

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-64**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA PROMULGATING THAT THE CITY HAS NO INTEREST, AS A MATTER OF OWNERSHIP OR CURRENT AND FUTURE USE, IN A PARCEL SEVERED AT SALE FROM "TRACT A" (RE NO. 00343500-000000) AS PART OF PARAISO ESTATES SUBDIVISION, A PART OF THE S.W. ¼ OF SECTION 1 AND A PART OF GOVT. LOT 1, SECTION 12, ALL IN TOWNSHIP 66 SOUTH, RANGE 32 EAST, PROVIDING FOR SIGNATURE BY THE MAYOR, PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon has been challenged to by the owner of Tender Loving Care Garden Supply, Inc (TLC) through attorney James Dorl concerning ownership of a parcel of land as described above; and

**WHEREAS**, the parcel in question has no particularly Real Estate number as established by the Monroe County Property Appraiser and yet in previous surveys appears to have been severed from he original plat of Paraiso Estates Subdivision to be retained by the developer; and

**WHEREAS**, the particular interest at this time is that the owners of TLC owns and maintains a sign on the property in question and has received permits for same by both Monroe County and the City of Marathon over a time frame of 1991 to the present; and

**WHEREAS**, the sign appears to exist in 1975 aerial photography available to the City; and

**WHEREAS**, The County drafted a memorandum in 1993 concerning a "Cross Access Easement" as part of a permit described as 93-1-3712 for two bathrooms. Said Easement appears to relate to a required parallel access to U.S. 1 as part of a project approval at that time. The easement does not describe the area in question herein; and

**WHEREAS**, there are additional permits for the sign issued by both the County and the City of Marathon:

- a. 91-2-1808, 91-2-2338, 92-2-2445, 982-1383, 99-972, and P2013-1061 (Available at the City)
- b. These permits, issued initially by the County and later by the City would indicate no ownership or interest in the property; and
- c.

**WHEREAS**, in 2014, TLC obtained a Quit Claim deed from one of the original owners of Paraiso Estates, Inc; and

**WHEREAS**, in 2019 TLC obtained a survey from Prospect Surveying which includes the

small area in question as part of the TLC property. Made a part of the attached Resolution.

**WHEREAS**, as the land in question does not appear to be a part of the right-of-way any longer and contains no known City assets, the City claims no ownership or other interest in the property,

**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 declares and herein promulgates that it has no ownership or other interest for current or future use in the property in question. See attached survey by Prospect Surveyors

**Section 3.** The Mayor is authorized to sign this Resolution.

**Section 4. 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 8TH DAY OF SEPTEMBER 2020.**

**THE CITY OF MARATHON, FLORIDA**

  
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**Steve Cook, Mayor**

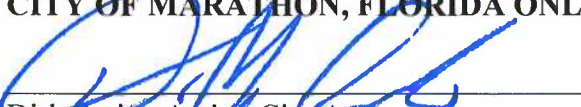
AYES: Bartus, Gonzalez, Senmartin, Zieg, Cook  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
for Hilary H. Palmer  
Diane Clavier, City Clerk

(City Seal)

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

  
\_\_\_\_\_  
Dirk Smits, Acting City Attorney



SCALE IN FEET  
SCALE: 1" = 40'

DESCRIPTION:  
ALL OF TRACT "A" IN PARAISSO ESTATES AS RECORDED IN PLAT BOOK 5, PAGE 2, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

- 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 RECORDED 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 OTHER 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 NAMPLEX THIS GRAPHIC, 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. NOTICES HEREON SHALL BE CONSIDERED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
  4. BEARINGS SHOWN HEREON ARE BASED UPON FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE NORTH AMERICAN DATUM OF 1983 (NAD 83) 2011 ADJUSTMENT AND WERE ESTABLISHED WITH REAL TIME KINEMATIC GPS OBSERVATIONS UTILIZING THE TRIMBLE VRS NETWORK.
  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 NOTED IN CURRENT DEED AND/OR OTHER INSTRUMENTS OF RECORD FURNISHED BY CLIENT.
  6. LAST DATE OF FIELD SURVEY: 3-16-19
  7. ELEVATIONS SHOWN HEREON REFER TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1975 PARCEL CORNERS 71,199 SQUARE FEET MORE OR LESS.
  8. SUBJECT PARCEL LIES WITHIN FLOOD ZONES AE & AS SHOWN ON FLOOD INSURANCE RATE MAP 13087C181H DATED 2-18-08.

CURVE TABLE					
CURVE	ANGLE	RADIUS	BEARING	DISTANCE	ARC LENGTH
C1 (C)	112°09'30"	25.00	N56°35'17"W	21.49	48.93
C2 (P & C)	90°00'00"	50.00	N44°29'13"E	70.71	78.54

CERTIFIED TO:  
CLAUDE MALLOUA

Prospect Surveying, LLC  
Certificate of Authorization No. LB 7921

*[Signature]*  
BRENT JOSEPH THURKETTLE  
FLORIDA LICENSE - LS 6794

7537 OVERSEAS HIGHWAY MARATHON, FLORIDA

DATE: 03/16/19  
BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: 1" = 40'  
JOB NO.: 19-001  
PROJECT: 7537 OVERSEAS HWY



**Prospect Surveying, LLC**  
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103400 Overseas Highway Unit 111  
Key Largo, FL 33037  
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**BOUNDARY SURVEY**  
TRACT A  
PARAISSO ESTATES  
PLAT BOOK 5, PAGE 2  
MONROE COUNTY, FLORIDA

NO.	DATE	REVISION	BY	APP'D
1	03-16-19			
2	04-11-19			
3	07-17-19			
4	11-04-19			