Sponsored by: Zieg

### CITY OF MARATHON, FLORIDA RESOLUTION NO. 2016-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON. FLORIDA, NOMINATING PROPERTY FOR ACQUISITION AND FOR PURCHASE BY THE MONROE COUNTY COMPREHENSIVE **PLAN** LAND AUTHORITY (MCLA) RECREATION AND CONSERVATION LAND: **ACKNOWLEDGING** THAT THE PROPERTY IS TO BE LEASED TO THE FLORIDA KEYS LAND AND SEA TRUST (FKLST); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the FDOT ROW (approximately 1,350' X 30') in front of Crane Point Hammock (See Exhibits 1, 2 & A) consist of recreational and environmentally sensitive land located within the City's municipal boundary; and

WHEREAS, purchase of the subject property (FDOT ROW – Approx. 1,350' X 30') as recreation and conservation land is consistent with the policies of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the property owner, the Florida Department of Transportation, has agreed to sell the subject property to the City through the MCLA for the purposes of fulfilling their mission toward protection of remaining environmental sensitive land and environmental education in the Florida Keys; and

WHEREAS; the City requests that the MCLA provide assistance to the City in a purchase of the property, conveyance to the City and subsequent lease to the FKLST in furtherance of its mission; and

WHEREAS, said assistance would be a purchase of approximately \$125,000.

# 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 nominates the subject property (FDOT ROW Approx. 1,350' X 30' or 40,500 sq. ft.) for purchase within the jurisdictional boundaries of the City of Marathon. See Exhibits 1, 2 & A.
- **Section 3.** Said purchase by the MCLA will be a purchase and conveyance to the City and subsequent lease to the FKLST.
  - **Section 4.** This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS  $13^{\rm TH}$  DAY OF DECEMBER 2016.

# THE CITY OF MARATHON, FLORIDA

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

Florida Keys Land & Seas Trust Crane Point Hammock

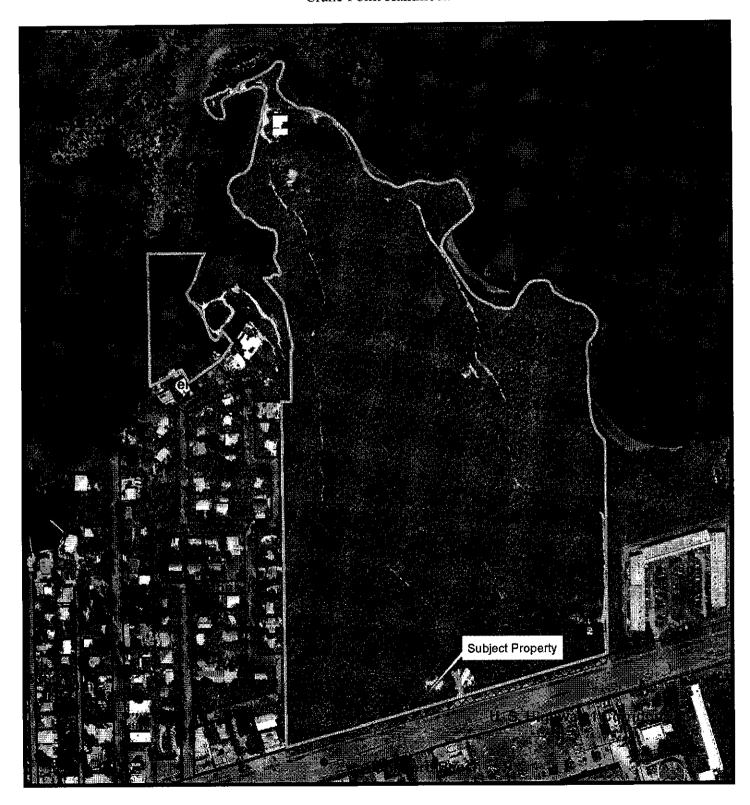
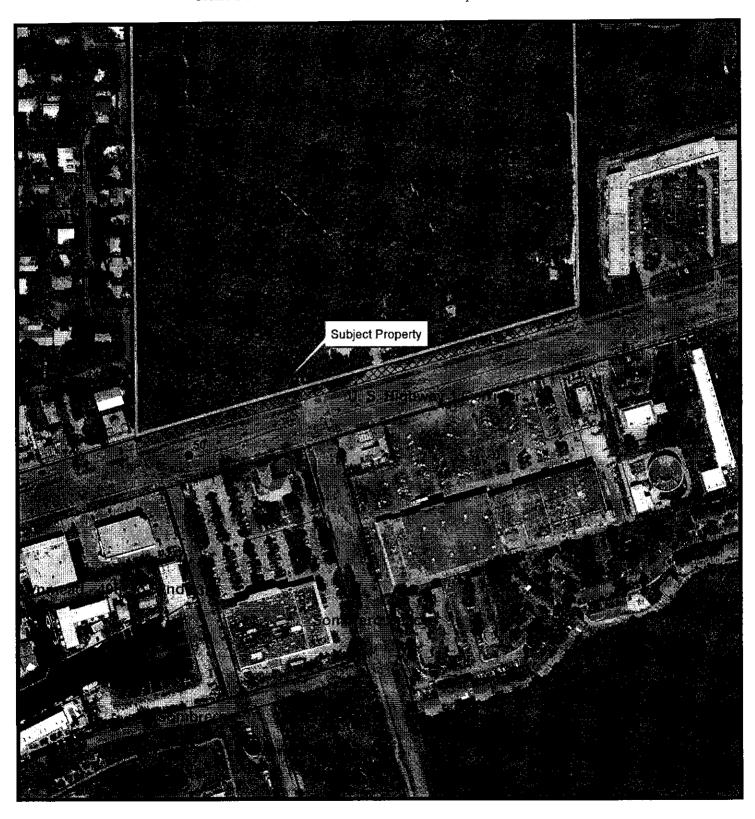


EXHIBIT 2
Florida Keys Land & Seas Trust
Crane Point Hammock – FDOT ROW Acquisition Area



#### EXHIBIT LEGAL DESCRIPTION

A STRIP OF LAND BEING A PORTION OF GOVERNMENT LOT 2, SECTION 11, TOWNSHIP 66 SOUTH, RANGE 32 EAST, ON KEY VACA, MONROE COUNTY, FLORIDA, BEING A PORTION OF THE RIGHT OF WAY OF STATE ROAD NO. 5 (U.S. 1) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 90040-2508, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID SECTION 11, ACCORDING TO THE PLAT OF CRANE HAMMOCK SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 51 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, WITH THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 5 (U.S. 1), THENCE NORTH 73 DEGREES 48 MINUTES 37 SECONDS EAST, ALONG THE PREVIOUSLY DESCRIBED RIGHT OF WAY LINE, FOR 543.39 FEET, TO THE EAST LINE OF SAID CRANE HAMMOCK SUBDIVISION AND THE POINT OF BEGINNING OF THE STRIP OF LAND HEREINAFTER DESCRIBED, THENCE CONTINUE BEARING NORTH 73 DEGREES 48 MINUTES 37 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, FOR 1371.57 FEET, TO THE EAST LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1077, PAGE 0437 OF SAID PUBLIC RECORDS; THENCE DEPARTING SAID RIGHT OF WAY LINE, BEAR SOUTH 00 DEGREES 31 MINUTES 23 SECONDS EAST, ALONG THE SOUTHERLY PROJECTION OF SAID EAST LINE, FOR 36.35 FEBT TO A POINT ON A LINE PARALLEL WITH AND 35.00 FEET SOUTHERLY OF (AS MEASURED AT RIGHT ANGLES TO) SAID NORTHERLY RIGHT OF WAY LINE; THENCE BEAR SOUTH 73 DEGREES 48 MINUTES 37 SECONDS WEST, PARALLEL TO SAID NORTHERLY RIGHT OF WAY LINE, FOR 1371.57 FEET, TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID CRANE HAMMOCK SUBDIVISION; THENCE NORTH 00 DEGREES 31 MINUTES 11 SECONDS WEST, FOR 36.35 FEET, BACK TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 48,004.988, PLUS OR MINUS, SQUARE FOOT (1.102 ACRES, MORE OR LESS). RESERVING A 16 FOOT EASEMENT TO THE GRANTOR FOR PUBLIC PURPOSE USE ALONG THE SOUTHERLY 16 FOOT (MEASURED AT RIGHT ANGLES) OF THE ABOVE DESCRIBED STRIP OF LAND.

This certifies that a survey of the above prepared description was made under my supervision and the survey of the above the property of the survey of the s

N PAUL GRIMES U. S. & M. NO. 4906
VALID WITHOUT SIGNATURE & OPIGHIAL RAISED SEAL
SKETCH IS NOT ASSIGNABLE
SKETCH SUBJECT TO A TITLE SEARCH P.N.

P.N. 070708 JG GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER BOX 5:0003 #14 6th STREET COLONY 9EACH, FL. 33051-0403 (305) 743-4510 FAX (305) 743-3277

FOR THE BENEFIT OF FLORIDA KEYS LAND AND SEA TRUST, INC. FLORIDA DEPARTMENT OF TRANSPORTATION DEVANE AND DORL P.A. DEVANE AND DORL PA. ATTORNEYS' LITLE INSURANCE FUND, INC CHICAGO TITLE INSURANCE COMPANY

SECTION 1) 56-32 KEY VACA

NOT VALID WITHOUT ALL 6 SHEETS

FLORIDA DEPARTMENT OF TRANSPORTATION FLORIDA DEPARTMENT OF TRA DISTRICT SIX ITEM/SEGMENT NO 4152302 STATE JOB NO 90040-2 STATE JOB NO N/A STATE ROAD NO. 5.(1) S. 1)(E COUNTY: MONROE, MM 50 PARCEL NO. RWMS 694 90040-2508

1)(BAYS/DE)

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE SHEET 1 OF 6



RICK SCOTT GOVERNOR 1000 NW 111<sup>th</sup> Avenue Miami, Florida 33172

JIM BOXOLD SECRETARY

June 1, 2016

Charlotte Quinn Chief Operating Officer Florida Keys Land & Sea Trust 5550 Overseas Highway Marathon, Florida 33050

Subject: Offer to Sell Florida Department of Transportation Property

Applicant

: Florida Keys Land & Sea Trust

Item/Seg No.

: 4152302 : 90040-2508

Sect/Job No. SR No.

: 5, (US 1 Overseas Highway)

County

: Monroe (MM 50)

Parcel No.

: RWMS No. 694

Dear Ms. Quinn.

This is to confirm our recent telephone conversation regarding the sale of the right of way known as Parcel 694 located along the south boundary of the Florida Keys Land & Sea Trust property at MM 50.

The parcel size to be sold is approximately 35 feet (depth) x 1372 feet (long) or 48,020 square feet. Of this, linear parcel 16 feet immediately abutting Overseas Highway is for the heritage trail, bike path, drainage or any future transportation use. This is what we had agreed with the Trust in prior negotiations and will be reserved by way of an easement in the deed.

The Department is willing to sell Parcel 694 to the Florida Keys Land and Sea Trust, as the abutting property owner, for a purchase price of \$125,000 plus recording fees and stamp duty. Parcel 694 is described on the attached sketch and legal description which will be attached to the deed.

We understand that the Trust needs some time to obtain board approval and make the necessary funding arrangements for the purchase which may take longer than would normally be expected and has asked for a period of six months to do so. Accordingly, the Department is willing to hold this offer and price open until November 30, 2016.

www.dot.state.fl.us



Ms. Charlotte Quinn Page two

We have also taken into consideration that the Trust is cooperating with the Department in clearing a cloud on title to a parcel of land in Key West which is part of an existing transportation project and is needed by the Department to enable the project to move forward.

The prior sale of Parcel 694 was conditional on an Access Permit application for a driveway connection to US 1 and completion of the enclosed Property Ownership Affidavit. This latter form is to confirm the current ownership since the sale from FDOT is to the abutting owner, we will need it prior to the closing.

If you should have any questions, please do not hesitate to contact me.

Sinolerely

W.E./Reuben

Deputy District R/W Manager Operations

Cc: Tania Shagoury Kyle Thompson

Florida Land & Sea Trust Ltr.

www.dot.state.fl.us

# Property Ownership Affidavit

Perso	onally appeared before me, the undersigned	duly authorized to administer oaths and	take acknowledgements
as fo	llows:	, who after being duly sworn and	cautioned, depose and say
1.	That	is/are the owner/s of reco as recor- under Official Records	rd of real property. legal ded in the public records Page Number/s
2.	aforementioned property on the date of ginterests for surplus right of way Parcel N	·	
3.	Should ownership change Property Management's Division forthwite	h. will	notify the Department's
IN W	ITNESS WHEREOF, the undersigned has ndersigned witnesses.	hereunto signed and sealed this	in the presence of
Signature of Witness		Signature of Affiant	
Print Name		Print Name	
Signature of Witness		Signature of Affiant •	
Print Name		Print Name	
	TE OF FLORIDA)	******************	*********
	NTY OF)		
ne or mowr	hy certify that on this day, before me, an owledgements, personally appeared who has/have produced to be the person/s described in and who executed the same for the put	who is/a as identification and who (did	re personally known to
WITN ———	NESS my hand and official seal in the Country 2016.	unty and State last aforesaid, this	day of
My co	mmission expires on:		
		(SEAL) Notary Public	7/2

PM/007 (October 01)

## EXHIBIT "A"

LEGAL DESCRIPTION

A STRIP OF LAND BEING A PORTION OF GOVERNMENT LOT 2, SECTION 11, TOWNSHIP 66 SOUTH, RANGE 32 EAST, ON KEY VACA, MONROE COUNTY, FLORIDA, BEING A PORTION OF THE RIGHT OF WAY OF STATE ROAD NO. 5 (U.S. 1) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 90040-2508, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID SECTION 11, ACCORDING TO THE PLAT OF CRANE HAMMOCK SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 51 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, WITH THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 5 (U.S. 1), THENCE NORTH 73 DEGREES 48 MINUTES 37 SECONDS EAST, ALONG THE PREVIOUSLY DESCRIBED RIGHT OF WAY LINE, FOR 543.39 FEET, TO THE EAST LINE OF SAID CRANE HAMMOCK SUBDIVISION AND THE POINT OF BEGINNING OF THE STRIP OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING NORTH 73 DEGREES 48 MINUTES 37 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, FOR 1371.57 FEET, TO THE EAST LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1077, PAGE 0437 OF SAID PUBLIC RECORDS: THENCE DEPARTING SAID RIGHT OF WAY LINE, BEAR SOUTH 00 DEGREES 31 MINUTES 23 SECONDS EAST, ALONG THE SOUTHERLY PROJECTION OF SAID EAST LINE, FOR 36.35 FEET TO A POINT ON A LINE PARALLEL WITH AND 35.00 FEET SOUTHERLY OF (AS MEASURED AT RIGHT ANGLES TO) SAID NORTHERLY RIGHT OF WAY LINE; THENCE BEAR SOUTH 73 DEGREES 48 MINUTES 37 SECONDS WEST, PARALLEL TO SAID NORTHERLY RIGHT OF WAY LINE, FOR 1371.57 FEET, TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID CRANE HAMMOCK SUBDIVISION; THENCE NORTH 00 DEGREES 31 MINUTES 11 SECONDS WEST, FOR 36.35 FEET, BACK TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 48,004.988, PLUS OR MINUS, SQUARE FOOT (1.102 ACRES, MORE OR LESS). RESERVING A 16 FOOT EASEMENT TO THE GRANTOR FOR PUBLIC PURPOSE USE ALONG THE SOUTHERLY 16 FOOT (MEASURED AT RIGHT ANGLES) OF THE ABOVE DESCRIBED STRIP OF LAND.

This cortifies that a survey of the adove prepared description was made under my supervision and the survey meets the Minimum Technical Standards are forth by the Flanda Board of Professional Landsurveyors in Chapter 51617-6, Flanda Himmistrative Code, pursuant to Section 417 02". Handa Statutes. BOUNDARY SURVEY FOR LEGAL DESCRIPTION

JOHN PAUL GRIMES, U. S. & M. NG. 4906
NOT VALIE WITHOUT SCRINGLE & ORIGINAL RAISED SEAT
THIS SKEICH IS NOT ASSIGNABLE
PLOS SKEICH SUBJECT TO A TITLE SEARCH P.N. 070708 JG

REGISTERED FLORIDA SURVEYOR AND MAPPED 10 89% 510455 \$14 656 (EY CO ONY SEACH FL 3 PH (305) 743-4516 FAX STREET

FL 33051-0403 FAX (300) 743-3270

FOR THE BENEFIT OF

FLORIDA KEYS LAND AND SEA TRUST, INC. FLORIDA DEPARTMENT OF TRANSPORTATION CEVANE AND DORL P.A ATTORNEYS TITLE INSURANCE FUND, INC CHICAGO TITLE INSURANCE COMPANY

SECTION 11-66 32, KEY VACA

NOT VALID WITHOUT ALL 5 SHEETS

FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT SIX TEM/SEGMENT NO 4152302

STATE JOH NO 90040 - 2508 FED JUB NO NYA STATE ROAD NO SILUS -COUNTY MONROE, MM 50 PARCE! NO PWMS 694 FED JUE NO TI(BAYSIDE)

SHEET 1 OF 6

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

