

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2003-158**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, APPROVING LAND DEDICATION FROM  
DAVID R. AND ALYCIA M. FULCHER**

**WHEREAS**, pursuant to Section 9.5-127(a)(5) of the City Code, a landowner may voluntarily elect to dedicate to the City a vacant, buildable lot or buildable land as part of the Residential Rate of Growth Ordinance ("ROGO") allocation process; and

**WHEREAS**, if a landowner proposes to dedicate land to the City as set forth above, the landowner is required to execute a statutory warranty deed conveying such land to the City that must be approved by the City Council prior to its recording in the public records of Monroe County, Florida.

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

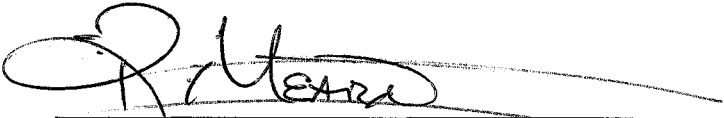
**Section 1.** The City Council finds and determines that the property being dedicated to the City, as identified in Exhibit "A", is within an area proposed for conservation or resource protection and shall be held or used for public purposes, specifically for conservation and resource protection use.

**Section 2.** Upon approval of the City attorneys, David R. and Alycia M. Fulcher shall record, at her sole expense, the warranty deed, submitted under separate cover, in the public records of Monroe County, Florida.

**Section 3.** This Resolution shall become effective immediately upon its adoption.

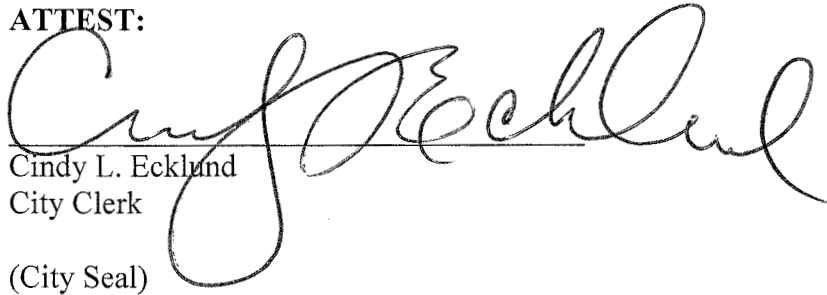
**PASSED AND APPROVED** by the City Council of the city of Marathon, Florida, this 23rd day of December, 2003.

**THE CITY OF MARATHON, FLORIDA**

  
**Randy Mearns, Mayor**

- AYES: Bartus, Pinkus, Repetto, Worthington, Mearns
- NOES: None
- ABSENT: None
- ABSTAIN: None

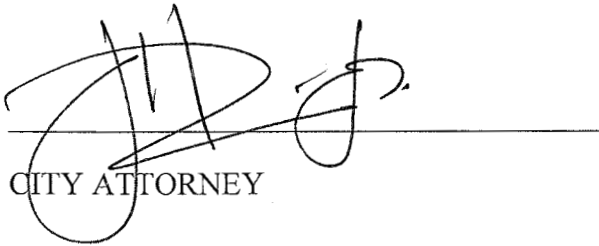
ATTEST:



Cindy L. Ecklund  
City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



CITY ATTORNEY

“EXHIBIT A”

LEGAL DESCRIPTION:

A PARCEL OF LAND IN A PART OF LOT 25, SUMMERLAND ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE PLAT BOOK 2, PAGE 167, OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA, AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing at the Northwest Corner of Lot 25 bear south 17 degrees and 31 minutes East, 90 feet to the POINT OF BEGINNING of the Parcel of land hereinafter described: from said POINT OF BEGINNING, continue bearing South 17 degrees and 31 minutes East, 90 feet: thence bear North 72 degrees and 29 minutes East, 246.75 feet; thence bear North 17 degrees and 31 minutes West, 90 feet; thence bear south 72 degrees and 29 minutes West, 264.75 feet, back to the POINT OF BEGINNING.

This instrument prepared by:

Law Offices of John J. Wolfe, P.A.  
2955 Overseas Highway  
Marathon, FL 33050  
(305)743-9858

DEED DOC STAMP CL: JILL \$0.70

Doc# 1521398  
Bk# 2122 Pg# 156

After recording return to:

City of Marathon, Florida  
11090 Overseas Highway  
Marathon, Florida 33050

Tax Folio Identification Number: 00200670-000500

2003-158

Received

JUN 30 2005

City Clerk

### WARRANTY DEED

THIS WARRANTY DEED is made and executed this 8 day of December, 2003 by DAVID R. FULCHER AND ALYCIA M. FULCHER, husband & wife (the "Grantor"), whose mailing address is 315 Calzada De Bougainville, Marathon, FL 33050, to the CITY OF MARATHON, a Florida municipal corporation (the "Grantee"), whose mailing address is Post Office Box 500430, Marathon, Florida 33050.

### WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee the real property (the "Property") located in Monroe County, Florida, and more particularly described as:

See Exhibit "A" Attached

The Grantor herein warrants and represents that the Property is not homestead property as defined by the Florida Constitution or State law, nor contiguous to the homestead property of the Grantor, who resides at 315 Calzada De Bougainville, Marathon, FL 33050

### SUBJECT TO:

1. All conditions, reservations, restrictions and easements of record provided that this instrument shall not reimpose same.
2. Real estate taxes and assessments accruing subsequent to the date of this Deed.
3. Existing applicable governmental building and zoning ordinances and other governmental regulations.

TOGETHER with all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

AND GRANTOR hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed as of the day and year first written above.

Witnesses:

GRANTOR

Pamala S. Aldridge  
Print Name: PAMALA S. Aldridge

David R. Fulcher  
Print Name: DAVID R. FULCHER

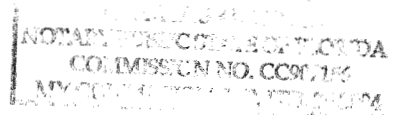
Lisa S. Ziels  
Print Name: LISA S. ZIELS

Alycia M. Fulcher  
Print Name: ALYCIA M. FULCHER

STATE OF FLORIDA )  
 ) ss:  
COUNTY OF MONROE )

The foregoing instrument was acknowledged before me this 8 day of December, 2003 by DAVID R. FULCHER and ALYCIA M. FULCHER, who (check one)  is personally known to me or  has produced \_\_\_\_\_ as identification.

Pamala S. Aldridge  
NOTARY PUBLIC, STATE OF FLORIDA  
Print Name: PAMALA S. Aldridge  
Commission No.: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



**EXHIBIT "A"**

A parcel of land in a part of Lot 25, SUMMERLAND ESTATES, according to the Plat thereof, recorded in Plat Book 2, Page 167, of the Public Records of Monroe County, Florida, as more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Lot 25, bear South 17 degrees and 31 minutes East, 90 feet to the POINT OF BEGINNING of the Parcel of land hereinafter described; from said POINT OF BEGINNING, continue bearing South 17 degrees and 31 minutes East, 90 feet; thence bear North 72 degrees and 29 minutes East, 264.75 feet; thence bear North 17 degrees and 31 minutes West, 90 feet; thence bear south 72 degrees and 29 minutes West, 264.75 feet, back to the POINT OF BEGINNING.

THE HEREIN DESCRIBED PROPERTY IS VACANT LAND AND NOT THE HOMESTEAD OF THE GRANTOR.