



## Legislation Details (With Text)

**File #:** ID 22-2455    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Passed  
**File created:** 9/26/2022    **In control:** City Council  
**On agenda:** 10/3/2022    **Final action:** 10/3/2022  
**Title:** Resolution - Utility Easement Vacation Request (LV-21-000234) to Vacate the Six-Foot Utility and Drainage Easements Along Each Side of the Common Lot Line of 976 & 984 Birch Court, Marco Island, FL 34145 - Mary P. Holden, Senior Planner, Growth Management

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution 22-36, 2. Staff Report, 3. Application, 4. Affidavit, 5. Site Plan, 6. Elevations, 7. Survey, 8. Warranty Deed Lot 3, 9. Warranty Deed Lot 4, 10. Letters of No Objection - Utilities, 11. 976 Birch Court - Letter of No Objection, 12. 985 Birch Court - Proof of Delivery

Date	Ver.	Action By	Action	Result
10/3/2022	1	City Council	Approved	Pass

Agenda Item: 10	Prepared By: Mary P. Holden, Senior Planner
Business: Resolution	Department: Growth Management

**Subject:**

Resolution - Utility Easement Vacation Request (LV-21-000234) to Vacate the Six-Foot Utility and Drainage Easements Along Each Side of the Common Lot Line of 976 & 984 Birch Court, Marco Island, FL 34145 - Mary P. Holden, Senior Planner, Growth Management

### **PROJECT DESCRIPTION:**

The request is to vacate the six-foot utility and drainage easements along each side of the common lot line of 984 Birch Court and 976 Birch Court, Marco Island. No other utility and drainage easements are being requested to be vacated. The application, survey, and utility permissions are attached.

### **PLANNING BOARD SUMMARY AND RECOMMENDATIONS**

The Planning Board held a public hearing and considered this request at their September 2, 2022 meeting. There were no public comments or discussion. The Planning Board voted 7-0 to forward a recommendation of approval.

### **FUNDING SOURCE / FISCAL IMPACT: N/A**

### **STAFF RECOMMENDATION:**

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

1. The lots are combined for tax purposes only with Collier County Assessor.
2. A unity of title is filed with Collier County and a copy provided to Staff before the City Council meeting.

3. A ten (10) foot square portion of the utility easement shall remain in place. The location will be 10 feet behind the front property line along 984 and 976 Birch Court and five feet on both sides of the common property line.
4. Comcast provide a no objection letter prior to the City Council meeting.
5. 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.

**POTENTIAL MOTION:** Move to approve Resolution 22-36 with the listed conditions.