RESOLUTION NO. 17-08-55

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST BY CARIBEE MARINE ENTERPRISES, LLC, TO ABANDON AND VACATE AN 85 FOOT BY 50 FOOT WIDE PORTION OF RIGHT-OF-WAY OF MASTIC STREET BETWEEN LOTS 1 AND 2 OF BLOCK 1 AND LOT 1 OF BLOCK 2 OF STRATTON’S SUBDIVISION, AS RECORDED IN PLAT BOOK 2 AT PAGE 38 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AS LEGALLY DESCRIBED IN EXHIBIT “A”; RESERVING TO THE VILLAGE ALL RIGHTS OVER ANY PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, there presently exists a public improved Right-of-Way within Islamorada, Village of Islands, Florida, (the “Village”) located on Mastic Street between lots 1 and 2 of block 1 and lot 1 of block 2 of Stratton’s subdivision, as recorded in plat book 2 at page 38 of the public records of Monroe County, Florida; and

WHEREAS, the Applicant, Caribee Marine Enterprises, LLC and William H. Gilbert, Jr. (the “Applicant”) though its registered agent James Lupino, has requested that the Village abandon and vacate an 85 foot by 50 foot wide portion of Village right-of-way, as depicted and legally described in Exhibit “A” (the “Roadway”); and

WHEREAS, in accordance with the Village Code of Ordinances (the “Code”), the Village Council must determine whether the Right-of-Way is no longer needed as a right-of-way by the Village or the public, and whether it is in the best interests of the Village to abandon and vacate the Roadway, while reserving its rights to any needed easements for emergency access and public utilities as set forth within Section 3 herein; and
WHEREAS, public notice was provided in accordance with the law, and the Village Council has determined that granting the request to abandon and vacate the Roadway will not be detrimental to the public health, safety and welfare; and

WHEREAS, the Village Council finds that all adjacent property owners and utility companies have agreed to the proposed abandonment and vacation of right-of-way; and

WHEREAS, the Village Council has determined that the application and supporting documents are being considered in accordance with the requirements of Sections 50-55 through 50-57 of the Village Code for the vacating, abandoning, discontinuing, and closing of the Right-of-Way.

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

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

Section 2. Abandonment and Vacation of Right-of-Way. Pursuant to the requirements set forth in Chapter 50 “Streets, Sidewalks, And Other Public Places,” Article IV “Abandonment of Rights-of-Way and Easements,” Section 50-56 of the Village Code, the requested right-of-way abandonment and vacation, as shown on the attached Exhibit “A,” is hereby approved, subject to reservation by the Village of an access and utility easement for any needed public utilities and the following condition):

1. The request is approved for the proposed area as shown on the survey dated November 11, 2017 by Royal Point Land Surveyors, Inc. L.B.# 7282.

Section 3. Reservation of An Access and Utility Easement. The Village reserves the right to an access and utility easement over, under and/or upon the Right-of-Way in
connection with the placement, operation and maintenance of all necessary existing or future public utilities and appurtenant facilities. The Village also reserves the right for access of life safety vehicles with the addition of a key pad and Knox Box if a fence is placed on the property line.

**Section 4. Recording in the Public Records of Monroe County, Florida.** A certified copy of this Resolution shall be filed with the Monroe County Clerk of the Circuit Court and duly recorded among the Public Records of Monroe County, Florida.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon its adoption.

Motion to adopt by Councilman Mike Forster, second by Vice Mayor Chris Sante.

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 NO

PASSED AND ADOPTED THIS 3RD DAY OF AUGUST, 2017.
This Resolution was filed in the Office of the Village Clerk of this 7th day of August, 2017.

Kelly Toth, Village Clerk
CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished to the Applicant, via U.S. certified mail, return receipt requested, addressed to Caribee Marine Enterprises, LLC, c/o James S. Lupino, Esq., 90130 Old Highway, Tavernier, FL 33070 this 8 day of Aug., 2017.

Kelly Toth, Village Clerk
LEGAL DESCRIPTION OF PARCEL "A"

All that portion of the Northwest One-Half (1/2) of Mastic Street, lying adjacent to Lot 1 and Lot 2, LESS the Northeast 15 feet thereof, in Block 1 of "STRATTONS SUBDIVISION", according to the plat thereof as recorded in Plat Book 2, at Page 38 of the Public Records of Monroe County, Florida, being more particularly described as follows:

Bounded on the Northwest by the southeast line of said Lot 1 and Lot 2, LESS the Northeast 15 feet thereof;

Bounded on the Southeast by the centerline of a 50 foot right-of-way of Mastic Street as shown on said plat of "STRATTONS SUBDIVISION";

Bounded on the Northeast by the prolongation of a line that lies 15 feet Southwest of the Northeast line of said Lot 2, extended Southeast to the intersection of the centerline of a 50 foot right-of-way of Mastic Street as shown on said plat of "STRATTONS SUBDIVISION";

Bounded on the Southwest by the prolongation of a line that lies 15 feet Northwest of the Northeast line of said Lot 2, and extended Northeast to the intersection of the centerline of a 50 foot right-of-way of Mastic Street as shown on said plat of "STRATTONS SUBDIVISION";

Bounded on the Southeast by the centerline of a 50 foot right-of-way of Mastic Street as shown on said plat of "STRATTONS SUBDIVISION";

Bounded on the Northeast by the prolongation of a line that lies 15 feet Southwest of the Northeast line of said Lot 2, and extended Southeast to the intersection of the northeast line of said Lot 1;

Bounded on the Southwest by the prolongation of a line that lies 15 feet Northwest of the Northeast line of said Lot 1, and extended Northeast to the intersection of the northeast line of said Lot 1;

Said described parcel of land containing 2,261.8 square feet, more or less.

LEGAL DESCRIPTION OF PARCEL "B"

All that portion of the Southeast One-Half (1/2) of Mastic Street, lying adjacent to Lot 1, in Block 2 of "STRATTONS SUBDIVISION", according to the plat thereof as recorded in Plat Book 2, at Page 38 of the Public Records of Monroe County, Florida, being more particularly described as follows:

Bounded on the Southeast by the Northwest line of said Lot 1;

Bounded on the Northwest by the centerline of a 50 foot right-of-way of Mastic Street as shown on said plat of "STRATTONS SUBDIVISION";

Bounded on the Northeast by the prolongation of the Northeast line of Lot 2, in Block 1 of "STRATTONS SUBDIVISION", according to the plat thereof as recorded in Plat Book 2, at Page 38 of the Public Records of Monroe County, Florida, extended Southwest to the intersection of the Northwest line of said Lot 1;

Bounded on the Southwest by the prolongation of the Northwest line of said Lot 1 of "MACDONALD'S SUBDIVISION", according to the plat thereof as recorded in Plat Book 1, at Page 41 of the Public Records of Monroe County, Florida;

Said described parcel of land containing 2,256.6 square feet, more or less.

Exhibit A