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RESOLUTION 09- 29

**A RESOLUTION OF THE CITY OF MARCO ISLAND
TO RECOMMEND APPROVAL OF THE PROPOSED
VACATION OF A PORTION OF ELKCAM CIRCLE
FOR THE PURPOSE OF EXPANDING VETERANS'
PARK; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on behalf of the City of Marco Island, the City Manager through the Parks and Recreation Department, filed Petition VAC-09-01 requesting vacation of a portion of the public right-of-way of Elkcaml Circle, west of Joy Circle and East of Park Avenue, more particularly described in Exhibit A ("the Street"); and

WHEREAS, the vacation of the Street is needed to allow the completion of improvements to Veterans' Community Park in accordance with the adopted Master Plan and report prepared by Kimley-Horn and associates; and

WHEREAS, the Planning Board held a public hearing on July 17, 2009 to consider the petition as is required by Section 581(aa)(4) of the Land Development Code to submit its recommendation in writing to the City Council, with a copy of the minutes of the hearing, as soon as practicable thereafter.

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

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 Street for purposes of use as a roadway by the public and the right to convenient access of adjoining property owners will not be affected by the vacation.

SECTION 3. Recommendation.

By its actions as evidenced in the minutes of its public hearing attached hereto as Exhibit B, the City of Marco Island Planning Board by a vote of 5 to 2, recommends approval of the vacation of the Street, to extinguish any rights of the public to use the Street as a roadway.

SECTION 4. Effective Date.

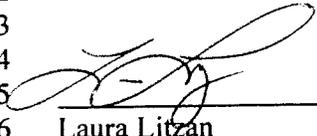
This Resolution shall take effect immediately upon adoption.

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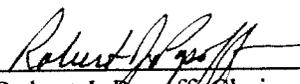
The foregoing Resolution was adopted this 17th day of August, 2009.

Attest:

CITY OF MARCO ISLAND, FLORIDA



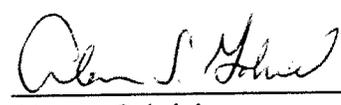
Laura Litzan
City Clerk



Robert J. Popoff, Chairman

(SEAL)

Approved as to form
And Legal Sufficiency:



Alan L. Gabriel
City Attorney

American Engineering Consultants of Marco Island, Inc.

CERTIFICATE OF AUTHORIZATION: #26446, LB# 7419

573 Bald Eagle Dr. Marco Is., Florida 34145 Phone: (239) 394-1697 Fax: (239) 394-7571

Legal Description Road Right-of-Way

Being a certain part of a road right-of-way that is lying in Section 8, Township 52 South, Range 26 East, Collier County, Florida and which is more particularly described as follows:

Commencing (POC) at the centerline intersection of Elkcam Circle (having an 80-foot wide right-of-way) and Park Avenue (having a 100-foot wide right-of-way and formerly known as Lambert Drive per plat), said point being the beginning of a curve, concave to the northeast, having a radius of 600.00 feet, a central angle of 9 degrees 45 minutes 27 seconds, and a chord of 102.06 feet bearing South 65 degrees 33 minutes 08 seconds East; thence southeasterly along the centerline of said Elkcam Circle, a distance 102.18 feet to the **POINT OF BEGINNING** (POB), said point being the beginning of a non-tangent curve, concave to the west, having a radius of 50.00 feet, a central angle of 66 degrees 20 minutes 34 seconds, and a chord of 54.73 feet bearing North 0 degrees 17 minutes 22 seconds East; thence northerly along said curve, a distance of 57.91 feet to the intersection of the southwesterly line of Block 793, A REPLAT OF TRACT "A", Marco Beach, UNIT SIX, according to the plat thereof recorded in Plat Book 6, Pages 53 and 54 in the Office of Public Records of Collier County, Florida and which intersection is the beginning of a non-tangent curve, concave to the northeast, having a radius of 50.00 feet, a central angle of 41 degrees 08 minutes 49 seconds, and a chord of 35.14 feet bearing South 51 degrees 24 minutes 08 seconds East; thence southeasterly along said southwesterly line and last said curve, a distance of 35.91 feet to the point of curvature of a compound curve, concave to the north, having a radius of 560.00 feet, a central angle of 28 degrees 12 minutes 54 seconds, and a chord of 272.99 feet bearing South 86 degrees 05 minutes 19 seconds East; thence continuing easterly along said southwesterly line and last said curve, a distance of 275.77 feet to the point of curvature of a non-tangent curve, concave to the east, having a radius of 50.00 feet, a central angle of 134 degrees 49 minutes 23 seconds, and a chord of 92.33 feet bearing South 12 degrees 23 minutes 33 seconds West; thence leaving said southwesterly line of Block 798 and southerly along last said curve, a distance of 117.66 feet to the intersection of the northerly line of Block 796, SECOND REPLAT OF A PORTION OF Marco Beach, UNIT SIX, according to the plat thereof recorded in Plat Book 12, Page 38 in the Office of Public Records of Collier County, Florida and which intersection is the point of curvature

Continued on Sheet 2 of 3

American Engineering Consultants of Marco Island, Inc.

CERTIFICATE OF AUTHORIZATION: #28448, LB# 7419

573 Bald Eagle Dr. Marco Is., Florida 34145 Phone: (239) 394-1697 Fax: (239) 394-7571

of a non-tangent curve, concave to the south, having a radius of 25.00 feet, a central angle of 40 degrees 35 minutes 20 seconds, and a chord of 17.34 feet bearing North 75 degrees 18 minutes 48 seconds West; thence westerly along said northerly line and last said curve, a distance of 17.71 feet to the point of curvature of a reverse curve, concave to the north, having a radius of 640.00 feet, a central angle of 29 degrees 53 minutes 49 seconds, and a chord of 330.18 feet bearing North 80 degrees 39 minutes 34 seconds West; thence continuing northwesterly along said north line and last said curve, a distance of 333.95 feet to the point of curvature of a non-tangent curve, concave to the north, having a radius of 50.00 feet, a central angle of 80 degrees 50 minutes 08 seconds, and a chord of 64.84 feet bearing North 73 degrees 52 minutes 43 seconds East; thence leaving the north line of said Block 796 and easterly along last said curve, a distance of 70.55 feet to the **POINT OF BEGINNING (POB)**;

Containing 22,215 square feet, more or less.

Subject to any easements, restrictions, reservations and / or encumbrances of record.

The bearings used in this description are based upon the centerline of Lambert Drive (also known as Park Avenue) which is shown on the above referenced plat of A REPLAT OF TRACT "A", Marco Beach, UNIT SIX, as having an assumed bearing of North 29 degrees 19 minutes 36 seconds East .

Prepared by:
American Engineering Consultants of Marco Island, Inc.
Certificate of Authorization Number: LB #7419

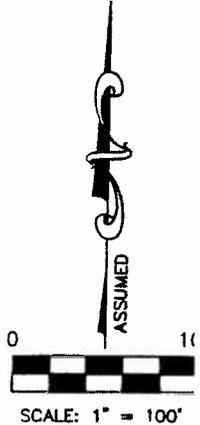
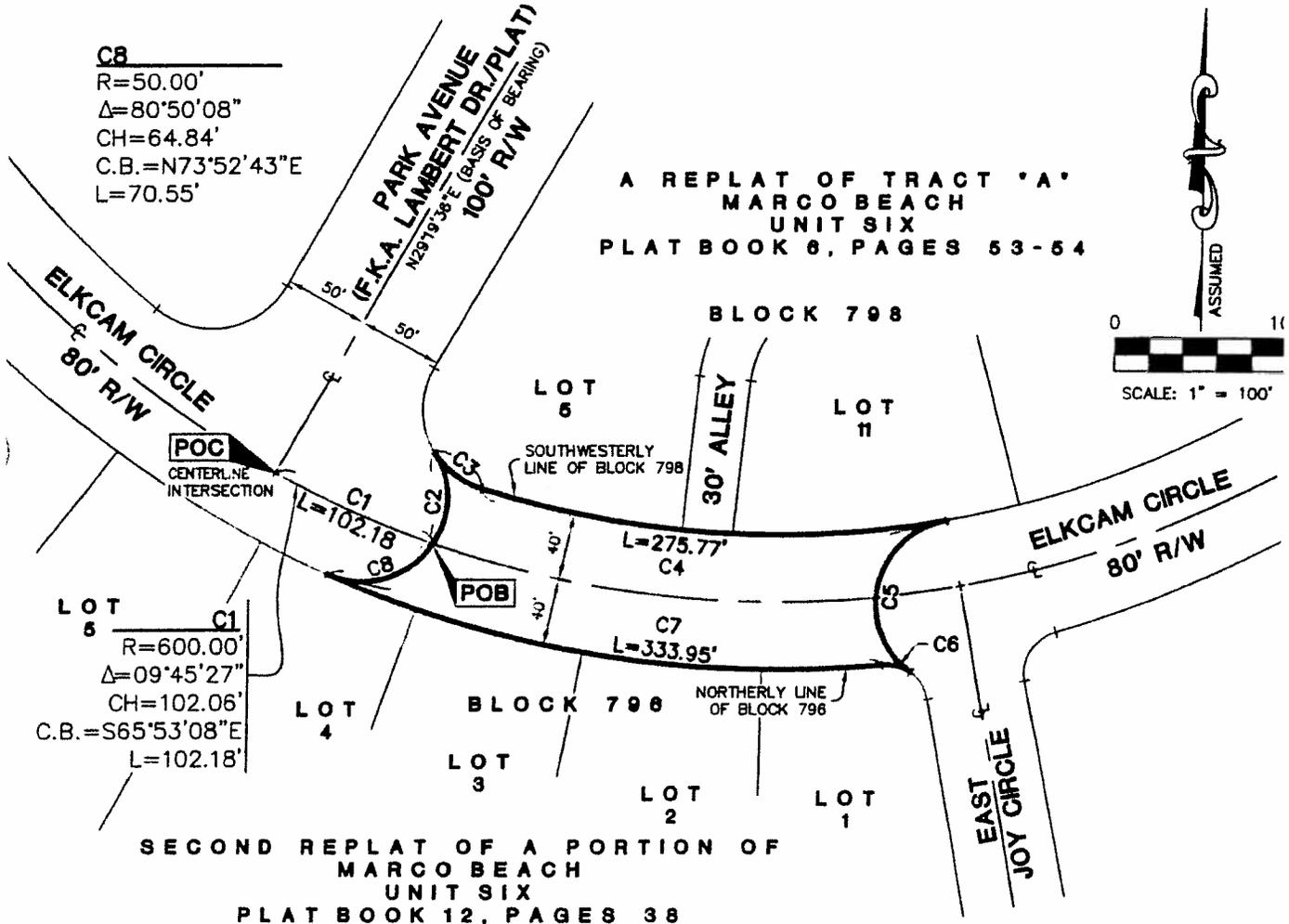


T. Alan Neal, PLS 06/23/09
Professional Land Surveyor
State of Florida Reg. Number: 4656

SURVEYOR'S NOTES:

1. The Legal Description and Sketch of Description shown hereon was prepared at the request of and only for the benefit of the City of Marco Island.
2. The purpose of the Legal Description and Sketch of Description shown hereon is for vacating a portion of Elkcarn Circle, Marco Island, Florida.

C2	C3	C4	C5	C6	C7
R=50.00'	R=50.00'	R=560.00'	R=50.00'	R=25.00'	R=640.00'
$\Delta=66^{\circ}20'34''$	$\Delta=41^{\circ}08'49''$	$\Delta=28^{\circ}12'54''$	$\Delta=134^{\circ}49'23''$	$\Delta=40^{\circ}35'20''$	$\Delta=29^{\circ}53'49''$
CH=54.73'	CH=35.14'	CH=272.99'	CH=92.33'	CH=17.34'	CH=330.18'
C.B.=N0°17'22"E	C.B.=S51°24'08"E	C.B.=S86°05'19"E	C.B.=S12°23'33"W	C.B.=N75°18'48"W	C.B.=N80°39'34"W
L=57.91'	L=35.91'	L=275.77'	L=117.66'	L=17.71'	L=333.95'



THIS IS A SKETCH OF DESCRIPTION ONLY, NOT A BOUNDARY SURVEY

 DENOTES SUBJECT RIGHT-OF-WAY

TOTAL AREA OF SUBJECT RIGHT-OF-WAY IS 22,215 SQUARE FEET, MORE OR LESS

SKETCH OF RIGHT-OF-WAY DESCRIPTION
SECTION 8, TOWNSHIP 52 SOUTH, RANGE 26 EAST
AMERICAN ENGINEERING CONSULTANTS
 OF MARCO ISLAND, INC.
 CERTIFICATE OF AUTHORIZATION: #26446, LB# 7419
 3 BALD EAGLE DR. MARCO ISLAND, FL. (239) 394-1697 (FAX) 394-7571

SCALE: 1"=100'	DATE: 6-18-09	JOB NUMBER: 10067-062-02
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- LEGEND**
- P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - O.R. = OFFICIAL RECORD
 - CL = CENTERLINE
 - R = RADIUS
 - Δ = CENTRAL ANGLE OR DELTA ANGLE
 - CH = CHORD LENGTH
 - C.B. = CHORD BEARING
 - L = ARC LENGTH

SHEET 3 OF
 (SEE SHEET 1 AND 2 OF FOR LEGAL DESCRIPTION)

