



Planning Board Staff Report

Meeting Date: November 6, 2020

TO: Marco Island Planning Board
FROM: Daniel J. Smith, AICP – Director of Community Affairs
DATE: October 9, 2020
RE: Utility Easement Vacation, 20-000231, 1711 Ludlow Road

PROJECT DESCRIPTION:

The request is to vacate the six-foot utility and drainage easements along each side of the common lot line of Lots 15 and 16. No other utility and drainage easements are being requested to be vacated.

PETITIONERS:

Theodore Zynda
Zynda Custom Homes & Remodeling
4277 Exchange Ave. #10
Naples, FL 34104

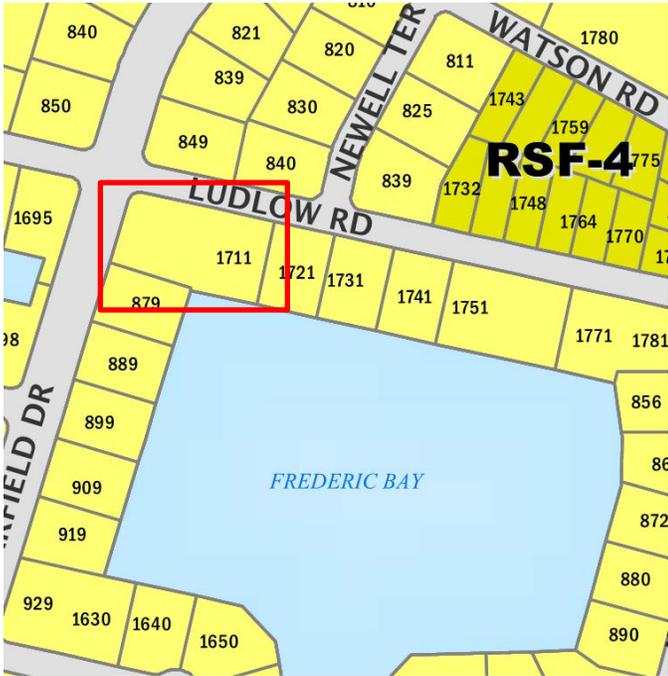
OWNER:

Suzanne C. and Robert G. Noble
2107 Westover Reserve Blvd.
Windermere, FL 34786

PROJECT INFORMATION:

1711 Ludlow Road
Lots 15 and 16, Block 409, Marco Beach Unit 13, according to the plat thereof,
as recorded in Plat Book 6, Page 92, Public Records of Collier County, Florida
Parcel No.: 58110560000
Zoning: RSF-3

SUBJECT PARCEL ZONING:



SUBJECT PARCEL AERIAL:



STAFF ANALYSIS:

These lots have been combined for tax purposes, but they are still two legal lots of record with all the easements in place. Combining for tax purposes only does not automatically vacate utility or drainage easements. Utility easements may only be vacated when the various utility companies have given up their right to use that easement and City Council approves the request.

We have received a copy of the recorded unity of title. As advised by our attorneys, Mr. Gabriel and Mr. Gougelman, a unity of title is required to be filed with Collier County. This document basically ties the two lots together and prevents issues down the road. Such issues can be construction of an accessory structure on the other lot and then selling that lot

with just the accessory structure. The same is true if a dock was constructed on the lot not containing the primary structure and then selling that lot. The unity of title prevents such situations, legally tying the two lots together.

We have not received all letters of no objection for vacating the easement from the relevant utilities who may have infrastructure within the easements. The outstanding utilities who have yet to provide a letter of no objection are: Summit Broadband, Century Link, and Comcast. The City will need their letters of no objection prior to final action by the City Council.

STAFF RECOMMENDATION:

Staff recommends the Planning Board approve this request contingent upon the below conditions:

1. 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:
 - (1) Property surveys;
 - (2) Professional design fees;
 - (3) Permit costs;
 - (4) Preparation and recording of new deeds and this resolution, including and attorney fees;
 - (5) Removal, replacing or relocation of any utilities (if applicable);
 - (6) Removal of existing ground cover;
 - (7) Fill, loam and seed; and
 - (8) Disposal of any and all construction debris including any and all infrastructure which may exist within the utility easement.

Daniel J. Smith, AICP
Director of Community Affairs