



Planning Board Staff Report

Meeting Date: August 7, 2020

TO: Marco Island Planning Board
FROM: Daniel J. Smith, AICP – Director of Community Affairs
DATE: July 30, 2020
RE: Utility Easement Vacation, 20-000176, 690 & 700 S. Barfield

PETITIONERS:

Todd E. Schneider
Prime Contractors & Associates, Inc.
909 San Marco Rd.
Marco Island, FL 34145

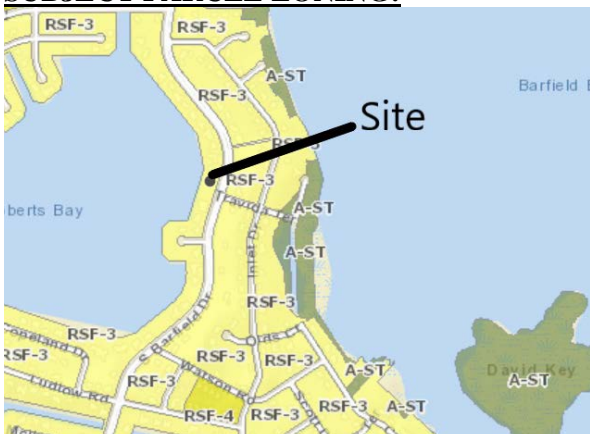
OWNER:

O' Gray Sheppard, Jr.
2015 Drummond Pond Rd.
Alpharetta, GA 30004

PROJECT ADDRESS:

690 & 700 S. Barfield
Lots 15 & 16, Block 306, Marco Beach Unit 9, according to the plat thereof,
as recorded in Plat Book 6, Pages 69-73, Public Records of Collier County, Florida
Prop. ID: 57803440001
Zoning: RSF-3

SUBJECT PARCEL ZONING:



SUBJECT PARCEL AERIAL:



PROJECT DESCRIPTION:

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

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.

We have been advised by our attorney, both Mr. Gabriel and Mr. Gougelman, that in conjunction with vacating the easements, 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 are in receipt of Century Link, Comcast and LCEC letters of no objection for vacating the easement. The City of Marco Island Utilities has provided their conditional approval since there are two existing water meters within the easement located approximately 3 feet behind the sidewalk. The condition from Marco Island Utilities reads:

The 8-feet of the original easement remain from the back side of the sidewalk towards the seawall.

The only outstanding utility to provide a letter of no objection is Summit Broadband. The City will need their letter 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 City receive Summit Broadband's letter of no objection prior to final action by the City Council.
2. The Owner/Developer records in the Public Records of Collier County, Florida, a unity of title binding Lots 15 and 16 of the Subject Property together, which document must be in form and substance approved by the City Attorney.
3. As required by the City of Marco Island Utilities, 8-feet of the original easement remain from the back side of the sidewalk towards the seawall.

4. 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