



JULY 15, 2019 CITY COUNCIL

TO: CITY COUNCIL

FROM: DANIEL J. SMITH, AICP, DIRECTOR OF COMMUNITY AFFAIRS

SUBJECT: UTILITY EASEMENT VACATION, 919 AND 929 CAXAMBAS, LV 19-000929
PLANNING BOARD RECOMMENDATION

DATE: JULY 5, 2019

CC:

PROJECT DESCRIPTION:

Mr. Ross Tackett, on behalf of Mr. and Mrs. Iordanou, is requesting approval to vacate two utility easements along the common lot line of Lots 23 and 24 of Marco Beach, Unit 13, Block 403, 919 Caxambas Drive. Please find attached the application, approval letters from the various utility companies, surveys and aerial of the site.

JULY 5, 2019 PLANNING BOARD SUMMARY AND RECOMMENDATION

The Planning Board considered this request and provided for public input at their July 5, 2019 meeting. The request was presented to the Planning Board and their questions primarily centered on the process of vacating the easement and how it had been addressed in the past. After discussion the Planning Board voted 5-0 to forward a recommendation of approval with the finding it is in keeping with the Comprehensive Plan and Land Development Code.

OWNER:

Constantine and Marianne Iordanou
919 Caxambas Dr.
Marco Island, FL 34145

APPLICANT/AGENT:

Mr. Ross Tackett
Ross Tackett Custom Homes
45 Anchor Ct.
Marco Island, FL 34145

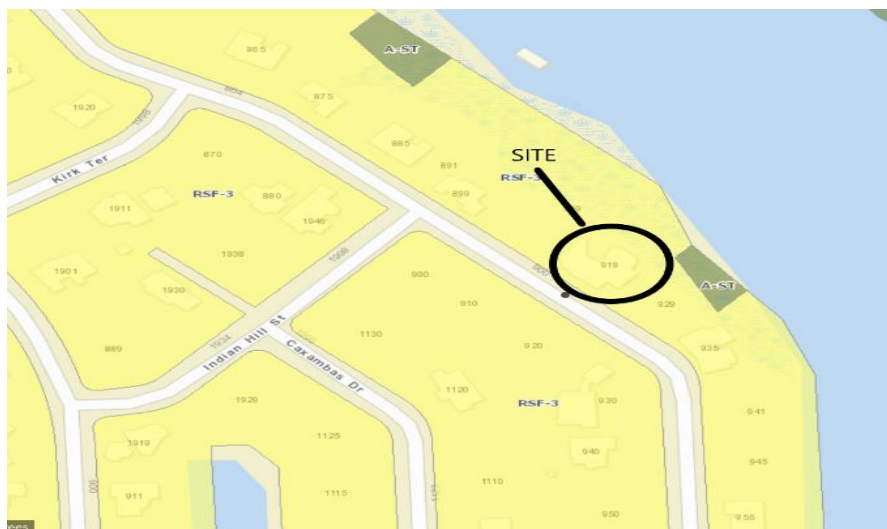
PROJECT ADDRESS:

919 Caxambas Dr.
Marco Beach, Unit 13, Block 403, Lots 23 and 24

AERIAL OF SITE:



ZONING:



STAFF ANALYSIS

It came to our attention that certain lots combined for tax purposes only, had constructed improvements over the common lot line and associated utility easements. Upon looking into the matter, it seems an interpretation of a plat note on the original subdivision plat for Marco Beach (attached) led to the assumption that utility easements were automatically vacated along the common lot line and moved to the perimeter of the two lots. In researching this issue, it was found that the utility easements were not vacated since vacation of utility easements takes approval of the utility companies and the City Council. The second concern, the construction of improvements over the common lot line without formally combining the two lots, was addressed through the filing with the Clerk and Recorder's a unity of title that binds the two lots together without having to replat. In addition, it requires City approval to rescind the unity of title so we can ensure improvements are not built across the common lot line.

The Iordanou's have completed a unity of title and will record the document upon approval of this request. We are in receipt of approval letters from the various utilities.

Staff has no concerns with this request.

STAFF RECOMMENDATION

Staff recommends the Planning Board approve this request and forward their approval to the City Council.