

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-37**

**A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING SUBJECT TO CONDITIONS, A REQUEST TO THE CITY COUNCIL OF THE CITY OF MARATHON BY MATTHEW SEXTON REVOCABLE TRUST AGREEMENT 2/8/2018 TO ABANDON A PORTION OF THE PUBLIC RIGHT OF WAY KNOWN AS CRAIN STREET, LOCATED AT AND ADJACENT TO 58279 CRAIN STREET, LOTS 1-6, BLOCK 25, CRAINS SUBDIVISION, GRASSY KEY, PB 1-51, HAVING REAL ESTATE NUMBER 00369400-000000, MONROE COUNTY FLORIDA, NEAREST MILE MARKER 57.7; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, there presently exists a certain public right-of-way within the City of Marathon, Florida, Located At 58279 Crain Street, Described As Crains Subdivision, Plat book 1, Page 51, Grassy Key, Lots 1-6, Block 25, Monroe County, Florida and as particularly described in the attached survey (Exhibit "A"); and

**WHEREAS**, Matthew Sexton Revocable Trust Agreement 2/8/2018 (Agent, Island Construction Management) has requested that the City of Marathon, Florida (the "City"), in accordance with Section 26-1 of the City Code, abandon the Right-of-Way; and

**WHEREAS**, the City Council finds that the Right-of-Way is not needed and may be abandoned without adversely affecting the public interest; and

**WHEREAS**, the Right-of-Way lies wholly within the corporate boundaries of the City and within the City's ownership and authority to abandon; and

**WHEREAS**, a public hearing to vacate the Right-of-Way was held on July 14, 2020 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's request meets all of the requirements of Section 26-1 of the City Code for the abandonment of the Right-of-Way.

**WHEREAS**, THE City Council has made the following findings of fact pursuant to Section 26-9 of the Code of the City of Marathon:

- a) The abandonment of this right-of-way will not adversely affect the operations and functions of the City because with a grant of utility easement to continue maintenance of its sewer facilities.
- b) Public access to water is not possible through this Right-Of-Way and therefore there is no impact to public access to the water.
- c) There will no adverse affect on surrounding traffic circulation or patterns.
- d) The abandonment will not adversely affect a public view corridor.
- e) The applicants own all of the properties adjacent to and abutting the right-of-way; therefore, this criterion does not apply.
- f) The proposed abandonment will not interfere with utility services being provided, or unreasonably affect any utility easement.

**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 they and all conditions required of Applicants are hereby incorporated as if fully stated 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", subject to the following conditions:

- (1) The Applicant will convey a utility easement to all utilities on, under Crain Street ROW.
- (2) The Applicant will convey an access easement for Crain Street ROW.
- (3) Said conditions as promulgated above shall be met by the applicant within sixty (60) days of the effective date of this Resolution.
- (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 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 14<sup>TH</sup> DAY OF JULY 2020.

THE CITY OF MARATHON, FLORIDA

  
\_\_\_\_\_  
Steve Cook, Mayor

AYES: Bartus, Senmartin, Zieg, Gonzalez, Cook  
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:


  
\_\_\_\_\_  
City Attorney

Exhibit A  
Copy – Original to be Provided by Applicant to  
Clerk of Court for Recordation

