

CITY OF MARATHON, FLORIDA
RESOLUTION 2021-37

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING SUBJECT TO CONDITIONS, A REQUEST FOR AN ANNULMENT OF A PLAT, FOR FLORIDIAN HOLDINGS, LLC, PURSUANT TO CHAPTER 102, ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “SUBDIVISION OF LAND/PLATS AND REPLATS” FOR THE ABANDONMENT OF A PORTION OF ECSTASY SUBDIVISION WEST OF BANANA BOULEVARD EXCLUDING BLOCK 3 LOT 4 AND ADJACENT WATERWAY AND PART OF VACATED OCEAN DRIVE, AND THE ABANDONMENT OF THE AMENDED VALHALLA ISLAND PLAT; LOCATED AT AND AROUND 56243 OCEAN DRIVE; WHICH IS LEGALLY DESCRIBED AS BLOCK 1 LOTS 1-22, BLOCK 2 LOTS 1-20, LOT A, AND WATERWAY NUMBER 1, BLOCK 3 LOTS 1-3 AND LOTS 5-19, LOT A, AND PART OF WATERWAY NUMBER 2, BLOCK 4 LOTS 1-4, BLOCK 5 LOTS 1-7, LOT A, AND LOT B OF ECSTASY SUBDIVISION, AS WELL AS THE ENTIRETY OF VALHALLA ISLAND AMENDED PLAT OF ECSTASY SUBDIVISION BLOCK A, BAY BOTTOM ADJACENT TO TRACT A, AND PREVIOUSLY ABANDONED RIGHT OF WAY OF OCEAN DRIVE, SECTION 35, TOWNSHIP 65, RANGE 33, CRAWL KEY, MARATHON, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBERS 00099750-000000, 00099760-000000, 00099760-000100, 00099760-000200, 00099760-000300, 00099760-000400, 00099760-000500, 00358250-000000, 00358260-000000, 00358270-000000, 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358440-000000, 00358450-000000, 00358460-000000, 00358470-000000, 00358480-000000, 00358490-000000, 00358500-000000, 00358510-000000, 00358520-000000, 00358530-000000, 00358540-000000, 00358550-000000, 00358560-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, 00358610-000000, 00358620-000000, 00358630-000000, 00358640-000000, 00358650-000000, 00358660-000000, 00358661-000000, 00358710-000000, 00358720-000000, 00358730-000000, 00358740-000000, 00358750-000000, 00358760-000000, 00358770-000000, 00358780-000000, 00358790-000000, 00358800-000000, 00358810-000000, 00358820-000000, 00358830-000000, 00358840-000000, 00358850-000000, 00358851-000000, 00358860-000000, 00358870-000000, 00358880-000000, 00358890-000000, 00358910-000100, 00358990-000000, 00358990-000200, 00359000-000000, 00359601-000000, 00359602-000000, 00359602-000100, 00360220-000200,

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00360220-004400, 00360220-004500, 00360220-004600, 00360220-004700,
00360220-004800, 00360220-004900, 00360220-005000, 00360220-005200,
00360220-005300, 00360220-005400, 00360220-005500, 00360220-005600,
00360220-005700, 00360220-005800, 00360220-005900, AND 00358670-
000000, NEAREST MILE MARKER 57.

WHEREAS, Floridian Holdings LLC has requested that the City of Marathon, Florida (the “City”), in accordance with Chapter 102, Article 10 of the Land Development Regulations (LDRs), to abandon the plats including ROWs; and

WHEREAS, the City Council finds that the plats are not needed and may be abandoned without adversely affecting the public interest; and

WHEREAS, the plats lie wholly within the corporate boundaries of the City and the applicant owns all of the parcels listed by RE for abandonment; and

WHEREAS, on the 18th day of April, 2021 the City of Marathon Planning Commission (the “Commission”) reviewed and recommended denial of the plat annulment with several conditions; and

WHEREAS, on the 8th day of June 2021, the City Council (the “Council”) reviewed the Applicant’s proposal finding that the plat annulments were compliant with the terms of Chapter 177, Florida Statutes and the Chapter 102, Article 10 of the City LDR’s; and

WHEREAS, due process was afforded to the parties, the essential requirements of law were adhered to and competent and substantial evidence was presented, the Council voted to annul the plats; and

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 annul the plats, the City releases, vacates, abandons, discontinues, renounces and disclaims all rights of the City and the public in and to the Right-of-Ways, as legally described on Exhibit “A”, subject to the following conditions:

- (1) The applicants will convey an updated access easement (in a form acceptable to the City Attorney) to the owner of the outparcel. (Exhibit B)
- (2) The applicants will assume all infrastructure and utilities within the abandoned area (in a form acceptable to the City Attorney).

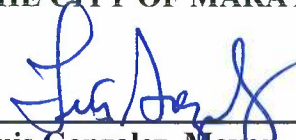
(3) The applicants will convey an access and maintenance easement (in a form acceptable to the City Attorney) to the City of Marathon. (Exhibit C)

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 thirty (30) days of the effective date of 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 14TH DAY OF SEPTEMBER, 2021.

THE CITY OF MARATHON, FLORIDA



Luis Gonzalez, Mayor

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

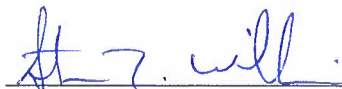
ATTEST:



Diane Clavier, City Clerk

(City Seal)

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



Steven T. Williams, City Attorney

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

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

Access Easement

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

Access & Maintenance Easement