

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-025**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING SUBJECT TO CONDITIONS A REQUEST TO ABANDON A PORTION OF A PUBLIC RIGHT-OF-WAY, PURSUANT TO SECTION 16-1 OF THE CITY OF MARATHON CODE, DESCRIBED AS AN UNNAMED ALLEY BETWEEN LOTS 1-3, BLOCK 4, KEY COLONY BEACH SUBDIVISION TO THE EAST AND LOTS 4-6, BLOCK 4, KEY COLONY BEACH SUBDIVISION TO THE WEST, AS LEGALLY DESCRIBED IN EXHIBIT "A"

WHEREAS, there presently exists a certain public right-of-way within the City of Marathon, Florida, described as an unnamed alley between the parcels of Block 4 Key Colony Beach Subdivision as legally described in Exhibit "A" (the "Right-of-Way"); and

WHEREAS, Pat Joseph Becker and Jack and Carmella Kornetti (the "Applicants"), have requested that the City of Marathon, Florida (the "City"), in accordance with Section 16-1 of the City Code, abandon the Right-of-Way; and

WHEREAS, the City Council finds that only that Right-of-Way is not needed and may be abandoned without adversely affecting the public interest; and

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

WHEREAS, a public hearing to vacate the Right-of-Way was held on February 22, 2005, 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 Right-of-Way subject to conditions 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 Right-of-Way.

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

Section 1. The above recitals are true and correct and incorporated herein.

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

City on and under all of the Right-of-Way, (the "Easement") and the installation of a fire hydrant subject to coordination and approval by the Marathon Fire Department and Florida Keys Aqueduct Authority (FKAA).

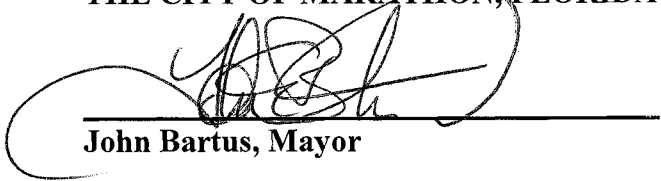
Section 3. The City Clerk shall forward a certified copy this Resolution to the Applicant, who shall be responsible for all costs incurred in recording this instrument in the public records of Monroe County, Florida. The Applicant shall provide the City of evidence of the recording of this Resolution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

Section 4. 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. Effective Date. This Resolution shall become effective immediately upon its adoption.


PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 8th day of March, 2005.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

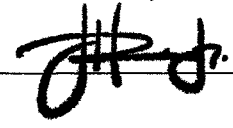
AYES: Bull, Mearns, Miller, Pinkus, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

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"

"The ten (10) foot Unnamed Alley lying Westerly of Lots 1, 2, and 3 and Easterly of Lots 4, 5, and 6 in Block 4, Key Colony Subdivision No. 4 as recorded in Plat Book 4, Page 23, of the Public Records of Monroe County, Florida.