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**CITY OF MARATHON, FLORIDA
RESOLUTION 2007-83**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A WARRANTY DEED FOR THE CONVEYANCE OF LAND FROM SHELLEY ARMSTRONG AND JAMES PAYER, 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 Shelley Armstrong and James Payer 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. Shelley Armstrong and James Payer 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 12th day of June, 2007.


THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

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

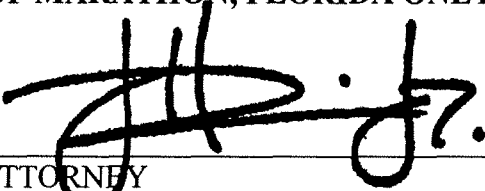
ATTEST:



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

Return to and prepared by:

FRANKLIN D. GREENMAN, P.A.

5800 Overseas Highway

Suite #40

Marathon, FL 33050

Property Appraisers Parcel ID Number 00361010-000000:

WARRANTY DEED

This Warranty Deed is made this 9th day of May, 2007, by and between **James Payer and Shelley Payer, his wife, 740 Fountainhead Lane, Naples FL 34103**, (hereinafter referred to as "Grantor"), and **The City of Marathon, a Municipal Corporation whose address is 10045-55 Overseas Highway, Marathon Fl** (hereinafter referred to as "Grantee"):

WITNESSETH: The Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt of which is hereby acknowledged, hereby grants, bargains, sells, remise, releases, and conveys to the Grantee, all that certain land situate in Monroe County, State of Florida, to-wit:

Lot 17, Block 4, of SUNSET BAY according to the Plat thereof as recorded in Plat Book 5, Page 46 of the Public Records of Monroe County, Florida.

This property is undeveloped land conveyed pursuant to the City's Rate of Growth Ordinance.

TOGETHER with all the tenements, hereditament and appurtenances thereto belonging or in anyway appertaining.

To have and to hold in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple, has good right and lawful authority to sell and convey said land, 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, 2007.

~~**IN WITNESS WHEREOF**, the said Grantor has signed and sealed these presents the day and year first above written.~~

Signed, sealed and delivered in the presence of:

Linda L. Reble

Witness as to both
Linda L. Reble
Printed Name of Witness

Teri Caple

Witness as to both
TERI CAPLE
Printed Name of Witness

James Payer

James Payer
Date: 5/9/07

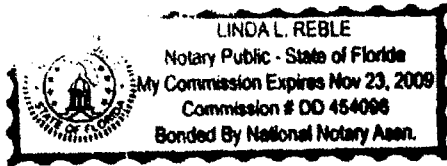
Shelley Payer

Shelley Payer
Date: 5/9/07

STATE OF FLORIDA
COUNTY OF ~~MONROE~~ Collier

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared **James Payer and Shelley Payer**, who are personally known to me and who did take an oath, known to be the persons described in and who executed the foregoing, and have acknowledged before me that they executed the same for the purposes set out therein.

WITNESS my hand and official seal in the County and State last aforesaid this, 9th day of May, 2007.



Linda L. Reble
NOTARY PUBLIC, State of Florida
Printed Notary Signature:

Return to and prepared by:
FRANKLIN D. GREENMAN, P.A.
5800 Overseas Highway
Suite #40
Marathon, FL 33050
Property Appraisers Parcel ID Number 0007471-000000:

WARRANTY DEED

This Warranty Deed is made this 9th day of May, 2007, by and between **James Payer and Shelley Payer, his wife, 740 Fountainhead Lane, Naples FL 34103**, (hereinafter referred to as "Grantor"), and **The City of Marathon, a Municipal Corporation whose address is 10045-55 Overseas Highway, Marathon FL** (hereinafter referred to as "Grantee"):

WITNESSETH: The Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt of which is hereby acknowledged, hereby grants, bargains, sells, remise, releases, and conveys to the Grantee, all that certain land situate in Monroe County, State of Florida, to-wit:

Lot 18, Block 4, of SUNSET BAY according to the Plat thereof as recorded in Plat Book 5, Page 46 of the Public Records of Monroe County, Florida.

This property is undeveloped land conveyed pursuant to the City's Rate of Growth Ordinance.

TOGETHER with all the tenements, hereditament and appurtenances thereto belonging or in anyway appertaining.

To have and to hold in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple, has good right and lawful authority to sell and convey said land, 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, 2007.

~~**IN WITNESS WHEREOF**, the said Grantor has signed and sealed these presents the day and year first above written.~~

Signed, sealed and delivered in the presence of:

Linda Reble
Witness as to both
Linda L. Reble
Printed Name of Witness

TERRI CAPLE
Witness as to both
Printed Name of Witness

James Payer
Date: 5/9/07

Shelley Payer
Date: 5/9/07

STATE OF FLORIDA
COUNTY OF ~~MONROE~~ Collier
JLC

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared **James Payer and Shelley Payer**, who are personally known to me and who did take an oath, known to be the persons described in and who executed the foregoing, and have acknowledged before me that they executed the same for the purposes set out therein.

WITNESS my hand and official seal in the County and State last aforesaid this, 9th day of ~~February~~ MAY, 2007.

Linda Reble
NOTARY PUBLIC, State of Florida
Printed Notary Signature:

