

**RESOLUTION NO. 98- 38**

A RESOLUTION TO VACATE, RENOUNCE AND DISCLAIM THE CITY'S AND THE PUBLIC'S RIGHTS AND INTERESTS IN PORTIONS OF EXISTING DRAINAGE EASEMENTS LOCATED ON PARTS OF TRACTS "R-A" AND "R-B", MARCO BEACH UNIT ELEVEN, AND TO RELOCATE/ESTABLISH NEW 15 FOOT DRAINAGE EASEMENT WITHIN SAME PROPERTY, BEING TRACTS "R-A" AND "R-B", A REPLAT OF A PORTION OF MARCO BEACH UNIT ELEVEN, PLAT BOOK 12, PAGES 24-26, COLLIER COUNTY, FLORIDA.

**WHEREAS**, pursuant to section 177.101, 336.09 and 336.10, Florida Statutes, a petition has been received from Wilson, Miller, as agents for the owner requesting to vacate portions of existing drainage easements located on parts of Tracts "R-A" and "R-B", Marco Beach Unit Eleven, and relocate/establish new 15 foot drainage easement within same property, being Tracts "R-A" and "R-B", a replat of a portion of Marco Beach Unit Eleven, plat book 12, pages 24-26, Collier County, Florida; and

**WHEREAS**, the City Council has this day held a public hearing to consider vacating and relocating said easement as more fully described below and in attached exhibits, and notice of said public hearing to vacate was given as required by law; and

**WHEREAS**, the granting of the vacation will not adversely affect the ownership or right of convenient access of other property owners.

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

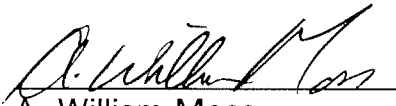
1. The City's and public's rights and interests in portions of the existing drainage easement on Tracts "R-A" and "R-B" (as described in exhibits A and B) are hereby vacated, renounced and disclaimed.
2. City Council hereby authorizes the relocation/establishment of new 15-foot drainage easements on Tracts "R-A" and "R-B" (as described in exhibit C).

This resolution adopted after motion, second and majority vote favoring same.


DATED: January 4, 1999.

ATTEST:

CITY OF MARCO ISLAND




A. William Moss  
City Manager/City Clerk

By:   
David E. Brandt, Chairman

Approved as to form and  
Legal sufficiency:

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Kenneth B. Cuyler  
City Attorney



PLANNERS, ENVIRONMENTAL CONSULTANTS, ENGINEERS,  
SURVEYORS, LANDSCAPE ARCHITECTS, CONSTRUCTION MANAGERS

Legal Description  
being a part of Tracts "R-A" and "R-B",  
a Replat of a portion of Marco Beach Unit Eleven,  
Plat Book 12, pages 24-26  
Collier County, Florida  
Portion of Platted Drainage Easement to be Vacated

All that part of Tracts "R-A" and "R-B", according to the plat of a replat of a portion of Marco Beach Unit Eleven, Plat Book 12, pages 24-26 of the Public Records of Collier County, Florida, being more particularly described as follows:

Beginning at the southeast corner of said Tract "R-B";  
thence along the southerly line of said Tract "R-B", South 68°56'14" West 4.50 feet;  
thence leaving said southerly line, North 21°03'46" West 176.45 feet;  
thence South 56°58'20" East 17.91 feet;  
thence South 21°03'46" East 161.95 feet to the southerly line of said Tract "R-A";  
thence along the southerly line of said Tract "R-A", South 68°56'14" West 6.00 feet to the Point of Beginning;

Subject to easements and restrictions of record.

Bearings are based on the southerly line of said Tract "R-B" being South 68°56'14" West.  
Certificate of authorization #LB-43.

WILSON, MILLER, BARTON & PEEK, INC.  
Registered Engineers and Land Surveyors

By: *John P. Maloney*  
John P. Maloney, P.S.M. #4493

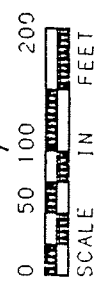
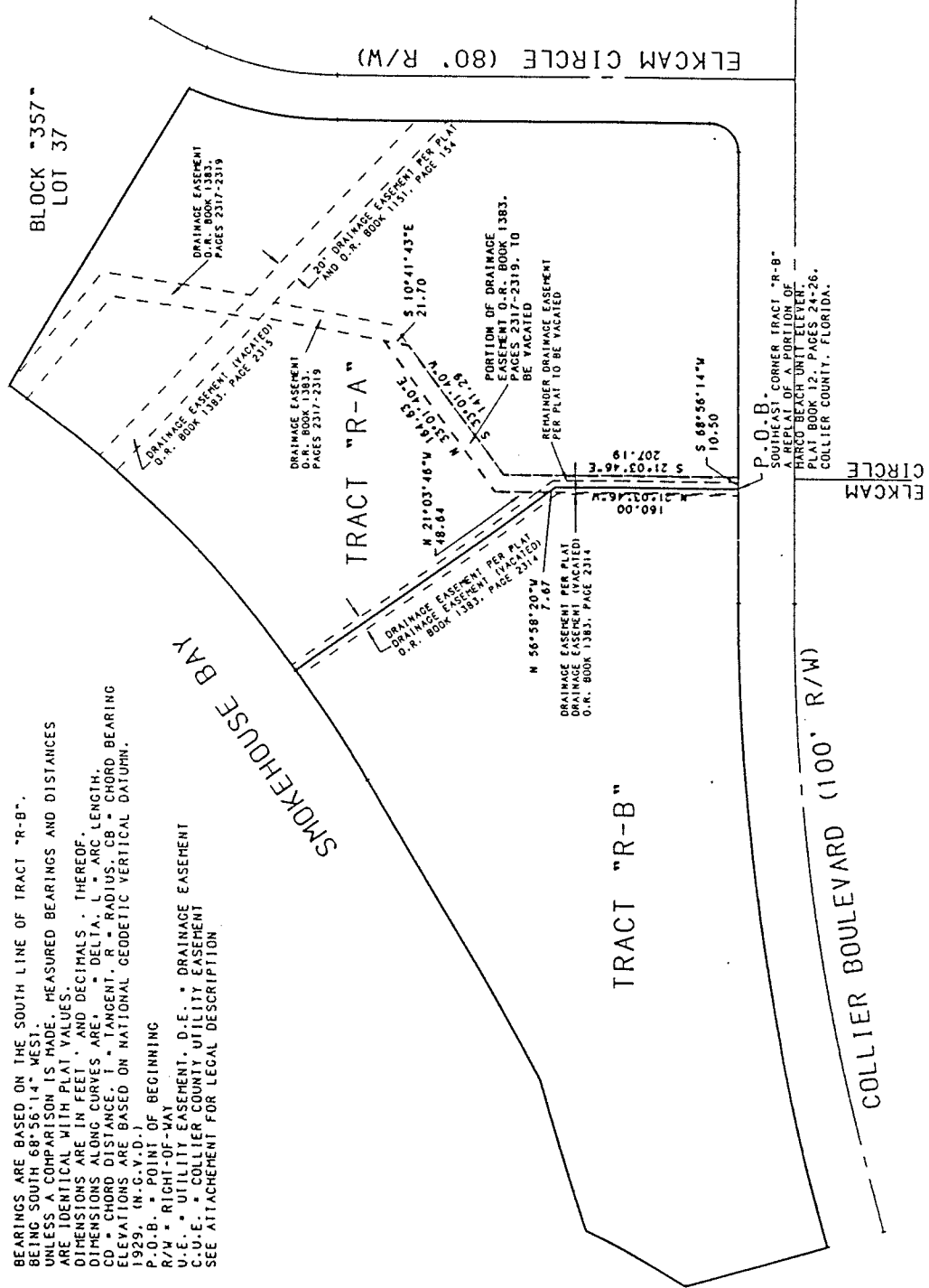
Date 11-2-98

Ref. 2N-87, sheet 1 of 3

Not valid unless embossed with the Professional's seal.

**GENERAL NOTES:**

BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT "R-B", BEING SOUTH 68°56'14" WEST. UNLESS A COMPARISON IS MADE, MEASURED BEARINGS AND DISTANCES ARE IDENTICAL WITH PLAT VALUES. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. DIMENSIONS ALONG CURVES ARE DELTA, L = ARC LENGTH, CD = CHORD DISTANCE, T = TANGENT, R = RADIUS, CB = CHORD BEARING. ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM, 1929. (N.C.V.D.) P.O.B. = POINT OF BEGINNING R/W = RIGHT-OF-WAY U.E. = UTILITY EASEMENT, D.E. = DRAINAGE EASEMENT C.U.E. = COLLIER COUNTY UTILITY EASEMENT SEE ATTACHMENT FOR LEGAL DESCRIPTION



\*\*\* NOT A SURVEY \*\*\*

ACTIVITY	INITIALS	DATE	APPROVED
RESEARCH			
FIELD WORK/CHK			
FIELD			
CHECKED BY	JPH	2/5/10	30 98
FIELD BOOK PAGE			

*John P. Maloney*  
 JOHN P. MALONEY, P.S.M. 54493

**WILSON, MILLER, BARTON & PELK, INC**  
 ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS  
 LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS  
 WILSON PROFESSIONAL CENTER  
 3200 BAILEY LANE AT AIRPORT ROAD, SUITE 200  
 NAPLES, FLORIDA 34105 (941) 263-6408 FAX (941) 643-5716

DATE	10/98	CLIENT	A & N OF MARCO INC.
SCALE	1"=100'	DESCRIPTION	SKETCH OF DESCRIPTION
CROSS REF.	FILE NO. 10130-003-001-GCVAC	PROJECT NO.	10130-003-001-GCVAC
		SHEET NUMBER	2 of 3
		FILE NO.	2N-87

PLANNERS, ENVIRONMENTAL CONSULTANTS, ENGINEERS,  
SURVEYORS, LANDSCAPE ARCHITECTS, CONSTRUCTION MANAGERS

Legal Description  
being a part of Tract "R-A",  
a Replat of a portion of Marco Beach Unit Eleven,  
Plat Book 12, pages 24-26  
Collier County, Florida  
Portion of Drainage Easement Recorded in O.R. Book 1383,  
pages 2317-2319 to be vacated

All that part of Tract "R-A", according to the plat of a replat of a portion of Marco Beach Unit Eleven, Plat Book 12, pages 24-26 of the Public Records of Collier County, Florida, being more particularly described as follows:

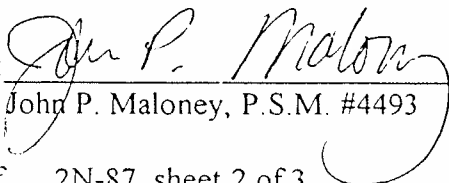
Beginning at the southeast corner of said Tract "R-B";  
thence along the southwesterly line of said Tract "R-A", North 21°03'46" West 160.00 feet;  
thence continue along said line North 56°58'20" West 7.67 feet;  
thence leaving said line North 21°03'46" West 48.64 feet;  
thence North 33°01'40" East 164.63 feet;  
thence South 10°41'43" East 21.70 feet;  
thence South 33°01'40" West 141.29 feet;  
thence South 21°03'46" East 207.19 feet to the southerly line of said Tract "R-A"  
thence along the southerly line of said Tract "R-A", South 68°56'14" West 10.50 feet to the Point of Beginning.

Subject to easements and restrictions of record.

Bearings are based on the southerly line of said Tract "R-B" being South 68°56'14" West.

Certificate of authorization #LB-43.

WILSON, MILLER, BARTON & PEEK, INC.  
Registered Engineers and Land Surveyors

By:   
John P. Maloney, P.S.M. #4493

Date 11-2-98

Ref. 2N-87, sheet 2 of 3

Not valid unless embossed with the Professional's seal.



PLANNERS, ENVIRONMENTAL CONSULTANTS, ENGINEERS,  
SURVEYORS, LANDSCAPE ARCHITECTS, CONSTRUCTION MANAGERS

Legal Description  
being a part of Tract "R-A",  
a Replat of a portion of Marco Beach Unit Eleven,  
Plat Book 12, pages 24-26  
Collier County, Florida  
Proposed 15" Drainage Easement

All that part of Tract "R-A", according to the plat of a replat of a portion of Marco Beach Unit Eleven, Plat Book 12, pages 24-26 of the Public Records of Collier County, Florida, being more particularly described as follows:

Commencing at the southeast corner of said Tract "R-B" according to said plat;  
thence along the southerly line of said Tract "R-A", North 68°56'14" East 92.35 feet to the Point of Beginning;  
thence leaving said southerly line North 15°44'47" West 202.68 feet;  
thence North 12°10'23" West 89.32 feet to a point on the southerly line of that drainage easement recorded in O.R. Book 1383, pages 2317-2319;  
thence along said easement North 33°01'40" East 21.70 feet;  
thence leaving said easement South 11°57'26" East 104.26 feet;  
thence South 15°44'47" East 200.71 feet to the southerly line of said Tract "R-A";  
thence along the southerly line of said Tract "R-A", South 68°56'14" West 15.06 feet to the Point of Beginning.

Subject to easements and restrictions of record.

Bearings are based on the southerly line of said Tract "R-B" being South 68°56'14" West.  
Certificate of authorization #LB-43.

WILSON, MILLER, BARTON & PEEK, INC.  
Registered Engineers and Land Surveyors

By: John P. Maloney  
John P. Maloney, P.S.M. #4493

Date 11-2-98

Ref. 2N-87, sheet 3 of 3

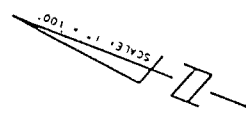
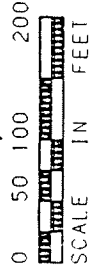
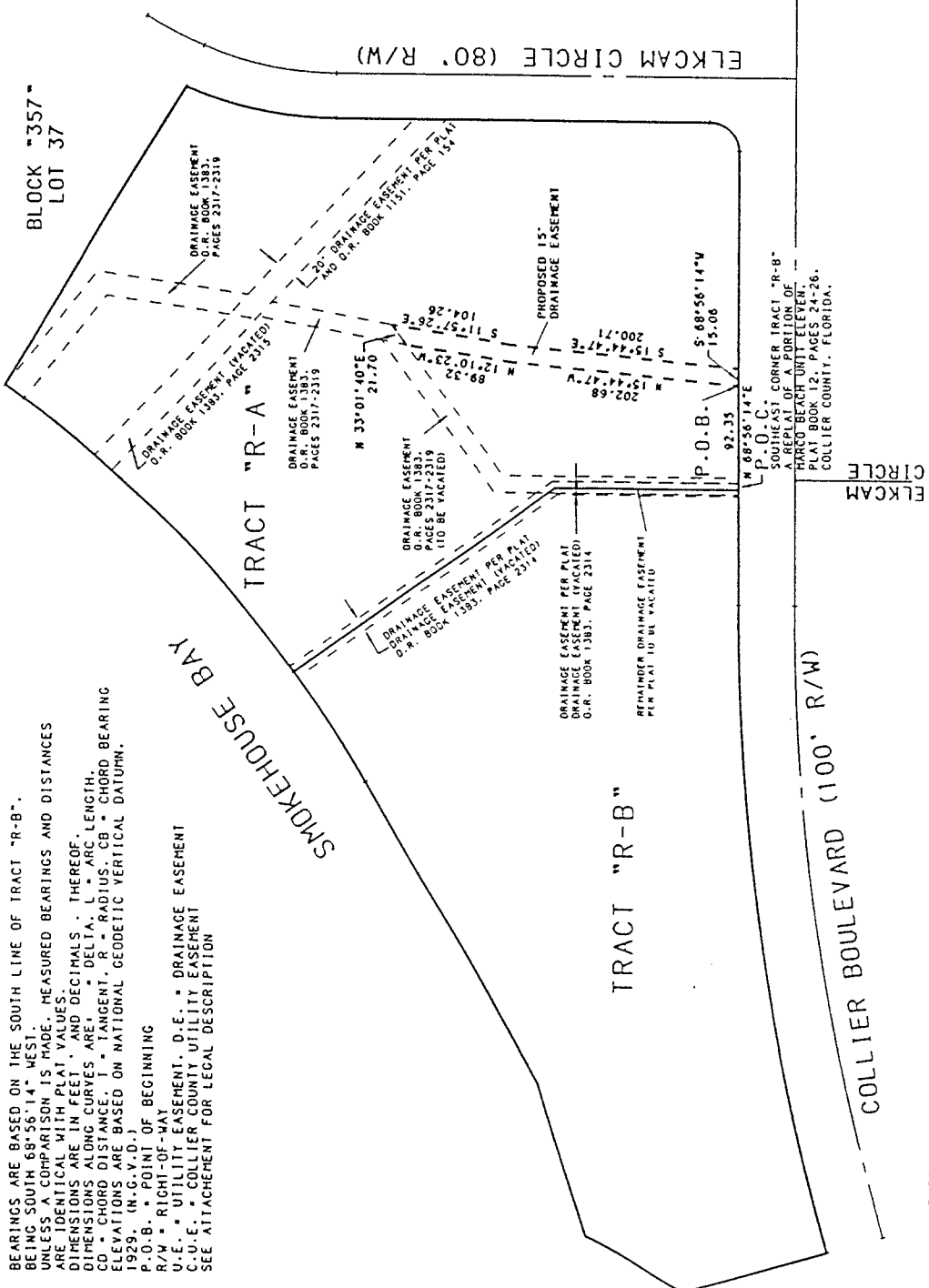
Not valid unless embossed with the Professional's seal.



**GENERAL NOTES:**

BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT "R-B", BEING SOUTH 88°56'14" WEST, BEING COMPARED TO THE SOUTH LINE OF TRACT "R-B", BEING SOUTH 88°56'14" WEST. MEASURED BEARINGS AND DISTANCES ARE IDENTICAL WITH FEET VALUES. DIMENSIONS ARE IN FEET, VALUES ADDED DECIMALS. THEREFORE, DIMENSIONS ALONG CURVES ARE DELTA L, ARC LENGTH, CHORD DISTANCE, TANGENT, RADIUS, CB, CHORD BEARING ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM, 1929, IN G.V.D.J.

P.O.B. = POINT OF BEGINNING  
 R.O.B. = RIGHT-OF-WAY  
 U.E. = UTILITY EASEMENT, D.E. = DRAINAGE EASEMENT  
 C.U.E. = COLLIER COUNTY UTILITY EASEMENT  
 SEE ATTACHMENT FOR LEGAL DESCRIPTION



\*\*\* NOT A SURVEY \*\*\*

APPROVED:	DATE:	CLIENT:	SCALE:	DESCRIPTION:
<i>John P. Miller</i>	10/98	A & N OF MARCO INC.	1" = 100'	SKETCH OF DESCRIPTION
RESEARCH:				PROPOSED 15' DRAINAGE EASEMENT BEING A PART OF TRACT "R-A", A REPLAT OF A PORTION OF MARCO BEACH UNIT ELEV. P. B. 12, PAGES 24-26, COLLIER COUNTY, FLORIDA.
CHECKED BY:				PROJECT NO. & WORK ORDER NO. SHEET NUMBER, FILE NO.
FIELD BOOK PAGE:				N0030-003-001-CCVAC 3 of 3 2N-87

**WILSON, MILLER, BARTON & PEEK, INC.**  
 ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS  
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 2200 BAILEY LANE AT AIRPORT ROAD, SUITE 200  
 NAPLES, FLORIDA 34105 (941) 263-6408 FAX (941) 643-5716

2168006 OR: 2302 PG: 3462

RECORDED IN OFFICIAL RECORDS OF COLLIER COUNTY, FL  
04/04/97 at 03:41PM DWIGHT E. BROCK, CLERK

COPIES \$200000.00  
REC FEE 10.50  
DOC-.70 23400.00

Re:ta:  
CERFFI PASSIDOMO BY AL  
821 FIFTH AVE S #201  
NAPLES FL 34102

Parcel ID Number: 57990480008/57990480000  
County #1 TRM:

4200.00  
Stamps off 71.400  
100.1050  
29,410.50

# Warranty Deed

This Indenture, Made this 4th day of April, 1997 AD., Between William B. Kimberley, a married man,

of the County of \_\_\_\_\_, State of \_\_\_\_\_, grantor, and A&N of Marco, Inc., a Florida corporation,

whose address is: 405 Fifth Avenue South, Naples, Florida 34102

of the County of COLLIER, State of FLORIDA, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of \_\_\_\_\_ TEN & NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S successors and assigns forever, the following described land, situate, lying and being in the County of Collier State of Florida to wit:

See Exhibit "A" attached hereto

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 1996.

The subject property is vacant land and is not the homestead of Grantor, nor is it contiguous to the homestead of Grantor.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whatsoever. In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

*R. Scott Price*  
Printed Name: R. SCOTT PRICE  
Witness

*William B. Kimberley* (Seal)  
William B. Kimberley

*Debra D. Phillips*  
Printed Name: DEBRA D. PHILLIPS  
Witness

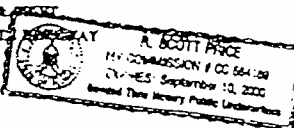
STATE OF Florida  
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 4th day of April, 1997 by William B. Kimberley, a married man,

who is personally known to me or who has produced his Florida driver's license as identification.

This Document Prepared By:  
R. Scott Price, Esquire

KELLY, PRICE, PASSIDOMO & ASSOC.  
SUITE 315, 2640 GOLDEN GATE  
NAPLES, FL 34102



*R. Scott Price*  
Printed Name: R. SCOTT PRICE  
NOTARY PUBLIC  
My Commission Expires:

\*\*\* OR: 2302 PG: 3463 \*\*\*

Legal description  
 being a part of Tract "R-A" and all of Tract "R-B"  
 a replat of a portion of Marco Beach Unit Eleven,  
 Plat Book 12, pages 24-26,  
 Collier County, Florida

All of Tract "R-A" according to the replat of a portion of Marco Beach Unit Eleven,  
 Plat Book 12, pages 24 through 26, Collier County, Florida;

LESS AND EXCEPT THE FOLLOWING:

Commencing at the centerline intersection of Collier Boulevard (100' right-of-way)  
 and Elkcam Circle (80' right-of-way);

thence along the centerline of said Collier Boulevard South 68°56'14" West 65.00  
 feet;

thence leaving said centerline North 21°03'46" West 50.00 feet to the northerly right-  
 of-way of said Collier Boulevard and the Point of Beginning;

thence along said northerly right-of-way South 68°56'14" West 115.00 feet;

thence leaving said northerly right-of-way North 21°03'46" West 156.53 feet;

thence North 68°56'14" East 140.00 feet to the westerly right-of-way of said  
 Elkcam Circle;

thence along said westerly right-of-way in the following two (2) described  
 courses:

1) South 21°03'46" East 131.53 feet;

2) southwesterly 39.27 feet along the arc of a circular curve concave to the  
 northwest having a radius of 25.00 feet through a central angle of 90°00'00" and  
 being subtended by a chord which bears South 23°56'14" West 35.36 feet to the  
 Point of Beginning;

Containing 4.50 acres more or less.

ALSO INCLUDING all of Tract "R-B" according to the replat of a portion of Marco  
 Beach Unit Eleven, Plat Book 12, pages 24 through 26, Collier County, Florida;  
 Subject to easements and restrictions of record.

Containing 4.25 acres more or less.

Containing 8.75 net acres more or less.

Bearings are based on the south line of said Tract "R-A" being South 68°56'14" West.

EXHIBIT "A"