

1 **VILLAGE OF ESTERO, FLORIDA**

2
3 **ORDINANCE NO. 2022 - 07**

4
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF**
6 **THE VILLAGE OF ESTERO, FLORIDA, ADOPTING**
7 **AN AMENDMENT TO THE VILLAGE OF ESTERO**
8 **COMPREHENSIVE PLAN TO AMEND THE**
9 **FUTURE LAND USE MAP FOR A 31.5 ACRE**
10 **PROPERTY AT THE NORTHEAST CORNER OF US**
11 **41 AND CORKSCREW ROAD FROM VILLAGE**
12 **CENTER TO PUBLIC PARKS AND RECREATION;**
13 **PROVIDING FOR SEVERABILITY; PROVIDING**
14 **FOR CONFLICTS; AND PROVIDING AN**
15 **EFFECTIVE DATE.**

16
17 **WHEREAS,** the Village Comprehensive Plan became effective on November 21,
18 2019; and

19
20 **WHEREAS,** the Village has acquired the approximately 31.5-acre property at the
21 northeast corner of US 41 and Corkscrew Road, described in the legal description attached as
22 Exhibit "A"; and

23
24 **WHEREAS,** the property is currently designated as Village Center on the Future Land
25 Use Map; and

26
27 **WHEREAS,** the Village desires to amend the Comprehensive Plan designation for the
28 property to better match the intended recreation uses and public access to the Estero River; and

29
30 **WHEREAS,** Council voted on March 16, 2022 to initiate a Comprehensive Plan
31 amendment for that purpose; and

32
33 **WHEREAS,** the Village desires to change the Future Land Use designation for the
34 property to Public Parks and Recreation, as depicted on Exhibit "B" (the "Comprehensive Plan
35 Amendment"); and

36
37 **WHEREAS,** the Comprehensive Plan Amendment is a small scale comprehensive
38 plan amendment pursuant to Section 163.3187, Florida Statutes; and

39
40 **WHEREAS,** the Village Planning, Zoning, and Design Board held a duly noticed
41 public hearing on June 14, 2022 at which time the Board recommended approval of the
42 Comprehensive Plan Amendment; and

44 **WHEREAS**, the Village Council, at a duly noticed meeting, held a Public Hearing and
45 First Reading on July 6, 2022; and
46

47 **WHEREAS**, the Village Council, at a duly noticed meeting, held a Public Hearing for
48 Second Reading on the 21st day of September, 2022 for adoption of the Comprehensive Plan
49 amendment, and considered the Staff report, the recommendation of the Village Planning,
50 Zoning, and Design Board and the comments of the public.
51

52 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
53 Florida:
54

55 **Section 1. Recitals.**
56

57 The foregoing “Whereas” clauses are hereby ratified and incorporated as a part of this
58 Ordinance.
59

60 **Section 2. Adoption of the Comprehensive Plan Amendment.**
61

62 The Village Council hereby redesignates the property legally described in Exhibit “A”
63 and depicted on Exhibit “B” from Future Land Use Designation Village Center to Public Parks
64 and Recreation.
65

66 **Section 3. Transmittal.**
67

68 The Village Manager or his designee shall transmit the Comprehensive Plan
69 Amendment to the State Land Planning Agency pursuant to Section 163.3187, Florida Statutes.
70

71 **Section 4. Severability.**
72

73 If any provision of this Ordinance or its application to any person or circumstance is
74 held invalid, the invalidity does not affect other provisions or applications of this Ordinance
75 which can be given effect without the invalid provision or application, and to this end the
76 provisions of this Ordinance are severable.
77

78 **Section 5. Conflict.**
79

80 All ordinances, resolutions, official determinations or parts thereof previously adopted
81 or entered by the Village or any of its officials and in conflict with this Ordinance are hereby
82 repealed to the extent inconsistent herewith.
83

84 **Section 6. Effective Date.**
85

86 This ordinance shall take effect upon adoption at second reading, except that the
87 effective date of the Comprehensive Plan Amendment shall be effective thirty-one (31) days

after its adoption or, if timely challenged, thirty-one (31) days after the state Land Planning Agency, or the Administration Commission enters a final order determining the adopted Plan Amendment to be in compliance.

PASSED on first reading this 6th day of July, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 21st day of September, 2022.

Attest:

VILLAGE OF ESTERO, FLORIDA

By:


Carol Sacco, Village Clerk

By:


Katy Errington, Mayor

Reviewed for legal sufficiency:

By:

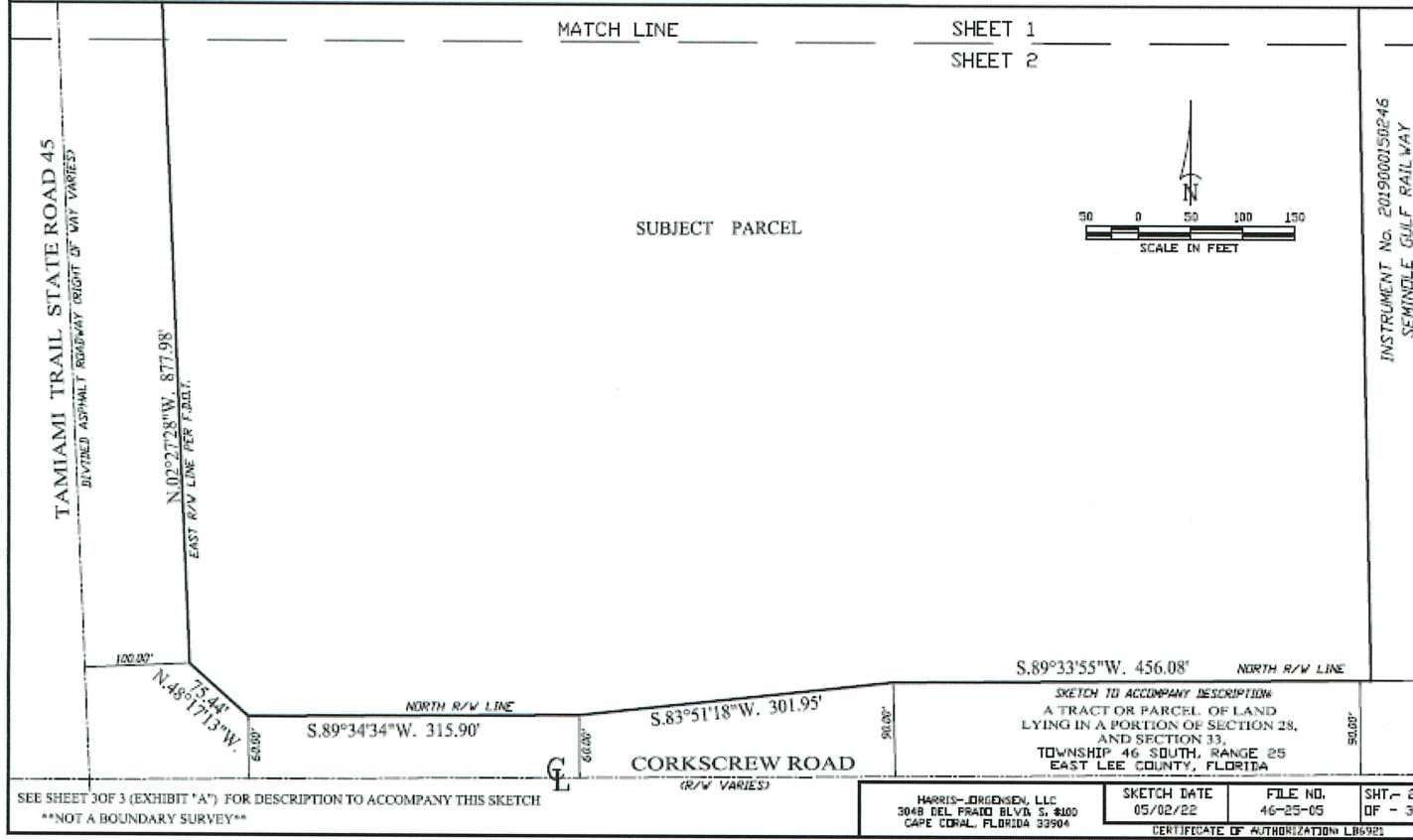

Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor Errington	<u>X</u>	_____
Vice Mayor McClain	<u>X</u>	_____
Councilmember Ribble	<u>X</u>	_____
Councilmember Fiesel	<u>X</u>	_____
Councilmember Boesch	<u>X</u>	_____
Councilmember Ward	<u>X</u>	_____
Councilmember Wilson	<u>X</u>	_____

Exhibit A: Legal Description

Exhibit B: Future Land Use Map





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133

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
AND SECTION 33,
TOWNSHIP 46 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

****NOT A BOUNDARY SURVEY****

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.86°49'01"W, ALONG THE NORTH LINE OF SAID SECTION 33, FOR 658.47 FEET; THENCE RUN S.01°09'38"E, TO A POINT LYING ALONG THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S.01°09'38"E, TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES: S.89°33'55"W, FOR 456.08 FEET, S.83°51'18"W, FOR 301.85 FEET, S.89°34'34"W, FOR 315.90 FEET; THENCE RUN N.48°17'13"W, TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMiami TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N.02°27'28"W, FOR 877.98 FEET; THENCE RUN S.87°32'32"W, FOR 39.00 FEET; THENCE RUN N.02°27'28"W, FOR 282.88 FEET; THENCE RUN S.87°23'02"W, FOR 3.48 FEET; THENCE RUN N.02°35'37"W, TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES: N.85°24'33"E, FOR 95.92 FEET, S.79°19'02"E, FOR 208.88 FEET, N.86°07'17"E, FOR 127.97 FEET, S.70°40'58"E, FOR 175.55 FEET, S.57°21'13"E, FOR 82.50 FEET, N.77°33'00"E, FOR 100.25 FEET, N.62°33'33"E, FOR 164.35 FEET, N.85°21'29"E, FOR 90.52 FEET, S.77°41'08"E, FOR 140.25 FEET, S.86°26'37"E, FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT. OR 31.48 ACRES, MORE OR LESS,

Phillip M
Mould, P.S.M.
6515 State of
Florida
Digitally signed by
Phillip M. Mould,
P.S.M. 6515 State of
Florida
Date: 2022.05.05
08:52:55 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
05/05/2022

CERTIFICATE OF
AUTHORIZATION: LB6921

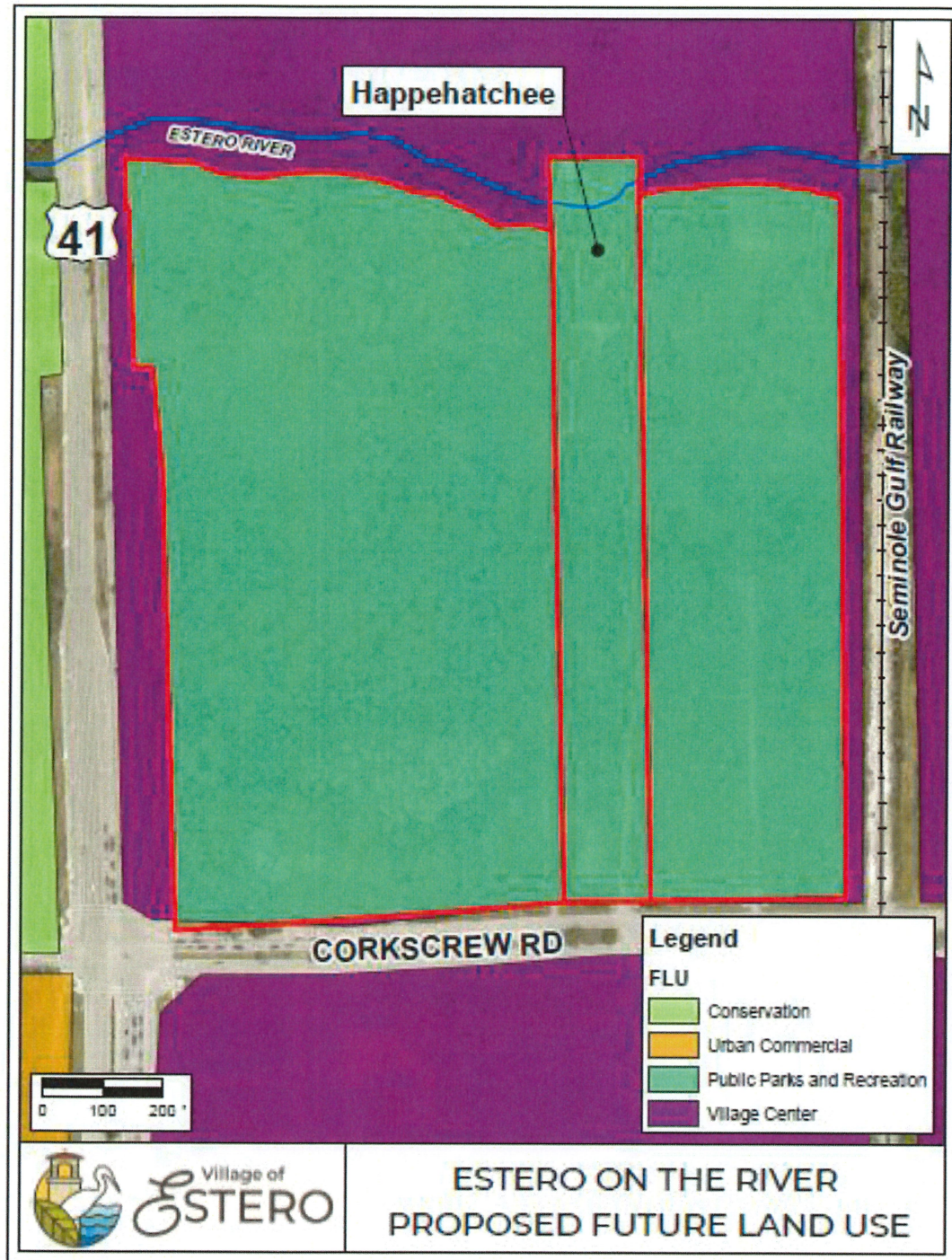
HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD, S.
#100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

SHEET 3 OF 3

134
135

136
137

EXHIBIT B
FUTURE LAND USE MAP



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