



Planning Board Staff Report

Meeting Date: November 6, 2020

TO: Marco Island Planning Board

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

DATE: October 9, 2020

RE: Utility Easement Vacation, 20-000225, 481 & 490 Tarpon Ct

PROJECT DESCRIPTION:

The request is to vacate the six-foot utility and drainage easements along each side of the common lot line of Lots 7 and 8. No other utility and drainage easements are being requested to be vacated.

PETITIONERS:

Jane Meyering, as Trustee of the
Jane E. Meyering Family Trust
8800 Byron Commerce Dr.
Byron Center, MI 49315

OWNER:

Jane Meyering, as Trustee of the
Jane E. Meyering Family Trust
8800 Byron Commerce Drive
Byron Center, MI 49315

PROJECT INFORMATION:

490 & 481 Tarpon Ct
Lots 7 and 8, Block 37, Marco Beach Unit 2, according to the plat thereof,
as recorded in Plat Book 6, Pages 25-31, Public Records of Collier County, Florida
Parcel No.: 56780640006 & 56780680008
Zoning: RSF-3

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 approval.

We have received a copy of the recorded unity of title. As advised by our attorneys, Mr. Gabriel and Mr. Gougelman, 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 LCEC and Century Link letter of no objection for vacating the easement. The City of Marco Island Utilities has provided their conditional approval since there are wastewater utilities in the area and need part of the easement for repair. The condition from Marco Island Utilities reads:

The original easement shall remain for a distance of 8' extending from the back side of the sidewalk towards the seawall.

The outstanding utilities who have yet to provide a letter of no objection are: Summit Broadband and Comcast. The City will need their letters 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 must receive Summit Broadband and Comcast's letters of no objection prior to final action by the City Council.
2. As required by the City of Marco Island Utilities, the original easement shall remain for a distance of 8' from the back side of the sidewalk towards the seawall.
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:
 - (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