

**CITY OF MARATHON, FLORIDA
RESOLUTION 2024-99**

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 JACK CARLSON TO ABANDON THE PUBLIC RIGHT OF WAY LOCATED AT 11491 1ST AVENUE OCEAN, KNOWN AS SMOKE'S COURT AKA 1ST AVENUE OCEAN, DESCRIBED AS BEING ADJACENT TO AND BETWEEN LOTS 161-162 AND LOT 3, LITTLE VENICE NUMBER 2 SUBDIVISION, KEY VACA, HAVING REAL ESTATE NUMBERS 00346890-000000 & 00345350-000000. NEAREST MILE MARKER 53; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there presently exists a certain public right-of-way within the City of Marathon, Florida, Located At 11491 1st Avenue Ocean, Described As Smokes Court aka 1st Avenue Ocean, described as being adjacent to and between lots 161-162 and lot 3, Little Venice Number 2 subdivision, Key Vaca, nearest mile marker 53, Monroe County, Florida and as particularly described in the attached survey (Exhibit "A"); and

WHEREAS, Jack Carlson 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 November 12, 2019 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 possible through this Right-Of-Way and therefore there an access agreement must be recorded to ensure 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 Smokes Court Right-of Way described in Exhibit "B."
- (2) The Applicant will convey a public access easement to Smokes Court Right-of Way described in Exhibit "C."
- (3) 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 8th day of October, 2024.

THE CITY OF MARATHON, FLORIDA


Robyn Still, Mayor

AYES: Gonzalez, Matlock, Smith, Landry, Still
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:**


Steve Williams, City Attorney

MAP OF BOUNDARY SURVEY

BEARING BASE:
ALL BEARINGS ARE BASED
ON THE RECORDED PLAT BEARING OF
N77°51'00"E ALONG THE CENTERLINE
OF U.S. HIGHWAY NO. 1

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

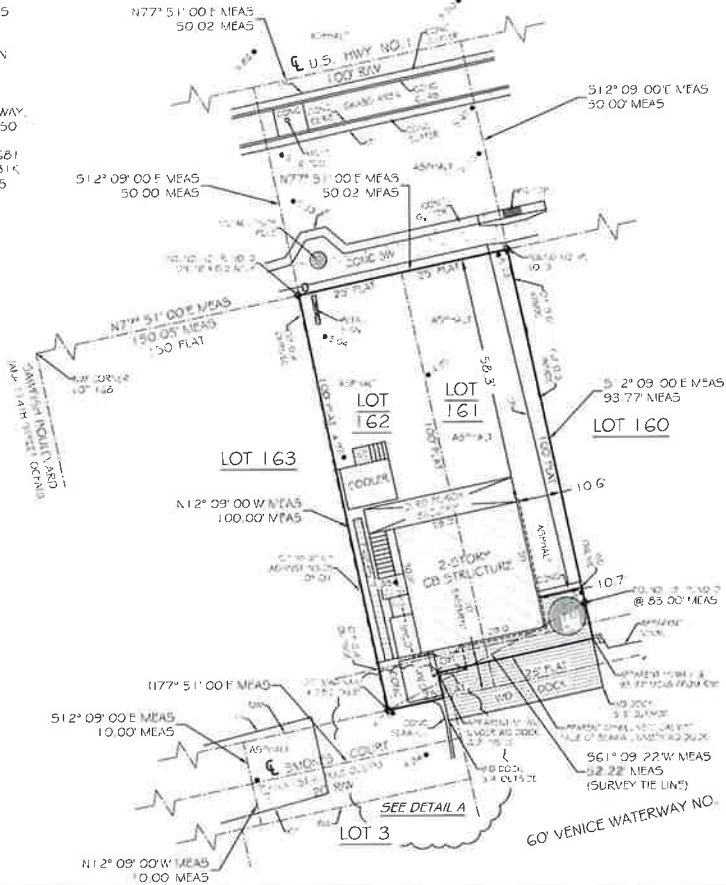
ALL UNITS ARE SHOWN IN
U.S. SURVEY FEET

ADDRESS:
11499 OVERSEAS HIGHWAY,
MARATHON KEY, FL 33050

COMMUNITY NO.: 120681
MAP I.O.: 12037C-1381K
MAP DATE: 02-18-2005
FLOOD ZONE: AE
BASE ELEVATION: 7



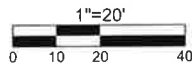
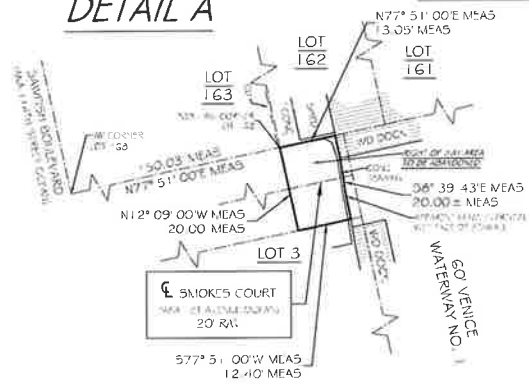
LOCATION MAP - N15
SEC. 05 - 665-R33E



ELEVATIONS SHOWN HEREON ARE IN FEET AND BASED ON THE
NATIONAL GEODETIC DATUM OF 1929 (NGVD 1929).
BENCHMARK DESCRIPTION: NATIONAL GEODETIC SURVEY
BENCHMARK: 3950 + 1982" (PLAT: 660866), ELEVATION = 5.71'
(NGVD - 1929).
TYPICAL FLOOR ELEVATIONS: 1ST FLOOR = 5.1' (NGVD 1929);
2ND FLOOR = 13.9' (NGVD 1929).

LEGAL DESCRIPTION SKETCH PROPOSED RW ABANDONMENT

DETAIL A



LEGAL DESCRIPTION OF PORTION OF ROADWAY RIGHT OF WAY TO BE ABANDONED (AUTHORED BY THE UNDERSIGNED)

A portion of the Smokes Court, (P.M. 151) and the Right of Way, (Address: 11499 Overseas Highway, 11499 Overseas Highway) according to the Plat hereon, is recorded in Plat Book 3, Page 26 of the Public Records of Monroe County, Florida and more particularly described as follows:

COMMENCING at the Southwest corner of the said Lot 162 and running thence N77°51'00"E along the Northeastern Right of Way line of the said Smokes Court for a distance of 51.05 feet more or less to the Main High Water line of Venice Waterway No. 1; thence in a Southeasterly direction in a straight line along the said Main High Water line of Venice Waterway No. 1 for a distance of 20.00 feet more or less to the Southeastern Right of Way line of the said Smokes Court; thence S77°51'00"W along the said Southeastern Right of Way line of Smokes Court for a distance of 12.43 feet more or less to a point (N12°09'30"W for a distance of 20.00 feet west of said Point of Beginning) S60°45'59"50" W.

LEGAL DESCRIPTION

Lots 161 and 162 of LITTLE MEADOW #2, according to the Plat hereon, as referenced in Plat Book 3, Page 26 of the Public Records of Monroe County, Florida.

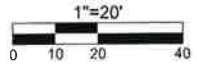
CERTIFIED TO

JAMES CLIFTON

LEGAL DESCRIPTION OF PORTION OF ROADWAY RIGHT OF WAY TO BE ABANDONED (AUTHORED BY THE UNDERSIGNED)

LEGEND

- UNIMPROVED
- IMPROVED (NEVER CLEAN DIRT)
- MANHOLE
- SEWER MANHOLE
- ⊗ CONDUIT POWER POLE
- ✓ AIR WIRE
- LOW EASE
- 5'00" GRADE ELEVATION (TYPICAL)



FLORIDA LAND SURVEYING BOARD - REGISTRATION NO. 12037C-1381K

**FLORIDA KEYS
LAND SURVEYING**
11499 OVERSEAS HIGHWAY
SUDBRIDGE KEY, FL 33042
PHONE: (305) 324-3690
E-MAIL: J.Bennett@gmail.com

TOTAL UPLAND AREA = 4,771.57 SQFT ±

REVISION (1) - REVISED TO ADD AUTHORED LEGAL DESCRIPTION OF PROPOSED RW ABANDONMENT AREA
REVISION (2) - REVISED TO REMOVE STUDY CARISSON FROM CERTIFICATION

DATE: 02-18-2005
DRAWN BY: MFB
CHECKED BY: SM
DATE: 07-12-05

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

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