

**CITY OF MARATHON, FLORIDA
RESOLUTION 2016-111**

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, APPROVING SUBJECT TO CONDITIONS A REQUEST TO THE CITY COUNCIL OF THE CITY OF MARATHON BY RONALD J. AND RONALD G. KONRATH, TO ABANDON A PORTION OF A PUBLIC RIGHT-OF-WAY, SUBJECT TO THE REVERSIONARY PROVISIONS OF SECTION 26-3 (C) (2), "REVERSIONARY PROVISIONS OF PLAT" FOR PROPERTY LOCATED ON WESTER ROAD IN MEADS SUBDIVISION, WEST OF 43RD ST, DESCRIBED AS PART OF MEAD LANE ADJACENT TO AND WEST OF LOTS 1, 2, 3, 4, & 5, BLOCK 1, MEAD SUBDIVISION, PLAT BOOK 2, PAGE 115, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER OO327690-000000. NEAREST MILE MARKER 49.5; 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 on Mead Lane (a.k.a. Wester Road) in Meads Subdivision, West of 43rd St, Described as Part of Mead Lane adjacent to and West of Lots 1, 2, 3, 4, & 5, Block 1, Mead Subdivision Plat Book 2, Page 115 as legally described in Exhibit "A; and

WHEREAS, Ronald J. and Ronald G. Konrath (the "Petitioner"), has filed a petition with the City of Marathon, Florida (the "City"), for abandonment of a portion of Mead Lane in accordance with Chapter 26, Article 1, Abandonment of Right-Of-Way," of the City Code; and

WHEREAS, pursuant to Section 26-4, said Petitioner did petition to abandon a portion of Mead Lane, a Right-Of-Way within Mead Subdivision; and

WHEREAS, the City's Technical Review Committee did consider the petition made by the petitioner in accordance with provisions of Section 26-7 of the City Code of Ordinance, determining that the City no longer required the ROW in question pursuant to a review of Conditions set out in Section 26-7, (2), Review Criteria, particularly:

- a. Whether the proposed abandonment will adversely affect the operations and functions of the City;
- b. Whether the proposed abandonment will adversely affect public access to and from the water;
- c. Whether the proposed abandonment will adversely affect pedestrian or vehicular traffic, or the commercial viability of business within 300 feet of the right-of-way to be abandoned;
- d. Whether the proposed abandonment will adversely affect a public view corridor;

- e. Whether the proposed abandonment will deprive other property owners of access to and from their property; and
- f. Whether the proposed abandonment will interfere with utility services being provided, or unreasonably affect any utility easement.

to wit, on each criterion, the answer was, “no;” and

WHEREAS, the City Council pursuant to a properly noticed public hearing held on December 13, 2016, find that the Right-of-Way subject to the request is not needed and may be abandoned with conditions, but without adversely affecting the public interest; and

WHEREAS, the Right-of-Way lies wholly within the corporate boundaries of the City and entirely within Mead Subdivision; and

WHEREAS, the City further determines that the ROW in question is subject to the reversionary provisions of Section 26-3 (2) b., “Reversionary Provisions of Plat;” and

WHEREAS, subject to the Reversionary provisions of Mead Subdivision which read as follows:

“Know All Men By These Presents –

That W. A. Parrish and Mary E. Parrish, his wife, have caused to be made the attached plat of MEAD SUBDIVISION as indicated and described.

That the avenue, street, and lane shown on the attached plat are hereby dedicated to the perpetual use of the public for proper purposes reserving to ourselves, our heirs, executors, or assigns, the reversion or reversions thereof whenever discontinued by law.”

; and

WHEREAS, there is an objector, not a part of Mead Subdivision, to which the reversionary clause of the plat does not inure, nonetheless, a supermajority vote is necessary to approve said abandonment, pursuant to Section 26-3, “General Provisions;” and

WHEREAS, said affirmative vote on this matter was granted by a super majority vote of the Council; and

WHEREAS, 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 meets all of the requirements of Chapter 26 of the City Code for the abandonment of the Right-of-Way’

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 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 applicant placing a utility easement across the entire area which is the subject of the requested abandonment. The easement must provide for all existing facilities, wherein:

1. The Petitioner shall provide to the City, an original survey as represented in "Exhibit A."
2. The Petitioner must concurrently grant to the City and Utility Providers an irrevocable non-exclusive utility easement, the form and content of which shall be approved by the City Attorney, on and under all of the abandoned R-O-W. The Applicants shall be responsible for all costs incurred in recording the utility easement in the public records of Monroe County, Florida.
3. Applicant has agreed to construct a wall between the western-most side of the ROW approved for abandonment and the contiguous property to the west.
4. Said conditions, except condition 3 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 of 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 10TH DAY OF JANUARY, 2017.

THE CITY OF MARATHON, FLORIDA


Dr. Daniel Zieg, Mayor

AYES: Cook, Coldiron, Bartus, Zieg
NOES: Senmartin
ABSENT: None
ABSTAIN: None

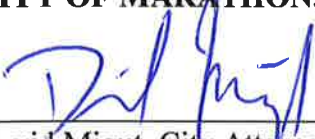
ATTEST:



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

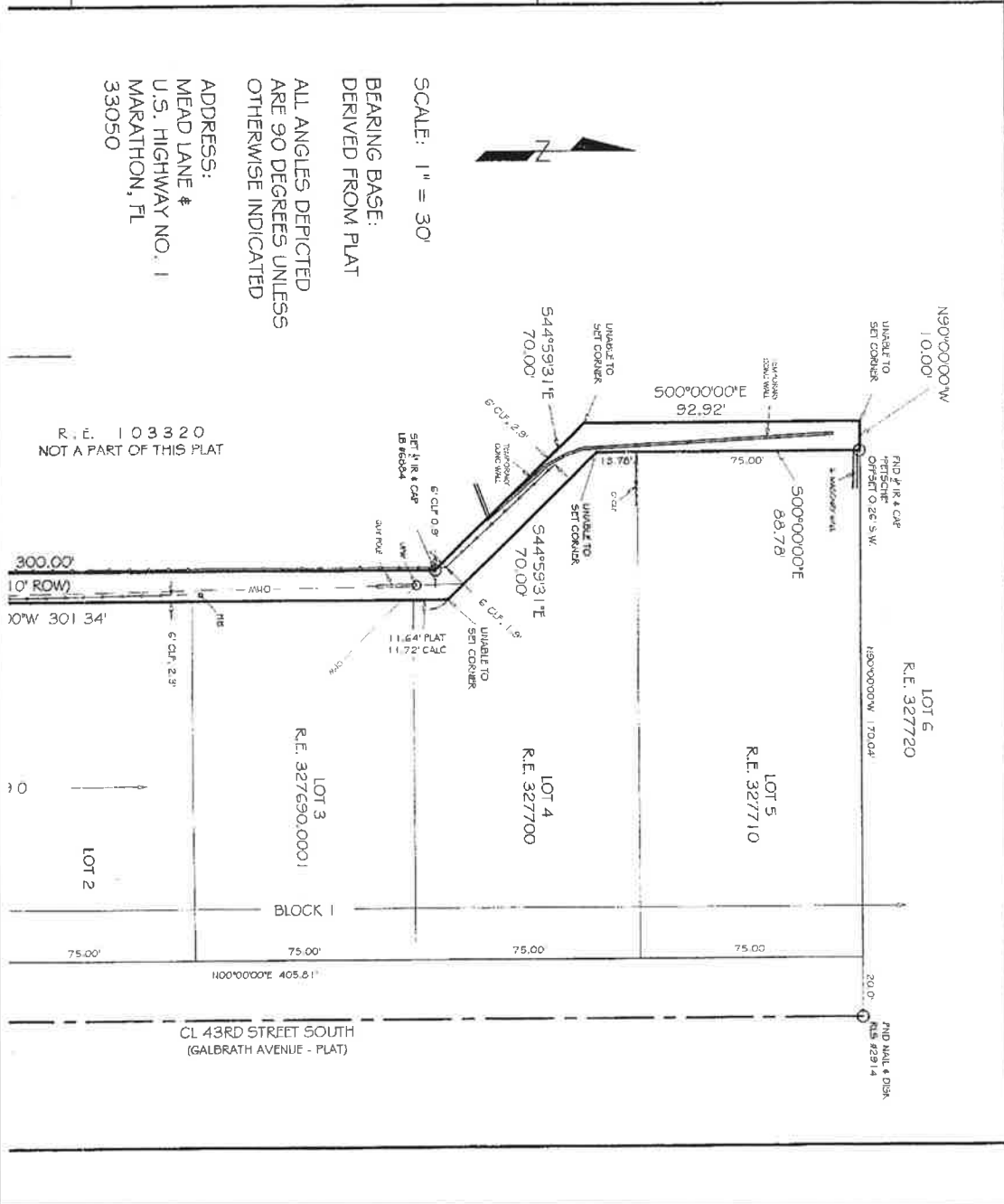
DATE	11-20
CASE NO.	2021901
FILE NO.	7021901
DATE	11-20
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DATE	11-20
FILE NO.	7021901

I, *R. F. Reece*, being duly sworn, depose and say that I am the author of the foregoing plat, and that the same is a true and correct copy of the original plat as the same was made and filed with me, and that I am a duly licensed and qualified Professional Surveyor and Mapper in the State of Florida.

R. F. REECE, P.A.
 PROFESSIONAL SURVEYOR AND MAPPER
 30364 QUAL ROOST TRAIL, BIG PINE KEY, FL 33043
 OFFICE (305) 872-1348
 FAX (305) 872-5622

LEGAL DESCRIPTION - New York authorized by the undersigned
 that part of Mead Lane adjacent to and West of Lots 1, 2, 3, 4 & 5, Block 1, MEAD SUBDIVISION, according to the Plat hereof as recorded in Plat Book 2, Page 115, of the Public Records of Monroe County, Florida.

CERTIFIED TO - RONALD KONRATH



SCALE: 1" = 30'
 BEARING BASE:
 DERIVED FROM PLAT
 ALL ANGLES, DEPICTED
 ARE 90 DEGREES UNLESS
 OTHERWISE INDICATED
 ADDRESS:
 MEAD LANE &
 U.S. HIGHWAY NO. 1
 MARATHON, FL
 33050

R. E. 103320
 NOT A PART OF THIS PLAT