

CITY COUNCIL AGENDA STATEMENT



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

Agenda item: **Resolution 2024-10** Approving A Distribution Right-Of-Way Easement Between The City of Marathon And The Florida Keys Electric Cooperative On Property Having Real Estate Number 00336470-000000, On Property Known As Jesse Hobbs Park, 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

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2024-10**

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 00336470-000000, ON PROPERTY KNOWN AS JESSE HOBBS PARK, 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, 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,

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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: 00336470-000000
AK: 1414140

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: 100 41ST STREET GULF, MARATHON, FL 33050

LEGAL DESCRIPTION OF PROPERTY: "SEE EXHIBIT A"

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 GEORGE GARRETT, CITY MANAGER
(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

This instrument prepared by:
Brittany Anker, Operations Administrative Assistant
Florida Keys Electric Cooperative Assoc. Inc.
P. O. Box 377
Tavernier, FL 33070-0377

RE No: 00336470-000000
Alternate Key: 1414140

Recording Area

AFFIDAVIT OF INCUMBENCY
AND AUTHORIZATION TO CONVEY
OF CITY OF MARATHON

The undersigned, having been first duly sworn, certify to **Florida Keys Electric Cooperative Association, Inc. (FKEC)** that it they are the managing members of **City of Marathon (the Company)** and that they have consented to the conveyance of an easement to FKEC and have authorized George Garrett, City Manager to execute an easement on behalf of the Company in a form and on such terms and conditions as he/she deems appropriate.

The following is a complete list of all managing members of the **Company**.

Officer Title

Name typed or printed

City Manager _____

George Garrett _____

PRINT NAME

SIGNATURE

George Garrett _____

State of _____, County of _____

Sworn to and subscribed before me, the undersigned authority, by George Garrett who are personally known to me or who produced _____ as identification, on this day of _____, _____.

_____ Notary Public

Notary Stamp or Seal

Monroe County, FL

Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00336470-000000
 Account# 1414140
 Property ID 1414140
 Millage Group 50CM
 Location 100 41ST St GULF, MARATHON
 Address
 Legal MARATHON BEACH SUB PB2-16 LOT 1 BK 1 & ADJ PT ST RD 4-A OR452-760
 Description OR807-2428DC OR846-1733/34 OR853-1707 OR873-1124 OR1317-1534 OR1313-687 OR1338-2110/11 OR1392-1290/93 OROR1682-442/43Q/C
 (Note: Not to be used on legal documents.)
 Neighborhood 10041
 Property Class MUNICIPAL (8900)
 Subdivision MARATHON BEACH
 Sec/Twp/Rng 10/66/32
 Affordable No
 Housing No



Owner

CITY OF MARATHON
 9805 Overseas Hwy
 Marathon FL 33050

Valuation

	2023 Preliminary Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$24,086	\$24,086	\$24,086	\$24,086
+ Market Misc Value	\$27,516	\$27,516	\$27,516	\$27,516
+ Market Land Value	\$68,959	\$68,959	\$68,959	\$68,959
= Just Market Value	\$120,561	\$120,561	\$120,561	\$120,561
= Total Assessed Value	\$120,561	\$120,561	\$120,561	\$120,561
- School Exempt Value	(\$120,561)	(\$120,561)	(\$120,561)	(\$120,561)
= School Taxable Value	\$0	\$0	\$0	\$0

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2021	\$68,959	\$24,086	\$27,516	\$120,561	\$120,561	\$120,561	\$0	\$0
2020	\$68,959	\$24,086	\$27,516	\$120,561	\$120,561	\$120,561	\$0	\$0
2019	\$68,959	\$24,086	\$27,516	\$120,561	\$120,561	\$120,561	\$0	\$0
2018	\$68,959	\$24,086	\$27,516	\$120,561	\$120,561	\$120,561	\$0	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
(8900)	21,218.00	Square Foot	0	0

Buildings

Building ID	6145	Exterior Walls	REIN CONCRETE
Style		Year Built	2014
Building Type	CAMP BLDGS-B- / 36B	EffectiveYearBuilt	2014
Building Name		Foundation	
Gross Sq Ft	208	Roof Type	
Finished Sq Ft	128	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	AVERAGE	Heating Type	
Perimeter	48	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	12	Grade	300
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	128	128	0
OPF	OP PRCH FIN LL	80	0	0
TOTAL		208	128	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CH LINK FENCE	1998	1999	12 x 100	1	1200 SF	1
CH LINK FENCE	1998	1999	6 x 264	1	1584 SF	1
CH LINK FENCE	1998	1999	4 x 508	1	2032 SF	1
ASPHALT PAVING	1998	1999	90 x 56	1	5040 SF	3
CONC PATIO	1998	1999	0 x 0	1	460 SF	2
CONC PATIO	2014	2015	5 x 40	1	200 SF	2

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
8/1/1994	\$122,200	Warranty Deed		1338	2110	J - Unqualified	Vacant		
6/1/1994	\$85,100	Tax Deed		1313	0687	J - Unqualified	Vacant		
1/1/1982	\$70,000	Warranty Deed		846	1733	U - Unqualified	Vacant		

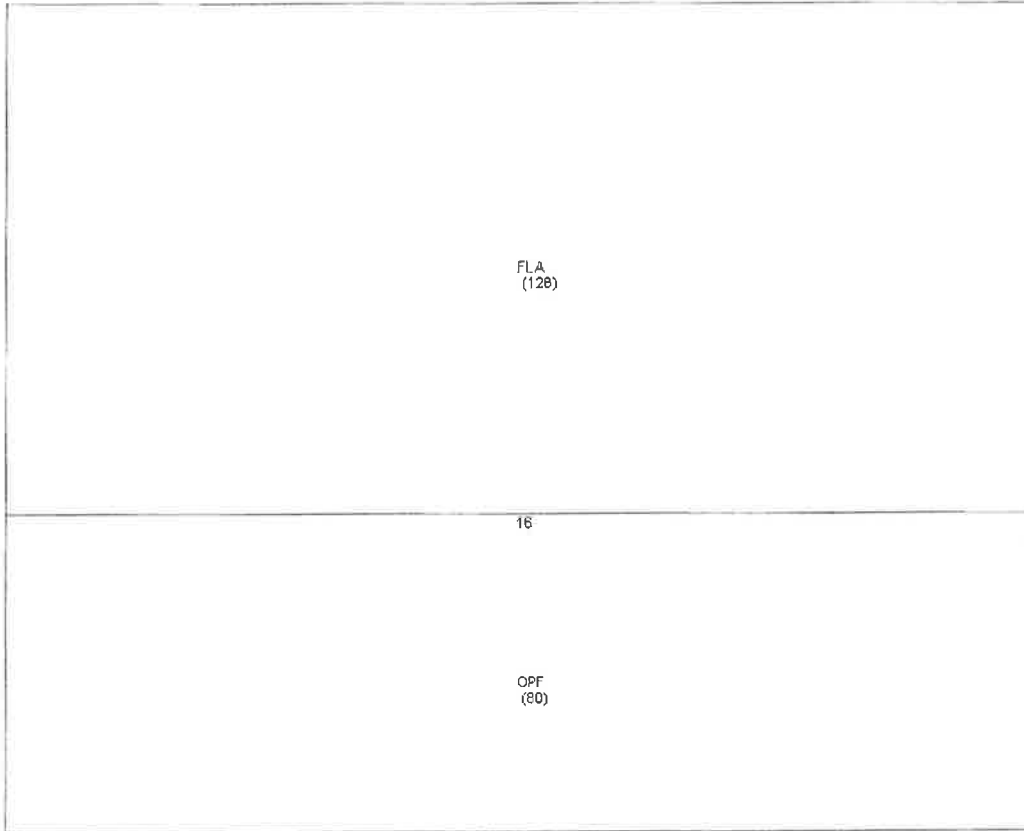
Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
P2020-0196	3/6/2020		\$47,997	Residential	INSTALL A FOUR-POST SHADE CANOPY & PLAYGROUND AT JESSE HOBBS PARK
P2018-1869	9/26/2018	11/16/2018	\$5,000	Residential	REPLACE ELECTRIC PANEL. REPLACE 9 FLOOD LIGHTS WITH LED FIXTURES ON EXISTING POLES.
P2015-1335	10/16/2015	11/30/2015	\$0	Residential	INSTALL FLAG POLE
P2013-1734	12/2/2013	3/25/2014	\$36,560	Residential	INSTALL CONCRETE MODULAR BATHROOM & SEWER CONNECTION

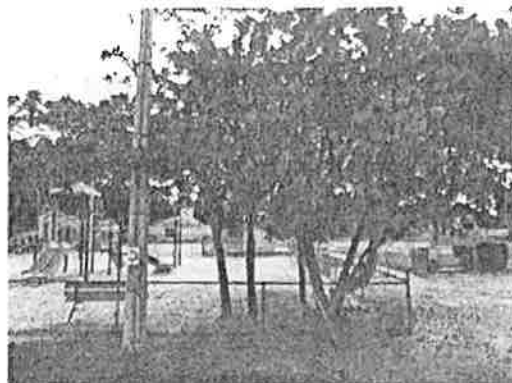
View Tax Info

[View Taxes for this Parcel](#)

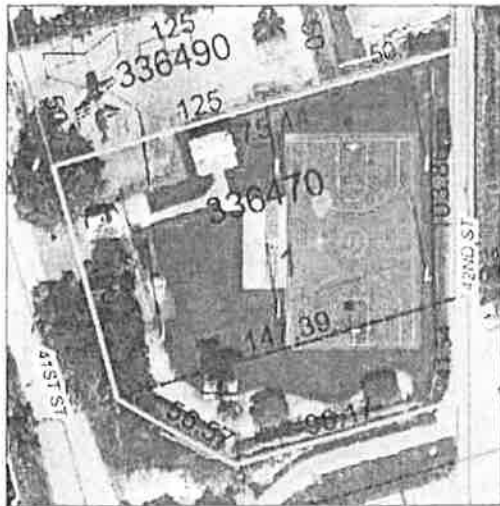
Sketches (click to enlarge)



Photos



Map

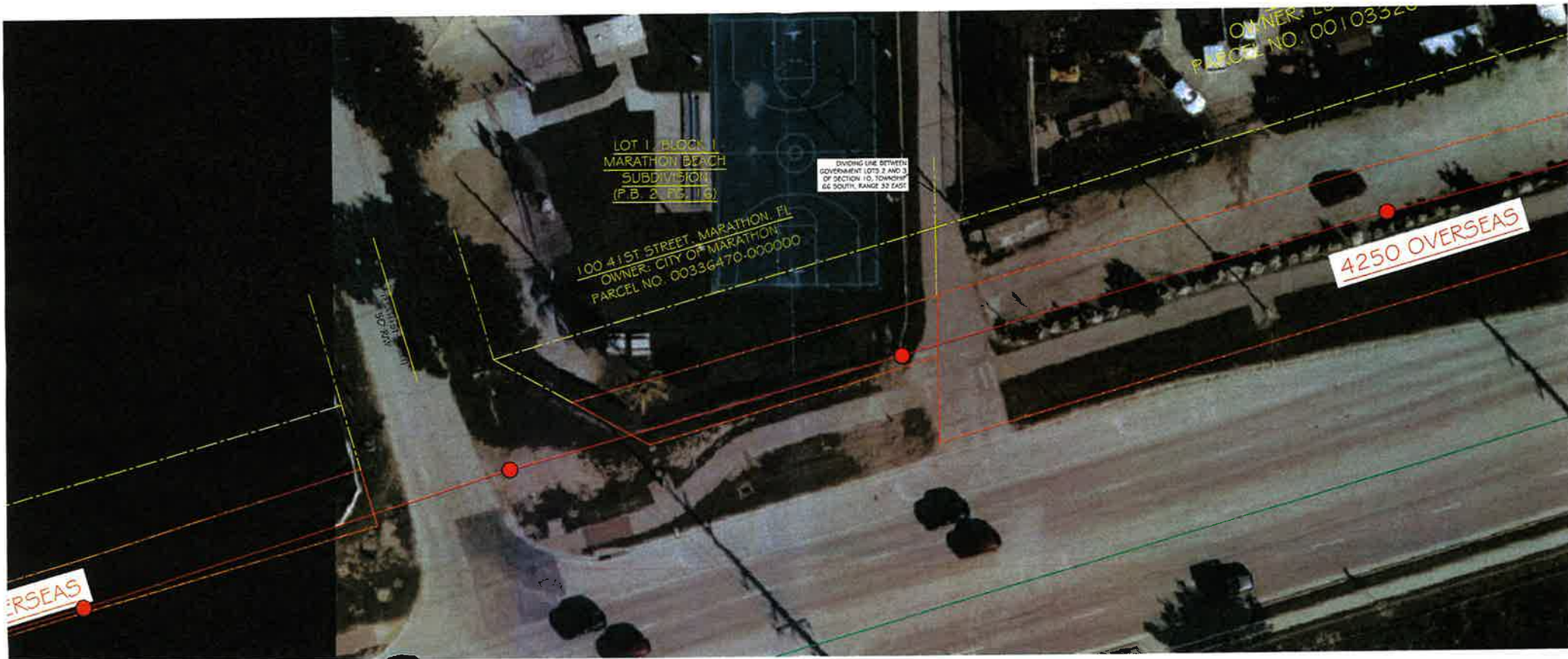


No data available for the following modules: TRIM Notice.

Monroe County Property Appraiser
 10000 Highway 19, Suite 100
 Jacksonville, FL 32218
 904.255.3333
 www.monroecounty.gov
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FKEC - 100 41st STREET, MARATHON, FL (ENTIRE ESMNT. AREA) AERIAL IMAGERY EXHIBIT



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

SHEET: (1 OF 1)

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

