

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 00 - 02

A RESOLUTION TO VACATE, RENOUNCE AND DISCLAIM THE CITY'S AND THE PUBLIC'S RIGHTS AND INTERESTS IN A PORTION OF EXISTING UNNAMED ALLEY LOCATED BETWEEN ELKCAM CIRCLE AND LAMBERT DRIVE IN BLOCK 798, A REPLAT OF TRACT A OF MARCO BEACH UNIT SIX, PLAT BOOK 12, PAGE 54, CITY OF MARCO ISLAND, COLLIER COUNTY, FLORIDA.

WHEREAS, pursuant to Sections 177.101, 336.09 and 336.10, Florida Statutes, a petition has been received from Caxambas Development Inc., the owner requesting to vacate a portion of existing unnamed alley located between Elkcama Circle and Lambert Drive in Block 798, a Replat of Tract A of Marco Beach Unit Six, Plat Book 12, Page 54, Collier County, Florida.

WHEREAS, the City Council has this day held a public hearing to consider vacating part of said alley 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.

WHEREAS, the granting of the vacation shall be subject to the following conditions:

1. The portion of the alley along the east side of lot five shall be widened to accommodate two-way traffic. This section of alley should be built with a minimum of two ten-foot wide travel lanes and valley gutter (Exhibit "A1").
2. Cost of construction in the alley and the additional right of way to accommodate two-way traffic shall be provided by the applicant (its successors, or assigns) as an applicable site expense.
3. The alley vacation shall become effective upon the execution and recording of the Grant of Non-Exclusive Easement (Exhibit "A-2"). Prior to the recording of the Grant of Non-Exclusive Easement, all required Site Development Plans, including Building Plans, must be approved, and all required fees paid. Cost of construction to accommodate two-way traffic through the non-exclusive easement shall be provided by the applicant. This section shall also be constructed pursuant to Exhibit "A-1".

4. The aforementioned improvements shall be provided at the initial stage of development of any of the subject lots 1,2,3,4,5,9,10 and 11 of Block 798, Marco Beach Unit Six.

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


1. The City's and public's right and interests in portions of the existing unnamed alley in Block 798, a Replat of Tract A of Marco Beach Unit Six (as described in Exhibit "A") is hereby vacated, renounced and disclaimed consistent with the aforementioned conditions.

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

DATED: January 3, 2000.

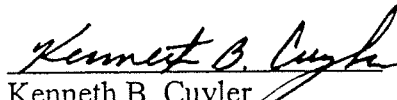
ATTEST:

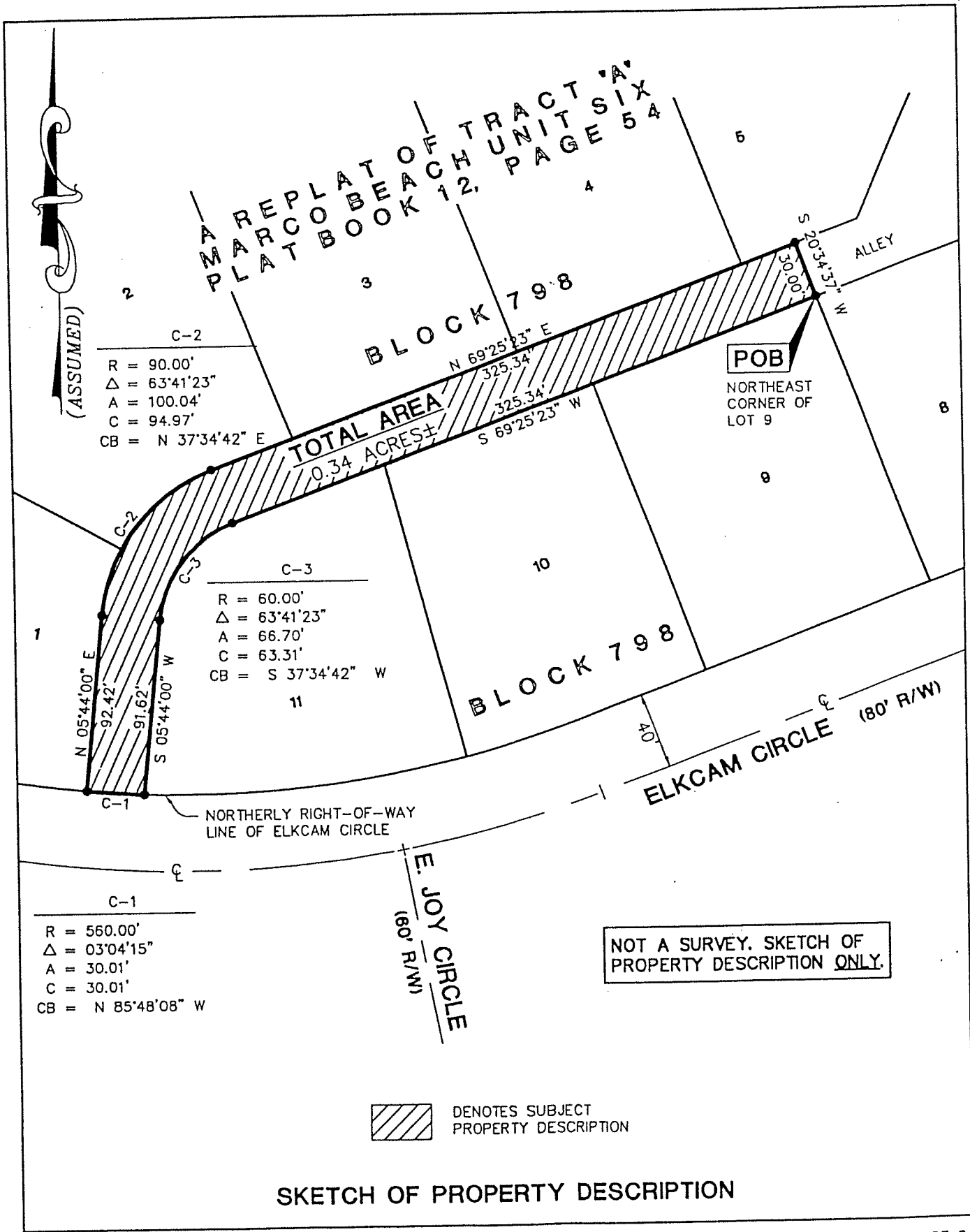
CITY OF MARCO ISLAND


A. William Moss
City Manager/City Clerk

By: 
Kjell W. Pettersen, Chairman

Approved as to form and
Legal sufficiency:


Kenneth B. Cuyler
City Attorney



(ASSUMED)

C-2
 R = 90.00'
 $\Delta = 63^{\circ}41'23''$
 A = 100.04'
 C = 94.97'
 CB = N 37°34'42" E


C-3
 R = 60.00'
 $\Delta = 63^{\circ}41'23''$
 A = 66.70'
 C = 63.31'
 CB = S 37°34'42" W

C-1
 R = 560.00'
 $\Delta = 03^{\circ}04'15''$
 A = 30.01'
 C = 30.01'
 CB = N 85°48'08" W

NORTHERLY RIGHT-OF-WAY
 LINE OF ELKCAM CIRCLE

E. JOY CIRCLE
 (80' R/W)

NOT A SURVEY. SKETCH OF
 PROPERTY DESCRIPTION ONLY.

 DENOTES SUBJECT
 PROPERTY DESCRIPTION

SKETCH OF PROPERTY DESCRIPTION

EXHIBIT "A"

REPLAT OF TRACT 'A'
 PARCO BEACH UNITS SIX
 PLAT BOOK 12, PAGE 54

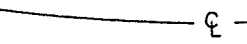
BLOCK 798

TOTAL AREA
 0.34 ACRES ±

BLOCK 798

ELKCAM CIRCLE
 (80' R/W)

POB
 NORTHEAST
 CORNER OF
 LOT 9



American Engineering Consultants, Inc.

790 Harbour Drive
Naples, Florida 34103
941-649-1551 • FAX 941-649-7112

PROPERTY DESCRIPTION 0.34 ACRE TRACT

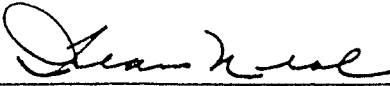
BEING A 30 FOOT WIDE STRIP OF LAND THAT IS USED FOR ALLEY PURPOSES AND IS LYING WITHIN BLOCK 798, PLAT OF "A REPLAT OF TRACT "A" MARCO BEACH UNIT SIX", AS RECORDED IN PLAT BOOK 12 PAGE 54 OF THE PUBLIC RECORDS, COLLIER COUNTY, FLORIDA AND WHICH STRIP OF LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 9, WHICH IS LOCATED WITHIN SAID BLOCK 798 AND BEING THE POINT OF BEGINNING; THENCE SOUTH 69 DEGREES 25 MINUTES 23 SECONDS WEST, DISTANCE OF 325.34 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 63 DEGREES 41 MINUTES 23 SECONDS; THENCE SOUTHWESTERLY ALONG SAID CURVE, A DISTANCE OF 66.70 FEET; THENCE SOUTH 5 DEGREES 44 MINUTES 00 SECONDS WEST, A DISTANCE OF 91.62 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF ELKCAM CIRCLE (A 80 FOOT WIDE ROADWAY) AND BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 3 DEGREES 04 MINUTES 15 SECONDS, AND A CHORD OF 30.01 FEET BEARING NORTH 85 DEGREES 48 MINUTES 08 SECONDS WEST; THENCE WESTERLY ALONG SAID RIGHT - OF - WAY CURVE, A DISTANCE OF 30.01 FEET; THENCE NORTH 5 DEGREES 44 MINUTES 00 SECONDS EAST, A DISTANCE OF 92.42 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 63 DEGREES 41 MINUTES 23 SECONDS; THENCE NORTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 100.04 FEET; THENCE NORTH 69 DEGREES 25 MINUTES 23 SECONDS EAST, A DISTANCE OF 325.34 FEET; THENCE SOUTH 20 DEGREES 34 MINUTES 37 SECONDS EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 0.34 ACRE, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND/OR ENCUMBERANCES OF RECORD.

THE BEARINGS USED FOR THIS DESCRIPTION ARE BASED UPON AN ASSUMED BEARING OF SOUTH 69 DEGREES 25 MINUTES 23 SECONDS WEST FOR THE NORTH LINE OF THE AFORESAID LOT 9.

PREPARED BY:
AMERICAN ENGINEERING CONSULTANTS, INC.

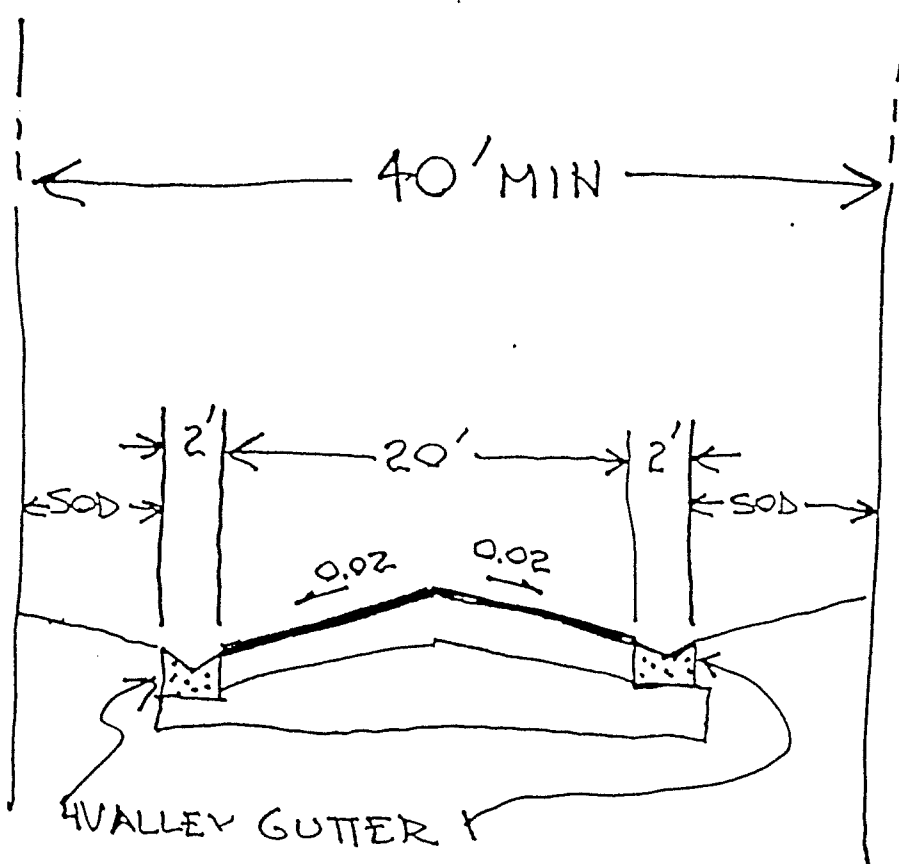

12/20/99

T. ALAN NEAL
P.S.M. #4656

EXHIBIT "A"

SHEET 1 OF 2

"EXHIBIT A1"



- 3" ASPHALT (TYPES)
- 8" LIMEROCK (LBR100) -- (Primed)
- 12" STABILIZED SUBGRADE

2 WAY ALLEY

TYPICAL SECTION (NTS)

on [signature]
7/13/99

GRANT OF NON-EXCLUSIVE EASEMENT

Caxambas Development, Inc., a Florida corporation of 930 Cape Marco Drive, PH-3, Marco Island, Florida 34145, City of Marco Island, County of Collier, State of Florida, owner of the land described in Exhibit "A" in consideration of the sum of One and NO/100 (\$1.00) Dollars and other good and valuable consideration receipt of which is acknowledge does hereby grant, bargain, sell, and convey to **L & R of Marco, Inc.**, owner of Lot 8, Block 798, Marco Beach Replat of Tract "A" Unit Six, **Robert Keith Reiman**, owner of west part of Lot 7, Block 798, Marco Beach Replat of Tract "A" Unit Six, **Island Tower Condominium Association, Inc.**, a Florida corporation of Lot 6, Block 798, Marco Beach Replat of Tract "A" Unit Six, and the **General Public** as Grantees (hereinafter called "Second Parties" or "Grantees") an easement as described as follows:

1. Grantor grants and does hereby convey to second parties, their successors and assigns, a non-exclusive right-of-way easement for ingress and egress purposes, over, across, and through the property described on Exhibit "A" (the "Easement Area") together with all rights and privileges necessary or convenient for the full enjoyment of the use thereof for the purposes described herein.
2. Grantor hereby agrees to construct and maintain in good repair by Grantor or its successors and assigns on the Easement Area, at its sole cost and expense, a paved surface of 20 feet in width to be constructed of asphalt and two foot of valley gutter on each side of the pavement, to be constructed and maintained to the same standards as the adjacent public alley located in Block 798 of the Replat of Tract "A" is maintained.
3. Until such time as the Easement Area has been paved as described in paragraph 2 above, Grantor hereby grants to the second parties a temporary right-of-way easement across the portion of the alley shown in the plat of the Marco Beach Replat of Tract "A" Unit Six, at Plat Book 12, Page 54, of the Public Records of Collier County, Florida, which alley portion was vacated by Resolution Number _____, of the City of Marco Island. Grantor will not remove the asphalt in the vacated alley portion or hinder the use of this temporary easement for ingress or egress until such time as the paved surface in the Easement Area has been constructed. This temporary easement shall terminate upon completion of the construction of the paved surface in the Easement Area and the second parties hereto release any interests in the said temporary easement upon such completion. Grantor may record in the Public Records a certificate that the Easement Area has been paved as described in paragraph 2 above. The recordation of this certificate shall evidence the termination of the temporary easement outlined in this paragraph.
4. This Grant of Easement will run with the land and inure to the benefit of the parties described above, their heirs, successors and assigns.

5. This Grant of Easement is also subject to the limitation and reservation that the Grantor reserves the right any time to unilaterally terminate the easement described in Section 1 above by written document recorded in the Public Records of Collier County, Florida, provided, however, that upon said termination by Grantor, the temporary easement in Section 3 above shall become permanent and Grantor shall no longer have an ability to terminate that temporary easement. If Grantor has previously terminated the temporary easement provided for in Section 3 above then Grantor will no longer have the ability or right to terminate the easement described in Section 1 above.

The intent herein being that Grantor can terminate only one of the easements described herein but not both.

6. This is an easement in favor of the Grantees and not a conveyance of fee simple title. This easement is appurtenant to the properties adjacent to the Easement Area.
7. By the execution hereof, Grantor covenants that it has the right to convey this easement and that the Grantees and its successors and assigns shall have quiet and peaceful possession, use and enjoyment of the easement and the rights granted hereby.

In Witness Whereof the undersigned has executed this Grant of Non-Exclusive Easement this _____ day of _____, 2000.

Caxambas Development, Inc.

By: _____
Dale Glon, President

Witness

Printed Name of Witness

Witness

Printed Name of Witness

STATE OF _____
COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Dale Glon, as President of Caxambas Development, Inc. known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed same, that I relied upon the following form of identification of the above-named person: _____, and that an oath (was) (was not) taken.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, A.D., 2000.

Notary Public Signature

Notary Public Printed Signature

Notary Rubber Seal Stamp

American Engineering Consultants, Inc.

790 Harbour Drive
Naples, Florida 34103
941-649-1551 • FAX 941-649-7112

PROPERTY DESCRIPTION


BEING A PORTION OF LOT 5, LOT 9 AND THE ALLEY, BLOCK 798, PLAT OF "A REPLAT OF MARCO BEACH UNIT SIX", AS RECORDED IN PLAT BOOK 12, PAGE 54 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA AND WHICH PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 5, SAID CORNER BEING THE POINT OF BEGINNING; THENCE NORTH 21 DEGREES 03 MINUTES 46 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 13.00 FEET; THENCE NORTH 69 DEGREES 25 MINUTES 23 SECONDS EAST, A DISTANCE OF 77.41 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF AN ALLEY (RIGHT-OF-WAY WIDTH VARIES); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES (1) SOUTH 23 DEGREES 55 MINUTES 29 SECONDS WEST, A DISTANCE OF 18.23 FEET; (2) THENCE SOUTH 69 DEGREES 25 MINUTES 23 SECONDS WEST, A DISTANCE OF 44.33 FEET; THENCE SOUTH 20 DEGREES 34 MINUTES 37 SECONDS EAST, A DISTANCE OF 190.97 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF ELKCAM CIRCLE (A 80 FOOT WIDE ROADWAY); THENCE SOUTH 69 DEGREES 25 MINUTES 23 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 27.00 FEET; THENCE NORTH 20 DEGREES 34 MINUTES 37 SECONDS WEST, A DISTANCE OF 160.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID ALLEY; THENCE NORTH 7 DEGREES 47 MINUTES 36 SECONDS WEST, A DISTANCE OF 30.76 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 0.14 ACRE, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND/OR ENCUMBRANCES OF RECORD.

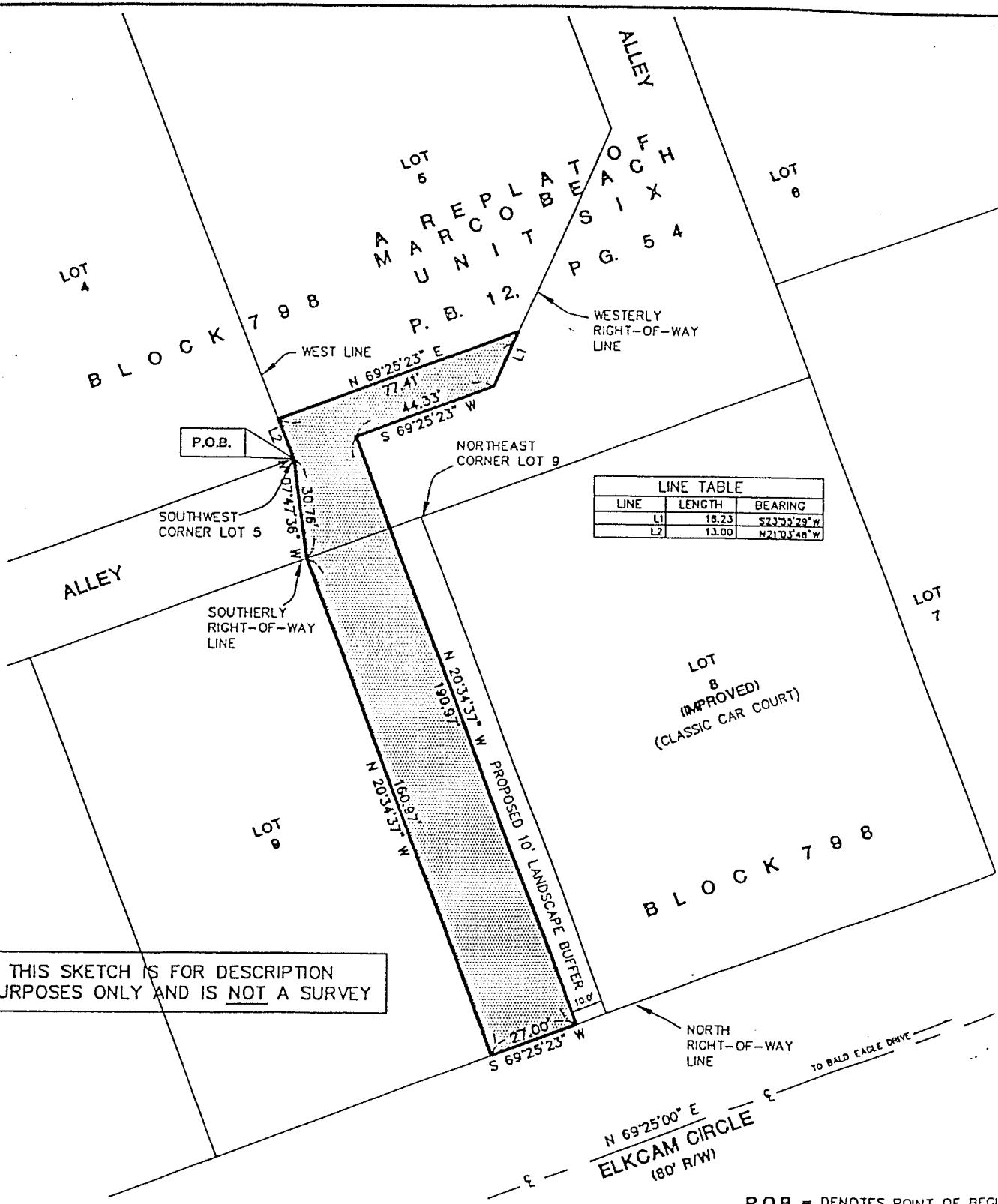
THE BEARINGS USED FOR THIS DESCRIPTION ARE BASED UPON AN ASSUMED BEARING OF NORTH 68 DEGREES 56 MINUTES 14 SECONDS EAST FOR THE CENTERLINE OF LAMBERT DRIVE.

PREPARED BY:
AMERICAN ENGINEERING CONSULTANTS, INC.


T. ALAN NEAL 09/03/99
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REG. #4656


SHEET 1 OF 2

EXHIBIT "A"



LINE TABLE		
LINE	LENGTH	BEARING
L1	16.23	S23°32'29\" W
L2	13.00	N21°03'46\" W

THIS SKETCH IS FOR DESCRIPTION PURPOSES ONLY AND IS NOT A SURVEY

P.O.B. = DENOTES POINT OF BEGINNING
 = DENOTES SUBJECT PROPERTY DESCRIPTION

PREPARED BY
AMERICAN ENGINEERING CONSULTANTS, INC.
 790 HARBOUR DRIVE NAPLES, FL 34103 (941) 649-1551 (FAX) 849-7112
 573 BALD EAGLE DR. MARCO ISLAND, FL. (941) 394-1697 (FAX) 394-7571

SKETCH OF LEGAL DESCRIPTION
EXHIBIT "A"

N.T.S.