

CITY OF MARATHON, FLORIDA
RESOLUTION 2012-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED DECLARATION OF RESTRICTIVE COVENANTS BETWEEN THE CITY OF MARATHON AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, FLORIDA COMMUNITIES TRUST; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Communities Trust (“FCT”) and the City of Marathon, (“Recipient”) entered into a Declaration of Restrictive Covenants recorded on September 22, 2006, in Official Records Book 2239, page 1331, Public Records of Monroe County, Florida, at the time of the acquisition of the property known as the City Hall Property (“Project Site”), as described in Exhibit “A” to the Declaration of Restrictive Covenants;

WHEREAS, the legal description of the Project Site described in Exhibit A to the Declaration of Restrictive Covenants needs to be amended to reflect a removal of a portion of the property from the Declaration that will be utilized for a City Hall and other similar municipal government purposes; and

WHEREAS, FCT and the City desire to amend the Declaration of Restrictive Covenants to reflect the proper legal description of the Project Site.

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.

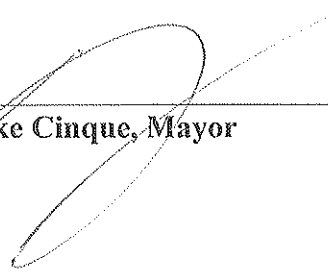
Section 2. Amendment I to the Declaration of Restrictive Covenants, a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved.

Section 3. The City Manager is authorized to execute Amendment I to the Declaration of Restrictive Covenants on behalf of the City.

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 11th DAY OF DECEMBER, 2012.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

AYES: Snead, Ramsay, Keating, Bull, Cinque
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

This instrument prepared by:
Kristen L. Coons, Esq.
Florida Communities Trust
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399

FLORIDA COMMUNITIES TRUST
FCT# 04-001-FF4
MARATHON WATERFRONT PARK

AMENDMENT I
DECLARATION OF RESTRICTIVE COVENANTS

THIS AMENDMENT I to the DECLARATION OF RESTRICTIVE COVENANTS is entered into this 9th day of December, 2013, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Environmental Protection, and CITY OF MARATHON, a municipal corporation of the State of Florida ("Recipient"), in order to amend the legal description of the Declaration of Restrictive Covenants ("Declaration").

WHEREAS, FCT and Recipient entered into a Declaration of Restrictive Covenants recorded on September 22, 2006, in Official Records Book 2239, page 1331, Public Records of Monroe County, Florida, at the time of the acquisition of Project Site, as described in Exhibit "A" to the Declaration of Restrictive Covenants;

WHEREAS, the legal description of the property described in Exhibit A to the Declaration of Restrictive Covenants needs to be amended to reflect a removal of a portion of the property from the Declaration that will be utilized for a City Hall and other similar municipal government purposes; and

WHEREAS, all parties to the Declaration of Restrictive Covenants desire to amend said legal description.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and Recipient do hereby contract and agree as follows:

To amend the legal description contained in Exhibit A of the Declaration of Restrictive Covenants recorded on September 22, 2006, in Official Records Book 2239, page 1331, Public Records of Monroe County, Florida, the legal description described in Exhibit A.1 of this Amendment shall amend the description attached in Exhibit A of the Declaration

of Restrictive Covenants. All restrictions and covenants contained in the Declaration of Restrictive Covenants are applicable and extended to include the property as described in Exhibit A.1 attached hereto.

This Amendment I to the Declaration of Restrictive Covenants, including Exhibit "A.I", and the Declaration of Restrictive Covenants, including Exhibit "A", embody the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

CITY OF MARATHON, a municipal corporation of the State of Florida

Hilary Palmer
Witness Name:

By: Roger T. Hernstadt
Title: Roger T. Hernstadt, City Manager

Lilly Fry
Witness Name:

Date: 12-14-12

Attest: Diane Clavier
Clerk

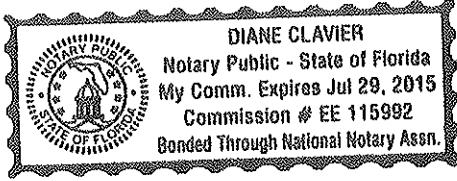
Accepted as to Legal Form and Sufficiency for Recipient:

[Signature]
Date: 12/14/12

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 14 day of December, 2012, by Roger T. Hernstadt, as City manager of City of Marathon. He is personally known to me, or has produced _____ as identification.

Diane Clavier
Notary Public
Print Name: Diane Clavier
Commission No. EE 115992
My Commission Expires: 7-29-15



FLORIDA COMMUNITIES TRUST

[Signature]
Witness Name:

[Signature]
Susan Grandin, Director
Division of State Lands

[Signature]
Witness Name:

Date: 12/19/12

Accepted as to Legal Form and
Sufficiency:

[Signature]
Kristen L. Coons, Trust Counsel
Date: Dec. 19, 2012

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 19 day of
December, 2012, by Susan Grandin as Director of Division of State Lands, Department
of Environmental Protection. She is personally known to me.

[Signature]
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____

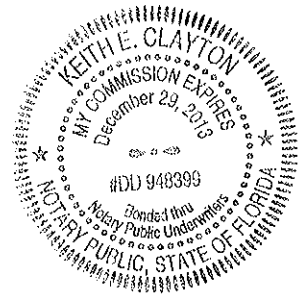


Exhibit "A.I" to Amendment I to Declaration of Restrictive Covenants

The legal description, as attached as Exhibit "A" to the Declaration of Restrictive Covenants referenced above, is hereby amended to less and except the following described property:

A PARCEL OF LAND BEING A PART OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1885, PAGE 16, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND BEING A PART OF GOVERNMENT LOT 2, SECTION 6, TOWNSHIP 66 SOUTH, RANGE 33 EAST, ON KEY VACA, MONROE COUNTY, FLORIDA, AND FURTHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHERE THE DIVIDING LINE BETWEEN SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST, AND SECTION 6, TOWNSHIP 66 SOUTH, RANGE 33 EAST, INTERSECTS THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE BEAR NORTH 67 DEGREES 50 MINUTES 42 SECONDS EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, FOR A DISTANCE OF 712.60, FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE NORTH 67 DEGREES 50 MINUTES 42 SECONDS EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, FOR A DISTANCE OF 346.63 FEET, TO A LINE LYING 75 FOOT AT RIGHT ANGLES AND WEST OF THE MOST EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK; THENCE SOUTH, FOR A DISTANCE OF 289.59 FEET; THENCE SOUTH 67 DEGREES 50 MINUTES 42 SECONDS WEST, FOR A DISTANCE OF 185.41 FEET; THENCE WEST, FOR A DISTANCE OF 149.32 FEET; THENCE NORTH FOR A DISTANCE OF 228.79 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING an area of 88428.616, PLUS OR MINUS, SQUARE FOOT, 2.030 ACRES, MORE OR LESS.

END OF LEGAL DESCRIPTION