

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2021 - 11

**A RESOLUTION OF THE VILLAGE OF ESTERO
ACCEPTING FROM WCI, NORTH COMMONS DRIVE
FROM COCONUT ROAD TO PELICAN COLONY
BOULEVARD; PROVIDING FOR IMPACT FEE CREDITS
PURSUANT TO THE DRI; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, WCI seeks to dedicate the right-of-way for North Commons Drive (formerly known as Burnt Pine Drive) to the Village for road impact fee credits; and

WHEREAS, this road is within the Pelican Landing Development of Regional Impact (DRI); and

WHEREAS, the DRI Development Order was approved by Lee County, and Condition II.H.2.c. required the developer to dedicate 60 feet of right-of-way and build a 2-lane road; and

WHEREAS, the DRI Development Order Section III.7. states that "Credits, if any, for the right-of-way dedication and construction identified above will be issued consistent with the procedures outlined in the Land Development Code"; and

WHEREAS, the developer built the road, but the road was not accepted by Lee County; and

WHEREAS, subsequent to incorporation, the road is now located in the Village of Estero; and

WHEREAS, the DRI Development Order contains a provision that its requirements and obligations would apply to "successors in interest" Section III.7. (i.e., Village of Estero); and

WHEREAS, because the road was constructed in the year 2000, the Village had an engineering firm independently inspect the road and identify issues that needed to be corrected in order to ensure that the road would meet required standards; and

WHEREAS, the items were corrected and the road conditions were found to be acceptable; and

WHEREAS, the applicant is requesting impact fee credits of \$325,000 for the road right-of-way, but not construction costs, based on an appraisal; and

WHEREAS, the purpose of this Resolution is to formally accept ownership and maintenance of this road segment and approve the issuance of impact fee credits.

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49 **NOW, THEREFORE**, be it resolved, by the Village Council of the Village of Estero,
50 Florida, that:
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52 **Section 1.** The Village accepts the road right-of-way, subject to all easements and
53 restrictions of record, for Village ownership and maintenance as described in this Resolution.
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55 **Section 2.** The Village is accepting this right-of-way by virtue of this Resolution,
56 with the Village Council authorizing staff to prepare any additional documents if necessary for
57 perfecting this acceptance, including a letter issuing impact fee credits.
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59 **Section 3.** This Resolution shall take effect immediately upon adoption.
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61 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 5th
62 day of May, 2021.
63

64 Attest:

VILLAGE OF ESTERO, FLORIDA

65
66
67 By:  _____

68 Carol Sacco, Village Clerk
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By:  _____

Katy Errington, Mayor
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71 Reviewed for legal sufficiency:
72

73
74 By:  _____

75 Burt Saunders, Esq., Village Attorney
76

77
78 Exhibit:

79 1. Legal Description

**LEGAL DESCRIPTION
(DEED)**

A PARCEL OF LAND LOCATED IN SECTIONS 9,16, AND 21 TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**NORTH COMMONS DRIVE-(WCI)
(DEED)**

A PORTION OF TRACT "A" (NORTH COMMONS DRIVE), PELICAN LANDING UNIT TWENTY TWO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 58 AT PAGES 17 THROUGH 21 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "A" (NORTH COMMONS DRIVE), OF SAID PELICAN LANDING UNIT TWENTY TWO, AND A POINT ON THE NORTHERLY LINE OF TRACT "A" (PELICAN COLONY BOULEVARD), PELICAN LANDING UNIT NINETEEN, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 00°42'58", A CHORD BEARING OF S.78°52'56"E. AND A CHORD LENGTH OF 10.00 FEET; THENCE ALONG THE SOUTHERLY LINE OF TRACT "A" (NORTH COMMONS DRIVE) OF SAID PELICAN LANDING UNIT TWENTY TWO AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 10.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED AND THE BEGINNING OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 89°23'43", A CHORD BEARING OF N.56°14'33"E. AND A CHORD LENGTH OF 42.20 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 46.81 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 29°03'57", A CHORD BEARING OF N.06°21'53"W. AND A CHORD LENGTH OF 65.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 65.95 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.20°53'52"W., A DISTANCE OF 721.03 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 68°41'58", A CHORD BEARING OF N.55°14'51"W. AND A CHORD LENGTH OF 315.98 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 335.73 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.89°35'50"W., A DISTANCE OF 42.90 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 320.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N.44°35'50"W. AND A CHORD LENGTH OF 452.55 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 502.65 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.00°24'10"E., A DISTANCE OF 336.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N.44°35'50"W. AND A CHORD LENGTH OF 42.43 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 47.12 FEET TO THE END OF SAID CURVE AND TO A POINT ON THE SOUTHERLY LINE OF COCONUT ROAD (50 RIGHT-OF-WAY), THE SAME BEING A POINT ON THE NORTHERLY LINE OF SAID TRACT "A" (NORTH COMMONS DRIVE); THENCE S.89°35'50"E., ALONG SAID NORTHERLY LINE, A DISTANCE OF 50.00 FEET TO THE CENTER LINE OF SAID TRACT "A"; THENCE S.00°24'10"W., ALONG SAID CENTER LINE, A DISTANCE OF 366.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 300.00

FEET, A CENTRAL ANGLE OF $90^{\circ}00'00''$, A CHORD BEARING OF $S.44^{\circ}35'50''E.$ AND A CHORD LENGTH OF 424.26 FEET; THENCE ALONG SAID CENTER LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 471.24 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE $S.89^{\circ}35'50''E.$ ALONG SAID CENTER LINE, A DISTANCE OF 42.90 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF $68^{\circ}41'58''$, A CHORD BEARING OF $S.55^{\circ}14'51''E.$ AND A CHORD LENGTH OF 338.55 FEET; THENCE ALONG SAID CENTER LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 359.71 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE $S.20^{\circ}53'52''E.$ ALONG SAID CENTER LINE, A DISTANCE OF 721.03 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF $35^{\circ}52'03''$, A CHORD BEARING OF $S.02^{\circ}57'50''E.$ AND A CHORD LENGTH OF 92.38 FEET; THENCE ALONG SAID CENTER LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 93.90 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE $S.14^{\circ}58'11''W.$ ALONG SAID CENTER LINE, A DISTANCE OF 14.83 FEET TO A POINT ON THE NORTHERLY LINE OF TRACT "A" (PELICAN COLONY BOULEVARD) OF SAID PELICAN LANDING UNIT NINETEEN, THE SAME BEING A POINT ON THE SOUTHERLY LINE OF SAID TRACT "A" (NORTH COMMONS DRIVE), AND A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF $03^{\circ}29'38''$, A CHORD BEARING OF $N.76^{\circ}46'38''W.$ AND A CHORD LENGTH OF 48.78 FEET; THENCE ALONG SAID SOUTHERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 48.78 FEET TO THE POINT OF BEGINNING.