



City Council Staff Report

Meeting Date: December 6, 2021

TO: Marco Island City Council

FROM: Daniel J. Smith, AICP – Director of Community Affairs

DATE: November 9, 2021

RE: Utility Easement Vacation, 21-000264, 1066 Goldenrod and 1049 Admiralty Court., 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 of 1066 Goldenrod and 1049 Admiralty Court. No other utility and drainage easements are being requested to be vacated. The application, survey, and utility permissions are attached.

PLANNING BOARD SUMMARY AND RECOMMENDATION:

The Planning Board held a public hearing and considered this request at the November 5, 2021, meeting. There was discussion about riparian rights. A unity of title is required to be filed that will tie the two lots together and if the owner, or future owner, wish to separate the two properties, it will require City Council approval and the removal of improvements from and in front of the vacant lot. The Planning Board voted 7-0 to forward a recommendation of approval.

PETITIONERS:

Jennifer M. Tenney, Esq.
Tenney Law, PLLC
1770 San Marco, Suite 201
Marco Island FL 34145

OWNER:

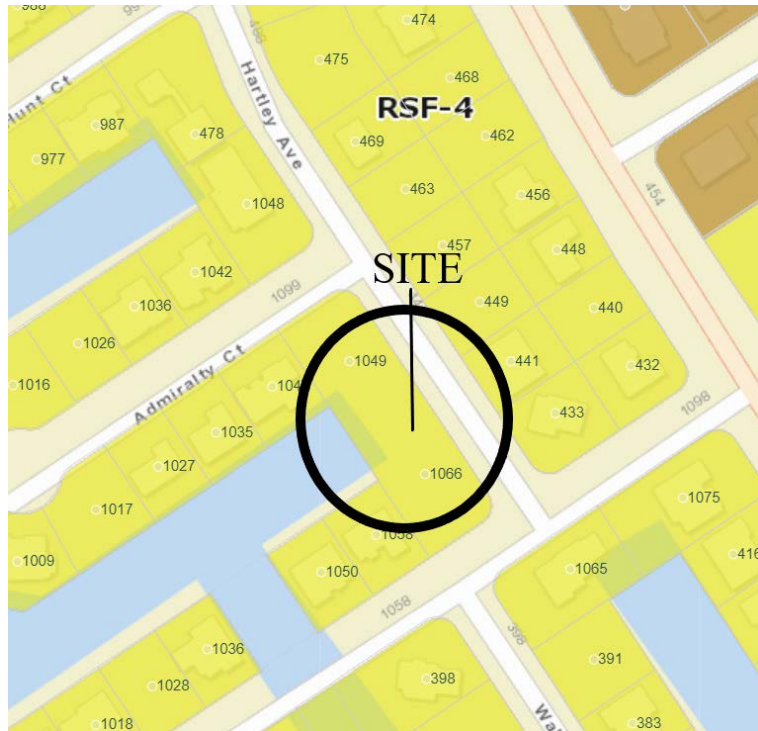
Steven A. Hollingsworth, Trustee of the Revocable Agreement of Trust of Steve A. Hollingsworth
401 Berlo Lane
Newton Square, PA 19073

PROJECT INFORMATION:

1066 Goldenrod and 1049 Admiralty Court

Lot 1, Block 256 and Lot 30, Block 257, Marco Beach Unit 6, according to the plat thereof as recorded in Plat Book 6, Page 47 of the Collier County, FL public records
Parcel No.: 57393320000 and 57395720006
Zoning: RSF-4

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 letters of no objection from the two adjacent neighbors and all letters of no objection for vacating the easement from the relevant utilities who have rights to the easements. However, Marco Island Utilities is not vacating a ten (10) foot square portion of the utility easement. Below is the aerial provided by Mr. Poteet showing the location.



The only outstanding item for this request is to have a unity of title recorded with Collier County. As advised by our attorney, Mr. Gabriel, 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.

STAFF RECOMMENDATION:

Staff recommends the City Council approve this request contingent upon the below conditions:

1. A unity of title is filed with Collier County and a copy provided to Staff before the City Council meeting.
2. A ten (10) foot square portion of the utility easement shall remain in place. The location will be 10 feet behind the property line along Hartley St and five feet on both sides of the common property line of Lot 1, Block 256 and Lot 30, Block 257, Marco Beach Unit 6.

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.

Daniel J. Smith, AICP
Director of Community Affairs