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VILLAGE OF ESTERO, FLORIDA

**ZONING
RESOLUTION NO. 2018 - 07**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPROVING THE
VACATION OF A DRAINAGE DETENTION AREA
EASEMENT FOR THE ARCOS EXECUTIVE CENTER
PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Petitioner, Richard Losee, filed an application for vacation (VAC2017-E002) as part of a drainage detention area easement on a project known as Arcos Executive Center; and

WHEREAS, the drainage easement to be vacated is wholly within the property known as Parcels B and C of Plaza Del Sol, a subdivision plat recorded in Plat Book 80, Pages 74 through 76, Lee County Records, and having STRAP Nos. 35-46-25-E1-3100B.0000 and 35-46-25-E1-3100C.0000; and

WHEREAS, the Petitioner has fee simple title ownership to the underlying property sought to be vacated; and

WHEREAS, the property was rezoned to Commercial Planned Development (CPD) on December 5, 1994 for a commercial subdivision project (Resolution No. Z-94-050); and

WHEREAS, Florida Statutes, Chapter 177 and Administrative Code (AC-13-1) delineate vacation procedures; and

WHEREAS, the Village of Estero Planning and Zoning Board recommended approval of the partial vacation on April 17, 2018; and

WHEREAS, the notice of the vacation was properly advertised in the Fort Myers News Press on April 7, 2018 and April 14, 2018; and

WHEREAS, the legal description of the vacated drainage detention area easement is attached as Exhibit A and the sketch of the description is attached as Exhibit B.

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

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The following findings are hereby made:

1. The partial vacation was reviewed by technical staff and meets the technical requirements of Chapter 177, Part 1 Florida Statutes and the technical requirements of Administrative Code AC-13-1.
2. The application was reviewed by the Village Attorney and meets legal requirements of Chapter 177, Part 1, Florida Statutes and Administrative Code AC-13-1.
3. The Petitioner has provided notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with Florida Statutes.
4. A legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate has been provided.
5. There were no objections by the reviewing entities.
6. Adequate and appropriate drainage facilities will be provided as part of pending development order No. DOS2017-E006.
7. The Planning and Zoning Board recommended approval on April 17, 2018.

Section 3. The Arcos Executive Center vacation of the drainage detention area easement is approved.

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

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 9th day of May, 2018.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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

Reviewed for legal sufficiency:

By: Burt H. Saunders
Burt Saunders, Esq., Village Attorney

Exhibits:

- A - Legal Description
- B - Sketch of Description

**DESCRIPTION OF A DETENTION AREA EASEMENT BEING
A PORTION OF PARCELS "B" AND "C", PLAZA DEL SOL SUBDIVISION,
LYING IN SECTION 35, TOWNSHIP 46, RANGE 25 EAST,
LEE COUNTY, FLORIDA**

LEGAL DESCRIPTION

A DETENTION AREA EASEMENT OVER A PORTION OF PARCELS "B" AND "C", PLAZA DEL SOL SUBDIVISION, AS RECORDED IN PLAT BOOK 80, PAGES 74 THROUGH 76, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N89°42'56"E, ALONG THE NORTH LINE OF SAID SECTION 35, 120.66 FEET, TO INTERSECT WITH THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY, AS SHOWN ON THE PLAT OF PLAZA DEL SOL, AS RECORDED IN PLAT BOOK 80, PAGES 74 THROUGH 76, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S01°16'00"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF THE PLAZA DEL SOL SUBDIVISION, FOR 596.09 FEET, TO THE NORTHWEST CORNER OF PARCEL "B"; THENCE N89°51'32"E, ALONG THE NORTHERLY LINE OF SAID PARCEL "B", FOR 218.60 FEET, FOR A POINT OF BEGINNING OF THE HEREIN DESCRIBED DETENTION AREA EASEMENT; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL "B", N89°51'32"E FOR 25.00 FEET, TO THE NORTHEAST CORNER OF PARCEL "B"; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ARCOS AVENUE (50 FEET WIDE), S00°08'28"E FOR 149.11 FEET, TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY 159.89 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 125.00 FEET, THROUGH A CENTRAL ANGLE OF 73°17'25", THE CURVE OF WHICH IS SUBTENDED BY THE CHORD BEARING, S36°47'11"E FOR A CHORD DISTANCE OF 149.21 FEET, TO THE NORTHEAST CORNER OF PARCEL "C"; THENCE S00°08'28"E, ALONG THE EASTERLY LINE OF OF PARCEL "C", FOR 25.67 FEET; THENCE LEAVING SAID EASTERLY LINE OF PARCEL "C", THE SEVEN FOLLOWING COURSES:

- 1.) S85°15'55"W FOR 13.50 FEET;
- 2.) S47°47'28"W FOR 13.49 FEET;
- 3.) S29°03'15"W FOR 24.40 FEET;
- 4.) N60°56'45"W FOR 48.00 FEET;
- 5.) N29°03'15"E FOR 24.16 FEET;
- 6.) N10°22'07"E FOR 13.46 FEET;
- 7.) N29°49'56"W FOR 15.85 FEET, TO INTERSECT WITH THE SOUTHEASTERLY LINE OF PARCEL "B"; THENCE NORTHWESTERLY 116.74 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 44°35'25", THE CURVE OF WHICH IS SUBTENDED BY THE CHORD BEARING N22°26'11"W FOR A CHORD DISTANCE OF 113.81 FEET, TO A POINT OF TANGENCY; THENCE N00°08'28"W FOR 149.11 FEET, TO THE POINT OF BEGINNING.

CONTAINING 10,276.5 SQUARE FEET OR 0.236 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

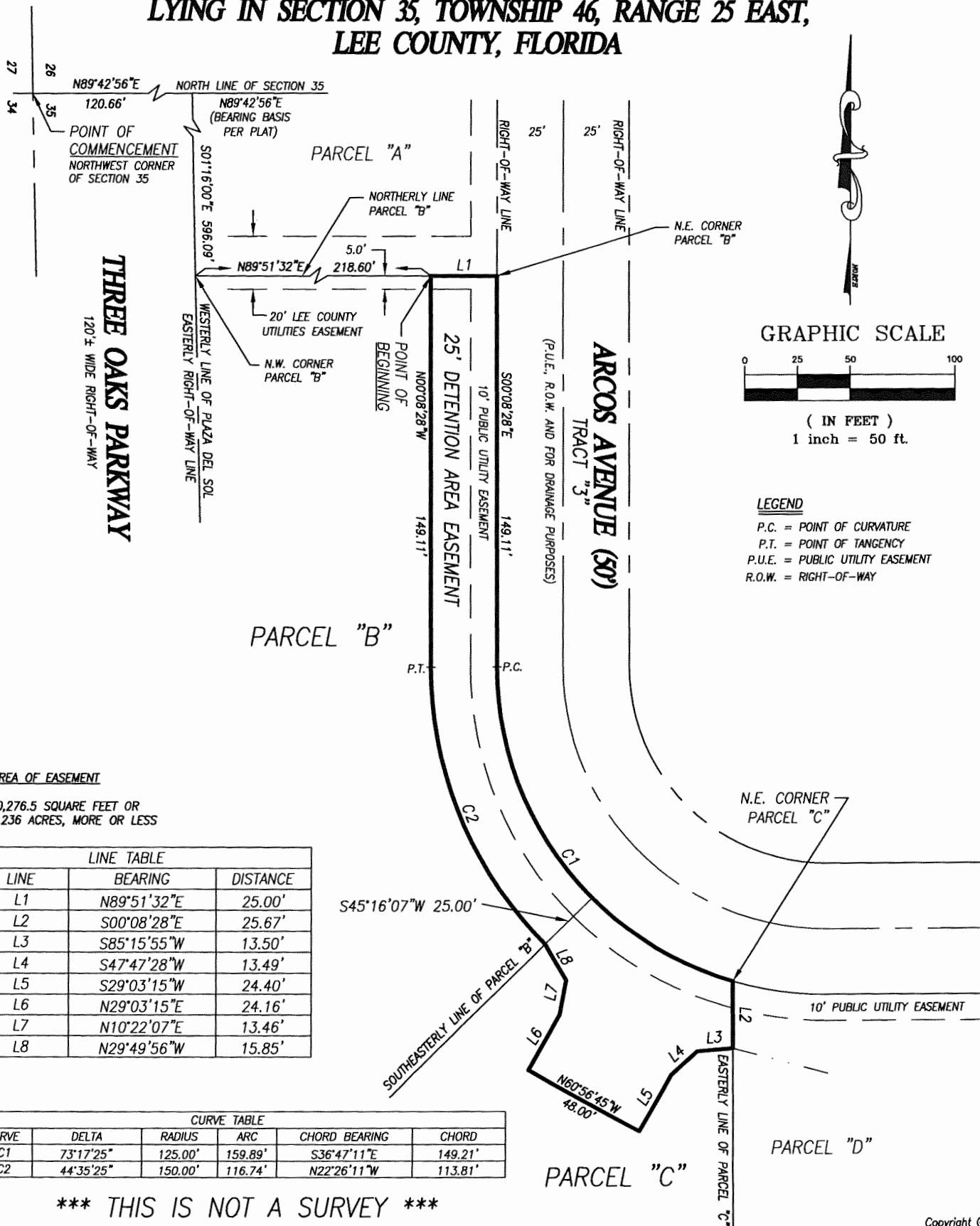
BEARINGS ARE BASED UPON THE RECORD PLAT OF PLAZA DEL SOL SUBDIVISION AS RECORDED IN PLAT BOOK 80, PAGES 74 THROUGH 76 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

*** THIS IS NOT A SURVEY ***

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THIS MAP PREPARED BY: DAVID S. DAGOSTINO, PSM		COMPUTER FILED: 17080.DISC	DRIVER'S SCALE: N/A	 DAGOSTINO & WOOD, INC. Professional Surveying & Mapping 5415 Jaeger Road Suite A, Naples, FL 34109 Phone: (239) 352-6085 Website: www.dwsurveys.com	CERTIFIED TO: DRAWN BY: EDK CHECKED BY: DSB FIELD BOOK: N/A	JOB NO.: 17080 SHEET NO.: 1 OF 2
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**SKETCH OF DESCRIPTION OF A DETENTION AREA EASEMENT
BEING A PORTION OF PARCELS "B" AND "C", PLAZA DEL SOL SUBDIVISION,
LYING IN SECTION 35, TOWNSHIP 46, RANGE 25 EAST,
LEE COUNTY, FLORIDA**



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