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CITY OF MARCO ISLAND

RESOLUTION NO. 25-_____

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING THE VACATION OF A RIGHT-OF-WAY, KNOWN AS CHIPLEY STREET, MORE PARTICULARLY DESCRIBED HEREIN, GENERALLY LOCATED BETWEEN 348 COLONIAL AVENUE AND 336 COLONIAL AVENUE, MARCO ISLAND, FLORIDA; MAKING FINDINGS AND CONDITIONS; PROVIDING DEFINITIONS; APPROVING THE RIGHT-OF-WAY VACATION; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-581(aa) of the City of Marco Island Code of Ordinances provides a procedure for the vacation of platted utility and drainage easements, as well as rights-of-way; and

WHEREAS, the Owners of 348 and 336 Colonial Avenue, Marco Island, Florida have submitted a petition to vacate Chipley Street, the right-of-way spur between their properties; and

WHEREAS, the vacation of the Chipley Street right-of-way will provide the owners with additional square footage and eliminate the need for the City to maintain this small area currently identified as Chipley Street; and

WHEREAS, the City of Marco Island Planning Board held a public hearing on October 3, 2025, to consider the petition, and is required by Section 30-581(aa)(4) of the Land Development Code to submit its recommendation in writing to the City Council, with a copy of the minutes of the hearing, as soon as practicable thereafter; and

WHEREAS, the Planning Board recommended approval of the vacation of the Chipley Street right-of-way subject to conditions of approval; and

WHEREAS, the City Council finds the vacation of the Chipley Street, subject to conditions of approval, to be in the best interests of the City of Marco Island.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals; Definitions.

(a) The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated into this Resolution.

(b) That as used herein, unless the context hereof, or City Code of Ordinances, requires to the contrary, the following terms will be defined as set forth below:

(1) "Chipley Street" means:

OVERALL DESCRIPTION

PREPARED BY SURVEYOR

CHIPLEY STREET RIGHT-OF-WAY, MARCO BEACH UNIT TWELVE, AS RECORDED IN PLAT BOOK 6, PAGES 87 THROUGH 91, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 16, BLOCK 380, MARCO BEACH UNIT TWELVE, AS RECORDED IN PLAT BOOK 6, PAGES 87 THROUGH 91, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA THENCE ALONG THE BOUNDARY OF SAID LOT 16, BLOCK 380 FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES; (1) SOUTH 01°10'18" WEST, FOR 85.15 FEET; (2) SOUTHEASTERLY 39.27 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 43°49'42" EAST FOR 35.36 FEET; THENCE DEPARTING SAID BOUNDARY, NORTH 88°49'42" WEST, FOR 110.00 FEET TO AN INTERSECTION WITH THE EAST BOUNDARY OF LOT 9, BLOCK 396, SAID MARCO BEACH UNIT TWELVE, ALSO BEING THE CUSP OF A CURVE; THENCE ALONG THE BOUNDARY OF SAID LOT 9, BLOCK 396 FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES; (1) NORTHEASTERLY 39.27 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 46°10'18" EAST FOR 35.36 FEET; (2) NORTH 01°10'18" EAST, FOR 85.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 9 BLOCK 396; THENCE ALONG THE NORTH LINE OF SAID MARCO BEACH UNIT TWELVE, SOUTH 88°49'42" EAST, FOR 60.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 6,877 SQUARE FEET, MORE OR LESS.

(2) "City" means the City of Marco Island, a Florida Municipal Corporation.

(3) "Development" is defined as set forth in Section 163.3164, Florida Statutes.

SECTION 2. Findings: Approval. As provided in Section 30-581(aa), of the City's Code of Ordinances, the City Council finds that there is no present necessity or reasonably foreseeable necessity for the retention of the public right of way identified as Chipley Street. The vacation of Chipley Street is hereby approved, subject to the conditions contained in Section 3 of this Resolution.

SECTION 3. Conditions of Approval. This Resolution relating to the petition to vacate the Chipley Street right-of-way on the Subject Property is hereby approved, subject to the following condition:

1. Conditional Approval: City Council's approval of the right-of-way vacation will be contingent upon the completion of the sidewalk, construction of the exfiltration swale, and installation of sod.
2. Construction Bond: A \$25,000 public payment and performance bond, guaranteeing completion of the required improvements, must be provided to the City no later than sixty (60) days of approval of this resolution conditionally granting the vacation. The bond will

- 80 remain in effect until the City confirms successful completion of the
81 required improvements.
- 82 3. Permit Requirement: Following approval, the property owners or
83 their contractor must obtain a right-of-way permit from the City for
84 the completion of the required improvements. The permit will
85 specify City construction standards and inspection requirements.
- 86 4. One-Year Deadline: If the improvements are not completed within
87 one year of approval of the resolution, the City will draw on the bond
88 to complete the work.
- 89 5. A unity of title is recorded with Collier County by both property
90 owners, tying the additional land to their respective properties, and
91 a copy of the recorded unity of titles is provided to the City no later
92 than sixty (60) days following approval of the resolution.
- 93 6. The Owners are jointly responsible for any and all costs associated with
94 this Boundary Adjustment and right-of-way vacation, including but not
95 limited to the following:
- 96 (1) Property surveys;
- 97 (2) Professional design fees;
- 98 (3) Permit costs;
- 99 (4) Preparation and recording of new deeds and this
100 resolution, including attorney fees;
- 101 (5) Removal, replacing or relocation of any utilities (if
102 applicable);
- 103 (6) Removal of existing ground cover;
- 104 (7) Fill, loam, and seed; and
- 105 (8) Disposal of any and all construction debris including
106 any and all infrastructure which may exist within the
107 vacated right-of-way.

108

109 **SECTION 4. Failure to Obtain Other Permits.** That issuance of this approval by the City
110 does not in any way create any right on the part of the Owner/Developer to obtain a permit from
111 a state or federal agency and does not create any liability on the part of the City for issuance of
112 the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations
113 imposed by a state or federal agency or undertakes actions that result in the violation of state or
114 federal law. All applicable state and federal permits must be obtained before commencement of
115 the Development on the Subject Property. This condition is included pursuant to Section 166.033,
116 Florida Statutes, as amended.

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118 **SECTION 5. Failure to Adhere to Resolution.** That failure to adhere to the approval
119 terms and conditions contained in this Resolution shall be considered a violation of this Resolution
120 and the City Code, and persons found violating this Resolution shall be subject to the penalties
121 prescribed by the City Code, including but not limited to the revocation of any of the approval(s)
122 granted in this Resolution and any other approvals conditioned on this approval. The
123 Owner/Developer understands and acknowledges that it must comply with all other applicable
124 requirements of the City Code before it may commence construction or operation, and that the
125 foregoing approval in this Resolution may be revoked by the City at any time upon a determination
126 that the Owner/Developer is in non-compliance with the City Code.

127

128 **SECTION 6. Effective Date.** That this Resolution shall take effect immediately upon
129 adoption and recording in the Public Records of Collier County, Florida.

130
131 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this ____ day of
132 _____, 2025.

133
134 CITY OF MARCO ISLAND, FLORIDA

135
136 By: _____
137 Erik Brechnitz, Chair

138
139 ATTEST:

140
141 By: _____
142 Joan Taylor, City Clerk

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144 Reviewed for legal sufficiency:

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146
147 By: _____
148 Alan L. Gabriel, City Attorney