____
105	Councilmember Wilson	<u>Absent</u>	_____

EXHIBIT A

COCONUT LANDING LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND BEING BLOCK 16, OF THE UNRECORDED PLAT OF EL DORADO ACRES SUBDIVISION, RECORDED IN DEED BOOK 310, PAGE 183, OFFICIAL RECORDS BOOK 82, PAGE 472, AND UNRECORDED PLAT BOOK 1, PAGE 93, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN THE EAST ONE HALF (E 1/2) OF THE NORTHWEST QUARTER (NW 1/4) AND THE WEST ONE HALF (W 1/2) OF THE WEST ONE HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4), TOGETHER WITH THE WEST 50 FEET OF THE SOUTH 200 FEET OF THE WEST 200 FEET OF THE EAST 3/4 (E 3/4) OF THE NORTHEAST 1/4 (NE 1/4) OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 8, THENCE NORTH 89°43'06" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 8 FOR 9.65 FEET; THENCE NORTH 00°11'05" EAST FOR 40.00 FEET TO AN INTERSECTION WITH THE NORTH MAINTAINED RIGHT-OF-WAY OF COCONUT ROAD (65 FEET WIDE) RECORDED IN MAP BOOK 2, PAGE 65, AND INSTRUMENT NO. 5412193, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING CONTINUE NORTH 00°11'05" EAST ALONG THE EAST LINE OF EL DORADO BOULEVARD (80 FEET WIDE) AS SHOWN ON SAID UNRECORDED PLAT OF EL DORADO ACRES, A DISTANCE OF 60.71 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 285.00 FEET, A DELTA ANGLE OF DELTA 51°32'36", A CHORD BEARING OF NORTH 25°28'43" WEST, A CHORD DISTANCE OF CHORD 248.03 FEET, AN ARC DISTANCE OF 256.39 FEET THE END OF SAID CURVE; THENCE NORTH 51°15'01" WEST FOR 161.16 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING RADIUS OF 210.00 FEET, A DELTA ANGLE OF 49°58'01", A CHORD BEARING OF NORTH 26°15'35" WEST, A CHORD DISTANCE OF 177.39 FEET, AN ARC DISTANCE OF 183.14 FEET TO THE END OF SAID CURVE; THENCE NORTH 01°23'16" WEST, A DISTANCE OF 27.61 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF VILLA CAPRI LANE (FIRST COURT), (50 FEET WIDE) AS SHOWN ON SAID UNRECORDED PLAT OF EL DORADO ACRES; THENCE SOUTH 89°39'31" EAST, ALONG SAID RIGHT-OF-WAY FOR 949.35 FEET TO THE WEST LINE OF THE EAST 3/4 (E 3/4) OF THE NORTHEAST 1/4 (NE 1/4) OF SAID SECTION 8, ALSO BEING THE WEST LINE OF MARBLEBROOK OF BONITA SPRINGS PHASE IV, RECORDED IN PLAT BOOK 70, PAGE 68 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID LINE, SOUTH 01°16'36" EAST, A DISTANCE OF 409.80 FEET TO THE SOUTHWEST CORNER OF TRACT A, OF SAID MARBLEBROOK OF BONITA SPRINGS PHASE IV SUBDIVISION; THENCE SOUTH 89°43'06" EAST, ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 50.02 FEET TO THE EAST LINE OF THE WEST 50 FEET, OF THE SOUTH 200 FEET OF THE WEST 200 FEET OF THE EAST 3/4 (E 3/4) OF THE NORTHEAST 1/4 (NE 1/4) OF SAID SECTION 8; THENCE SOUTH 01°16'36" EAST, ALONG SAID EAST LINE, A DISTANCE OF 160.06 FEET TO AN INTERSECTION WITH THE NORTH MAINTAINED RIGHT-OF-WAY OF SAID COCONUT ROAD (65 FEET WIDE); THENCE NORTH 89°43'06" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 700.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 453,324 SQUARE FEET OR 10.407 ACRES, MORE OR LESS.

EXHIBIT B
Location Map
Proposed Annexation and Municipal Boundary

