



City Council Staff Report

Meeting Date: September 18, 2023

TO: Marco Island City Council

FROM: Mary P. Holden, Senior Planner

DATE: September 7, 2023

RE: Utility Easement Vacation, LV-23-000304, 910 Beaver Court, Marco Island, Planning Board Recommendation

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 6, Block 243, Lot 2, and the east half of Lot 1, located at 910 Beaver Court, Marco Island, Florida. The application, survey, and utility permissions are attached.

SUMMARY OF PLANNING BOARD MEETING AND RECOMMENDATION:

The Planning Board considered this request and held a public hearing at their September 1, 2023, meeting. After presentation of the proposal, there was no discussion and the Board voted 6-0 to forward a recommendation of approval with the conditions outlined in the resolution.

PETITIONERS/OWNER:

Mr. Edih Perez
Ms. Yanela Lopez
910 Beaver Court
Marco Island, FL 34145

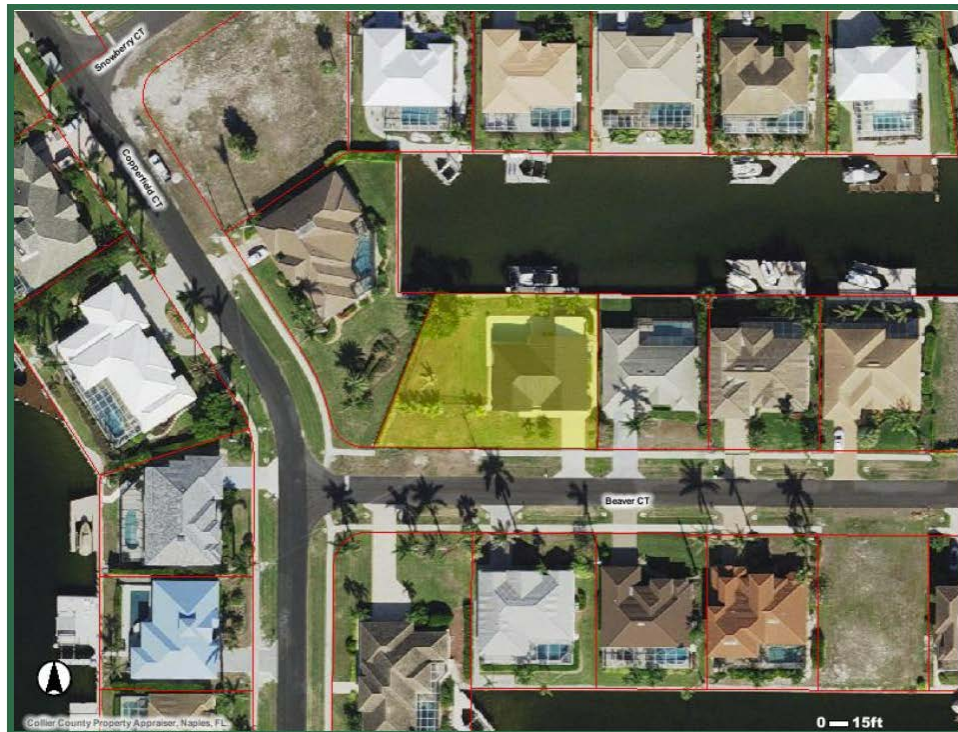
PROJECT INFORMATION:

910 Beaver Court, Marco Island
Marco Beach, Unit 6, Block 243 Lot 2, and the East Half Of Lot 1
Parcel No.: 57377320000
Zoning: RSF-4

SUBJECT PARCEL ZONING:

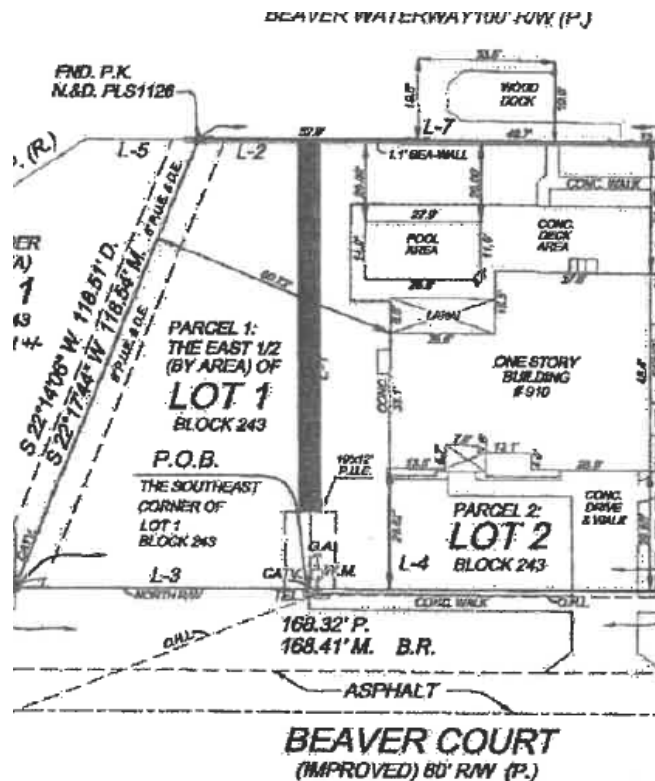


SUBJECT PARCEL AERIAL:



STAFF ANALYSIS:

This is an unusual situation since one lot has been split between the two adjacent properties and does not involve an entire parcel. Regardless, the easement vacation process remains the same, and the easement vacation request is for only the property located at 910 Beaver Court, Marco Island. The City has received approvals from the various utility companies regarding the vacation. Marco Island Utilities requested that the utility easement within the first 10 feet by 12 feet (i.e. 6 feet on each side of the lot line), from the front property line remain intact, as indicated below.



As with other utility vacation requests, the applicants will need to record a unity of title with Collier County. 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.

STAFF RECOMMENDATION:

Staff recommends the Planning Board approve this request contingent upon 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 before the City Council meeting.

2. Retaining a ten (10) foot by twelve (12) foot (6 feet on each side of the lot line) portion of the utility easement, as measured from the front property line of 910 Beaver Court, shall remain in place along the lot line.
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.