

**CITY OF MARATHON, FLORIDA
RESOLUTION 2007 -23**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A LAND DEDICATION FROM MARK MILLER, AUTHORIZING THE RECORDING OF THE APPROPRIATE WARRANTY DEED IN THE PUBLIC RECORDS OF MONROE COUNTY, FINDING AND DETERMINING THE PROPERTY SHALL BE USED FOR A MUNICIPAL OR PUBLIC PURPOSE AND PROVIDING AN EFFECTIVE DATE

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 THE CITY OF MARATHON, FLORIDA, THAT:

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

Section 2. The City Council approves and accepts the dedication of land legally described in Exhibit "A", which 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. Upon approval of the City Attorney, Mark Miller shall record, at their sole expense, a warranty deed(s), submitted under separate cover, in the public records of Monroe County, Florida.

Section 3. The City Clerk is directed to forward a copy of this resolution to the Monroe County Property Appraiser and Tax Collector.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 13th day of February, 2007.

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Mearns, Pinkus, Tempest, 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

EXHIBIT "A"

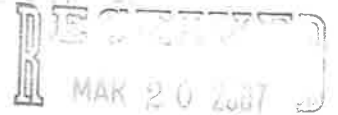
LEGAL DESCRIPTION:

Lot 2, Block 45, Crain's Subdivision (RE 00372410-000000)

Off Crain's Highway near Tropical

Prepared by:
Cunningham, Miller & Kyle, P.A.
2975 Overseas Highway P.O. Box 500938
Marathon, FL 33050-0938
305-743-9428
Parcel Identification No. 00372410-000000

Doc# 1630407
Bk# 2276 Pg# 1336



Warranty Deed

BY:

This Warranty Deed made this 23rd day of January 2007 between **MARK MILLER**, a married man, whose post office address is **872 Weeden Island Drive, Niceville, FL 32578** of the County of **Okaloosa, State of Florida, grantor**, and **CITY OF MARATHON**, a Florida municipal corporation, whose post office address is: Post Office Box 500430, Marathon, FL 33050 of the County of **Monroe, State of Florida, grantee**.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

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 45, 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:

1. All conditions, reservations, restrictions and easements of record provided that this instrument shall not reimpose same.
2. Real estate taxes and assessments for the year 2007 and all subsequent years.
3. Existing applicable governmental building and zoning ordinances and other governmental regulations.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

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:

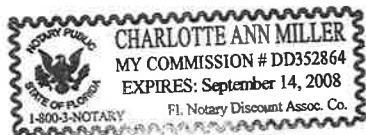
Witness Name: Charlotte A. Miller

Mark W. Miller

Witness Name: BRAD BROWN

State of Florida
County of Okaloosa

The foregoing instrument was acknowledged before me this 23rd day of January, 2007 by Mark W. Miller and _____, who are personally known or have produced _____ as identification.



Printed Name: Charlotte A. Miller

My commission Expires: September 14, 2008

[Notary Seal] Notary Public