RESOLUTION NO. 14-06-34

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE TEMPORARY CONSTRUCTION EASEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE TEMPORARY EASEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE TEMPORARY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the State of Florida Department of Transportation ("FDOT") proposes to construct or improve State Road No. 5, Section No. 4255600-6, located within Monroe County, Florida; and

WHEREAS, FDOT has deemed it necessary to temporarily utilize certain lands, specifically designated as Parcel #709, that are owned by Islamorada, Village of Islands, Florida (the “Village”), while constructing the improvements along State Road No. 5; and

WHEREAS, FDOT has requested that the Village execute and deliver to FDOT a temporary construction easement, in favor of FDOT, for the purpose of constructing a 38 foot x 24 inch engineered stormwater drainage system along State Road No. 5, and said request having been duly considered; and

WHEREAS, Village staff has reviewed FDOT’s request for the temporary construction easement, attached as Exhibit “A” hereto; and

WHEREAS, the Village Council finds that approval of the temporary construction easement between FDOT and the Village is in the best interest of the Village.

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 and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Agreement. The Village Council of Islamorada, Village of Islands hereby approves the granting of a Temporary Easement to FDOT a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or her designee are authorized to take all actions necessary to implement the terms and conditions of the temporary easement.

Section 4. Execution of Agreement. The Mayor and/or Village Manager is authorized to execute the temporary easement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the temporary easement and to execute any extensions and/or amendments to the temporary easement, subject to approval as to form and legality by the Village Attorney.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Ted Blackburn        YES
Vice Mayor Deb Gillis      YES
Councilman Michael Forster YES
Councilman Ken Philipson    YES
Councilman Dave Purdo       YES
PASSED AND ADOPTED ON THIS 12TH DAY OF JUNE, 2014.

TED BLACKBURN, MAYOR

ATTEST:

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 instrument prepared by, or under the direction of, Alicia Trujillo, Esq., District Six Chief Counsel, State of Florida, Department of Transportation, 1000 N.W. 111th Avenue, Miami, Florida 33172, September 25, 2013 - NE

Parcel No. 709.1R(6-6-2014) Item/Segment No. 405600-6
Managing District 6

TEMPORARY EASEMENT

THIS EASEMENT made this 12th day of June, 2014, by and between ISLAMORADA, VILLAGE OF ISLANDS, a municipality of the State of Florida, grantor, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

WITNESSETH that for and in consideration of the sum of One Dollar and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the grantor hereby gives, grants, bargains and releases to the grantee, a temporary easement for the purpose of excavating an open trench in order to allow the Department to install a drainage structure within the Department’s right of way, in, upon, over and through the following described land in Monroe County, Florida, set forth in Exhibit “A” attached hereto and made a part of by reference and described as follows, viz:

PARCEL 709:

Being a portion of old State Road 4A, as conveyed to the Village of Islamorada per Road Map Book 1, Page 145, lying in Section 32, Township 63 South, Range 37 East, in Monroe County, Florida, and being more particularly described as follows:

COMMENCE at the most northerly corner of Tract 1 of SUBDIVISION OF LOTS 3 & 4, according to the plat thereof, as recorded in Plat Book 2, Page 59 in the public records of Monroe County, Florida, said point lying on the southeasterly right-of-way line of said old State Road 4A, as shown on the Florida Department of Transportation Right of Way Map, Section 90060, sheet 44 of 148, last revised on 12/2005; thence, departing said southeasterly right-of-way line at right angles, N 43°50’02” W 66.00 feet to the intersection with the northwesterly right-of-way line of said old State Road 4A, said line also being the southeasterly right-of-way line of State Road 5 (U.S. 1 / Overseas Highway), as shown on aforesaid Right of Way Map; thence S 46°09’58” W, along said northwesterly right-of-way line of old State Road 4A and said southeasterly right-of-way line of State Road 5, a distance of 73.36 feet to the POINT OF BEGINNING of the following described parcel:

Thence S 43°50’02” E 14.00 feet; thence S 46°09’58” W 74.01 feet; thence N 43°50’02” W 14.00 feet to the intersection with the aforesaid southeasterly right-of-way line of State Road 5; thence N 46°09’58” E, along said southeasterly right-of-way line, 74.01 feet to the POINT OF BEGINNING.

Containing 1,036.1 Square Feet of land, more or less.

DD/CG/08/08/2013

THIS EASEMENT shall be for a period of sixty (60) months, commencing on the date that the grantor executes this easement and is granted upon the condition that any work performed upon the above described land shall conform to all existing structural improvements within the limits designated, and all work will be performed in such a manner that the existing structural improvements will not be damaged. As part of the drainage project, the Department shall refill the area
excavated and return the temporary easement area in a like or similar condition as existed prior to the Department’s drainage project.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its Village Clerk, the date first above written.

ATTEST: 
Kelly Toth, Village Clerk

Islamorada, Village of Islands
By: 
Ted Blackburn, Mayor

APPROVED AS TO FORM AND LEGALITY:

Roget V. Bryan, Village Attorney

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 16 day of June 2014, by Ted Blackburn, Mayor, who is personally known to me or who has produced as identification.

Nancy E. Jacobson
(Signature of person taking acknowledgment)
(Type, print or stamp name under signature)
Title or rank and serial number, if any:
EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 709:

Being a portion of old State Road 4A, as conveyed to the Village of Islamorada per Road Map Book 1, Page 145, lying in Section 32, Township 68 South, Range 37 East, in Monroe County, Florida, and being more particularly described as follows:

COMMENCE at the most northerly corner of Tract 1 of SUBDIVISION OF LOTS 3 & 4, according to the plat thereof, as recorded in Plat Book 2, Page 59 in the public records of Monroe County, Florida, said point lying on the southeasterly right-of-way line of said old State Road 4A, as shown on the Florida Department of Transportation Right of Way Map, Section 90060, sheet 44 of 148, last revised on 12/2005; thence, departing said southeasterly right-of-way line at right angles, N 43°50'02" W 66.00 feet to the intersection with the northwesterly right-of-way line of said old State Road 4A, said line also being the southeasterly right-of-way line of State Road 5 (U.S. 1 / Overseas Highway), as shown on aforesaid Right of Way Map; thence S 45°09'58" W, along said northwesterly right-of-way line of old State Road 4A and said southeasterly right-of-way line of State Road 5, a distance of 73.36 feet to the POINT OF BEGINNING of the following described parcel:

Thence S 43°50'02" E 14.00 feet; thence S 46°09'58" W 74.01 feet; thence N 43°50'02" W 14.00 feet to the intersection with the aforesaid southeasterly right-of-way line of State Road 5; thence N 46°09'58" E, along said southeasterly right-of-way line, 74.01 feet to the POINT OF BEGINNING.

Containing 1,038.1 Square Feet of land, more or less.

GENERAL NOTICE:

- THIS IS NOT A SURVEY
- Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- The Bearings shown herein are referenced to the Baseline of Survey of State Road 5 (U.S. 1 / Overseas Hwy.), having a bearing of N 46°09'58" E, as shown on the Florida Department of Transportation Project Network Control for said State Road 5, completed on 08/27/2012 by F.R. ALEMAN & ASSOCIATES, INC., for Project No. 425600-6.
- The data used in the calculation and preparation of the legal description was provided by the FDOT Project Manager for Project No. 425600-6.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.

This document consists of two (2) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.

CARLOS R. GARCIA
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 5750

DATE

FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 5
MONROE COUNTY

PREPARED BY:
F.P. NO. 425600-6
SECTION 90060
SHEET 1 OF 2
<table>
<thead>
<tr>
<th>PARCEL NO.</th>
<th>OWNER'S NAME</th>
<th>PARCEL AREA</th>
<th>REMAINDER</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>709</td>
<td>VILLAGE OF ISLAMORADA</td>
<td>1,036.1 SQ.FT.</td>
<td>UNDETERMINED</td>
<td></td>
</tr>
</tbody>
</table>

**STATE ROAD 5**
(U.S. 1 / OVERSEAS HIGHWAY)

**EXIST. S.R. 5 SOUTHEASTERLY R/W LINE**

**EXIST. OLD S.R. 4A NORTH-WESTERLY R/W LINE**

**OLD STATE ROAD 4A**
(CONVEYED TO VILLAGE OF ISLAMORADA PER ROAD MAP BOOK 1, PG. 145)

**EXIST. OLD S.R. 4A SOUTH-EASTERLY R/W LINE**

**SUBDIVISION OF LOTS 3 & 4**
P.B. 2, PG. 59

**UPPER MATECUMBE KEY**
MONROE COUNTY, FLORIDA

Legend:
- E - Baseline
- C - Centerline
- P - Parcel Identification Number
- EXIST - Existing
- FDOT - Florida Department of Transportation
- F.P. - Financial Project
- NO. - Number
- (P) - Per Plat
- P.B. - Plat Book
- PG. - Page
- (RT) - Right
- R.G.F. - Range
- R.W. - Right-of-Way
- SEC. - Section
- S.R. - State Road
- TWP. - Township

This document consists of two (2) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.
Donation of Property to the Florida Department of Transportation

Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Florida 33036

ITEM/SEGMENT NO.: 425600-6
MANAGING DISTRICT: Six
F.A.P. NO.: N/A
STATE ROAD NO.: 5/US-1/ Overseas HWY
COUNTY: MONROE
PARCEL NO.: 709
INTEREST CONVEYED: Temporary Easement

This is to advise that the undersigned, as owner of the property or property interest referenced above and as shown on Right of Way maps for referenced project, desires to make a voluntary donation of said property or property interest to the State of Florida for the use and benefit of the Florida Department of Transportation.

The undersigned hereby acknowledges that he/she has been fully advised by a Department representative of his/her right to have the referenced property or property interest appraised, to accompany the appraiser during the appraisal inspection of the property, to receive full compensation for the above referenced property, and to receive reimbursement for reasonable fees and costs incurred, if any. Having been fully informed of the above rights, I hereby waive those rights unless otherwise noted below.

Owner's Signature

Maria J. Aguilar
Type or Print Property Owner's Name

86800 Overseas Highway
Street Address

Islamorada, FL 33036
City, State, Zip Code.

6/11/11
Date

www.dot.state.fl.us