

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-142**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING SUBJECT TO CONDITIONS, A REQUEST TO THE CITY COUNCIL OF THE CITY OF MARATHON BY TROPICAL ISLE RESORT INC TO ABANDON A PORTION OF THE PUBLIC RIGHT-OF-WAY LOCATED AT 57612 OVERSEAS HIGHWAY, OCEAN, IN MARATHON, DESCRIBED AS CRAINS SUB PLAT BOOK 1, PAGE 51, SOUTH SIDE OF FLAGLER ST TO OCEAN PT BETWEEN BKS 53-58, GRASSY KEY, NEAREST MILE MARKER 57.5, MONROE COUNTY, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there presently exists a certain public right-of-way within the City of Marathon, Florida, Located At 57612 Overseas Highway, Described As Crains Subdivision, Plat book 1, Page 51, South Side of Flagler Street to Ocean PT Between Blocks 53-58, Grassy Key, Nearest Mile Marker 57.5, Monroe County, Florida and as particularly described in the attached survey (Exhibit "A"); and

WHEREAS, Tropical Isle Resort, Inc (Agent Timothy S. Brown) has requested that the City of Marathon, Florida (the "City"), in accordance with Section 26-1 of the City Code, abandon the Right-of-Way; and

WHEREAS, the City Council finds that the Right-of-Way is not needed and may be abandoned without adversely affecting the public interest; and

WHEREAS, the Right-of-Way lies wholly within the corporate boundaries of the City and within the City's ownership and authority to abandon; and

WHEREAS, a public hearing to vacate the Right-of-Way was held on December 8, 2015 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 will not be detrimental to the public health, safety and welfare; and

WHEREAS, the City has determined the Applicant's request meets all of the requirements of Section 26-1 of the City Code for the abandonment of the Right-of-Way.

WHEREAS, THE City Council has made the following findings of fact pursuant to Section 26-9 of the Code of the City of Marathon:

- a) The abandonment of this right-of-way will not adversely affect the operations and functions of the City because with a grant of utility easement to continue maintenance of its sewer facilities, City operations within the Ocean Drive Right-Of-Way will not be adversely affected.
- b) Public access to water is not possible through this Right-Of-Way and therefore there is no impact to public access to the water.
- c) There will no adverse affect on surrounding traffic circulation or patterns.
- d) The abandonment will not adversely affect a public view corridor.
- e) The applicants own all of the properties adjacent to and abutting the right-of-way; therefore, this criterion does not apply.
- f) The proposed abandonment will not interfere with utility services being provided, or unreasonably affect any utility easement.

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 they and all conditions required of Applicants are hereby incorporated as if fully stated herein.

Section 2. Pursuant to the request by the Applicant to vacate the Right-of-Way, the City releases, vacates, abandons, discontinues, renounces and disclaims all rights of the City and the public in and to the Right-of-Way, as legally described on Exhibit "A", subject to the following conditions:

- (1) The Applicant will convey a utility easement to all utilities on, under Flagler Street Right-of Way described in Exhibit "B."
- (2) Said conditions as promulgated above shall be met by the applicant within sixty (60) days of the effective date of this Resolution.
- (3) Said conditions as promulgated above shall be met by the applicant within sixty (60) days of the effective date of this Resolution.

Section 3. The City Clerk shall forward a certified copy this Resolution to the Applicant, who shall be responsible for all costs incurred in recording this instrument in the public records of Monroe County, Florida. The Applicant shall provide the City evidence of the recording of this Resolution and the Easement within thirty (30) days of the effective date of this Resolution.

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 Right-of-Way not vacated by this Resolution.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8TH DAY OF DECEMBER, 2015.

THE CITY OF MARATHON, FLORIDA



Mark Senmartin, Mayor

AYES: Bartus, Coldiron, Kelly, Zieg, Senmartin
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:



David Migut, City Attorney

Exhibit A
 Copy – Original to be Provided by Applicant to
 Clerk of Court for Recordation

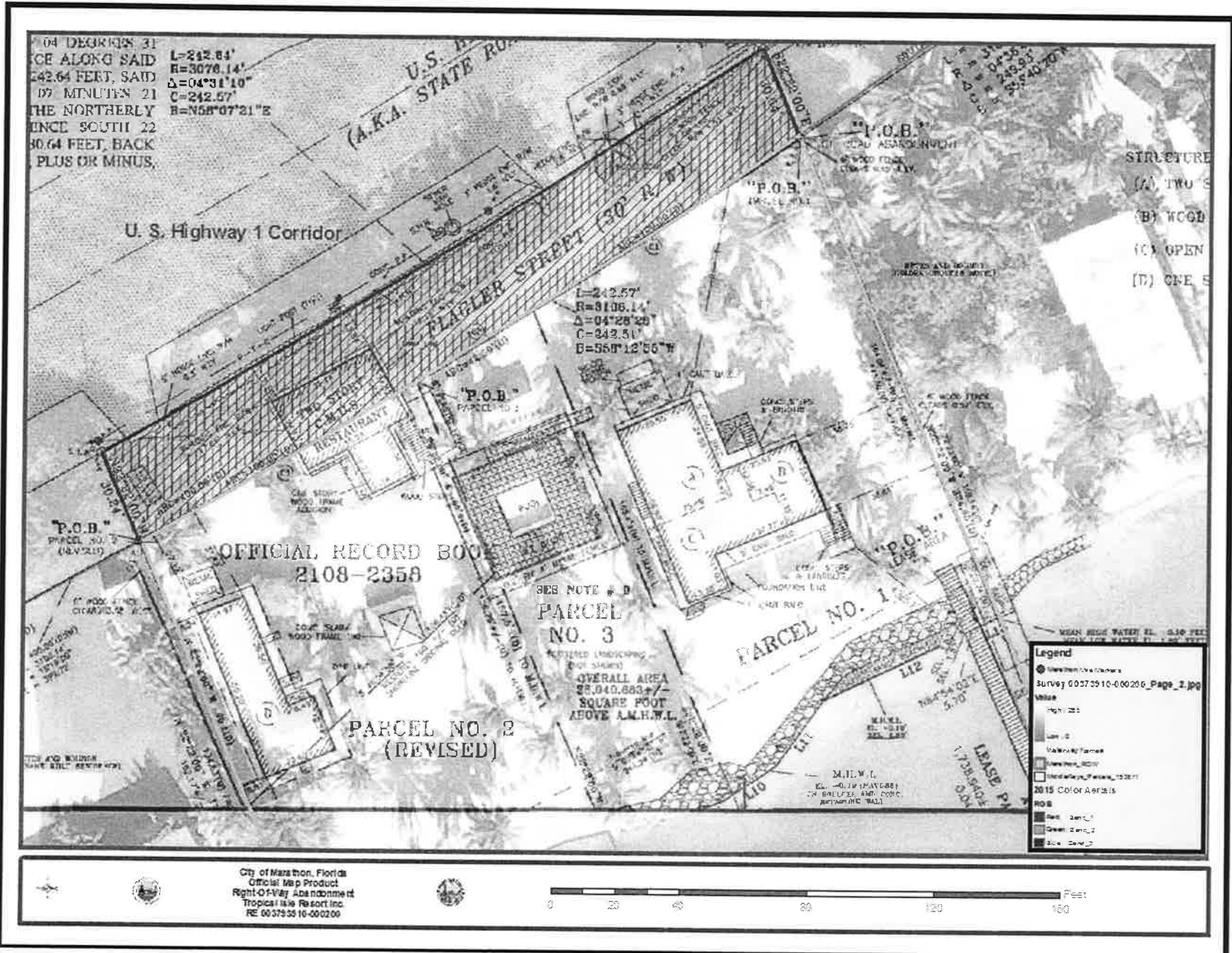


Exhibit B
Copy – Original to be Provided by Applicant to
Clerk of Court for Recordation

Sponsored by: Puto

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RESOLUTION 2015-142**

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THE CITY OF MARATHON, FLORIDA



Mark Senmartin, Mayor

AYES: Bartus, Coldiron, Kelly, Zieg, Senmartin
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:



David Migut, City Attorney

Exhibit A
Copy - Original to be Provided by Applicant to
Clerk of Court for Recordation

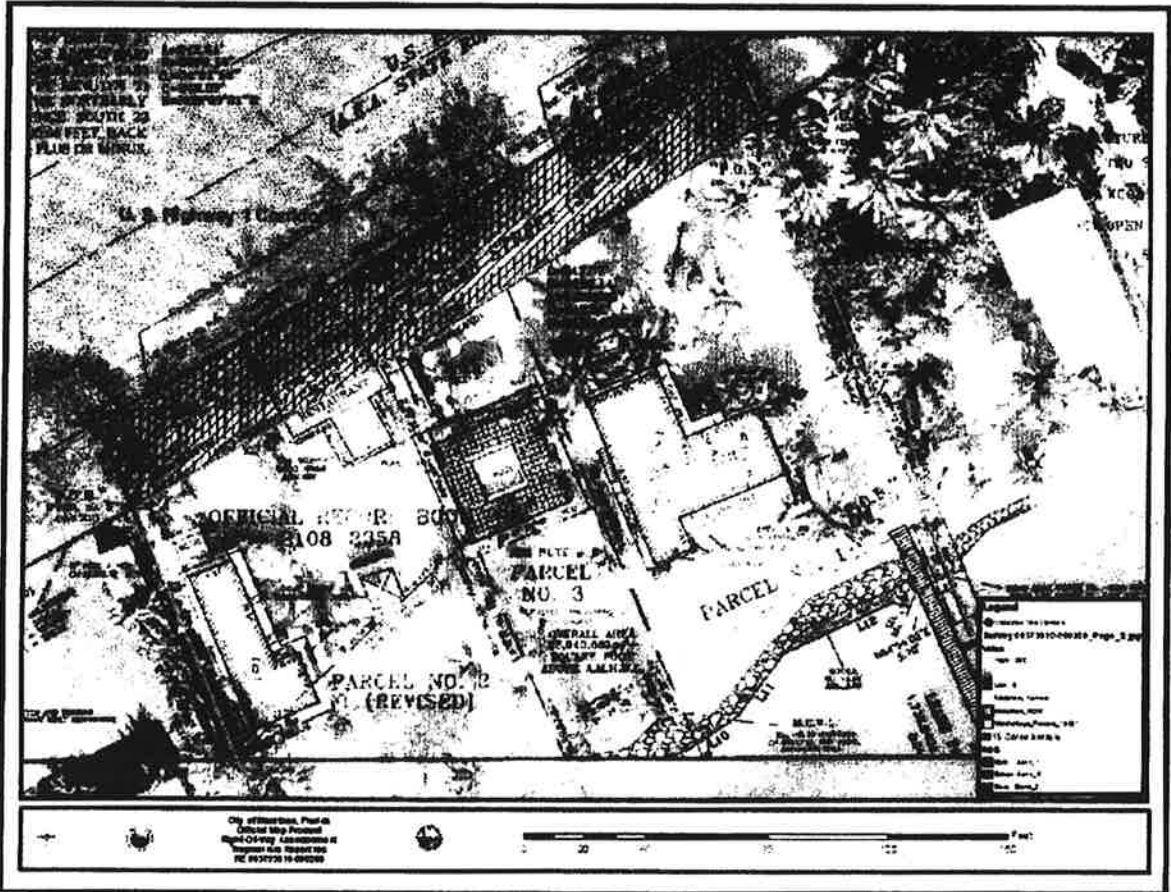


Exhibit B
Copy - Original to be Provided by Applicant to
Clerk of Court for Recordation

Doc# 2064994
Bk# 2783 Pgt 1178

**LEGAL DESCRIPTION OF ROAD ABANDONMENT
PREPARED AT REQUEST OF CLIENT:**

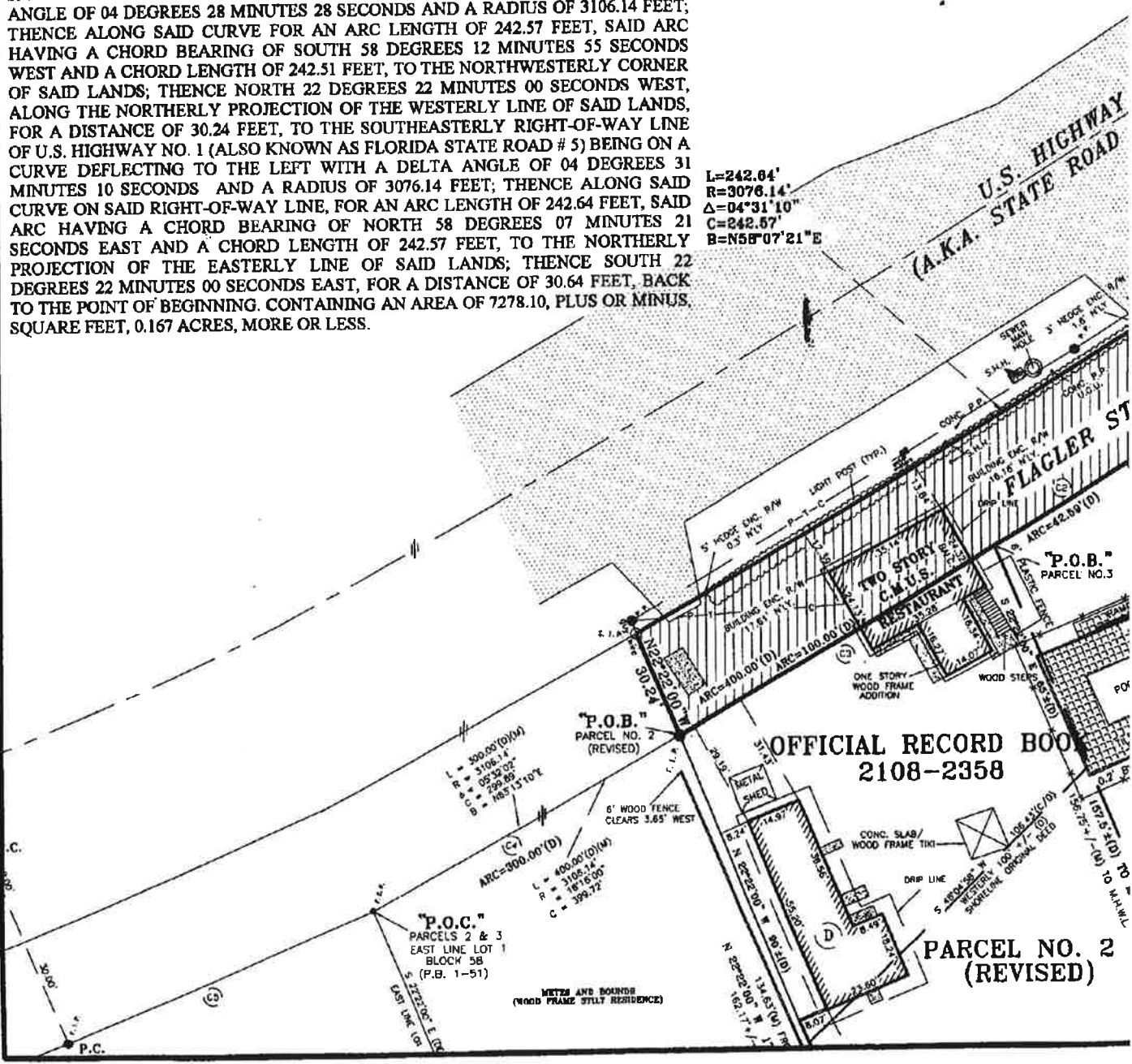
CURVE	TANGENT	RADIUS
C1	50.00'	3106.14'
C2	21.29'	3106.14'
C3	50.00'	3106.14'
C4	150.12'	3106.14'
C5	44.63'	3106.14'

L=/
R=/
Δ=

THAT PORTION OF FLAGLER STREET (30 FOOT RIGHT-OF-WAY) LYING NORTHWESTERLY OF THE PARCELS OF LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 2108, PAGE 2357 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, IN PART OF GOVERNMENT LOT 5, SECTION 25 TOWNSHIP 65 SOUTH, RANGE 33 EAST, ON GRASSY KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF BLOCK 53, OF "CRAIN'S SUBDIVISION", AS RECORDED IN PLAT LOOK 1, PAGE 51, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF FLAGLER STREET, SAID INTERSECTION ALSO BEING A POINT OF CURVE, SAID CURVE HAVING A CENTRAL ANGLE OF 04 DEGREES 36 MINUTES 41 SECONDS AND A RADIUS OF 3106.14 FEET, BEAR SOUTHWESTERLY ALONG SAID CURVE ON SAID RIGHT-OF-WAY LINE, DEFLECTING TO THE RIGHT 250 FEET, SAID ARC HAVING A CHORD BEARING OF SOUTH 53 DEGREES 40 MINUTES 20 SECONDS WEST AND A CHORD LENGTH OF 249.93 FEET, TO THE NORTHEASTERLY CORNER OF SAID LANDS AND THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE BEARING SOUTHWESTERLY ALONG SAID CURVE ON SAID RIGHT-OF-WAY LINE AND DEFLECTING TO THE RIGHT, HAVING A CENTRAL ANGLE OF 04 DEGREES 28 MINUTES 28 SECONDS AND A RADIUS OF 3106.14 FEET; THENCE ALONG SAID CURVE FOR AN ARC LENGTH OF 242.57 FEET, SAID ARC HAVING A CHORD BEARING OF SOUTH 58 DEGREES 12 MINUTES 55 SECONDS WEST AND A CHORD LENGTH OF 242.51 FEET, TO THE NORTHWESTERLY CORNER OF SAID LANDS; THENCE NORTH 22 DEGREES 22 MINUTES 00 SECONDS WEST, ALONG THE NORTHERLY PROJECTION OF THE WESTERLY LINE OF SAID LANDS, FOR A DISTANCE OF 30.24 FEET, TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (ALSO KNOWN AS FLORIDA STATE ROAD # 5) BEING ON A CURVE DEFLECTING TO THE LEFT WITH A DELTA ANGLE OF 04 DEGREES 31 MINUTES 10 SECONDS AND A RADIUS OF 3076.14 FEET; THENCE ALONG SAID CURVE ON SAID RIGHT-OF-WAY LINE, FOR AN ARC LENGTH OF 242.64 FEET, SAID ARC HAVING A CHORD BEARING OF NORTH 58 DEGREES 07 MINUTES 21 SECONDS EAST AND A CHORD LENGTH OF 242.57 FEET, TO THE NORTHERLY PROJECTION OF THE EASTERLY LINE OF SAID LANDS; THENCE SOUTH 22 DEGREES 22 MINUTES 00 SECONDS EAST, FOR A DISTANCE OF 30.64 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 7278.10, PLUS OR MINUS, SQUARE FEET, 0.167 ACRES, MORE OR LESS.

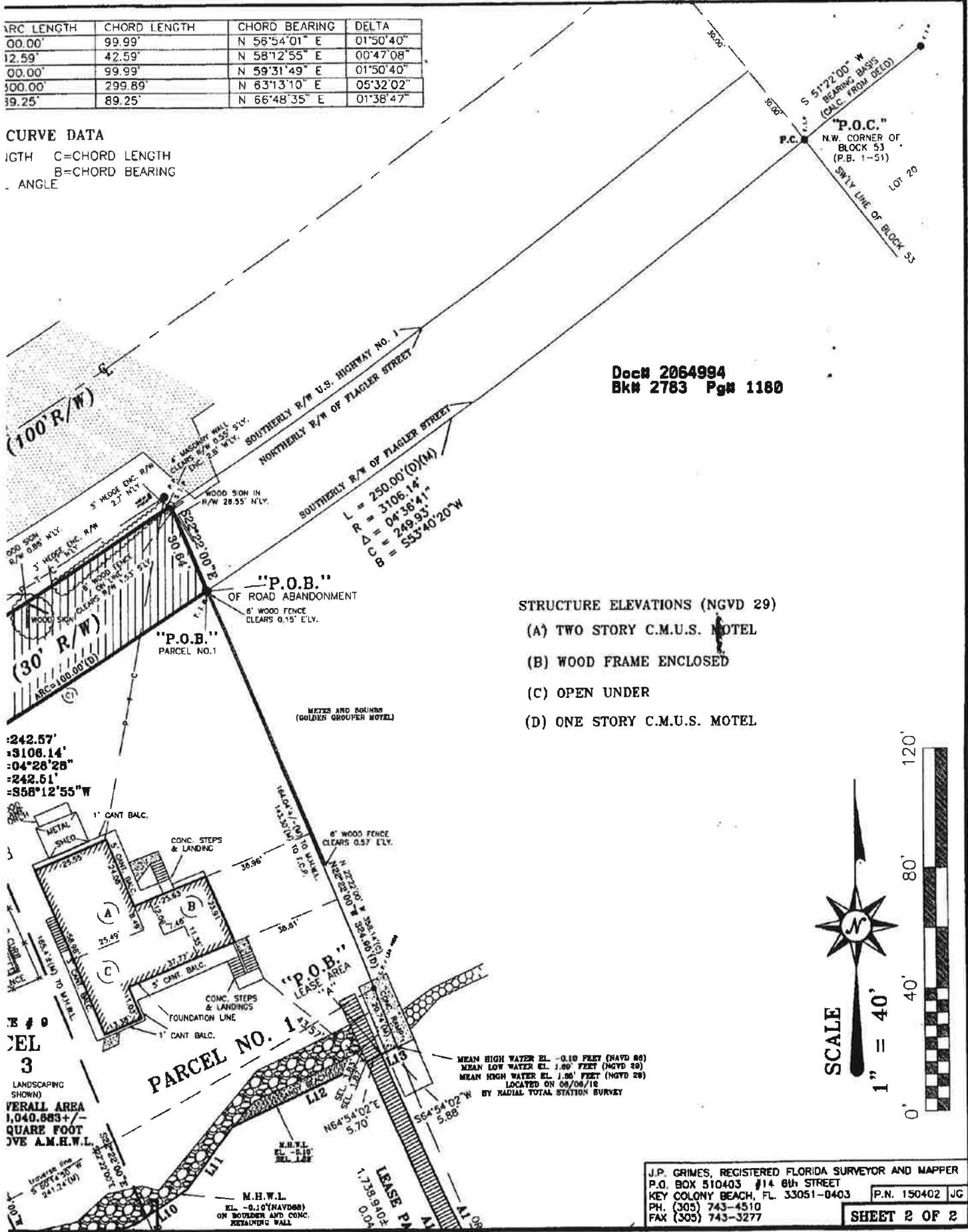
L=242.64'
R=3076.14'
Δ=04°31'10"
C=242.57'
B=N58°07'21"E



ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA
00.00'	99.99'	N 56°54'01" E	01°50'40"
12.59'	42.59'	N 58°12'55" E	00°47'08"
00.00'	99.99'	N 59°31'49" E	01°50'40"
100.00'	299.89'	N 63°13'10" E	05°32'02"
19.25'	89.25'	N 66°48'35" E	01°38'47"

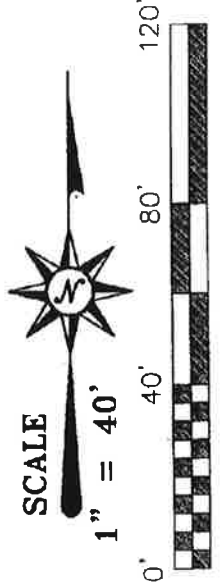
CURVE DATA

L = CHORD LENGTH
 B = CHORD BEARING
 Δ = ANGLE



Doc# 2064994
Bk# 2783 Pgn 1180

- STRUCTURE ELEVATIONS (NGVD 29)**
- (A) TWO STORY C.M.U.S. MOTEL
 - (B) WOOD FRAME ENCLOSED
 - (C) OPEN UNDER
 - (D) ONE STORY C.M.U.S. MOTEL



:242.57'
 :3108.14'
 :04°28'28"
 :242.51'
 :S58°12'55"W

E # 0
 CEL
 3
 LANDSCAPING
 (SHOWN)
 VERALL AREA
 1,040.883+/-
 SQUARE FOOT
 DIVE A.M.H.W.L.

MEAN HIGH WATER EL. -0.10 FEET (NAVD 86)
 MEAN LOW WATER EL. 1.00 FEET (NGVD 29)
 MEAN HIGH WATER EL. 1.86 FEET (NGVD 29)
 LOCATED ON 06/06/18
 BY RADIAL TOTAL STATION SURVEY

J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER
 P.O. BOX 510403 #14 6th STREET
 KEY COLONY BEACH, FL 33051-0403 P.N. 150402 JG
 PH. (305) 743-4510
 FAX (305) 743-3277

MAP OF BOUNDARY SURVEY

SEA SHELL BEACH RESORT

LEGAL DESCRIPTION AS FURNISHED BY CLIENT: (UPLAND)

OFFICIAL RECORDS BOOK 2108 PAGE 2358

PARCEL NO. 1:

A TRACT OF LAND IN A PART OF GOVERNMENT LOT 5, SECTION 25, TOWNSHIP 65 SOUTH, RANGE 33, EAST, ON GRASSY KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF BLOCK 53, OF "CRAIN'S SUBDIVISION", AS RECORDED IN PLAT BOOK 1, PAGE 51, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FLAGLER STREET, SAID INTERSECTION ALSO BEING A POINT OF CURVE, SAID CURVE HAVING A CENTRAL ANGLE OF 04° 36' 41" AND A RADIUS OF 3106.14 FEET, BEAR SOUTHWESTERLY ALONG SAID CURVE, DEFLECTING TO THE RIGHT 250 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE BEARING SOUTHWESTERLY ALONG SAID CURVE AND DEFLECTING TO THE RIGHT, 100 FEET; THENCE BEAR SOUTH 22° 22' EAST 348.62 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OCEAN VIEW DRIVE (VACATED) THENCE BEAR NORTH 44° 23' 08" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF OCEAN VIEW DRIVE, 106.93 FEET TO A POINT WHICH IS BEARING SOUTH 22° 22' EAST, FROM THE POINT OF BEGINNING, THENCE BEAR NORTH 22° 22' WEST, 324.95 FEET, BACK TO THE POINT OF BEGINNING.

PARCEL NUMBER: 0037387-000100; ALTERNATE KEY NUMBER: 1456918

PARCEL NO. 2: (REVISED)

A TRACT OF LAND IN A PART OF GOVERNMENT LOT 5, SECTION 25, TOWNSHIP 65 SOUTH, RANGE 33, EAST, ON GRASSY KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF LOT 1, BLOCK 58, OF CRAIN'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 51, AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FLAGLER STREET OF SAID CRAIN'S SUBDIVISION, BEAR EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY OF FLAGLER STREET FOR A DISTANCE OF 300 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE BEARING EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID FLAGLER STREET FOR A DISTANCE OF 100 FEET TO A POINT; THENCE BEAR SOUTHERLY AND PARALLEL WITH THE EAST LINE OF LOT 1, BLOCK 58 OF SAID CRAIN'S SUBDIVISION FOR A DISTANCE OF 65 FEET (157.5 FEET MEASURED), MORE OR LESS, TO THE SHORELINE OF THE STRAITS OF FLORIDA; THENCE MEANDER THE SHORELINE OF THE STRAITS OF FLORIDA IN A WESTERLY DIRECTION FOR A DISTANCE OF 100 FEET, MORE OR LESS, TO A POINT, THENCE BEAR NORTHERLY AND PARALLEL WITH THE EAST LINE OF LOT 1, BLOCK 58 OF CRAIN'S SUBDIVISION FOR A DISTANCE OF 90 FEET (170.3 FEET MEASURED), MORE OR LESS, BACK TO THE POINT OF BEGINNING.

NOTE: THE PURPOSE OF INCLUDING THE "MEASURED" DISTANCES IS TO CORRECT A LATENT AMBIGUITY IN THE ORIGINAL DESCRIPTION WHEREAS THE CALL OF "FOR A DISTANCE OF 65 FEET, MORE OR LESS, TO THE SHORELINE", SHOULD READ "157.5 FEET, MORE OR LESS, TO THE SHORELINE" AND THE CALL OF "FOR A DISTANCE OF 90 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING", SHOULD READ "FOR A DISTANCE OF 170.3 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING", THE SHORELINE BEING RELATIVELY UNCHANGED AS DEPICTED ON AN AERIAL PHOTOGRAPH OF THIS SITE DATED JANUARY 1975. ALSO TO REMOVE WHAT APPEARS TO BE AN IRRELEVANT CALL FOR "SUBJECT TO OCEAN VIEW DRIVE 50 FEET WIDE ALONG THE SHORELINE", WHEREAS BY VIRTUE OF BEING DISCLAIMED BY MONROE COUNTY BOARD OF COUNTY COMMISSIONERS, 8/14/62, AS RECORDED IN OFFICIAL RECORDS BOOK 260, PAGE 441, THIS CALL IS NOW MOOT.

ACCORDING TO THE ATTACHED SKETCH OF SURVEY, DATED 02/03/03, BY JOHN PAUL GRIMES, III, REGISTERED FLORIDA SURVEYOR AND MAPPER NO. 4806 AND BY THIS REFERENCE MADE A PART HEREOF.

PARCEL NO. 3:

A TRACT OF LAND IN A PART OF GOVERNMENT LOT 5, SECTION 25, TOWNSHIP 65 SOUTH, RANGE 33 EAST, ON GRASSY KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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PARCEL NUMBER: 00373880-000000; ALTERNATE KEY NUMBER: 1456934

Doc# 2064994
Bkn 2783 Pgn 1181

ABSTRACTORS NOTES:

- 1) LEGAL DESCRIPTION AS FURNISHED BY CLIENT OR THEIR REPRESENTATIVE
- 2) NO LEGAL DESCRIPTION FURNISHED FOR UTILITIES, UTILITY LINES, WIRES, WATER METERS AND SEWER HOOKUPS, WHERE APPLICABLE, PRESCRIPTIVE EASEMENTS AND THEREFORE ARE NOT SHOWN AS ENCR
- 3) ENCROACHMENTS OR EXCROACHMENTS AS SHOWN HEREON ARE BASED ON OBSERVED POSSESSION AND ARE SUBJECT TO REVIEW IF PROVEN OTHER UNDERGROUND ENCROACHMENTS IF ANY ARE NOT LOCATED.
- 4) THIS SURVEY IS NOT ASSIGNABLE.
- 5) THIS SURVEY SUBJECT TO A TITLE SEARCH.
- 6) THIS SURVEY MAP OR COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 7) ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHERS THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
- 8) ACCORDING TO THE PLAT, OCEAN VIEW DRIVE IS 140' +/- SOUTHERLY SHORELINE, "SUBJECT TO" APPEARS TO BE AN ERROR IN ORIGINAL DE

SURVEYORS NOTES:

- 1) NORTH ARROW AND BEARING BASIS **S 51°21'00" W** AS PER CALCULATION NOTED.
- 2) THE MEAN HIGH WATER ELEVATION AS SHOWN HEREON WAS ESTABLISHED BY EXTENDING THE ELEVATION SHOWN AT MEAN HIGH WATER INTERPOL (DATUM POINT DERIVED FROM STATE LABS WEBSITE POINT IDENTIFIER **872-3933 (GRASSY KEY)**, MEAN HIGH WATER CONTOUR ELEVATION USE SITE PRELIMINARY PROCEDURE APPROVAL DATED 05/08/12.
- 3) THE FOLLOWING DEVIATION FROM THE STANDARD OF "NO MONUMENT ALONG THE SHORELINE (MEAN HIGH WATER LINE), THE SHORELINE SHOWN LOCATED BY MEANS OF TOTAL STATION RADIAL SURVEY."
- 4) DIMENSIONS (MEASUREMENTS) ARE SHOWN TO THE NEAREST ONE HUNDREDTH (#.##) AS MEASURED HORIZONTALLY IN ACCORDANCE WITH UNITED STATES SURVEYING SYSTEM (FOLLOWING ZERO'S MAY NOT BE SHOWN). BEARINGS ARE SHOWN TO THE NEAREST SECOND, WHERE REQUIRED. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
- 5) THE EXPECTED USE OF THIS PROPERTY, AS CLASSIFIED IN THE MINIMUM STANDARDS (SI-17.05) OF THE STATE OF FLORIDA, IS **COMMERCIAL**. THE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS ONE FOOT. THE ACCURACY WAS ACHIEVED BY A REDUNDANCY OF FIELD MEASUREMENT CALCULATIONS OF A CLOSED GEOMETRIC FIGURE BY COMPUTER MAP AND WAS FOUND TO EXCEED THE STATE REQUIREMENT.
- 6) ALL MONUMENTATION HAVE NO IDENTIFICATION EXCEPT AS NOTED.
- 7) UPLAND LOCATIONS AS SHOWN HEREON ARE FROM SURVEY DATED 02/03/03. NOT BEEN FIELD VERIFIED AT THIS TIME.
- 8) SURVEYED AS A SINGLE SITE.

THE SU

LOCATION MAP

CITY OF MARATHON
 PART OF GOVERNMENT LOT 5
 SECTION 25-65-33
 ADDRESS:
 57612 OVERSEAS HIGHWAY
 GRASSY KEY

Doc# 2064994
 Bk# 2783 Pg# 1182



SCALE
 1" = 300'



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LEGEND

- F.C.P. = FOUND CONTROL POINT
- S.C.P. = SET CONTROL POINT
- F.I.P. = FOUND 3/4" PIPE /SIZE/CAP TYPE
- S.I.P. = SET 3/4" PIPE /LS#4906
- F.I.R. = FOUND 5/8" REBAR /SIZE/CAP TYPE
- S.P.R. = SET PERMANENT REFERENCE MONUMENT
- P.P. = POWER POLE /BENCH MARK
- = INDICATES CONCRETE
- /// = BROKEN LINE (NOT TO SCALE)

MONROE COUNTY
 OFFICIAL RECORDS

ABBREVIATIONS

- G.P.S. = GLOBAL POSITIONING SYSTEM
- NAD = NATIONAL ADJUSTED DATUM
- NGVD = NATIONAL GEODETIC VERTICAL DATUM(1927)
- NAVD = NATIONAL ADJUSTED VERTICAL DATUM(1988)
- O.R. = OFFICIAL RECORDS BOOK-PAGE
- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTAION
- TIIF = TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA
- PB = PLAT BOOK-PAGE OF MONROE COUNTY, FLORIDA PUBLIC RECORDS
- C.M.U.S. = CONCRETE MASONRY UNIT STRUCTURE
- P-T-C- = AERIAL POWER, TELEPHONE, AND/OR CABLE LINES
- M.H.W.L. = MEAN HIGH WATER LINE
- EL. = ELEVATIONS (SHOWN THUS X #.##')
- A.K.A. = ALSO KNOWN AS
- ENC. = ENCROACHMENT
- C.L.F. = CHAIN LINK FENCE
- CONC. = CONCRETE
- R/W = RIGHT-OF-WAY
- (P) = PLAT
- (M) = MEASURED
- (C) = CALCULATED
- (D) = DEED/DESCRIPTION
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.O.T. = POINT OF TERMINUS
- P.C. = POINT OF CURVE
- P.I. = POINT OF INTERSECTION
- P.T. = POINT OF TANGENT
- CL = CENTERLINE
- A/C = AIR CONDITIONER
- BALC. = BALCONY
- CANT. = CANTILEVER
- TYP. = TYPICAL
- LY. = ERLY
- I.D. = IDENTIFICATION
- R.M. = REFERENCE MONUMENT
- NO. = NUMBER

Date Survey completed 04/28/15
 BOUNDARY SURVEY FOR DESCRIPTION
 FOR THE BENEFIT OF:
TROPICAL ISLE RESORT, INC.
 c/o TIM BROWN
 CITY OF MARATHON, FLORIDA

NOT VALID WITHOUT
 SIGNATURE AND THE
 ORIGINAL RASIED SEAL
 OF A FLORIDA LICENSED
 SURVEYOR AND MAPPER

John Paul Grimes, III
**JOHN PAUL GRIMES, III, REGISTERED
 FLORIDA SURVEYOR & MAPPER, NO. 4906**

J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER
 P.O. BOX 510403 #14 6th STREET
 KEY COLONY BEACH, FL. 33051-0403 P.N. 150402 JG
 PH. (305) 743-4510
 FAX (305) 743-3277

SHEET 1 OF 2

DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

**THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:**

Doc# 2064994
Bk# 2783 Pg# 1170

George Garrett
CITY OF MARATHON
PLANNING DIRECTOR
9805 Overseas Hwy
Marathon, FL 33050
(305) 289-4100

Folio No. DP2015-0175

UTILITY EASEMENT

THIS UTILITY EASEMENT (this "Easement") is made this 14th day of December 2015, by **Tropical Isle Resort, Inc., a Florida Corporation**, whose address is **57612 Overseas Highway**, Marathon, Florida 33050 (hereinafter referred to as the "GRANTOR"), to and in favor of the **CITY OF MARATHON, a Florida municipal corporation**, having an address at 9805 Overseas Highway, Marathon, Florida 33050 (hereinafter referred to as the "GRANTEE").

RECITALS:

GRANTOR owns fee simple title to certain real property located in Monroe County, Florida, as more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

GRANTOR has agreed to grant to GRANTEE a non-exclusive, perpetual utility easement as well as ingress and egress in, over, under, and upon the Property for the purpose of installing, constructing, maintaining, operating, repairing and replacing overhead and underground electric utility facilities on the Property, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, for and in consideration of the premises and the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do hereby agree as follows:

1. Recitals. The parties acknowledge that the foregoing recitals are true and correct and hereby incorporated into this Easement as if fully set forth herein.

2. Grant of Easement. GRANTOR does hereby grant and convey to the GRANTEE and its licensees, successors and assigns, the non-exclusive, perpetual right, power,

privilege and easement to regularly or at any time and for any length of time to install, construct, maintain, operate, repair and replace overhead and underground electric utility facilities on the Property (including wires, poles, guys, raceways, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them. This Easement also includes the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement and to operate the same for communications purposes; the right of ingress and egress to said Property at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Property; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous tress or limbs outside of the Property which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Property.

3. Warranties and Representations. GRANTOR does hereby covenant with the GRANTEE, that (a) it is lawfully seized and possessed of the Property; (b) it has good and lawful right to enter into this Easement and convey said Easement; (c) all applicable required authorizations, approvals or consents have been obtained and no other authorizations, approvals or consents are required to effectuate GRANTOR's execution and delivery of this Easement; and (d) it acknowledges that GRANTEE is materially relying on the representations as herein expressed.

4. Covenants Running with the Land. This Easement, and the rights and interests created herein shall run with the land and shall be binding upon and inuring to the benefit of the parties hereto and their respective successors and assigns.

5. Miscellaneous. This Easement shall be construed under the laws of the State of Florida. GRANTOR shall, at its cost and expense, record this Easement and any amendments hereto in the Public Records of Monroe County, Florida. This Easement may assigned in whole or in part by the GRANTEE for use in connection with any of the purposes authorized herein. This Easement may only be modified, supplemented or revised in writing signed by both parties, or their successors or assigns, and any modification shall be effective only upon recordation in the Public Records of Monroe County, Florida.

[Acknowledgments on following page]

**THIS INSTRUMENT PREPARED BY AND
SHOULD BE RETURNED TO:**

George Garrett
CITY OF MARATHON
PLANNING DIRECTOR
9805 Overseas Hwy
Marathon, FL 33050
(305) 289-4100

AFFIDAVIT

STATE OF FLORIDA)
) SS:
COUNTY OF MONROE)

BEFORE ME, the undersigned personally appeared and, being duly sworn according to law, deposes and says as follows:

1. That Tropical Isle Resort, Inc. is the owners of 57612 Overseas Highway, Marathon, Florida, the following described property situated in the County of Monroe, State of Florida:


Crain's Subdivision PB 1-51 Grassy Key South Side of Flagler St to Ocean Pt Between Bks 53-58th, as Recorded in Plat Book 1 Page 51 of the Public Records of Monroe County, Florida

2. That they have received an Approval of Abandonment of Right-of-Way from the City of Marathon, Florida, (Resolution 2015-142, Exhibit "A") attached to this Affidavit.

3. That Exhibit "A" (Resolution 2015-142) is being recorded along with this affidavit in accordance with the instructions found in Exhibit "A."

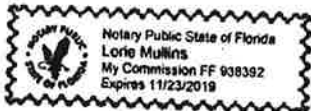
4. That the City of Marathon has received a Utility Easement (Exhibit "B") attached to this Affidavit.


5. That Exhibit "B" (Utility Easement) is being recorded along with this affidavit.



George Garrett, Planning Director
City of Marathon

SWORN TO AND SUBSCRIBED before me this 22 day of JAN, 2016, by George Garrett, as Planning Director of The City of Marathon, who is personally known to me or has produced _____ as identification.





Notary Public, State of Florida
Print Name: LORIE MULLINS
My Commission Expires: _____