

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA
RESOLUTION 2016-115**

A RESOLUTION OF THE CITY OF MARATHON CORRECTING ERRORS AND OMISSIONS IN THE “WHEREAS” CLAUSES OF RESOLUTION 2016-49; SAID CORRECTIONS MAKING NO CHANGES TO THE CONDITIONS OF THE FINAL PLAT APPROVAL GRANTED PURSUANT TO RESOLUTION 2016-49; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, factual errors and omissions were discovered in resolution 2016-49; and

WHEREAS, said errors and omissions are not substantive and make no change to the conditions of approval pursuant to the original approval of Resolution 2016-49; and

WHEREAS, it is the desire of the City of Marathon to clarify the facts provided in the “Whereas” clauses which formed the basis of the staff review of the plat and the review and approval of the plat by the City Council;

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 hereby approves Resolution 2016-115, approving corrections as errors and omissions found in Resolution 2016-49, a revised copy of which is attached 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 13th DAY OF DECEMBER, 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

EXHIBIT A

**Revised version of Resolution 2016-49
Underline & Strikethrough**

CITY OF MARATHON, FLORIDA
RESOLUTION 2016-49

A RESOLUTION OF THE CITY OF MARATHON APPROVING THE REQUEST FOR A FINAL RE-PLAT, AS SUBMITTED BY SEASONS 16, LLC (FORMERLY SERVAIS & SWEENEY PROPERTY COMPANY 1, LLC.), PURSUANT TO CHAPTER 102, ARTICLES 10 AND 12 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED "PLATTING," AND "SUBDIVISION REGULATIONS" RESPECTIVELY; FOR A PORTION OF THE SOMBRERO PROPERTIES; THE RE-PLAT TO CONSIST OF THIRTEEN (13) LOTS, INCLUDING EIGHT (8) DUPLEX LOTS, TWO (2) SINGLE FAMILY LOTS, ONE (1) LOT FOR STORMWATER MANAGEMENT LOT, ONE (1) COMMON AREA POOL LOT, AND ONE (1) LOT FOR ROAD ACCESS ~~FOURTEEN (14) LOTS, INCLUDING TEN (10) SINGLE FAMILY RESIDENTIAL LOTS CONFIGURED AS FIVE DUPLEX UNITS, A BOAT AND VEHICLE STORAGE LOT, A STORMWATER STORAGE LOT, A COMMON AREA LOT FOR A POOL OR SIMILAR AMENITY, AND A PRIVATE WATER ACCESS LOT;~~ FOR A PORTION OF THE SOMBRERO PROPERTIES, WHICH IS DESCRIBED AS THE SOMBRERO PROPERTIES BOOT KEY PB5-101 PT PARCEL 5-G & PT PARCEL 6A, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00355300-000000; PROVIDING FOR THE RECORDATION OF A DECLARATION OF RESTRICTIVE COVENANTS ASSOCIATED WITH THE APPROVAL OF SAID FINAL RE-PLAT DOCUMENTS; AND PROVIDING FOR AUTHORIZING FINAL SIGNATURE AND RECORDATION OF ALL FINAL PLAT DOCUMENTS.

WHEREAS, Seasons 16, LLC. (formerly Servais & Sweeney Company 1, LLC.) was approved for a Conditional Use Permit on October 13, 2015 pursuant to Resolution 2015-115 which provided for the development of five (5) duplex units, a boat and/or vehicle storage area, a stormwater management area, and access to the adjacent canal; and

WHEREAS, Seasons 16, LLC. (formerly Servais & Sweeney Company 1, LLC.) applied for a re-plat of the same property on March 8, 2016 which provided for the development of thirteen (13) lots, including eight (8) duplex lots, two (2) single family lots, one (1) lot for stormwater management lot, one (1) common area pool lot, and one (1) lot for road access ; and

WHEREAS, on the 16th day of May, 2016 the Planning Commission reviewed the application and staff report concerning the proposed re-Plat, accepted public comment and based on the conditions outlined in the staff report, provided a recommendation of conditional approval for the proposed re-Plat; and

WHEREAS, on the 24th day of May, 2016 the City Council (the “Council”) reviewed the Applicant’s proposal finding that the final Re-plat documents were compliant with the terms of Chapter 177, Florida Statutes and the Chapter 102, Articles 10 and 12 of the City LDR’s; and

WHEREAS, due process was afforded to the parties, the essential requirements of law were adhered to and competent and substantial evidence was presented, the Council voted to approve the Final Re-Plat; and

WHEREAS, the purpose of the Final Plat assures that Seasons 16, LLC. (formerly Servais & Sweeney Company 1, LLC.) has complied with all subdivision and plat filing requirements of Chapter 103, Articles 10 and 12 and Florida Statutes Chapter 177.

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 final plat, an unsigned copy of which is attached hereto as Exhibit “A”, is hereby approved for signature and recordation and otherwise has complied with or must meet all conditions of the re-Plat as follows:

1. The final plat shall include language regarding owner-signed consent and acknowledgement for all future wastewater and stormwater assessment to the property. Wastewater assessments shall be due upon completion of all required wastewater improvements to the property pursuant to condition 2 below.
2. As part of the plat documents, there shall be an acknowledgement of the fact that the ten (10) building lots are designed for construction of duplex residential units. A party wall agreement shall be required as part of the plat which is deemed sufficient and acceptable by the City Attorney to be thus approved as part of the replat.
3. Prior to final plat, the Applicant will be required to provide construction plans for the adequate provision of water, wastewater, and other utility of connection points for each lot thus subdivided as appropriate to the purpose of the lot. Said construction plans shall be approved by all necessary approval agencies. Within six months of approval of the final plat, all utilities improvements shall be made, be in place, and be approved by all necessary inspecting agencies. Pursuant to Chapter 102, Article 12, “Subdivision Regulations,” Section 102.70, “Improvement Guarantee” and an improvement guarantee shall be made in favor of the City. The guarantee may be made in several forms pursuant to the Section and shall only be released by the City at such time that all improvements are complete and deemed to be adequate by all necessary inspecting agencies.
4. As a part of the final plat documents, the Applicant is required to identify each lot for its purpose; building lot, trailer (or other) storage lot, recreation facilities (pool), or water access. Such documents shall provide a breakdown of the total area of each lot and shall further indicate that under current zoning law and allowed densities, that the subdivision may not be further subdivided, in whole or in part.

5. The plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations.
6. The Applicant shall finalize dimensions of the proposed stormwater area as part of the final plat approval and shall within six months of the final plat approval affect any necessary improvements to create the stormwater system as approved by the City
7. Prior to final plat approval, the Applicant must provide the location of all protected trees within the subdivision, the limits of open space / buildable area based on required setbacks, buffer requirements, and stormwater easement areas.
8. To the extent practicable, the Applicant shall be required to protect, transplant or mitigate the proposed loss of any trees to be located within conceptual building areas in accordance with the standards established in Chapter 6, Article 2 of the City of Marathon Land Development Regulations (LDRs). Such mitigation shall be replaced in the Project Boundary Buffer area required under Chapter 107, Article 8.
9. Plans for such protection, transplantation, and/or mitigation shall be submitted to the City for approval prior to the final plat approval. Such plans shall take into account all safety issues raised and validated concerning ingress and egress across the bike path and onto Sombrero Beach Road. As approved such plans shall be implemented within after the approval of the final plat approval.
10. A pre-cast driveway (or other structures approved by the City) which bridge the City's drainage swale shall be designed in such a way that they will not limit the volume capacity of the swale. Driveways shall not destroy or disrupt the integrity of the existing City maintained bike path. If repaving of the bike path is found to be necessary, it shall be the Applicant's responsibility to re-pave the entire length along their frontage so as to create no interruptions in bike path pavement. The driveway shall be installed within six (6) months of the final plat approval and shall be a part of the improvement guarantees noted in Condition 2 above.
11. Clear sight triangles and safety signage or other appropriate safety features shall be provided as part of driveway improvements. As with the driveway improvements, these features shall be provided within six (6) months after final plat approval.
12. The Applicant is required to install underground utility improvements to each property at the same time that the driveway improvements such that potential disruptions of traffic flow on Sombrero Beach Road are minimized.
13. All conditions of the previously issued Conditional Use Permit must be met before or coincident with required plat improvements as appropriate.

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

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12th DAY OF JULY, 2016.

THE CITY OF MARATHON, FLORIDA

Dr. Daniel Zieg ~~Mark Senmartin~~, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

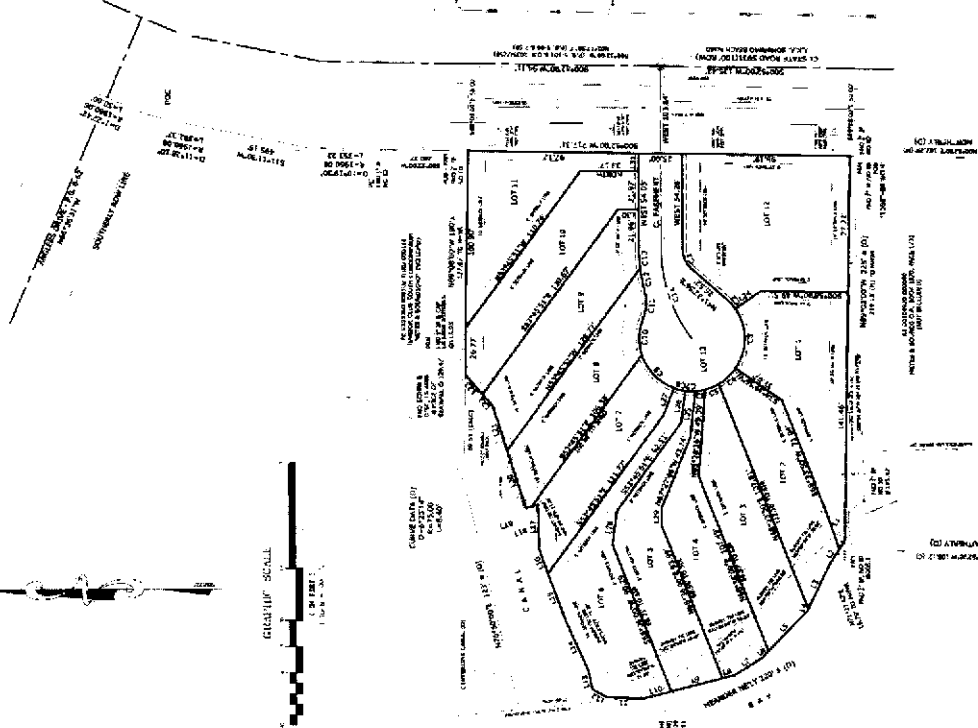
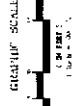
(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

David Migut, City Attorney

THE RESERVE AT SOMBRERO

LOCATED IN SECTION 15, TOWNSHIP 68 SOUTH, RANGE 32 EAST
CITY OF MARATHON, BOOT KEY, MONROE COUNTY, FLORIDA
JUNE, 2016



LINE NO.	BEARING	DISTANCE	AREA
1	N 89° 15' 00" W	15.00	1.50
2	S 89° 15' 00" E	15.00	1.50
3	N 0° 00' 00" E	15.00	1.50
4	S 0° 00' 00" W	15.00	1.50
5	N 89° 15' 00" W	15.00	1.50
6	S 89° 15' 00" E	15.00	1.50
7	N 0° 00' 00" E	15.00	1.50
8	S 0° 00' 00" W	15.00	1.50
9	N 89° 15' 00" W	15.00	1.50
10	S 89° 15' 00" E	15.00	1.50
11	N 0° 00' 00" E	15.00	1.50
12	S 0° 00' 00" W	15.00	1.50
13	N 89° 15' 00" W	15.00	1.50
14	S 89° 15' 00" E	15.00	1.50
15	N 0° 00' 00" E	15.00	1.50
16	S 0° 00' 00" W	15.00	1.50
17	N 89° 15' 00" W	15.00	1.50
18	S 89° 15' 00" E	15.00	1.50
19	N 0° 00' 00" E	15.00	1.50
20	S 0° 00' 00" W	15.00	1.50
21	N 89° 15' 00" W	15.00	1.50
22	S 89° 15' 00" E	15.00	1.50

LINE NO.	BEARING	DISTANCE	AREA
1	N 89° 15' 00" W	15.00	1.50
2	S 89° 15' 00" E	15.00	1.50
3	N 0° 00' 00" E	15.00	1.50
4	S 0° 00' 00" W	15.00	1.50
5	N 89° 15' 00" W	15.00	1.50
6	S 89° 15' 00" E	15.00	1.50
7	N 0° 00' 00" E	15.00	1.50
8	S 0° 00' 00" W	15.00	1.50
9	N 89° 15' 00" W	15.00	1.50
10	S 89° 15' 00" E	15.00	1.50
11	N 0° 00' 00" E	15.00	1.50
12	S 0° 00' 00" W	15.00	1.50
13	N 89° 15' 00" W	15.00	1.50
14	S 89° 15' 00" E	15.00	1.50
15	N 0° 00' 00" E	15.00	1.50
16	S 0° 00' 00" W	15.00	1.50
17	N 89° 15' 00" W	15.00	1.50
18	S 89° 15' 00" E	15.00	1.50
19	N 0° 00' 00" E	15.00	1.50
20	S 0° 00' 00" W	15.00	1.50
21	N 89° 15' 00" W	15.00	1.50
22	S 89° 15' 00" E	15.00	1.50

LEGEND:
 1. CONTOUR LINES
 2. EXISTING BUILDINGS
 3. EXISTING DRIVEWAYS
 4. EXISTING UTILITIES
 5. EXISTING EASEMENTS
 6. EXISTING PROPERTY LINES
 7. EXISTING SURVEY DATA
 8. EXISTING SURVEY POINTS
 9. EXISTING SURVEY MARKERS
 10. EXISTING SURVEY MONUMENTS
 11. EXISTING SURVEY INSTRUMENTS
 12. EXISTING SURVEY RECORDS
 13. EXISTING SURVEY PLANS
 14. EXISTING SURVEY MAPS
 15. EXISTING SURVEY DOCUMENTS
 16. EXISTING SURVEY DATA SHEETS
 17. EXISTING SURVEY FIELD NOTES
 18. EXISTING SURVEY CALCULATIONS
 19. EXISTING SURVEY DRAWINGS
 20. EXISTING SURVEY PHOTOGRAPHS
 21. EXISTING SURVEY VIDEOS
 22. EXISTING SURVEY RECORDS

PROFESSIONAL CERTIFICATE
 I, ROBERT E. REECE, P.S.M.,
 A PROFESSIONAL SURVEYOR,
 DO HEREBY CERTIFY THAT THE
 SURVEY DATA AND ACCOMPANYING
 INSTRUMENTS, PLANS AND
 RECORDS SUBMITTED TO ME
 FOR THE PURPOSES OF THIS
 CERTIFICATE ARE TRUE AND
 CORRECT TO THE BEST OF MY
 KNOWLEDGE AND BELIEF.
 ROBERT E. REECE, P.S.M.
 137 HIGHLAND AVE., SUITE 101
 MARATHON, FLORIDA 33907
 PHONE (888) 877-1384
 FAX (888) 877-1387

REECE & ASSOCIATES
 PROFESSIONAL SURVEYORS AND MAPPING
 137 HIGHLAND AVE., SUITE 101
 MARATHON, FLORIDA 33907
 PHONE (888) 877-1384
 FAX (888) 877-1387

DATE