



COUNCIL AGENDA STATEMENT

Meeting Date: August 8, 2023
To: Honorable Mayor and Council Members
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-70**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Marathon Sunsation LLC; Having Real Estate Number 00368920-000000; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

BACKGROUND & JUSTIFICATION

As part of a current TDR approval, an applicant who has removed density of a lot must record a conservation easement. The lot may then be donated to the City of Marathon. The lot is environmentally sensitive and will be managed with our other conservation lots once transferred to the City.

CONSISTENCY CHECKLIST:

Yes No

1. Comprehensive Plan

 X

FISCAL NOTE:

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-70**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A WARRANTY DEED FOR THE CONVEYANCE OF LAND FROM MARATHON SUNSATION LLC; HAVING REAL ESTATE NUMBER 00368920-000000; AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 106.59 of the City Code, a landowner may voluntarily elect to dedicate to the City a vacant, conservation lot that has restricted development through a conservation easement; and

WHEREAS, if a landowner proposes to dedicate land to the City as set forth above, the landowner is required to execute a statutory warranty deed conveying such land to the City that must be approved by the City Council prior to its recording in the public records of Monroe County, Florida.

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. Subject to payment of all taxes and review and approval by the City Attorney, the Statutory Warranty Deed (the "Deed"), submitted by Marathon Sunsation LLC attached as Exhibit "A" is approved and accepted by the City.

Section 3. The City Council finds and determines that the property being dedicated to the City is within an area proposed for conservation or resource protection and shall be held or used for public purposes, specifically for conservation and resource protection use. The City Clerk is directed to forward a copy of this resolution to the Monroe County Property Appraiser and Tax Collector.

Section 4. The warranty deed shall be recorded in the public records of Monroe County.

Section 5. 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 AUGUST, 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:

Anthony J. Barrows, Esquire
Wright Barrows PLLC
9711 Overseas Highway
Marathon, FL 33050
(305) 743-8118

WARRANTY DEED FOR TRANSFER OF DENSITY RIGHT

THIS INDENTURE, made this _____ day _____, 2023, by and between **Marathon Sunsatton, LLC, a Florida limited liability company**, of the County of Palm Beach, State of Florida, Grantor, and **Marathon Sunsatton, LLC, a Florida limited liability company**, whose address is 4164 Maurice Drive, Delray Beach, FL 33445, Grantee,

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained and sold to said Grantee, and Grantee's heirs and assigns forever, the following described density rights in Marathon, Monroe County, Florida, to wit:

Density rights associated with Sender Site Identifier No. TDR-23-2 which consists of 7,500 square feet of land, by the City of Marathon, Florida. Said density rights being transferred from the following described Sender Site in Monroe County, Florida:

Lot 1, Block 22, Crains Subdivision, according to the Plat thereof recorded in Plat Book 1, Page 51 of the Public Records of Monroe County, Florida.

Parcel ID number 00368920-000000

(Sender ID Number)

NOTE: this deed does not convey the land from which the density rights are being transferred.

The subject density rights shall run with and be appurtenant to, the following described Receiver Site, owned by Marathon Sunsatton, LLC, a Florida limited liability company.

(Sender Legal)

Parcel ID numbers: 00101580-000200 and 00101580-000100

(Receiver ID Number)

**LEGAL DESCRIPTION ATTACHED HERETO AS SCHEDULE "A" AND
BY REFERENCE MADE A PART HEREOF.**

and said Grantor does hereby fully warrant that he has the full right, title and interest in, and authority to transfer said density rights, and will defend the same against the lawful claims of all persons whomsoever.

**THIS DEED IS GIVEN IN ACCORDANCE WITH SECTION 107.6 OF
THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS.**

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

Signed, sealed and delivered in our presence:

Printed Name: _____

Printed Name: _____

Marathon Sunsation, LLC, a Florida
limited liability company

By: _____
Kevin McNerney, Manager

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me by [] physical presence or [] online notarization this _____ day of _____, 2023 by Kevin McNerney, Manager of Marathon Sunsation, LLC, a Florida limited liability company, who is personally known to me or who has produced _____ as identification.

Notary Public, State of Florida
My commission expires:

AFFIX SEAL

Schedule "A"

PARCEL 1

Part 1

A Parcel of Land, Being A Part of Government Lot 1, Section 8, Township 66 South, Range 32 East, Hog Key, Monroe County, Florida, And Being More Particularly Described by Metes and Bounds as Follows:

Commencing at the Intersection of the East Line of Section 8 and the Centerline of U.S. Highway No. 1, Bear South 85 Degrees 15 Minutes 00 Seconds West, along said Centerline, for a distance of 569.49 Feet; Thence bear North 12 Degrees 16 Minutes 00 Seconds West, for a distance of 645.45 Feet to the Point of Beginning of the parcel of land hereinafter described; Thence bear North 85 Degrees 15 Minutes 00 Seconds East, for a distance. of 20.00 Feet, to the Northeast corner of a 40 Foot Easement and the Southeast corner of a 30 Foot Strip of land as described in Official Records Book 636, Pages 506 and 507 of the Public Records of Monroe County, Florida; Thence bear North 30 Degrees 39 Minutes 00 Seconds West, for a distance of 48.73 Feet, to the Southwest corner of those lands (also known as Lot J) as described in Official Records Book 636, Page 506 of said Public Records; Thence bear North 20 Degrees 45 Minutes 00 Seconds West, along the Westerly line of said Lot 1, for a distance of 60.00 Feet; Thence bear North 77 Degrees 30 Minutes 00 Seconds East, along the Northerly Line of said lot 1, and its projection, for a distance of 126.4 feet, more or less to the mean high water line of the Bay of Florida: Thence bear North 19 Degrees 00 Minutes 58 Seconds West, along said mean high water line, for a distance of 11.68 feet, more or less, to the Southeast corner of those lands as described in Official Records Book 864, Page 2205 of said Public Records; Thence bear South 77 Degrees 30 Minutes 00 Seconds West, along the Southerly Line of said lands, for a distance of 140.38 feet, more or less, to the Southwest corner of said lands and the Northwest corner of a 10 Foot Easement as described in same; Thence bear South 21 Degrees 31 Minutes 00 Seconds East, along the Westerly line of said 10 Foot Easement, for a distance of 116.03 feet, back to the Point of Beginning.

Part 2

A tract of land in a part of Government Lot 1, Section 8, Township 66 South, Range 32 East, on Hog Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the East Line of Section 8 and the centerline of U.S. Highway No. 1, bear S 85°15' W, 549.49 feet; thence bear N 12° 16' W, 645.45 feet; thence bear N 30° 39' W, 48.73 feet to the Point of Beginning of the parcel of land hereinafter described; from said Point of Beginning, bear N 20° 45' W, 60 feet; thence bear N 77° 30' E, 120 feet, more or less, to a point on the shoreline of the Bay of Florida; thence meander the shoreline of the Bay of Florida in a S'y direction, 60 feet, more or less, to a point which is bearing N 77° 30' E from the Point of Beginning; thence bear S 77° 30' W, 120 feet, more or less, back to the Point of Beginning. TOGETHER with permanent easement for ingress and egress over the following described property, to-wit:
East half of a 40-foot road or easement in a part of Government Lot 1, Section 8, Township 66 South, Range 32 East, on Hog Key, Monroe County, Florida, and being more particularly

described by metes and bounds and follows:

Commencing at the intersection of the East line of Section 8 and the centerline of U.S. Highway No. 1, bear S 85° 15' W along the centerline of U.S. Highway No. 1 for a distance of 549.49 feet to a point; thence bear N 12° 16' W for a distance of 105.91 feet to the Point of Beginning of the 40 foot road or easement hereinafter described; from said Point of Beginning continue bearing N 12° 16' W for a distance of 539.54 feet to a point; thence bear S 85° 15' W for a distance of 40.0 feet to a point; thence bear S 12° 16' E for a distance of 539.54 feet to a point; thence bear N 85° 15' for a distance of 40.0 feet, back to the Point of Beginning.

PARCEL 2

DESCRIPTION OF WHOLE PROPERTY:

ON tract of land in a part of Government Lot 1, Section 8, Township 66 South, Range 32 East, being on Hog Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:

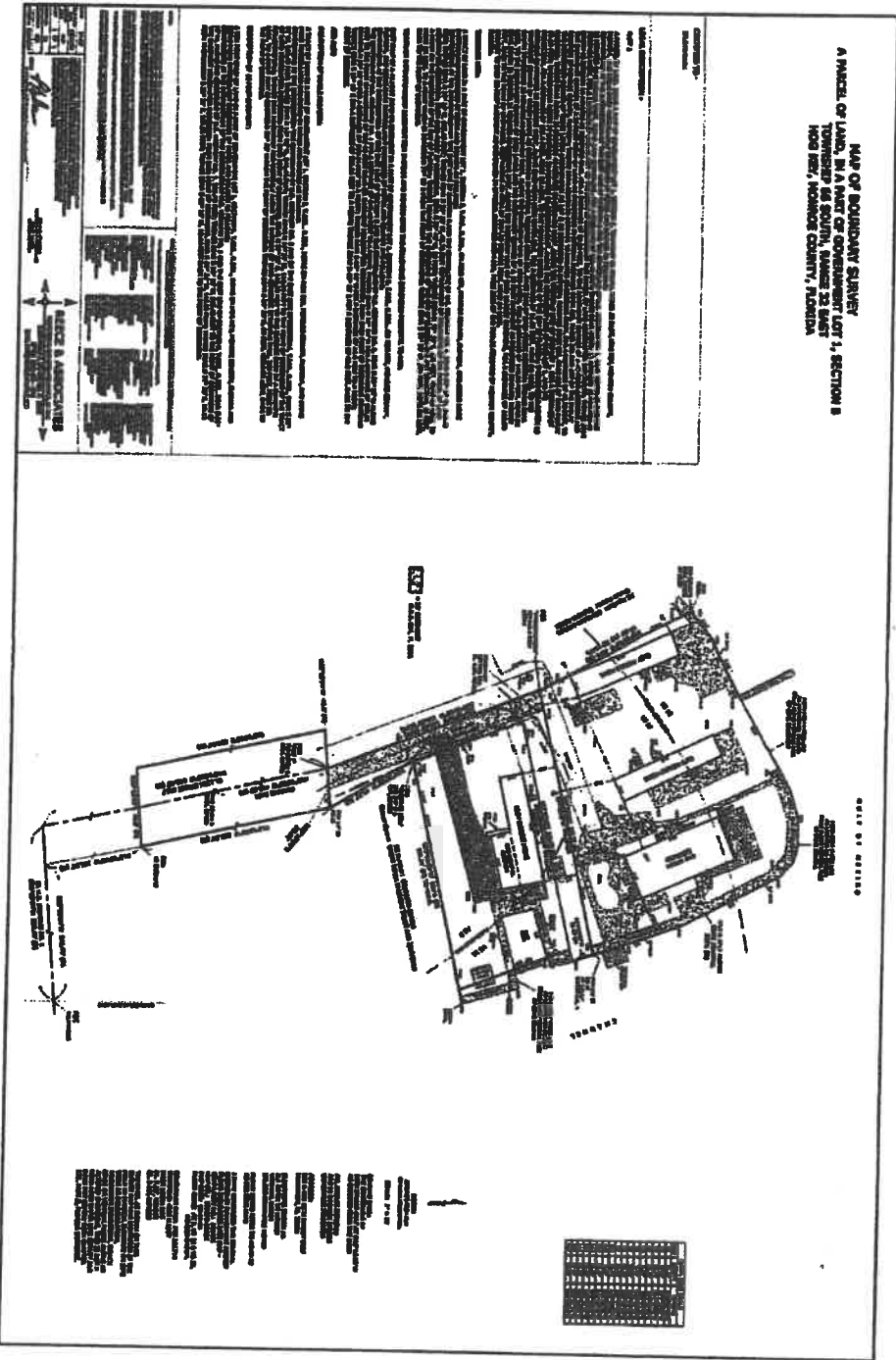
Commencing at the intersection of the Centerline of U.S. Highway No. 1 and the East Line of Section 8, Township 66 South, Range 32 East, bear South 85 degrees and 15 minutes West, 569.49 feet; thence bear North 12 degrees and 16 minutes West, 645.45 feet; thence bear North 21 degrees and 31 minutes West 116.03 feet to the POINT OF BEGINNING of the tract of land hereinafter described; from said POINT OF BEGINNING, bear North 77 degrees and 30 minutes East, 140.38 feet to the outside edge of a, Concrete Retaining Wall; thence bear Northerly and Westerly along the outside of said Concrete Retaining Wall, 255 feet, more or less, to a point that is bearing North 28 degrees and 23 minutes West from the POINT OF BEGINNING; thence bear South 28 degrees and 23 minutes East, 88 feet, more or less, back to the POINT OF BEGINNING.

DESCRIPTION OF 10 FOOT EASEMENT:

A ten foot strip of land in a part of Government Lot 1, Section 8, Township 66 South, Range 32 East, being on Hog Key, Monroe County, Florida and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the Centerline of U.S. Highway No. 1 and the East Line Section 8, Township 66 South, Range 32 East, bear South 85 degrees and 15 minutes West, along the Centerline of U.S. Highway No. 1, 569.49 feet; thence bear North 12 degrees and 16 minutes West, 645.45 feet to the POINT OF BEGINNING of the Easement herein described; from said POINT OF BEGINNING, bear North 21 degrees and 31 minutes West 116.03 feet; thence bear North 77 degrees and 30 minutes East, 10.13 feet; thence bear South 21 degrees and 31 minutes East, 117.55 feet; thence bear South 85 degrees end 15 minutes West, 10.44 feet back to the POINT OF BEGINNING.

EXHIBIT B



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