

RESOLUTION NO. 2023-13

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING MILAN VILLAS A REPLAT OF A PORTION OF LOT 1, BLOCK "C" OF FLORIDA GULF LAND COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 59, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LOCATED ON THREE OAKS PKWY AND WILLIAMS ROAD; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 177.071(1) provides, in relevant part, that before a plat located wholly within the boundaries of a municipality is offered for recording, it must be approved by the municipality's governing board, which has exclusive jurisdiction to approve the replat, and evidence of such approval must be placed on the replat; and

WHEREAS, D.R. Horton, Inc., a Delaware corporation, licensed to do business in Florida, (the "Applicant"), filed an application for Milan Villas a replat of a portion of LOT 1, BLOCK "C" OF FLORIDA GULF LAND COMPANY'S SUBDIVISION for residential lots located on the northwest corner of Three Oaks Pkwy and Williams Road (the "Property"); and

WHEREAS, the Property STRAP number is 34-46-25-E3-0100C.0010 and legally described as:

A portion of LOT 1, BLOCK "C" OF FLORIDA GULF LAND COMPANY'S SUBDIVISION as recorded in PLAT BOOK 1, PAGE 59 of the public records of Lee County Florida; and

WHEREAS, the Village of Estero Land Development Code establishes the Village's requirements for the acceptance of a plat; and

WHEREAS, on June 21st, 2023, the Village Council conducted a duly noticed public meeting, at which meeting the Council considered: 1) the plat application materials and presentations of the Applicant, 2) comments and input from the Village's professional staff, and 3) comments of the public; and

WHEREAS, the Applicant's plat application materials have been reviewed by the Village Attorney who has advised the application materials satisfy the legal requirements of Part I of Florida Statutes Chapter 177 and of the Village's Land Development Code; and

WHEREAS, the Council finds that plat meets the technical requirements of Part I of Florida Statutes Chapter 177, and the requirements of the Village's Land Development Code; and

WHEREAS, the Council finds the adoption of this Resolution to be in the best interest of the Village and its citizens.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, THAT:

1. The Milan Villas a replat for of a portion of LOT 1, BLOCK "C" OF FLORIDA GULF LAND COMPANY'S SUBDIVISION (incorporated herein by reference) is approved.
2. The Village Manager, through staff and/or agents of the Village, is hereby authorized to execute any supplemental documentation the Applicant may request which may be required to allow the Applicant to complete the recordation of the approved plat.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 21st day of June 2023.



Jon, McLain, Mayor

Attest:



Carol Sacco, Village Clerk