

CITY COUNCIL AGENDA STATEMENT



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

Agenda Item: **Resolution 2023-35**, Consideration Of A Request For A Final Plat As Submitted By QOF, Inc. For A Plat Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulation (Ldrs) Entitled “Subdivision Of Land/Plats And Re-Plats,” Particularly, 4800 Overseas Hwy Unit 14 Which Is Described As Thompson And Adams Subdivision Pb2-24, Part Lot 4 And Adjacent Filled Bay Bottom And Adjacent Bay Bottom (A/K/A Parcel D & Bay Bottom Parcel A), Section 10, Township 66 South, Range 32 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00327140-000200. Nearest Mile Marker 50.

RECOMMENDATION:

Recommendation of Final Plat Approval.

APPLICANT/ OWNER: QOF, Inc

AGENT: Barbara Mitchell

LOCATION: The project site is located at 4800 Overseas Hwy Unit 14, Marathon – Nearest Mile Marker 50.

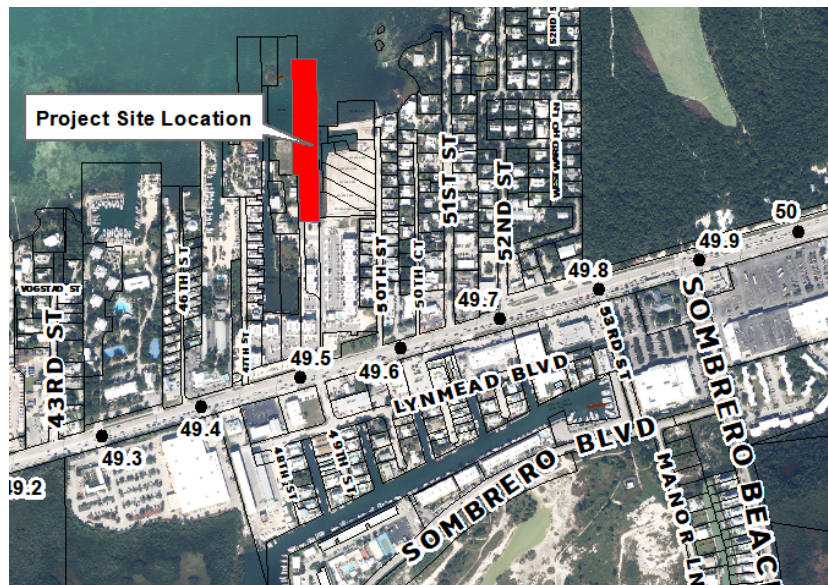
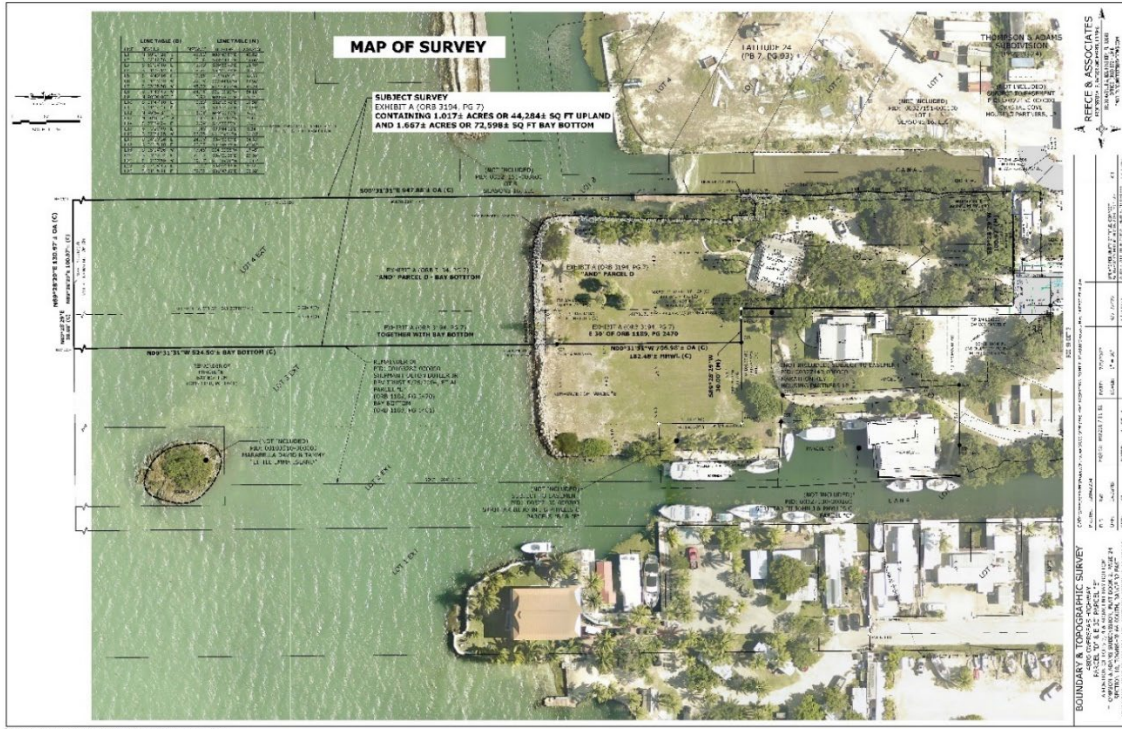


Figure 1: Project Site Survey



LOT SIZE:

Total acreage	2.684 Acres (Ac.)	116,898.58 Square Feet (Sq. Ft.)
Upland	1.017 Ac.	44,284 Sq. Ft.
Submerged	1.667 Ac.	72,614.58 Sq. Ft.

REQUEST: A Conditional Use Permit to authorize the preliminary plat of the parcel into five lots for single family residences.

FUTURE LAND USE AND ZONING MAP DESIGNATIONS:
 Mixed Use Commercial (MUC) and Mixed Use (MU).

Figure 2.A: FLUM Map



Figure 2.B: Zoning Map



SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Florida Bay	N/A
East	Mixed Use	Residential homes of 50 th street
South	Mixed Use	Residential homes, and Crystal Cove Apts.
West	Mixed Use, Residential High	Vacant land, Residential homes, Residential homes of 47 th street

EXISTING CONDITIONS:

The project site consists of the remains of one 1960s ground level single family resident, with dock. This will be demolished.

PROPOSED REDEVELOPMENT:

The proposed Shipman Point Plat Subdivision is a re-plat of a portion of Los 3 and 4, and adjacent Bay Bottom, of the Thompson & Adams Subdivision. The proposed development is five single family homes on individually platted lots. **See Figure 3. Proposed Redevelopment Site Plan.**

BACKGROUND:

The proposed project consists of the development of five single family properties with access through private shared driveway provided by the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City in 2018/2019 when the Residences at Crystal Cove were approved for permitting.

All conditions of the Conditional Use approval will have to be met before any building permits will be approved.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

CRITERIA

A. The proposed use is consistent with the Comprehensive Plan and LDRs;

Consistent with the Comprehensive Plan

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large.”

The proposed project consists of the proposed plat consisting of five single family lots within the Mixed-Use Zoning District. The surrounding properties are zoned Mixed Use and are a mix of residential uses including single-family, multi-family and deed restricted affordable apartments. Access to the site is via a common access easement to Overseas Highway. The easement is shown on the survey and designated as Crystal Cove Common Access Road Easement. It also provides utility access. This section of US 1 is four lanes with a center turning lane.

The proposed subdivision to be known as Shipman Point will not increase the density that is currently allowable on this site. This subject parcel would support up to six market rate homes, fifteen multifamily, affordable units or unto twenty-five transient units based upon the gross upland area of the parcel (1.017 acres). The proposed plat reduces the potential market rate density by 20% with the anticipated five single family market rate homes. The smallest parcel exceeds the minimum parcel size by 10%, the largest parcel exceeds the minimum size by 28%. This furthers the Comprehensive Plan policy of retention of a small-town atmosphere. The proposed platted lots are consistent with the character of the neighborhood.

a. Policy 1-1.1.2 b. & c. Adopt Compatibility for Residential Use and Non-residential Review Criteria

This project proposes to develop a residential site. Non-residential uses are not contemplated for these lots. Currently, the site contains one single-family, non-elevated home and is designated as “Disturbed” on the city habitat maps. The existing single-family home will be removed.

b. Policy 1-1.1.3 Protect Residential Neighborhood Character

The proposed Shipman Point Plat effectively removes the potential for high density multi-family or transient residential development on this parcel. The ability to efficiently design multi-family residences is significantly reduced with the side yard setbacks required for each lot. There is one existing market rate entitlement attached to the existing single-family home. The remaining four lots will have a building right for one market rate unit per lot that shall be transferred to the site. Landscape buffers are not required for this site as the zoning designation is the same on all property

boundaries. Where possible, existing plant material shall remain to provide buffering from the adjacent parcels.

c. Policy 1-1.1.4 Transition Between Land Uses

The parcel is located in a residential neighborhood. The proposed subdivision consists of five single-family lots. All the lots are waterfront. The adjacent existing uses are residential. Final landscape plans will be submitted as part of the building permit application for each lot.

e. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Mixed-Use Commercial. Within this designation there are various residential uses including permanent single-family, affordable and/or commercial apartments as well as mobile homes. Commercial or transient residential uses are permitted. The residential project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

f. Policy 1-3.2 Maximum Height

The maximum height of any new structure associated with the redevelopment of the property shall not exceed 42 feet (in Datum NAVD88), except as provided by City Code, as amended except those exceptions provided for in Section 107.41 of the City Code.

g. Policy 1-3.2.7 Restrict Density and Intensity of Development

The proposed subdivision to be known as Shipman Point will not increase the density that is currently allowable on this site. This subject parcel would support up to six market rate homes, fifteen multifamily, affordable units or unto twenty-five transient units based upon the gross upland area of the parcel (1.017 acres). The proposed plat reduces the potential market rate density by 20% with the anticipated five single family market rate homes. The smallest parcel exceeds the minimum parcel size by 10%, the largest parcel exceeds the minimum size by 28%. Residential density is consistent with thresholds outlined in Table 1-1 of the Comprehensive Plan. The submitted plat proposes a density equivalent to 5 market rate units per acre.

h. Policy 1-3.3.1 a., c, and h. General Redevelopment Criteria

The site is considered disturbed. Over the past thirty years, landscaping consisting of native and non-native plant have been planted on the site. As part of the site planning for each home, reuse of existing material is anticipated to the greatest extent practicable. The interior access drive has been designed to retain an existing landscape hedge. The shoreline along the open water and the canal are protected with riprap. A mangrove fringe exists along a portion of the canal. There is an existing dock on the proposed Lot 5. The building permit process for the single-family homes is as-of-right. At the time of building permit application, compliance with all applicable City building regulations shall be demonstrated.

i. Policy 1-3.4.1 Established Densities and Policy 1-3.4.3 Replacement of Existing Densities and Intensities

The redevelopment plan includes constructing market rate building units at a rate of one per lot. Four market rate units will require Transfer Building Right (TBR). The developer either has or will acquire these rights. The existing market rate entitlement will be transferred to one of the

new lots upon approval of the final plat and the assignment of new Property Real Estate Number(s).

Consistent with the City Land Development Regulations

a. Section 103.09 – Mixed Use

The MU District is intended to accommodate a wide range of uses and activities. Market rate, permanent residential housing is permitted as of right. The proposed density of 5 units per acre is compliant with the regulation density of six units per acre for this district.

b. Table 103.15.1 Uses By Zoning District

This redevelopment is consistent with Table 103.15.1, uses by Zoning District. A Plat of Subdivision requires a Conditional Use Permit Application, as contained herein.

c. Table 103.15.2 Density, Intensity, and Dimensions for Zoning Districts

The subject project site contains 44,284+/- square feet of upland and 72,598 square feet of bay-bottom. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the MU Zoning district. For residential uses, the units per acre are: six (6) market rate, fifteen (15) affordable, and up to twenty-five (25) transient residential units. Commercial uses, although permitted, are not contemplated for this subdivision.

The proposed project, a subdivision of one parcel into five lots, will exceed the minimum lot size of 7,260 square feet required for market rate development, the equivalent density is approximately 5 units per acre.

The required setbacks in the MU district range from 0 to 30' for the front, 0 to 10' for the sides with a 20' shoreline setback along the canal and a 30' setback from the altered open water shoreline. As illustrated on the Conditional Use site plan, the proposed buildable areas demonstrate compliance with the setback requirements.

The Land Development Regulations do not address a minimum street frontage. Lots 1 through 3 are 83.85' wide and approximately 100' deep. Lots 4 and 5, the open water lots, are between 50 and 60' with a depth of 180' +/- . Frontage is along a private drive.

Table 103 .15 .2 lists the density for permitted uses in the MU Zoning district. For residential uses, the City's Code allows six (6) market rate, fifteen (15) affordable, and twenty-five (25) transient and a commercial floor area of 60% with eligibility for density bonus of up to 75%.

The applicant is proposing to subdivide into 5 single family lots. Based upon these uses the proposed density is within Code requirements.

The required setbacks in the MU district range from 0 to 30 feet. As illustrated on the site plan the proposed setbacks are consistent with this zoning standard. Each proposed lot will have to maintain the 20% open space on site per open space ratios in the LDR requirements table 103.15.2.

d. Section 107.00 Building Permit Allocation System

New BPAS allocations will not be required for this project. One market rate entitlement exists on the property. The developer currently has or will acquire existing transferrable building rights (TBRs).

e. Section 107.47 Parking

Two parking spaces shall be provided for each single-family home as required by City Code. Compliance shall be demonstrated as part of the Building Permit applications.

f. Section 107.40 Maximum Height

This application is for approval of a five-lot subdivision for single-family homes. The plans for these homes have not been developed at this time. The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City code, as amended.

g. Sections 107.63 – 107.72 Landscaping

The surrounding properties have a zoning designation of Mixed Use. Therefore, district landscape buffers are not required. Code states that one canopy tree is required for every 50 feet of linear street frontage. Final landscape plans will be prepared and submitted at the time of Building Permits. However, as mentioned earlier in this report, the site contains an existing planting palette of palms and trees - both native and non-native. The access road has been designed to take advantage of an existing hedge along the western property line. **See Figure 4.**

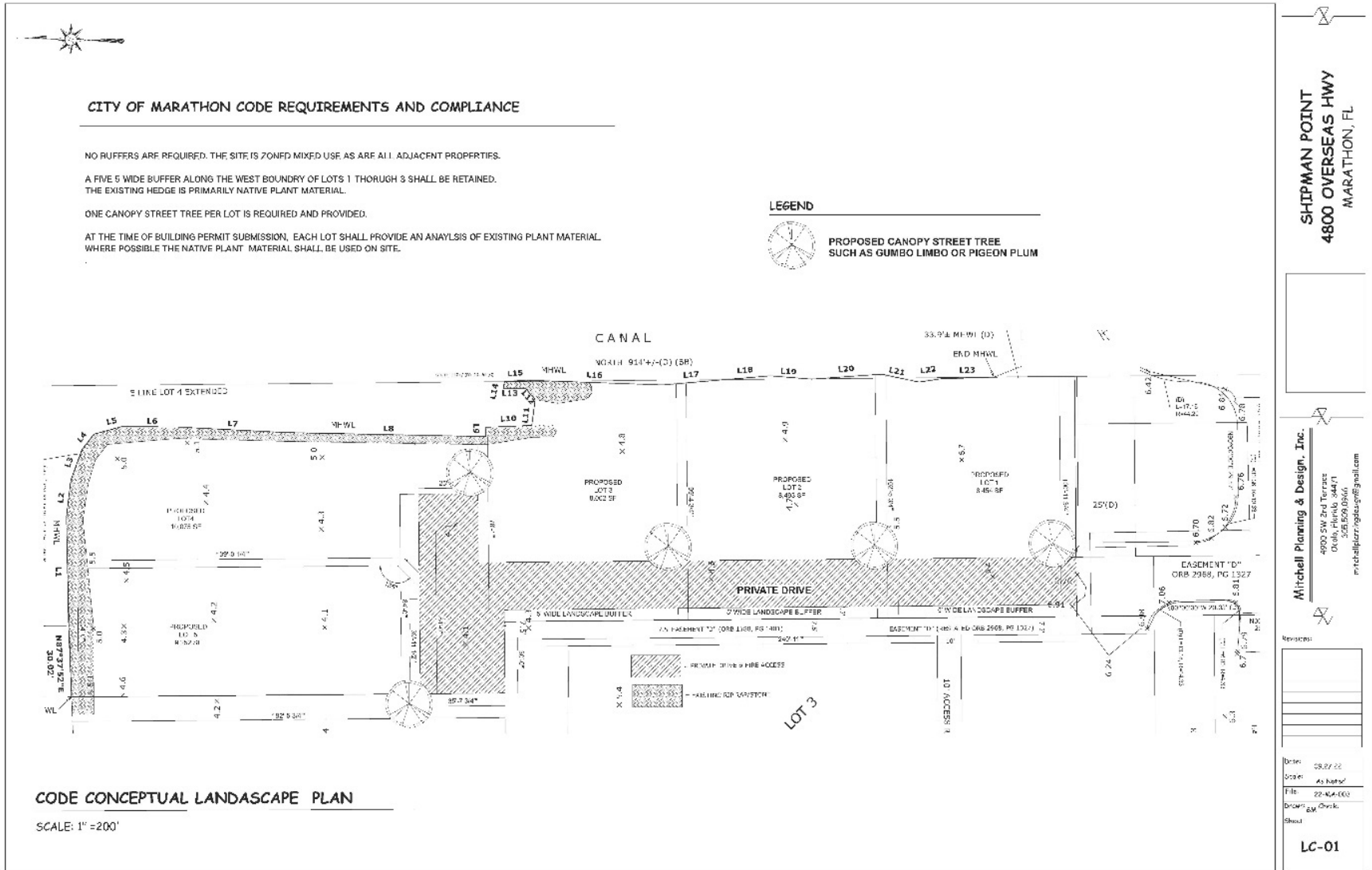
h. Section 107.73 – 107.81 Open Space

The required open space ratio for this site is 20%. Upon approval of the Plat of Subdivision, each lot will be required to provide the required open space pursuant to the Land Development Regulations in effect at the time of building permitting. The open space analysis in the following chart reflects the square footage of the required setback area for the primary use (aka single-family residence) on each lot. The following Table provides a summary, numbers are in square feet:

Lot #	Gross Lot Area	Buildable Area	Open Space Area	Open Space %
1	8,454	3,775	3,079	36.4%
2	8,493	3,796	3,022	35.6%
3	8,002	3,145	3,126	39.0%
4	10,075	3,514	5,475	54.3%
5	9,252	4,962	3,521	34.9%

The proposed open space ratios are well within City Code requirements. Actual open space may differ when accessory structures are permitted as some accessory structures are allowed along a portion of the shoreline setback.

Figure 4: Conceptual Landscape Plan



i. 107.82 – 107.85 Fences & Screening

Any fencing or screening shall be developed by the individual lot owner upon submission of Building Permit applications.

j. 107.98 – 107.102.5 Stormwater Management

The Stormwater Management Plan provided demonstrates compliance with this requirement, based upon the buildable area of each lot as noted above. The Building Permit for each residence will demonstrate compliance, once the actual footprints and impervious areas are determined

k. Sections 107.98 – 107 Floodplain Management

Pursuant to the current FEMA FIRM maps, Lots 1 through 3 are located in the AE9 flood zone. Lots 4 and 5 are located in the AE 9, VE 11, VE 12, and VE 14 flood zones. As required, the finished floor elevations or lowest horizontal structural member elevations respectively will meet or exceed in height the required per the base flood and design flood elevations. See Figure 5.

Figure 5: FEMA Flood Zones



Therefore, with conditions, the request is **in compliance** with the requirements of these sections.

B. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of mixed-use

development patterns and to recognize established mixed use development patterns within the City.” Parcels immediately surrounding the proposed single-family residential community are or are in the process of being developed with residential uses. Immediately to the west is a property that has been developed with residential uses since the 1960’s. To the south is the Residences at Crystal Cove. This is a multi-family development, recently completed, and is comprised of four apartment buildings that offer deed restricted affordable housing. To the east, across the canal is a residential community currently under development it includes seven lots, recently platted, for single family homes. To the north is the Florida Bay. This application proposed the development of five, fee simple, residential lots are with entitlements transferred from within the City.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. The proposed uses fall within the allowed densities and intensities.

Therefore, the request is ***in compliance*** with the requirements of these sections.

C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed conditional use does not adversely affect the health, and welfare of the public. The proposed residential development will connect to the City’s wastewater treatment system. Stormwater management be improved on site, and all construction with comply with the current Building Code.

Therefore, the request is ***in compliance*** with the requirements of these sections.

D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

The existing conditions maps indicate the subject area is designated as Developed Land. Figure 7 shows that a portion falls under the category of undeveloped land. Though found within a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit, “undeveloped land” falls out of the consideration in the species assessment guides thus having “no impact” on the species concern, the Eastern Indigo Snake. **See Figure 6.**

Therefore, the request is ***in compliance*** with the requirements of these sections.

Figure 6: FEMA-FWS Focus Area Habitat



E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in cases of fire or catastrophe;

The access to the site is via the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City in 2018/2019 when the Residences at Crystal Cove were approved for permitting. The roadway is private and provides access from the site to US 1. The travel way is paved, and utility easements have been revised and recorded in accordance with the site modifications.

A Traffic Statement prepared by KBP Consulting Inc. is submitted with this application. As documented in this study, US 1 has the reserve capacity to accommodate the additional vehicular trips anticipated with this project. Based upon the analysis performed as part of the study, the project is not expected to adversely impact the operational characteristics of the US 1.

Provisions have been made as part of the subdivision layout to address fire access. The proposed access road within the subdivision terminates in a T-turnaround. A fire hydrant is existing near the entrance of the subdivision. The Fire Chief has been contacted for coordination purposes as part of the Technical Review Committee review and has provided the condition below.

Table 1 Trip Generation Summary Shipman Point - Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Single-Family Detached Housing	1 DU	9	0	1	1	1	0	1
<i>Proposed</i>								
Single-Family Detached Housing	5 DU	47	1	3	4	3	2	5
Difference (Proposed - Existing)		38	1	2	3	2	2	4

Compiled by: KBP Consulting, Inc. (September 2022).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition).

Therefore, with conditions, the request is ***in compliance*** with the requirements of these sections.

- The applicant must meet NFPA1 and NFPA 101 including fire hydrant location, emergency access.

2. Off-street parking and loading areas where required, with particular attention to item 1 above;

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The following table shows the parking requirement for the parcel:

Use	Code Citation	Requirement	Spaces Required
Single and Two-Family, attached and detached	107.46.1	2 per dwelling unit	10

Therefore, with the conditions, the request is ***in compliance*** with the requirements of these sections.

- The applicant will provide the required number of parking spaces per the LDRs.

3. The noise, glare, or odor effects of the conditional use on surrounding properties;

The proposed use has no known impacts to the health safety and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use.

Therefore, the request is ***in compliance*** with the requirements of this section.

4. Refuse and service areas, with particular reference to locations, screening, and Items 1 and 2 above;

The Plat of Subdivision proposes an internal access road for collection of garbage, recycling, and other services. A landscape plan has been submitted for this application. The adjacent properties are zoned the same; therefore, no district buffers are required. Each lot will install a street tree as required. The existing landscape hedge that exists along the western property line shall be maintained as a privacy buffer with the adjacent landowner.

Therefore, the request is ***in compliance*** with the requirements of this section.

5. Utilities, with reference to location and availability;

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows:

- Wastewater: The developer will need to provide the additional sewer infrastructure required to serve these new parcels. The applicant will have to pay for the upgrades to the existing infrastructure system to account for the proposed units.
- Water: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards.
- Recreation and Open Space: This redevelopment already has a de minimis impact on recreation and open space.
- Roadways: The applicant submitted an appropriate traffic study showing minimal impact to traffic flow along US1; therefore, it poses no further impact on transportation facilities.
- Educational Facilities: This development as proposed will have a de minimus impact on educational facilities.

Therefore, the request is ***in compliance*** with the requirements of these sections.

6. Screening and buffering with reference to type, dimensions, and character;

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the west by properties zoned MU, where no project boundary buffers are necessary.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30'; side yard 1 and 2, 0 – 10; interior side yard, 10; and, street side, 0-5'.

This plan shows a 30' setback on the front yard, 5' setback on the western side and 5' on the eastern side yard, and 20' rear yard setback. Open water side requires a 30' ft setback and the canal side requires a 20' ft setback.

Setback	Required	Required Landscape	Proposed	Compliant
Front	0-30'	N/A	30'	Y
Sides	0-10'	N/A	5'	Y
Side canal from MHWL	20'	N/A	20'	Y
Rear Open water from MHWL	30'	N/A	30'	Y

Therefore, the request is ***in compliance*** with the requirements of these sections.

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;

A signage program has not been developed at this time. Entrance and directional signs shall be proposed as needed.

Therefore, the request is ***in compliance*** with the requirements of these sections.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is generally developed; therefore, a twenty percent open space requirement applies. The individually proposed lots will have to maintain a 20% open space requirement.

Therefore, the request is ***in compliance*** with the requirements of these sections.

9. General compatibility with surrounding properties; and

The proposed development is for a single-family residential community. The surrounding neighborhood is mixed with single-family and multi-family residential uses. The buildings will be elevated as required by City Code, providing consistency with parcels that are redeveloped. The scale and layout of the proposed lots are consistent with the City Code.

Therefore, the request is ***in compliance*** with the requirements of these sections.

10. Any special requirements set forth in the LDRs for the particular use involved.

In addition to other requirements of the LDRs and pursuant to Table 103.15.1, all residential dwelling units, except mobile homes, shall comply with the following:

- A. Two (2) side yards are required for stacked duplexes.
- B. Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- C. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- D. The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.

E. Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.

F. The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

Therefore, with the conditions noted above, the request is **in compliance** with the requirements of this section.

CONCLUSION:

The Conditional Use Approval is intended to allow for the integration of certain land uses and structures within the City of Marathon based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community.

The proposed development is consistent with the existing land use patterns and is expected not to produce any nuisances, traffic congestion, or threat to public health, safety, or welfare. As such the development is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

The staff recommended conditional approval of the project known as Shipman Point to the Planning Commission. Planning Commission voted to recommend approval (4-0). City Council approved the Conditional Use with the below conditions.

Conditions of Approval

Prior to the issuance of a building permit:

1. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant must meet NFPA1 and NFPA 101 including fire hydrant location, emergency access in accordance with fire protection requirements as outlined by the City Fire Marshal;
3. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
4. The applicant will provide the required number of parking spaces per the LDRs.
5. The developer will need to provide additional sewer infrastructure required to serve the new parcels. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
6. The applicant will have to pay for the upgrades to the existing infrastructure system to account for the proposed units.

7. City approval is required for the stormwater management system prior to Building Permit Approval.
8. A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees prior to permit issuance.
9. If the redevelopment is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
10. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date.

ANALYSIS OF PLAT APPROVAL REQUEST:

The standards for plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

Per code streets, internal park and open space areas, recreation space, protected habitat areas requiring conservation easements may all be the basis for density reductions in the platted lot area if they are included in the overall density calculations for the subdivision and subsequent plat. Such reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document. Equally, if lot area reductions are allowed as part of the subdivision and platting process, the plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations. The applicant is proposing no such reductions.

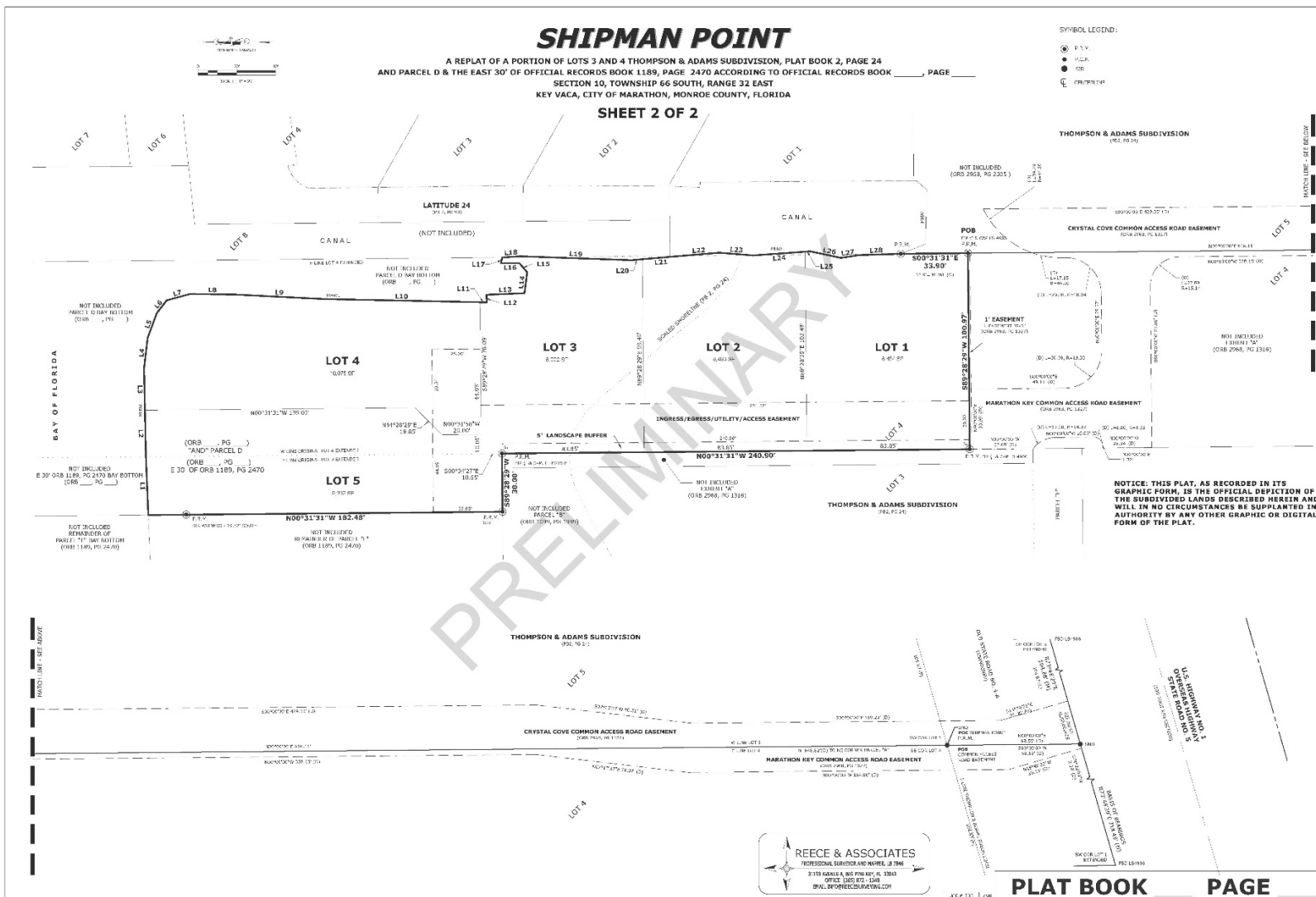
RECOMMENDATION:

With the following conditions, the staff recommended approval of the proposed plat. Planning Commission voted to recommend approval (4-0). City Council approved the preliminary plat with the below conditions. Staff is recommending approval of the adoption of the final plat.

Conditions:

1. All conditions of the Conditional Use must be met prior to building permit issuance.
2. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
3. Access to the site will be via the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City.

Attachment A: Proposed Preliminary Plat



**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-35**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A FINAL PLAT AS SUBMITTED BY QOF, INC. FOR A PLAT PURSUANT TO CHAPTER 102, ARTICLE 10 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATION (LDRS) ENTITLED “SUBDIVISION OF LAND/PLATS AND RE-PLATS,” PARTICULARLY, 4800 OVERSEAS HWY UNIT 14 WHICH IS DESCRIBED AS THOMPSON AND ADAMS SUBDIVISION PB2-24, PART LOT 4 AND ADJACENT FILLED BAY BOTTOM AND ADJACENT BAY BOTTOM (A/K/A PARCEL D & BAY BOTTOM PARCEL A), SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST, KEY VACA, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00327140-000200. NEAREST MILE MARKER 50.

WHEREAS, QOF, INC. (Applicant) filed an Application on October 21, 2022 for approval to Re-Plat for the property into five (5) single family residential lots and one access drive pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, on the 19th day of December 2022, the City of Marathon Planning Commission (the “Commission”) reviewed and recommended approval of the final re-plat with several conditions; and

WHEREAS, on the 10th day of January 2023, 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 11th day of April 2023, 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 QOF Inc. 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. All conditions of the Conditional Use must be met prior to building permit issuance.
2. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
3. Access to the site will be via the Crystal Cove Common Access Road Easement. This easement was developed and approved by all property owners and the City.
4. 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 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

EXHIBIT A

**Final Plat of Property
(Original Re-plat to be attached at final adoption & signature)**

LEGAL DESCRIPTION:

THE EAST 30.00 FEET OF LAND AND BAY BOTTOM DESCRIBED IN OFFICIAL RECORDS BOOK 1189, PAGE 2470, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, SAME BEING A PORTION OF LAND AND BAY BOTTOM LYING NORTH OF LOT 3, THOMPSON AND ADAMS SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 24, OF SAID PUBLIC RECORDS, SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST, KEY VACA, CITY OF MARATHON, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 3 OF THOMPSON AND ADAMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 24, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, THENCE NORTH, ALONG THE EAST LINE OF SAID LOT 3, 918.04 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1189, PAGE 2470, OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE WEST, ALONG THE SOUTH LINE OF SAID PARCEL, 30.00 FEET; THENCE NORTH, ALONG A LINE 30 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 3 PROJECTED NORTH, 182.48 FEET, MORE OR LESS, TO THE MEAN HIGH WATER LINE OF THE BAY OF FLORIDA (POINT "A"); THENCE ALONG THE MEAN HIGH WATER LINE, NORTH 88 DEGREES, 08 MINUTES, 09 SECONDS EAST, 30.02 FEET, TO SAID PROJECTED EAST LINE OF LOT 3; THENCE BEAR SOUTH, ALONG SAID PROJECTED EAST LINE OF LOT 3, 183.47 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH: BAY BOTTOM

BEGINNING AT AFORESAID POINT "A"; THENCE BEAR NORTH ALONG A LINE 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 3 PROJECTED NORTH, 524.50 FEET, MORE OR LESS, TO THE NORTH LINE OF THE BAY BOTTOM LAND AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1189, PAGE 2470; THENCE EAST, ALONG SAID NORTH LINE, 30.00 FEET TO AFORESAID PROJECTED EAST LINE OF LOT 3; THENCE SOUTH, ALONG SAID LINE, 523.53 FEET, MORE OR LESS, TO THE MEAN HIGH WATER LINE; THENCE SOUTH 88 DEGREES, 08 MINUTES, 09 SECONDS WEST, 30.02 FEET TO THE POINT OF BEGINNING.

AND

PARCEL D: PARCEL OF LAND BEING A PART OF LOT 4, THOMPSON AND ADAMS SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 24, AND FILLED BAY BOTTOM LAND AS RECORDED IN OFFICIAL RECORDS BOOK 762, PAGE 244, VACA KEY, MONROE COUNTY, FLORIDA, PUBLIC RECORDS AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4 OF SAID THOMPSON AND ADAMS SUBDIVISION, BEAR NORTH ALONG THE EAST LINE OF SAID LOT 4, 648.82 FEET TO THE NORTHEAST CORNER OF PARCEL "A" AS RECORDED IN OFFICIAL RECORD BOOK 1099, PAGE 1999 AND THE POINT OF BEGINNING; THENCE BEAR WEST ALONG THE NORTH LINE OF SAID PARCEL "A", 100.97 FEET, TO THE WEST LINE OF SAID LOT 4; THENCE BEAR NORTH ALONG THE WEST LINE OF SAID LOT 4, 424.35 FEET, TO THE MEAN HIGH WATER LINE OF THE GULF OF MEXICO, (ALSO KNOWN AS FLORIDA BAY); THENCE MEANDER THE MEAN HIGH WATER LINE IN A GENERALLY EASTERLY AND THEN SOUTHERLY DIRECTION ON THE FOLLOWING SEVENTEEN (17) DESCRIPTIVE COURSES: 1) THENCE NORTH 89 DEGREES, 56 MINUTES, 18 SECONDS EAST, 51.04 FEET; 2) THENCE SOUTH 69 DEGREES, 49 MINUTES, 54 SECONDS EAST, 25.32 FEET; 3) THENCE SOUTH 39 DEGREES, 51 MINUTES, 43 SECONDS EAST, 13.12 FEET; 4) THENCE SOUTH 02 DEGREES, 34 MINUTES, 41 SECONDS WEST, 31.30 FEET; 5) THENCE SOUTH 00 DEGREES, 27 MINUTES, 47 SECONDS WEST, 51.13 FEET; 6) THENCE SOUTH 03 DEGREES, 51 MINUTES, 22 SECONDS WEST, 57.41 FEET; 7) THENCE SOUTH 01 DEGREES, 48 MINUTES, 06 SECONDS EAST, 17.60 FEET; 8) THENCE NORTH 89 DEGREES, 11 MINUTES, 24 SECONDS EAST, 3.60 FEET; 9) THENCE SOUTH 06 DEGREES, 53 MINUTES, 22 SECONDS EAST, 18.99 FEET; 10) THENCE SOUTH 80 DEGREES, 51 MINUTES, 55 SECONDS EAST, 10.21 FEET; 11) THENCE NORTH 27 DEGREES, 58 MINUTES, 39 SECONDS EAST, 14.35 FEET; 12) THENCE SOUTH 00 DEGREES, 00 MINUTES, 12 SECONDS WEST, 24.87 FEET; 13) THENCE SOUTH 03 DEGREES, 22 MINUTES, 43 SECONDS WEST, 42.78 FEET; 14) THENCE SOUTH 03 DEGREES, 24 MINUTES, 34 SECONDS EAST, 47.08 FEET; 15) THENCE SOUTH 02 DEGREES, 01 MINUTES, 17 SECONDS WEST, 51.03 FEET; 16) THENCE SOUTH 04 DEGREES, 03 MINUTES, 17 SECONDS WEST, 24.06 FEET; 17) THENCE SOUTH 11 DEGREES, 46 MINUTES, 11 SECONDS EAST, 17.47 FEET, TO THE EAST LINE OF SAID LOT 4; THENCE BEAR SOUTH, ALONG THE EAST LINE OF SAID LOT 4, 33.9 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING.

AND

A PARCEL OF BAY BOTTOM LAND, BEING A PORTION OF THE BAY BOTTOM LAND AS RECORDED IN OFFICIAL RECORD BOOK 762, PAGES 244 TO 251; SAID BAY BOTTOM LAND ALSO BEING THAT PORTION OF BAY BOTTOM LAND LYING NORTH AND EAST OF PARCEL "D" AS DESCRIBED ABOVE, VACA KEY, MONROE COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4 OF SAID THOMPSON AND ADAMS SUBDIVISION, BEAR NORTH ALONG THE EAST LINE OF SAID LOT 4, 682.42 FEET TO THE MEAN HIGH WATER LINE AND THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING BEAR NORTH, ALONG THE EAST LINE OF SAID BAY BOTTOM AS RECORDED IN OFFICIAL RECORD BOOK 762, PAGES 244 TO 251, 914 FEET MORE OR LESS, TO THE NORTHEAST CORNER OF SAID BAY BOTTOM; THENCE BEAR WEST, ALONG THE NORTH LINE OF SAID BAY BOTTOM, 100.97 FEET MORE OR LESS, TO ITS INTERSECTION WITH THE WEST LINE OF SAID PARCEL "D" PROJECTED NORTH; THENCE BEAR SOUTH, ALONG SAID WEST LINE OF PARCEL "D" PROJECTED NORTH, 524 FEET MORE OR LESS, TO THE MEAN HIGH WATER LINE OF THE GULF OF MEXICO, (ALSO KNOWN AS FLORIDA BAY) BEING THE NORTHWEST CORNER OF SAID PARCEL "D"; THENCE MEANDER THE MEAN HIGH WATER LINE IN A GENERALLY EASTERLY AND THEN SOUTHERLY DIRECTION ON THE FOLLOWING SEVENTEEN (17) DESCRIPTIVE COURSES: 1) THENCE NORTH 89 DEGREES, 56 MINUTES, 18 SECONDS EAST, 51.04 FEET; 2) THENCE SOUTH 69 DEGREES, 49 MINUTES, 54 SECONDS EAST, 25.32 FEET; 3) THENCE SOUTH 39 DEGREES, 51 MINUTES, 43 SECONDS EAST, 13.12 FEET; 4) THENCE SOUTH 02 DEGREES, 34 MINUTES, 41 SECONDS WEST, 31.30 FEET; 5) THENCE SOUTH 00 DEGREES, 27 MINUTES, 47 SECONDS WEST, 51.13 FEET; 6) THENCE SOUTH 03 DEGREES, 51 MINUTES, 22 SECONDS WEST, 57.41 FEET; 7) THENCE SOUTH 01 DEGREES, 48 MINUTES, 06 SECONDS EAST, 17.60 FEET; 8) THENCE NORTH 89 DEGREES, 11 MINUTES, 24 SECONDS EAST, 3.60 FEET; 9) THENCE SOUTH 06 DEGREES, 53 MINUTES, 22 SECONDS EAST, 18.99 FEET; 10) THENCE SOUTH 80 DEGREES, 51 MINUTES, 55 SECONDS EAST, 10.21 FEET; 11) THENCE NORTH 27 DEGREES, 58 MINUTES, 39 SECONDS EAST, 14.35 FEET; 12) THENCE SOUTH 00 DEGREES, 00 MINUTES, 12 SECONDS WEST, 24.87 FEET; 13) THENCE SOUTH 03 DEGREES, 22 MINUTES, 43 SECONDS WEST, 42.78 FEET; 14) THENCE SOUTH 03 DEGREES, 24 MINUTES, 34 SECONDS EAST, 47.08 FEET; 15) THENCE SOUTH 02 DEGREES, 01 MINUTES, 17 SECONDS WEST, 51.03 FEET; 16) THENCE SOUTH 04 DEGREES, 03 MINUTES, 17 SECONDS WEST, 24.06 FEET; 17) THENCE SOUTH 11 DEGREES, 46 MINUTES, 11 SECONDS EAST, 17.47 FEET, MORE OR LESS, TO THE EAST LINE OF SAID LOT 4 AND THE POINT OF BEGINNING.

TOGETHER WITH COMMON ACCESS ROAD EASEMENT UPON THE FOLLOWING DESCRIBED PARCELS OF LAND DESCRIBED AS FOLLOWS: (FROM ORB 2968, PG 1327)

(MARATHON KEY PARCEL)

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, THOMPSON & ADAMS SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 24 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 00° 00' 00" E ALONG THE SOUTHERLY PROJECTION OF THE EAST LINE OF SAID LOT 4, A DISTANCE OF 68.55 FEET TO THE NORTH RIGHT-OF-WAY LINE OF U.S. 1 (OVERSEAS HIGHWAY) AS DELINEATED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAP RIGHT-OF-WAY MAP FOR SECTION 90040, SHEET 18 OF 51, DATED MARCH 2013; THENCE S 74° 20' 00" W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 2.30 FEET; THENCE N 15° 40' 32" W, 39.15 FEET; THENCE N 00° 00' 00" W ALONG A LINE 12.79 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 4, A DISTANCE OF 164.80 FEET; THENCE N 07° 13' 37" E, 79.07 FEET; THENCE N 00° 00' 00" W ALONG A LINE 2.84 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 4, A DISTANCE OF 328.15 FEET TO A TANGENT CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 15.14 FEET, A CENTRAL ANGLE OF 86° 36' 08" AND AN ARC DISTANCE OF 22.89 FEET; THENCE N 90° 00' 00" W, 83.88 FEET TO THE WEST LINE OF SAID LOT 4; THENCE N 00° 00' 00" W ALONG SAID WEST LINE A DISTANCE OF 25.34 FEET; THENCE S 90° 00' 00" E A DISTANCE OF 1.32 FEET TO A TANGENT CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 4.33 FEET, A CENTRAL ANGLE OF 90° 00' 00" AND AN ARC DISTANCE OF 6.80 FEET; THENCE N 00° 00' 00" W, 20.03 FEET TO A TANGENT CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 34.33 FEET, A CENTRAL ANGLE OF 52° 42' 27" AND AN ARC DISTANCE OF 13.18 FEET TO THE WEST LINE OF SAID LOT 4; THENCE N 00° 00' 00" W ALONG SAID WEST LINE A DISTANCE OF 32.68 FEET TO THE NORTH LINE OF PARCEL "A" AS DESCRIBED IN OFFICIAL RECORDS BOOK 1565, PAGE 172 OF SAID PUBLIC RECORDS; THENCE N 90° 00' 00" E ALONG SAID NORTH LINE A DISTANCE OF 30.99 FEET; THENCE S 00° 00' 00" E, 49.11 FEET; TO A TANGENT CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 19.33 FEET, A CENTRAL ANGLE OF 90° 00' 00" AND AN ARC DISTANCE OF 30.36 FEET; THENCE S 90° 00' 00" E, 29.57 FEET; TO A TANGENT CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 18.34 FEET, A CENTRAL ANGLE OF 91° 47' 19" AND AN ARC DISTANCE OF 29.38 FEET; THENCE NORTHERLY ALONG THE ARC OF A RESERVE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 44.20 FEET, A CENTRAL ANGLE OF 22° 13' 33" AND AN ARC DISTANCE OF 17.15 FEET TO A POINT ON THE EAST LINE OF SAID LOT 4, BEING S 00° 00' 00" E, 32.71 FEET FROM THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE S 00° 00' 00" W ALONG SAID EAST LINE A DISTANCE OF 616.11 FEET TO THE POINT OF BEGINNING, SAID LANDS LYING AND BEING IN SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST, ON VACA KEY, CITY OF MARATHON, MONROE COUNTY, FLORIDA.

AND

(CRYSTAL COVE PARCEL)

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, THOMPSON & ADAMS SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 24 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE N 00° 00' 00" W ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 616.11 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST (A RADIAL LINE TO SAID POINT BEARS N 69° 33' 46" W), BEING S 00° 00' 00" E, 32.71 FEET FROM THE NORTHEAST CORNER OF PARCEL "A" AS DESCRIBED IN OFFICIAL RECORDS BOOK 1565, PAGE 172 OF THE PUBLIC RECORDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 44.20 FEET, A CENTRAL ANGLE OF 44° 26' 42" AND AN ARC DISTANCE OF 34.29 FEET; THENCE S 00° 00' 00" W ALONG A LINE 22.66 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 5, A DISTANCE OF 429.35 FEET; THENCE S 07° 13' 37" W, 80.51 FEET; THENCE S 00° 00' 00" E ALONG A LINE 12.35 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 5, A DISTANCE OF 159.23 FEET; THENCE S 15° 39' 51" E, 35.90 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 1 (OVERSEAS HIGHWAY) AS DELINEATED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 90040, SHEET 18 OF 51, DATED MARCH 2013; THENCE S 74° 20' 00" W ALONG SAID NORTH RIGHT-OF-WAY, 23.08 FEET; THENCE N 00° 00' 00" W ALONG THE SOUTHERLY PROJECTION OF THE WEST LINE OF SAID LOT 5, 68.55 FEET TO THE POINT OF BEGINNING, SAID LANDS LYING AND BEING IN SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST, ON VACA KEY, CITY OF MARATHON, MONROE COUNTY, FLORIDA.

NOTE: SURVEYOR CORRECTED SCRIVENER'S ERROR RECORDED IN ORB 2968, PG 1327 FROM SECTION 1 TO SECTION 10.

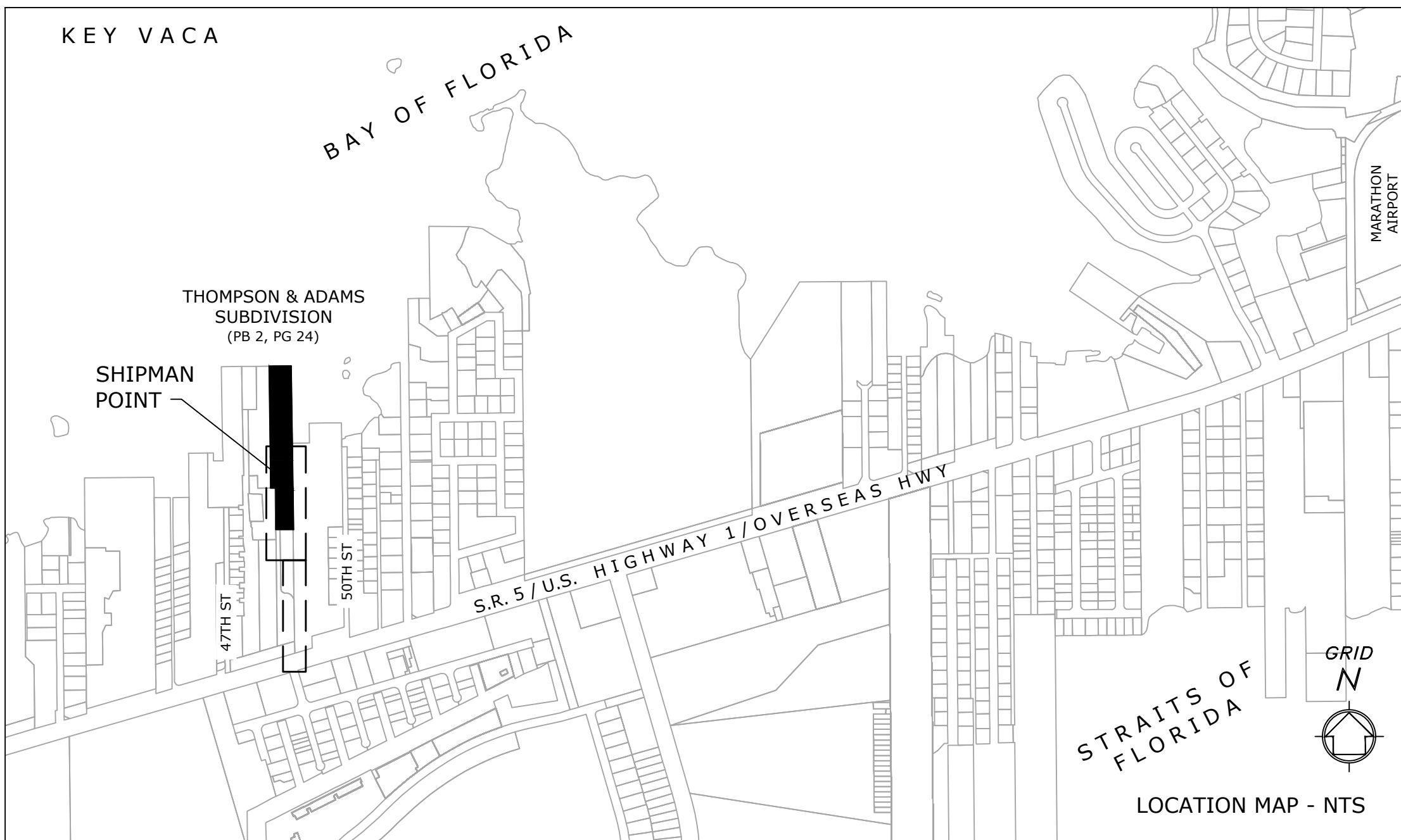
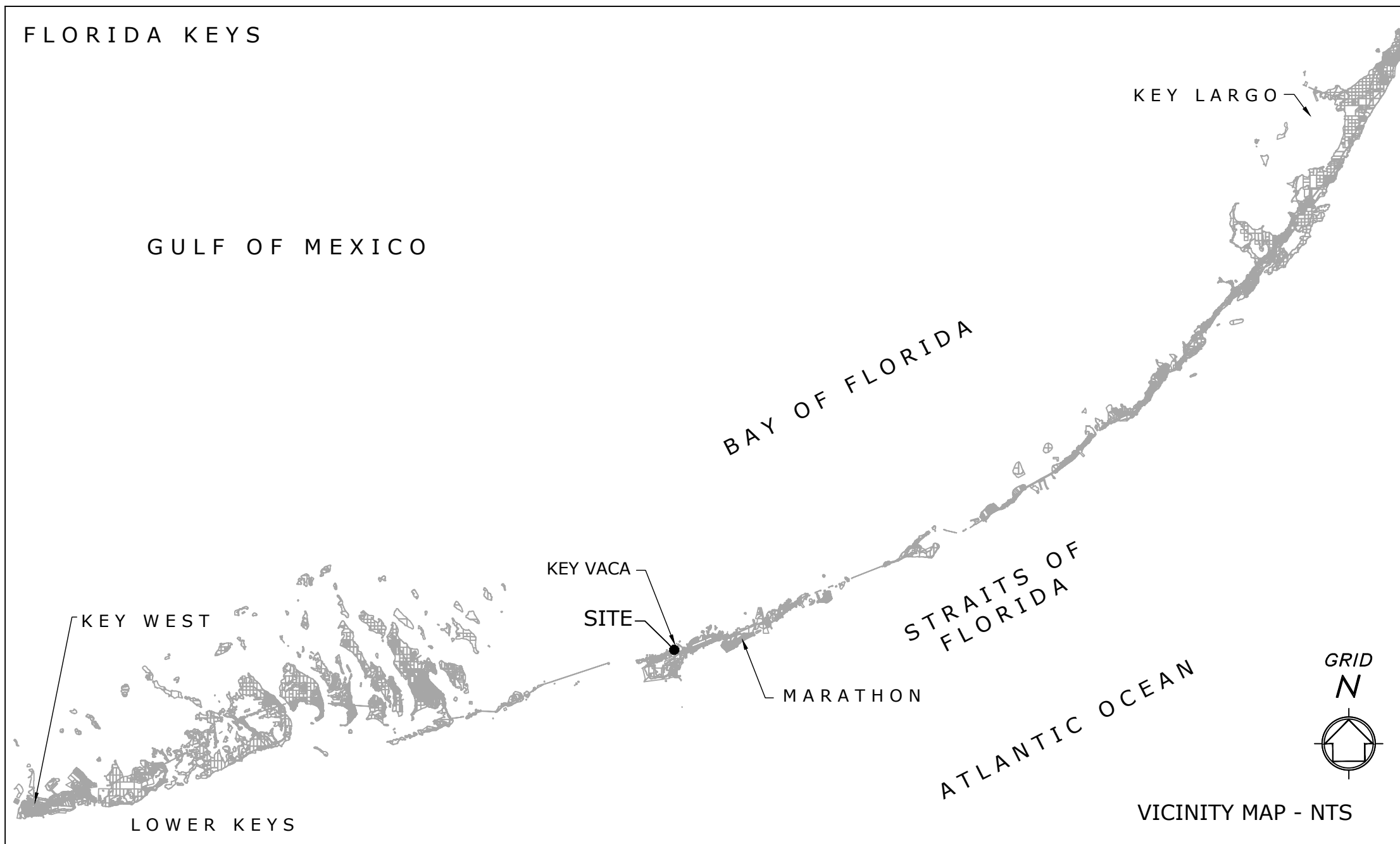
ALSO TOGETHER WITH:

EASEMENT "E" (FROM ORB 1099, PG 2022 AND AS STATED IN ORB 2968, PG 1327, 1 FOOT WIDE FOR ERRECTING A FENCE)

A ONE FOOT (1') WIDE EASEMENT RUNNING PARALLEL WITH THE NORTHERN MOST BOUNDARY OF PARCEL A, AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT: FROM THE NORTHEASTERLY CORNER OF PARCEL "A" CONTINUING APPROXIMATELY 100.91 FEET IN A WESTERLY DIRECTION PARALLEL WITH THE NORTHERNMOST BOUNDARY OF SAID PARCEL "A" FOR THE EXCLUSIVE PURPOSE OF ERRECTING A FENCE.

SHIPMAN POINT

**A PORTION OF LOTS 3, 4 AND ADJACENT LAND AND BAY BOTTOM
THOMPSON & ADAMS SUBDIVISION, PLAT BOOK 2, PAGE 24
SECTION 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST
KEY VACA, CITY OF MARATHON, MONROE COUNTY, FLORIDA**



SURVEYOR'S NOTES:

- 1. LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT OR THEIR REPRESENTATIVE.
- 2. COORDINATES AND/OR BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/11). ESTABLISHED BY A REAL-TIME NETWORK (RTN) WHICH IS CERTIFIED TO A 2-CENTIMETER LOCAL ACCURACY, WITH THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 / OVERSEAS HIGHWAY HAVING A BEARING OF N73°48'29"E.
- 3. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- 4. UNITS OF MEASUREMENT ARE U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
- 5. THE EXPECTED USE OF THE PROPERTY RESIDENTIAL WITH AN ACCURACY STANDARD OF ONE FOOT IN 7,500 FEET. ACCURACY WAS VERIFIED THROUGH A REDUNDANCY OF MEASUREMENTS TO MEET OR EXCEED CLOSURE.
- 6. SYMBOLS SHOWN HEREON AND IN THE LEGEND MAY HAVE BEEN ENLARGED FOR CLARITY. THESE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
- 7. THE MEAN HIGH WATER LINE (MHWL) AS SHOWN ON THIS PLAT IS PER THE DEED DESCRIPTIONS RECORDED IN OFFICIAL RECORDS BOOK 1188, PAGE 1401 AND OFFICIAL RECORDS BOOK 1189, PAGE 2471. THE DEED DESCRIBED MHWL WAS RETRACED IN THE FIELD AND COMPARED WITH PHYSICAL EVIDENCE ON SITE SUCH AS DISCOLORATION, VEGETATION INDICATORS, WRACK LINES OR VERTICAL FACES ALONG AN ALTERED SHORELINE. THE MHWL WAS FOUND AS DESCRIBED TO BE SUFFICIENTLY ACCURATE. THIS IS NOT A TIDAL WATER SURVEY AND DOES NOT COMPLY WITH CHAPTER 177, PART II, FLORIDA STATUTES.
- 8. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 9. ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE FOR CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED NO SUCH SERVICE INTERFERES WITH THE FACILITIES OF ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY (FS177.091). IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- 10. SQUARE FOOTAGES AND ACREAGE'S ARE ±.

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS, THAT QOF, INC. A FLORIDA CORPORATION, OWNERS OF THE PROPERTY DESCRIBED BY THE LEGAL DESCRIPTION HEREON, IN THE CITY OF MARATHON, ON VACA KEY, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "SHIPMAN POINT".

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

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

OWNER FURTHER DOES GRANT THE UTILITY EASEMENT AS DEPICTED HEREON TO THE CITY OF MARATHON, FLORIDA FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UTILITY SERVICES WITHIN THE SUBDIVISION.

OWNERS ACKNOWLEDGMENT:

IN WITNESS WHEREOF: THE SAID QOF, INC, A FLORIDA CORPORATION, DOES HEREBY SET THEIR HAND AND SEAL, ON ITS BEHALF BY MICHAEL D. ARANDA, PRESIDENT.

THIS _____ DAY OF _____, 2023. BY: QOF, INC, A FLORIDA CORPORATION

MICHAEL D. ARANDA, PRESIDENT

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 _____, 2023,

BY MICHAEL D. ARANDA, PRESIDENT OF QOF, INC. A FLORIDA CORPORATION, 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:

THE UNDERSIGNED REPRESENTATIVE OF FIRST AMERICAN TITLE INSURANCE COMPANY, DULY LICENSED IN THE STATE OF FLORIDA, CERTIFIES THAT THE LAND AS DESCRIBED AND SHOWN ON THE PLAT ARE IN THE NAME OF AND APPARENT RECORD TITLE IS HELD BY QOF, INC. A FLORIDA CORPORATION; AND THAT ALL TAXES HAVE BEEN PAID ON THE PROPERTY AS REQUIRED BY SECTION 197.192, FLORIDA STATUTES, AS AMENDED, AND THE OFFICIAL RECORD BOOK AND PAGE NUMBER OF ALL MORTGAGES, LIENS AGAINST THE LAND, AND THE NAMES OF ALL PERSONS HOLDING AN INTEREST IN SUCH MORTGAGE OR LIEN ARE AS FOLLOWS:
NONE***

THIS REPORT IS NOT TITLE INSURANCE, PURSUANT TO SECTION 627.7843, FLORIDA STATUTES, THE MAXIMUM LIABILITY OF THE INSURER OF THIS PROPERTY INFORMATION REPORT FOR ERRORS AND OMISSIONS IN THIS PROPERTY INFORMATION REPORT IS LIMITED TO THE AMOUNT PAID FOR THIS PROPERTY INFORMATION REPORT AND IS FURTHER LIMITED TO THE PERSON(S) EXPRESSLY IDENTIFIED BY NAME IN THE PROPERTY INFORMATION REPORT AS THE RECIPIENT(S) OF THE PROPERTY INFORMATION REPORT.

FIRST AMERICAN TITLE INSURANCE COMPANY

APPROVAL OF THE CLERK OF THE CIRCUIT COURT:

THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF CITY OF MARATHON, FLORIDA, ON THE

_____ DAY OF _____, 2023, AND WAS FILED FOR RECORD THIS

_____ DAY OF _____, 2023, AND RECORDED IN

PLAT BOOK _____ ON PAGE _____ IN THE OFFICE OF THE CLERK OF CIRCUIT

COURT OF MONROE COUNTY, FLORIDA.

BY: _____ KEVIN MADOCK, CPA,
CLERK OF COURT

APPROVAL OF MARATHON CITY COUNCIL:

IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON CITY COUNCIL OFFICIALLY APPROVED THIS PLAT OF "SHIPMAN POINT" ON THE _____ DAY OF _____, 2023, BY RESOLUTION NO. _____ CITY OF MARATHON, FLORIDA.

BY: _____ LUIS GONZALES,
MAYOR

BY: _____ DIANE CLAVIER,
CITY CLERK

APPROVAL BY CITY OF MARATHON OFFICIALS:

APPROVED:

BY: _____ CARLOS A. SOLIS, P.E.,
CITY ENGINEER

BY: _____ JOHN JOHNSON,
FIRE/RESCUE CHIEF

BY: _____ STEVE WILLIAMS,
CITY ATTORNEY

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY; THAT THE ATTACHED PLAT ENTITLED "SHIPMAN POINT", AS SHOWN ON THIS SHEET IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS RECENTLY SURVEYED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA SHOWN ON SAID PLAT COMPLIES WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART I, FLORIDA STATUTES, AND FURTHER THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.091(7) OF SAID CHAPTER 177.

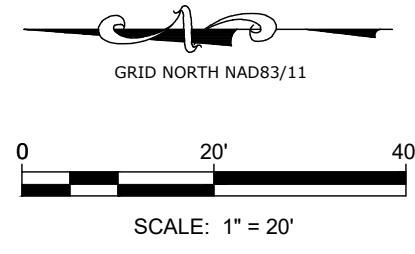
BY: _____ DATE _____

ROBERT E. REECE, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE 5632
REECE & ASSOCIATES
CERTIFICATE OF AUTHORIZATION NO. LB 7846
31193 AVENUE A, BIG PINE KEY, FLORIDA 33043

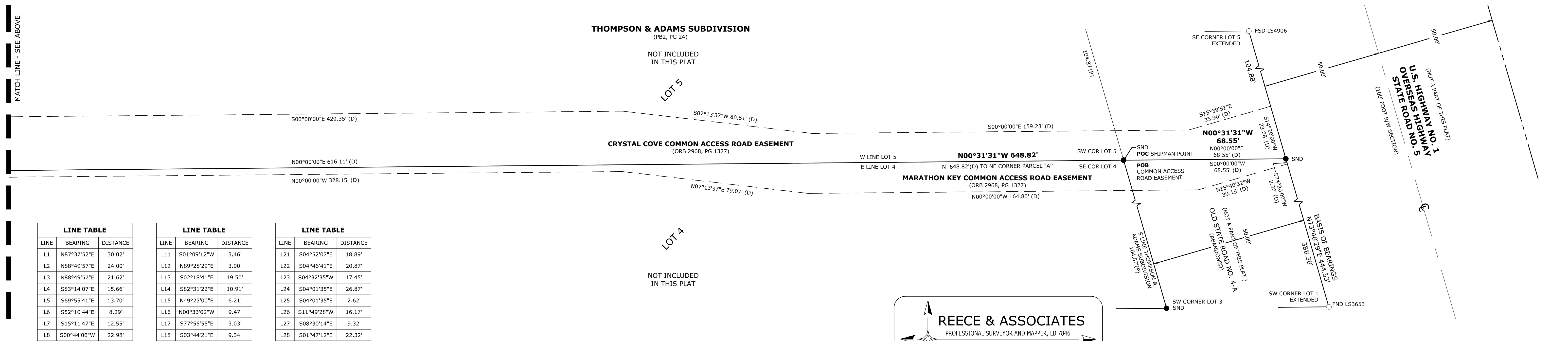
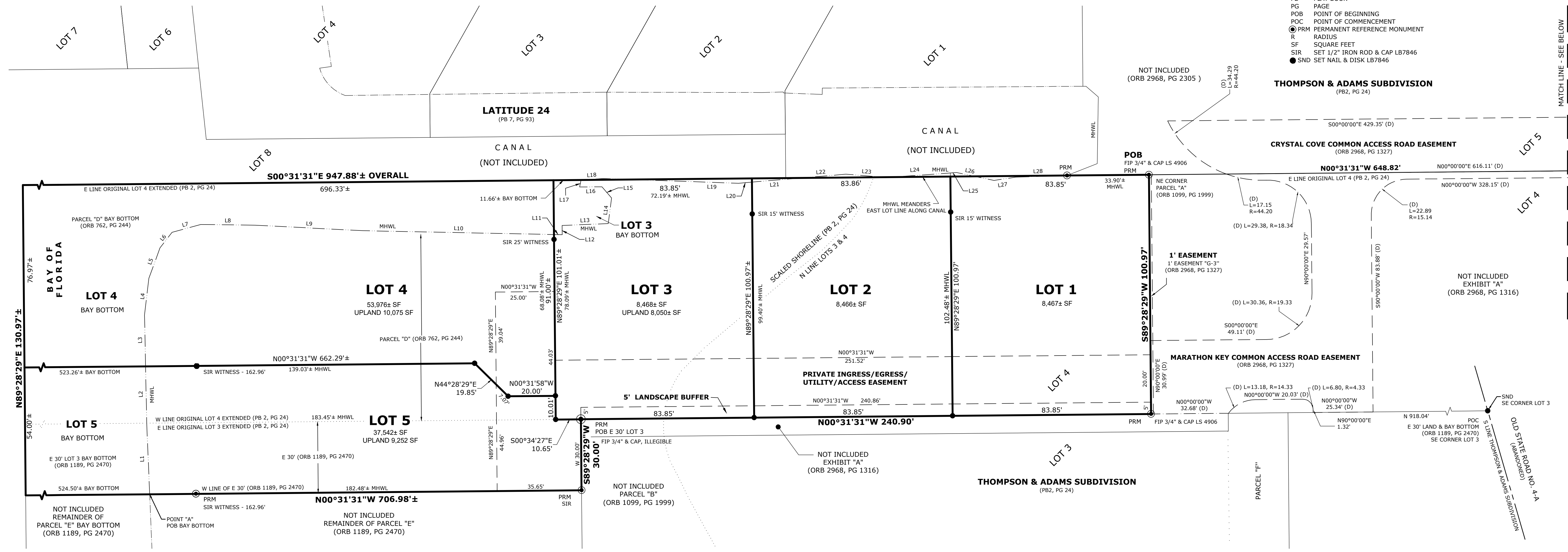


SHIPMAN POINT

A PORTION OF LOTS 3, 4 AND ADJACENT LAND AND BAY BOTTOM
 THOMPSON & ADAMS SUBDIVISION, PLAT BOOK 2, PAGE 24 SECTION
 10, TOWNSHIP 66 SOUTH, RANGE 32 EAST
 KEY VACA, CITY OF MARATHON, MONROE COUNTY, FLORIDA



- SYMBOLS & ABBREVIATIONS:**
- ⊕ CENTERLINE
 - (D) PER DEED DESCRIPTION
 - FDOT FLORIDA DEPARTMENT OF TRANSPORTATION
 - FIP FOUND IRON PIPE
 - FND FOUND NAIL & DISK
 - FOUND PROPERTY CORNER
 - FSD FOUND SCREW & DISK
 - L ARC LENGTH
 - L# LINE TABLE NUMBER
 - LB LICENSED BUSINESS
 - LS LICENSED SURVEYOR
 - ORB OFFICIAL RECORDS BOOK
 - (P) PER PLAT
 - PB PLAT BOOK
 - PG PAGE
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - PRM PERMANENT REFERENCE MONUMENT
 - R RADIUS
 - SF SQUARE FEET
 - SIR SET 1/2" IRON ROD & CAP LB7846
 - SND SET NAIL & DISK LB7846



LINE	BEARING	DISTANCE
L1	N87°37'52"E	30.02'
L2	N88°49'57"E	24.00'
L3	N88°49'57"E	21.62'
L4	S83°14'07"E	15.66'
L5	S69°55'41"E	13.70'
L6	S52°10'44"E	8.29'
L7	S15°11'47"E	12.55'
L8	S00°44'06"W	22.98'
L9	S02°54'27"W	45.70'
L10	S01°09'12"W	80.66'

LINE	BEARING	DISTANCE
L11	S01°09'12"W	3.46'
L12	N89°28'29"E	3.90'
L13	S02°18'41"E	19.50'
L14	S82°31'22"E	10.91'
L15	N49°23'00"E	6.21'
L16	N00°33'02"W	9.47'
L17	S77°55'55"E	3.03'
L18	S03°44'21"E	9.34'
L19	S01°59'54"W	57.25'
L20	S04°52'07"E	5.69'

LINE	BEARING	DISTANCE
L21	S04°52'07"E	18.89'
L22	S04°46'41"E	20.87'
L23	S04°32'35"W	17.45'
L24	S04°01'35"E	26.87'
L25	S04°01'35"E	2.62'
L26	S11°49'28"W	16.17'
L27	S08°30'14"E	9.32'
L28	S01°47'12"E	22.32'

REECE & ASSOCIATES
 PROFESSIONAL SURVEYOR AND MAPPER, LB 7846
 31193 AVENUE A, BIG PINE KEY, FL 33043
 OFFICE (305) 872 - 1348
 EMAIL INFO@REECESURVEYING.COM