

**CITY OF MARATHON, FLORIDA
RESOLUTION 2016-51**

**A RESOLUTION OF THE CITY OF MARATHON DISCLAIMING
POTENTIAL INTERESTS IN CERTAIN LANDS SITUATED IN KEY
COLONY SUBDIVISION NO. 4 RESULTING FROM AN ERROR IN
SURVEY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on August 16, 1957 a certain Map of Plat of Key Colony Subdivision No. 4 was filed and recorded in Plat Book 4 at Page 23 of the Public Records of Monroe County, Florida (attached as Exhibit "A"); and,

WHEREAS, according to the attached Map of Plat certain roadways depicted thereon were dedicated to the perpetual use of the Public, including that certain public roadway depicted thereon and identified as "Key Colony Drive", which is now known and hereinafter referred to as 109th Street – Gulf; and,

WHEREAS, Monroe County Florida accepted the dedication of 109th Street-Gulf as a Public roadway, and thereafter improved and maintained said roadway for the benefit of the general Public; and,

WHEREAS, following the incorporation of the City of Marathon the ownership and control over 109th Street-Gulf was transferred to the City of Marathon, Florida under a written Transfer Agreement entered into between Monroe County, Florida and the City of Marathon, Florida; and,

WHEREAS, it has been determined by a recent survey of Key Colony Subdivision No. 4 that a 19.5' mathematical error exists in platted distances that has created an overage between 107th Street-Gulf and 109th Street Gulf; and,

WHEREAS, recognized survey practices require that overage within a Block caused by a mathematical error in a lot be given to the lot in which the error occurs; and,

WHEREAS, the Survey dated June 14, 2016 prepared by surveyor Robert E. Reece of Reece & Associates, having Professional Surveyor and Mapper number 5632 (attached as Exhibit "B") shows the platted right of way line passing through the easterly portions of Lots 1, 4, 5 and 11 of Block 2 in Key Colony Subdivision No. 4; and,

WHEREAS, there presently exists a public right-of-way within said Plat that conforms with the dimensions of the dedicated 109th Street Gulf roadway as described by the Map of Plat that is situated to the east of its platted location, which has resulted in a surplus between the roadway and platted lots 1, 4, 5 and 11 of Block 2, in Key Colony Subdivision No. 4; and,

WHEREAS, recognized survey practices require that excess within a Block caused by a mathematical error in a lot be given to the lot in which the error occurs; and,

WHEREAS, the giving of the surplus to Lots 1, 4, 5 and 11 of Block 2, in Key Colony Subdivision No. 4 will not affect the flow of traffic or the use of existing roadway and right-of way for current and future purposes; and,

WHEREAS, the City of Marathon's disclaimer of any and all interest that it has or may have in the surplus in favor of the affected Lots is essential to the insurability of title to of Lots 1, 4, 5, and 11 and of no use to the City of Marathon.

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 disclaims any and all interest that it has or may have in the overage depicted by a recent survey of Key Colony Subdivision No. 4 indicating that a 19.5 foot mathematical error exists in platted distances that has created an overage between 107th Street-Gulf and 109th Street Gulf in favor of the owners of record of Lots 1, 4, 5 and 11 of Block 2 of Key Colony Subdivision No. 4 and their successors in title.

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 12TH DAY OF JULY, 2016.

THE CITY OF MARATHON, FLORIDA



Mayor Mark Senmartin

AYES: Zieg, Kelly, Coldiron, Senmartin
NOES: None
ABSENT: Bartus
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

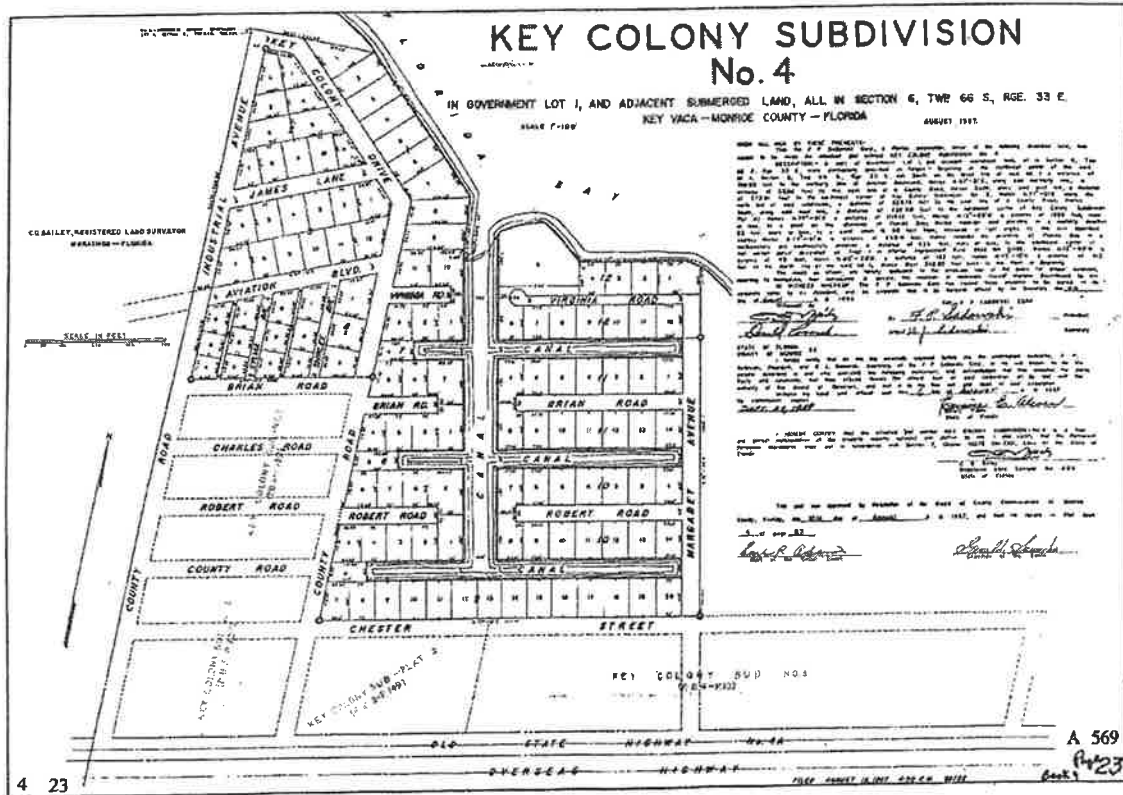


EXHIBIT A

EXHIBIT B

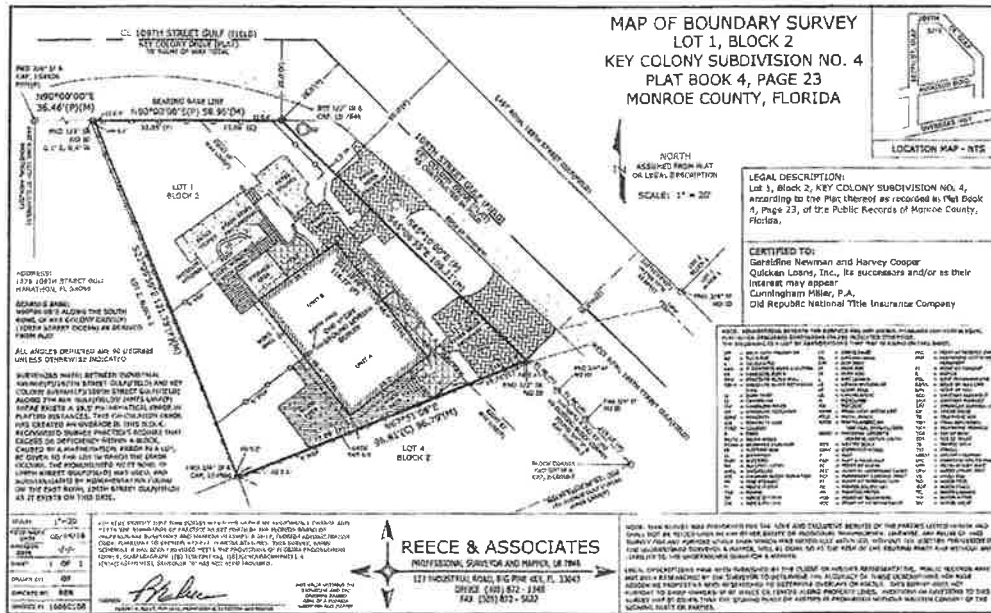


Exhibit B