RESOLUTION NO. 2026-05

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING TERMINATION OF GRANT AGREEMENT; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, on June 2nd 2023, the Village of Estero and Florida Department of Transportation (FDOT) entered into a Construction and CEI of Sandy Land Bicycle and Pedestrian Improvements Grant Agreement (the Agreement); and

WHEREAS, the Agreement required the grant funds be spent to develop the Bicycle and Pedestrian Improvements (the Project) within a timeline which the Village initially believed would be achievable; and

WHEREAS, subsequent to adoption of the Agreement, the Village Council approved of a re-prioritization of limited capital improvement funds to focus on development of the Estero Sports Park; and

WHEREAS, this re-prioritization has resulted in the inability of the Village to proceed with the Project within the timeline required by the Agreement; and

WHEREAS, the Village therefore has determined that it will not be able to meet the terms of the Agreement and so the Village and FDOT have agreed to terminate the Agreement; and

WHEREAS, the FDOT has a standard termination agreement which, among other things, requires a termination be approved by resolution of the agency governing board.

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

1. The Construction and CEI of Sandy Land Bicycle and Pedestrian Improvements Grant Agreement between the Village and FDOT is hereby terminated.

2. The Village Manager is authorized to execute the termination agreement.

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 17th day of June, 2026.

Joanne Ribble, Mayor

Attest:

Carol Sacco, Village Clerk