

**CITY OF MARATHON, FLORIDA  
RESOLUTION NO. 2017-49**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA (CITY), APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MARATHON, FLORIDA AND THE FLORIDA KEYS LAND AND SEA TRUST, CRANE POINT HAMMOCK, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the FDOT ROW (approximately 1,350' X 35') (the "Property") in front of Crane Point Hammock, Florida Keys Land and Sea Trust (FKLST) consists of recreational and environmentally sensitive land located within the City's municipal boundary; and

**WHEREAS**, the City adopted Resolution 2016-121 on December 13, 2016 requesting that the Monroe County Land Authority purchase the Property from FDOT as described immediately above; and

**WHEREAS**, pursuant to Resolution 2017-40, the City of Marathon accepted conveyance of said property from the Monroe County Land Authority; and

**WHEREAS**, acceptance of the subject Property as recreation and conservation land is consistent with the policies of the City's Comprehensive Plan and Land Development Regulations and is carried out with the intent to lease said property to the Florida Keys Land And Sea Trust for said purposes,

**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 leases said property identified above and as documented in Resolution 2017-40 (attached by reference) to the Florida Keys Land and Sea Trust pursuant to terms identified in Exhibit "A," the Lease Agreement.

**Section 3.** The Mayor is authorized to sign and execute the attached Lease Agreement.

**Section 4.** This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 11<sup>th</sup> DAY OF JULY, 2017.

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 LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

  
David Migut, City Attorney

**CITY OF MARATHON, FLORIDA  
RESOLUTION NO. 2017-40**

**APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA (CITY), ACCEPTING THE CONVEYANCE OF LAND (APPROXIMATELY 1,350 FT. X 35 FT.) FROM THE MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY (MCLA) TO THE CITY OF MARATHON; SAID LAND ACCEPTED PURSUANT TO RESOLUTION 2016-121, A REQUEST MADE BY THE CITY TO THE MCLA; SAID LAND LOCATED ADJACENT TO PROPERTY OWNED AND OPERATED BY THE FLORIDA KEYS LAND AND SEA TRUST (FKLST); SAID LAND TO BE UTILIZED AS RECREATION AND CONSERVATION LAND; AUTHORIZING THE MAYOR TO SIGN ANY AND ALL TRANSFER DOCUMENTS INCLUDING BUT NOT LIMITED TO QUIT CLAIM DEEDS AND DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS; WAIVING ANY AND ALL CITY STORMWATER SPECIAL ASSESSMENT, NON-AD VALOREM FEES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the FDOT ROW (approximately 1,350' X 35') (the "Property") in front of Crane Point Hammock, Florida Keys Land And Sea Trust (FKLST) consist of recreational and environmentally sensitive land located within the City's municipal boundary; and

**WHEREAS**, purchase of the subject Property as recreation and conservation land is consistent with the policies of the City's Comprehensive Plan and Land Development Regulations; and

**WHEREAS**, the City adopted Resolution 2016-121 on December 13, 2016 requesting that the Monroe County Land Authority purchase the Property from FDOT as described immediately above; 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 the MCLA's mission toward protection of remaining environmental sensitive land and environmental education in the Florida Keys; and

**WHEREAS**, on April 26, 2017 staff of the MCLA provided documentation supporting the purchase of said Property before the Monroe County Land Authority Advisory Committee at which time the Advisory Committee unanimously supported purchase in a recommendation to the Board of County Commissioners (BOCC) sitting as the MCLA; and

**WHEREAS**, on May 17, 2016 the BOCC sitting as the MCLA approved the purchase said Property and transfer of said Property to the City of Marathon through a Quit Claim Deed with terms and conditions set out in a document termed, Declaration of Covenants, Conditions, and Restrictions,

**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 accepts the conveyance of Property described in the attached documents, an area of approximately 1,350 Ft. X 35 Ft. adjacent to and fronting property owned by the Florida Keys Land And Sea Trust located in the center of Marathon.

**Section 3.** Final documents supporting the conveyance including, but not limited to, a Quit Claim Deed and Declaration of Covenants, Conditions, and Restrictions shall be provided by the MCLA for signature in lieu of preliminary documents attached hereto.

**Section 4.** The Mayor is authorized to sign and execute all said documents as presented by the MCLA.

**Section 5.** Said purchase by the MCLA is conveyed to the City for subsequent long-term lease to the FKLST.

**Section 6.** This resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 23<sup>RD</sup> DAY OF MAY, 2017.**

**THE CITY OF MARATHON, FLORIDA**

  
Dr. Daniel Zieg, Mayor

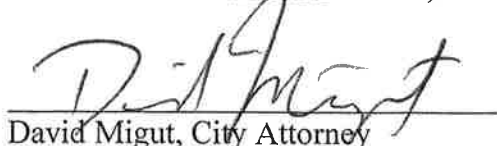
AYES: Bartus, Coldiron, Cook, Senmartin, Zieg  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk  
(City Seal)

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

  
David Migut, City Attorney

Return to: (Enclosed self-addressed stamped envelope)  
Name: OROPEZA, STONES, & CARDENAS  
Address: 221 Simonton Street  
Key West, FL 33040

07/11/2017 10:37AM  
DEED DOC STAMP CL: Krys \$0.70

This Instrument Prepared By:

Adele V. Stones  
221 Simonton Street  
Key West, FL 33040  
(305) 294-0252

Doc# 2130710  
Bk# 2863 Pg# 2243

### QUIT CLAIM DEED

**THIS QUIT CLAIM DEED**, executed this 20 day of June, 2017 by and between Monroe County Comprehensive Plan Land Authority, a land authority under Section 380.0663(1), Florida Statutes, and Monroe County Ordinance Number 031-1986, whose post office address is 1200 Truman Avenue, Suite 207, Key West, FL 33040, party of the first part, and THE CITY OF MARATHON, FLORIDA, whose post office address is 9805 Overseas Highway, Marathon, FL 33050, party of the second part.

**WITNESSETH**, That the said party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has remised, released and quit-claimed, and by these presents does remise, release and quit-claim unto the said party of the second part all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Monroe, State of Florida, to wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" TO THIS DEED

**SUBJECT TO:** Conditions, restrictions, limitations, reservations and easements of record, including but not limited to DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS from the City of Marathon, Florida to Monroe County Comprehensive Plan Land Authority, a land authority under Section 380.0663(1), Florida Statutes, and Monroe County Ordinance Number 031-1986.

**TO HAVE AND TO HOLD** the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

IN WITNESS WHEREOF, the said party of the first part has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered  
In the Presence of:

MONROE COUNTY COMPREHENSIVE  
PLAN LAND AUTHORITY, a land  
authority under Section 380.0663(1), Florida  
Statutes, and Monroe County Ordinance  
Number 031-1986

[Signature]  
Signature of Witness  
Robert Shillings  
Printed Name of Witness

By: [Signature]  
David P. Rice, Chairman

[Signature]  
Signature of Witness  
CHARLES PATTISON  
Printed Name of Witness

STATE OF FLORIDA:  
COUNTY OF MONROE:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY, a land authority under Section 380.0663(1), Florida Statutes and Monroe County Ordinance No. 031-1986, by and through its Chairman, DAVID P. RICE, who is personally known to me to be the person described in and who executed the foregoing Quit Claim Deed or who produced \_\_\_\_\_ as identification, and he has acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe, State of Florida, this 20th day of June, 2017.

Dina Gambuzza  
Printed Name of Notary

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
9/17/19




**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 certifies that a survey of the above prepared description was made under my supervision and the survey meets the "Minimum Technical Standards" set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.  
Date Survey completed 09/07/06  
BOUNDARY SURVEY FOR LEGAL DESCRIPTION

  
JOHN PAUL GRIMES, III, S. & M., NO. 4906  
THIS SKETCH IS NOT ASSIGNABLE.  
THIS SKETCH SUBJECT TO A TITLE SEARCH.

J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
P.O. BOX 510403 #14 6th STREET  
KEY COLONY BEACH, FL. 33051-0403  
PH. (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.  
ATTORNEYS' TITLE INSURANCE FUND, INC.  
CHICAGO TITLE INSURANCE COMPANY

CITY OF MARATHON  
SECTION 11-66-32, KEY VACA NOT VALID WITHOUT ALL 6 SHEETS

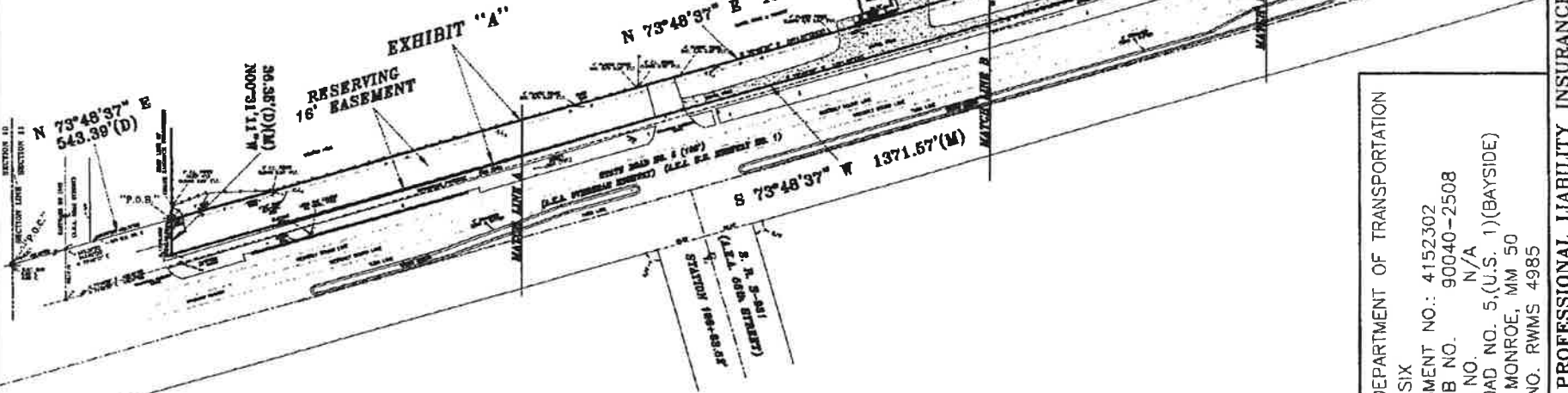
FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
ITEM/SEGMENT NO.: 4152302  
STATE JOB NO. 90040-2508  
FED JOB NO. N/A  
STATE ROAD NO. 5,(U.S. 1)(BAYSIDE)  
COUNTY: MONROE, MM 50  
PARCEL NO. RWMS 4985

SHEET 1 OF 6

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

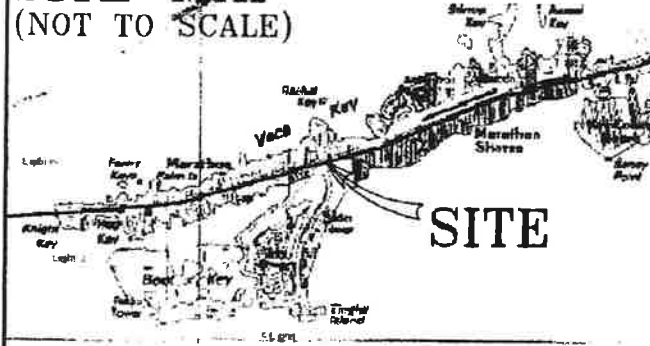
# EXHIBIT "A"

SKETCH OF LEGAL DESCRIPTION  
OF PORTION OF FLORIDA DEPARTMENT OF TRANSPORTATION  
RIGHT-OF-WAY ADJACENT TO FLORIDA KEYS LAND AND SEA  
TRUST, INC.  
SECTION 11-66-32, KEY VACA, CITY OF MARATHON  
48,004.988± SQUARE FOOT  
1.102± ACRES



NOTE:  
UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND UTILITIES IF ANY ARE NOT LOCATED.  
ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
CENTERLINE = BASELINE OF FLORIDA DEPARTMENT OF TRANSPORTATION

## SITE MAP (NOT TO SCALE)



SITE



SCALE  
1" = 160'

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>○ FOUND CONTROL POINT</li> <li>○ FOUND 1/2" IRON ROD</li> <li>○ NO IDENTIFICATION</li> <li>○ FOUND 3/4" PIPE</li> <li>○ /COP TYPE PIPE</li> <li>○ /LS14408</li> <li>○ POWER POLE</li> <li>○ PERMANENT REFERENCE MONUMENT</li> <li>○ FIRE WELL</li> <li>○ STREET LIGHT</li> <li>○ METAL SIGN</li> <li>○ WATER VALVE HAND HOLE</li> </ul> | <ul style="list-style-type: none"> <li>— R/W</li> <li>— PLAT</li> <li>— ACQUIRED</li> <li>— USED/DESCRIPTION</li> <li>— P.O.C.</li> <li>— P.O.B.</li> <li>— CENTERLINE</li> <li>— INDICATES CONCRETE</li> <li>— P-T- TELEPHONE LINES</li> <li>— L.Y. ERLY</li> <li>— C.L.F. CHAIN LINK FENCE</li> <li>— # BROKEN LINE (NOT TO SCALE)</li> </ul> |
|--|---|

FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
ITEM/SEGMENT NO.: 4152302  
STATE JOB NO. 90040-2508  
FED JOB NO. N/A  
STATE ROAD NO. 5, (U.S. 1) (BAYSIDE)  
COUNTY: MONROE, MM 50  
PARCEL NO. RWMS 4985

*John Paul...*  
J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
P.O. BOX 510403 #14 6th STREET NO. 4906  
KEY COLONY BEACH, FL. 33051-0403  
PH. (305) 743-4510 FAX (305) 743-3277  
SHEET 2 OF 6  
P.N. 070706 BT  
NOT VALID WITHOUT ALL 6 SHEETS

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE



**EXHIBIT "A"**  
**DETAIL**  
**WEST END**



SCALE  
 1" = 50'

NOTE:  
 UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND UTILITIES F.A.V. ARE NOT LOCATED.  
 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
 CENTERLINE = BASELINE OF FLORIDA DEPARTMENT OF TRANSPORTATION



• FOUND CONTROL POINT	R/W = RIGHT-OF-WAY
• 400 GAL. P.P. (NU)	(P) = PLAT
• FOUND 1/4" IRON ROD	(M) = MEASURED
• NO IDENTIFICATION	(C) = CALCULATED
• FOUND 3/4" P.P.T.	(D) = DEED/DESCRIPTION
• 200 TYPE	P.O.C. = POINT OF COMMENCEMENT
• SET 3/4" PIPE	P.O.B. = POINT OF BEGINNING
• 2" #4000	☉ = CENTERLINE
• POWER POLE	☐ = INDICATES CONCRETE
• PERMANENT REFERENCE MONUMENT	-P.-T. = AERIAL POWER
• FIRE WELL	T.V. = T.V. TELEPHONE LINES
• STREET LIGHT	C.L.F. = CHAIN LINK FENCE
• METAL SIGN	/// = BROKEN LINE (NOT TO SCALE)

• LEGEND (CR VALVE HANI HOLE) ABBREVIATIONS

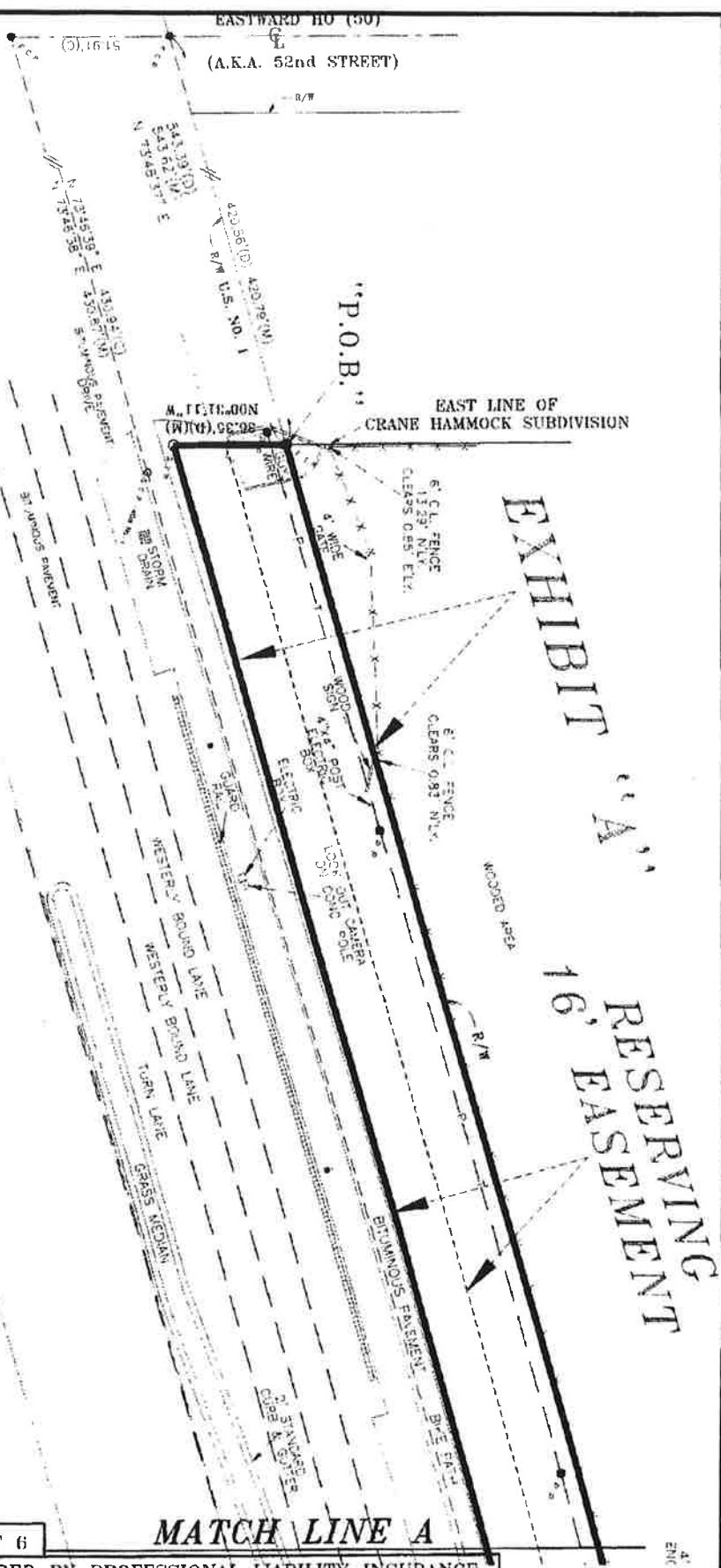
*J. P. Grimes*  
 J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPLER  
 P.O. BOX 510403 #14 6th STREET NO. 4906  
 KEY COLONY BEACH, FL. 33051-0403  
 PH. (305) 743-4510 FAX (305) 743-3277

NOT VALID WITHOUT ALL 6 SHEETS P.N. 070708R1 JG

FLORIDA DEPARTMENT OF TRANSPORTATION  
 DISTRICT SIX  
 ITEM/SEGMENT NO.: 4152302  
 STATE JOB NO. 90040-2508  
 FED JOB NO. N/A  
 STATE ROAD NO. 5.(U.S. 1)(BAYSIDE)  
 COUNTY: MONROE, MM 50  
 PARCEL NO. RWMS 4985

SHEET 3 OF 6

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE



MATCH LINE A

41 ENC

EXHIBIT "A" MATCH LINE A  
 DETAIL  
 MIDDLE WEST

EXHIBIT "A" RESERVING  
 16' EASEMENT



STATION 166+63.52  
 S. R. S-931  
 (A.K.A. 55th STREET)



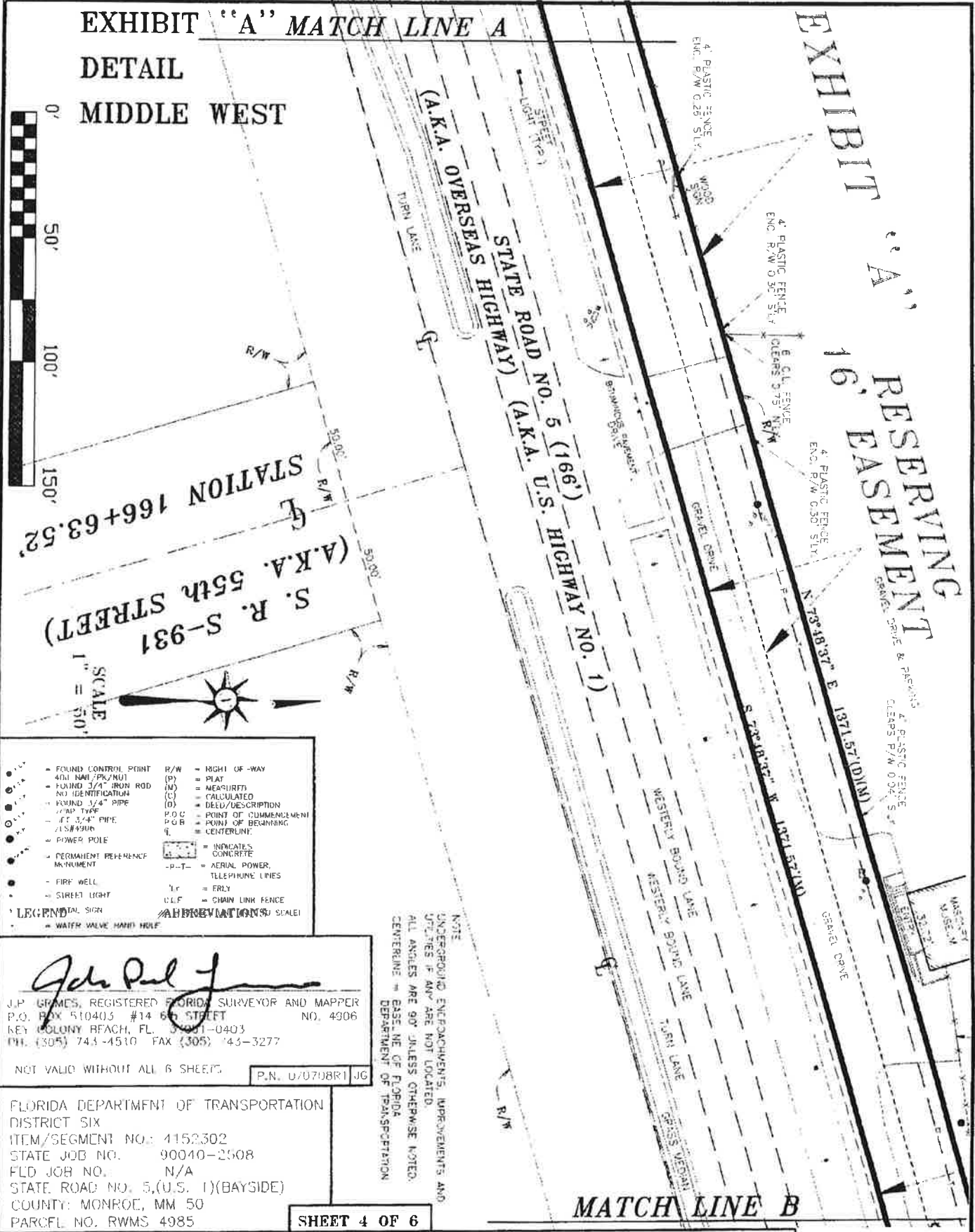
• FOUND CONTROL POINT	R/W	= RIGHT OF WAY
• 40# NAIL / PK / NUT	(P)	= PLAT
• FOUND 3/4" IRON ROD	(M)	= MEASUREMENT
• NO IDENTIFICATION	(C)	= CALCULATED
• FOUND 1/4" PIPE	(D)	= DEED / DESCRIPTION
• 1/4" TYPE	P.O.C.	= POINT OF COMMENCEMENT
• 1/2" 3/4" PIPE	P.O.B.	= POINT OF BEGINNING
• 1/8" 3/8" PIPE	CL	= CENTERLINE
• POWER POLE	CON	= INDICATES CONCRETE
• PERMANENT REFERENCE MARKING	A-P-T	= AERIAL POWER TELEPHONE LINES
• FIRE WELL	FL	= FLY
• STREET LIGHT	CLF	= CHAIN LINK FENCE
• LEGENDIAL SIGN	SCALE	= ABBREVIATIONS SCALE
• WATER VALVE HAND HOLE		

*J. P. Grimes*  
 J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
 P.O. BOX 510403 #14 6th STREET NO. 4906  
 KEY COLONY BEACH, FL. 32901-0403  
 PH. (305) 743-4510 FAX (305) 743-3277

NOT VALID WITHOUT ALL 6 SHEETS  
 P.N. U70708R1 JG  
 FLORIDA DEPARTMENT OF TRANSPORTATION  
 DISTRICT SIX  
 ITEM/SEGMENT NO.: 4152302  
 STATE JOB NO. 90040-2508  
 FLD JOB NO. N/A  
 STATE ROAD NO. 5, (U.S. 1) (BAYSIDE)  
 COUNTY: MONROE, MM 50  
 PARCEL NO. RWMS 4985

SHEET 4 OF 6

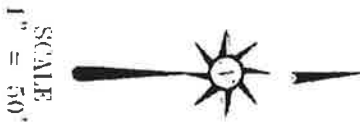
NOTE  
 UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND UTILITIES IF ANY ARE NOT LOCATED.  
 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
 CENTERLINE = EASEMENT OF FLORIDA DEPARTMENT OF TRANSPORTATION



MATCH LINE B

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

**EXHIBIT "A"**  
**DETAIL**  
**MIDDLE EAST**



**MATCH LINE B**

**RESERVING EXHIBIT "A"**  
**16' EASEMENT**

LEGEND	ABBREVIATIONS
● = FOUND CONTROL POINT	R/W = RIGHT OF WAY
○ = 40' NAIL / PA/NUIT	(P) = PLAT
○ = FOUND 3/4" BURN ROD	(M) = MEASURED
○ = NO IDENTIFICATION	(C) = CALCULATED
○ = FOUND 3/4" PIPE	(D) = DEED/DESCRIPTION
○ = 2" CAP TYPE	P.O.L. = POINT OF COMMENCEMENT
○ = SET 3/4" PIPE	P.O.B. = POINT OF BEGINNING
○ = 2 1/2" #4906	CL = CENTERLINE
○ = POWER POLE	□ = INDICATES CONCRETE
○ = PERMANENT REFERENCE MONUMENT	-P-T- = AERIAL POWER TELEPHONE LINES
○ = FIRE WELL	ty = ERLY
○ = STREET LIGHT	CLF = CHAIN LINK FENCE
○ = METAL SIGN	/// = BROKEN LINE (NOT TO SCALE)
○ = WATER VALVE HAND HOLE	

*John R. Griffin*  
 J.P. GRIMM, REGISTERED FLORIDA SURVEYOR AND MAPPER  
 P.O. BOX 510403 #14 6th STREET NO. 4906  
 KEY COLONY BEACH, FL. 33051-0403  
 PH. (305) 743-4510 FAX (305) 743-3277

NOT VALID WITHOUT ALL 6 SHEETS P.N. 070708R1 JG  
 FLORIDA DEPARTMENT OF TRANSPORTATION  
 DISTRICT SIX  
 ITHM/SEGMENT NO.: 4152302  
 STATE JOB NO. 90040-2508  
 FED JOB NO. N/A  
 STATE ROAD NO. 5, (U.S. 1) (BAYSIDE)  
 COUNTY: MONROE, MM 50  
 PARCEL NO. RWMS 4985

NOTE:  
 UNDERGROUND ENCROACHMENTS, IMPROVEMENTS, A.C. UTILITIES IF ANY ARE NOT LOCATED  
 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED  
 CENTERLINE = BASELINE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**MATCH LINE C**

**THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE**



THIS INSTRUMENT PREPARED BY AND RETURN TO:  
Adele V. Stones, Esq.  
1200 Truman Avenue, Suite 207  
Key West, FL 33040

\_\_\_\_\_  
SPACE ABOVE THIS LINE FOR RECORDING DATA  
\_\_\_\_\_

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

**THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS** is made on this 27th day of June, 2017, by **The City of Marathon, Florida**, ("CITY") of 9805 Overseas Highway, Marathon, Florida 33050, Grantor, to **Monroe County Comprehensive Plan Land Authority**, ("MCLA") a land authority under Section 380.0663 (1), Florida Statutes and Monroe County Ordinance No. 031-1986, whose address is 1200 Truman Avenue, Suite 207, Key West, Florida 33040, as Grantee.

A) The Grantor is the owner of certain real property (the servient estate) located in Monroe County, Florida, more particularly described, see Attachment "A" attached, located in Monroe County, Florida.

B) This declaration of covenants, conditions, and restrictions ("CC&R") is an instrument created in consideration of the no cost transfer of real property by MCLA and deceded to CITY and is to be governed by, construed, and enforced in accordance with applicable laws of the State of Florida.

*1. Grant of CC&R.*

In consideration for the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, the Grantor hereby grants to Grantee the CC&R described below.

*2. Subject Property.*

The location of the subject property on the servient estate is more particularly described in Attachment "B" attached located in Monroe County, Florida.

*3. Baseline conditions within subject property.*

The Grantor acknowledges as of the date of this instrument the subject property is mostly cleared of vegetation and constitutes the northern most thirty-five (35') feet of the historic FDOT right-of-way fronting Crane Point Hammock, running a distance of approximately 1,350' immediately adjacent and contiguous to Crane Point Hammock.

*4. Covenants, Conditions, and Restrictions imposed by Grantor.*

The CC&R created by this instrument limits the use of the subject property and prohibits any other activity which is inconsistent with the following purposes upon or within the subject property, to wit:

***To further the mission of Florida Keys Land and Sea Trust, its successors, and assigns in protecting and preserving the remaining environmentally sensitive land and providing environmental education in the Florida Keys, limiting the use of the subject property to the promotion, and enhancement of conservation and recreation activities.***

*5. Terms and persons bound.*

This CC&R is perpetual, runs with the land, and is binding on all present and subsequent owners and mortgagees of the servient estate. Grantor represents that the mortgagee(s), if any, whose consent is attached hereto, is (are) the only mortgagee(s) having a security interest in the servient estate.

*6. Modification of Declaration of CC&R.*

No modification of this Declaration is binding unless evidenced in writing and signed by an authorized representative of the Grantor and Grantee.

*7. Attorney's fees.*

In the event of any controversy, claim, or dispute arising under this instrument, the prevailing party shall be entitled to recover reasonable attorney's fees and costs, including appeals.

*8. Entry of Grantee's representative on the servient estate.*


The Grantee may enter upon the servient estate, after first furnishing the Grantor no less than 24 hours' notice, for the purpose of inspection to determine the Grantor's compliance with these CC&R.

*9. Limitation on Liability for Personal Injury or Injury to Property.*

The Grantor waives any rights the Grantor may have to bring a claim against Grantee for personal injury or injury to property that is caused by the negligent action or inaction of Grantee or an employee or agent of Grantee during the course of Grantee's activity related to this Declaration of CC&R. To the extent allowed by law, the Grantor is liable for and must fully defend, release, discharge, indemnify and hold harmless the Grantee, its officers and employees, agents and contractors, from and against any and all claims, demands, causes of action, losses, costs, and expenses of whatever type - including investigation and witness costs and expenses and attorneys' fees and costs - that arise out of or are attributable to the Grantor's operations on the premises except for those claims, demands, damages, liabilities, actions, causes of action, losses, costs, and expenses that are the result of the sole negligence of the Grantee. Grantor and Grantee do not waive any of their sovereign immunity rights, including, but not limited to, those expressed in Section 768.28, Florida Statutes.

IN WITNESS WHEREOF, Grantee accepts the Conservation Easement granted above and executes this instrument.

Grantee: **Monroe County Comprehensive Plan Land Authority**

  
\_\_\_\_\_  
Witness #1 Signature

  
\_\_\_\_\_  
By: **David P. Rice, Chairman**

Robert Shilling  
\_\_\_\_\_  
Witness #1 Printed Name

Charles Pattison  
\_\_\_\_\_  
Witness #2 Signature

CHARLES PATTISON  
\_\_\_\_\_  
Witness #2 Printed Name

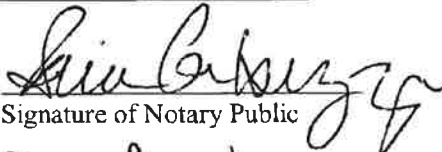
STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2017, by David P. Rice, Chairman of the Monroe County Comprehensive Plan Land Authority who is personally known to me or has produced \_\_\_\_\_ as identification.

SEAL



My Commission Expires: 9/17/19

  
Signature of Notary Public

Dina Gambuzza  
Printed Name of Notary Public

10. Notice.

Any notice provided for or concerning this grant of easement must be in writing and is sufficiently given when sent by certified or registered mail, or via an equivalent service furnished by a private carrier, to the respective address of each party as set forth at the beginning of this Grant of Easement.

**IN WITNESS WHEREOF**, Grantor grants the Declaration of Covenants, Conditions, and Restrictions above and executes this instrument on the date first above written.

Grantor: **The City of Marathon, Florida**

Hillary Palmer  
Witness #1 Signature

R. Daniel Zieg  
By: **Dr. Dan Zieg, Mayor**

Hillary Palmer  
Witness #1 Printed Name

Diane Clavier  
Witness #2 Signature

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

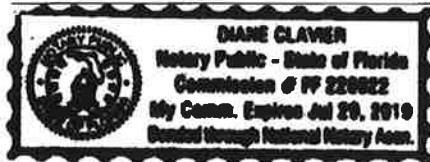
[Signature]  
Corney

Diane Clavier  
Witness #2 Printed Name

STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 29 day of June, 2017,  
by Dr. Dan Zieg, Mayor of The City of Marathon, Florida who is personally known to me or has  
produced \_\_\_\_\_ as identification.

SEAL



Diane Clavier  
Signature of Notary Public

My Commission Expires:

Printed Name of Notary Public



**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 certifies that a survey of the above prepared description was made under my supervision and the survey meets the "Minimum Technical Standards" set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.  
Date Survey completed 09/07/06  
BOUNDARY SURVEY FOR LEGAL DESCRIPTION

  
**JOHN PAUL GRIMES, III, S. & M., NO. 4906**  
THIS SKETCH IS NOT ASSIGNABLE.  
THIS SKETCH SUBJECT TO A TITLE SEARCH.

J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
P.O. BOX 510403 #14 6th STREET  
KEY COLONY BEACH, FL. 33051-0403  
PH. (305) 743-4510 FAX (305) 743-3277

P.N. 070708R1 JG

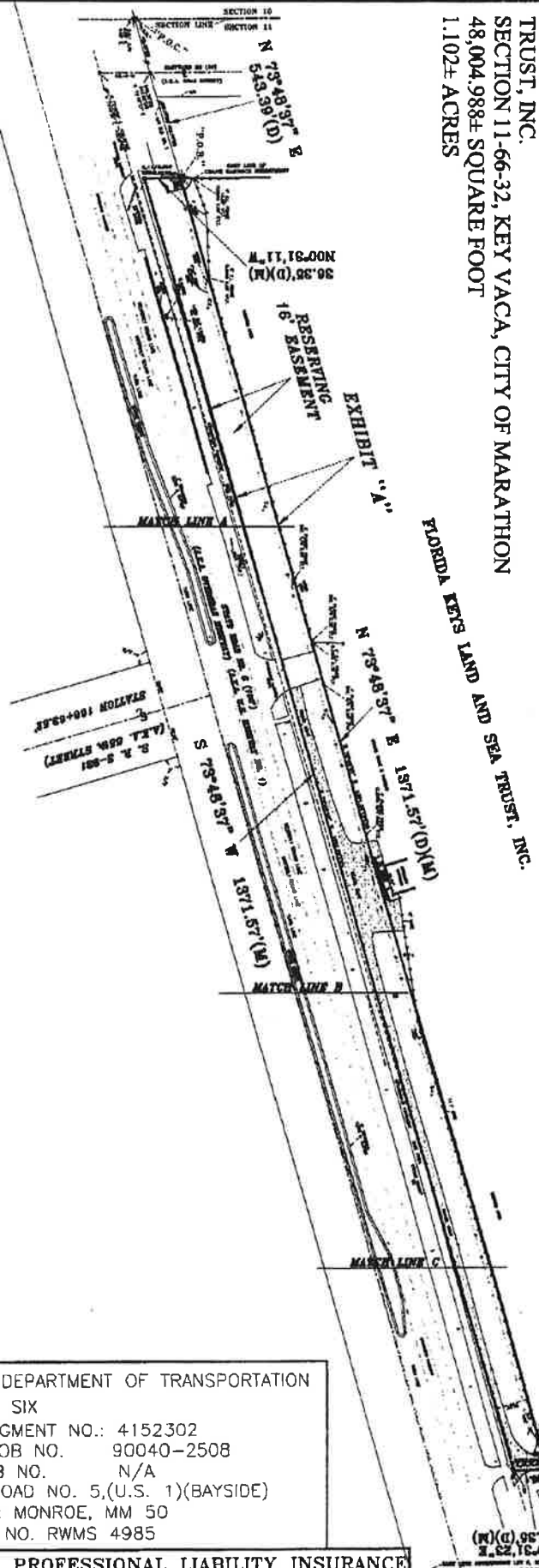
FOR THE BENEFIT OF:  
FLORIDA KEYS LAND AND SEA TRUST, INC.  
FLORIDA DEPARTMENT OF TRANSPORTATION  
DEVANE AND DORL, P.A.  
ATTORNEYS' TITLE INSURANCE FUND, INC.  
CHICAGO TITLE INSURANCE COMPANY

CITY OF MARATHON  
SECTION 11-66-32, KEY VACA NOT VALID WITHOUT ALL 6 SHEETS

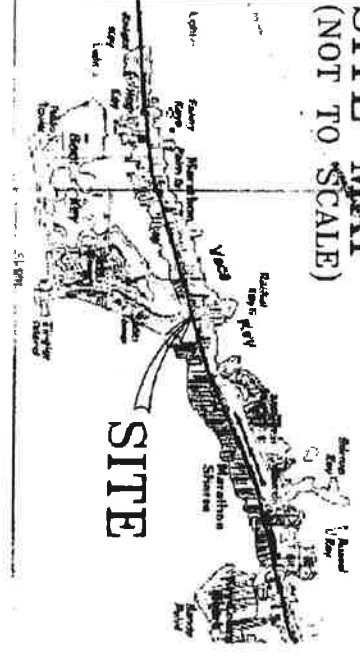
FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
ITEM/SEGMENT NO.: 4152302  
STATE JOB NO. 90040-2508  
FED JOB NO. N/A  
STATE ROAD NO. 5,(U.S. 1)(BAYSIDE)  
COUNTY: MONROE, MM 50  
PARCEL NO. RWMS 4985

**EXHIBIT 'A'**

SKETCH OF LEGAL DESCRIPTION  
 OF PORTION OF FLORIDA DEPARTMENT OF TRANSPORTATION  
 RIGHT-OF-WAY ADJACENT TO FLORIDA KEYS LAND AND SEA  
 TRUST, INC.  
 SECTION 11-66-32, KEY VACA, CITY OF MARATHON  
 48,004.988± SQUARE FOOT  
 1.102± ACRES



**SITE MAP**  
 (NOT TO SCALE)



NOTE:  
 UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND  
 UTILITIES IF ANY ARE NOT LOCATED.  
 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
 CENTERLINE = BASELINE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

SCALE  
 1" = 160'



- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>● = FOUND CONTROL POINT</li> <li>○ = 40d NAIL/PK/NUT</li> <li>○ = FOUND 3/4" IRON ROD</li> <li>○ = NO IDENTIFICATION</li> <li>○ = FOUND 3/4" PIPE</li> <li>○ = /CAP TYPE</li> <li>○ = SET 3/4" PIPE</li> <li>○ = /LS#4906</li> <li>○ = POWER POLE</li> <li>○ = PERMANENT REFERENCE MONUMENT</li> <li>○ = FIRE WELL</li> <li>○ = STREET LIGHT</li> <li>○ = METAL SIGN</li> <li>○ = WATER VALVE HAND HOLE</li> </ul> | <ul style="list-style-type: none"> <li>R/W = RIGHT-OF-WAY</li> <li>(P) = PLAT</li> <li>(M) = MEASURED</li> <li>(C) = CALCULATED</li> <li>(D) = DEED/DESCRIPTION</li> <li>P.O.C. = POINT OF COMMENCEMENT</li> <li>P.O.B. = POINT OF BEGINNING</li> <li>C = CENTERLINE</li> <li>■ = INDICATES CONCRETE</li> <li>-P-T- = AERIAL POWER, TELEPHONE LINES</li> <li>'LY.' = ERLY</li> <li>C.L.F. = CHAIN LINK FENCE</li> <li>/// = BROKEN LINE (NOT TO SCALE)</li> </ul> |
|---|---|

*John Paul*  
 J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
 P.O. BOX 510403 #14 6th STREET NO. 4906  
 KEY COLONY BEACH, FL. 33051-0403  
 PH. (305) 743-4510 FAX (305) 743-3277

FLORIDA DEPARTMENT OF TRANSPORTATION  
 DISTRICT SIX  
 ITEM/SEGMENT NO.: 4152302  
 STATE JOB NO. 90040-2508  
 FED JOB NO. N/A  
 STATE ROAD NO. 5,(U.S. 1)(BAYSIDE)  
 COUNTY: MONROE, MM 50  
 PARCEL NO. RWMS 4985

NOT VALID WITHOUT ALL 6 SHEETS SHEET 2 OF 6 P.N. 070708 BT

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE



**EXHIBIT "A" MATCH LINE A**  
**DETAIL**  
**MIDDLE WEST**



SCALE  
 1" = 50'



**EXHIBIT "A" RESERVING EASEMENT**  
**16'**

STATION 166+63.52  
 (A.K.A. 55th STREET)  
 S. R. S-931

STATE ROAD NO. 5 (166')  
 (A.K.A. OVERSEAS HIGHWAY)  
 U.S. HIGHWAY NO. 1

- |                                |                                       |
|--------------------------------|---------------------------------------|
| • FOUND CONTROL POINT          | R/W = RIGHT-OF-WAY                    |
| • 400 NAIL/PIN/NUT             | (M) = MEASURED                        |
| • FOUND 3/4" IRON ROD          | (C) = CALCULATED                      |
| • NO IDENTIFICATION            | (D) = DEED/DESCRIPTION                |
| • FOUND 1/2" PIPE              | POC = POINT OF COMMENCEMENT           |
| • LAP PIPE                     | POB = POINT OF BEGINNING              |
| • 1/2" PIPE                    | CL = CENTERLINE                       |
| • 1/4" PIPE                    | • INDICATES                           |
| • POWER POLE                   | • CHAINLINK                           |
| • PERMANENT REFERENCE MONUMENT | -P-T- = AERIAL POWER, TELEPHONE LINES |
| • FIRE WELL                    | LY. = EARLY                           |
| • STREET LIGHT                 | CLF = CHAIN LINK FENCE                |
| • LEGEND SIGN                  | ABBREVIATIONS (SCALE)                 |
| • WATER VALVE (HAND HOLE)      |                                       |

*John Paul J.*  
 J.P. GRAMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
 P.O. BOX 510403 #14 5th STREET NO. 4906  
 KEY COLONY BEACH, FL. 32951-0403  
 PH. (305) 743-4510 FAX (305) 743-3777  
 NOT VALID WITHOUT ALL 6 SHEETS P.N. 070708R1.JC

FLORIDA DEPARTMENT OF TRANSPORTATION  
 DISTRICT SIX  
 PROJECT NO.: 4152302  
 STATE JOB NO. 90040-2508  
 FIELD JOB NO. N/A  
 STATE ROAD NO. 5, (U.S. 1) (BAYSIDE)  
 COUNTY: MONROE, MM 50  
 PARCEL NO. RWMS 4985

**SHEET 4 OF 6**

**NOTE**  
 UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND UTILITIES IF ANY ARE NOT LOCATED.  
 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
 CENTERLINE = BASELINE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**MATCH LINE B**

**THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE**

**EXHIBIT "A"  
 DETAIL  
 MIDDLE EAST**



SCALE  
 1" = 50'



**MATCH LINE B**

**MATCH LINE C**

**RESERVING EXHIBIT "A"  
 16'**

LEGEND	ABBREVIATIONS
● FOUND CONTROL POINT	R/W = RIGHT-OF-WAY
○ 406 HAIL/PAV/PLAT	(P) = PLAT
○ FOUND 1/4" IRON ROD	(M) = MEASURED
○ NO IDENTIFIERS	(C) = CALCULATED
○ FOUND 5/4" PIPE	(D) = DEED/DESCRIPTION
○ CAP TYPE	P.O.C. = POINT OF COMMENCEMENT
○ SFT 3/4" PIPE	P.O.R. = POINT OF BEGINNING
○ 215#406	C = CENTERLINE
○ POWER POLE	INDICATOR
○ PERMANENT REFERENCE MONUMENT	CONTRACT
○ FIRE WELL	-P-T- = AERIAL POWER TELEPHONE LINES
○ STREET LIGHT	'LY = WALK
○ METAL SIGN	CLF = CHAIN LINK FENCE
○ WATER VALVE HAND HOLE	--- = BROKEN LINE (NOT TO SCALE)

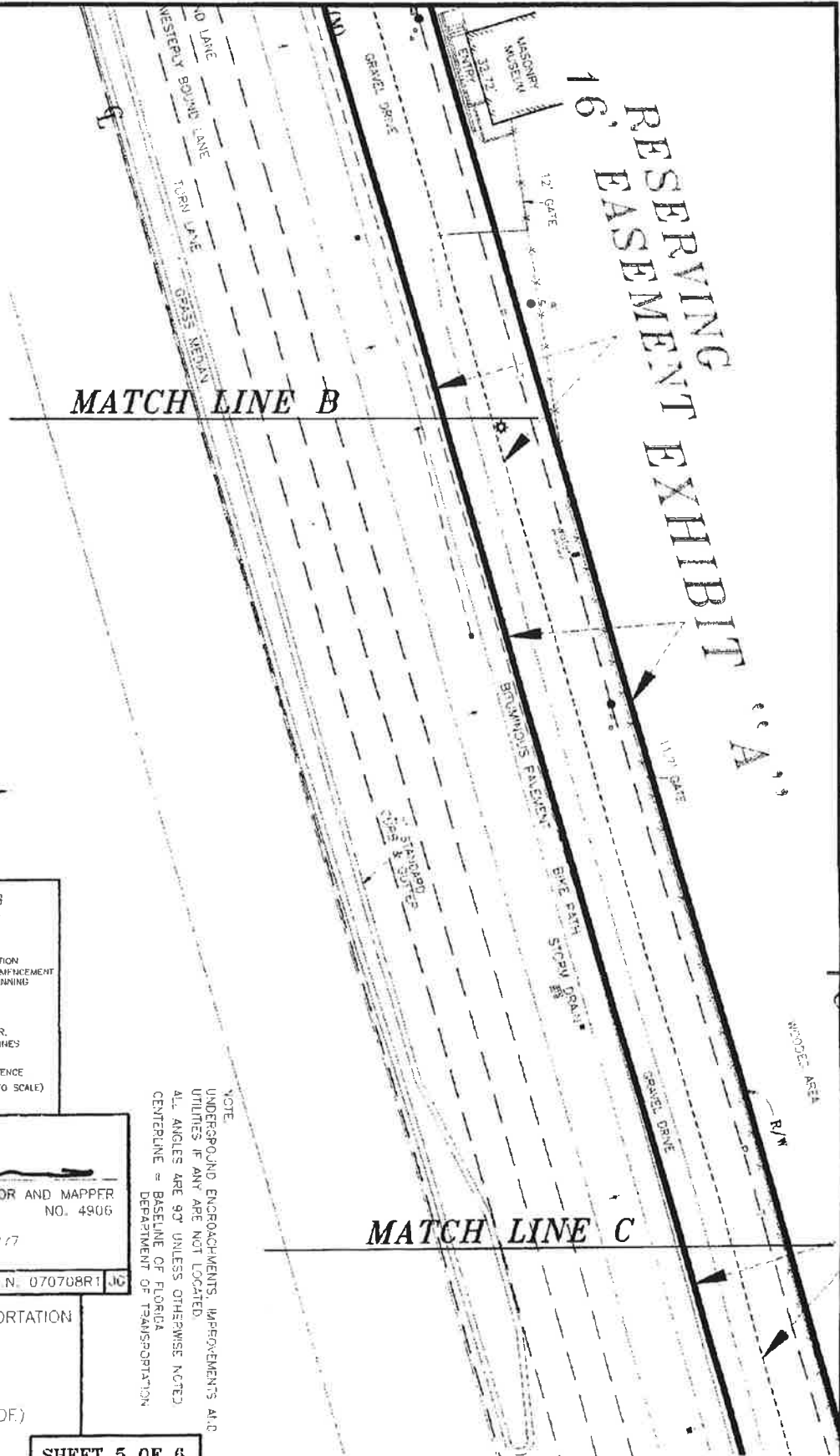
*J. P. Grimm*  
 J.P. GRIMM, REGISTERED FLORIDA SURVEYOR AND MAPPER  
 P.O. BOX 510403 #14 6th STREET NO. 4906  
 KEY COLONY BEACH, FL 33051-0403  
 PH. (305) 743-4510 FAX (305) 743-3217  
 NOT VALID WITHOUT ALL 6 SHEETS P.N. 070708R1 JC

FLORIDA DEPARTMENT OF TRANSPORTATION  
 DISTRICT SIX  
 ITEM/SEGMENT NO.: 4152302  
 STATE JOB NO. 90040-2508  
 FED JOB NO. N/A  
 STATE ROAD NO. 5, (U.S. 1) (BAYSIDE)  
 COUNTY: MONROE, MM 50  
 PARCEL NO. RWMS 4985

**SHEET 5 OF 6**

**THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE**

NOTE  
 UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND UTILITIES IF ANY ARE NOT LOCATED.  
 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
 CENTERLINE = BASELINE OF FLORIDA DEPARTMENT OF TRANSPORTATION



**EXHIBIT "A"**  
**DETAIL**  
**EAST END**



SCALE  
1" = 50'



MATCH LINE C

16' RESERVING  
EASEMENT

EXHIBIT "A"

NOTE  
UNDERLYING ENCROACHMENTS, IMPROVEMENTS AND UTILITIES IF ANY ARE NOT LOCATED  
ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED  
DEPARTMENT OF FLORIDA TRANSPORTATION

EAST LINE OF  
OFFICIAL RECORDS  
BOOK 1077, PAGE 0437

**LEGEND**

- FOUND CONTROL POINT
- 40# HAIL/PA/INOT
- FOUND 5/8" IRON ROD
- NO IDENTIFICATION
- FOUND 5/4" PIPE
- /CAP TYPE
- SET 3/4" PIPE
- 25#400#
- POWER POLE
- MANHOLE REFERENCE MONUMENT
- FIRE WELL
- STREET LIGHT
- METAL SIGN
- WATER VALVE HAND WHEEL

**ABBREVIATIONS**

- R/W = RIGHT-OF-WAY
- (P) = FLAT
- (M) = MEASURED
- (C) = CALCULATED
- (D) = DEED/DESCRIPTION
- P.O.B. = POINT OF BEGINNING
- CL = CENTERLINE
- INDICATES CONCRETE
- P-T- = AERIAL POWER, TELEPHONE LINES
- Ly = ERIE
- C.L.F. = CHAIN LINK FENCE
- = BROKEN LINE (NOT TO SCALE)

*J.P. Brines*

J.P. BRINES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
P.O. BOX 510403 #14 6th STREET NO. 4906  
KEY COLONY BEACH, FL. 32051-0403  
PH (305) 743-4510 FAX (305) 743-3277

NOT VALID WITHOUT ALL 6 SHEETS

P.N. 070708RI JG

FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
ITEM/SEGMENT NO.: 4152302  
STATE JOB NO. 90040-2508  
FED JOB NO. N/A  
STATE ROAD NO. 5, (U.S. 1) (BAYSIDE)  
COUNTY: MONROE, MM 50  
PARCEL NO. RWMS 4985

SHEET 6 OF 6

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

EAST LINE GOVERNMENT LOT 2, SECTION 11-66-32

**EXHIBIT "B"**  
**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 certifies that a survey of the above prepared description was made under my supervision and the survey meets the "Minimum Technical Standards" set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.  
Date Survey completed: 09/07/06  
BOUNDARY SURVEY FOR LEGAL DESCRIPTION

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

CITY OF MARATHON  
SECTION 11-66-32, KEY VACA NOT VALID WITHOUT ALL 6 SHEETS

  
**JOHN PAUL CRIMES, III, S. & M., NO. 4906**  
THIS SKETCH IS NOT ASSIGNABLE.  
THIS SKETCH SUBJECT TO A TITLE SEARCH. [P.N. 070708R1] JG

FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
ITEM/SEGMENT NO.: 4152302  
STATE JOB NO. 90040-2508  
FED JOB NO. N/A  
STATE ROAD NO. 5,(U.S. 1)(BAYSIDE)  
COUNTY: MONROE, MM 50  
PARCEL NO. RWMS 4985

J.P. CRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
P.O. BOX 510403 #14 6th STREET  
KEY COLONY BEACH, FL 33051-0403  
PH. (305) 743-4510 FAX (305) 743-5277

SHEET 1 OF 6

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE







**EXHIBIT "B" MATCH LINE A**  
**DETAIL**  
**MIDDLE WEST**



STATION 166+63.52  
 (A.K.A. 55th STREET)  
 S. R. S-931  
 SCALE 1" = 50'

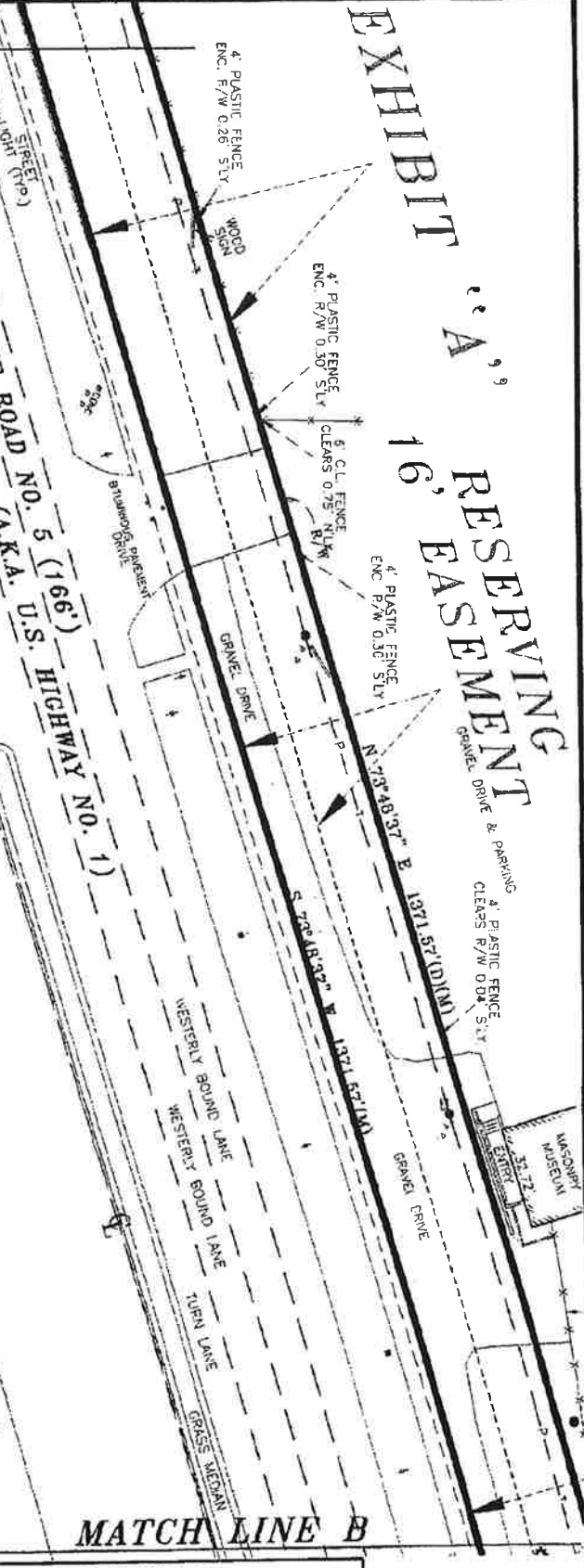
- |                                |        |                                 |
|--------------------------------|--------|---------------------------------|
| • FOUND CONTROL POINT          | R/W    | = RIGHT-OF-WAY                  |
| • FOUND 1/4" IRON NAIL         | (P)    | = PLAT                          |
| • FOUND 3/4" IRON ROD          | (M)    | = MEASURED                      |
| • NO IDENTIFICATION            | (C)    | = CALCULATED                    |
| • FOUND 3/4" PIPE              | (D)    | = DEED/DESCRIPTION              |
| • FOUND 1/2" PIPE              | P.O.C. | = POINT OF COMMENCEMENT         |
| • FOUND 3/4" PIPE              | P.O.B. | = POINT OF BEGINNING            |
| • FOUND 1/2" PIPE              | C      | = CENTERLINE                    |
| • POWER POLE                   | •      | = INDICATES CONCRETE            |
| • PERMANENT REFERENCE MONUMENT | -P-T-  | = AERIAL POWER, TELEPHONE LINES |
| • FIRE WELL                    | •      | = ERLY                          |
| • STREET LIGHT                 | C.L.F. | = CHAIN LINK FENCE              |
| • LEGEND                       | •      | = ABBREVIATIONS (SCALE)         |
| • WATER VALVE HAND HOLE        |        |                                 |

*J. P. Graves*  
 J.P. GRAVES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
 P.O. BOX 510403 #14 6th STREET NO. 4906  
 KEY COLONY BEACH, FL. 32001-0403  
 PH. (305) 743-4510 FAX (305) 743-3277  
 NOT VALID WITHOUT ALL 6 SHEETS P.N. 07C708R1JG

FLORIDA DEPARTMENT OF TRANSPORTATION  
 DISTRICT SIX  
 ITEM/SEGMENT NO. 4152302  
 STATE JOB NO. 90040-2508  
 FFD JOB NO. N/A  
 STATE ROAD NO. 5.(U.S. 1)(BAYSIDE)  
 COUNTY: MONROE, MM 50  
 PARCEL NO. RWMS 4985  
**SHEET 4 OF 6**

NOTE:  
 UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND UTILITIES IF ANY ARE NOT LOCATED.  
 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
 CENTERLINE = BASELINE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**EXHIBIT "A"**  
**RESERVING**  
**EASEMENT**  
**16'**



THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

**EXHIBIT "B"**  
**DETAIL**  
**MIDDLE EAST**



SCALE  
 1" = 50'



MATCH LINE B

MATCH LINE C

16' RESERVING EASEMENT EXHIBIT "A"

LEGEND	ABBREVIATIONS
○ FOUND CONTROL POINT	R/W = RIGHT OF-WAY
456 GAL/PPH/FOOT	(F) = FLAT
● FOUND 3/4" IRON ROD	(M) = MEASURED
NO IDENTIFICATION	(C) = CALCULATED
○ FOUND 3/4" PIPE	(D) = DEED/DESCRIPTION
○ CAR TYPE	P.O.C. = POINT OF COMMENCEMENT
○ SET 3/4" PIPE	P.O.B. = POINT OF BEGINNING
7/LS#4906	○ = CENTERLINE
— POWER POLE	—▲— INDICATES CONCRETE
— PERMANENT REFERENCE MONUMENT	—P-T— = AERIAL POWER, TELEPHONE LINES
● FIRE WELL	LY = ERLY
● STREET LIGHT	C.L.F. = CHAIN LINK FENCE
● METAL SIGN	— = BROKEN LINE (NOT TO SCALE)
● WATER VALVE HAND HOLE	

*John R. ...*

J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
 P.O. BOX 510403 #14 6th STREET NO. 4906  
 KEY COZONY BEACH, FL. 33051-0403  
 PH. (335) 743-4510 FAX (305) 743-3277

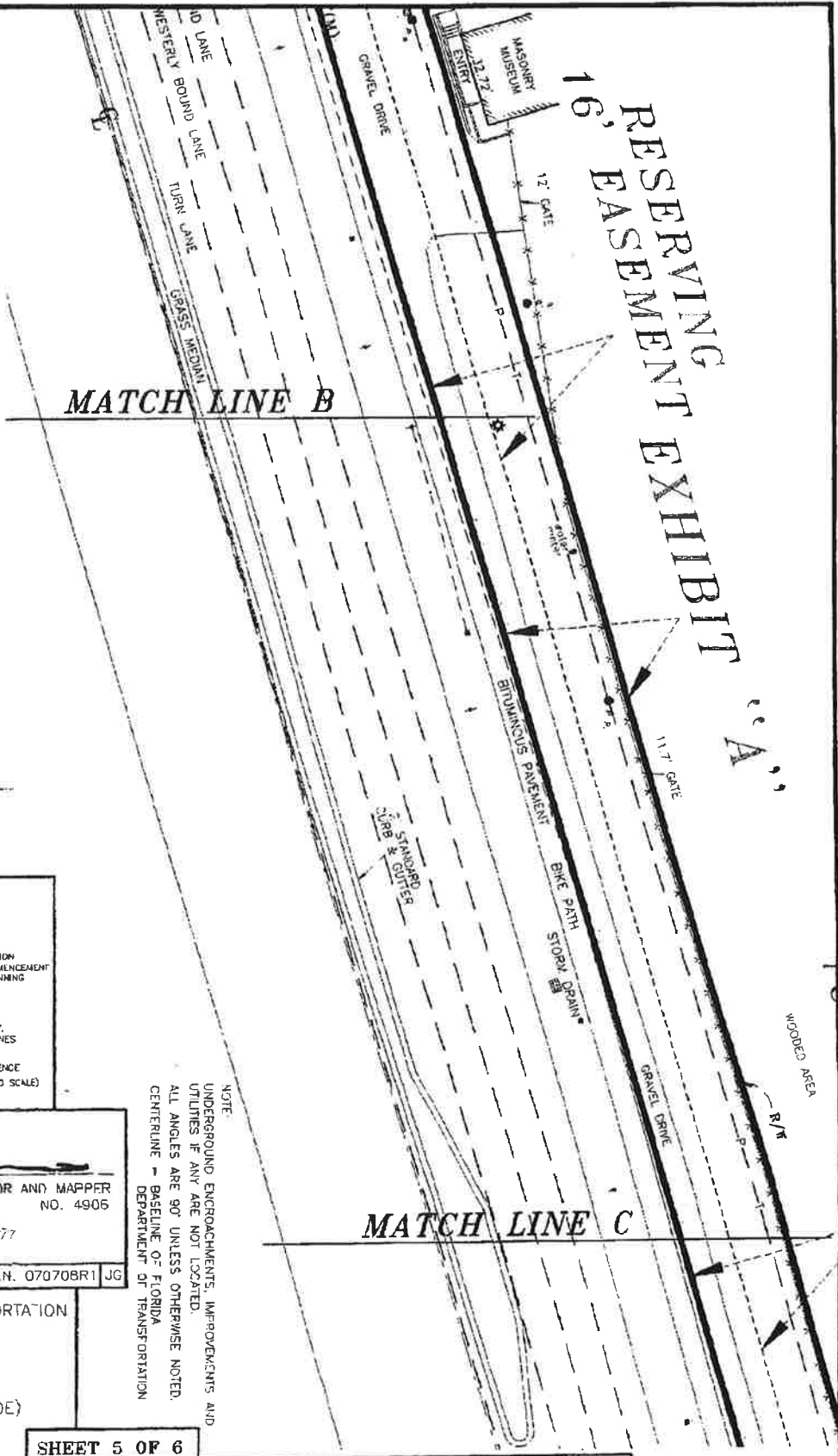
NOT VALID WITHOUT ALL 6 SHEETS P.N. 070708R1 JG

FLORIDA DEPARTMENT OF TRANSPORTATION  
 DISTRICT SIX  
 ITEM/SEGMENT NO.: 4152307  
 STATE JOB NO. 90040-2508  
 FED JOB NO. N/A  
 STATE ROAD NO. 5, (U.S. 1)(BAYSIDE)  
 COUNTY: MONROE, MM 50  
 PARCEL NO RWMS 4985

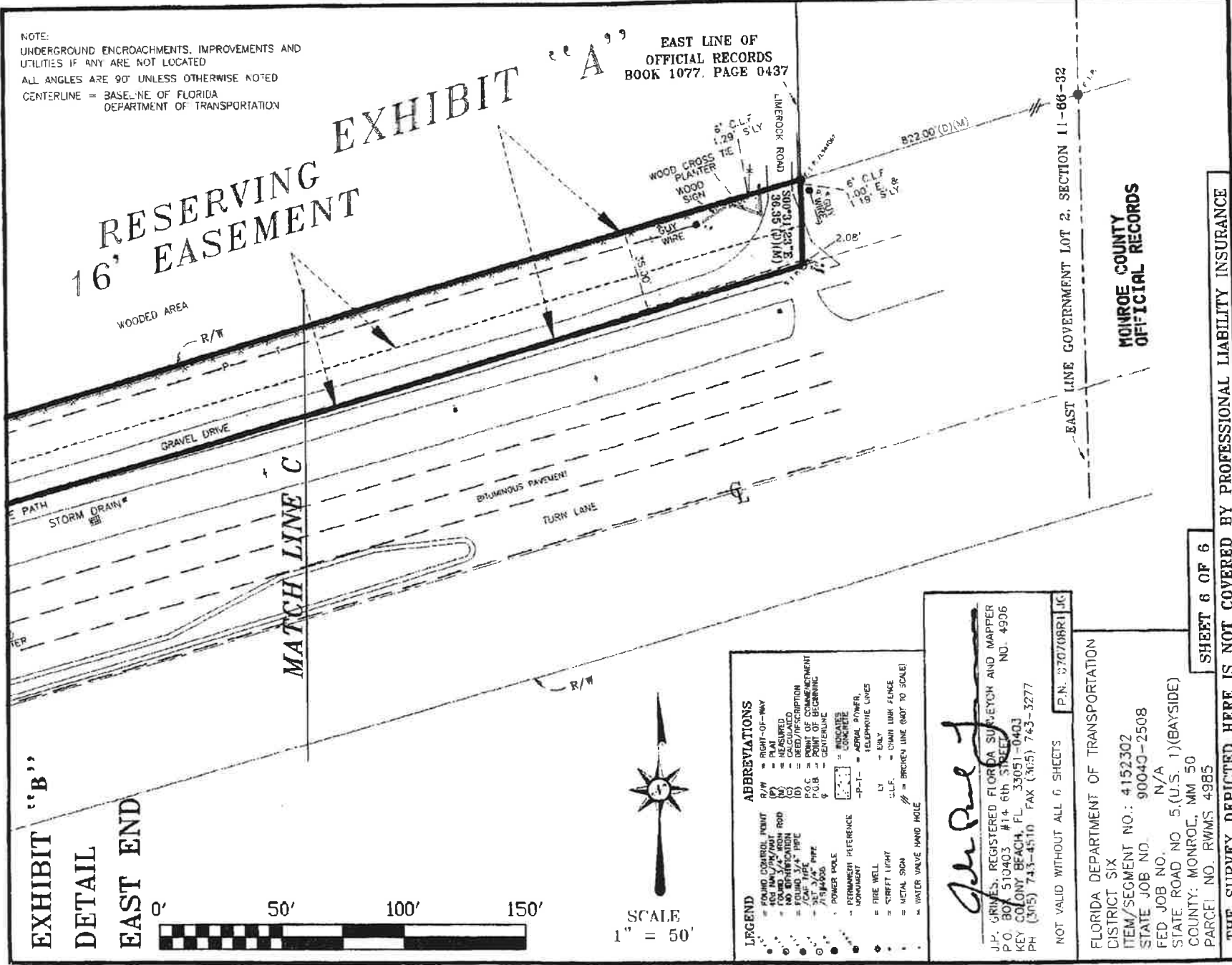
SHEET 5 OF 6

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

NOTE:  
 UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND UTILITIES IF ANY ARE NOT LOCATED.  
 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
 CENTERLINE = BASELINE OF FLORIDA DEPARTMENT OF TRANSPORTATION



Doc# 2130709 Pg# 2242  
Bk# 2863



NOTE:  
UNDERGROUND ENCROACHMENTS, IMPROVEMENTS AND UTILITIES IF ANY ARE NOT LOCATED  
ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED  
CENTERLINE = BASELINE OF FLORIDA DEPARTMENT OF TRANSPORTATION

# RESERVING 16' EASEMENT

EAST LINE OF  
OFFICIAL RECORDS  
BOOK 1077, PAGE 0437

MONROE COUNTY  
OFFICIAL RECORDS

EAST LINE GOVERNMENT LOT 2, SECTION 11-86-32

EXHIBIT "B"  
DETAIL  
EAST END



**LEGEND**

- FOUND CONTROL POINT
- 1/4" DIA. IRON NAIL
- 1/2" DIA. IRON ROD
- 3/4" DIA. IRON ROD
- FOUND 3/4" IRRE
- 1/2" DIA. IRRE
- SET 3/4" IRRE
- 1/4" DIA. IRRE
- POWER POLE
- PERMANENT REFERENCE MONUMENT
- FIRE WELL
- STREET LIGHT
- METAL SIGN
- WATER VALVE HAND HOLE

**ABBREVIATIONS**

- R/W = RIGHT-OF-WAY
- PLAT = PLAT
- RESURVED = RESURVED
- DEED/DESCRIPTION = DEED/DESCRIPTION
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- CENTENING = CENTENING
- INDICATE = INDICATE
- ADJACENT = ADJACENT
- P-I = PERMANENT REFERENCE MONUMENT
- LN = L&N
- ELF = STREET LIGHT
- MSL = METAL SIGN
- WVH = WATER VALVE HAND HOLE

*J.P. Grives*  
J.P. GRIVES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
P.O. BOX 310403 #14 6th STREET NO. 4906  
KEY COLONY BEACH, FL 33051-0403  
PH (305) 743-4510 FAX (305) 743-3277

NOT VALID WITHOUT ALL 6 SHEETS P.N. 370/88R1 JG

FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
ITEM/SEGMENT NO.: 4152302  
STATE JOB NO. 90040-2508  
FED JOB NO. N/A  
STATE ROAD NO 5 (U.S. 1) (BAYSIDE)  
COUNTY: MONROE, MI 50  
PARCEL NO. RWMS 4985

SHEET 6 OF 6

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

## LEASE AGREEMENT

This Lease Agreement made and entered into this 13th day of July, 2017, by and between THE CITY OF MARATHON, Florida, a Florida municipal corporation, hereinafter referred to as "Lessor" and the FLORIDA KEYS LAND & SEA TRUST, INC., a Florida not-for-profit corporation, of 5550 Overseas Highway, Marathon, Monroe County, FL 33050, hereinafter referred to as "Lessee".

### WITNESSETH

1. Lease Premises. In consideration of the rent, covenants, and agreements hereinafter reserved and contained on the part of the Lessee to be observed and performed, Lessor leases to the Lessee for the term and upon the terms and conditions hereinafter set forth, the parcel of land approximately 35 feet deep and 1,372 feet long contiguous to the front of the Lessee's property at MM 50 in Marathon, Florida. The lease property is more particularly described in the legal description and survey, a copy of which is attached hereto as "Exhibit A" and is made a part hereof.

2. Effective Date. This Lease Agreement shall become effective upon signing by Lessor and Lessee. This date shall constitute the Anniversary Date of this Lease.

3. Duration of Term. The initial term of this Lease will be twenty-five (25) years. This Lease shall be automatically renewed for two (2) additional twenty-five (25) year periods and one (1) twenty-four (24) year period unless a breach of this Lease requires the prior termination of the Lease Agreement. Any termination for breach must follow notice of the breach in writing, and a thirty (30) day curative period in which the breaching party may cure the breach.

4. Rental Amount. The Lessee shall pay rent in equal annual payments of Ten and 00/100 Dollars (\$10.00) on each anniversary date of this Lease. Should Lessee elect, rent may be prepaid for an entire period of the Lease.

5. Lease Purpose. This property shall be used for purposes including but not limited to: education, conservation, scientific, and recreational purposes consistent with the Lessee's charter. Lessee shall have the right to assign this Lease to another non-profit corporation with activities and uses consistent with Lessee's charter.

6. Indemnity. Lessee shall indemnify and hold harmless Lessor for any and all present or future claims, suits, demands, or liabilities of any nature, for damages to property or personal injuries, or any other claim that may arise from the activities and property's use by Lessee, its agents, employees, and invitees during the term of the Lease Agreement. In furtherance of this obligation, Lessee shall, during the entire term hereof, keep in full force and effect a policy of public liability insurance of not less than One Million and 00/100 Dollars (\$1,000,000.00) with respect to the leased premises. Policies shall be written by an insurance company with an A rating,

and a copy of the policy or a certificate of insurance shall be delivered to Lessor. The policies shall name Lessor, as insured. In the event of failure of Lessee to procure the insurance required hereunder, or to pay the premiums thereon, or to properly maintain and keep in force the insurance, Lessor shall have the right to procure the insurance and pay the premiums, which amounts shall be deemed rent, due and payable immediately from Lessee.

7. Lessee agrees not to sublet any portion of the property, without first obtaining written permission from Lessor, which permission shall not be unreasonably withheld.

8. Lessee will be responsible for payment of all utilities, water, electric or other charges incurred by the property during the term of this Lease. Lessee shall pay, as additional rent, any and all ad valorem, personal and tangible personal property taxes due on the property and all the special property assessments, sanitary charges, sewerage hookup charges and all utility service charges or public charges incurred in the operations of the premises.

9. Lessor has the right of emergency access to the leased premises at any time and access during reasonable hours to inspect the property.

10. Waiver of Trial by Jury. The Lessee and the Lessor knowingly, voluntarily, and intentionally waive the right either may have to a trial by jury in respect of any litigation based hereon, or arising out of, under or in connection with this Lease and any agreement contemplated to be executed in conjunction herewith, or any course of conduct, course of dealing, statements (whether verbal or written) or actions of either party. This provision is a material inducement for the Owner entering into the lease.

11. Should any provision of this Lease be found to be invalid or unenforceable, the remainder of the Lease shall not be affected thereby and each term and provision herein shall be valid and enforceable to the fullest extent permitted by law.

12. Modifications. No subsequent alteration, amendment, change or additions to this Lease shall be binding upon Lessor unless reduced to writing and signed by all parties.

As to Lessor:

FLORIDA KEYS LAND & SEA  
TRUST, INC., a Florida  
not-for-profit corporation

  
Printed Name: Hillary Palmer  
Witness #1 as to Florida Keys Land & Sea Trust

By:   
Its

  
Printed Name: CHARLOTTE QUINN

Witness #2 as to Florida Keys Land & Sea Trust

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 13 day of July, 2017, by George Garrett as chairman of Florida Keys Land & Sea Trust, Inc., a Florida not-for-profit corporation, on behalf of the corporation.



Diane Clavier  
Notary Public, State of Florida

As to Lessee:

THE CITY OF MARATHON,  
a Florida municipal corporation

George Garrett  
Printed Name: George Garrett  
Witness #1 as to City of Marathon

By: R. Daniel Zieg  
Its Mayor

Hillary Palmer  
Printed Name: Hillary Palmer  
Witness #2 as to City of Marathon

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 13 day of July, 2017, by R. Daniel Zieg as Mayor of The City of Marathon, a Florida municipal corporation, on behalf of the corporation.



Diane Clavier  
Notary Public, State of Florida



