

**RESOLUTION 15-87**

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A STREET VACATION, OF A PORTION OF 328 CASTAWAYS STREET, CITY OF MARCO ISLAND FLORIDA 34145; PROVIDING CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 30-581 (aa), entitled "Vacation of streets, alleys, easements and subdivision plats" of the Marco Island Land Development Code provides standards and regulations to petition to vacate, abandon, discontinue or close any public street, alleyway, dedicated easement or subdivision plat, either in whole or in part by any person affected thereby; and

**WHEREAS**, Mr. Lawrence Dorr, the "Petitioner" and "Owner" of the property located at 328 Castaways Street, Marco Island, Florida 34145, filed a petition with the City of Marco Island pursuant to Section 30-581 (aa), requesting that the portion of Castaways Street adjoining his property be vacated, that half of the vacated land would be transferred to 328 Castaways Street, and the other half to 327 Castaways Street; and

**WHEREAS**, it is the Petitioner's intention to demolish his existing single family residence and rebuild with the orientation of the new residence facing Amazon Court. Both properties will have a new street address; 328 Castaways Street will become 748 Amazon Court and 327 Castaways Street will become 756 Amazon Court; and

**WHEREAS**, the process to vacate, abandon, discontinue or close any public street in the City of Marco Island, requires public hearings and review and recommendation from the Planning Board and review and approval by the City Council; and

**WHEREAS**, the City's Planning Board reviewed and recommended approval of this street vacation with conditions on August 7, 2015; and

**WHEREAS**, the City Council does hereby approve the street vacation, subject to the conditions of approval, set forth in the Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

**SECTION 1. Recitals.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated herein by this reference.

**SECTION 2. Adoption and Approval.** The Petition for the street vacation of that portion of Castaways Street which adjoins Petitioner's residential property is approved and vacated subject to the below described conditions, including that half of the vacated land will be transferred to 328 Castaways Street, and the other half to 327 Castaways Street.

**SECTION 3. Conditions of Approval.** This Resolution relating to Petition for approval of Street Vacation by Lawrence Dorr, the "Petitioner" and "Owner" of the property located at of 328 Castaways Street, Marco Island, Florida 34145, filed pursuant to Section 30-581 (aa), requesting that the portion of Castaways Street adjoining Petitioner's property be vacated is approved, that half of the vacated land would be transferred to 328 Castaways Street, and the other half to 327 Castaways Street, subject to the following conditions of approval.

The following conditions are a requirement of this approval and are and the responsibility of the Owner, and Petitioner.

- I. The Petitioner shall demolish his existing residence and rebuild with the orientation of the new residence facing Amazon court. Both properties will have a new street address, 328 Castaways Street will become 748 Amazon Court and 327 Castaways Street will become 756 Amazon Court.
2. The Petitioner is responsible for any private deed restriction approvals with Marco Island Civic Association.
3. The Petitioner must obtain any and all approvals from Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission prior to project commencement. (If applicable)
- 4.. The Petitioner, Mr. Lawrence Dorr, is solely responsible for any and all costs associated with this street vacation, cost to include but not limited to the following.
  - a. Property Surveys
  - b. Professionals design fees
  - c. Permit costs
  - d. Preparation and recording of new deeds, including any Attorney fees
  - e. Removal, replacing or relocation of water and sewer utilities
  - f. Reconnecting of water and sewer utilities
  - g. Removal of existing asphalt
  - h. Fill, loam and seed
  - i. Disposal of any and all construction debris, including disposal of existing asbestos concrete pipe currently located in the right of way
  - j. Any and all legal fees the City will incur as a result of this petition
5. All construction work associated with this street vacation to be completed by Marco Island Utilities and or City approved Florida licensed contractors. Prior to any construction the City

of Marco Island Utilities will provide an estimate for approval; Mr. Lawrence Dorr will be required to sign a contract agreement with the City of Marco Island. City Attorney to review and approve provisions of the contract prior to commencement of work.

6. The Petitioner, Mr. Lawrence Dorr is required to obtain a Construction Surety Bond for 120% of the estimated cost. City Attorney to review and approve provisions of the Surety Bond prior to commencement of work.

7. The street vacation shall expire 24 months and or two years from the date of approval, if by that date construction work associated with this street vacation has not been commenced.

8. New sidewalk to be 5'-0" in width. Public Works Department to review and approve sidewalk width and material prior to commencement of work.

9. A final project schedule and phasing plan to be reviewed and approved by City's staff prior to commencement of all phases.

10. Final approval of the construction staging plan including temporary fencing, gate locations and emergency access to be reviewed and approved by City staff prior to commencement of all phases.

11. A pre-construction meeting is required with City staff outlining the project schedule prior to commencement of work of any phase. The petitioner is required to submit construction documents to the City of Marco Island Building Department for review and approval; a copy of the approved site improvement plan must be included as part of the submittal.

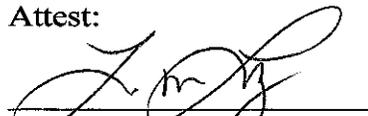
12. The City of Marco Island reserves the right to revisit this application and require additional conditions, as may be reasonably required.

**SECTION 4. Effective Date.**

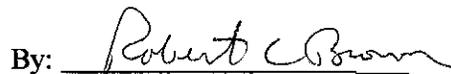
This Resolution shall be effective immediately upon adoption by the City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 7<sup>th</sup> day of December 2015.

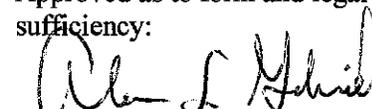
Attest:

  
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By:   
Robert C. Brown, Chairman

Approved as to form and legal  
sufficiency:

  
Alan L. Gabriel, City Attorney

