



COUNCIL AGENDA STATEMENT

Meeting Date: October 10, 2023
To: Honorable Mayor and Council Members
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-102**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Marathoners II, LLC; Having Real Estate Numbers 00370660-000000 & 00370670-000000; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

BACKGROUND & JUSTIFICATION

As part of the award of BPAS allocations at the September Council Meeting, the above applicant must deed over parcels to the City of Marathon. This resolution accepts the warranty deed for the parcels.

CONSISTENCY CHECKLIST:

Yes

No

1. Comprehensive Plan

 X

FISCAL NOTE:

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-102**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A WARRANTY DEED FOR THE CONVEYANCE OF LAND FROM MARATHONERS II, LLC; HAVING REAL ESTATE NUMBERS 00370660-000000 & 00370670-000000; AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 107 of the Land Development Regulations ("LDRs") of the City of Marathon, Florida, (the "City") provide that applicants for allocations in the Building Permit Allocation System ("BPAS") may dedicate up to two parcels in order to receive points which would enhance the applicant's numerical score; 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 Marathoners II, 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 10TH DAY OF OCTOBER 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

Prepared by and return to:

Wolfe Stevens PLLC
6807 Overseas Highway
Marathon, FL 33050
(305)743-9858

Parcel Identification No. 00370660-000000/00370670-000000

[Space Above This Line For Recording Data]

Warranty Deed

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

This Indenture, Made this _____ day of October 2023

Between

Marathoners II, LLC, a Florida limited liability company
post office address is 11765 3rd Ave Ocean, Marathon, FL 33050

City of Marathon, an agency and instrumentality of the State of Florida
whose post office address is 9805 Overseas Highway, Marathon, FL 33050

Grantee:

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) 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 heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Lots 3 and 4, Block 34, Crains Subdivision of Grassy Key, according to the plat thereof as recorded in Plat Book 1, Page 51, Public Records of Monroe County, Florida.

THE HEREIN DESCRIBED PROPERTY IS VACANT LAND AND NOT THE HOMESTEAD OF THE GRANTOR.

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

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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:

Marathoners II, LLC

Witness Name:
Witness # 1 _____

By: Randy Acres, Manager

Witness Name:
Witness # 2 _____

By: Sandy Acres, Manager

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of __ physical presence or __ online notarization this ____ day of April 2022 Randy Acres and Sandy Acres, Managers on behalf of said company who are personally known to me or who have produced a _____ driver license as identification.

Notary Public, State of
Printed Name: _____
My Commission Expires: _____