RESOLUTION 08-11907

A RESOLUTION DETERMINING PETITION 07-EV1 TO VACATE A PORTION OF 12TH STREET NORTH AND 3RD AVENUE NORTH IN ORDER TO PROVIDE A SCREENING WALL AND LANDSCAPING FOR THE PROPERTY LOCATED AT 1220 5TH AVENUE NORTH, MORE FULLY DESCRIBED HEREIN, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Power & Light Company has requested approval to vacate a portion of 12th Street North and also a portion of 3rd Avenue North; and

WHEREAS, Florida Power & Light Company is the owner of the property; and

WHEREAS, Santiago Melians, Substation Siting Manager of Florida Power & Light Company, has been authorized by owner to file this petition; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing, considered the public input, the recommendation of the staff, and recommended by a vote of 5 to 0 that 07-EV1 be approved; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council finds that the criteria for granting the petition have been met and that the petition should therefore be granted;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That petition 07-EV1 to vacate a portion of 12th Street North and also a portion of 3rd Avenue North for the property located at 1220 5th Avenue North is hereby granted in conformance with drawings attached hereto as Exhibit "A", dated January 24, 2006, Exhibit "B", dated January 24, 2006, and Exhibit "C", dated June 1, 2006, prepared by Global Surveying, P.A., said property being more fully described as:

Those portions of the recorded Plats of TOWN OF NAPLES, as filed in Plat Book 1, page 59, and SEABOARD DOWNTOWN SUBDIVISION, as filed in Plat Book 13, page 62, both of the Public Records of Collier County, Florida, together with a portion of the Northwest quarter (NW ¼) of Section 3, Township 50 South, Range 25 East, Collier County, Florida and known as Florida Power & Light Company Substation and Service Center as assessed under Parcel No. 19060520003 and Parcel No. 20760960004.

Section 2. That approval of this vacation is subject to the following conditions:

1. Florida Power & Light Company shall grant the City of Naples controlled access through the area to be vacated or other access between existing City public streets/alley and the
existing 60" storm-drain pipe for the purposes of pipe repair, maintenance and/or replacement.

2. Florida Power & Light Company shall provide appropriate utility easements or provide for utility relocations, if it is determined within a period of six months of vacation approval that public or private utilities exist in the areas of the vacation.

3. Subject to the Florida Power & Light Company commitments for stormwater, landscape and sidewalk improvements dated December 1, 2007, and the proposed Site Drainage Illustration dated October 2007, copies of which are attached hereto as Exhibit "D".

Section 3. That this resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

Approved as to form and legality:

Robert D. Pritt, City Attorney

Date filed with City Clerk: 1/30/08
SEC. 3, TWP. 50 S., RNG. 25 E.
SKETCH OF LEGAL DESCRIPTION
COLLIER COUNTY, FLORIDA

LEGAL DESCRIPTION:
A PARCEL OF LAND LYING AND BEING IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, SAD PARCEL BEING A PORTION OF THE
3RD AVE NORTH RIGHT OF WAY HERE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION
3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, SAID POINT BEING ON THE EASTERN LINE OF LOT 1 SEABOARD DOWNTOWN SUBDIVISION PER THE PLAT THEREOF
RECORDED IN PLAT BOOK 12, PAGE 102 OF THE PUBLIC RECORDS OF COLLIER COUNTY, THENCE ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF
103.26 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 252.36 FEET ALONG THE WEST LINE OF SAID LOT 5; THENCE SOUTH 87°25'52" WEST, A
DISTANCE OF 200.88 FEET, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 12TH STREET; THENCE SOUTH 87°25'52" EAST ALONG THE WEST
RIGHT OF WAY LINE OF 12TH STREET, A DISTANCE OF 100.00 FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 3RD AVE NORTH, THENCE NORTH
74°11'53" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF 3RD AVE NORTH, A DISTANCE OF 259.24 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUE
ALONG SAID NORTH RIGHT OF WAY LINE OF 3RD AVE NORTH, A DISTANCE OF 61.46 FEET, TO THE EAST RIGHT OF WAY LINE OF THE 20 FOOT ALLEY IN THE
PARK PLAT NO. 2 SUBDIVISION, PLAT BOOK 4, PAGE 26 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE NORTH 20°25'29" EAST, ALONG SAID
EAST RIGHT OF WAY LINE, A DISTANCE OF 16.89 FEET; THENCE SOUTH 78°05'41" EAST, A DISTANCE OF 32.81 FEET; THENCE SOUTH 26°19'32" EAST, A
DISTANCE OF 22.91 FEET TO THE POINT OF BEGINNING. CONTAINING 1,379.30 SQUARE FEET MORE OR LESS.

NOT TO SCALE

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SEC. 50-25
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RNG. 25 E.
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SEC. 3, TWP. 50 S., RNG. 25 E.
SKETCH OF LEGAL DESCRIPTION
COLLIER COUNTY, FLORIDA

LEGAL DESCRIPTION:
A PARCEL OF LAND LYING AND BEING IN SECTION 3, TOWNSHIP 25 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, SAID PARCEL BEING A PORTION OF THE 13TH STREET RIGHT OF WAY MORE PARTICULARLY DESCRIBED AS FOLLOWS, COMMENCING AT THE NE CORNER OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 25 SOUTH, RANGE 25 EAST, SAID POINT BEING ON THE EASTERN LINE OF LOT 1, BEARINGS SOUTH OF THE LINE PER THE PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGE 63 OF THE "PLAT RECORDS OF COLLIER COUNTY," THENCE ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 1000 FEET; THENCE SOUTH EASTERLY 1000 FEET, A DISTANCE OF 633.26 FEET ALONG THE WEST LINE OF SAID LOT 1; THENCE SOUTH 83°25'52" WEST, A DISTANCE OF 299.40 FEET TO A POINT ON THE CENTER LINE OF SAID 12TH STREET RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE SOUTH 20°07'00" EAST ALONG THE SAID CENTERLINE OF 12TH STREET, A DISTANCE OF 111.84 FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 380 AVENUE NORTH; THENCE NORTH 17°15'27" W ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 21.18 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 12TH STREET; THENCE NORTH 83°25'52" EAST, A DISTANCE OF 30.20 TO THE POINT OF BEGINNING, CONTAINING 3.179 SQUARE FEET OR 0.27 ACRES MORE OR LESS.

FP & L JUNGLE
SUBSTATION SITE

NOT TO SCALE

WEST LINE LOT 1
100.00'

WEST LINE LOT 1
633.26'

AC. MAIN TRACK
120 FT. R/W

A.C. MAIN TRACK
120 FT. R/W

NE CORNER OF NW A
P.O.C.

NE CORNER OF NW A
P.O.C.

LEGEND

THIS IS NOT A SURVEY
BEARINGS ARE BASED ON THE FLORIDA STATE COORDINATE SYSTEM

Book 131 - Page 72
Resolution No. 08-11907 Page 6
EXHIBIT "C"
SEC. 3, TWP. 50 S., RNG. 25 E.
SKETCH OF LEGAL DESCRIPTION
COLLIER COUNTY, FLORIDA

LEGAL DESCRIPTION:
A PARCEL OF LAND LYING AND BEING IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY FLORIDA, SAID PARCEL BEING A PORTION OF THE 12TH STREET RIGHT OF WAY MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 50 SOUTH, RANGE 25 EAST, 340.00 POINT BEING ON THE EASTERLY LINE OF LOT 1, SEPARATE FROM THE SOUTH 25 DEGREES WESTLY LINE OF THE PUBLIC RECORDS OF COLLIER COUNTY; THENCE ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 29 SECONDS WEST, A DISTANCE OF 633.26 FEET ALONG THE WEST LINE OF SAID LOT 1; THENCE SOUTH 89 DEGREES 32 MINUTES 29 SECONDS EAST, A DISTANCE OF 199.28 FULL TO THE POINT OF BEGINNING; THENCE 100.00 FEET EAST ALONG THE EAST RIGHT OF WAY LINE OF 12TH STREET, A DISTANCE OF 123.28 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 3RD AVE NORTH; THENCE 144 DEGREES 32 MINUTES 29 SECONDS EAST, A DISTANCE OF 391.18 FEET TO A POINT ON THE CENTER LINE OF SAID 12TH STREET RIGHT OF WAY; THENCE NORTH 89 DEGREES 32 MINUTES 29 SECONDS WEST, A DISTANCE OF 30.20 TO THE POINT OF BEGINNING, CONTAINING 3.048 SQUARE FEET/0.00 ACRES MORE OR LESS.

LEGEND
SEC. SECTION
TAP. TOWNSHIP
RNG. RANGE
R/N R/W
P.O.B. POINT OF BEGINNING
COMMENTS TO BE SHOWN
P. PLT. POINT OF CURVATURE
CHORD CHORD BEARING
T. M. TANGENT
PRIOR TO SURVEY

THIS IS NOT A SURVEY
BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM.
EXHIBIT "D"
FPL COMMITMENTS
FOR
STORMWATER, LANDSCAPE & SIDEWALK
IMPROVEMENTS
December 1, 2007

A. Commitments for Stormwater Improvements (Reference site design drawings):
   1. For the South Segment of the FPL Site where facility improvements are planned, the following will be provided:
      a) Removal of asphalt areas and replacements with soil layer and graded rock that allows stormwater retention/percolation of rainfall-runoff.
      b) Establishment of stormwater storage areas around the perimeter that meet or exceed the City’s pending requirements of water quality (detention/retention of runoff for specific storm events) and water conveyance per City Ordinance 07-11807.
      c) Establishment of wetland & upland plantings in the stormwater storage areas to enhance water quality and esthetics.
      d) Provide for stormwater improvements within the 3rd Avenue North ROW, initially proposed as an underdrain and incorporate expansion and/or connection of the ROW stormwater improvement with the improvements set forth in above items b) & c).
   2. For the Remaining FPL Site where no expansion of facilities are planned, the following will be provided:
      a) Design and construct underdrains, install inlet filtering devices and/or other BMP’s to capture/treat the initial flush of rainfall-runoff to a practical limit, prior to its conveyance to City outfall systems.
      b) Analyze the overall stormwater containment, treatment and conveyance system for perimeter integrity during a 25-year 24-hour storm event.

B. Commitments for Landscape & Buffer Improvements:
   1. Obtain City Council approval to construct a solid wall along the 3rd Avenue North frontage with a height of 10 feet.
   2. Provide landscaping outside the proposed wall with such landscaping to be operated and maintained by FPL.

C. Commitments for Sidewalk and ROW Improvements:
   1. Construct or provide funding to the City for the construction of a future sidewalk along 3rd Avenue North between the intersection of 12th Street and 3rd Avenue and the intersection of 11th Street and 3rd Avenue. This distance is approximately 390
feet. The preliminary location of this sidewalk, proposed as an intermodal connection between River Park and the future Fun Time Nursery, is on the south side of 3rd Avenue North between 11th Street and 12th Street.

2. Provide for the restoration of 3rd Avenue North ROW consistent with the improvements identified above in item A.1.d.
SUMMARY
PROPOSED DRAINAGE RESULTS IN:
- ADDITION OF 25,575 SQ FT OF PERVIOUS AREA
- ±1.18 AC REDUCTION IN DIRECT RUNOFF TO CITY DRAINAGE