Sponsored by: Williams

CITY OF MARATHON, FLORIDA
RESOLUTION 2026-76

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING SUBJECT TO CONDITIONS, A REQUEST BY KERRY MYERS AND DONALD PATRICK TO ABANDON THE PUBLIC RIGHT OF WAY LOCATED BETWEEN 11189 5TH AVE OCEAN, DESCRIBED AS LOT 27 AND S1/2 ADJ UNNUMBERED PARCEL LITTLE VENICE PB3-7 KEY VACCA HAVING REAL ESTATE NUMBER 00344370-000000 AND 11188 5TH AVE OCEAN DESCRIBED AS LITTLE VENICE PB3-7 KEY VACCA LOT 22 & N1/2 ADJ UNNUMBERED PARCEL, HAVING REAL ESTATE NUMBER 00344320-000000. NEAREST MILE MARKER 53.4; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, there presently exists a certain public right-of-way within the City of Marathon, Florida, between 11189 5th Ave Ocean, described as lot 27 and S1/2 adj unnumbered parcel Little Venice PB3-7 Key Vacca and 11188 5th Ave Ocean described as Little Venice PB3-7 Key Vacca lot 22 & N1/2 adj unnumbered parcel, Key Vaca as particularly described in the attached survey (Exhibit A); and

WHEREAS, Kerry Myers and Donald Patrick (the "Applicants"), have 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, 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 26-7 of the Code of the City of Marathon:

1. The abandonment of this right-of-way will not adversely affect the operations and functions of the City because the owners are granting of utility easements.
2. The abandonment of this right-of-way will not adversely affect the operations and functions of the City because a the owners are granting of access easements.
3. There will no adverse affect on surrounding traffic circulation or patterns.

4. The abandonment will not adversely affect a public view corridor, as the applicant owns the property adjacent to and abutting the right-of-way.
5. 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 Applicants will convey a utility easement to all utilities on, under the Court Right-of Way described in Exhibit "B", Exhibit "C", Exhibit "D" and Exhibit "E" or remove said utilities at the owner's expense.
(2) 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 SEPTEMBER, 2026.

THE CITY OF MARATHON, FLORIDA

Mayor Lynny Del Gaizo

Lynny Del Gaizo, Mayor

AYES: Struyf, Landry, Still, Matlock, Del Gaizo
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:

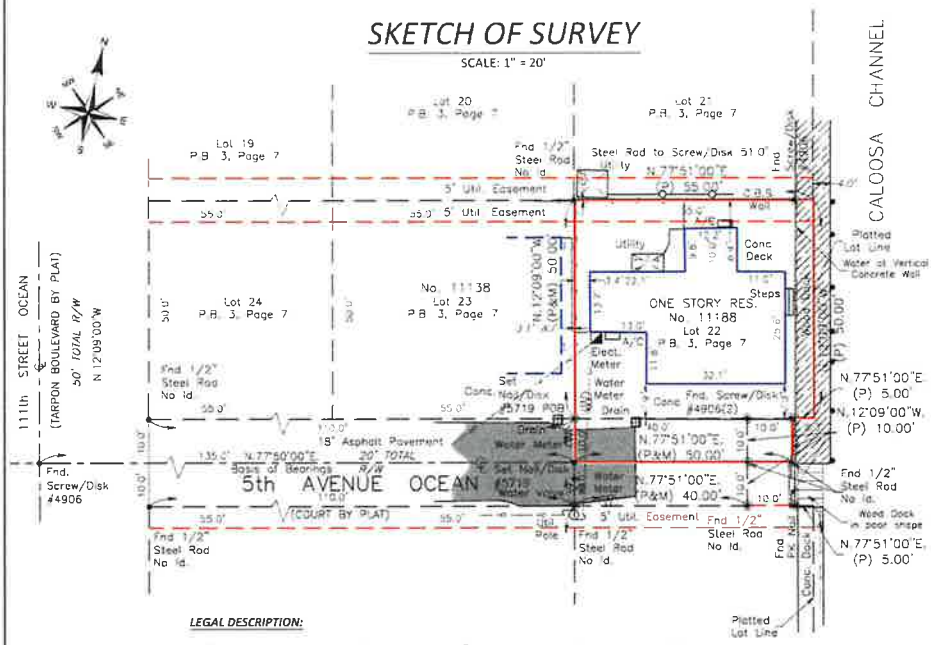
Steven T. Williams, City Attorney

Exhibit A

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

SKETCH OF SURVEY

SCALE: 1" = 20'



LOCATION MAP

SCALE: N.T.S

SEC. 6, T. 66 S, R. 33 E.



NOTES:

- Lands shown hereon were not researched by the surveyor for easement, legal overlaps, or any other instruments of record
- No utilities located.
- Fence ownership not determined by this survey.
- There may be additional restrictions/Easements that are not shown on this survey that may be found in the public records of this county
- Surveyor makes no claims to subsurface features other than evidence of same as shown hereon
- This drawing is the property of LINCOLN ITURREY, P.A. and shall not be used in whole or part without the written permission of LINCOLN ITURREY, P.A.
- Liability limited to survey fee charged
- Legal description provided by client.
- Elevations when shown Refer to N.G.V.D. 1929.
- Riparian rights not determined by this survey.
- All Measurements and Distances are in U.S. Standard Feet
- Examination of the abstract of title will have to be made to determine recorded instruments, if any, affecting the property.
- Location and identification of utilities on and /or adjacent to the property were not secured, as such information was not requested.
- Ownership is subject to opinion of title.
- This survey is performed for: DONALD PATRICK REVOCABLE TRUST 08/27/2019., for the singular purpose of obtaining MORTGAGE and TITLE INSURANCE, and does not extend to any unnamed party.

WE HEREBY CERTIFY:

- That the attached Boundary survey of the above described property is true and correct to the best of our knowledge and meets standards of practice set forth by the FLORIDA BOARD OF LAND SURVEYORS. Pursuant to Chapter 5 J-17 Florida Administrative Code.

Digitally signed by 56874e7e-609f-4f1a-af94-4c358897279e
Date: 2025.11.03 11:38:06 -05'00'

LINCOLN ITURREY, P.S.M. No. 5719

This survey not valid without the original signature and seal of the appropriate registered Land Surveyor and Mapper

LEGAL DESCRIPTION:

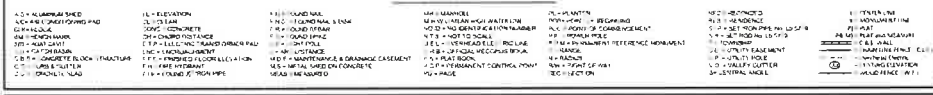
Lot 22, LITTLE VENICE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 3, at Page 7 of the Public Records of Monroe County, Florida

Together with the northerly one half of a 10' x 20' parcel lying between Lots 22 and 27, LITTLE VENICE, as recorded in Plat Book 3, Page 7 of the Public Records of Monroe County, Florida.

Together with the Northerly 1/2 of 5th Avenue lying south and adjacent to Lot 22 and being more particularly described as follows:

Beginning at the Southwest corner of Lot 22, LITTLE VENICE, According to the Plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Monroe County, Florida; thence run N. 77° 51' 00" E along the South boundary of said Lot 22 for 40.00 Feet; thence run S. 12° 09' 00" E. for 10.00 Feet to de center of said 5th Avenue; thence run S. 77° 51' 00" W. for 40.00 Feet; thence run N. 12° 09' 00" W. for 10.00 Feet to the Point of Beginning. Containing approximately 400.00 Square Feet

ABBREVIATIONS & LEGEND



PREPARED BY: **LINCOLN ITURREY, P.A.**
Professional Land Surveyors and Mappers LB. 8190
Mailing Address: P.O. BOX 755, LONG KEY, FLORIDA, 33001.
Office Address: 65821 OVERSEAS HIGHWAY, No. 255, LONG KEY, FLORIDA, 33001.
PHONE: (305) 664-2727 / (305)975-3141 (CEL.) Email = lturrey@gmail.com

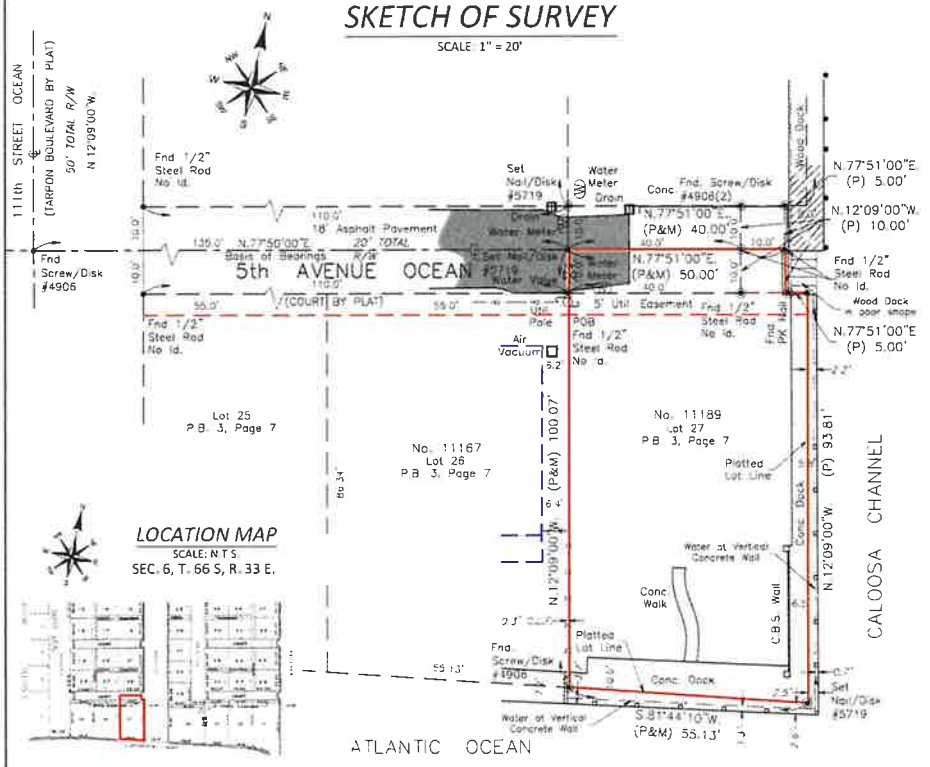
DATE: 10-30-2025	SCALE: 1" = 20'	FB: FILE	PG: FILE

PREPARED FOR: DONALD PATRICK REVOCABLE TRUST 08/27/2019.
ADDRESS: 11188 5th STREET OCEAN, MARATHON, FLORIDA, 33050

COMMUNITY No.	PANEL No.	SUFFIX	DATE OF FIRM	ZONE	BASE ELEVATION
120681	1381	K	02-18-2005	AE/VE	9/11-13
CLOSURE AT LEAST 1:7500		DRAWN BY: J.M.		DRAWING No. 24-9959	

SKETCH OF SURVEY

SCALE: 1" = 20'



LOCATION MAP

SCALE: N.T.S.

SEC. 6, T. 66 S, R. 33 E.

LEGAL DESCRIPTION:

Lot Twenty-Seven (27) in Little Venice Subdivision according to the Plat thereof as recorded in Plat Book 3 at Page 7 of the public records of Monroe County, Florida. Also the Southerly one-half (1/2) of a 10x20 foot parcel lying between Lots 22 and 27 of said Plat of Little Venice.

Together with the Northerly 1/2 of 5th Avenue lying south and adjacent to Lot 27 and being more particularly described as follows:

Beginning at the Northwest corner of Lot 27, LITTLE VENICE, According to the Plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Monroe County, Florida, thence run N. 77° 51' 00" E. along the North boundary of said Lot 27 for 40.00 Feet; thence run N. 12° 09' 00" W. for 10.00 Feet to de center of said 5th Avenue; thence run S. 77° 51' 00" W. for 40.00 Feet; thence run S. 12° 09' 00" E. for 10.00 Feet to the Point of Beginning. Containing approximately 400.00 Square Feet.

NOTES:

- Lands shown hereon were not researched by the surveyor for easement, legal overlaps, or any other instruments of record.
- No utilities located.
- Fence ownership not determined by this survey.
- There may be additional restrictions/Easements that are not shown on this survey that may be found in the public records of this county.
- Surveyor makes no claims to subsurface features other than evidence of same as shown hereon.
- This drawing is the property of LINCOLN ITURREY, P.A. and shall not be used in whole or part without the written permission of LINCOLN ITURREY, P.A.
- Liability limited to survey fee charged.
- Legal description provided by client.
- Elevations when shown Refer to N.G.V.D. 1929.
- Riparian rights not determined by this survey.
- All Measurements and Distances are in U.S. Standard Feet.
- Examination of the abstract of title will have to be made to determine recorded instruments, if any, affecting the property.
- Location and identification of utilities on and /or adjacent to the property were not secured, as such information was not requested.
- Ownership is subject to opinion of title.
- This survey is performed for: KERRY MYERS., for the singular purpose of obtaining MORTGAGE and TITLE INSURANCE, and does not extend to any unnamed party.

WE HEREBY CERTIFY:

- That the attached Boundary survey of the above described property is true and correct to the best of our knowledge and meets standards of practice set forth by the FLORIDA BOARD OF LAND SURVEYORS. Pursuant to Chapter 5 J-17 Florida Administrative Code.

Digitally signed by 56874e7e-609f-4f1a-af94-4c358897279e
Date: 2025.11.03 11:41:29 -05'00'

LINCOLN ITURREY, P.S.M. No. 5719

This survey not valid without the original signature and seal of the appropriate registered Land Surveyor and Mapper

ABBREVIATIONS & LEGEND

PREPARED BY: **LINCOLN ITURREY, P.A.**
Professional Land Surveyors and Mappers LB. 8190
Mailing Address: P.O. BOX 755, LONG KEY, FLORIDA, 33001.
Office Address: 65821 OVERSEAS HIGHWAY, No. 255, LONG KEY, FLORIDA, 33001.
PHONE: (305) 664-2727 / (305)975-3141 (CEL.) Email = lturrey@gmail.com

DATE: 10-30-2025	SCALE: 1" = 20'	FB: FILE	PG: FILE

PREPARED FOR: KERRY MYERS.
ADDRESS: 11189 5th STREET OCEAN, MARATHON, FLORIDA, 33050.

COMMUNITY No.	PANEL No.	SUFFIX	DATE OF FIRM	ZONE	BASE ELEVATION
120681	1381	K	02-18-2005	AE/VE	9/11-13
CLOSURE AT LEAST 1:7500		DRAWN BY: J.M.		DRAWING No. 24-9959	