

CITY COUNCIL AGENDA STATEMENT



Meeting Date: August 9, 2022
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **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 THE EASTERLY 15 FEET OF LOT 3, BLOCK K, AMENDED PLAT OR MARAMEAD SUBDIVISION; AND PROVIDING FOR AN EFFECTIVE DATE.**

RECOMMENDATION:

Staff recommends that City Council approve the proposed resolution to dissolve the unity of title recorded in 2008 with the Clerk of Court in the official records Book 2371, Page 2486.

BACKGROUND

In 2008 a unity of title was created joining two adjacent properties in Maramead Subdivision. The unity of title was filed to combine the small vacant strip with the Commercial building just to the north. The strip was deeded over and unified to the neighboring marina parcel, and the 15.02' by 17' portion that was part of Maramead Subdivision was still subject to the previous unity.

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. The City of Marathon shall authorize the City Manager to execute a release of the unity of title recorded in Official Records Book 2371, Page 2486 of the Public Records of Monroe County.

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-93**

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 THE EASTERLY 15 FEET OF LOT 3, BLOCK K, AMENDED PLAT OR MARAMEAD SUBDIVISION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicants, Cunningham Miller Rhyne, P.A. have requested a release of unity of title recorded in 2008 for purposes of unifying a parcel of land to and existing parcel having RE 00103710-000000.

WHEREAS, the area of land subject to the unity of title recorded is currently also unified under the parcel having RE 00355160-000100.

WHEREAS, the Unity of Title, recorded in the Official Records of Monroe County, Florida at book 2371, page 2486 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 2371, Page 2486 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 ____ DAY OF _____, 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 LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

Steven T. Williams, City Attorney

RELEASE OF UNITY OF TITLE

KNOW ALL MEN BY THESE PRESENTS: The undersigned representative of the City of Marathon, a municipal corporation of the State of Florida, releases the UNITY OF TITLE recorded in Official Record Book 2371 at Page 2486 of the Public Records of Monroe County, Florida, relating to and pertaining to the property described in said UNITY OF TITLE being located in the City of Marathon, Monroe County, Florida.

All terms, conditions and provisions contained in the aforementioned UNITY OF TITLE are hereby released and canceled.

SIGNED AND SEALED this _____ day of _____, 2022.

CITY OF MARATHON

George Garrett, City Manager

WITNESSES:

(signature)

(signature)

(printed name)

(printed name)

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

Steven T. Williams, City Attorney

STATE OF FLORIDA
COUNTY OF MONROE

ACKNOWLEDGED before me, a Notary Public, this _____ day of _____, 2022, by _____, [] who is personally known to me or [] who produced _____ as identification.

Signature of Notary Public

Printed name of Notary