

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-26**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A THIRD AMENDMENT TO THE LEASE AGREEMENT NO. 4547 WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE MANAGEMENT OF PROPERTIES WITH THE CITY OF MARATHON PURCHASED FOR THE PURPOSE OF CONSERVATION; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is the desire of the City Council of the City of Marathon, Florida (the "City") to acquire and to manage conservation lands within the City of Marathon for the purpose of conservation; and

WHEREAS, the State of Florida (the "State") purchases environmentally sensitive properties throughout the State (including in the City) through the Florida Forever Program; and

WHEREAS, pursuant to Resolution 2004-63 and as a condition of the State purchasing conservation lands in a municipality is that the municipality will agree to manage those properties under a lease agreement with the State; and

WHEREAS, through this Amendment to the Agreement, the State has added certain environmentally sensitive property in the City, more particularly described in sum total in Exhibit A hereto (the "Property"); and

WHEREAS, the State will is amending its lease with the City for purposes of managing these additional Properties.

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. The Third Amended Lease Agreement between the City of Marathon and The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the management of the Property, a copy of which is attached as Exhibit "A", in substantially the same terms together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved.

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 8TH DAY OF MARCH, 2022.

THE CITY OF MARATHON, FLORIDA



John Bartus Mayor

AYES: Cook, Gonzalez, Still, Zieg, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

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:
Tara Gray
Department of Environmental Protection
Bureau of Public Administration
Division of State Lands
3900 Commonwealth Blvd. MS 130
Tallahassee, Florida 32399-3000
AID# 44683

ATL1
[2.27 +/- acres]

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA**

AMENDMENT NUMBER 3 TO LEASE NUMBER 4547

THIS LEASE AMENDMENT is entered into this 15th day of March, 2022, by and between the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, hereinafter referred to as "LESSOR" and **CITY OF MARATHON, FLORIDA**, a Florida municipal corporation, hereinafter referred to as "LESSEE";

WITNESSETH:

WHEREAS, LESSOR, by virtue of Section 253.03, Florida Statutes, holds title to certain lands and property for the use and benefit of the State of Florida; and

WHEREAS, on April 17, 2007, LESSOR and LESSEE entered into Lease Number 4547 (the "lease"); and

WHEREAS, LESSOR and LESSEE desire to amend the lease to add land to the leased premises.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The legal description of the leased premises set forth in Exhibit "A" of Lease Number 4547 is hereby amended to include the real property described in Exhibit "A" attached hereto and by reference made a part hereof.
2. It is understood and agreed by LESSOR and LESSEE that in each and every respect the terms of Lease Number 4547, except as amended, shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by LESSOR and LESSEE as of the date of this amendment.
3. It is understood and agreed by LESSOR and LESSEE that this Amendment Number 3 to Lease Number 4547 is hereby binding upon the parties hereto and their successors and assigns.


4. This lease amendment may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

[Remainder of page intentionally left blank; Signature page follows]

IN WITNESS WHEREOF, the parties have caused this Amendment to Lease to be executed on the day and year first above written.

"LESSOR"

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA**

 (SEAL)

BY: _____
Brad Richardson, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the Board
of Trustees of the Internal Improvement Trust Fund of the State
of Florida

Approved subject to proper execution

 _____
DEP Attorney Date 02-21-2022

"LESSEE"

**CITY OF MARATHON, FLORIDA,
a Florida municipal corporation**


 (SEAL)
BY: _____
John Bartus, Mayor

EXHIBIT A

All of those lands described in Official Records Book 2267, page 2175 of the Public Records of Monroe County, Florida, described as follows:

Beginning at a point where the center line of U.S.1 (Overseas Highway) intersects the North-South Section line between Fractional Sections 4 and 5, Township 66 South, Range 33 East, all of the lands described being in Government Lot 2 of said Fractional Section 5, Monroe County, Florida.

Thence Westerly along said center line of said highway 1553.35 feet to the P.C. of a 2 degree 00 minute curve deflecting to the right and having a central angle of 10° 13'.

Thence continuing Westerly around said curve for a central angle of 10° 13' and a distance of 510.85 feet to the Point of Tangent thereof.

Thence continuing Westerly along said center line of said highway 530.2 feet to a point.

Thence Southerly at right angles 50 feet to a point, said point being on the Southerly right-of-way line of said highway and being the POINT OF BEGINNING of the parcel herein described.

Thence continuing Southerly on said course 525 feet, more or less, to the shoreline of Bonefish Bay which, together with its tributary Pul N B Dam Creek, here form the Southerly and Westerly boundaries of the parcel herein described.

Thence Westerly and meandering the said shoreline 320 feet, more or less, to an intersection with the Easterly shoreline of Pul N B Dam Creek.

Thence Northerly meandering said shoreline 420 feet, more or less, to a point, said point being on the said Southerly right-of-way line of said highway.

Thence Easterly along said right-of-way line 145.5 feet to the POINT OF BEGINNING.

LESS a strip of land 5 feet wide continuing the length of the Eastern border, which was sold to the neighboring parcel by the grantor in Quit Claim Deed recorded in Monroe County Record Book 1422, Page 554 on September 16, 1998.

TOGETHER WITH

The island of approximately 1 acre located adjacent to and due South offshore of said property.

AND:

All of those lands described in Official Records Book 3022, page 738 of the Public Records of Monroe County, Florida, described as follows:


Lots 4 and 5, Block 14 Crains Subdivision of Grassy Key, according to the plat thereof, recorded in Plat Book 1, Page 51 of the Public Records of Monroe County, Florida.

BSM: *Hayden*

DATE: November 9, 2021



 Subject Parcel(s)

 Tax Parcels

Fat Deer Key

0 500 1,000



US Feet

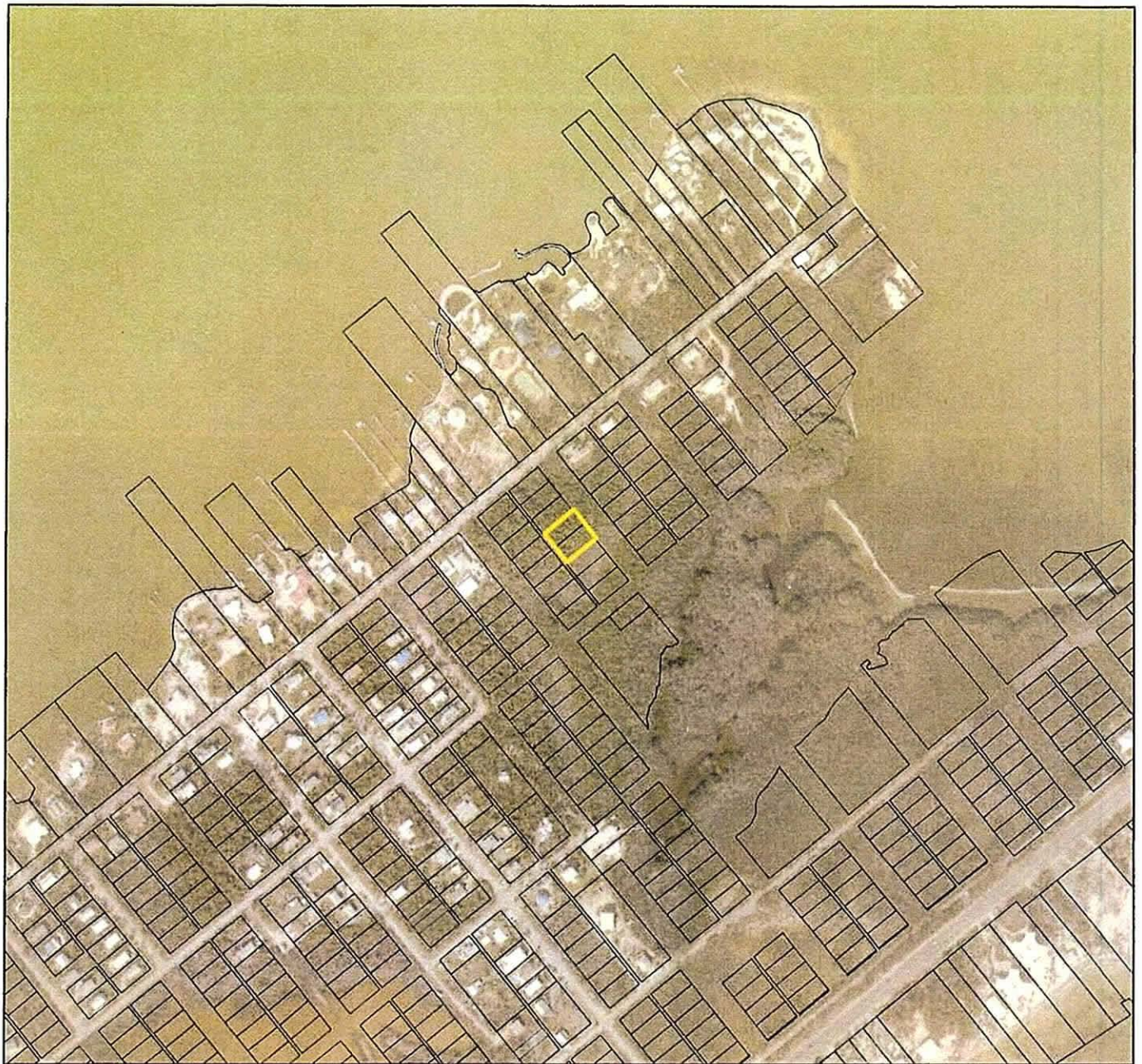
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Florida Keys Ecosystem - City of Marathon
Lease 4547 Amendment
Monroe County, Florida



11/15/2021 11:45 AM



 Subject Parcel(s)

 Tax Parcels

Grassy Key

0 500 1,000



US Feet

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Florida Keys Ecosystem - City of Marathon
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