RESOLUTION NO. 17-06-42

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A TIME EXTENSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 30-224 OF THE VILLAGE CODE OF ORDINANCES FOR ISLAMORADA VILLAGE ESTATES, LLC FOR THE COMPLETION AND MODIFICATION OF THE REQUIREMENTS OF THE FINAL PLAT APPROVAL SPECIFIED IN VILLAGE COUNCIL RESOLUTION NUMBER 16-12-79 WHICH APPROVED A FINAL PLAT FOR PROPERTY LOCATED AT APPROXIMATELY 100 SAPODILLA DRIVE, LOWER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, HAVING REAL ESTATE NUMBERS 00394430-000000 AND 00394440-000000, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on December 1, 2016, the Village Council (the “Council”) of Islamorada, Village of Islands (the “Village”) considered a request by Islamorada Village Estates, LLC (the “Applicant”) for Final Plat Approval, PL-16-01 (the “Request”), for the property legally described in Exhibit “A”; and

WHEREAS, on December 1, 2016, the Council unanimously approved the Request with conditions through adoption of Resolution No. 16-12-79; and

WHEREAS, Section 10 of Resolution Number 16-12-79 and Section 30-441 of the Code required the Applicant to record the approved Final Plat within ninety (90) days of the final approval and Notice of No Appeal from the State Department of Economic Opportunity (the “DEO”); and

WHEREAS, on January 17, 2017, Village staff received notice that the DEO had not appealed the resolution; and

WHEREAS, the end of the time limit to record the Final Plat was April 17, 2017; and

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WHEREAS, the Applicant was unable to complete corrections to the Plat requested by the Village Surveyor prior to April 17, 2017; and

WHEREAS, on June 22, 2017, Staff presented a status report on the development permit issued at a public hearing before the Village Council; and

WHEREAS, the Village Council, having considered the testimony and evidence presented by all parties, including the Applicant and Staff, does hereby find and determine as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, AS FOLLOWS:

Section 1. Recitals. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Findings of Fact.

(1) The Village Council heard the request on June 22, 2017.

(2) Public notice of the hearing was provided compliant with Section 30-224 of the Village Code and the request was properly heard before the Village Council for its consideration.

(3) The Director of Planning presented the Village Council with Staff's written recommendation dated June 22, 2017.

Section 3. Conclusions of Law. Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

(1) Village Staff issued a Notice of Non-Compliance in accordance with Section 30-224 of the Code.

(2) In rendering its decision, as reflected in this Resolution, the Village Council has:

   (a) Accorded procedural due process; and

   (b) Observed the essential requirements of the law; and
Section 4. Conditions Imposed. Passage and adoption of this Resolution is subject to the following conditions:

1. Upon the approval of this resolution, the Applicant must record the Final Plat and Village Council Resolution 16-12-79 no later than November 22, 2017.

2. Should the Applicant fail to record the Final Plat and Village Council Resolution 16-12-79 by November 22, 2017, the Final Plat will be deemed void.

3. Any outstanding cost recovery fees shall be paid prior to signature of the Village officials.

Section 5. Conflicting Provisions. In the event the conditions or time limitations contained herein, and any conditions or time limitations of any subsequent development approval granted by the Village, or the LDRs are in conflict, the more restrictive shall apply.

Section 6. Violation of Conditions. The Applicant understands and acknowledges that he or she must comply with all terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he or she may affect the proposed transfer of development rights or commence construction or operation of any use authorized herein. In accordance with Code Section 30-224(e), this approval may be revoked by the Village Council upon a determination that the Applicant or its successor(s) or designee(s) is in non-compliance with this Resolution or the Code. Failure to adhere all terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed by the Code.

Section 7. Effective Date. This Resolution shall not take effect immediately upon its adoption.
Motion to adopt by Vice Mayor Chris Sante, second by Councilwoman Deb Gillis.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Jim Mooney YES
Vice-Mayor Chris Sante YES
Councilman Mike Forster YES
Councilwoman Deb Gillis YES
Councilwoman Cheryl Meads YES

PASSED AND ADOPTED THIS 22\textsuperscript{ND} DAY OF JUNE, 2017.

\textSignature{Jim Mooney, Mayor}

ATTEST:

\textSignature{Kelly Toth, Village Clerk}

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY

\textSignature{Roget V. Bryan, Village Attorney}

This Resolution was filed in the Office of the Village Clerk of this 23\textsuperscript{rd} day of June, 2017.

\textSignature{Kelly Toth, Village Clerk}
Exhibit "A"

PARCEL I

A portion of Tract 5 and a portion of a canal on the Northerly side of Block 3, all as shown on plat of Matecumbe Sandy Beach on Lower Matecumbe Key, as recorded in Plat Book 3 at Page 127, Public Records of Monroe County, Florida, more particularly described as follows:

From the intersection of the Westerly line of Sandy Cove Avenue and the Northerly right of way line of the Overseas Highway, as shown on said plat, run North 33 degrees 17 minutes 30 seconds West, a distance of 814.91 feet along the said Westerly line of Sandy Cove Avenue to the point of beginning of the parcel of land hereinafter described; thence South 56 degrees 42 minutes 30 seconds West, at right angles to said Sandy Cove Avenue, a distance of 143 feet to the Easterly side of an existing canal; thence meandering said Easterly side of existing canal the following courses and distances: North 41 degrees 47 minutes 40 seconds West, a distance of 144.09 feet, North 20 degrees 52 minutes 10 seconds West, a distance of 507.65 feet, North 10 degrees 20 minutes 30 seconds West, a distance of 139.51 feet, North 21 degrees 57 minutes 20 seconds West, a distance of 975.85 feet, North 16 degrees 57 minutes 20 seconds West, a distance of 44 feet, to the dividing line between Tracts 4 and 5, according to said plat of Matecumbe Sandy Beach; thence South 33 degrees 17 minutes 30 seconds East along said dividing line, a distance of 1636 feet to a point which is 50 feet Northerly from the Northerly side of said Block 3, according to said plat of Matecumbe Sandy Beach; thence South 55 degrees 45 minutes 10 seconds East and parallel with the said Northerly side of Block 3, a distance of 157.71 feet, to a point which is 50 feet Northerly from the Northerly side of said Block 3, according to said plat of Matecumbe Sandy Beach; thence South 33 degrees 17 minutes 30 seconds East along said dividing line, a distance of 20 feet to the dividing line between Tracts 4 and 5, according to said plat of Matecumbe Sandy Beach; thence South 33 degrees 17 minutes 30 seconds East along said dividing line, a distance of 20 feet to a point which is 50 feet Northerly from the Northerly side of said Block 3, according to said plat of Matecumbe Sandy Beach; thence North 56 degrees 42 degrees 30 minutes West parallel with the said Northerly side of Block 3, a distance of 157.71 feet, to the Easterly side of said Sandy Cove Avenue; thence North 33 degrees 17 minutes 30 seconds West along the said Easterly side of Sandy Cove Avenue, a distance of 50 feet to the Northerly end of said Sandy Cove Avenue; thence South 56 degrees 42 degrees 30 minutes West along the said Easterly side of Sandy Cove Avenue, a distance of 50 feet to the Westerly side of Sandy Cove Avenue; thence South 33 degrees 17 minutes 30 seconds East, along the said Westerly side of Sandy Cove Avenue, a distance of 50 feet to the Westerly side of Sandy Cove Avenue; thence South 33 degrees 17 minutes 30 seconds East, along the said Easterly side of Sandy Cove Avenue, a distance of 151.62 feet to the point of beginning.

PARCEL II

A portion of Tract 4 and a portion of a canal on the Northerly side of Block 3, all as shown on plat of Matecumbe Sandy Beach on Lower Matecumbe Key, as recorded in Plat Book 3 at Page 127, Public Records of Monroe County, Florida, more particularly described as follows:

From the intersection of the Westerly line of Sandy Cove Avenue and the Northerly right of way line of the Overseas Highway, as shown on said plat, run North 33 degrees 17 minutes 30 seconds West along the Westerly side of said Sandy Cove Avenue, a distance of 968.53 feet to the Northerly end of said Sandy Cove Avenue; thence North 56 degrees 42 minutes 30 seconds East along the Northerly end of Sandy Cove Avenue, a distance of 50 feet to the Easterly side of said Sandy Cove Avenue; thence South 33 degrees 17 minutes 30 seconds East along the Easterly side of Sandy Cove Avenue, a distance of 20 feet to a point which is 50 feet Northerly from the Northerly side of Block 3, according to said plat of Matecumbe Sandy Beach; thence North 55 degrees 45 minutes 10 seconds East and parallel with the said Northerly side of Block 3, a
distance of 157.71 feet to the Southerly prolongation of the dividing line between Tracts 4 and 5 and the POINT OF BEGINNING of the parcel of land hereinafter described; thence North 33 degrees 17 minutes 30 seconds West along the said dividing line between Tracts 4 and 5 and its Southerly prolongation, a distance of 1636 feet to the Easterly side of an existing canal; thence North 16 degrees 57 minutes 20 seconds West along said Easterly side of canal, a distance of 244 feet to the Northerly side of Tract 4 and the shore of Florida Bay, according to said plat of Matecumbe Sandy Beach; thence meandering the Northerly and Easterly sides of Tract 4 and the shoreline of Florida Bay the following courses and distances; North 68 degrees 20 minutes 30 seconds East, a distance of 900 feet, South 51 degrees, 37 minutes 40 seconds East, a distance of 1160 feet, South 31 degrees 57 minutes 30 seconds East, a distance of 840 feet, more or less to a point 50 feet Northerly from the Northerly side of said Block 3 of Matecumbe Sandy Beach; thence in a Westerly direction and 50 feet Northerly from and parallel with said Northerly side of Block 3 the following courses and distances; North 83 degrees 54 minutes 10 seconds East, a distance of 330 feet more or less, South 64 degrees 25 minutes 10 seconds West, a distance of 678.70 feet, South 44 degrees 55 minutes 10 seconds West, a distance of 238.80 feet, South 45 degrees 45 minutes 10 seconds West, a distance of 136.76 feet to the Point of Beginning. LESS AND EXCEPT: A parcel of land in Tract 4, according to plat of Matecumbe Sandy Beach on Lower Matecumbe Key, and recorded in Plat Book 3 at Page 127, Public Records of Monroe County, Florida, more particularly described as follows: From the center of Sandy Cove Avenue, at its Northerly end, as shown on said plat of Matecumbe Sandy Beach, run North 21 degrees 47 minutes 30 seconds West along the center line of a proposed 40 foot road, a distance of 1446.5 feet to a point of curve; thence Northeasterly along a tangential curve having a radius of 175 feet and a central angle of 91 degrees 32 minutes, an arc distance of 279.6 feet to a point of tangent; thence run North 69 degrees 44 minutes 30 seconds East along said tangent, a distance of 180 feet; thence North 20 degrees 15 minutes 30 seconds West, a distance of 20 feet to the Northerly side of the proposed 40 foot road and the point of beginning of the parcel hereinafter described; thence continue North 20 degrees 15 minutes 30 seconds West a distance of 226.98 feet to Florida Bay; thence South 68 degrees 20 minutes 30 seconds West along the shore of Florida Bay, a distance of 222.93 feet; thence South 26 degrees 08 minutes 50 seconds East, a distance of 223.74 feet to the Northerly side of the proposed 40 foot road; thence Northeasterly along said Northerly side of the proposed 40 foot road, a distance of 200 feet to the point of beginning.

PARCEL III

And also a portion of Tract 5, as shown on plat of Matecumbe Sandy Beach on Lower Matecumbe Key, as recorded in Plat Book 3 at Page 127, Public Records Monroe County, Florida, more particularly described as follows:

From the intersection of the Westerly line of Sandy Cove Avenue and the Northerly right of way line of the Overseas Highway, as shown on said plat, run North 33 degrees 17 minutes 30 seconds West, a distance of 814.91 feet along the said Westerly line of Sandy Cove Avenue to the point of beginning of the land hereinafter described; thence South 56 degrees 42 minutes 30 seconds West, at right angles to said Sandy Cove Avenue, a distance of 143 feet to the Easterly side of an existing canal; thence meandering said Easterly side of existing canal South 45 degrees 31 minutes East, a distance of 61.39 feet; thence North 56 degrees 42 minutes 30 seconds East, a distance of 130 feet to the said Westerly line of Sandy Cove Avenue; thence North 33 degrees 17 minutes 30 seconds West along said Westerly line of Sandy Cove Avenue, a distance of 60 feet to the point of beginning.
PARCEL IV

Lot 32, of Block 3, of Matecumbe Sandy Beach, a subdivision of a part of Government Lots 1 and 2, Section 20 and a part of Government Lots 1, 2 and 3, Section 21, Township 64 South, Range 36 East, Lower Matecumbe Key, Monroe County, Florida, according to the plat thereof recorded in Plat Book 3, Page 127 of the Public Records of Monroe County, Florida.

PARCEL V

A portion of Tract 5, as shown on plat of Matecumbe Sandy Beach on Lower Matecumbe Key, as recorded in Plat Book 3, at Page 127, Public Records of Monroe County, Florida, more particularly described as follows:

From the intersection of the Westerly line of Sandy Cove Avenue and the Northerly right of way line of the Overseas Highway, as shown on said plat, run North 33 degrees 17 minutes 30 seconds West, a distance of 754.91 feet along the said Westerly line of Sandy Cove Avenue to the point of beginning of Parcel; thence South 56 degrees 42 minutes 30 seconds West, at right angles to said Sandy Cove Avenue, a distance of 130 feet to the Easterly side of an existing canal; thence Southeasterly and Easterly, meandering said Easterly side of existing canal the following courses and distances: South 51 degrees 45 minutes East, a distance of 145.16 feet, North 77 degrees 41 minutes East, a distance of 90 feet, to the said Westerly line of Sandy Cove Avenue, thence North 33 degrees 17 minutes 30 seconds West along said Westerly line of Sandy Cove Avenue, a distance of 169.91 feet to the point of beginning.

PARCEL VI

A portion of Tract 5, as shown on plat of Matecumbe Sandy Beach on Lower Matecumbe Key, as recorded in Plat Book 3, at Page 127, Public Records of Monroe County, Florida, more particularly described as follows:

From the intersection of the Westerly line of Sandy Cove Avenue and the Northerly right of way line of the Overseas Highway, as shown on said plat, run North 33 degrees 17 minutes 30 seconds West, along the said Westerly line of Sandy Cove Avenue, a distance of 285 feet to the point of beginning of Parcel 2; thence continue North 33 degrees 17 minutes 30 seconds West, a distance of 300 feet; thence South 77 degrees 41 minutes West, a distance of 90 feet; thence South 32 degrees 15 minutes 40 seconds East, a distance of 332.46 feet; thence North 56 degrees 42 minutes 30 seconds East, a distance of 90 feet to the point of beginning.