RESOLUTION NO. 17-11-93

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST BY JAMES AND DONNA BELLIZZI, TO ABANDON AND VACATE A SEMICIRCLE PORTION OF RIGHT-OF-WAY OF SEVERINO DRIVE BETWEEN LOTS 14 AND 15 OF BLOCK 29 AND LOTS 14 AND 15 OF BLOCK 30 OF VENETIAN SHORES PLAT NO. 3, AS RECORDED IN PLAT BOOK 5 AT PAGE 48 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 partially improved Right-of-Way within Islamorada, Village of Islands, Florida, (the “Village”) located on Severino Drive containing approximately 3,164 square feet, between Lots 14 and 15 of Block 29 and Lots 14 and 15 of Block 30 of Venetian Shores Plat No. 3, as recorded in Plat Book 5 at page 48 of the public records of Monroe County, Florida as legally described in Exhibit “A”; and

WHEREAS, the Applicants, James and Donna Bellizzi (the “Applicants”) have requested that the Village abandon and vacate the 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 that portion of 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 has been 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 described 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 June 12, 2017 by Massey-Richards Surveying & Mapping, LLC. L.B.# 7882.

Section 3. Reservation of An Access and Utility Easement. If approved, the Village reserves the right to an access and utility easement over, under and/or upon the Right-of-Way.
Way in connection with the placement, operation and maintenance of all necessary existing or future public utilities and appurtenant facilities.

**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 Vice Mayor Chris Sante, second by Mayor Jim Mooney.

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 NO
Councilwoman Cheryl Meads NO

PASSED AND ADOPTED THIS 16TH DAY OF NOVEMBER, 2017.

[Signature]
JIM MOONEY, MAYOR

ATTEST:

[Signature]
KELLY TOOTH, VILLAGE CLERK
APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY

ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 5th day of December, 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 James and Donna Bellizzi 155 Severino Dr., Islamorada FL 33036 this 5th day of Dec., 2017.

Kelly Toth, Village Clerk
Legal Description of area to be abandoned

DESCRIPTION:
A Portion of Severino Drive, as shown on VENETIAN SHORES PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 5, at Page 48 of the Public Records of Monroe County, Florida, and being more particularly described as follows; COMMENCING at the intersection of the Southeasterly right of way line of said Severino Drive with the dividing line between Lots 14 and 15, Block 29 of said VENETIAN SHORES PLAT NO. 3; thence run S.68°05'30"W. along the Southeasterly right of way line of Severino Drive for a distance of 15.65' to the POINT OF BEGINNING of the portion of Severino Drive to be described; said point being the Point of Curvature of a circular curve concave to the Northeast and having for its elements a radius of 40 feet, a delta angle of 282°38'08" and a chord bearing of N.21°54'30"W. said point bears S.73°13'34"E. from the center of said curve; thence run in a Southwesterly, Westerly, Northerly, Northwesterly, Easterly and Southeasterly direction and along the arc of said curve for a distance of 197.32 feet; thence run S.68°05'30"W. along a Southwesterly projection of the Northwesterly right of way tangent line of Severino Drive for a distance of 31.22 feet; thence run S.21°54'30"E. for a distance of 50.00 feet; thence run N.68°05'30"E. along the Southwesterly extension of the Southeasterly right of way tangent line of Severino Drive for a distance of 31.22 feet back to the POINT OF BEGINNING. Containing 3.163.9 square feet.
NOTES:
1. This sketch was made for the "SPECIFIC PURPOSE" of defining and describing a portion of Severino Drive referred to in the Description hereon. This is "NOT A BOUNDARY SURVEY".
2. The bearing base for this sketch is the centerline of Severino Drive having a bearing of N68°05'30", as derived from the Plat of Venetian Shores Plat No. 2.
3. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

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A Portion of Severino Drive, as shown on VENETIAN SHORES PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 5, page 48 of the Public Records of Monroe County, Florida, and being more particularly described as follows: COMMENCING at the intersection of the Southeasterly right of way line of said Severino Drive with the dividing line between Lots 14 and 15, Block 29 of said VENETIAN SHORES PLAT NO. 3; thence run S68°05'30", along the Southeasterly right of way line of Severino Drive for a distance of 15.65" to the POINT OF BEGINNING of the portion of Severino Drive to be described; said point being the Point of Curvature of a Circular curve concave to the Northeast and having for its element a radius of 40 feet, a delta angle of 282°38'08", and a chord bearing of N21°54'30", said point bears S78°25'58", from the center of said curve; thence run in a Southerly, Westerly, Northerly, Northwest erly, Easterly and Southeasterly direction and along the arc of said curve for a distance of 197.32 feet; thence run S68°05'30", along a Southeasterly projection of the Northeast erry right of way tangent line of Severino Drive for a distance of 31.22 feet; thence run N68°05'30", for a distance of 50 feet; thence run N68°05'30", along the Southwesterly extension of the Southeast erry right of way tangent line of Severino Drive for a distance of 31.22 feet back to the POINT OF BEGINNING containing 3,163.9 square feet.

MONROE COUNTY OFFICIAL RECORDS