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CITY OF MARATHON, FLORIDA  
RESOLUTION 2012-22

Doc# 1872312  
Bk# 2557 Pg# 1791

**A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING WITH CONDITIONS THE REQUEST BY ADRIENNE NAWROCKI AND DANIEL RICHARDSON, TO ABANDON A 408 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY KNOWN AS NORTH DRIVE AND A 94 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY KNOWN AS MORTON STREET, ADJACENT TO AND ABUTTING A SINGLE FAMILY HOME AT 58630 MORTON STREET, AS FURTHER IDENTIFIED BY REAL ESTATE NUMBER 00375710-000000, LOCATED AT THE INTERSECTION OF MORTON STREET AND NORTH DRIVE, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, there presently exists public rights-of-way (the "R-O-W") within the City of Marathon, Florida, known as Morton Street and North Drive, within the bounds of Crain's Subdivision of Grassy Key, Grassy Key, nearest mile marker 58; and

**WHEREAS**, Adrienne Nawrocki and David Richardson (the "Applicant") have requested that the City of Marathon, Florida (the "City"), in accordance with Section 26-1 of the City Code, abandon a 408 square foot area of North Drive and a 94 square foot area of Morton Street, contiguous with property identified by Real Estate number 00375710-000000, with street address 58630 Morton Street; and

**WHEREAS**, the City Council finds that the R-O-W is not needed and may be abandoned without adversely affecting the public interest; and

**WHEREAS**, a public hearing to vacate the R-O-Way was held on February 14, 2012 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 is not detrimental to the public health, safety and welfare; and

**WHEREAS**, the City has determined the Applicant meets all of the requirements of Section 26-1 of the City Code for the abandonment of the R-O-W.

**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 abandon a 408 square foot area of North Drive and a 94 square foot area of Morton Street, contiguous to the Applicant's property identified by Real Estate Number 00375710-000000 and having street address 58630

I certify this document to be a True and Correct Copy of the original.

*Diane Claver*  
City Clerk/City of Marathon

*2/29/12*  
Date

Morton Street, the City releases, vacates, abandons, discontinues, renounces and disclaims all rights of the City in the R-O-W legally described on "Exhibit A" attached hereto, subject to the following conditions:

1. If the Applicant or their successors in interest ceases to occupy, use or cease to utilize the abandoned R-O-W for a period of forty-five (45) days, ownership of the abandoned R-O-W shall revert to the City and
2. The Applicant and their successors in interest shall refrain from making or placing any additional encroachments or improvements within City right-of-way, including the R-O-W being abandoned. Normal maintenance is permitted; and
3. The Applicant and their successors in interest shall indemnify the City against any and all claims resulting from all existing encroachments within City right-of-way, including the right-of-way being abandoned. Additionally, the Applicant and their successors interest shall maintain general liability insurance in an amount no less than \$100,000.00 insuring all existing encroachments within City right-of-way, including the R-O-W being abandoned, which insurance policy shall name the City as an additional insured party.
4. The Applicant shall apply for and obtain within thirty (30) days of the City Council's granting of the requested R-O-W a City Public Right-of-Way Permit for all existing improvements encroaching within the City right-of-way. The Applicant and their successors in interest shall maintain the City Public Right-of-Way Permit and comply with all conditions of same.
5. The Applicant and their successors in interest shall not impede, obstruct, or prevent pedestrian or vehicular passage on Morton Street or North Road.
1. Non-compliance with these conditions, or any conditions contained within the City Public Right-of-Way Permit by the Applicant or its successors in interest shall result in the automatic rescission of any right-of-way abandonment granted by the City Council and revocation of the City Public Right-of-Way Permit.

**Section 4.** The City Clerk will record this instrument in the public records of Monroe County, Florida and provide a certified copy to the Applicant. All costs associated with recording this and associated documents will be borne by the Applicant prior to the time of recording.


**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 City right-of-way not vacated by this Resolution.

**Section 5.** This Resolution shall become effective immediately upon its adoption.

2015

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 28<sup>th</sup> DAY OF FEBRUARY, 2012.

THE CITY OF MARATHON, FLORIDA

  
\_\_\_\_\_  
Pete Worthington, Mayor


AYES: Cinque, Keating, Ramsay, Snead, Worthington  
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 (Original Sealed Surveys to be Recorded)

### THIS IS NOT A BOUNDARY SURVEY

#### SKETCH AND DESCRIPTION RIGHT OF WAY ABANDONMENT

**PARCEL 2:**

A PORTION OF THE MORTON STREET RIGHT OF WAY, CRAIN'S SUBDIVISION, GRASSY KEY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 51, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

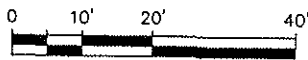
COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SAID MORTON STREET AND NORTH DRIVE; THENCE N.84°35'07"E, A DISTANCE OF 39.61 FEET FOR A POINT OF BEGINNING; THENCE N.53°26'18"E, A DISTANCE OF 48.36 FEET TO A POINT; THENCE S.37°53'28"E, A DISTANCE OF 0.85 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MORTON STREET AND THE NORTHERLY LINE OF LOT 9, BLOCK D, SAID CRAIN'S SUBDIVISION; THENCE S.50°51'38"W, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 48.41 FEET; THENCE N.37°02'18"W, A DISTANCE OF 3.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 93.54 SQUARE FEET MORE OR LESS.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N53°26'18"E	48.36
L2	S37°53'28"E	0.85
L3	S50°51'38"W	48.41
L4	N37°02'18"W	3.02

**LEGEND**

POB - POINT OF BEGINNING  
POC - POINT OF COMMENCEMENT  
LS - LICENSED SURVEYOR  
R/W - RIGHT-OF-WAY  
LB - LICENSED BUSINESS



SCALE IN FEET  
SCALE: 1" = 20'

**SURVEYORS NOTES**

1. BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTHERLY RIGHT-OF-WAY LINE OF MORTON STREET BEING S.50°51'38"W.
2. THIS IS NOT A BOUNDARY SURVEY.
4. UNLESS IT BEARS THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS PLOT IS FOR INFORMATIONAL PURPOSES ONLY AND NOT VALID.
5. LAST DATE OF FIELD SURVEY: 10-13-11

Prospect Surveying, LLC  
Certificate of Authorization No. LB 7921

*Brent Joseph Thorkettle*  
BRENT JOSEPH THORKETTLE  
FLORIDA LICENSE - LS 6794

**Prospect Surveying, LLC**

Surveying • Planning • GIS

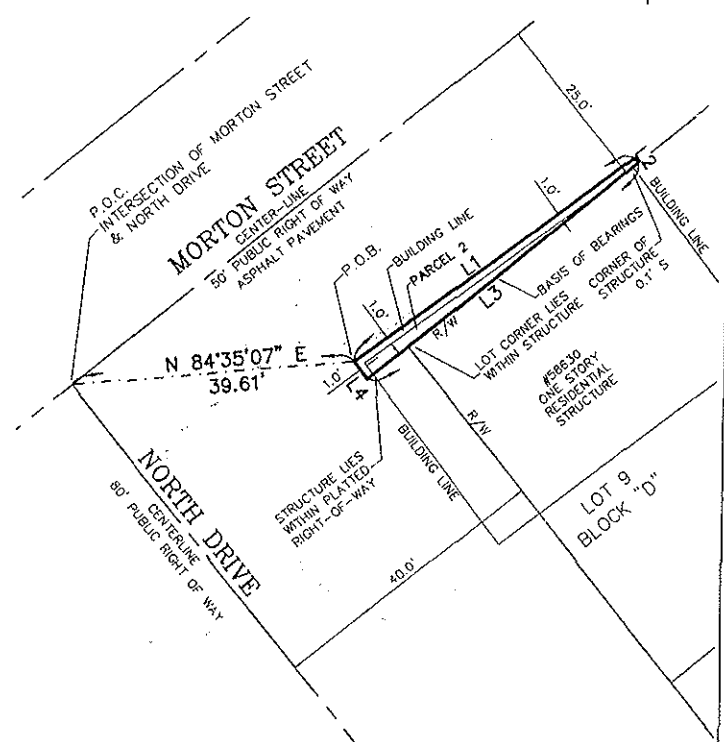
1452 51st Street Gulf, Marathon, FL 33050

www.prospectsurveying.com

Info@prospectsurveying.com

305.587.4235

<b>PARCEL 2</b>
Project: MORTON STREET RIGHT OF WAY
LOT 9 BLOCK D CRAIN'S SUBDIVISION GRASSY KEY
Owner: NAWROCKI - RICHARDSON
Location: 58630 MORTON STREET MARATHON FL 33050
DATE: 1-22-12



4685

**THIS IS NOT A BOUNDARY SURVEY**

**SKETCH AND DESCRIPTION  
RIGHT OF WAY ABANDONMENT**

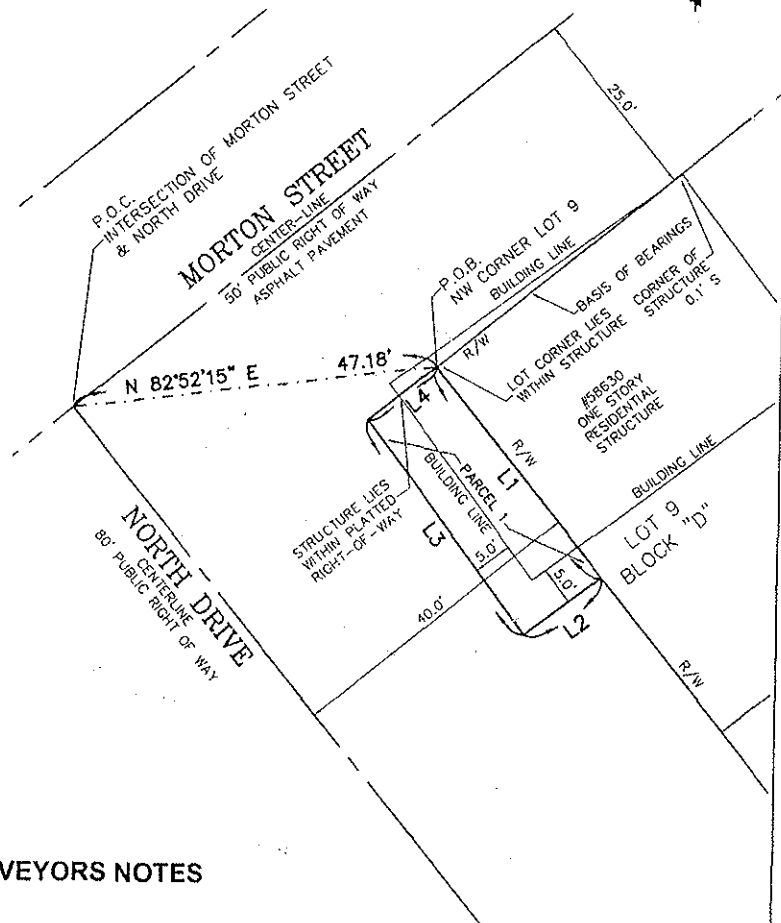


**PARCEL 1:**

A PORTION OF THE NORTH DRIVE RIGHT OF WAY, CRAIN'S SUBDIVISION, GRASSY KEY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 51, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF MORTON STREET AND SAID NORTH DRIVE; THENCE N.82°52'15"E., A DISTANCE OF 47.18 FEET TO THE NORTHWEST CORNER OF LOT 9 BLOCK D, CRAINS SUBDIVISION AND SAID POINT BEING THE POINT OF BEGINNING; THENCE S.39°08'22"E., ALONG THE WESTERLY LINE OF SAID LOT 9 AND THE EASTERLY RIGHT OF WAY LINE OF SAID NORTH DRIVE, A DISTANCE OF 34.74 FEET; THENCE S.52°55'15"W., A DISTANCE OF 12.45 FEET; THENCE N.37°02'18"W., A DISTANCE OF 34.31 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MORTON STREET; THENCE N.50°51'38"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 11.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 407.73 SQUARE FEET MORE OR LESS.

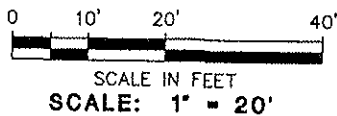


LINE TABLE		
LINE	BEARING	DISTANCE
L1	S39°08'22"E	34.74
L2	S52°55'15"W	12.45
L3	N37°02'18"W	34.31
L4	N50°51'38"E	11.18

LEGEND	
POB	- POINT OF BEGINNING
POC	- POINT OF COMMENCEMENT
LS	- LICENSED SURVEYOR
R/W	- RIGHT-OF-WAY
LB	- LICENSED BUSINESS

**SURVEYORS NOTES**

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4. UNLESS IT BEARS THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS PLOT IS FOR INFORMATIONAL PURPOSES ONLY AND NOT VALID.
5. LAST DATE OF FIELD SURVEY: 10-13-11



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Certificate of Authorization No. LB 7921

*Brent Joseph Thurkett*  
BRENT JOSEPH THURKETT  
FLORIDA LICENSE - LS 6794

<b>PARCEL 1</b>
Project: NORTH DRIVE RIGHT OF WAY
LOT 9 BLOCK D CRAINS SUBDIVISION GRASSY KEY
Owner: NAWROCKI - RICHARDSON
Location: 58630 MORTON STREET MARATHON FL 33050
DATE: 1-22-12



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S&S