

RESOLUTION NO. 02-07-83

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA; APPROVING A REQUEST TO ABANDON A PORTION OF MINDY LANE (A/K/A MANGO LANE), A PUBLIC RIGHT-OF-WAY, AS LEGALLY DESCRIBED IN THE ATTACHED EXHIBIT 'A'; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there presently exists a certain public right-of-way within the City of Marathon, Florida, commonly known as Mindy Lane (a/k/a Mango Lane) (the "Right-of-Way"); and

WHEREAS, Alvin E. Cooke (the "Applicant"), has requested that the City of Marathon, Florida (the "City"), in accordance with Section 16-1 of the City Code, abandon a portion of the Right-of-Way as legally described in the application on file with the City and is sketched in Exhibit "A": and

WHEREAS, the City Council, finds that only that portion of the Right-of-way legally described and sketched in Exhibit "A" (the "Specified Right-of-Way) is not needed and may be abandoned without adversely affecting the public interest; and

WHEREAS, the Specified Right-of-Way lies wholly within the corporate boundaries of the City; and

WHEREAS, a public hearing to vacate the Specified Right-of-Way was held, and the City has determined that no federal, state or county rights-of-way are involved or affected, and that granting the request for abandonment of the Specified Right-of-Way will not be detrimental to the public health, safety and welfare; and

WHEREAS, the City has determined the Applicant meets all of the requirements of Section 16-1 of the City Code for the abandonment of the Specified Right-of-Way.

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

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Approving Abandonment of Specified Right-of-way. Pursuant to the request by the Applicant to vacate the Specified Right-of-way, the City releases, vacates, abandons, discontinues, renounces and disclaims all rights of the City and the public in and to the Specified Right-of-way, as legally described in Exhibit "A", subject to the applicant conveying a utility easement (in a form acceptable to the City Attorney) to the City on and under a specified portion or all of the Specified Right-of-way (the "Easement").

Section 3. Recording in the Public Records of Monroe County, Florida. The City Clerk shall forward a certified copy this Resolution to the Applicant, who shall be responsible for all costs incurred in recording this instrument in the public records of Monroe County, Florida. The Applicant shall provide the City with evidence of the recording of this Resolution and the Easement within thirty (30) days of the effective date of this Resolution.

Section 4. Reservation of Rights. The City reserves all rights to itself for the placement, operation and maintenance of all necessary City roads, structures and utilities including, but not limited to, stormwater and wastewater improvements and appurtenant facilities above and below that portion of the Right-of-way not vacated by this Resolution.

Section 5. Conveyance of Easement and Conditions. The City conditions the vacation of the Specified Right of Way on the following: (1) The Applicant shall make payment to the City for the \$1 1,000.00 appraised value of the Specified Right of Way, along with the \$450.00 cost of the appraisal; and (2) The Applicant shall convey an easement to the City on and under a portion of the Specified Right of Way for the placement, operation and maintenance of all necessary City utilities including, but not limited to, stormwater and wastewater improvements and

appurtenant facilities above and below the Easement, as approved by the City Manager or designee. The Applicant shall provide the City with evidence of the recording of the Easement in the public records within sixty (60) days of the effective date of this Resolution.

Section 6. Violation of Terms and Conditions. Failure to adhere to the terms and conditions contained herein shall result in the automatic revocation of this Resolution without further action by the City.

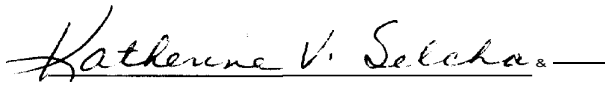
Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 9th day of July, 2002.



JOHN BARTUS, MAYOR

ATTEST:



KATHERINE V. SELCHA
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

Motion to adopt by Councilman Greenman.

Seconded by Councilman Mearns.

FINAL VOTE AT ADOPTION

Mayor John Bartus Yes

Vice Mayor Randy Mearns Yes

Councilman Franklin Greenman Yes

Councilman John Repetto Yes

Councilman Peter Worthington Yes

EXHIBIT A

A PARCEL OF LAND BEING A PART OF GOVERNMENT LOT 1, SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST, VACA KEY, MONROE COUNTY, FLORIDA, ADJACENT TO AND WESTERLY OF MINDY LANE (ALSO KNOWN AS MANGO LANE) AS SHOWN ON THE PLAT OF "SEA-AIR ESTATES", A SUBDIVISION AS RECORDED IN PLAT BOOK 6, PAGE 91, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 19, BLOCK 6, OF SAID "SEA-AIR ESTATES", ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MINDY LANE, SAID POINT TO BE KNOWN AS THE POINT OF BEGINNING OF THE LAND HEREINAFTER INTENDED TO BE DESCRIBED; FROM SAID POINT OF BEGINNING BEAR WEST, FOR A DISTANCE OF 25.00 FEET; THENCE BEAR NORTH ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MINDY LANE, FOR A DISTANCE OF 180.08 FEET; THENCE BEAR EAST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MINDY LANE, FOR A DISTANCE OF 50.00 FEET; THENCE BEAR SOUTH, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MINDY LANE FOR A DISTANCE OF 25.00 FEET, TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A DELTA ANGLE OF 90 DEGREES; THENCE BEAR SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MINDY LANE, FOR AN ARC DISTANCE OF 39.27 FEET, SAID ARC HAVING A CHORD WHICH BEARS SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 35.36 FEET, TO THE POINT OF TANGENT; THENCE BEAR SOUTH, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MINDY LANE, FOR A DISTANCE OF 130.08 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 5,261.13 +/- SQUARE FOOT, IE 0.12 +/- ACRES SUBJECT TO A 5 FOOT BY 22 FOOT UTILITY EASMENT IN THE SOUTHEAST CORNER

Subject to: Any easements and encumbrances of record in the public records of Monroe County, Florida.

SAID LANDS SITUATE, LYING, AND BEING IN MARATHON, FLORIDA.