

CITY COUNCIL AGENDA STATEMENT



Meeting Date: November 9th, 2021
To: Honorable Mayor and Council Members
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-111** Authorizing The City Manager To Execute A Release Of Unity Of Title On Behalf Of The City In The Form Attached To This Resolution Concerning Property Described As Part Of Government Lot 1, Section 9, Township 66 South, Range 32 East, On Key Vaca Monroe County Florida Having Real Estate Number 00102290-000000 And A Part Of Government Lot 1, Section 9, Township 66 South, Range 32 East, On Key Vaca Monroe County Florida; And Providing For An Effective Date.

RECOMMENDATION:

Staff recommends that City Council approve the proposed resolution to amend the unity of title recorded in 2017 with the Clerk of Court in the official records Book 2840, at Page 827 to allow for a simple subdivision of the parcel.

BACKGROUND

In 2017 a unity of title was created joining two adjacent properties located at 2264 Overseas Highway. The unity of title states that it was recorded so that the property could be developed with the maximum density allowed. This had the inadvertent effect of changing the single-family dock into a multifamily dock, subjecting it to additional outside agency regulations. By amending the unity of title to allow for a simple subdivision, a parcel meeting the density requirements for the single family will be created so that the dock is only associated with that single family residence.

According to the recorded unity of title, this unity of title may only be modified, amended or released by a written instrument executed by the City Manager following approval by the City Council. All modifications, amendments and release hereto shall be in writing and must be signed by the Owner, or his successors or assigns, and the City Manager.

Purpose of Resolution:

The purpose of the Resolution is to allow the severance of the unity of title so that an application for subdivision can be made. The City of Marathon shall authorize the City Manager to execute a release of the unity of title recorded in Official Records Book 2840, at Page 827 of the Public Records of Monroe County.

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-111**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF UNITY OF TITLE ON BEHALF OF THE CITY IN THE FORM ATTACHED TO THIS RESOLUTION CONCERNING PROPERTY DESCRIBED AS PART OF GOVERNMENT LOT 1, SECTION 9, TOWNSHIP 66 SOUTH, RANGE 32 EAST, ON KEY VACA MONROE COUNTY FLORIDA HAVING REAL ESTATE NUMBER 00102290-000000 AND A PART OF GOVERNMENT LOT 1, SECTION 9, TOWNSHIP 66 SOUTH, RANGE 32 EAST, ON KEY VACA MONROE COUNTY FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicants, 2264 OVERSEAS HWY LLC have requested a release of unity of title recorded in 2017 for purposes of re-subdividing the property.

WHEREAS, the Unity of Title, recorded in the Official Records of Monroe County, Florida at book 2840, page 827 states that the Unity of Title may only be released in writing through a written instrument executed by the City Manager after approval by the City Council.

WHEREAS, the City Council heard, reviewed and duly considered the reports, findings and recommendations of staff, and finds that the release of the Unity of Title is in the best interests of the citizens of the City of Marathon.

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 incorporated herein.

Section 2. The City Manager is hereby authorized on behalf of the City of Marathon to execute a release of Unity of Title recorded in Official Records Book 2840, page 827 of the Public Records of Monroe County, Florida, in substantially the same form and format as attached hereto.

Section 3. The City Manager is hereby authorized to do all things necessary and expedient in order to effectuate the release described in Section 2 above. The applicant shall record the releases at its cost and expense.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9th DAY OF NOVEMBER, 2021.

THE CITY OF MARATHON, FLORIDA

, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steven T. Williams, City Attorney