

**CITY OF MARATHON, FLORIDA
RESOLUTION 2017-43**

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, APPROVING SUBJECT TO CONDITIONS A REQUEST TO THE CITY COUNCIL OF THE CITY OF MARATHON BY MARATHON VACATION PROPERTIES, LLC TO ABANDON THE PUBLIC RIGHT OF WAY LOCATED AT AVENUE P ON COCO PLUM, DESCRIBED AS BEING ADJACENT TO BLOCK 19, LOTS 4 AND 5 AND BLOCK 20, LOT 1A, COCO PLUM BEACH, PB4-166 FAT DEER KEY, HAVING REAL ESTATE NUMBERS 00366010-000000, 00366020-000000, AND 00366031-000100, RESPECTIVELY. NEAREST MILE MARKER 54.; AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there presently exists a certain public right-of-way know as Avenue P within the City of Marathon, Florida, located adjacent to Coco Plum Drive, as legally described in Exhibit "A;" and

WHEREAS, Marathon Vacation Properties LLC, has filed a petition with the City of Marathon, Florida (the "City"), for abandonment of Avenue P 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 Avenue P, a Right-Of-Way within Coco Plum Beach Subdivision; and

WHEREAS, the Right-of-Way lies wholly within the corporate boundaries of the City and entirely within Coco Plum Beach 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 May 23, 2017, 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 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”:

1. The Applicant is required to provide all final surveys of the area of Avenue P to be abandoned.
2. The area associated with the proposed abandonment as depicted in Exhibit “A” shall have no additional residential density associated with it which could be considered for additional residential development.
3. The Applicant is required to record any and all documents associated with the abandonment of Avenue P, including but not limited to, Resolutions, quit claim documents, and surveys associated with the abandonment.
4. Said conditions 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 sixty (60) 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 23RD DAY OF MAY, 2017.

THE CITY OF MARATHON, FLORIDA



Dr. Daniel Zieg, Mayor

AYES: Coldiron, Bartus, 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

CITY OF MARATHON, FLORIDA
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I certify this document to be a true and correct
copy of the original.

D. Clavier
Diane Clavier, City Clerk
City of Marathon

530-17
Date

f. Whether the proposed abandonment will interfere with utility services being provided, or unreasonably affect any utility easement.

Doc# 2125710
Bk# 2857 Pg# 1473

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THE CITY OF MARATHON, FLORIDA


Dr. Daniel Zieg, Mayor

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

Doc# 2125710
Bk# 2857 Pg# 1474

ATTEST:


Diane Clavier, City Clerk

(City Seal)

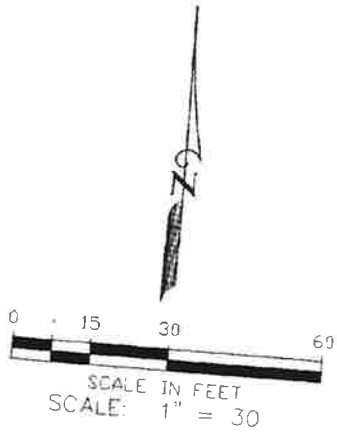
APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:


David Migut, City Attorney

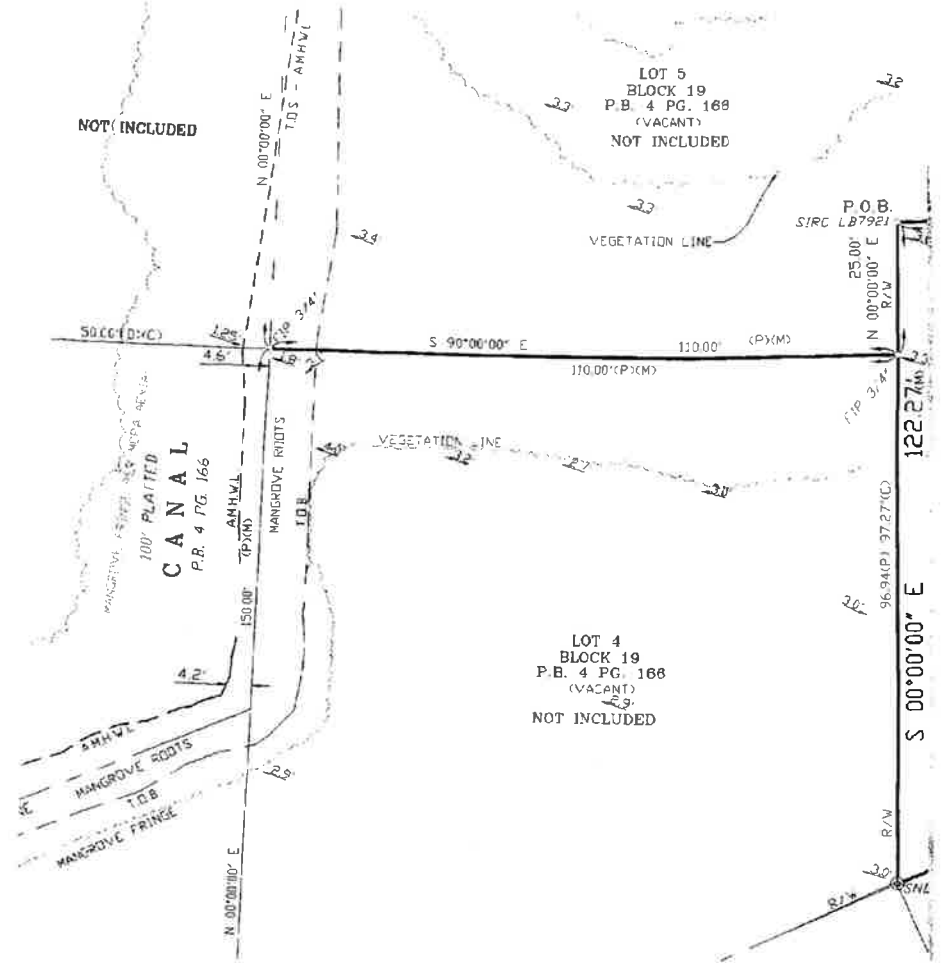
EXHIBT A

Doc# 2125710
Bk# 2857 Pg# 1475

Dock # 2125710
 BkN 2857 PSH 1477



LEGEND	
P.G.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
Ⓢ	B. TITLE EXCEPTION
APPROX.	APPROXIMATE (A)
M.H.W.L.	MEAN HIGH WATER LINE
O.R.B.	OFFICIAL RECORD BOOK
C/L	CENTERLINE

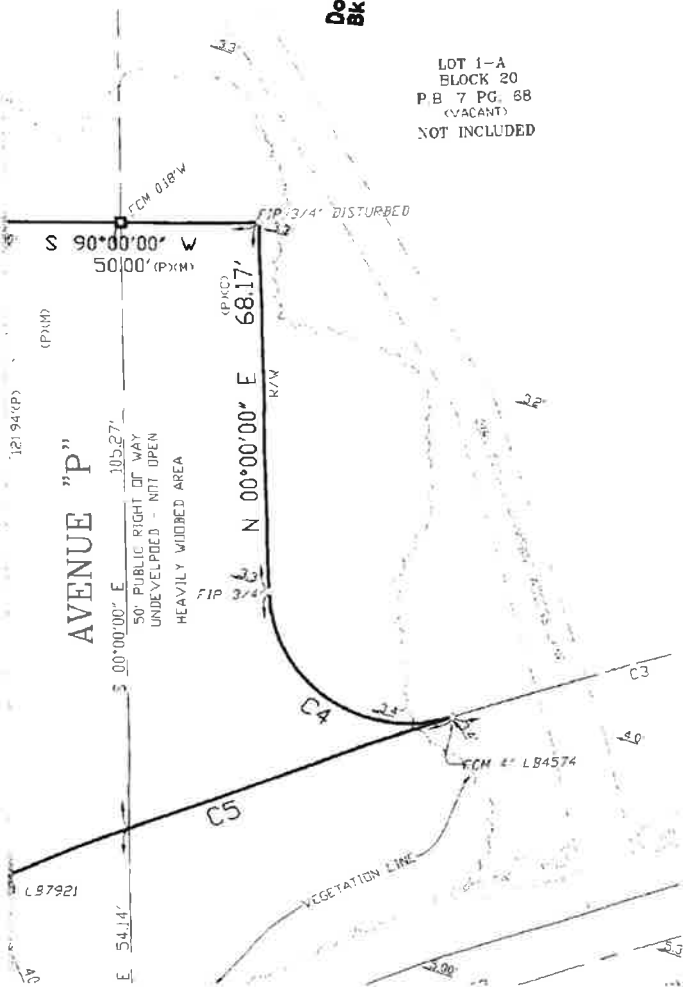


LOT 4
 BLOCK 19
 P.B. 4 PG. 166
 (VACANT)
 NOT INCLUDED

LOT 5
 BLOCK 19
 P.B. 4 PG. 166
 (VACANT)
 NOT INCLUDED

Doc# 2125710
 Bk# 2857 P# 1478

LOT 1-A
 BLOCK 20
 P.B. 7 PG. 88
 (VACANT)
 NOT INCLUDED



DESCRIPTION:

ALL OF AVENUE "P", OF COCO PLUM BEACH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 166, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA,

BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY RIGHT OF WAY CORNER OF SAID AVENUE "P", OF COCO PLUM BEACH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 166, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S.00°00'00"E., ALONG THE WESTERLY LINE OF SAID AVENUE "P", A DISTANCE OF 122.27 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF COCO PLUM DRIVE; SAID POINT BEING ON A NON-TANGENTIAL CURVE TO THE RIGHT, HAVING A RADIUS OF 650.00 FEET AND A CENTRAL ANGLE OF 74°2'26"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 87.43 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID AVENUE "P" AND THE POINT OF CURVE OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 106°18'11"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE EASTERLY RIGHT OF WAY LINE OF SAID AVENUE "P", A DISTANCE OF 46.38 FEET; THENCE CONTINUE ON THE EASTERLY RIGHT OF WAY LINE OF SAID AVENUE "P" N.00°00'00"E., A DISTANCE OF 58.17 FEET TO THE NORTHEASTERLY CORNER OF SAID AVENUE "P"; THENCE S.90°00'00"W., A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

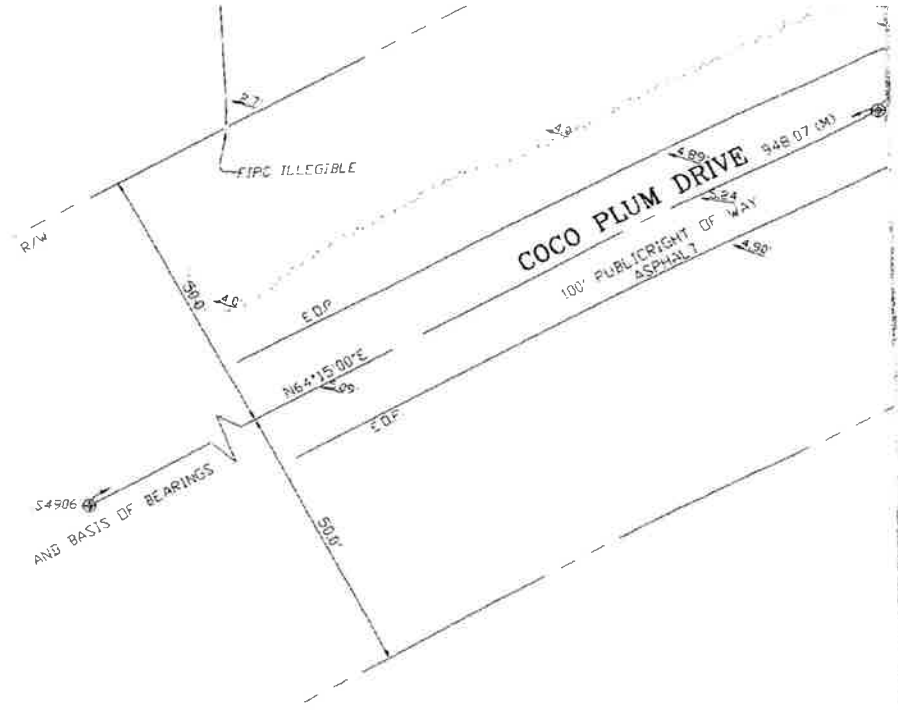
CONTAINING 5861.7 SQUARE FEET MORE OR LESS

SURVEYOR'S NOTES:

1. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES, OR FOUNDATIONS. UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN PER ABOVE GROUND EVIDENCE AND/OR RECORD DRAWINGS OR MUNICIPAL ATLAS INFORMATION AND THE LOCATION OF ALL UNDERGROUND UTILITY LINES ARE APPROXIMATE ONLY. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST.
2. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
3. ANY USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. BEARINGS SHOWN HEREON ARE BASED UPON THE MONUMENTED CENTERLINE OF COCO PLUM DRIVE BEING N.64°15'00"E PER PLAT.
5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE PROSPECT SURVEYING, LLC ACCEPTS NO RESPONSIBILITY FOR RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS OF RECORD OR OTHER MATTERS AFFECTING TITLE TO LANDS SURVEYED OTHER THAN THOSE RECITED IN CURRENT DEED AND/OR OTHER INSTRUMENTS OF RECORD FURNISHED BY CLIENT.
6. ELEVATIONS SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1929, NGVD29.
7. LAST DATE OF FIELD SURVEY: 1-19-17

Doc# 2125710 Pgm 1479
 Bk# 2857

- PG. - PAGE
- CONC - CONCRETE
- T.O.B. - TOP OF BANK
- O/H - OVERHANG
- E.O.P. - EDGE OF PAVEMENT
- TYP. - TYPICAL
- (M) - MEASURED
- (C) - CALCULATED
- (P) - PLAT
- (D) - DEED
- SCC - SEWER CLEANOUT
- (S) - VACUUM SEWER PIT
- (S) - STORM DRAIN
- FFE - FINISH FLOOR ELEVATION
- NOVD - NATIONAL GEODETIC VERTICAL DATUM
- (S) - SANITARY SEWER MANHOLE
- CEN - CONCRETE BLOCK WALL
- F - FOUND
- PRM - PERMANENT REFERENCE MARKER
- A/C - AIR CONDITIONER
- IR - FOUND IRON ROD
- FN - FOUND NAIL
- FND - FOUND NAIL AND DISK
- IRP - FOUND IRON ROD AND CAP
- SIRC - SET IRON ROD AND CAP
- SHD - SET NAIL AND DISK
- IRP - FOUND IRON PIPE
- UTILITY POLE
- W.U.P. - WOOD UTILITY POLE
- LAMP POST
- SPOT ELEVATION (EL)
- CLF - CHAIN LINK FENCE
- A/C - AIR CONDITIONER
- WM - WATER METER
- SAV - SEWER AIR VENT
- BLDG - BUILDING
- PIF - PARCEL IDENTIFICATION
- MF - METAL FENCE
- WV - WATER VALVE
- PF - PLASTIC FENCE
- PS - PLAT BOOK
- OPW - OVERHEAD WIRES
- - DUM ANCHOR



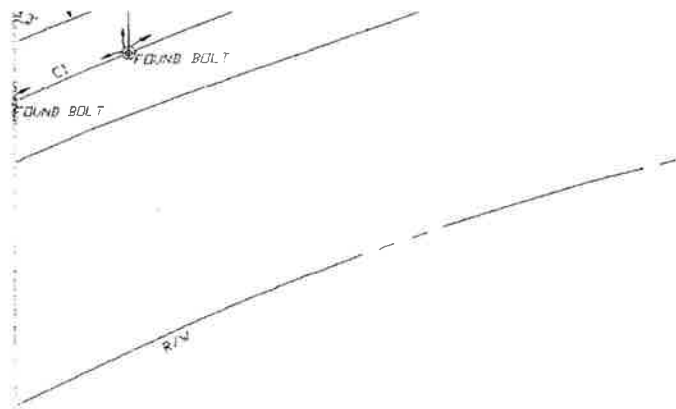
CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
					23.30
C1	23.30	600.00	2°13'31"	S65°21'46"W	130.24
C2	130.50	600.00	12°27'41"	S72°42'22"W	59.18
C3	69.21	650.00	6°06'02"	S76°44'50"W	40.01
C4	46.38	25.00	106°18'11"	S53°09'06"E	97.37
C5	97.43	650.00	7°42'25"	S69°50'36"W	

DRAWN
 b jt
 CHECKED
 BT
 P.C.
 EJ
 COGO FILE
 COCO PLUM



Prospect Surveying, LLC
 Surveying • Planning • GIS
 6400 Overseas Highway Suite B, Marathon, FL 33050
 www.prospectsurveying.com
 305.587.4235


B



MONROE COUNTY
OFFICIAL RECORDS

Doc# 2125710
Bkt 2857 Pgs 1480

CERTIFIED TO:
GARY BOESCH
Prospect Surveying, LLC
Certificate of Authorization No. LB 7921


 BRENT JOSEPH THURKETTLE
 FLORIDA LICENSE - LS 6794

BOUNDARY SURVEY

AVENUE "P" P.B. 4 PG. 166
CITY OF MARATHON
MONROE COUNTY, FLORIDA

NO	DATE	REVISIONS	APPR BY	JOB No.	SHT
1	3-2-17	add metes and bounds description of previously platted right of way parcel per fkaa request		17-015	
2	3-2-17	EDIT DESCRIPTION PER FKAA		DATE: 1-27-17	1
				SCALE: 1"=30'	OF

