



## City Council Staff Report

**Meeting Date: November 18, 2024**

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**TO:** Marco Island City Council

**FROM:** Mary P. Holden, Planning Manager

**DATE:** November 7, 2024

**RE:** Utility Easement Vacation, LV-24-000196, 1610 Briarwood Ct., Marco Island, Planning Board Recommendation

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### **PROJECT DESCRIPTION:**

The request is to vacate the six-foot utility and drainage easements along each side of the common lot line between Marco Beach Unit 3, Block 81, Lot 10, and Marco Beach Unit 3, Block 81, Northern one-half of Lot 11, Marco Island, Florida. The application, survey, and utility permissions are attached.

### **PLANNING BOARD SUMMARY AND RECOMMENDATION**

The Planning Board considered this request and held a public hearing at their November 1, 2024 meeting. There was minimal discussion and no public comment. The Planning Board voted 6-0 to forward a recommendation of approval with the below conditions:

1. Filing a unity of title with Collier County, and providing a copy of the recorded unity of title to City Staff prior to recording the vacation of the easement.
2. Retaining a ten (10) foot by twelve (12) foot (10' x 12') (6 feet on each side of the lot line) portion of the utility easement, as measured from the front property line of back of sidewalk.
3. The Owner/Developer is solely responsible for any and all costs associated with this Drainage and Utility Easement vacation, including but not limited to the following:
  - a. Property surveys;
  - b. Professional design fees;
  - c. Permit costs;
  - d. Preparation and recording of new deeds and this resolution, including attorney fees;
  - e. Removal, replacing or relocation of any utilities (if applicable);
  - f. Removal of existing ground cover;
  - g. Fill, loam and seed; and
  - h. Disposal of any and all construction debris including any and all infrastructure which may exist within the utility easement.

**WNERS:**

Douglas & Beth Smith  
1610 Briarwood Ct.  
Marco Island, FL, 34145

**AGENT**

Zachary W. Lombardo, Esq.  
Woodward, Pires & Lombardo, P.A.  
3200 Tamiami Trail N. Ste. 200, Naples, FL 34103

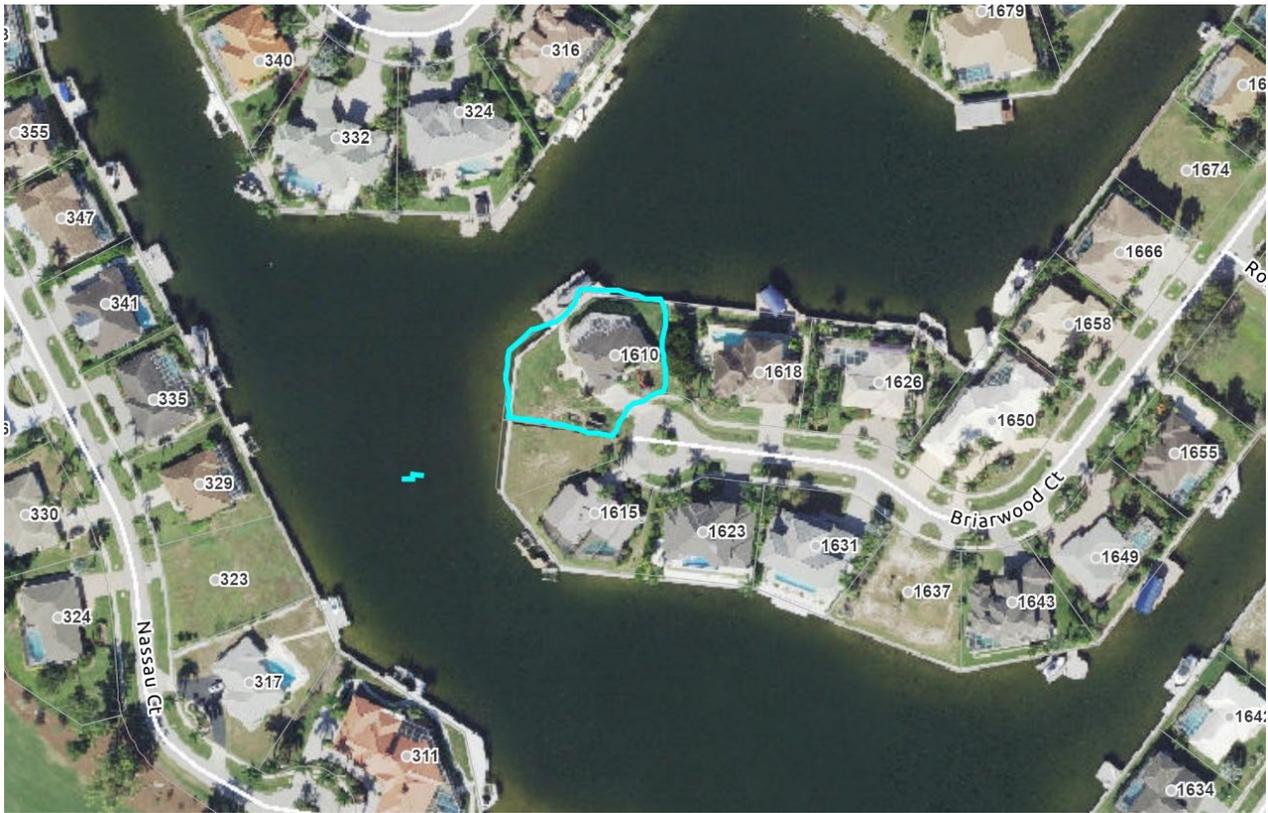
**PROJECT INFORMATION:**

1610 Briarwood Ct.  
Marco Beach Unit 3, Block 81, Lot 10 and N. ½ Lot 11  
Parcel No.: 56857480005  
Zoning: RSF-3

**SUBJECT PARCEL ZONING:**



**SUBJECT PARCEL AERIAL:**



**STAFF ANALYSIS:**

The subject parcel contained a single-family home which was demolished in early 2024. There is an active building permit for the construction of a new single-family residence. The proposed structure crosses the platted lot line between Lot 10 and the northern half of Lot 11, which together make up the subject property. There are two six-foot public utility and drainage easements on both sides of the lot line, for a 12-foot total easement width. The vacation of the easements is necessary to allow for the proposed construction.

The Marco Island Utility department has added their standard condition of keeping the first ten feet of the original easement from the property side of the sidewalk onto the property (towards the seawall).

As with other utility vacation requests, the applicants will need to record a unity of title with Collier County to combine the two lots and portion thereof into one lot for property record purposes. The unity of title will tie the two parcels together and will prevent issues down the road with respect to any re-division of the parcel.