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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2021 – 08

A RESOLUTION OF THE VILLAGE OF ESTERO, FLORIDA, VACATING A PORTION OF A DRAINAGE EASEMENT OF THAT PART OF THE PLAT FOR SHADOW WOOD AT THE BROOKS UNIT ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 61, PAGE 38, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING AND BEING IN SECTIONS 3 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Shadow Wood Country Club, Inc., the owner of a drainage easement within the plat for Shadow Wood at the Brooks Unit One has requested the Village vacate that portion of the plat described herein (VAC2021-E001); and

WHEREAS, the easement is located adjacent to the original clubhouse and within a clubhouse expansion; and

WHEREAS, the storm sewer which was located in the easement has been removed and relocated to a nearby and more appropriate location in the subdivision; and

WHEREAS, the Village Council finds that the easement described herein no longer serves a public purpose, because there is an alternative location for the storm sewer, and this is a proper subject for vacation pursuant to Chapter 177, Florida Statutes; and

WHEREAS, the public notice of said application was published and evidence thereof given, as required by law; and

WHEREAS, the Village Attorney has reviewed the vacation and finds that it meets the technical requirements of the Florida Statutes; and

WHEREAS, the Village held a duly advertised public hearing prior to the adoption of this Resolution; and

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

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

Section 2. The Village Council hereby vacates that portion of a drainage easement on the plat of Shadow Wood at the Brooks Unit One as described in Exhibit "A" attached hereto.

46 **Section 3.** This Resolution shall take effect immediately upon adoption.

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48 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 7th
49 day of April, 2021.

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51 Attest:

VILLAGE OF ESTERO, FLORIDA

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54 By: 

Carol Sacco, Village Clerk

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58 Reviewed for legal sufficiency:

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61 By: 

Burt Saunders, Esq., Village Attorney

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64 Exhibits:

65 A. Legal Description

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