

Sponsored by:

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2012-53**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING, ACCEPTING, AND AUTHORIZING THE RECORDING IN THE PUBLIC RECORDS OF A CORRECTIVE QUITCLAIM DEED FROM THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSFERRING THE FILLED AND/OR SUBMERGED LAND ADJACENT TO COCO PLUM BEACH/PARK INADVERTENTLY LEFT OUT OF THE LEGAL DESCRIPTION WHEN LOTS 23 THROUGH 32, BLOCK 21, WERE TRANSFERRED TO THE CITY OF MARATHON IN 2001, AND CORRECTING THE BOOK AND PAGE NUMBER OF THE DEED RESTRICTION BY THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, On September 29, 1998, the Board of County Commissioners (BOCC) purchased lots 23 through 32 of Coco Plum Beach from Jennifer Faga; and

**WHEREAS**, when said lots were transferred to the City of Marathon (BK#1731IPG#1841), the filled and/or submerged land adjacent to Coco Plum Beach Park was not included; and

**WHEREAS**, both County and City staff have verified that the submerged land was also acquired with FCT money, so when the County transferred the platted lots to the City of Marathon, the County should have also transferred the related filled and/or submerged lands; and

**WHEREAS**, the actions of the BOCC to record a *Corrective Quitclaim Deed* will complete the intended transfer of the related filled and/or submerged lands to the City of Marathon and correct the book and page number that constitutes the deed restrictions from the State of Florida which provided the grant money to purchase the property; and

**WHEREAS**, the BOCC approved the Corrective Quitclaim Deed on April 18, 2012,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**

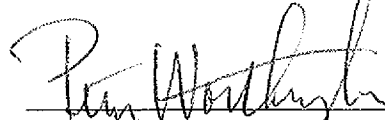
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The City Council approves, accepts, and authorizes the recording in the public records of a corrective quitclaim deed from the Monroe County Board of County Commissioners transferring the filled and/or submerged land adjacent to Coco Plum Beach/Park attached hereto as Exhibit "A."

**Section 3.** This resolution shall take effect immediately upon its adoption.

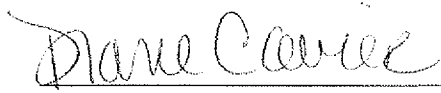
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 22<sup>nd</sup> DAY OF MAY, 2012.**

**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 LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

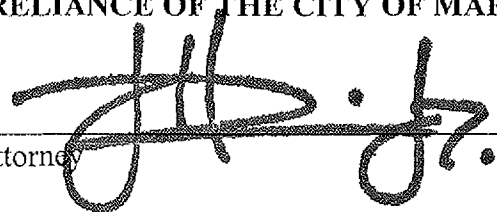
  
\_\_\_\_\_  
City Attorney

Exhibit "A"

**Doch 1887776**  
**BKH 2575 Pgh 1469**

This Instrument Prepared by and Return to:  
Susan M. Grimsley, Esq.  
Monroe County Attorney's Office  
1111 12<sup>th</sup> Street, Suite 408  
Key West FL 33040

Parcel Account Numbers: 00366320, 00366330, 00366340, 00366350, 00366360, 00366370, 00366380, 00366390, 00366400,  
00366410

### **CORRECTIVE QUITCLAIM DEED**

This Corrective Quitclaim Deed, made this 18<sup>th</sup> day of April, 2012,  
between the Board of County Commissioners of Monroe County, a political subdivision of the State of  
Florida, party of the first part, to the City of Marathon, a municipality incorporated in the State of  
Florida, whose address is PO Box 500430, Marathon FL 33050-0430, party of the second part:

**WITNESSETH:** that the party of the first part, for and in consideration of the assumption of jurisdiction  
and responsibility over the property conveyed herein does hereby remise, release and quitclaim unto  
the party of the second part forever, all the right, title, interest, claim and demand which the said party  
of the first part has in and to the following-described real property lying and being in Monroe County,  
Florida, to-wit:

Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 in Block 21, of COCO PLUM BEACH as recorded in Plat Book 4,  
Page 166 of the Public Records of Monroe County, Florida currently lying in the new municipality of the  
City of Marathon,

AND ALSO

A parcel of land lying waterward of adjacent and abutting Lots 23 through 32, inclusive, Block 21 of  
COCO PLUM BEACH, according to the plat thereof as recorded in Plat Book 4 at Page 166 of the Public  
Records of Monroe County, Florida, being more particularly described as follows:

BEGIN at the intersection of the dividing line between Lots 22 and 23, Block 21, with the shoreline of the  
Atlantic Ocean as shown on the aforementioned Plat; thence run N 64 degrees 15 minutes 00 seconds E  
along the Southeasterly lines of said Lots 23 through 32 for a distance of 1000.07 feet, more or less to  
the Southeast corner of said Lot 32; thence run S 25 degrees 45 minutes 00 seconds E along the  
prolongation of the dividing line between Lots 32 and 33 for a distance of 66.25 feet, more or less to the  
Mean High Water Line of the Atlantic Ocean; thence run along the Mean High Water line the following  
courses and distances: 1) S 60 degrees 02 minutes 56 seconds W, 154.31 feet, more or less; 2) S 66  
degrees 05 minutes 49 seconds W, 121.29 feet, more or less; 3) S 63 degrees 23 minutes 51 seconds W,  
175.27 feet, more or less; 4) S 60 degrees 11 minutes 25 seconds W, 47.27 feet, more or less; 5) S 59  
degrees 35 minutes 54 seconds W, 67.30 feet, more or less; 6) S 63 degrees 11 minutes 22 seconds W,  
142.66 feet, more or less; 7) S 62 degrees 00 minutes 20 seconds W, 144.61 feet, more or less; 8) S 63  
degrees 10 minutes 17 seconds W, 144.32 feet, more or less to an intersection with the Southeasterly

prolongation of said dividing line between Lots 22 and 23; thence run N 28 degrees 10 minutes 08 seconds W for a distance of 96.16 feet, more or less to the Point of Beginning.

Containing 81,826 Square feet, (1.8785 Acres) more or less.

AND, ALSO

All land including submerged and bay bottom lands lying Southerly and oceanward from Lots 23 through 32, inclusive, all in Block 21, COCO PLUM BEACH SUBDIVISION, according to the Plat thereof recorded in Plat Book 4, Page 166, Public Records of Monroe County, Florida.

This Corrective Quitclaim Deed transferring title from Monroe County to the City of Marathon shall reference the recorded Grant Contract using the following language:

By acceptance of this deed, the party of the second part herein hereby agrees that the use of the Property described herein shall be subject to the covenants and restrictions as set forth in that certain Grant Contract attached to the deed to Monroe County as recorded in Official Record Book 1306, Page 417, Public Records of Monroe County, Florida, as amended. These covenants and restrictions shall run with the Property herein described. If any of the covenants and restrictions of the Grant Contract are violated by the grantee or by some third party with the knowledge of the grantee, fee simple title to the Property described herein shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida in accordance with the Grant Contract without further notice to grantee, its successors and assigns, and grantee, its successors and assigns shall forfeit all right, title and interest in and to the Property described herein.

This Deed is given to correct the legal description in the Quitclaim Deed between the parties dated September 19, 2001, recorded October 15, 2001 in Official Record Book 1731, at Page 1841, Public Records of Monroe County, Florida in which the legal description of the submerged lands was omitted.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise pertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the party of the first part, either in law or in equity, to the proper use, benefit and behoof of the party of the second part, forever.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting as the Mayor of said Board, the day and year aforesaid.

ATTEST: DANNY L. KOLHAGE, Clerk

By: Isabel C. DeSantis  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: [Signature]  
Mayor/Chairman

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM.  
[Signature]  
SUSAN M. GRIMSLEY  
ASSISTANT COUNTY ATTORNEY  
Date March 20, 2016