

RESOLUTION NO. 13-07

A RESOLUTION OF THE CITY OF MARCO ISLAND TO RECOMMEND APPROVAL OF THE PROPOSED VACATION OF THE REMAINING SOUTH FLORAL RIGHT-OF-WAY AND EASEMENT NORTHERLY OF THE JURISDICTIONAL AND TRAVERSE LINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mr. Jay Houghtaling filed Petition VAC-12-01 requesting vacation of the remaining portion of the South Floral right-of-way adjacent to property under his ownership and legally described in Exhibits A and B; and

WHEREAS, The vacation is requested to eliminate a land locked piece of public right-of-way that is not intended to be utilized for any future transportation related projects; and

WHEREAS, all interested parties will be given opportunity to be heard by the Board of Zoning Appeals in a public hearing, and the Board having considered all matters presented:

WHEREAS, the Marco Island Planning Board, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing on February 1, 2013 after notice, and voted (7-0) to recommend that the Marco Island City Council approve the requested Vacation pursuant to Sections 30-581(aa)(4) of the City's Land Development Code (LDC); and

WHEREAS, City Council, acting as the Board of Zoning Appeals, will hold a public hearing on February 19, 2013 after proper notice, while considering the request for this Vacation petition and voted to approve VAC-12-01; and

NOW, THEREFORE BE IT RESOLVED, BY THE MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS, THAT:

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated into this Resolution.

SECTION 2. Findings. There is no present necessity or reasonably foreseeable necessity for the retention of the South Floral right-of-way for purposes of use as a roadway by the public and there is no negative impact related to the Deltona Settlement Agreement associated with this vacation request.

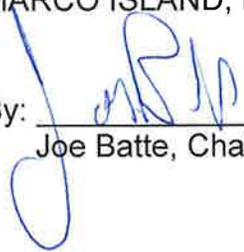
SECTION 3. Recommendation. By its actions as evidenced in the minutes of its public hearing held on February 1, 2013 the City of Marco Island Planning Board by a vote of (7-0), recommended approval of Vacation Petition (VAC-12-01) to extinguish any rights of the public to use the street as a roadway.

SECTION 4 Condition. The Petitioner shall be required to record the final survey with this signed resolution, which identifies an easement for drainage and utility purposes adjacent

to the western property line of Lot 1 of Block 154 of Marco Beach Unit 5 which totals 25-feet in width.

SECTION 4. Effective Date. This Resolution shall take effect immediately upon adoption. The foregoing Resolution was adopted this 19th day of February, 2013.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: 

Joe Batte, Chairman

ATTEST:



Laura Litzan
City Clerk

Approved as to Form and legal sufficiency:



Burt L. Saunders
City Attorney