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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2020 - 07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO ADD TWO ANNEXED PROPERTIES TO THE FUTURE LAND USE MAP AND DESIGNATE VILLAGE NEIGHBORHOOD 1 AS THE LAND USE CATEGORY FOR THE PROPERTIES DESCRIBED IN EXHIBIT A AND MADE A PART HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Comprehensive Plan became effective on November 21, 2019; and

WHEREAS, Ordinance 2019-30 was adopted by the Village Council on January 22, 2020 to annex two properties located at 4528, 4406 and 4410 Coconut Road, and further identified with STRAP Numbers 08-47-25-01-00016.0000 and 08-47-25-00-00004.0000, and as legally described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Village seeks to amend the Comprehensive Plan to add the properties to the Future Land Use Map and further provide a land use category of Village Neighborhood 1 for the properties as shown on the proposed map entitled "Future Land Use Map Amendment" (Exhibit "B"); and

WHEREAS, the Village Planning and Zoning Board, at a duly noticed public hearing held on October 20, 2020 recommended that the aforesaid Comprehensive Plan Amendment be approved; and

WHEREAS, the Village Council, at a duly noticed meeting, held a first reading on this Ordinance on November 4, considered the recommendation of the Village Planning and Zoning Board and the comments of the public, and voted to transmit the Amendment to the State Land Planning Agency and other review agencies as provided in Section 163.3184, Florida Statutes; and

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

Section 1. Recitals.

45 The foregoing “Whereas” clauses are hereby ratified and incorporated as a part of this
46 Ordinance.

47
48 **Section 2. Adoption of the Comprehensive Plan Amendment for Transmittal.**

49
50 The Village Council adopts on first reading the Comprehensive Plan Amendment to
51 the Future Land Use Map, incorporated and made a part of this Ordinance, for purposes of
52 transmittal to the State Land Planning Agency and other commenting agencies as provided by
53 Section 163.3184(4)(e), Florida Statutes.

54
55 **Section 3. Transmittal.**

56
57 The Village Manager or his designee shall transmit the Comprehensive Plan
58 Amendment and other materials as required by statute to the State Land Planning Agency and
59 other reviewing agencies as provided by Section 163.3184, Florida Statutes.

60
61 **Section 4. Severability.**

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63 If any provision of this Ordinance or its application to any person or circumstance is
64 held invalid, the invalidity does not affect other provisions or applications of this Ordinance
65 which can be given effect without the invalid provision or application, and to this end the
66 provisions of this Ordinance are severable.

67
68 **Section 5. Conflict.**

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70 All ordinances, resolutions, official determinations or parts thereof previously adopted
71 or entered by the Village or any of its officials and in conflict with this Ordinance are hereby
72 repealed to the extent inconsistent herewith.

73
74 **Section 6. Effective Date.**

75
76 This ordinance shall take effect upon adoption at second reading, except that the
77 effective date of the Comprehensive Plan Amendment shall be thirty-one (31) days after the
78 State Land Planning Agency notifies the Village that the plan amendment package is complete
79 or, if timely challenged, thirty-one (31) days after the state Land Planning Agency, or the
80 Administration Commission enters a final order determining the adopted Plan Amendment to
81 be in compliance.

82
83 **PASSED** on first reading this 4th day of November, 2020.

84
85 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
86 Florida this _____ day of ____, 2020.

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88 Attest:

VILLAGE OF ESTERO, FLORIDA

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By: _____ By: _____
Steve Sarkozy, Acting Village Clerk Bill Ribble, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor Ribble	_____	_____
Vice Mayor Errington	_____	_____
Councilmember Batos	_____	_____
Councilmember Boesch	_____	_____
Councilmember Levitan	_____	_____
Councilmember McLain	_____	_____
Councilmember Wilson	_____	_____

Exhibit A: Coconut Landing Legal Description
Exhibit B: Location Map

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.

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EXHIBIT B
Future Land Use Map Amendment

