



*City Council Staff Report*

**Meeting Date: October 21, 2024**

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**TO:** Marco Island City Council

**FROM:** Mary P. Holden, Senior Planner

**DATE:** October 11, 2024

**RE:** Utility Easement Vacation, LV-24-000162, 692 and 698 Solana 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 11, Block 360, Lot 14 (692 Solana), and Marco Beach, Unit 11, Block 360, Lot 13 (698 Solana), Marco Island, Florida. The application, survey, and utility permissions are attached.

**SUMMARY OF PLANNING BOARD MEETING AND RECOMMENDATION:**

The Planning Board held a public hearing and considered this request at their October 4, 2024 meeting. The item was presented, there was minimal discussion, no public comment and the Board voted 6-0-1 abstention 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 and the issuance of any demolition or building permits.
2. Retaining a ten (10) foot by ten (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 and 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.

**OWNERS:**

Bernd and Jennifer Koerner  
698 Solana Ct.  
Marco Island, FL, 34145

**AGENT**

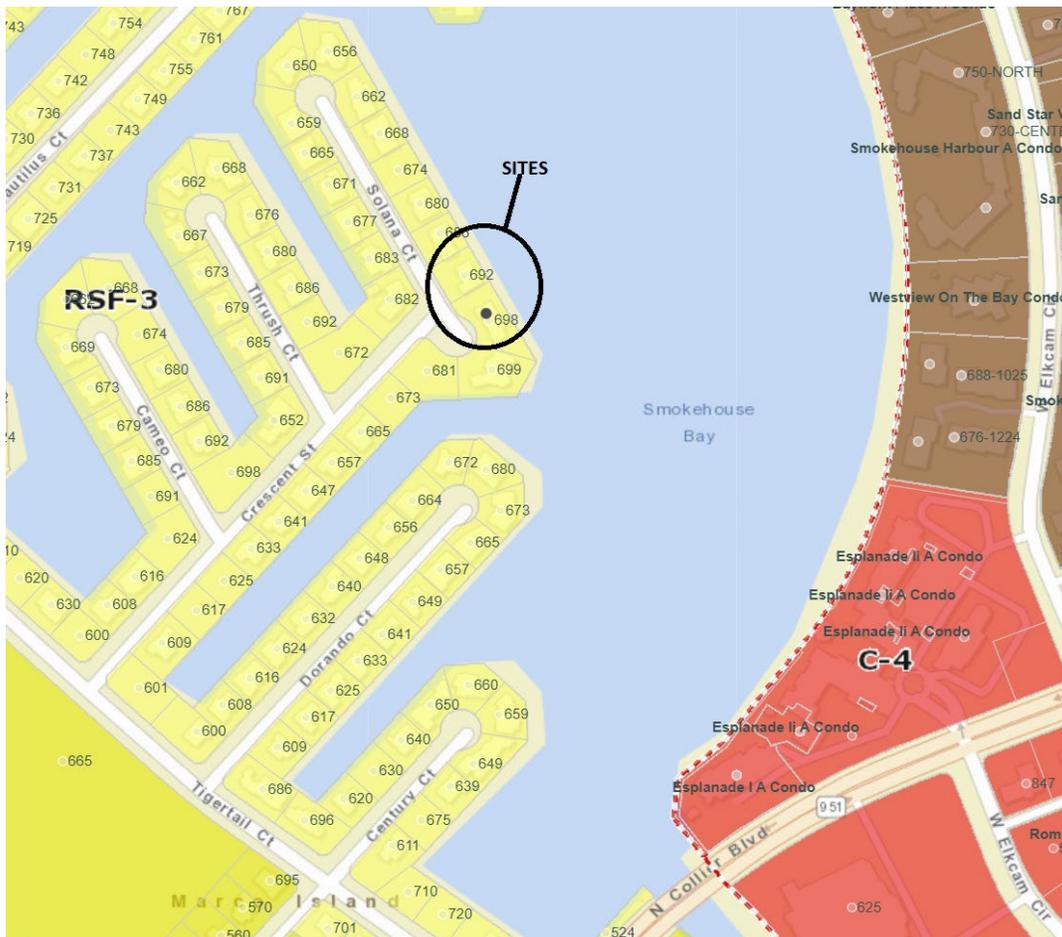
Ellen Summers, AICP  
Bowman  
950 Encore Way, Naples, FL34110

**PROJECT INFORMATION:**

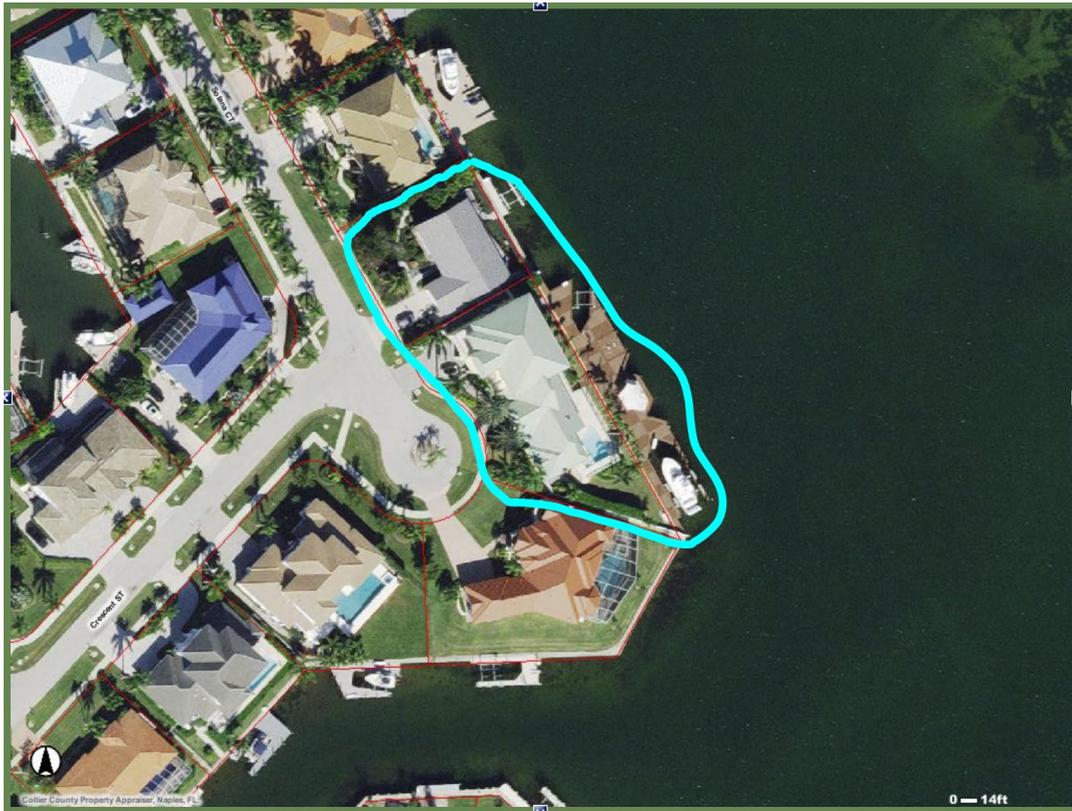
692 Solana Court  
Marco Beach, Unit 11, Block 360, Lot 14  
Parcel No.: 57930240006  
Zoning: RSF-4

698 Solana Court  
Marco Beach, Unit 11, Block 360, Lot 13  
57930200004  
RSF-4

**SUBJECT PARCEL ZONING:**



**SUBJECT PARCEL AERIAL:**



**STAFF ANALYSIS:**

The subject parcels each contain a single-family home. A demolition permit has been issued for 692 Solana Ct. residence and dock. Work started but has been put on hold until documents are provided. The contractor has been notified and upon receipt of the documents, work may proceed.

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 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. Such issues could 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.