



City Council Staff Report

Meeting Date: November 9, 2020

TO: Marco Island City Council

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

DATE: October 29, 2020

RE: Utility Easement Vacation, 20-000196, 161 Channel 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 Lots 13 and 14. No other utility and drainage easements are being requested to be vacated.

PLANNING BOARD SUMMARY AND RECOMMENDATION

The Planning Board considered this request at their October 2, 2020 meeting. There was minimal discussion after which the Planning Board voted 6-0 to forward a recommendation of approval to the City Council.

PETITIONERS:

Mr. Roy Lansdown
Panorama Home Services
1108 N. Collier Blvd.
Marco Island, FL 34145

OWNER:

Mary Walworth Navarro, as Trustee of the Mary Walworth Navarro
Revocable Trust dated Oct. 11, 1999 as to an undivided 50% interest
Luis Gonzalo Navarro, as Trustee of the Luis Gonzalo Navarro
Revocable Trust dated Oct. 11, 1999 as to an undivided 50% interest
161 Channel CT.
Marco Island, FL 34145

PROJECT ADDRESS:

161 Channel Court
Lots 13 and 14, Block 169, Marco Beach Unit 5, according to the plat thereof,
as recorded in Plat Book 6, Pages 39-46, Public Records of Collier County, Florida
Parcel No. 57209480005
Zoning: R-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.

We have been advised by our attorneys, 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, Summit Broadband and LCEC letters 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 8-feet of the original easement remain from the back side of the sidewalk towards the seawall.

STAFF RECOMMENDATION:

Staff recommends the Planning Board approve this request contingent upon the below conditions:

1. 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.
2. 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