

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2018 - 16

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AUTHORIZING STAFF TO PROCEED WITH THE PURCHASE OF 62.2± ACRES ADJACENT TO THE ESTERO RIVER; DETERMINING THAT IT IS IN THE BEST INTEREST AND WELFARE OF THE VILLAGE AND ITS RESIDENTS TO EXPLORE FUNDING SOURCES FOR THE PURPOSES OF PURCHASING LANDS FROM WILLING SELLERS; PROCLAIMING SUPPORT FOR THE PURCHASE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Estero River is an important tributary to the Estero Bay and is designated an “Outstanding Florida Waters” by the Florida Department of Environmental Protection, which means the river is worthy of special protections because of its natural attributes; and

WHEREAS, the Estero River is listed on the Florida Department of Environmental Protection’s “Statewide Comprehensive Verified List of Impaired Waters” for impairments with dissolved oxygen, fecal coliform, iron, and nutrients. Purchasing lands along the river will protect the river and its banks from development, thereby protecting waters of the Estero River from additional pollutants; and

WHEREAS, the Estero River consists of indigenous vegetative communities and heritage trees, including the majestic Live Oak, which provide habitat for numerous native and protected bird, mammal, fish, and reptile species. Purchasing lands along the river will protect and preserve habitat for native species and heritage trees; and

WHEREAS, land adjacent to the Estero River is also known to contain archeological sites and artifacts of the Koreshan Unity Settlement; and

WHEREAS, Policy 19.1.5.c of the Estero Transitional Comprehensive Plan promotes the protection of the Village of Estero’s unique historical and cultural resources related to Old Estero area and the Koreshans; and

WHEREAS, land adjacent to the Estero River provide opportunities for greenway trails that offer hiking and biking, access to the Great Calusa Blueway Trail for paddling and canoeing, and for future bicycle and pedestrian connections between Koreshan State Historic Site, Koreshan State Park, Estero Bay Preserve State Park, Estero Community Park, Happehatchee Center, the proposed Village Center, and the proposed CSX railway trail; and

45 **WHEREAS**, The Florida Greenways and Trails Council formally recognized the
46 economic value of trails and greenways to Florida; and

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48 **WHEREAS**, parks and greenways have been found to increase property values,
49 increase municipal revenues, and increase tourism dollars; and

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51 **WHEREAS**, many residents believe there is a need for more parks and greenspace in
52 the Village of Estero; and

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54 **WHEREAS**, the Center for Disease Control and Prevention report that parks and
55 trails can improve health through increased physical activity, improve mental health, and
56 provide safe places for exercise away from busy streets; and

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58 **WHEREAS**, the Village also finds that in addition to environmental and recreational
59 uses, there is a present public purpose in securing additional lands for future municipal use
60 and facilities; and

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62 **WHEREAS**, the Village has identified a potential site for acquisition at the northeast
63 corner of Corkscrew Road and US 41 (the "Property"), described in **Exhibit "A"** attached
64 hereto and incorporated herein, which contains significant frontage along the Estero River
65 and adjacent to the Koreshan Unity Settlement and Koreshan State Park; and

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67 **WHEREAS**, the Property has been offered to the Village of Estero by the Trust for
68 Public Land and the current owner, Village Partners, at a mutually acceptable purchase price
69 of \$24,255,500 for 62.2 acres; and

70 **WHEREAS**, the Village intends to maintain a large set-back on both sides of the
71 Estero River and other environmentally significant portions of the Property may be retained
72 for public use and access to be more specifically identified after the purchase is complete,
73 subject to a public planning process; and

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75 **WHEREAS**, the Village understands that in order to achieve the purpose described
76 herein it may be required to acquire title to portions of the Property which are not
77 environmentally sensitive, viable for recreational use or suited for other municipal purposes.
78 In that event, those portions of the Property not considered environmentally sensitive may be
79 utilized for stormwater retention, rights-of-way, recreation, buffering, mitigation and other
80 public facilities, or declared surplus and offered for sale.

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

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85 **Section 1.** The foregoing recitals are hereby ratified and confirmed as being true
86 and correct and are hereby made a part of this Resolution and adopted as policy findings.
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88 **Section 2.** The Village Council hereby authorizes staff to explore funding sources
89 and proceed with the due diligence and documentation for the purchase of the Property,
90 finding that it is in the best interest and welfare of the Village and its residents to explore
91 funding sources for the purposes of purchasing lands from willing sellers adjacent to the
92 Estero River to protect water supply or quality, to protect habitat of native species and
93 heritage trees, to provide needed parks and greenways, to protect historical resources, and for
94 other valid municipal uses.

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96 **Section 3.** The Village Council of the Village of Estero hereby proclaims their
97 support for the purchase and directs staff to identify funding sources for the Property and
98 additional public acquisition of lands adjacent to the Estero River.

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100 **Section 4.** This resolution is subject to the review and approval by the Village
101 Council of all due diligence and documentation related to the acquisition of this Property and
102 the funding of such purchase.

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104 **Section 5.** This Resolution shall take effect immediately upon adoption.

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106 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this
107 20th day of September, 2018.

108
109 Attest:

VILLAGE OF ESTERO, FLORIDA

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111
112 By: Kathy Hall
113 Kathy Hall, MMC, Village Clerk

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

117 Reviewed for legal sufficiency:

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119 By: Derek Rooney
120 Derek Rooney, Assistant Village Attorney

121
122 Exhibit A: Property Description

EXHIBIT "A" LEGAL DESCRIPTION

STRAP NUMBERS:

33-46-25-E2-U1926.2390
33-46-25-E2-U1937.2384
33-46-25-E2-U1936.2375
33-46-25-E2-U1936.2400
33-46-25-E2-U1948.2389
28-46-25-E3-U1926.2421
33-46-25-E2-U1935.2408
33-46-25-E2-U1937.2407

28-46-25-E3-U1944.2419
28-46-25-E3-U1939.2411
28-46-25-E3-U1937.2428
28-46-25-E3-U1944.2435
28-46-25-E3-U1944.2447
28-46-25-E3-U1944.2456
28-46-25-E3-05033.0010

