



COUNCIL AGENDA STATEMENT

Meeting Date: April 11, 2023
To: Honorable Mayor and Council Members
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: Resolution 2023-40, Approving A Fourth Amendment To The Lease Agreement No. 4547 With The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Management Of Properties With The City Of Marathon Purchased For The Purpose Of Conservation; Authorizing The Mayor To Execute The Amendment To The Agreement; And Providing An Effective Date

BACKGROUND & JUSTIFICATION

On June 22, 2004, the City Council of the City of Marathon, Florida approved Resolution 2004-63 authorizing the submission of a Florida Forever boundary modification form and designating the City of Marathon as Land Manager for conservation and natural area lands. Management of these lands primarily involves removal of invasive exotics, preventing dumping on the property, and encroachment by adjacent property owners. Resolution 2007-41 embodies that agreement including a list of some fifty-eight (58) parcels. Since the adoption of Resolution 2007-41, the State has acquired additional parcels which would logically be added to the Land Management Agreement.

Execution of this resolution complies with Policy 1-3.5.14 of the Comprehensive Plan by coordinating with outside agencies for the acquisition of environmentally sensitive lands for conservation.

Table with 3 columns: CONSISTENCY CHECKLIST:, Yes, No. Row 1: 1. Comprehensive Plant, XX, blank line. Row 2: 2. Other: Resolution 2004-063, XX, blank line.

FISCAL NOTE:
N/A

RECOMMENDATION:

Approval of Resolution

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-40**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A FOURTH AMENDMENT TO THE LEASE AGREEMENT NO. 4547 WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE MANAGEMENT OF PROPERTIES WITH THE CITY OF MARATHON PURCHASED FOR THE PURPOSE OF CONSERVATION; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is the desire of the City Council of the City of Marathon, Florida (the “City”) to acquire and to manage conservation lands within the City of Marathon for the purpose of conservation; and

WHEREAS, the State of Florida (the “State”) purchases environmentally sensitive properties throughout the State (including in the City) through the Florida Forever Program; and

WHEREAS, pursuant to Resolution 2004-63 and as a condition of the State purchasing conservation lands in a municipality is that the municipality will agree to manage those properties under a lease agreement with the State; and

WHEREAS, through this Amendment to the Agreement, the State has added certain environmentally sensitive property in the City, more particularly described in sum total in Exhibit A hereto (the “Property”); and

WHEREAS, the State will is amending its lease with the City for purposes of managing these additional Properties.

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 are incorporated herein.

Section 2. The Fourth Amended Lease Agreement between the City of Marathon and The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the management of the Property, a copy of which is attached as Exhibit “A”, in substantially the same terms together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved.

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 11TH DAY OF APRIL, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, 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

This instrument prepared by:
Amy Smith
Department of Environmental Protection
Bureau of Public Administration
Division of State Lands
3800 Commonwealth Blvd. MS 130
Tallahassee, Florida 32399-3000
Action No. 47032

ATL1
[+/- 2.19 acres]

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA**

AMENDMENT NUMBER 4 TO LEASE NUMBER 4547

THIS LEASE AMENDMENT is entered into this ___ day of _____, 2023, by and between the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, hereinafter referred to as "LESSOR" and **CITY OF MARATHON, FLORIDA**, a Florida municipal corporation, hereinafter referred to as "LESSEE".

WITNESSETH:

WHEREAS, LESSOR, by virtue of Section 253.03, Florida Statutes, holds title to certain lands and property for the use and benefit of the State of Florida; and

WHEREAS, on April 17, 2007, LESSOR and LESSEE entered into Lease Number **4547** (the "lease"); and

WHEREAS, LESSOR and LESSEE desire to amend the lease to add land to the leased premises.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The legal description of the leased premises set forth in Exhibit "A" of Lease Number **4547** is hereby amended to include the real property described in Exhibit "A" attached hereto and by reference made a part hereof.
2. It is understood and agreed by LESSOR and LESSEE that in each and every respect the terms of Lease Number **4547**, except as amended, shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by LESSOR and LESSEE as of the date of this amendment.
3. It is understood and agreed by LESSOR and LESSEE that this Amendment Number **4** to Lease Number **4547** is hereby binding upon the parties hereto and their successors and assigns.
4. This lease amendment may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

IN WITNESS WHEREOF, the parties have caused this Lease Amendment to be executed on the day and year first above written.

“LESSOR”

“LESSEE”

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE
OF FLORIDA**

**CITY OF MARATHON, FLORIDA,
a Florida municipal corporation**

(SEAL)

(SEAL)

BY: _____
Brad Richardson, Chief, Bureau of Public Land
Administration, Division of State Lands, State of
Florida Department of Environmental Protection, as
agent for and on behalf of the Board of Trustees of the
Internal Improvement Trust Fund of the State of
Florida.

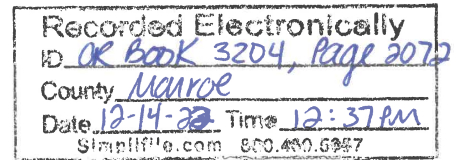
BY: _____
Luis Gonzalez, Mayor

Approved subject to proper execution:

BY:  _____ 03-20-2023
DEP Attorney Date

EXHIBIT "A"

This Instrument Prepared By and
Please Return To:
Samantha Tannous
American Government Services Corporation
3812 W. Linebaugh Avenue
Tampa, Florida 33618
AGS#: 31828



WARRANTY DEED
(STATUTORY FORM - SECTION 689.02, F.S.)

THIS INDENTURE is made this 13th day of December, 2022, between **Monroe County Comprehensive Plan Land Authority, a land authority under section 380.0663 (1), Florida Statutes, and Monroe County Ordinance Number 031-1986**, whose post office address is 1200 Truman Avenue, Ste 207, Key West, FL 33040 ("Grantor"), and the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, whose post office address is c/o Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Boulevard, Mail Station 115, Tallahassee, FL 32399-3000 ("Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "Grantor" and "Grantee" are used for singular and plural, as the context requires and the use of any gender shall include all genders.)

WITNESSETH: That the said Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in **Monroe County**, Florida, to-wit:

See **EXHIBIT "A"** attached hereto and by reference made a part hereof.

Tax Collector's Account Numbers: 1450324, 1450871, 1450880, 1450979, 1450987, 1450995, 1451002, 1451011, 1451029, 1451088, and 1451096

Property Appraiser's Parcel ID Numbers: 00367150-000000, 00367690-000000, 00367700-000000, 00367790-000000, 00367800-000000, 00367810-000000, 00367820-000000, 00367830-000000, 00367840-000000, 00367900-000000, and 00367910-000000

This conveyance is subject to easements, restrictions, limitations, and conditions of record, if any, but any such interests that may have been terminated are not hereby re-imposed.

AND the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the Grantor has hereunto set Grantor's hand and seal, the day and year first above written.

SEE FOLLOWING PAGE FOR SIGNATURES

Signed, sealed and delivered in the presence of:

Mark J. Rosch
(Signature of 1st Witness)

(Printed, Typed or Stamped Name of 1st Witness)

Tamara Lamarche
(Signature of 2nd Witness)

(Signature of 2nd Witness)

Tamara Lamarche

(Printed, Typed or Stamped Name of 2nd Witness)

Monroe County Comprehensive Plan Land Authority, a land authority under section 380.0663 (1), Florida Statutes, and Monroe County Ordinance Number 031-1986

BY: David P. Rice
Chairman David P. Rice

Approved as to form and legality:

Gregory S. Oropeza
Gregory S. Oropeza, Esquire

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 12 day of December, 2022, by David P. Rice, as Chairman of **Monroe County Comprehensive Plan Land Authority, a land authority under section 380.0663 (1), Florida Statutes, and Monroe County Ordinance Number 031-1986**. Such person (Notary Public must check applicable box):

- is personally known to me.
- produced a driver license.
- produced _____ as identification.



TAMARA LAMARCHE
Commission # HH 146998
Expires July 4, 2025
Bonded Thru Budget Notary Services

(NOTARY PUBLIC SEAL)

Tamara Lamarche
Notary Public
Tamara Lamarche
(Printed, Typed or Stamped Name of Notary Public)

Commission No.: HH 146998

My Commission Expires: 7/04/2025

Warranty Deed (Statutory Form – Section 689.02 F.S.)

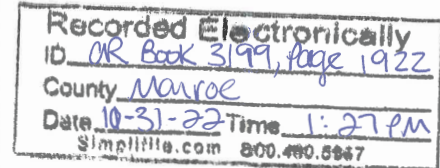
EXHIBIT "A"

Lot 14 of Block 2, Lots 6 and 7 of Block 10, and Lots 1, 2, 3, 4, 5, 6, 12, and 13 of Block 13, Crains Subdivision of Grassy Key, according to the map or plat thereof as recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

BSM APPROVED

By: J.A. Date: 11/21/20

This Instrument Prepared By and
Please Return To:
Samantha Tannous
American Government Services Corporation
3812 W. Linebaugh Avenue
Tampa, Florida 33618
AGS#: 31781



WARRANTY DEED
(STATUTORY FORM - SECTION 689.02, F.S.)

THIS INDENTURE is made this 31st day of October, A.D. 2022, between **Monroe County Comprehensive Plan Land Authority, a land authority under section 380.0663 (1), Florida Statutes, and Monroe County Ordinance Number 031-1986**, whose post office address is 1200 Truman Avenue, Ste 207, Key West, FL 33040 ("Grantor"), and the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, whose post office address is c/o Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Boulevard, Mail Station 115, Tallahassee, FL 32399-3000 ("Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "Grantor" and "Grantee" are used for singular and plural, as the context requires and the use of any gender shall include all genders.)

WITNESSETH: That the said Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in **Monroe County**, Florida, to-wit:

See **EXHIBIT "A"** attached hereto and by reference made a part hereof.

Tax Collector's Account Numbers: 1452823 and 1452831

Property Appraiser's Parcel ID Numbers: 00369640-000000 and 00369650-000000

This conveyance is subject to easements, restrictions, limitations, and conditions of record, if any, but any such interests that may have been terminated are not hereby re-imposed.

AND the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the Grantor has hereunto set Grantor's hand and seal, the day and year first above written.

SEE FOLLOWING PAGE FOR SIGNATURES

Signed, sealed and delivered in the presence of:

[Signature]
(Signature of 1st Witness)

Denisse Garcia
(Printed, Typed or Stamped Name of 1st Witness)

[Signature]
(Signature of 2nd Witness)

Christine Hurler
(Printed, Typed or Stamped Name of 2nd Witness)

Monroe County Comprehensive Plan Land Authority, a land authority under section 380.0663 (1), Florida Statutes, and Monroe County Ordinance Number 031-1986

BY: [Signature]
Chairman David P. Rice

Approved as to form and legality:
[Signature]
Gregory S. Oropeza, Esquire

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 19th day of October, 2022, by David P. Rice, as Chairman of **Monroe County Comprehensive Plan Land Authority, a land authority under section 380.0663 (1), Florida Statutes, and Monroe County Ordinance Number 031-1986**. Such person (Notary Public must check applicable box):

- is personally known to me.
- produced a driver license.
- produced _____ as identification.



(NOTARY PUBLIC SEAL)

[Signature]
Notary Public
Dina Ann Gambuzza
(Printed, Typed or Stamped Name of Notary Public)

Commission No.: GG336333

My Commission Expires: 9/17/23

Warranty Deed (Statutory Form – Section 689.02 F.S.)

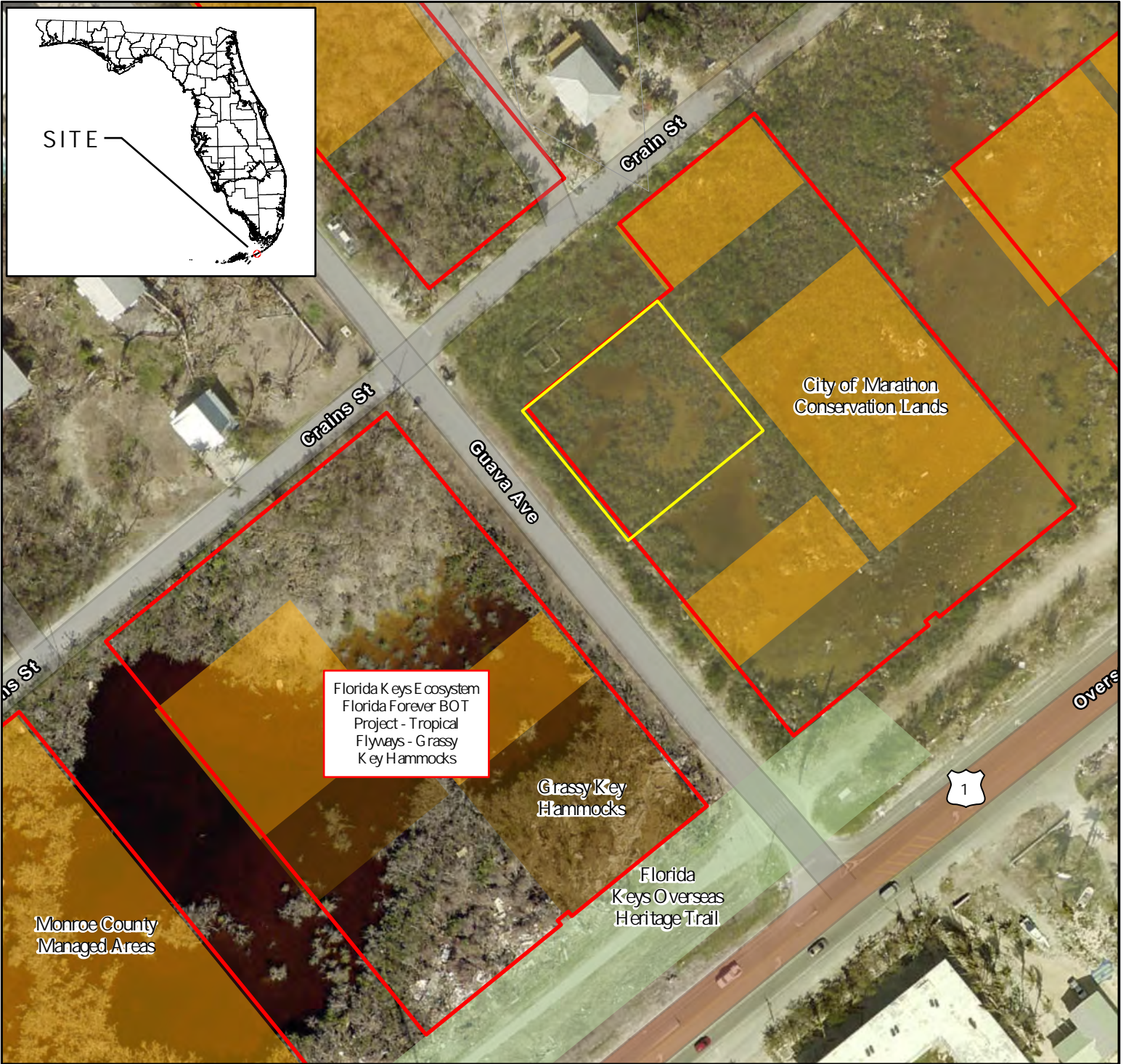
EXHIBIT "A"

Lots 9 and 10, Block 26, Crains Subdivision of Grassy Key, according to the map or plat thereof as recorded in Plat Book 1, Page 51, of the Public Records of Monroe County, Florida.

BSM APPROVED

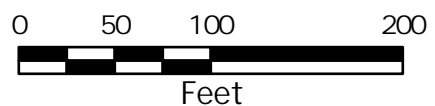
By: J.A. Date: 07/27/2022

Florida Keys Ecosystem - Grassy Key Hamocks
Monroe County Land Authority (Epifano)
Monroe County






Florida Keys Ecosystem
 Florida Forever BOT
 Project - Tropical
 Flyways - Grassy
 Key Hammocks

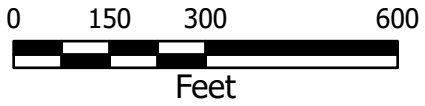
- Subject Parcel
- Florida Forever Project Boundaries
- State Managed Conservation Lands
- City/County Managed Conservation Lands
- Private Managed Conservation Lands



Florida Keys Ecosystem — Grassy Key Hammocks
 Monroe County, Florida
Amendment 4 to Lease 4547



-  Subject Parcels
-  Florida Forever Project Boundaries
-  City/County Managed Conservation Lands



Florida Keys Ecosystem — Grassy Key Hammocks
Monroe County, Florida
Amendment 4 to Lease 4547