

COUNCIL AGENDA STATEMENT



Meeting Date: January 12, 2021  
To: Honorable Mayor and City Council Members  
From: Dan Saus, Utilities Director  
Through: George Garrett, City Manager

**Agenda Item:** Resolution 2021-07, Approving The Acquisition Of A Parcel Of Right Of Way And Declaring A Public Use Function And Public Need For The Right Of Way Located Adjacent To The Service Area 7 Wastewater Treatment Plant And Belonging To The Florida Department Of Transportation; And Providing For An Effective Date

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BACKGROUND & JUSTIFICATION:

This parcel has been leased since the construction of the Service Area 7 WWTP and connected fire station. It is used for vehicle access and landscape buffering for both the treatment facility and the fire station. FDOT has offered us ownership of the parcel for no cost. It reduces the amount of effort on their part as they do not have to continue to maintain the lease. It also simplifies things for the city for the same reason.

A survey and sketch of the referenced parcel are attached.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_____
2. Other – 2010 Sewer Mandate	_____	_____

FISCAL NOTE:

APPROVED BY FINANCE DIRECTOR:

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RECOMMENDATION:

Approval of Resolution

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2021-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE ACQUISITION OF A PARCEL OF RIGHT OF WAY AND DECLARING A PUBLIC USE FUNCTION AND PUBLIC NEED FOR THE RIGHT OF WAY LOCATED ADJACENT TO THE SERVICE AREA 7 WASTEWATER TREATMENT PLANT AND BELONGING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon, Florida (the “Grantee”) wishes to acquire a parcel of Right of Way land from the Florida Department of Transportation (the “Grantor”), which is further described on Exhibit “A” attached hereto and made a part hereof (the “Property”); and

**WHEREAS**, said land is no longer required by the FDOT, and the Grantor, by action of the District Secretary, District Six Florida Department of Transportation on *November 20, 2020* pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Grantee; and

**WHEREAS**, the City intends to utilize the Property for public purposes, specifically for access for the operation and maintenance of the City’s municipal wastewater treatment system; and

**WHEREAS**, the City Council has determined that acquiring the Property is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2.** The City Council finds and determines that the Property is needed for, and shall be held or used for, a public purpose, specifically for use as access to the Area 7 wastewater treatment plant.

**Section 3.** This Resolution shall be effective immediately upon adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON,  
FLORIDA, THIS 12<sup>th</sup> DAY OF JANUARY, 2021.**

**CITY OF MARATHON, FLORIDA**

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**Luis Gonzales, Mayor**

AYES:

NOES:

ABSENT:

ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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Steve Williams, City Attorney

(This QCD reserves unto FDOT the statutory mineral/petroleum rights.)

27-SPD.04 06/99 (no consideration reserving mineral rights)

This instrument prepared by,  
or under the direction of,  
Alicia Trujillo, Esq.  
State of Florida  
Department of Transportation  
Address: 1000 NW 111<sup>th</sup> Avenue  
Miami, Florida 33172

Item/Segment No.: 2500308-1  
Sec/Job No. : 90040-2508  
SR No. : 5 (MM 59.2)  
Managing District : Six  
County : Monroe  
Parcel No. : 4508

**QUITCLAIM DEED  
PUBLIC PURPOSE**

THIS INDENTURE, Made this \_\_\_\_\_ day, of \_\_\_\_\_ 20\_\_ by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Grantor, whose address is 1000 NW 111<sup>th</sup> Avenue, Miami, Florida 33172, to CITY OF MARATHON, a Florida municipal corporation, Grantee, whose address is 9805 Overseas Highway, Marathon, Florida 33050.

**WITNESSETH**

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes; and

WHEREAS, said land is no longer required for such purposes, and the Grantor, by action of the District Secretary, District Six Florida Department of Transportation on *November 20, 2020* pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Grantee.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Grantor, does hereby remise, release and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title and interest of the Grantor in and to the property described in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Grantee.

THIS CONVEYANCE IS made subject to access control requirements, any unpaid taxes, assessments, liens, reservations, or easements of any kind which may be in place, or encumbrances of any nature whatsoever which the Grantee hereunder and herein assumes.

REVERTER – The Property herein described is to be used in perpetuity as public purpose for the operation and maintenance of the City's municipal wastewater treatment system. If the property ceases to be used for the above described purpose, all property rights shall revert back to the said Grantor.

Item/Seg No.: 2500308-1  
Sect/Job No.: 90040-2508  
S.R. No.: 5 (MM 59.2)  
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County: Monroe  
Parcel No.: 4508

RESERVING UNTO THE PARTY OF THE FIRST PART and its successors, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same on all lands wherein the grantor holds the requisite interest, provided, however, that in no event shall the exercise of Grantor's rights hereunder interfere with Grantee's use of the Property.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be executed in its name by its proper officers thereunto duly authorized, the day and year first above written.

STATE OF FLORIDA DEPARTMENT OF  
TRANSPORTATION

By: \_\_\_\_\_  
James Wolfe, P.E.  
District Secretary

Witness: \_\_\_\_\_  
\_\_\_\_\_  
Name/Title

Attest: \_\_\_\_\_  
Print Name \_\_\_\_\_ Exec. Secretary

Witness: \_\_\_\_\_  
\_\_\_\_\_  
Name/Title

Affix Department Seal

State of Florida  
County of Miami –Dade

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_, by James Wolfe, District Secretary for District Six, FDOT, who is personally known to me,  
or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public in and for the County and State  
mentioned above

(Affix Notary Seal)

My Commission Expires \_\_\_\_\_

# EXHIBIT "A"

## LEGAL DESCRIPTION

**LEGAL DESCRIPTION PREPARED AT REQUEST OF CLIENT:**

**PURCHASE OR LEASE AREA**

A PARCEL OF FLORIDA DEPARTMENT OF TRANSPORTION RIGHT OF WAY, BEING A PART OF STATE ROAD NO. 5, SECTION 90040 AS SHOWN ON RIGHT OF WAY MAP SHEET NO. 13 OF 14, PREPARED BY CARR SMITH & ASSOCIATES, APPROVED JANUARY 31, 1980, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;


COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF U.S. HIGHWAY NO. 1, AS CONSTRUCTED AND EXISTING NOVEMBER 15, 1959, WITH THE WEST LINE OF GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 65 SOUTH, RANGE 34 EAST, TALLAHASSEE MERIDIAN, GRASSY KEY, MONROE COUNTY, FLORIDA, WHICH LINE IS ALSO THE EAST LINE OF SAN SOUCI SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 160 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; BEAR NORTH 00 DEGREES 49 MINUTES 23 SECONDS WEST, A DISTANCE OF 95.66 FEET TO THE RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 5, AS EXISTING NOVEMBER 15, 1959, ALSO BEING THE SOUTHEASTERLY CORNER OF SAID SAN SOUCI SUBDIVISION, SAID CORNER TO BE KNOWN AS THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER TO BE DESCRIBED, FROM SAID POINT OF BEGINNING BEAR NORTH 50 DEGREES 48 MINUTES 37 SECONDS EAST, ALONG A LINE 41.00 FEET SOUTHEASTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD STATE ROAD NO. 4A, A DISTANCE OF 273.00 FEET TO A POINT; THENCE BEAR SOUTH 39 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 25.00 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID OLD STATE ROAD NO. 4A; THENCE BEAR SOUTH 50 DEGREES 48 MINUTES 37 SECONDS WEST, A DISTANCE OF 292.79 FEET, TO A POINT ON THE WEST LINE OF SAID GOVERNMENT LOT 1; THENCE BEAR NORTH 00 DEGREES 49 MINUTES 23 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 31.89 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 7,072.389 PLUS OR MINUS SQUARE FOOT, I.E. 0.162 ACRES, MORE OR LESS.

- LEGEND**
- F.C.P. = FOUND CONTROL POINT  
40d NAIL/PK/NUT
  - F.I.P. = FOUND 3/4" PIPE  
/SIZE/CAP TYPE
  - S.I.P. = SET 3/4" PIPE  
/LS#4906
  - F.I.R. = FOUND 5/8" REBAR  
/SIZE/CAP TYPE
  - P.P. I.P. = POWER OR TELEPHONE POLE

- ABBREVIATIONS**
- A.K.A. = ALSO KNOWN AS
  - CL = CENTERLINE
  - (C) = CALCULATED
  - (D) = DEED/DESCRIPTION
  - LY. = ERLY
  - (M) = MEASURED
  - (P) = PLAT
  - P.O.C. = POINT OF COMMENCEMENT
  - P.O.B. = POINT OF BEGINNING
  - R/W = RIGHT-OF-WAY
  - TYP. = TYPICAL
  - /// = BROKEN LINE (NOT TO SCALE)

This certifies that this legal description and attached sketch was made under my supervision and the sketch meets the "Minimum Technical Standards" set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.05, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.  
Date Sketch completed 10/28/10

**SKETCH OF LEGAL DESCRIPTION FOR THE BENEFIT OF:**  
**CITY OF MARATHON**  
**FLORIDA DEPARTMENT OF TRANSPORTATION**

  
**JOHN PAUL GRIMES, III, S. & M., NO. 4906**  
NOT VALID WITHOUT SIGNATURE & ORIGINAL RAISED SEAL  
THIS SKETCH IS NOT ASSIGNABLE.  
THIS SKETCH SUBJECT TO A TITLE SEARCH.

J.P. GRIMES, REGISTERED FLORIDA SURVEYOR AND MAPPER  
P.O. BOX 510403 #14 6th STREET  
KEY COLONY BEACH, FL. 33051-0403  
PH. (305) 743-4510  
FAX (305) 743-3277

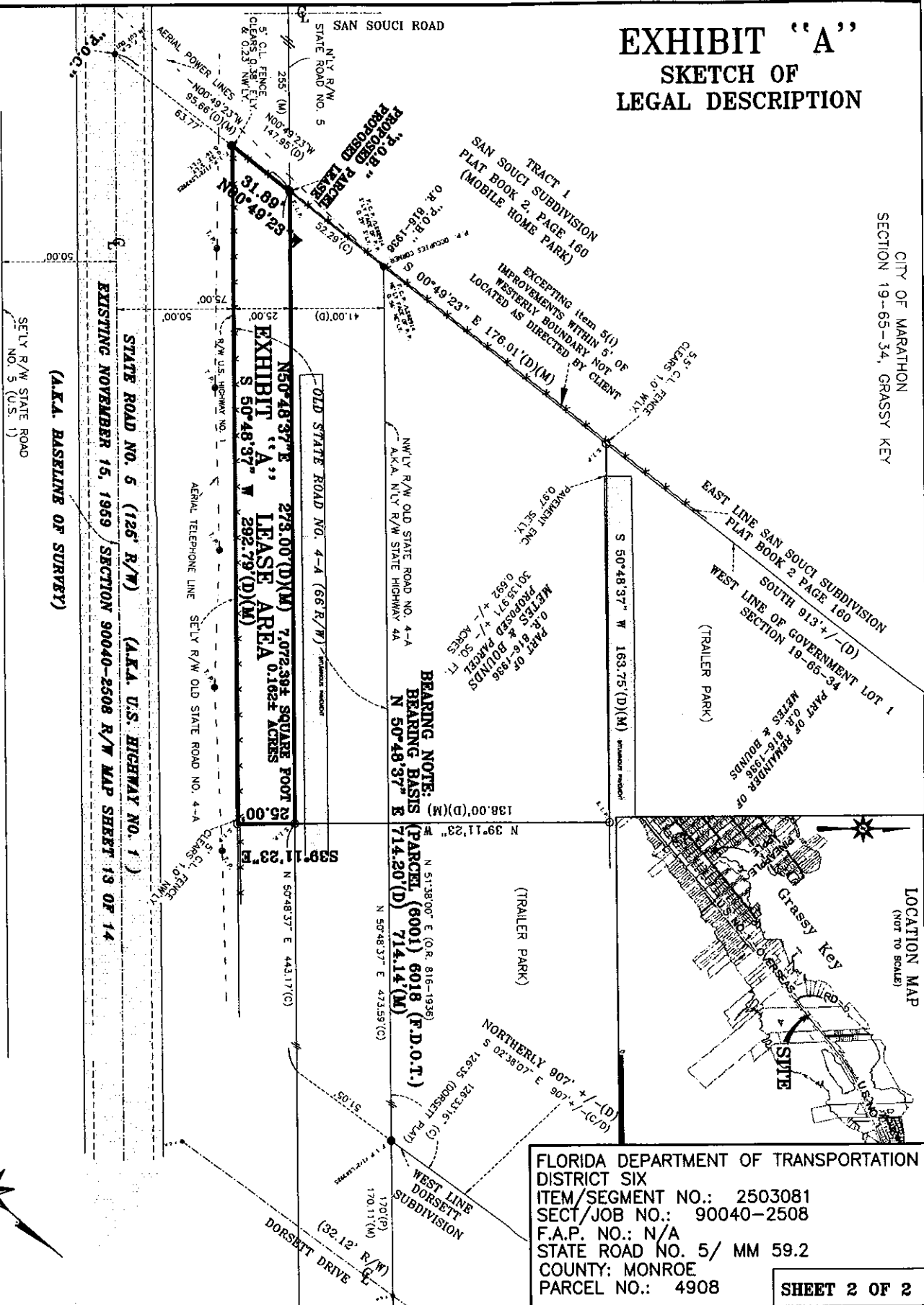
**THIS IS NOT A BOUNDARY SURVEY**  
CALCULATED DISTANCES FROM PRIOR SURVEY DATED 10/20/09.  
O.R. = OFFICIAL RECORDS BOOK-PAGE, MONROE COUNTY PUBLIC RECORDS  
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION  
NOTE: THIS LEGAL DESCRIPTION AND ATTACHED SKETCH NOT VALID ONE WITHOUT THE OTHER.

FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
ITEM/SEGMENT NO.: 2503081  
SECT/JOB NO.: 90040-2508  
F.A.P. NO.: N/A  
STATE ROAD NO. 5/ MM 59.2  
COUNTY: MONROE  
PARCEL NO.: 4508

# EXHIBIT "A" SKETCH OF LEGAL DESCRIPTION

CITY OF MARATHON  
SECTION 19-65-34, GRASSY KEY

LOCATION MAP  
(NOT TO SCALE)



FLORIDA DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
ITEM/SEGMENT NO.: 2503081  
SECT/JOB NO.: 90040-2508  
F.A.P. NO.: N/A  
STATE ROAD NO. 5/ MM 59.2  
COUNTY: MONROE  
PARCEL NO.: 4908

**SHEET 2 OF 2**

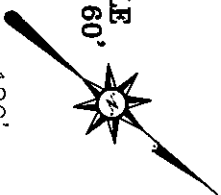
**THIS IS NOT A BOUNDARY SURVEY**

O.R. = OFFICIAL RECORDS BOOK-PAGE, MONROE COUNTY PUBLIC RECORDS  
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION

NOTE: THIS SKETCH AND ATTACHED LEGAL DESCRIPTION NOT VALID ONE WITHOUT THE OTHER.  
THIS SKETCH, LOCATIONS, CALCULATIONS AND MONUMENTATION AS SHOWN HEREON ARE  
BASED ON THE PRIOR SURVEY BY THIS OFFICE DATED 10/20/09.

**THE SKETCH DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE**

SCALE  
1" = 60'



P.N. 09100564 JG