

## **RESOLUTION 2024-23**

### **A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, RESCINDING REQUIREMENT OF RECORDED OBLIGATION OF DISCLOSURE AS TO FUTURE EXTENSION OF SANDY LANE; AND PROVIDING FOR EFFECTIVE AND TERMINATION DATES.**

**WHEREAS**, on February 19<sup>th</sup> 2007, the Lee County Board of County Commissioners adopted Resolution Z-06-073, which granted a rezoning from AG-2 to RPD of a 5.54 acre (more or less) parcel lying in Section 28, Township 46 South, Range 25 East, and bordering Broadway East in what is now the Village of Estero; and

**WHEREAS**, § B(4)(a) of the Resolution set forth a condition that the owner “must prepare and record a notice which advises prospective purchaser (sic) of lots within Mayfair Village of Lee County’s intention to construct a collector road on the west 100 feet of the subject parcel prior to the approval of any development orders for the project.”; and

**WHEREAS**, consistent with the condition, on September 12<sup>th</sup> 2007, the owner recorded a notice related to the County’s intent to construct the collector road (Instr. # 2007000282687); and

**WHEREAS**, the County’s apparent intent was to extend Sandy Lane; and

**WHEREAS**, it is undisputed that the owner never developed the parcel, and the collector road was never constructed; and

**WHEREAS**, the Village has been informed that the parcel is now to be acquired by a new owner which intends to combine it with certain adjoining property, and to submit a rezoning and development proposal to the Village; and

**WHEREAS**, notwithstanding the future efforts the new owner would need to undertake to obtain new zoning and any related development orders from the Village, the new owner has asked the Village to lift the restriction set forth in the County resolution related to the notice of the collector road inasmuch as this restriction may create certain legal difficulties for the new owner; and

**WHEREAS**, the Village staff have examined the matter and have determined that, whatever the County’s historical intentions were related to an extension of Sandy Lane in this area of what is now the Village of Estero, the development activity which has occurred in the area, along with the Village’s and county’s future transportation plans, confirm that it would be very highly unlikely that Sandy Lane would be extended in the manner the County may have contemplated in 2006; and

**WHEREAS**, the Village staff have therefore recommended that the Village Council agree to grant the request of the new owner; and

**WHEREAS**, the Village Council finds that it is in the best interests of the Village to adopt this Resolution.

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

**Section 1.** The obligation, set forth in Lee County Resolution Z-06-073, to record a notice which advises prospective purchasers of lots of the relevant parcel of Lee County's intention to construct a collector road on the parcel, and which is recorded in the County's official records at instr. # 2007000282687, is hereby rescinded.

**Section 2.** Nothing herein shall be construed as providing any approvals or authorizations related to development of the parcel. Any such development (including any changes to zoning and any development applications) shall be processed in accordance with current codes of the Village of Estero, and general law.

**Section 3.** The new owner is entitled, but not obligated, to record this Resolution in the official records of the Lee County Clerk of Court.

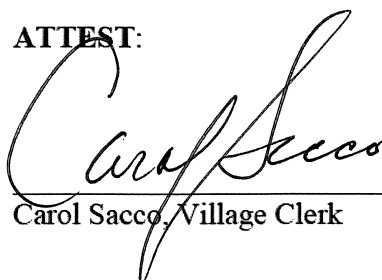
**BE IT FURTHER RESOLVED** that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the 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 18<sup>th</sup> day of December, 2024.

**VILLAGE OF ESTERO**

**ATTEST:**

  
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Carol Sacco, Village Clerk

  
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Jon McLain, Mayor