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CITY OF MARATHON, FLORIDA
RESOLUTION 2007-149

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A WARRANTY DEED FOR THE CONVEYANCE OF LAND FROM JOSE AND PILAR O'JEA, RECIPIENTS OF A RESIDENTIAL DWELLING UNIT ALLOCATION AWARD; AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 9.5-122.1(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. **Acceptance of Land Dedication.** Subject to payment of all taxes and review and approval by the City Attorney, the Statutory Warranty Deed (the "Deed"), submitted by Jose and Pilar O'Jea attached as Exhibit "A" is approved and accepted by the City.

Section 2. **ROGO Dedication.** The City accepts the Deed as part of the Residential ROGO allocation process.

Section 3. **Public Purpose.** The City Council finds and determines that the property being dedicated to the City 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. The City Clerk is directed to forward a copy of this resolution to the Monroe County Property Appraiser and Tax Collector.

Section 4. **Recording.** Jose and Pilar O'Jea shall record, at their sole expense, the Deed in the public records of Monroe County, Florida.

Section 5. **Effective Date.** That 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 October, 2007.

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Cinque, Tempest, Vasil, Worthington, Bull
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

(City Seal)

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



CITY ATTORNEY

Prepared by and return to:
Robert K. Miller, Esq.
CUNNINGHAM, MILLER & WILLIAMS, P.A.
2975 Overseas Highway
Marathon, FL 33050

Parcel Identification No. 00368610-000000

_____[Space Above This Line For Recording Data]_____

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this ____ day of **June, 2005** between **Jose R. Ojea and Pilar M. Ojea, husband and wife** whose post office address is **90 Springbook Drive, Gillette, NJ, 07933** of the County of **Morris**, State of **New Jersey**, grantor*, and **The City of Marathon** whose post office address is **10045-55 Overseas Highway, Marathon, FL 33050** of the County of **Monroe**, State of **Florida**, grantee*,

Witnesseth, that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Monroe County, Florida**, to-wit:

Lot 2, Block 20, CRAINS SUBDIVISION of Grassy Key, according to the Plat thereof, recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

SUBJECT TO covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

SUBJECT TO taxes for the year 2006 and subsequent.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: _____

Witness Name: _____

Witness Name: _____

Witness Name: _____

**Pilar M. Ojea as Attorney-in-Fact for
Jose R. Ojea under Power of Attorney dated
June 26, 2006.**

Pilar M. Ojea

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of June, 2006 by Pilar M. Ojea as Attorney-in-Fact for Jose R. Ojea under Power of Attorney dated June 26, 2006 and Pilar M. Ojea, who is personally known or has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: _____

My Commission Expires: _____

