

CITY COUNCIL AGENDA STATEMENT



Meeting Date: January 9, 2024
To: Honorable Mayor and Council Members
From: George Garrett, City Manager

Agenda item: **Resolution 2024-09** Approving A Distribution Right-Of-Way Easement Between The City of Marathon And The Florida Keys Electric Cooperative On Property Having Real Estate Number 00103760-000300, Contiguous With Property Known As Crane Point Hammock Museum And Nature Center Having Real Estate Number 00103760-000000, Providing For Severability, Providing For An Effective Date

BACKGROUND

The Florida Keys Electric Cooperative is currently relocating and upgrading their utilities line that typically run along the old State Road 4A Right-Of-Way. Much of old State Road 4A has been dedicated to private or other public holdings, including in the case of the City which owns the right-of-way in front of Carne Point Hammock and Jesse Hobbs Park. The relocations and upgrades should not affect any City operations or improvements. As Crane Point Hammock leases the City’s property in front of their property, the FKEC has already discussed the matter with that entity which has commented on and approved the proposed pole locations.

CONSISTENCY CHECKLIST:

| | Yes | No |
|-------------------------------|------------|-----------|
| 1. Comprehensive Plan | _____ | _____X |
| 2. Other – 2010 Sewer Mandate | _____ | _____X |

FISCAL NOTE:

None

APPROVED BY FINANCE DIRECTOR:

NA

RECOMMENDATION:

Approval

**CITY OF MARATHON, FLORIDA
RESOLUTION 2024-09**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A DISTRIBUTION RIGHT-OF-WAY EASEMENT BETWEEN THE CITY OF MARATHON AND THE FLORIDA KEYS ELECTRIC COOPERATIVE ON PROPERTY HAVING REAL ESTATE NUMBER 00103760-000300, CONTIGUOUS WITH PROPERTY KNOWN AS CRANE POINT HAMMOCK MUSEUM AND NATURE CENTER HAVING REAL ESTATE NUMBER 00103760-000000, PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS the Florida Keys Electric Cooperative (FKEC) is currently relocating and upgrading their utilities line that typically run along the old State Road 4A Right-Of-Way;

WHEREAS, much of old State Road 4A has been dedicated to private or other public holdings, including in the case of the City which owns the right-of-way in front of Carne Point Hammock and Jesse Hobbs Park; and

WHEREAS, the relocations and upgrades should not affect any City operations or improvements; and

WHEREAS, as Crane Point Hammock leases the City's property in front of their property, the FKEC has already discussed the matter with that entity which has commented on and approved the proposed pole locations

WHEREAS, it is for the health, safety, and welfare and in the best interest of its citizens that the City of Marathon, Florida adopts this Resolution,

...

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 distribution right-of-way easement attached as Exhibit "A" is hereby approved.; and

Section 3. The City Clerk shall have signed and transmitted to the FKEC the approved Resolution and Exhibit; and

Section 4. This Resolution shall take effect immediately upon signature by the Mayor.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9TH DAY OF JANUARY, 2024.

THE CITY OF MARATHON, FLORIDA

Robyn Still, 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 document was prepared by:
Brittany Anker, Operations Administrative Assistant
Florida Keys Electric Cooperative
91630 Overseas Hwy; P. O. Box 377
Tavernier, FL 33070-0377

Tax Parcel No: 00103760-000000
AK: 9104143

SPACE FOR RECORDING AREA

DISTRIBUTION RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned grantors, (whether one or more)

PROPERTY OWNER(S): CITY OF MARATHON

MAILING ADDRESS: 9805 OVERSEAS HIGHWAY, MARATHON, FL 33050

PROPERTY ADDRESS: VACANT LAND, MARATHON, FL 33050

LEGAL DESCRIPTION OF PROPERTY: PT GOVT LT 2 SEC 11 TWP 66S R 32E ON KEY VACA MONROE COUNTY FL (PORTION OF THE RIGHT OF WAY OF STATE ROAD NO 5 (US 1) - OR2856-2485/92 OR2863-2243/50 OR2863-2227/42DEC

in consideration of one dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to Florida Keys Electric Cooperative Association, Inc., of P.O. Box 377, Tavernier, Florida 33070-0377, hereinafter called the "Cooperative" its successors, a perpetual Electric Utility Easement, over, under, upon and across the lands and real property situate, lying and being in the County of Monroe, State of Florida, more particularly described as follows:

AN EASEMENT ON SAID LEGAL DESCRIBED PROPERTY:

"SEE EXHIBIT A"

also, a perpetual easement over, under, upon and across all streets, alleys, easements, and rights of way in any subdivision or recorded plat, which subdivision or recorded plat includes the said property described herein. And the right to construct, operate and maintain an electric distribution line, system or other services unrelated to supplying electricity, on or under the above described lands; the right to inspect and make such repairs, changes, alterations, improvements, and additions to its facilities as the Cooperative may from time to time deem advisable including, by way of example, and not by the way of limitation, the right to increase or decrease the number of conduits, poles, wires, cables, hand holes, transformers, and transformer enclosures; the right to cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery that may interfere with or threaten or endanger the operation and maintenance of said line or system; the right to keep the easement clear of all buildings, structures or other obstructions except citrus trees and low-growing shrubbery that do not otherwise interfere with Cooperative's use of the right of way easement; the right to license, permit, or otherwise agree to the joint use or occupancy of the easement, system, or, if any of said system is placed underground, of the trench or related underground facilities by any other utility, person, association, or corporation; and the right to enter upon, cross and use other lands of the Grantors to provide access to the easements granted herein.

The undersigned agree that all poles, wire, and other facilities including any main service entrance equipment, installed in, upon or under the above-described lands at the Cooperative's expense, shall remain the property of the Cooperative, removable at the option of the Cooperative. The undersigned covenant that they are the owners of the above-described lands.

Grantors agree that this right-of-way easement shall run with the land, and that any abandonment of the use of the

easement, or interruption in the use of the right-of-way easement, shall not terminate or impair the interests hereby conveyed to the Cooperative.

By acceptance of its easement rights hereunder, Cooperative agrees to exercise its rights in a manner that minimizes any interferences with the undersigned's use and enjoyment of its property and to repair any damage it causes to the undersigned's property.

IN WITNESS WHEREOF, the grantors have hereunto affixed their hands and seal this ____ day of _____, 20____.

(1) Witness Signature

GRANTOR SIGNATURE

(2) Witness Signature

GEORGE GARRETT, CITY MANAGER
PRINTED GRANTOR NAME AND TITLE

STATE OF: _____

COUNTY OF: _____

The foregoing instrument was acknowledged before me

By means of physical presence or online

Notarization this _____
(Date)

By _____
(Name of Officer, Title of Officer)

Of CITY OF MARATHON
(Name of Corporation)

A _____ corporation, on behalf of the
(State)

corporation. He/she is personally known to me or has

produced _____
(Type of Identification)

as identification.

Notary Signature and Stamp

EXHIBIT A

LEGAL DESCRIPTION SKETCH



LOCATION MAP - NTS
SEC. 11-T66S-R32E



5270 OVERSEAS HIGHWAY, MARATHON, FL
OWNER: MARATHON GARDEN CLUB INC
PARCEL NO. 00325690-000000
LOT 7
BLOCK B
CRANE HAMMOCK SUBDIVISION
(P.B. 3, PG. 51)

5550 OVERSEAS HIGHWAY, MARATHON, FL
OWNER: FLORIDA KEYS LAND TRUST INC
PARCEL NO. 00103760-000000

VACANT LAND, MARATHON, FL
OWNER: SUPER DAVE HOLDINGS LLC
PARCEL NO. 00103770-000000

572° 00' 31" W 2.27'
573° 40' 43" W 170.06'
573° 40' 43" W 132.73'
50° 31' 11" E 15.39'
N16° 11' 23" W 81.00'

573° 48' 37" W 140.71'
NLY RW LINE OF OLD STATE ROAD 4A

578° 42' 26" W 145.20'
573° 34' 28" W 109.80'

574° 02' 33" W 139.11'
574° 14' 33" W 206.30'

574° 34' 31" W 190.79'
10' RW LINE OF OLD STATE ROAD 4A

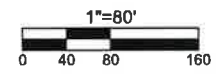
N0° 31' 23" W 19.10'
ELY BOUNDARY OF LANDS DESCRIBED IN O.R. BOOK 2863, PG. 2243

VACANT LAND, MARATHON, FL
OWNER: CITY OF MARATHON
PARCEL NO. 00103760-000300

VACANT LAND, MARATHON, FL
OWNER: CITY OF MARATHON
PARCEL NO. 00103760-000300

BUS HIGHWAY NO. 1
(AKA OVERSEAS HIGHWAY)
STATE ROAD NO. 5 (AKA S.R. 5)
R/W VARIES

N73° 48' 37" E 1371.57'
SELY BOUNDARY OF LANDS DESCRIBED IN O.R. BOOK 2863, PG. 2243



TOTAL AREA = 33,058.63 SQFT ±

SYMBOL LEGEND:
○ PROPOSED UTILITY POLE
--- PROPOSED OVERHEAD UTILITY LINES

* SKETCH OF LEGAL DESCRIPTION ONLY, THIS IS NOT A BOUNDARY SURVEY *

SURVEYOR NOTES

- THIS IS NOT A BOUNDARY SURVEY. ANY BOUNDARY OR RIGHT OF WAY LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY, AND ARE A GRAPHICAL REPRESENTATION OF THE BOUNDARY BASED ON THE RECOVERY OF SUFFICIENT BOUNDARY MONUMENTATION TO SPATIALLY DEFINE THE BOUNDARY LINES. NO ATTEMPT WAS MADE TO RESOLVE CONFLICTS BETWEEN THE RECOVERED BOUNDARY INFORMATION AND THE OCCUPATIONAL LINES.
- THIS IS NOT A BOUNDARY SURVEY. THIS IS A SKETCH OF THE LEGAL DESCRIPTION ONLY.
- ALL BEARINGS ARE BASED ON N73°48'37"E ALONG THE BASELINE OF U.S. 1 - S.R. 5 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 90040.
- ADDITIONS OR DELETIONS TO SURVEY MAP OR REPORT BY OTHERS THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
- ALL UNITS ARE SHOWN IN U.S. SURVEY FEET.
- ALL ANGLES DEPICTED ARE 90 DEGREES UNLESS OTHERWISE INDICATED.
- ANY UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD EVIDENCE. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN HEREON ENCOMPASS ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE EVIDENCE AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. * NO UTILITIES HAVE BEEN LOCATED FOR THIS SURVEY.
- STREET ADDRESS: VACANT LAND, MARATHON, FL 33050.

-LEGAL DESCRIPTION(S) -
AUTHORED BY THE UNDERSIGNED

A parcel of land in a part of Government Lot 1, in Section 11, Township 66 South, Range 32 East, on Key Vaca, Monroe County, Florida and being more particularly described by meses and bounds as follows:

Commencing at the Southeastery corner of Lot 7, Block B, CRANE HAMMOCK SUBDIVISION, a Subdivision of part of Government Lot 5, in Section 2, and Government Lot 2, in Section 11, Township 66 South, Range 32 East, and recorded in Flat Book 3, Page 51, of the Public Records of Monroe County, Florida; thence 500°31'11"E along the Westerly boundary line of the lands described in Official Records Book 2863, at Page 2243 of the Public Records of Monroe County, Florida, for a distance of 15.39 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue 500°31'11"E along the said Westerly boundary line of the lands described in Official Records Book 2863, at Page 2243 of the Public Records of Monroe County, Florida, for a distance of 20.96 feet to the Southwest corner of the said lands described in Official Records Book 2863, at Page 2243 of the Public Records of Monroe County, Florida; thence N73°48'37"E along the Southeastery boundary line of the said lands described in Official Records Book 2863, at Page 2243 of the Public Records of Monroe County, Florida, for a distance of 1371.57 feet to the Southeast corner of the said lands described in Official Records Book 2863, at Page 2243 of the Public Records of Monroe County, Florida; thence N00°31'23"W along the Easterly boundary line of the said lands described in Official Records Book 2863, at Page 2243 of the Public Records of Monroe County, Florida for a distance of 19.10 feet to a point; thence 574°34'31"W for a distance of 190.79 feet to a point; thence 574°14'33"W for a distance of 206.30 feet to a point; thence 574°02'33"W for a distance of 139.11 feet to a point; thence 573°34'28"W for a distance of 109.80 feet to a point; thence 578°42'26"W for a distance of 145.20 feet to a point on the Northerly Right-of-Way line of Old State Road 4A; thence 573°48'37"W along the said Northerly Right-of-Way line of Old State Road 4A for a distance of 140.71 feet to a point; thence 567°51'14"W for a distance of 135.38 feet to a point; thence 572°00'31"W for a distance of 2.27 feet to a point; thence 573°40'43"W for a distance of 170.06 feet to a point; thence 573°40'43"W for a distance of 132.73 feet to a point; thence 50°31'11"E along the said Westerly boundary line of the said lands described in Official Records Book 2863, at Page 2243 of the Public Records of Monroe County, Florida, for a distance of 15.39 feet to the Point of Beginning. Containing 33,058.63 Square Feet, more or less.

CERTIFIED TO -
FLORIDA KEYS ELECTRIC CO-OP;

NOTE: FOUNDATIONS EXISTING ON THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATES OR EXPOSED DIMENSIONS UNLESS INDICATED OTHERWISE. THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET:

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------|-----------------|----------------|---------------------------|-------------|---------------|-----------------|------------|---------------|---------------|------------|----------------|-----------------|--------------|----------------------|----------------|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| BL = BENCH MARK | CD = CENTERLINE | CON = CONCRETE | CR = CONCRETE REINFORCING | CU = CEMENT | DA = DRAINAGE | DE = DEPRESSION | DI = DITCH | DO = DRAINAGE | DR = DRAINAGE | EA = EARTH | EL = ELEVATION | EM = EMBANKMENT | EN = ENCLAVE | EP = ELEVATION POINT | ES = ELEVATION | EX = EXISTING | FA = FENCE | FB = FENCE | FC = FENCE | FD = FENCE | FE = FENCE | FG = FENCE | FH = FENCE | FI = FENCE | FJ = FENCE | FK = FENCE | FL = FENCE | FM = FENCE | FN = FENCE | FO = FENCE | FP = FENCE | FQ = FENCE | FR = FENCE | FS = FENCE | FT = FENCE | FU = FENCE | FV = FENCE | FW = FENCE | FX = FENCE | FY = FENCE | FZ = FENCE | GA = GROUND ANGLE | GB = GROUND ANGLE | GC = GROUND ANGLE | GD = GROUND ANGLE | GE = GROUND ANGLE | GF = GROUND ANGLE | GG = GROUND ANGLE | GH = GROUND ANGLE | GI = GROUND ANGLE | GJ = GROUND ANGLE | GK = GROUND ANGLE | GL = GROUND ANGLE | GM = GROUND ANGLE | GN = GROUND ANGLE | GO = GROUND ANGLE | GP = GROUND ANGLE | GQ = GROUND ANGLE | GR = GROUND ANGLE | GS = GROUND ANGLE | GT = GROUND ANGLE | GU = GROUND ANGLE | GV = GROUND ANGLE | GW = GROUND ANGLE | GX = GROUND ANGLE | GY = GROUND ANGLE | GA = GROUND ANGLE | GB = GROUND ANGLE | GC = GROUND ANGLE | GD = GROUND ANGLE | GE = GROUND ANGLE | GF = GROUND ANGLE | GG = GROUND ANGLE | GH = GROUND ANGLE | GI = GROUND ANGLE | GJ = GROUND ANGLE | GK = GROUND ANGLE | GL = GROUND ANGLE | GM = GROUND ANGLE | GN = GROUND ANGLE | GO = GROUND ANGLE | GP = GROUND ANGLE | GQ = GROUND ANGLE | GR = GROUND ANGLE | GS = GROUND ANGLE | GT = GROUND ANGLE | GU = GROUND ANGLE | GV = GROUND ANGLE | GW = GROUND ANGLE | GX = GROUND ANGLE | GY = GROUND ANGLE | GA = GROUND ANGLE | GB = GROUND ANGLE | GC = GROUND ANGLE | GD = GROUND ANGLE | GE = GROUND ANGLE | GF = GROUND ANGLE | GG = GROUND ANGLE | GH = GROUND ANGLE | GI = GROUND ANGLE | GJ = GROUND ANGLE | GK = GROUND ANGLE | GL = GROUND ANGLE | GM = GROUND ANGLE | GN = GROUND ANGLE | GO = GROUND ANGLE | GP = GROUND ANGLE | GQ = GROUND ANGLE | GR = GROUND ANGLE | GS = GROUND ANGLE | GT = GROUND ANGLE | GU = GROUND ANGLE | GV = GROUND ANGLE | GW = GROUND ANGLE | GX = GROUND ANGLE | GY = GROUND ANGLE |
|-----------------|-----------------|----------------|---------------------------|-------------|---------------|-----------------|------------|---------------|---------------|------------|----------------|-----------------|--------------|----------------------|----------------|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|

SCALE: 1"=30'
MAP DATE: 10/31/2025
DRAWN BY: MPB
CHECKED BY: EAI
JOB NO.: 23-101

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 55-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 478.027, FLORIDA STATUTES AND COMPLETES WITH CHAPTER 177, FLORIDA STATUTES.



FLORIDA KEYS LAND SURVEYING
21460 OVERSEAS HIGHWAY, SUITE 4
CUDJOC KEY, FL 33042
PHONE: (305) 394-3650
FAX: (305) 508-7183
EMAIL: FKLSSmail@gmail.com

SIGNED: [Signature]
REG. A. GARDNER, PROFESSIONAL SURVEYOR AND MAPPERS, LICENSE NO. 17617

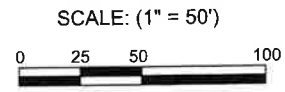
FKEC - CRANE POINT & VACANT LANDS (PORTION-2 ESMNT. AREA) AERIAL IMAGERY EXHIBIT



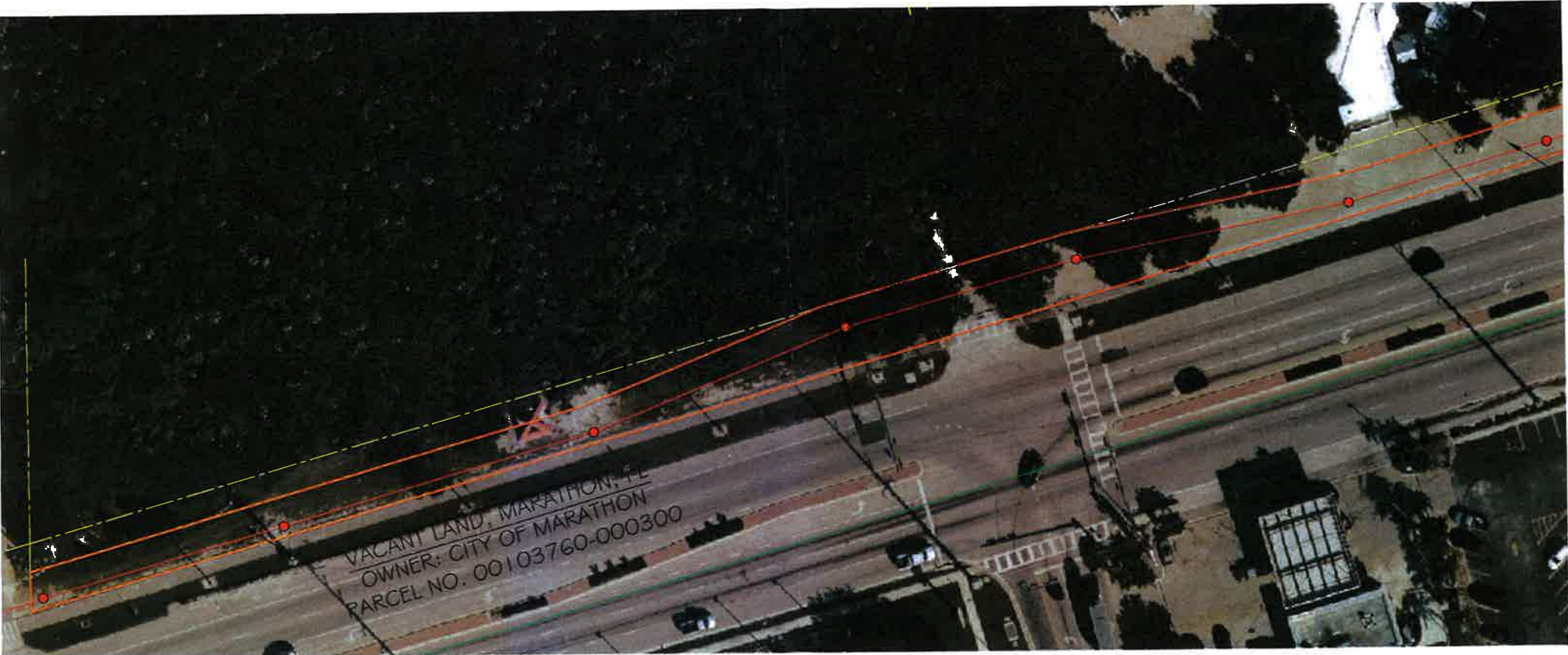
PLOT SIZE: (11" x 17")
RGRID POWER PLLC
DATE: 11-30-2023

SHEET: (3 OF 3)

NOTE: FOR IDENTIFICATION OF NEARBY LANDMARKS ONLY.
NOT FOR LAND CONVEYANCE OR CONSTRUCTION



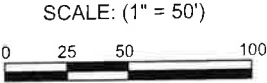
FKEC - CRANE POINT & VACANT LANDS (PORTION-1 ESMNT. AREA) AERIAL IMAGERY EXHIBIT



PLOT SIZE: (11" x 17")
RGRID POWER PLLC
DATE: 11-30-2023

SHEET: (2 OF 3)

NOTE: FOR IDENTIFICATION OF NEARBY LANDMARKS ONLY.
NOT FOR LAND CONVEYANCE OR CONSTRUCTION



FKEC - CRANE POINT & VACANT LANDS (ENTIRE ESMNT. AREA) AERIAL IMAGERY EXHIBIT



PLOT SIZE: (11" x 17")
RGRID POWER PLLC
DATE: 11-30-2023

SHEET: (1 OF 3)

NOTE: FOR IDENTIFICATION OF NEARBY LANDMARKS ONLY.
NOT FOR LAND CONVEYANCE OR CONSTRUCTION

