

CHAPTER 2014-249

Committee Substitute for Committee Substitute for House Bill No. 1373

An act relating to Lee County; creating the Village of Estero; providing a charter; providing legislative intent; providing for a council-manager form of government; providing boundaries; providing municipal powers; providing for a village council and composition thereof; providing for eligibility, terms, duties, compensation, and reimbursement of expenses of council members; providing for a mayor and vice mayor; providing scheduling requirements of council meetings; prohibiting interference with village employees; providing for filling of vacancies and forfeiture of office; providing that the council is the sole judge of qualifications of its members; authorizing the council to investigate affairs relating to the village and the conduct of any village department, office, or agency; providing criminal penalties; providing for the appointment of a village manager, village attorney, and village clerk and the qualifications, removal, powers, and duties thereof; providing for the establishment of village departments, agencies, personnel, and boards; defining terms; providing for the adoption of ordinances and resolutions; providing for the adoption of an annual budget and appropriations; providing for supplemental and emergency appropriations and the reduction and transfer of appropriations; providing for the establishment of a 5-year capital program; providing for an annual independent audit; providing that the state is not liable for financial shortfalls of the village; providing for nonpartisan elections and matters relating thereto; providing for seven village council districts; providing for the recall of council members; providing for initiative and referenda; providing for a code of ethics; providing for future amendments to the charter; providing for severability; providing a village transition schedule and procedures for the first election; providing for first-year expenses; providing for adoption of transitional ordinances and resolutions, comprehensive plans, and land development regulations; providing for accelerated entitlement to state-shared revenues; providing for entitlement to all local revenue sources allowed by general law; providing for the sharing of communications services tax revenues; providing for receipt and distribution of local option gas tax revenues; providing for waiver of specified eligibility provisions; requiring a referendum; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Corporate name; purpose of the charter; creation and establishment of the Village of Estero.—

(1) CORPORATE NAME.—The municipality hereby established shall be known as the Village of Estero (“village”).

(2) PURPOSE OF THE CHARTER.—This act, together with any future amendments thereto, may be known as the Charter of the Village of Estero (“charter”).

(a) It is in the best interests of the public health, safety, and welfare of the residents of the Estero area to form a separate municipality for the Estero area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

(b) It is intended that this charter and the incorporation of the Estero area will serve to preserve and protect the character, natural resources, and quality of life of the community and to maintain the vision established by the Estero Community Plan, as amended and as adopted by the Board of County Commissioners of Lee County in January 2002.

(c) It is the intent of this charter and the incorporation of the village to secure the benefits of self-determination and affirm the values of representative democracy, citizen participation, strong community leadership, professional management, and regional cooperation.

(d) It is the intent of this charter and the incorporation of the village to maintain a financially secure and sustainable municipal government and to responsibly manage the village’s debt obligations without causing the state to incur any liability.

(3) CREATION AND ESTABLISHMENT OF THE VILLAGE OF ESTERO.—

(a) This act shall take effect upon approval by a majority vote of those qualified electors residing within the corporate limits of the proposed village as described in section 3 voting in a referendum election to be called by the Supervisor of Elections of Lee County to be held November 4, 2014, in accordance with the provisions of law relating to elections currently in force.

(b) For the purpose of compliance with s. 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the Village of Estero is created and established effective December 31, 2014.

Section 2. Powers of the village; form of government.—

(1) POWERS OF THE VILLAGE.—The village shall have all available governmental, corporate, and proprietary powers possible for a municipal government to have under the State Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter, and may exercise them, except where prohibited by law. Through the adoption of this charter, it is the intent of the electors of the village that the municipal government established in this section shall have the broadest exercise of home rule powers permitted under the State Constitution and laws of the state. This charter and the powers of the village shall be construed liberally in favor of the village.

(2) CONSTRUCTION.—The powers of the village under this charter shall be construed liberally in favor of the village, and the specific mention of particular powers in the charter shall not be construed as limiting the general powers granted in this charter in any way.

(3) FORM OF GOVERNMENT.—The form of government established by this charter shall be a council-manager form, with the council to consist of seven village council (“council”) members elected by the village at large from seven districts. The council shall constitute the governing body of the village, with the duties and responsibilities hereinafter provided. The council shall appoint a village manager to be the chief administrative officer of the village who shall serve at the pleasure of the council.

(4) INTERGOVERNMENTAL RELATIONS.—The village may participate by contract or otherwise with any governmental entity of this state or any other state or states or the United States in the performance of any activity that one or more of such entities has the authority to undertake.

Section 3. Corporate boundaries.—The territorial boundaries of the Village of Estero upon the date of incorporation shall include the following areas situated in Lee County:

A. In Township 46 South, Range 24 East, those portions of Sections 25 and 36 lying east of the waters of Estero Bay.

B. In Township 46 South, Range 25 East, those portions of Section 31 lying east of the waters of Estero Bay.

C. In Township 46 South, Range 25 East, the Southwest Quarter (SW- $\frac{1}{4}$) of Section 22 and All of Sections 21, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36.

D. In Township 46 South, Range 26 East, those portions of Sections 19 and 20 lying south of the south right-of-way line of Corkscrew Road and all of Sections 29, 30, 31 and 32.

E. In Township 47 South, Range 25 East, those portions of Sections 2 and 11 lying west of the west right-of-way line of Interstate 75 (State Road No. 93) and all of Sections 3, 4, 9 and 10.

F. In Township 47 South, Range 25 East, the Northwest Quarter of (NW- $\frac{1}{4}$) of Section 5, the Northeast Quarter of (NE- $\frac{1}{4}$) of Section 5 and a parcel of land lying in the Southeast Quarter (SE- $\frac{1}{4}$) of Section 5 as described in Deed Book 244, page 138, public records of Lee County, Florida.

G. That portion of Section 6, Township 47 South, Range 25 East lying within a parcel of land as described in Official Records Book 1924, page 2148, public records of Lee County, Florida and the plat of West Bay Club as recorded in Plat Book 62, page 79, public records of Lee County, Florida.

H. That portion of Section 7, Township 47 South, Range 25 East lying within a parcel of land as described in Instrument Number 2013000044684, public records of Lee County, Florida.

I. In Township 47 South, Range 25 East, All of Section 8.

LESS AND EXCEPT:

The East Half (E-1/2) of the Northwest Quarter (NW-1/4) and the West Half (W-1/2) of the West Half (W-1/2) of the Northeast Quarter (NE-1/4) of Section 8, Township 47 South, Range 25 East, less the south 40 feet for the Coconut Road Right-of-way.

ALSO LESS AND EXCEPT:

The West Half (W-1/2) of the Northwest Quarter (NW-1/4) of Section 8, Township 47 South, Range 25 East.

ALSO LESS AND EXCEPT:

That portion of Coconut Road lying in the West Half (W-1/2) of the Southwest Quarter (SW-1/4) of Section 8, Township 47 South, Range 25 East.

ALSO LESS AND EXCEPT:

Being a portion of land located in Section 8, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the southwest corner of the Coconut Road Right-of-way as shown on the specific purpose survey prepared by Johnson Engineering, inc. dated December 15, 1999 with a project number of 19991898; thence run along the south line of said right-of-way South 89°43'06" East, for a distance of 45.84 feet, to the Point of Beginning of the parcel of land herein described; thence continue along said south line South 89°43'06" East, for a distance of 904.21 feet to the intersection of the extension of the west line of Via Veneto right-of-way as recorded in Official Records Book 4408, page 470 of the public records of Lee County, Florida and said south line of Coconut Road; thence run along the westerly line of said right-of-way and extension thereof for the following four (4) courses and distances:

1. South 00°17'49" West, for a distance of 47.01 feet;
2. thence run South 74°36'33" East, for a distance of 58.19 feet;
3. thence run South 50°54'15" East, for a distance of 143.04 feet;
4. thence run South 00°11'43" West, for a distance of 82.19 feet to a point on the Westerly line of parcel 5 of those lands recorded in Instrument Number 2009000192836 of said public records; thence run along said westerly line for the following eight (8) courses and distances:

1. North 89°47'57" West, for a distance of 34.12 feet;
2. thence run South 63°30'43" West, for a distance of 230.57 feet;
3. thence run South 47°26'14" West, for a distance of 466.86 feet;
4. thence run South 41°35'17" West, for a distance of 46.90 feet to a point on a circular curve concave northwest, whose radius point bears North 48°24'38" West, a distance of 100.00 feet therefrom;
5. thence run southwesterly along the arc of said curve to the right, having a radius of 100.00 feet, through a central angle of 28°01'16", subtended by a chord of 48.42 feet at a bearing of South 55°36'00" West, for an arc length of 48.91 feet to a point on a circular curve concave southeast, whose radius point bears South 20°23'12" East, a distance of 105.00 feet therefrom;
6. thence run southwesterly along the arc of said curve to the left, having a radius of 105.00 feet, through a central angle of 54°28'46", subtended by a chord of 96.12 feet at a bearing of South 42°22'25" West, for an arc length of 99.84 feet to a point on a circular curve concave northwest, whose radius point bears North 74°51'54" West, a distance of 100.00 feet therefrom;
7. thence run southwesterly along the arc of said curve to the right, having a radius of 100.00 feet, through a central angle of 14°44'34", subtended by a chord of 25.66 feet at a bearing of South 22°30'23" West, for an arc length of 25.73 feet to the end of said curve;
8. thence run South 29°52'39" West, for a distance of 22.93 feet; thence run North 34°45'41" West, for a distance of 134.67 feet; thence run North 53°03'31" West, for a distance of 119.51 feet; thence run North 19°08'07" West, for a distance of 117.09 feet; thence run North 41°42'16" West, for a distance of 86.54 feet; thence run North 00°49'46" West, for a distance of 150.18 feet; thence run North 50°28'56" West, for a distance of 47.03 feet; thence run North 20°07'09" West, for a distance of 19.34 feet; thence run North 34°54'03" West, for a distance of 30.82 feet; thence run North 23°07'05" East, for a distance of 44.14 feet; thence run North 28°21'44" West, for a distance of 88.04 feet; thence run North 39°18'43" East, for a distance of 25.46 feet; thence run North 07°41'43" East, for a distance of 98.70 feet; thence run North 10°04'01" West, for a distance of 18.32 feet to the Point of Beginning.

Containing 12.26 acres, more or less.

ALSO LESS AND EXCEPT:

A parcel of land located in Section 7 and 8, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commence at the East Quarter corner of Section 7, Township 47 South, Range 25 East, Lee county, Florida; thence along the east line of said Section 7, South 00°50'02" East, a distance of 25.00 feet to a point on the south right-of-way line of Coconut Road, the same being the Point of Beginning of the parcel of land herein described; thence run along said south line, South 89°43'21" East, a distance of 45.84 feet; thence South 10°04'01" East, a distance of 18.32 feet; thence South 07°41'43" West, a distance of 98.70 feet; thence South 39°18'43" West, a distance of 25.46 feet; thence South 28°21'44" East, a distance of 88.04 feet; thence South 23°07'05" West, a distance of 44.14 feet; thence South 34°54'03" East, a distance of 30.82 feet; thence South 20°07'09" East, a distance of 19.34 feet; thence South 50°28'56" East, a distance of 47.03 feet; thence South 00°49'46" East, a distance of 150.18 feet; thence South 41°42'16" East, a distance of 86.54 feet to a point on the boundary line of Conservation Easement Number 14, recorded in Official Records Book 3094, page 3234, public records of Lee County, Florida; thence along said boundary, South 75°38'07" West, a distance of 112.79 feet to a point on the boundary of a Conservation Easement recorded in Official Records Book 4283, page 3774, public records of Lee County, Florida; thence follow along the boundary of said Conservation Easement to the intersection of the south line of Section 8, Township 47 South, Range 25 East, Lee County, Florida, for the following courses and distances, South 13°27'24" West, a distance of 68.12 feet; thence South 38°25'26" West, a distance of 13.31 feet; thence South 22°41'02" East, a distance of 9.38 feet; thence South 14°12'53" West, a distance of 28.04 feet; thence North 83°09'35" East, a distance of 75.71 feet; thence South 17°31'04" West, a distance of 24.03 feet; thence South 01°58'43" West, a distance of 35.44 feet; thence South 80°03'12" East, a distance of 25.81 feet; thence South 76°58'32" East, a distance of 32.43 feet; thence South 58°26'34" East, a distance of 32.79 feet; thence South 50°42'32" East, a distance of 25.83 feet; thence South 06°30'32" West, a distance of 20.53 feet; thence South 34°00'38" West, a distance of 22.57 feet; thence South 86°51'04" West, a distance of 39.79 feet; thence North 71°44'14" West, a distance of 18.15 feet; thence North 79°21'50" West, a distance of 24.88 feet; thence North 54°46'17" West, a distance of 19.72 feet; thence North 70°05'51" West, a distance of 36.50 feet; thence South 14°42'48" West, a distance of 28.87 feet; thence South 31°00'38" West, a distance of 25.53 feet; thence South 46°04'37" West, a distance of 27.43 feet; thence South 79°48'07" East, a distance of 48.50 feet; thence South 41°58'46" East, a distance of 40.98 feet; thence South 42°24'51" East, a distance of 36.16 feet; thence South 83°34'30" East, a distance of 24.52 feet; thence South 15°52'35" West, a distance of 34.51 feet; thence South 59°45'12" East, a distance of 25.96 feet; thence South 60°07'55" East, a distance of 30.22 feet; thence South 28°14'30" East, a distance of 18.56 feet; thence South 12°04'44" West, a distance of 31.95 feet; thence North 82°28'58" West, a distance of 22.54 feet; thence North 78°36'49" West, a distance of 29.64 feet; thence North 60°50'08" West, a distance of 22.14 feet; thence South 14°57'51" West, a distance of 38.06 feet; thence South 11°26'36" West, a distance of 19.74 feet; thence South 58°07'12" East, a distance of 25.45 feet; thence South 12°12'57"

East, a distance of 22.75 feet; thence South 86°12'55" East, a distance of 20.51 feet; thence South 56°23'00" East, a distance of 28.55 feet; thence South 41°44'09" West, a distance of 15.79 feet; thence North 71°14'30" West, a distance of 22.95 feet; thence North 67°33'53" West, a distance of 23.50 feet; thence South 54°36'26" West, a distance of 44.61 feet; thence North 53°20'16" West, a distance of 28.47 feet; thence North 35°50'04" West, a distance of 42.22 feet; thence North 41°43'16" East, a distance of 24.56 feet; thence North 82°15'02" West, a distance of 13.75 feet; thence South 58°55'16" West, a distance of 31.96 feet; thence South 22°08'04" West, a distance of 21.15 feet; thence South 40°59'54" East, a distance of 20.68 feet; thence South 47°19'30" East, a distance of 50.06 feet; thence South 03°17'09" East, a distance of 19.29 feet; thence South 39°41'04" East, a distance of 35.54 feet; thence South 00°32'00" West, a distance of 23.73 feet; thence South 36°13'51" West, a distance of 33.30 feet; thence South 26°54'16" West, a distance of 22.25 feet; thence South 21°50'28" West, a distance of 36.79 feet; thence South 63°28'06" West, a distance of 28.23 feet; thence South 25°24'38" West, a distance of 13.47 feet; thence South 42°37'08" West, a distance of 36.84 feet; thence South 19°49'02" West, a distance of 36.20 feet; thence South 48°17'57" West, a distance of 25.07 feet; thence South 48°46'20" East, a distance of 23.96 feet; thence South 07°18'24" East, a distance of 39.41 feet; thence South 61°42'17" East, a distance of 63.96 feet; thence South 19°30'39" East, a distance of 37.00 feet; thence South 07°11'44" East, a distance of 30.87 feet; thence South 57°48'34" West, a distance of 26.54 feet; thence South 39°49'37" West, a distance of 51.91 feet; thence South 33°12'43" West, a distance of 21.35 feet; thence South 09°34'48" West, a distance of 44.74 feet; thence South 20°48'56" East, a distance of 48.32 feet; thence South 24°55'57" West, a distance of 41.90 feet; thence South 02°45'31" East, a distance of 35.63 feet; thence South 33°18'17" East, a distance of 34.45 feet; thence South 08°14'15" West, a distance of 43.31 feet; thence South 19°59'58" East, a distance of 78.22 feet; thence South 27°23'35" East, a distance of 37.53 feet; thence South 37°39'35" West, a distance of 40.08 feet; thence South 01°14'30" East, a distance of 20.37 feet; thence South 71°18'06" West, a distance of 15.08 feet; thence South 57°59'14" West, a distance of 26.21 feet; thence South 27°10'02" West, a distance of 44.00 feet; thence South 34°26'29" East, a distance of 51.64 feet; thence South 12°11'33" East, a distance of 38.89 feet; thence South 31°00'48" East, a distance of 40.10 feet; thence South 05°32'22" East, a distance of 52.47 feet; thence South 14°06'44" West, a distance of 27.92 feet; thence South 18°32'06" West, a distance of 38.27 feet; thence North 86°57'32" East, a distance of 15.90 feet; thence North 67°34'27" East, a distance of 25.47 feet; thence South 12°39'01" East, a distance of 39.36 feet; thence South 84°33'25" West, a distance of 27.45 feet; thence South 47°36'58" West, a distance of 27.94 feet; thence South 34°56'23" East, a distance of 26.07 feet; thence North 89°13'57" East, a distance of 45.10 feet; thence South 16°15'58" East, a distance of 49.58 feet; thence South 12°23'09" West, a distance of 35.75 feet; thence South 05°37'35" East, a distance of 67.77 feet; thence South 17°34'05" West, a distance of 40.65 feet; thence South 45°08'32" East, a distance of 43.24 feet; thence South 07°58'04" East, a distance of

16.70 feet to a point on the south line of aforementioned Section 8; thence along said south line, North 89°52'21" West, a distance of 34.61 feet to a the southeast corner of said Section 7; thence along the south line of said Section 7, North 89°52'21" West, a distance of 2,276 feet more or less to the water of the Estero Bay; thence northerly along said waters, a distance of 4,498 feet, more or less; thence North 89°13'27" East, a distance of 742 feet more or less to a point on the boundary of the lands described in Official Records Book 3052, page 1859, public records of Lee County, Florida; thence along the boundary of said lands for the following three (3) calls: 1) South 00°46'33" East, a distance of 650.00 feet; 2) thence North 89°13'27" East, a distance of 1,107.21 feet; 3) thence North 00°50'02" West, a distance of 625.00 feet to the Point of Beginning. Containing 110.89 acres, more or less.

A. In Township 46 South, Range 25 East, that portion of the Southwest Quarter (SW-¼) of Section 23 lying west of the west right-of-way line of Interstate 75 (State Road No. 93).

B. In Township 46 South, Range 25 East, that portion of the Southeast Quarter (SE-¼) of Section 20 lying south of the north line of a parcel of land described in Instrument Number 2012000146389, public records of Lee County, Florida and northeast of the northeast right-of-way line of US 41 - Tamiami Trail (State Road No. 45).

C. That portion of a Tract or Parcel of land lying in Sections 20, Township 46, South, Range 25 East, which Tract or Parcel is more particularly described as follows:

Beginning at the Southeast corner of said Section 20 and run Westerly along the south line of said Section 20 for 660 feet to the Easterly boundary of lands described in deed recorded in Deed Book 217, at Page 367, of the Public Records of Lee County; thence run Northerly along said Easterly boundary, parallel with the East line of said Section 21 for 995.91 feet to the Southwesterly corner of lands described in deed recorded in Deed Book 295, at Page 505 of said Public Records, thence run Easterly along the Southerly boundary of said lands and an Easterly prolongation thereof, parallel with the south line of said Section 21 for 498.56 feet; thence deflect 35°25'00" left and run Northeasterly, perpendicular to the centerline of the Tamiami Trail (State Road 45) for 126.84 feet to a Point on the Southwesterly line (68 feet from said centerline) of said Tamiami Trail thence run Southeasterly along said Southwesterly line for 100.00 feet to a concrete monument on the line common to said sections 20 and 21, thence continue Southeasterly along said Southwesterly line of said Tamiami Trail for 315.24 feet to a concrete monument; thence deflect 126°13' to the right and run Westerly, perpendicular to said line common to said Sections 20 and 21 for 186.26 feet to a point on said section line; thence run Southerly along said section line for 733.59 feet to the Point of Beginning.

AND

A tract or parcel of land lying in the Southeast quarter of the Southeast quarter of Section 20, Township 46, Range 25 East, Lee County, Florida, which Tract or Parcel is described as follows:

From the concrete monument marking the Southeast corner of said Section 20, run S 88°30'00" W, along the South line of said Section for 660.0 feet to a concrete monument; thence run N 0°42'00" W, parallel with the East line of said Section 995.91 feet to a concrete monument; thence run N 88°30'00" E, parallel with said South line for 498.56 feet to a concrete monument, thence run N 53°05'00" E, for 23.96 feet to concrete monument and the point of beginning. From said point of beginning run N 38°56'00" W for 286.25 feet to a steel pin, thence run N 17°25'50" E, for 62.04 feet to a concrete monument marking the intersection with the southerly line of Pine Road, thence run N 88°39'20" E, along southerly line, parallel with and 25 feet (as measured on a perpendicular) Southerly from the North line of said fraction of a Section for 76.95 feet to an intersection with the southwesterly line (68 feet from the center line) of the Tamiami Trail (State Road No. 45); thence run S 36°55'00" E., along said Southwesterly line for 277.49 feet to a concrete monument, thence run S 53°05'00" W, perpendicular to said southwesterly line for 102.88 feet to the Point of Beginning.

Section 4. Village council.—

(1) GENERAL POWERS AND DUTIES.—All powers of the village shall be vested in the council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations permitted by or imposed on the village by law.

(2) COMPOSITION; ELIGIBILITY; TERMS.—

(a) Composition.—There shall be a village council composed of seven council members. One council member shall be elected by the voters of the village at large in each of seven districts, district one through district seven.

(b) Eligibility.—

1. Each candidate for the office of village council member shall be a qualified elector of the village.

2. Each candidate for council shall have been a resident of the village for a minimum period of 1 year before qualifying for office.

3. Each council member must reside in the district the member represents for the duration of his or her term.

(c) Terms.—The term of office for council members shall be 4 years. No council member shall serve more than two consecutive terms. After 1 year out of office, a former council member may requalify for a seat on the council. For purposes of calculating term limits, partial terms shall not be counted toward term limits.

(3) MAYOR; VICE MAYOR.—

(a) Mayor.—At the first regularly scheduled meeting after the village’s regular election, the council, by a majority vote, shall elect from its membership a mayor. The mayor shall serve as chairperson during the meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The mayor shall also serve as the ceremonial head of the village.

(b) Vice mayor.—At the first regularly scheduled meeting after the village’s regular election, the council, by a majority vote, shall elect from its membership a vice mayor who shall serve as mayor during the absence or disability of the mayor and, if a vacancy of the mayor occurs, shall become interim mayor until the next regularly scheduled election.

(4) COMPENSATION.—The salary of each council member, except for the mayor, shall be \$6,000 per year, payable in equal monthly installments. The salary of the mayor shall be \$9,000 per year, payable in equal monthly installments. An ordinance increasing or decreasing compensation of the council may be adopted at any time; however, if the council takes action to change the level of compensation, the salary of council members shall not be adjusted until after the first day after the next regular municipal election. The council may provide for reimbursement of actual expenses incurred by its members, including the mayor, while performing their official duties.

(5) COUNCIL MEETINGS.—

(a) The council shall schedule a minimum of 12 regular meetings each year. Special meetings may be held at the call of the mayor or a majority of the council members. At least a 24-hour notice shall be provided to each council member for special meetings. Except as authorized by law, all meetings shall be open to the public.

(b) Four members of the village council shall normally constitute a quorum for the conduct of business. Unless a quorum is present, no action may be taken except to adjourn.

(c) All council members present shall vote on all matters before the village council except on those matters for which a council member announces a conflict of interest or the village attorney determines that there is a conflict of interest.

(6) PROHIBITIONS.—

(a) Neither the council, nor any individual member of the council, shall in any manner attempt to dictate the employment or removal of any employee other than the village manager, village attorney, and village clerk. The council is free to make inquiries of village employees, but no individual member of the council shall give orders to any officer or employee of the village. Recommendations for improvements in village government operations shall come through the village manager, but each member of the council

shall be free to discuss or recommend improvements to the village manager, and the council is free to direct the village manager to implement specific recommendations for improvement in village government operations.

(b) No present or former elected village official shall hold any compensated appointive office or employment with the village until 1 year after leaving office.

(c) The council may not adopt any compensation plan for municipal employees or officers that incurs unfunded liabilities or adopt a defined benefit plan but may only adopt a defined contribution plan. Officers and employees of the village may not participate in the Florida Retirement System.

(7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.—

(a) Vacancies.—A vacancy in the office of council, mayor, or vice mayor shall occur upon the incumbent’s death, inability to fulfill the duties of the office, movement of residence outside the district, resignation, appointment to another public office, judicially determined incompetence, or removal or forfeiture of office as described in this subsection.

(b) Forfeiture of office.—A member of the council may forfeit the office if the member:

- 1. Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;
- 2. Violates any express prohibition of this charter;
- 3. Is convicted of a felony or criminal misdemeanor, which felony or misdemeanor involves the office of village council;
- 4. Is found to have violated any standard of conduct or code of ethics established by law for public officials or has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
- 5. Misses three consecutive regularly scheduled council meetings, unless excused by the council.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled council meeting, and the member may be declared to have forfeited office by majority vote of the council.

(c) Filling of vacancies.—A vacancy on the council, except for the position of mayor, shall be filled as follows:

- 1. If a vacancy occurs and the remainder of the unexpired term is 28 months or less, the remaining council members shall, within 60 days after the occurrence of such vacancy, by majority vote of the remaining council

members, appoint a person from the same district to fill the vacancy for the remainder of the unexpired term.

2. If a vacancy occurs and the remainder of the unexpired term is more than 28 months, the remaining council members shall, within 60 days after the occurrence of such vacancy, by a majority vote of the remaining council members, appoint a person from the same district to fill the vacancy until the next regularly scheduled election, at which time the balance of the term for the seat shall be filled pursuant to section 9.

3. If four or more council vacancies occur at one time, the remaining council members shall, within 60 days after the occurrence of such vacancies, by a majority vote of the remaining council members, appoint a person from the same district to fill such vacancies until the next regularly scheduled village election, at which time the balance of the term for the seats shall be filled pursuant to section 9.

(8) JUDGE OF QUALIFICATIONS.—

(a) The council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a council member's office, including whether good cause for absence has been or may be established. The council shall have the power to set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the village at least 7 days before the hearing.

(b) The burden of establishing good cause for absences shall be on the council member in question; however, any council member may, at any time during a duly held meeting, move to establish good cause for his or her absence. A council member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on such matters.

(9) INVESTIGATIONS.—

(a) The council may undertake investigations into the affairs of the village and the conduct of any village department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a misdemeanor punishable by fines or imprisonment as provided in chapter 838, Florida Statutes.

(b) The council shall act on any such findings as it may determine to be in the best interest of the village.

Section 5. Administration.—

(1) VILLAGE MANAGER.—

(a) Appointment and qualifications.—The council shall appoint a village manager for a fixed compensation who shall serve at the pleasure of the council. The village manager shall be appointed primarily on the basis of executive and administrative qualifications.

(b) Removal.—The village manager may be suspended by a resolution approved by a majority vote of the council, which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall immediately be served upon the village manager. The village manager shall have 5 days to reply to the resolution in writing, and upon request shall be afforded a public hearing, which shall occur at least 5 days but not more than 30 days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the council, by a majority vote of its membership, may adopt a final resolution of removal. The village manager shall continue to receive full salary until the effective date of a final resolution of removal.

(c) Residency.—The village manager need not be a resident of the village at the time of the manager’s appointment and may reside outside the village while in office.

(d) Powers and duties of the village manager.—The village manager shall:

1. Appoint, suspend, demote, or dismiss any village employee under the village manager’s jurisdiction in accordance with law, and may authorize any department head to exercise these powers with respect to subordinates in that department.

2. Direct and supervise the administration of all departments of the village except the office of the village attorney.

3. Attend all village council meetings unless excused by council, and shall have the right to take part in discussions, but not to vote.

4. Ensure that all laws, charter provisions, ordinances, resolutions, and other acts of the council subject to enforcement are faithfully executed, and perform such other duties as are specified in this charter and city code.

5. Submit the annual budget, budget message, and capital program to the council; keep the council fully advised as to the financial condition and future needs of the village; and make such recommendations to the council concerning the affairs of the village as the village manager deems appropriate. The village manager shall promptly communicate with the council his

or her reasonable expectation of any significant deviations from an expenditure identified within the annual budget. The definition of the term “significant deviations” shall be determined by the council.

6. Designate a qualified village employee to exercise the powers and perform the duties of village manager during any temporary absence or incapacity of the village manager. The council may revoke such designation at any time and appoint another qualified person, other than a currently seated council member, to serve as acting village manager until the village manager returns or his or her incapacity shall cease.

7. With the consent of the council, appoint an employee to serve as village clerk.

(2) VILLAGE ATTORNEY.—There shall be a village attorney who shall be a member of The Florida Bar in good standing, be appointed by the council, and serve as the chief legal advisor to the council and village administrators, departments, and agencies. The village attorney shall attend all council meetings unless excused by council and shall perform such professional duties as may be required by law or by the council in the furtherance of law. The council may remove the village attorney for any reason by a majority vote of its members.

(3) VILLAGE CLERK.—There shall be a village clerk who shall be appointed by the village manager with the consent of the council. The village clerk shall serve at the pleasure of the village manager and shall:

- (a) Give notice of council meetings to its members and the public.
- (b) Keep the journal and minutes of the proceedings of the council and its committees, which shall be public records.
- (c) Authenticate by signature and record all ordinances and resolutions passed by council.
- (d) Be the custodian of the village seal.
- (e) Have the power to administer oaths.
- (f) Perform such other duties as may be assigned by the village manager.

Section 6. Departments; personnel; planning.—

(1) DEPARTMENTS; BOARDS; AGENCIES.—The council may establish or terminate such departments, boards, or agencies as it determines necessary for the efficient administrative operation of the village. Such departments, boards, or agencies shall be determined by ordinance.

(2) PERSONNEL.—Consistent with all applicable state and federal laws, the council shall provide by ordinance for the establishment, regulation, and maintenance of a system governing personnel policies necessary for

the effective administration of employees of the village's departments, boards, and agencies.

(3) PLANNING.—Consistent with all applicable state and federal laws with respect to land use, development, and environmental protection, the village shall:

(a) Designate an agency or agencies to execute the planning functions with such decisionmaking responsibilities as may be specified by ordinance or general law.

(b) Adopt a comprehensive plan and ensure that zoning and other land use control ordinances are consistent with the plan, all in accordance with general law. The Lee County Comprehensive Plan, as it exists on the day that the village commences corporate existence, shall serve as the initial comprehensive plan of the village until the village adopts its own comprehensive plan pursuant to chapter 163, Florida Statutes.

(c) Adopt zoning and development regulations, to be specified by ordinance, to implement the plan.

Section 7. Ordinances and resolutions.—

(1) DEFINITIONS.—As used in this charter, the term:

(a) “Ordinance” means an official legislative action of the council, which action is a regulation of general and permanent nature and enforceable as a local law.

(b) “Resolution” means an expression of the council concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the village.

(2) ADOPTION OF ORDINANCES.—The procedure for adoption of ordinances and resolutions shall be as provided in s. 166.041, Florida Statutes.

(3) EMERGENCY ORDINANCES.—To meet a public emergency affecting life, health, property, or the public peace, the council may, except where prohibited by general law, adopt one or more emergency ordinances. Such emergency ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any utility for its services; or authorize the borrowing of money except as provided in this charter. An emergency ordinance or resolution may not establish or amend the actual zoning map designation of a parcel or parcels of land or that changes the list of permitted, conditional, or prohibited uses within a zoning category. An emergency ordinance shall be plainly designated as an emergency ordinance and shall contain, after the enacting of the clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance shall become effective upon adoption and automatically stand repealed as of the 61st day after the date on which it was

adopted. This shall not prevent reenactment of an emergency ordinance under regular procedures, or if the emergency continues to exist, in the manner specified in this subsection.

Section 8. Financial management.—

(1) FISCAL YEAR.—The fiscal year of the village shall begin on the first day of October and end on the last day of September of each year.

(2) SUBMISSION OF THE BUDGET AND THE BUDGET MESSAGE. On or before the 15th day of July of each year, the village manager shall submit to the council a budget in accordance with state law. The budget shall outline the financial policies of the village for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policy, including any changes in budgetary accounting methods from the current year's expenditures and revenues together with the reasons for such changes; summarize the village's debt position; and include such other material as the village manager deems necessary.

(3) BUDGET.—The budget shall provide a complete financial plan of all village funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the village manager deems desirable or the council may require for effective management and an understanding of the relationship between the budget and the village's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated revenue, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated revenue and expenditures of the current fiscal year and actual revenue and expenditures of the preceding fiscal year. The budget shall indicate in separate sections:

(a) The proposed goals and expenditures for the current operations during the ensuing fiscal year, detailed for each fund by department or by other organizational unit, and by program, purpose, or activity; methods of financing such expenditures; and methods to measure outcomes and performance related to the goals.

(b) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure, and the methods used to measure outcomes and performance related to the goals.

(c) The proposed goals, anticipated revenue and expenses, and profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the village, and methods to measure outcomes and performance related to goals. For any fund, the total of proposed

expenditures shall not exceed the total of estimated revenue plus carried forward fund balances exclusive of required reserves.

(4) VILLAGE COUNCIL ACTION ON BUDGET.—The council shall adopt the budget by resolution on or before the 30th day of September of each year. If the council fails to adopt a budget by this date, the budget proposed by the village manager shall go into effect.

(5) ADMINISTRATION OF BUDGET.—The council shall provide, by ordinance, the procedures for administering the budget.

(6) BUDGET AMENDMENTS AFTER ADOPTION.—

(a) Supplemental appropriations.—If, during or before the fiscal year, the village manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency appropriations.—To address a public emergency affecting life, health, property, or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with subsection (3) of section 7. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed.

(c) Reductions of appropriations.—If, at any time during the fiscal year, it appears probable to the village manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the village manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by the village manager, and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit, and for that purpose it may, by ordinance, reduce or eliminate one or more appropriations.

(d) Transfer of appropriations.—At any time during the fiscal year, the council may by resolution transfer part or all of the unencumbered appropriation balance from one department, fund, service, strategy, or organizational unit to the appropriation for other departments or organizational units or a new appropriation. The village manager may transfer funds among programs within a department, fund, service, strategy, or organizational unit and shall report such transfers to the council, in writing, in a timely manner.

(e) Limitation; effective date.—No appropriation for debt service may be reduced or transferred, and no appropriations may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof. The supplemental and emergency appropriations and

reduction of transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(7) CAPITAL PROGRAM; COUNCIL ACTION ON CAPITAL PROGRAM; PUBLIC RECORDS.—

(a) Capital program.—In conjunction with the submission of the budget, the village manager shall prepare and submit to the council a 5-year capital program to include cost estimates, time schedules, methods of financing, and estimated annual costs of operation and maintenance for such capital improvements. This capital program shall be revised and extended each year depending on which capital improvements are still pending or in process of construction or acquisition.

(b) Council action on capital program.—The council shall publish in one or more newspapers of general circulation within the village a summary of the capital program and a notice of at least two public hearings on the capital program. The council, by resolution, shall adopt the capital program with or without amendments after the public hearings and on or before the 15th day of August of the then-current fiscal year.

(c) Public records.—Copies of the budget, capital program, and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable and published access places in the village, and shall be available for purchase at a reasonable price.

(8) ANNUAL INDEPENDENT AUDIT.—The council shall provide for an annual independent audit of all village accounts and pursuant to general law may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the village government or in any of its officers. Residency in the village shall not be construed as a prohibited interest.

(9) SHORTFALLS.—The state is not liable for financial shortfalls of the village.

Section 9. Nominations and elections.—

(1) NONPARTISAN ELECTIONS; ELECTORS; QUALIFYING.—

(a) Nonpartisan elections.—All elections shall be conducted on a nonpartisan basis without designation of political party affiliation.

(b) Electors.—Any person who is a resident of the village, who has qualified as an elector of this state, and who registers as prescribed by law shall be an elector of the village.

(c) Qualifying.—

1. Each candidate for village council shall be a qualified elector of the village and must reside in the village for at least 1 year before the beginning of the qualifying period for the office sought.

2. Any elector of the village who wishes to become a candidate for village council shall qualify with the Supervisor of Elections of Lee County for the initial election; thereafter, candidates shall qualify with the village clerk by providing proof of voter registration, current address, or 1 year’s residency.

3. The qualifying period for candidates for village council shall begin at noon on the second Monday in January of odd-numbered years and end at noon on the Friday immediately after.

(2) ELECTIONS.—

(a) Adoption of Florida Election Code.—All elections required under any article or section of this charter shall be conducted in accordance with the Florida Election Code, chapters 97-106, Florida Statutes, in its entirety and as it is subsequently amended, except as otherwise provided in this charter. The council, by ordinance, may adopt such election procedures as are necessary and as provided by the Florida Election Code, chapters 97-106, Florida Statutes.

(b) At-large elections.—

1. The regular election of council members beginning in 2017 will be the first Tuesday in March on each odd-numbered year.

2. Electors may vote for one candidate from each of the seven council districts. The candidate in each district receiving the highest number of votes in the village at-large election shall be elected to such council district.

3. The term of office for an elected council member shall begin on the second Tuesday after the council election, and end on the Monday immediately before commencement of the following term.

(c) Village canvassing board.—The canvassing board shall consist of the mayor or council member designated by the mayor, the village clerk, and the Supervisor of Elections of Lee County who shall canvass the results. The election results shall be publicly announced after the election.

(3) COUNCIL DISTRICTS; REDISTRICTING.—

(a) There shall be seven village council districts. The districts shall be as roughly equal in permanent population as practicable according to the population figures available from the most recent Lee County population estimate determined by the decennial United States Census. Legal descriptions for the village council districts located within the boundary of the Village of Estero are as follows:

DISTRICT 1

Commencing at the Northwest section corner of Section 29, Township 46 South, Range 25 East, also being the Point of Beginning (State Plane Coordinate X=709367.49 Y=768888.62);

thence run North 88°50'15" East, for a distance of 2641.85 feet;

thence run North 88°24'49" East, for a distance of 1988.08 feet;

thence run North 89°51'10" East, for a distance of 30.25 feet to the approximate center line of Breckenridge Drive;

thence run southwesterly along the arc a curve to the right having a radius of 247 feet, through a central angle of 44°53'57" with a chord bearing of South 22°4'49" West;

thence run southwesterly along the arc a curve to the left having a radius of 2583.18 feet, through a central angle of 4°3'41" with a chord bearing of South 45°15'53" West;

thence run southeasterly along the arc a curve to the left having a radius of 253.24 feet, through a central angle of 92°49'6" with a chord bearing of South 5°54'52" East;

thence run southeasterly along the arc a curve to the right having a radius of 285.56 feet, through a central angle of 90°12'56" with a chord bearing of South 17°41'1" East;

thence run South 34°18'15" West, for a distance of 119.36

thence run southwesterly along the arc a curve to the left having a radius of 398.15 feet, through a central angle of 53°44'15" with a chord bearing of South 3°40'29" West;

thence run southeasterly along the arc a curve to the right having a radius of 268.84 feet, through a central angle of 59°51'35" with a chord bearing of South 0°50'50" East;

thence run southwesterly along the arc a curve to the left having a radius of 1447.11 feet, through a central angle of 7°18'53" with a chord bearing of South 23°38'42" West;

thence run southeasterly along the arc a curve to the left having a radius of 377.67 feet, through a central angle of 79°49'18" with a chord bearing of South 23°55'38" East;

thence run southeasterly along the arc a curve to the right having a radius of 119.37 feet, through a central angle of 67°28'31" with a chord bearing of South 27°35'15" East;

thence run South 0°59'11" East, for a distance of 115.22 feet to the approximate centerline of Boadway Way also being the north line of the south half of Section 29, Township 46 South, Range 25 East;

thence run South 89°1'50" West, for a distance of 3551.72 feet to the approximate centerline of the FPL ROW;

thence run South 21°36'8" East, for a distance of 2384.1 feet to the approximate centerline of the Estero River;

thence following the approximate center line of the Estero River for 1599.59 feet to a point lying 1328.56 feet South 76°37'13" West of the point of intersection of the FPL ROW and the Estero River to the approximate center line of Halfway Creek;

thence following the approximate center line of the Halfway Creek for 9365.33 feet to a point lying 5640.75 feet South 15°19'02" East of the point of intersection of the center lines of the Estero River and Halfway Creek to the approximate centerline of Williams Road also being the north line of Section 05, Township 45 South, Range 25 East;

thence run North 88°32'36" East, for a distance of 3052.76 feet to the approximate centerline of Tropicana Avenue;

thence run South 0°15'48" East, for a distance of 2675.32 feet to the approximate centerline of an FPL easement;

thence run South 21°9'37" East, for a distance of 5754.36 feet to the approximately centerline of Coconut Road also being the north line of the south half of Section 09, Township 47 South, Range 25 East;

thence run North 89°54'43" East, for a distance of 1415.44 feet to the approximate center line of US 41;

thence run South 0°37'40" East, for a distance of 642.06 feet;

Thence run southeasterly along the arc a curve to the left having a radius of 4625.18 feet, through a central angle of 12°3'37" with a chord bearing of South 5°7'30 " East;

thence run South 9°39'59" East, for a distance of 1007.52 feet to the south line of Section 09, Township 47 South, Range 25 East also being the north boundary of the City of Bonita Springs;

thence following said municipal boundary, run South 88°56'15" West, for a distance of 802.51 feet;

thence run South 89°0'41" West, for a distance of 2677.09 feet;

thence run North 89°52'21" West, for a distance of 2558.77 feet;

thence run North 89°52'22" West, for a distance of 2524.15 feet to a point on the east line of a conservation easement recorded in Official Records Book 4283 Page 3774, Public Records of Lee County Florida;

thence following said boundary for the following 102 courses and distances:

1. run North 7°58'04" West, for a distance of 16.70 feet;
2. thence run North 45°8'32" West, for a distance of 43.24 feet;
3. thence run North 17°34'5" East, for a distance of 40.65 feet;
4. thence run North 5°37'35" West, for a distance of 67.77 feet;
5. thence run North 12°23'9" East, for a distance of 35.75 feet;
6. thence run North 16°15'58" West, for a distance of 49.58 feet;
7. thence run South 89°13'57" West, for a distance of 45.10 feet;
8. thence run North 34°56'23" West, for a distance of 26.07 feet;
9. thence run North 47°36'58" East, for a distance of 27.94 feet;
10. thence run North 84°33'25" East, for a distance of 27.45 feet;
11. thence run North 12°39'1" West, for a distance of 39.36 feet;
12. thence run South 67°34'27" West, for a distance of 25.47 feet;
13. thence run South 86°57'32" West, for a distance of 15.9 feet;
14. thence run North 18°32'6" East, for a distance of 38.27 feet;
15. thence run North 14°6'44" East, for a distance of 27.92 feet;
16. thence run North 5°32'22" West, for a distance of 52.47 feet;
17. thence run North 31°0'48" West, for a distance of 40.1 feet;
18. thence run North 12°11'33" West, for a distance of 38.89 feet;
19. thence run North 34°26'29" West, for a distance of 51.64 feet;
20. thence run North 27°10'2" East, for a distance of 44 feet;
21. thence run North 57°59'14" East, for a distance of 26.21 feet;
22. thence run North 71°18'6" East, for a distance of 15.08 feet;
23. thence run North 1°14'30" West, for a distance of 20.37 feet;
24. thence run North 37°39'36" East, for a distance of 40.08 feet;
25. thence run North 27°23'35" West, for a distance of 37.53 feet;
26. thence run North 19°59'58" West, for a distance of 78.22 feet;

27. thence run North 8°14'15" East, for a distance of 43.31 feet;
28. thence run North 33°18'17" West, for a distance of 34.45 feet;
29. thence run North 2°45'31" West, for a distance of 35.63 feet;
30. thence run North 24°55'57" East, for a distance of 41.9 feet;
31. thence run North 20°48'56" West, for a distance of 48.32 feet;
32. thence run North 9°34'48" East, for a distance of 44.74 feet;
33. thence run North 33°12'43" East, for a distance of 21.35 feet;
34. thence run North 39°49'37" East, for a distance of 51.91 feet;
35. thence run North 57°48'34" East, for a distance of 26.54 feet;
36. thence run North 7°11'44" West, for a distance of 30.87 feet;
37. thence run North 19°30'39" West, for a distance of 37 feet;
38. thence run North 61°42'17" West, for a distance of 63.96 feet;
39. thence run North 7°18'24" West, for a distance of 39.41 feet;
40. thence run North 48°46'20" West, for a distance of 23.96 feet;
41. thence run North 48°17'57" East, for a distance of 25.07 feet;
42. thence run North 19°49'2" East, for a distance of 36.2 feet;
43. thence run North 42°37'8" East, for a distance of 36.84 feet;
44. thence run North 25°24'38" East, for a distance of 13.47 feet;
45. thence run North 63°28'6" East, for a distance of 28.23 feet;
46. thence run North 21°50'28" East, for a distance of 36.79 feet;
47. thence run North 26°54'16" East, for a distance of 22.25 feet;
48. thence run North 36°13'51" East, for a distance of 33.3 feet;
49. thence run North 0°32'0" East, for a distance of 23.73 feet;
50. thence run North 39°41'4" West, for a distance of 35.54 feet;
51. thence run North 3°17'09" West, for a distance of 19.29 feet;
52. thence run North 47°19'30" West, for a distance of 50.06 feet;
53. thence run North 40°59'54" West, for a distance of 20.68 feet;

54. thence run North 22°8'4" East, for a distance of 21.15 feet;
55. thence run North 58°55'16" East, for a distance of 31.96 feet;
56. thence run South 82°15'2" East, for a distance of 13.75 feet;
57. thence run South 41°43'16" West, for a distance of 24.56 feet;
58. thence run South 35°50'4" East, for a distance of 42.22 feet;
59. thence run South 53°20'16" East, for a distance of 28.47 feet;
60. thence run North 54°36'26" East, for a distance of 44.61 feet;
61. thence run South 67°33'53" East, for a distance of 23.5 feet;
62. thence run South 71°14'30" East, for a distance of 22.95 feet;
63. thence run North 41°44'9" East, for a distance of 15.79 feet;
64. thence run North 56°23'0" West, for a distance of 28.55 feet;
65. thence run North 86°12'55" West, for a distance of 20.51 feet;
66. thence run North 12°12'57" West, for a distance of 22.75 feet;
67. thence run North 58°7'12" West, for a distance of 25.45 feet;
68. thence run North 11°26'36" East, for a distance of 19.74 feet;
69. thence run North 14°57'51" East, for a distance of 38.06 feet;
70. thence run South 60°50'8" East, for a distance of 22.14 feet;
71. thence run South 78°36'49" East, for a distance of 29.64 feet;
72. thence run South 82°28'58" East, for a distance of 22.54 feet;
73. thence run North 12°4'44" East, for a distance of 31.95 feet;
74. thence run North 28°14'30" West, for a distance of 18.56 feet;
75. thence run North 60°7'55" West, for a distance of 30.22 feet;
76. thence run North 59°45'12" West, for a distance of 25.96 feet;
77. thence run North 15°52'35" East, for a distance of 34.51 feet;
78. thence run North 83°34'30" West, for a distance of 24.52 feet;
79. thence run North 42°24'51" West, for a distance of 36.16 feet;
80. thence run North 41°58'46" West, for a distance of 40.98 feet;

- 81. thence run North 79°48'7" West, for a distance of 48.5 feet;
- 82. thence run North 46°4'37" East, for a distance of 27.43 feet;
- 83. thence run North 31°0'38" East, for a distance of 25.53 feet;
- 84. thence run North 14°42'48" East, for a distance of 28.87 feet;
- 85. thence run South 70°5'51" East, for a distance of 36.5 feet;
- 86. thence run South 54°46'17" East, for a distance of 19.72 feet;
- 87. thence run South 79°21'50" East, for a distance of 24.88 feet;
- 88. thence run South 71°44'14" East, for a distance of 18.15 feet;
- 89. thence run North 86°51'4" East, for a distance of 39.79 feet;
- 90. thence run North 34°0'38" East, for a distance of 22.57 feet;
- 91. thence run North 6°30'32" East, for a distance of 20.53 feet;
- 92. thence run North 50°42'32" West, for a distance of 25.83 feet;
- 93. thence run North 58°26'34" West, for a distance of 32.79 feet;
- 94. thence run South 76°58'32" West, for a distance of 32.43 feet;
- 95. thence run North 80°3'12" West, for a distance of 25.81 feet;
- 96. thence run North 1°58'43" East, for a distance of 35.44 feet;
- 97. thence run North 17°31'4" East, for a distance of 24.03 feet;
- 98. thence run South 83°9'35" West, for a distance of 75.71 feet;
- 99. thence run North 14°12'53" East, for a distance of 28.04 feet;
- 100. thence run North 22°41'2" West, for a distance of 9.38 feet;
- 101. thence run North 38°25'26" East, for a distance of 13.31 feet;
- 102. thence run North 13°27'24" East, for a distance of 68.12 feet to the northwest corner of Conservation Easement number 14, recorded in Official Records Book 3094, Page 3234, Public Records of Lee County Florida; thence along said boundary for the following four (4) courses and distances:
 - 1. run North 75°38'7" East, for a distance of 112.79 feet;
 - 2. thence run South 19°8'7" East, for a distance of 117.08 feet;
 - 3. thence run South 53°3'31" East, for a distance of 119.51 feet;

4. thence run South 34°45'41" East, for a distance of 134.67 feet;
thence run North 29°52'39" East, for a distance of 22.93 feet;
Thence run northeasterly along the arc a curve to the left having a radius of 99.98 feet, through a central angle of 14°44'42" with a chord bearing of North 22°30'22" East;
Thence run northeasterly along the arc a curve to the right having a radius of 104.66 feet, through a central angle of 54°40'21" with a chord bearing of North 42°22'25" East;
Thence run northeasterly along the arc a curve to the left having a radius of 99.92 feet, through a central angle of 28°2'33" with a chord bearing of North 55°36'0" East;
thence run North 41°35'17" East, for a distance of 46.9 feet;
thence run North 47°26'14" East, for a distance of 466.86 feet;
thence run North 63°30'43" East, for a distance of 230.57 feet;
thence run South 89°48'2" East, for a distance of 34.12 feet;
thence run North 0°11'43" East, for a distance of 82.19 feet;
thence run North 50°54'15" West, for a distance of 143.04 feet;
thence run North 74°36'32" West, for a distance of 58.19 feet;
thence run North 0°17'51" East, for a distance of 47.01 feet;
thence run North 89°43'6" West, for a distance of 904.21 feet;
thence run North 89°43'19" West, for a distance of 45.84 feet;
thence run South 0°50'2" East, for a distance of 625 feet;
thence run South 89°13'27" West, for a distance of 1107.21 feet;
thence run North 0°46'33" West, for a distance of 650 feet;
thence run South 89°13'28" West, for a distance of 9.44 feet;
thence run North 0°16'13" East, for a distance of 219.3 feet;
thence run North 3°47'55" West, for a distance of 202 feet;
thence run South 89°13'6" West, for a distance of 75.49 feet;
thence run South 81°53'4" West, for a distance of 115.98 feet;
thence run North 0°54'46" West, for a distance of 42.12 feet;

thence run North 78°19'31" East, for a distance of 121.8 feet;

thence run North 9°17'44" West, for a distance of 199.5 feet;

thence run South 89°5'16" West, for a distance of 549 feet to the intersection with the water of the Estero Bay;

thence following the waters of the Estero Bay for 50,680.08 feet to a point lying 20,165.26 feet North 19°37'46" West of the point of intersection of the waters of the Estero Bay and the north section line of Section 25, Township 46 South, Range 24 East to the north line of Section 25, Township 46 South, Range 24 East;

thence run along the north section lines of Section 25, Township 46 South, Range 24 East and Section 30, Township 46 South, Range 25 East the following courses; North 89°32'47" East, for a distance of 2719.61 feet;

thence run South 68°7'41" East, for a distance of 182.45 feet;

thence run South 66°45'23" East, for a distance of 2831.06 feet;

thence run North 88°54'14" East, for a distance of 2629.27 feet to the point of beginning.

LESS AND EXCEPT:

The East Half (E-½) of the Northwest Quarter (NW-¼) and the West Half (W ½) of the West Half (W-½) of the Northeast Quarter (NE-¼) of Section 8, Township 47 South, Range 25 East, less the south 40 feet for the Coconut Road Right-of-way.

District Contains 4,128.3 Acres More Or Less

DISTRICT 2

Commencing at the west quarter corner of Section 28, Township 46 South, Range 25 East, also being the Point of Beginning (state plane coordinates X= 714693.75 Y=766374.94)

thence run North 89°49'35" East, for a distance of 3330.54 feet to the approximate center line of US 41;

thence run South 1°50'8" East, for a distance of 3921.45

thence run southwesterly along the arc a curve to the right having a radius of 14466.75 feet, through a central angle of 3°33'47" with a chord bearing of South 3°44'45" West;

thence run South 5°9'37" West, for a distance of 3075.17 feet;

thence run South 4°39'27" West, for a distance of 1352.53

thence run southeasterly along the arc a curve to the left having a radius of 7063.4 feet, through a central angle of 15°6'59" with a chord bearing of South 1°20'18" East;

thence run South 6°55'41" East, for a distance of 2662.67

thence run southeasterly along the arc a curve to the right having a radius of 8613.59 feet, through a central angle of 8°51'44" with a chord bearing of South 3°44'22" East;

thence run South 0°37'40" East, for a distance of 942.23 feet to the approximately centerline of Coconut Road also being the north line of the south half of Section 09, Township 47 South, Range 25 East;

thence run South 89°54'43" West, for a distance of 1415.44 feet to the approximate centerline of an FPL easement;

thence run North 21°9'37" West, for a distance of 5754.36 feet to the approximate centerline of Tropicana Avenue;

thence run North 0°15'48" West, for a distance of 2675.32 feet to the approximate centerline of Williams Road also being the north line of Section 05, Township 45 South, Range 25 East;

thence run South 88°32'36" West, for a distance of 3052.76 feet to the approximate center line of Halfway Creek;

thence following the approximate center line of the Halfway Creek for 9365.33 feet to a point lying 5640.75 feet North 15°19'02" West of the point of intersection of the center lines of the Williams Road and Halfway Creek to the approximate centerline of the Estero River;

thence following the approximate center line of the Estero River for 1599.59 feet to a point lying 1328.56 feet North 76°37'13" East of the point of intersection of Halfway Creek and the Estero River to the FPL ROW;

thence run North 21°36'8" West, for a distance of 2384.1 feet to the approximate centerline of Boadway Way also being the north line of the south half of Section 29, Township 46 South, Range 25 East;

thence run North 88°55'55" East, for a distance of 3183.58 feet;

thence run North 89°48'50" East, for a distance of 368.19 feet;

thence run North 89°48'50" East, for a distance of 608.14 feet to the point of beginning.

District Contains 1,769.65 Acres More Or Less

DISTRICT 3

Commencing at the northeast corner of Section 21, Township 46 South, Range 25 East, also being the Point of Beginning (state plane coordinates X= 714583.39 Y=774315.45);

thence run along the north section line of Section 21, Township 46 South, Range 25 East, South 88°49'16" East, for a distance of 2649.92 feet;

thence run South 89°29'33" East, for a distance of 2628.25 feet;

thence run South 0°53'55" East, for a distance of 2646.15 feet to the north line of the southwest quarter of Section 21, Township 46 South, Range 25 East;

thence run North 89°15'56" East, for a distance of 2658.71 feet;

thence run South 0°38'38" East, for a distance of 2574.91 feet;

thence run North 88°38'34" East, for a distance of 2590.9 feet;

thence run North 0°52'40" East, for a distance of 2547.76 feet to the north line of the southwest quarter of Section 22, Township 46 South, Range 25 East;

thence run North 89°16'11" East, for a distance of 664.59 feet to the west ROW line of INTERSTATE 75;

thence run South 16°27'23" East, for a distance of 2671.61 feet to the north line of Section 26, Township 46 South, Range 25 East;

thence run South 89°44'7" East, for a distance of 230.64 feet to the approximate centerline of INTERSTATE 75;

thence run South 18°17'40" East, for a distance of 1432.27 feet;

thence run South 89°51'10" West, for a distance of 2038.08 feet to the approximate centerline of Three Oaks Parkway;

thence run South 1°18'28" East, for a distance of 1272.84 feet to the north line of the south half of Section 26, Township 46 South, Range 25 East;

thence run South 89°11'8" West, for a distance of 71.58 feet;

thence run South 89°11'9" West, for a distance of 5263.51 feet;

thence run South 89°49'3" West, for a distance of 599.42 feet to the approximately centerline of the Seaboard Coast Line Railroad ROW;

thence run northwesterly along the arc a curve to the left having a radius of 2968.18 feet, through a central angle of 34°4'42" with a chord bearing of North 17°54'8" West;

thence run North 32°1'23" West, for a distance of 1191.76 feet to the approximate centerline of Estero Parkway;

thence run North 85°53'31" West, for a distance of 1260.18 feet;

thence run southwesterly along the arc a curve to the left having a radius of 1124.38 feet, through a central angle of 42°53'44" with a chord bearing of South 74°19'14" West;

thence run South 52°16'30" West, for a distance of 465.33 feet to the approximate centerline of US 41;

thence run North 36°48'36" West, for a distance of 1926.3 feet to the west line of Section 21, Township 46 South, 25 East;

thence run North 0°46'18" West, for a distance of 162.01 feet to the east ROW line of US41;

thence run North 36°55'0" West, for a distance of 806.81 feet;

thence run North 89°15'26" East, for a distance of 475.88 feet to the east line of Section 21, Township 46 South, 25 East;

thence run North 0°46'16" West, for a distance of 659.7 feet;

thence run North 0°47'43" West, for a distance of 2661.71 feet to the point of beginning.

District Contains 1286.59 Acres More Or Less

DISTRICT 4

Commencing at the west quarter corner of Section 28, Township 46 South, Range 25 East, also being the Point of Beginning (state plane coordinates X=714693.75 Y=766374.94 feet);

thence run North 89°49'35" East, for a distance of 3330.54 feet to the approximate center line of US 41;

thence run South 1°50'8" East, for a distance of 3921.45 feet to the approximate centerline of Corkscrew Road;

thence run North 89°46'44" East, for a distance of 9317.45

thence run northeasterly along the arc a curve to the left having a radius of 3230.33 feet, through a central angle of 26°59'33" with a chord bearing of North 73°48'1" East to the approximate centerline of the INTER-STATE 75 ROW;

thence run North 18°17'40" West, for a distance of 5079.82 feet;

thence run South 89°51'16" West, for a distance of 2038.1 feet to the approximate centerline of the Three Oaks Parkway ROW;

thence run South 1°18'28" East, for a distance of 1272.84 feet to the north line of the south half of Section 26, Township 46 South, Range 25 East;

thence run South 89°11'8" West, for a distance of 71.58 feet;

thence run South 89°11'9" West, for a distance of 5263.51 feet;

thence run South 89°49'3" West, for a distance of 599.42 feet to the approximately centerline of the Seaboard Coast Line Railroad ROW;

thence run northwesterly along the arc a curve to the left having a radius of 2968.18 feet, through a central angle of 34°4'42" with a chord bearing of North 17°54'8" West;

thence run North 32°1'23" West, for a distance of 1191.76 feet to the approximate centerline of Estero Parkway;

thence run North 85°53'31" West, for a distance of 1260.18 feet;

thence run southwesterly along the arc a curve to the left having a radius of 1124.38 feet, through a central angle of 42°53'44" with a chord bearing of South 74°19'14" West;

thence run South 52°16'30" West, for a distance of 465.33 feet to the approximate centerline of US 41;

thence run North 36°48'36" West, for a distance of 1926.3 feet to the west line of Section 21, Township 46 South, 25 East;

thence run South 0°46'28" East, for a distance of 177.04 feet to the intersection of said section line the northeast boundary of the Breckenridge Professional Center;

thence run North 36°54'58" West, for a distance of 97.87 feet;

thence run North 36°55'10" West, for a distance of 277.55 feet;

thence run South 88°39'22" West, for a distance of 76.95 feet;

thence run South 17°23'50" West, for a distance of 62.04 feet;

thence run South 38°56'0" East, for a distance of 286.25 feet;

thence run South 52°56'45" West, for a distance of 23.92 feet;

thence run South 88°30'1" West, for a distance of 498.56 feet;

thence run South 0°41'56" East, for a distance of 995.94 feet;

thence run North 89°50'17" East, for a distance of 30.24 feet to the approximately centerline of Breckenridge Drive;

thence run southwesterly along the arc a curve to the right having a radius of 247 feet, through a central angle of 44°53'57" with a chord bearing of South 22°4'49" West;

thence run southwesterly along the arc a curve to the left having a radius of 2583.18 feet, through a central angle of 4°3'41" with a chord bearing of South 45°15'53" West;

thence run southeasterly along the arc a curve to the left having a radius of 253.24 feet, through a central angle of 92°49'6" with a chord bearing of South 5°54'52" East;

thence run southeasterly along the arc a curve to the right having a radius of 285.56 feet, through a central angle of 90°12'56" with a chord bearing of South 17°41'1" East;

thence run South 34°18'15" West, for a distance of 119.36

thence run southwesterly along the arc a curve to the left having a radius of 398.15 feet, through a central angle of 53°44'15" with a chord bearing of South 3°40'29" West;

thence run southeasterly along the arc a curve to the right having a radius of 268.84 feet, through a central angle of 59°51'35" with a chord bearing of South 0°50'50" East;

thence run southwesterly along the arc a curve to the left having a radius of 1447.11 feet, through a central angle of 7°18'53" with a chord bearing of South 23°38'42" West;

thence run southeasterly along the arc a curve to the left having a radius of 377.67 feet, through a central angle of 79°49'18" with a chord bearing of South 23°55'38" East;

thence run southeasterly along the arc a curve to the right having a radius of 119.37 feet, through a central angle of 67°28'31" with a chord bearing of South 27°35'15" East;

thence run South 0°59'11" East, for a distance of 114.77 feet to the approximate centerline of Boadway Way also being the north line of the south half of Section 29, Township 46 South, Range 25 East;

thence run North 89°48'50" East, for a distance of 608.13 feet to the point of beginning.

District Contains 1327.54 Acres More Or Less

DISTRICT 5

Commencing at the southwest corner of Section 36, Township 46 South, Range 25 East, also being the Point of Beginning (state plane coordinates X=735937.6 Y=758567.2);

thence following the south section lines of Sections 36, 35, 34, and 33, Township 46 South Range 25 East for 7 courses: run South 89°21'40" West, for a distance of 2638.23 feet;

thence run North 88°39'21" West, for a distance of 2631.26 feet;

thence run South 89°50'15" West, for a distance of 2639.64 feet;

thence run South 89°50'34" West, for a distance of 2641.62 feet;

thence run South 89°52'7" West, for a distance of 2639.37 feet;

thence run South 89°51'22" West, for a distance of 2647.56 feet;

thence run South 88°19'39" West, for a distance of 2287.28 feet to the approximate centerline of US 41;

thence run North 5°9'37" East, for a distance of 3075.17

thence run northeasterly along the arc a curve to the left having a radius of 14466.75 feet, through a central angle of 3°33'47" with a chord bearing of North 3°44'45" East to the approximate centerline of Corkscrew Road;

thence run North 89°46'44" East, for a distance of 9317.45

thence run northeasterly along the arc a curve to the left having a radius of 3230.33 feet, through a central angle of 26°59'33" with a chord bearing of North 73°48'1" East to the approximated centerline of the INTER-STATE 75 ROW;

thence run North 18°17'40" West, for a distance of 5079.82 feet;

thence run North 18°17'40" West, for a distance of 1432.34 feet to the north line of Section 26, Township 46 South, Range 25 East;

thence run South 89°45'8" East, for a distance of 997.08 feet;

thence run South 89°44'35" East, for a distance of 2107.98 feet to the approximate centerline of Ben Hill Griffin Parkway;

thence run South 0°0'19" West, for a distance of 1064.21

thence run southeasterly along the arc a curve to the left having a radius of 2214.94 feet, through a central angle of 23°23'51" with a chord bearing of South 16°20'0" East;

thence run South 31°40'32" East, for a distance of 719.1

thence run southeasterly along the arc a curve to the right having a radius of 2223.22 feet, through a central angle of 26°27'22" with a chord bearing of South 22°6'3" East;

thence run South 6°27'32" East, for a distance of 416.71 feet;

thence run South 7°40'1" East, for a distance of 136.64

thence run southeasterly along the arc a curve to the left having a radius of 1451.88 feet, through a central angle of 21°34'34" with a chord bearing of South 18°26'6" East;

thence run South 29°39'33" East, for a distance of 302.71 feet to the approximate centerline of Corkscrew Road;

thence run North 62°15'53" East, for a distance of 5042.42 feet to the west line of Section 25, Township 46 South, Range 25 East;

thence run South 1°2'2" East, for a distance of 135.83 feet;

thence run South 1°4'45" East, for a distance of 2642.78 feet;

thence run South 0°33'4" East, for a distance of 2640.43 feet;

thence run South 0°27'27" East, for a distance of 2643.53 feet to the point of beginning.

District Contains 2348.31 Acres More Or Less

DISTRICT 6

Commencing at the southwest corner of Section 09, Township 47 South, Range 25 East, also being the Point of Beginning (state plane coordinates X=718429.44 Y=747782.96);

Thence run South 88°56'16" West, for a distance of 1847.35 feet to the approximate centerline of US 41;

thence run North 9°39'59" West, for a distance of 1007.52 feet;

thence run northwesterly along the arc a curve to the right having a radius of 4625.18 feet, through a central angle of 12°3'37" with a chord bearing of North 5°7'30" West;

thence run North 0°37'53" West, for a distance of 642.06 feet;

thence run North 0°37'40" West, for a distance of 923.23 feet;

thence run northwesterly along the arc a curve to the left having a radius of 8613.59 feet, through a central angle of 8°51'44" with a chord bearing of North 3°44'22" West;

thence run North 6°55'41" West, for a distance of 2662.67 feet;

thence run northwesterly along the arc a curve to the right having a radius of 7063.40 feet, through a central angle of 15°6'59" with a chord bearing of North 1°20'18" West to the north line of Section 04, Township 47 South, Range 25 East;

thence run North 4°39'27" East, for a distance of 1352.53 feet;

thence run North 88°19'39" East, for a distance of 2287.28 feet;

thence run North 89°51'22" East, for a distance of 2647.56 feet;

thence run North 89°52'7" East, for a distance of 2639.37 feet;

thence run North 89°50'34" East, for a distance of 2641.62 feet;

thence run North 89°50'15" East, for a distance of 2639.65 feet to the northeast corner of Section 02, Township 47 South, Range 25 East;

thence run South 1°13'18" East, for a distance of 2678.29 feet;

thence run South 1°13'32" East, for a distance of 2655.29 feet;

thence run South 0°55'29" East, for a distance of 3018.01 feet;

thence run South 0°55'30" East, for a distance of 3018.02 feet to the southeast corner of Section 11, Township 47 South, Range 25 East;

thence run North 82°32'47" West, for a distance of 2623.46 feet;

thence run North 82°29'22" West, for a distance of 2698.35 feet;

thence run South 88°50'21" West, for a distance of 2665.25 feet;

thence run South 88°50'38" West, for a distance of 2663.15 feet to the point of beginning.

District Contains 4388 Acres More Or Less

DISTRICT 7

Commencing at the southwest corner of Section 31, Township 46 South, Range 26 East, also being the Point of Beginning (state plane coordinates X=735937.47 Y=758567.08 feet;

thence run North 89°40'8" East, for a distance of 2638.47 feet;

thence run North 89°15'55" East, for a distance of 2632.21 feet;

thence run North 89°7'38" East, for a distance of 2643.33 feet;

thence run North 89°6'9" East, for a distance of 2641.82 feet to the southeast corner of Section 32, Township 46 South, Range 26 East;

thence run North 0°20'14" East, for a distance of 2637.31 feet;

thence run North 0°21'15" East, for a distance of 2630.02 feet;

thence run North 2°7'56" West, for a distance of 2645.68 feet;

thence run North 2°7'47" West, for a distance of 2646.39 feet;

thence run North 1°9'40" West, for a distance of 825.71 feet to the approximate centerline of Corkscrew Road;

thence run South 86°34'11" West, for a distance of 4481.93 feet;

thence run southwesterly along the arc a curve to the left having a radius of 893.4 feet, through a central angle of 21°54'30" with a chord bearing of South 75°0'11" West;

thence run South 61°50'19" West, for a distance of 1130.65 feet to the north line of Section 30, Township 46 South, Range 26 East;

thence run South 89°21'59" West, for a distance of 2100.77 feet;

thence run South 89°21'54" West, for a distance of 2607.66 feet;

thence run South 89°28'25" West, for a distance of 2624.95 feet;

thence run South 89°28'10" West, for a distance of 2624.89 feet;

thence run North 89°44'35" West, for a distance of 578.31 feet to the approximate centerline of Ben Hill Griffin Parkway;

thence run South 0°0'19" West, for a distance of 1064.21

thence run northwesterly along the arc a curve to the left having a radius of 2214.94 feet, through a central angle of 23°23'51" with a chord bearing of South 16°20'0" East;

thence run South 31°40'32" East, for a distance of 719.1

thence run northwesterly along the arc a curve to the right having a radius of 2223.22 feet, through a central angle of 26°27'22" with a chord bearing of South 22°6'3" East;

thence run South 6°27'32" East, for a distance of 416.71 feet;

thence run South 7°40'1" East, for a distance of 136.64

thence run northwesterly along the arc a curve to the left having a radius of 1451.88 feet, through a central angle of 21°34'34" with a chord bearing of South 18°26'6" East;

thence run South 29°39'33" East, for a distance of 302.71 feet to the approximate centerline of Corkscrew Road;

thence run North 62°15'53" East, for a distance of 5042.42 feet to the east line of Section 30, Township 46 South, Range 26 East;

thence run South 1°2'2" East, for a distance of 135.83 feet;

thence run South 1°4'45" East, for a distance of 2642.78 feet;

thence run South 0°33'4" East, for a distance of 2640.43 feet;

thence run South 0°27'27" East, for a distance of 2643.53 feet to the point of beginning.

District Contains 2683 Acres More Or Less

Population figures are from 2010 United States Census using census block level data. The bearings and distances are based on the State Plane Coordinates System Florida Zone West NAD 83 (CORS).

(b) In the year 2015, and in odd-numbered years after each decennial United States Census thereafter, and at any time required by law, the council may redivide the village into seven districts as roughly equal in permanent population as practical.

(4) RECALL.—The qualified voters of the village shall have the power to remove from office an elected official for unethical or illegal conduct or actions resulting in the endangerment of the public health and safety, malfeasance of office, or dereliction of duties. In order to recall a council member, at least 25 percent of the total number of electors registered to vote in the last regular village election within the district shall be needed to sign a petition to recall the council member from his or her district seat. If said number of signatures is collected and certified by the Supervisor of Elections of Lee County, a special recall election shall be held no later than 90 days after such certification. A recall election shall be held as provided for by the Florida Election Code.

Section 10. Initiative and referendum.—The powers of initiative and referendum are reserved to the qualified registered voters of the village. The election laws of the state, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this charter.

Section 11. General provisions.—

(1) CODE OF ETHICS.—It is essential to the proper conduct and operation of the village that the officers and employees of the village be independent and impartial and for their offices not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the village that its officers and employees are agents of the people and hold their positions for the benefit of the public. Therefore, all

village officers and employees shall adhere to the standards of conduct as set forth in part III of chapter 112, Florida Statutes.

(2) AMENDMENTS TO CHARTER.—

(a) Amendments.—The charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rules Powers Act, chapter 166, Florida Statutes, or as otherwise may be provided by general law. The council may, by ordinance, or the qualified registered voters of the village may, by petition signed by 10 percent or 5,000 electors, whichever is less, registered to vote in the last regular village election, submit to the electors of the village a proposed amendment to any part or all of the charter. The form, content, and certification of any petition to amend the charter shall be established by ordinance.

(b) Election.—The council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors of the village at the next village election or at a special election called for such purpose.

(c) Adoption of amendment.—If a majority of the registered voters of the village vote in favor of a proposed charter amendment, the amendment shall become effective at the time fixed in the amendment or, if no time is fixed in the amendment, 30 days after the amendment is adopted by the voters.

(3) SEVERABILITY.—If any provision of this charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this charter which can be given effect without the invalid provisions or application, and to this end the provisions of this charter are declared severable.

Section 12. Referendum election; transition.—

(1) REFERENDUM ELECTION.—The referendum election called for by this act shall be held on November 4, 2014, at which time the following question shall be placed upon the ballot:

Shall the Village of Estero and its charter be created?

YES

NO

In the event the question is answered affirmatively by a majority of voters voting in the referendum, the charter will take effect as provided for in this charter. The referendum election shall be conducted by the Supervisor of Elections of Lee County in accordance with the Florida Election Code, and the cost of such election shall be funded by Lee County.

(2) INITIAL ELECTION OF COUNCIL.—

(a) After the adoption of this charter, the Supervisor of Elections of Lee County shall call an election to be held on March 3, 2015, for the election of seven village council members. The election shall be conducted by the Supervisor of Lee County Elections in accordance with the Florida Election Code, and the cost of such election shall be funded by Lee County.

(b) Any individual who wishes to run for one of seven initial seats on the council shall qualify with the Supervisor of Elections of Lee County in accordance with this charter and general law. The qualifying period for the initial election of the village council shall begin at noon on the second Monday in January and end at noon on the Friday immediately following.

(c) For the initial elections, the county canvassing board shall certify the results of the elections in accordance with general law.

(d) The four council members receiving the highest number of votes shall be elected to 4-year terms and the other three council members shall be elected to initial 2-year terms. The council members elected to the 2-year terms may serve, if reelected, an additional 4-year term, which will constitute two terms for term limit purposes.

(3) SCHEDULE.—

(a) First election of council members.—At the time of its adoption, this charter shall be in effect to the extent necessary so that the first election of members of the village council may be conducted in accordance with this charter.

(b) Time of taking full effect.—This charter shall be in full effect for all purposes on and after the date of the first meeting of the newly elected village council provided in paragraph (c).

(c) First council meeting.—On March 17, 2015, after the first election of the village council under this charter, the newly elected members of the village council shall meet at a location to be determined. The initial council shall have the authority and power to enter into contracts, arrange for the hiring of legal counsel, begin recruiting applicants for village manager, provide for necessary village offices and facilities, and do such other things as it deems necessary and appropriate for the village.

(4) FIRST-YEAR EXPENSES.—The council, in order to provide moneys for the expenses and support of the city, shall have the power to borrow money necessary for the operation of municipal government until such time as a budget is adopted and revenues are raised in accordance with this charter.

(5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—

(a) All applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced in this charter, shall remain in place until and unless rescinded by action of the council, except that a county ordinance, rule, or regulation which is in conflict with an ordinance, rule, or regulation of the village shall not be effective to the extent of such conflict. Any existing Lee County ordinances, rules, and regulations, as of November 4, 2014, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted, if such action would affect the village without the approval of the council.

(b) The council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 90 days after the first council meeting may be passed as emergency ordinances as provided in this charter, except the transitional ordinances shall be effective for no longer than 90 days after adoption and, thereafter, may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

(6) TRANSITIONAL COMPREHENSIVE PLAN.—Until such time as the village adopts a comprehensive plan, the Lee County Comprehensive Plan, as it exists on the day that the village commences corporate existence, shall remain in effect as the village’s transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the council, which shall be deemed the local planning agency until the council establishes a separate local planning agency.

(7) TRANSITIONAL LAND DEVELOPMENT REGULATIONS.—To implement the transitional comprehensive land use plan when adopted, the village shall, in accordance with the procedures required by the laws of the state, adopt ordinances providing for land use development regulations within the corporate limits. Until the village adopts the ordinances:

(a) The comprehensive land use plan and land use development regulations of Lee County, as they exist on the date that the village commences corporate existence, shall remain in effect as the village’s transitional land use development regulations and comprehensive land use plan.

(b) All powers and duties of the Lee County Department of Community Development, the Lee County Hearing Examiner, and Board of County Commissioners of Lee County, as set forth in these transitional land use development regulations, shall be vested in the council until such time as the council delegates all powers and duties, or a portion thereof, to another agency, department, or entity.

(c) Subsequent to the adoption of a local comprehensive land use plan and subject to general law, the council is fully empowered to amend, supersede, enforce, or repeal the transitional land use development regulations, or any portion thereof, by ordinance.

(d) Subsequent to the commencement of the village’s corporate existence, an amendment of the comprehensive land use plan or land use development

regulations enacted by the Board of County Commissioners of Lee County shall not be deemed an amendment of the village's transitional comprehensive land use plan or land use development regulations or otherwise take effect within the village's municipal boundaries.

(8) STATE-SHARED REVENUES.—The village shall be entitled to participate in all revenue sharing programs of the state effective April 1, 2015. The provisions of s. 218.23(1), Florida Statutes, shall be waived for the purpose of conducting audits and financial reporting through the end of fiscal year 2014-2015. For purposes of complying with s. 218.23(1), Florida Statutes, relating to ad valorem taxation, the millage levied by special districts may be used for an indefinite period of time. Initial revised population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Lee County Department of Community Development shall provide the estimate.

(9) LOCAL REVENUE SOURCES.—The village shall be entitled to receive all local revenue sources available pursuant to general law, including, but not limited to, the local communications services tax imposed under s. 202.19, Florida Statutes. The local communications services tax rate imposed by Lee County will continue within the village boundaries during the period commencing with the date of incorporation through December 31, 2015. Revenues from the tax shall be shared by Lee County with the village in proportion to the projected village population estimate of the Lee County Planning Division compared with the unincorporated population of Lee County before the incorporation of the village.

(10) LOCAL OPTION GAS TAX REVENUES.—The village shall be entitled to receive local option gas tax revenues beginning October 1, 2015, in accordance with an interlocal agreement if executed before June 1, 2015. If such interlocal agreement is not executed before June 1, 2015, the distributions shall be in accordance with the lane mile formula contained in s. 336.025(4)(b)1., Florida Statutes.

(11) CONTRACTUAL SERVICES AND FACILITIES.—Contractual services for police, emergency management, public works, parks and recreation, planning and zoning, building inspection, development review, animal control, library services, and solid waste collection may be supplied by a contract between the village and Lee County, special districts, municipalities, or private enterprise until such time as the council establishes such independent services. However, existing solid-waste contracts shall be honored as required by s. 165.061(1)(f), Florida Statutes, and s. 10, Article I of the State Constitution. Facilities for housing the newly formed municipal operations may be rented or leased until the village selects more permanent facilities.

(12) INDEPENDENT SPECIAL DISTRICTS.—It is recognized that certain services within the municipal boundaries are provided by

independent special districts whose boundaries lie wholly within the municipal boundaries of the village and are created by special acts of the Legislature. The municipality is empowered to merge the functions of such districts with the functions of the municipality only upon dissolution of such district or upon affirmation of a vote of a majority of the council and an affirmative vote of a majority of the council or board governing the district after meeting all requirements for merger or dissolution in the district's enabling legislation and chapter 189, Florida Statutes. It is recognized that certain planning and interlocal agreements may be necessary between the village and such districts, and the council shall endeavor to maximize the benefits of the districts to the fullest extent possible. In the event the council desires to supplement or duplicate services determined to be inadequate, the council is fully empowered to do so.

(13) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS CHARTER.—Upon completion of the transitional phase provided in this charter, the sections of the charter relating to transition may be eliminated from this charter.

Section 13. This act shall take effect only upon its approval by a majority vote of those qualified electors residing within the corporate limits of the proposed Village of Estero, as described in section 3, in a referendum conducted in accordance with the provisions of law relating to elections currently in force, except that this section and subsection (1) of section 12 shall take effect upon this act upon becoming a law.

Approved by the Governor May 12, 2014.

Filed in Office Secretary of State May 12, 2014.