

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-21**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY SEAVIEW COMMONS LLC FOR A RE-PLAT PURSUANT TO CHAPTER 102, ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED “SUBDIVISION OF LAND/PLATS AND RE-PLATS,” PARTICULARLY, FOR 0 PESCAYO AVE, WHICH IS DESCRIBED AS LOT 1, BLOCK 6 OF COCO PLUM BEACH, FAT KEY DEER, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00363510-000000. NEAREST MILE MARKER 54.

WHEREAS, Seaview Commons LLC. filed an Application on September 2nd, 2021 for approval to Re-Plat property located on 0 Pescayo Ave, having Real Estate Number 00363510-000000, into five (5) single family residential lots pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, on the 18th day of October 2021 the City of Marathon Planning Commission (the “Commission”) reviewed and recommended approval of the final re-plat with several conditions; and

WHEREAS, on the 9th day of November 2021, the City Council (the “Council”) reviewed the Applicant’s proposal finding that the preliminary Re-plat documents were compliant with the terms of Chapter 177, Florida Statutes and the Chapter 102, Article 10 of the City LDR’s; and

WHEREAS, on the 8th day of March 2022, the City Council (the “Council”) reviewed the Applicant’s proposal finding that the final Re-plat documents 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 approve the Final Re-Plat; and

WHEREAS, the purpose of the Final Plat assures that Seaview Commons LLC. has complied with all subdivision and plat filing requirements of Chapter 102, Articles 10 and Florida Statutes Chapter 177.

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 final plat, an unsigned copy of which is attached hereto as Exhibit “A”, is hereby approved for signature and recordation and otherwise has complied with or must meet all conditions of the re-Plat as follows:

1. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
2. All utility and right-of-way permits shall be obtained and issued prior to final plat approval.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. Reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document.
5. Plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations
6. All conditions of the Conditional Use must be met prior to building permit issuance.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8TH DAY OF MARCH, 2022.

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

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

EXHIBIT A

Final Plat of Property

(Original Re-plot to be attached at final adoption & signature)

LEGAL DESCRIPTION:
 LOT 1, BLOCK 6, COOD PLUM BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 186, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

DEDICATION:
 KNOW ALL PERSONS BY THESE PRESENTS, THAT SEAVEN COMMONS, LLC A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE PROPERTY DESCRIBED BY THE LEGAL DESCRIPTION HEREIN, IN THE CITY OF MARATHON, ON FAT DEER KEY, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "BONEFISH HARBOR".

THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO REPLAT OF THE PROPERTY DESCRIBED BY THE LEGAL DESCRIPTION ABOVE IN ORDER TO CREATE MORE SUITABLE SITES FOR CONSTRUCTION.

SEAVEN COMMONS, LLC, "OWNER," HEREBY RESERVES "PRIVATE ACCESS & UTILITY EASEMENT CUL-DE-SAC" AS SHOWN HEREON, FOR CONVEYANCE TO BONEFISH HARBOR HOMEOWNERS ASSOCIATION, INC., A FLORIDA NOT FOR PROFIT CORPORATION, "N/A," BY SEPARATE INSTRUMENT SUBSEQUENT TO THE RECORDING OF THIS PLAT AND SHALL BE MAINTAINED BY THE OWNER UNTIL SUCH CONFERENCE COORDINATES AND SHALL BE MAINTAINED BY THE N/A AFTER SUCH CONFERENCE COORDINATES AND ALSO BY THE CITY OF MARATHON FOR THE PURPOSE OF MAINTAINING THE CITY OWNED UTILITIES WITHIN THE EASEMENT.

OWNER FURTHER DOES GRANT, CONVEY AND DEDICATE TO THE CITY OF MARATHON AND MONROE COUNTY, FLORIDA, A PERPETUAL EASEMENT OVER ALL PRIVATE ACCESS EASEMENTS AND COMMON AREAS FOR ANY AND ALL GOVERNMENTAL PURPOSES INCIDENTAL THERETO.

OWNER FURTHER DOES GRANT THE 10 FOOT UTILITY EASEMENT AS DEPICTED HEREON FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UTILITY SERVICES WITHIN THE SUBDIVISION.

BONEFISH HARBOR

A REPLAT OF LANDS AS DESCRIBED AS LOT 1, BLOCK 6 OF COOD PLUM BEACH, A SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 186 LOCATED IN SECTION 23, TOWNSHIP 68 SOUTH, RANGE 13 EAST, CITY OF MARATHON, FAT DEER KEY, MONROE COUNTY, FLORIDA

MARCH 2022

RECE & ASSOCIATES
 PROFESSIONAL SURVEYOR AND MAPPER, LP 1944
 31192 AVENUE A, FAT DEER KEY, FL 33947
 OFFICE (888) 872-1346
 EMAIL: info@recede.com

GRAPHIC SCALE
 1 inch = 30 ft

OWNERS ACKNOWLEDGMENT:
 IN WITNESS WHEREOF, THE SAID SEAVEN COMMONS, LLC A FLORIDA LIMITED LIABILITY COMPANY, DOES HEREBY SET THEIR HAND AND SEAL, ON THIS DAY OF 2022.

BY: DENISE H. HOLLAND, MANAGING MEMBER

WITNESS SIGNATURE: _____ WITNESS SIGNATURE: _____
 PRINTED NAME: _____ PRINTED NAME: _____

HOMEOWNERS ASSOCIATION ACKNOWLEDGMENT:
 IN WITNESS WHEREOF, BONEFISH HARBOR HOMEOWNERS ASSOCIATION, INC. A FLORIDA NOT FOR PROFIT CORPORATION, DOES HEREBY SET THEIR HAND AND SEAL, ON THIS DAY OF 2022.

BY: DENISE H. HOLLAND, MANAGING MEMBER

WITNESS SIGNATURE: _____ WITNESS SIGNATURE: _____
 PRINTED NAME: _____ PRINTED NAME: _____

NOTARY ACKNOWLEDGMENT:
 STATE OF FLORIDA
 COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, BY MEANS OF [] PHYSICAL PRESENCE OR [] ONLINE NOTORIZATION, THIS DAY OF 2022.

BY: DENISE H. HOLLAND, MANAGING MEMBER OF SEAVEN COMMONS, LLC A FLORIDA LIMITED LIABILITY COMPANY, WHO PERSONALLY APPEARED AND IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

NOTARY PUBLIC STATE OF _____ PRINTED NAME: _____
 MY COMMISSION EXPIRES: _____ (NOTARY SEAL)

TITLE CERTIFICATION:
 STATE OF FLORIDA
 COUNTY OF MONROE

WE, _____ A _____ DAY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED TO SEAVEN COMMONS, LLC A FLORIDA LIMITED LIABILITY COMPANY, THAT HAVE CURRENT TAXES PAID THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE SUBDIVISION OF THE PROPERTY.

BY: _____ DATE: _____

CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:
 THE PRIVATE EXCHANGE GROUP, INC., A FLORIDA CORPORATION, THE HOLDER OF THAT CERTAIN MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF BENEFIT DATED NOVEMBER 4, 2021, AND RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 230303, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, DOES HEREBY BARELY, APPROVE, CONSENT AND CONSENT TO THIS PLAT AND THE DEDICATION CERTIFICATE THEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS _____ AND ATTESTED BY ITS _____ THIS DAY OF 2022.

BY: _____ PRINT NAME: _____
 AS ITS: _____
 ATTEST: _____ PRINT NAME: _____

NOTARY ACKNOWLEDGMENT:
 STATE OF FLORIDA
 COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, BY MEANS OF [] PHYSICAL PRESENCE OR [] ONLINE NOTORIZATION, AND _____ AS ITS _____ OF _____ TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXCUSES THE FOREGOING CONSENT TO DEDICATION, AND THEY EACH DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICERS, FOR AND FOR AND IN BEHALF OF SAID CORPORATION, WITNESS MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS DAY OF 2022.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
 MY COMMISSION EXPIRES: _____ (NOTARY SEAL)

APPROVAL OF CITY OF MARATHON PLANNING COMMISSION:
 IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "BONEFISH HARBOR" ON THE 10TH DAY OF NOVEMBER, 2021.

BY: _____ LYNN LANDST, CHAIRMAN

APPROVAL OF MARATHON CITY COUNCIL:
 IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON CITY COUNCIL OFFICIALLY APPROVED THIS PLAT OF "BONEFISH HARBOR" ON THE _____ DAY OF MARCH, 2022.

BY RESOLUTION NO. _____ CITY OF MARATHON, FLORIDA

BY: _____ JOHN BARNES, MAYOR

BY: _____ DIANE CLAVIER, CITY CLERK

APPROVAL BY CITY OF MARATHON OFFICIALS:
 APPROVED: _____ CARLOS A. SOLIS, P.E., CITY ENGINEER
 _____ JOHN JOHNSON, FIRE/RESCUE CHIEF
 _____ STEVE WILLIAMS, CITY TOWNYER

APPROVAL OF THE CLERK OF THE CIRCUIT COURT:
 THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ON THE _____ DAY OF 2022, AND WAS FILED FOR RECORD THIS _____ DAY OF 2022, AND RECORDED IN PLAT BOOK _____ PAGE _____ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MONROE COUNTY, FLORIDA.

BY: _____ KEVIN MADDOX, CLERK OF COURT

REVIEW AND APPROVAL OF THE CITY SURVEYOR
 I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMANCE WITH THE PLATTING REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY THE CITY OF MARATHON.

BY: _____ DAVID WILLIAM MCDANIEL, P.S.M.
 PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE 5840 DATE 02/19/2022

SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED "BONEFISH HARBOR" AS SHOWN ON THIS SHEET IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREBY SURVEYED. MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA SHOWN ON SAID PLAT COMPLES WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND FURTHER THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.09(1)(7) OF SAID CHAPTER 177.

BY: _____ ROBERT K. REECE, P.S.M.
 PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE 5622
 REECE & ASSOCIATES
 CERTIFICATE OF AUTHORIZATION NO. 18 7845
 31192 AVENUE A, FAT DEER KEY, FLORIDA 33943

PLAT BOOK _____ **PAGE** _____