

**CITY OF MARATHON, FLORIDA
RESOLUTION 2016-105**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN AMENDMENT TO THE LEASE AGREEMENT NO. 4547 WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE MANAGEMENT OF PROPERTIES WITH THE CITY OF MARATHON PURCHASED FOR THE PURPOSE OF CONSERVATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is the desire of the City Council of the City of Marathon, Florida (the "City") to acquire and to manage conservation lands within the City of Marathon for the purpose of conservation; and

WHEREAS, the State of Florida (the "State") purchases environmentally sensitive properties throughout the State (including in the City) through the Florida Forever Program; and

WHEREAS, pursuant to Resolution 2004-63 and as a condition of the State purchasing conservation lands in a municipality is that the municipality will agree to manage those properties under a lease agreement with the State; and

WHEREAS, through this Amendment to the Agreement, the State has added certain environmentally sensitive property in the City, more particularly described in sum total in Exhibit A hereto (the "Property"); and

WHEREAS, the State will be amending its lease with the City for purposes of managing these additional Properties.

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 are incorporated herein.

Section 2. The Amended Lease Agreement between the City of Marathon and The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the management of the Property, a copy of which is attached as Exhibit "A", in substantially the same terms together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved. The current List of managed properties is attached as Exhibit "B." The City Manager is authorized to execute the lease on behalf of the City.

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 15th day of November, 2016.

THE CITY OF MARATHON, FLORIDA


Dr. Daniel Zieg, Mayor

AYES: Bartus, Coldiron, Cook, Senmartin, Zieg
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

This instrument prepared by:
Jay Sircy,
Department of Environmental Protection
Bureau of Public Administration
Division of State Lands
3900 Commonwealth Blvd. MS 130
Tallahassee, Florida 32399-3000
AID# 28953

ATL1
[32.20 acres]

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA**

**AMENDMENT NUMBER TWO TO LEASE NUMBER 4547
FLORIDA KEYS ECOSYSTEM**

THIS LEASE AMENDMENT is entered into this ____ day of _____, 2016, by and between the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, hereinafter referred to as "LESSOR" and the **CITY OF MARATHON, FLORIDA**, a Florida municipal corporation, hereinafter referred to as "LESSEE";

WITNESSETH:

WHEREAS, LESSOR, by virtue of Section 253.03, Florida Statutes, holds title to certain lands and property for the use and benefit of the State of Florida; and

WHEREAS, on April 17, 2007, LESSOR and LESSEE entered into Lease Number 4547 (the "lease"); and

WHEREAS, LESSOR and LESSEE desire to amend the lease to add land to the leased premises.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The legal description of the leased premises set forth in Exhibit "A" of Lease Number 4547 is hereby amended to include the real property described in Exhibit "A" attached hereto and by reference made a part hereof.
2. It is understood and agreed by LESSOR and LESSEE that in each and every respect the terms of Lease Number 4547, except as amended, shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by LESSOR and LESSEE as of the date of this amendment.
3. It is understood and agreed by LESSOR and LESSEE that this Amendment Number Two (2) to Lease Number 4547 is hereby binding upon the parties hereto and their successors and assigns.

[Remainder of page intentionally left blank; Signature page follows]

IN WITNESS WHEREOF, the parties have caused this lease amendment to be executed on the day and year first above written.

WITNESSES:

Original Signature

Print/Type Name of Witness

Original Signature

Print/Type Name of Witness

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA**

(SEAL)

BY: _____

Cheryl C. McCall, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the
Board of Trustees of the Internal Improvement Trust Fund of the
State of Florida

"LESSOR"

**STATE OF FLORIDA
COUNTY OF LEON**

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Cheryl C. McCall, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:

 _____
DEP Attorney Date

6.5.16

Date

Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Commission/Serial No. _____

WITNESSES:

George Purcell
Original Signature

George Garrett
Typed/Printed Name of Witness

Hillary Palmer
Original Signature

Hillary Palmer
Typed/Printed Name of Witness

**CITY OF MARATHON, FLORIDA, a Florida
municipal corporation**

BY: Daniel Zieg
Dr. Daniel Zieg, Mayor

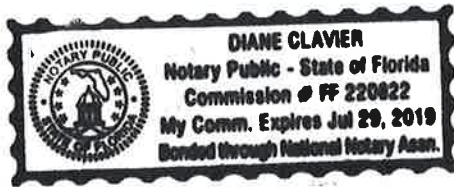
ATTEST: Diane Clavier
Diane Clavier, City Clerk

“LESSEE”

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 28 day of NOV, 2016, by Dr. Daniel Zieg as Mayor of the City of Marathon on behalf of the City Council of the City of Marathon, Florida. He is personally known to me or produced _____ as identification.



Diane Clavier
Notary Public, State of Florida

Diane Clavier
Printed, Typed or Stamped Name

My Commission Expires:

7-29-19
Commission/Serial No. FF 220822

EXHIBIT "A"

Lots 18 through 26, inclusive, Block 12, LESS the Westerly 50 feet of said Lots 18 through 26, inclusive, Block 12; Lots 1 through 9, inclusive, Block 13; Lots 1 through 9, inclusive, Block 14; all as set forth in COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lot 4, Block 18, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lot 3, Block 19, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lot 2, Block 19, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lot 12, Block 17 and Lot 1, Block 18, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lot 4, Block 16, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lots 4, 5 and 6, Block 17, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lot 15, Block 16, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lots 14 and 15, Block 13, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lots 16 through 24, inclusive, Block 13, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lot 10, Block 14, COCO PLUM BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 4, Page 166, of the Public Records of Monroe County, Florida.

Lots 1 through 6, inclusive, Block 15, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 8, Block 15, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 3, Block 14, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 1, Block 14, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 13 through 16, Block 14, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

All of Blocks 21, 43 and 46, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Block A, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

LESS:

Northeasterly 10 feet of the Southeasterly 280 feet of Block A, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

ALSO LESS: Right of Way for U.S. Highway No. 1 (Overseas Highway).

Lots 4 and 5, Block 26, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 3, Block 26, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 6, Block 26, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 16 and the South ½ of Lot 15, Block 30, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 6 through 11, Block 34, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 1, 2, 3, 12 and 14, Block 35, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

LESS AND EXCEPT those portions of Lots 1 and 14 lying within the right of way of U.S. Highway 1.

Lot 4, Block 47, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 7, Block 47, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 7 through 10, Block 49, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 3 and 4, Block 55, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 1, 2 and 3, Block 56, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 1, Block 4, Sunset Bay, according to the plat thereof recorded in Plat Book 5, Page 46 of the Public Records of Monroe County, Florida.

Lots 1 through 3 and 12 through 14, Block 17, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 10 and 11, Block 4, Sunset Bay, according to the plat thereof recorded in Plat Book 5, Page 46 of the Public Records of Monroe County, Florida.

Lots 5 and 6, Block 4, Sunset Bay, according to the plat thereof recorded in Plat Book 5, Page 46 of the Public Records of Monroe County, Florida.

Lot 7, Block 28, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 8, Block 42, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 8, Block 51, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lot 4, Block 32, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

Lots 13 and 14, Block 52, Crains Subdivision of Grassy Key, according to the plat thereof recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

RE_NO	MCPA_NAME	PUB_OWNER	OWNER_TYPE
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368100.000000	TIITF	BTIITF	State Govt.
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368070.000000	TIITF	BTIITF	State Govt.
367970.000000	TIITF	BTIITF	State Govt.
368760.000000	TIITF	BTIITF	State Govt.
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374240.000000	TIITF	BTIITF	State Govt.
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City of Marathon	65	24	33	Grassy Key	Crain's Subdivision of Grassy Key	C-NA
City of Marathon	65	24	33	Grassy Key	Crain's Subdivision of Grassy Key	C-NA
City of Marathon	65	24	33	Grassy Key	Crain's Subdivision of Grassy Key	C-NA
City of Marathon	65	24	33	Grassy Key	Crain's Subdivision of Grassy Key	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	65	24	33	Grassy Key	Crain's Subdivision of Grassy Key	ROW
City of Marathon	65	24	33	Grassy Key	Crain's Subdivision of Grassy Key	C-NA
City of Marathon	65	24	33	Grassy Key	Crain's Subdivision of Grassy Key	C-NA
City of Marathon	65	24	33	Grassy Key	Crain's Subdivision of Grassy Key	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA
City of Marathon	66	5	33	Key Vaca	Coco Plum Beach	C-NA

ZONING_2	ZONING_3	TIER	AREA	ACREAGE	CI_MANAGE
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		5	7499.734	0.172	1.2
		5	10625.017	0.244	1.2
		5	7499.781	0.172	1.2
		5	7500.000	0.172	1.2
		5	7500.180	0.172	1.2
		5	7500.000	0.172	1.2
		5	7500.094	0.172	1.2
		5	7499.914	0.172	1.2
		5	7499.734	0.172	1.2
		5	7500.094	0.172	1.2
		5	7499.734	0.172	1.2
		5	7500.094	0.172	1.2
		5	7499.751	0.172	1.2
		5	7499.820	0.172	1.2
		5	7500.141	0.172	1.2
		5	7500.180	0.172	1.2
		5	7499.781	0.172	1.2
		5	5999.913	0.138	1.2
		5	5999.913	0.138	1.2
		5	7500.000	0.172	1.2
		5	7800.150	0.179	1.2
		5	7664.181	0.176	1.2
		5	7499.931	0.172	1.2
		5	7499.961	0.172	1.2
		5	7500.000	0.172	1.2
		5	7499.734	0.172	1.2
		5	7499.850	0.172	1.2
		5	500.033	0.011	1.2
		5	7800.002	0.179	1.2
		5	7500.000	0.172	1.2
		5	7800.160	0.179	1.2
		5	6899.911	0.158	1.2
		5	7500.180	0.172	1.2
		5	7500.000	0.172	1.2

5	7500.141	0.172	1.2
5	500.036	0.011	1.2
5	5116.977	0.117	1.2
5	6900.002	0.158	1.2
5	7499.820	0.172	1.2
5	7500.000	0.172	1.2
5	7500.180	0.172	1.2
5	7499.820	0.172	1.2
5	7499.781	0.172	1.2
5	7499.901	0.172	1.2
5	6900.094	0.158	1.2
5	7800.095	0.179	1.2
5	7500.000	0.172	1.2
5	500.030	0.011	1.2
5	500.030	0.011	1.2
5	7499.781	0.172	1.2
5	6000.001	0.138	1.2
5	6000.009	0.138	1.2
5	6000.057	0.138	1.2
5	7500.141	0.172	1.2
5	7499.781	0.172	1.2
5	7500.141	0.172	1.2
5	6600.067	0.152	1.2
5	6600.128	0.152	1.2
5	6600.010	0.152	1.2
5	7500.180	0.172	1.2
5	6600.071	0.152	1.2
5	6600.128	0.152	1.2
5	12099.999	0.278	1.2
5	12100.056	0.278	1.2
5	12099.998	0.278	1.2
5	16062.021	0.369	1.2
5	12100.168	0.278	1.2
5	21602.318	0.496	1.2
5	12100.167	0.278	1.2
5	12100.054	0.278	1.2
5	12100.056	0.278	1.2
5	12099.943	0.278	1.2
5	16009.548	0.368	1.2
5	12100.056	0.278	1.2
5	13871.407	0.318	1.2
5	12100.056	0.278	1.2
5	19362.700	0.445	1.2
5	20267.626	0.465	1.2
5	12100.056	0.278	1.2
5	12100.110	0.278	1.2
5	22686.798	0.521	1.2

5	12099.999	0.278	1.2
5	12099.886	0.278	1.2
5	20267.622	0.465	1.2
5	12100.056	0.278	1.2
5	8322.256	0.191	1.2
5	12099.998	0.278	1.2
5	12100.056	0.278	1.2
5	12100.056	0.278	1.2
5	17161.965	0.394	1.2
5	12100.055	0.278	1.2
5	12099.943	0.278	1.2
5	12100.056	0.278	1.2
5	22338.547	0.513	1.2
5	7500.228	0.172	1.2
5	12099.943	0.278	1.2
5	62203.648	1.428	1.2
5	7499.820	0.172	1.2
5	7499.961	0.172	1.2
5	7500.180	0.172	1.2
5	7499.914	0.172	1.2
5	7499.734	0.172	1.2
5	7499.751	0.172	1.2
5	7499.914	0.172	1.2
5	7499.961	0.172	1.2
5	7499.820	0.172	1.2
5	7335.530	0.168	1.2
5	7500.180	0.172	1.2
5	7500.030	0.172	1.2
5	7499.914	0.172	1.2
5	7499.931	0.172	1.2
5	7500.000	0.172	1.2
5	7499.751	0.172	1.2
5	7500.077	0.172	1.2
5	7500.000	0.172	1.2
5	7500.141	0.172	1.2
5	7499.914	0.172	1.2
5	7500.180	0.172	1.2
5	7500.000	0.172	1.2
5	7499.961	0.172	1.2
5	7499.914	0.172	1.2
5	7499.914	0.172	1.2
5	7500.077	0.172	1.2
5	7465.682	0.171	1.2
5	7499.961	0.172	1.2
5	7500.000	0.172	1.2
5	7500.000	0.172	1.2
5	7100.007	0.163	1.2

5	7500.094	0.172	1.2
5	7500.180	0.172	1.2
5	7499.961	0.172	1.2
5	7499.931	0.172	1.2
5	12099.998	0.278	1.2
5	6600.128	0.152	1.2
5	6599.976	0.152	1.2
5	6600.015	0.152	1.2
5	12100.054	0.278	1.2
5	12100.110	0.278	1.2
5	12100.110	0.278	1.2
5	12100.054	0.278	1.2
5	500.036	0.011	1.2
5	7499.914	0.172	1.2
5	7500.000	0.172	1.2
5	7499.814	0.172	1.2
5	12100.056	0.278	1.2
5	12100.056	0.278	1.2
5	12100.056	0.278	1.2