RESOLUTION NO. 14-11-88

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE REQUEST BY WILLIAM E. BOSELY, FOR A REPLAT OF A PORTION OF THE RECORDED FINAL PLAT OF MACDONALDS PLAT, ON PROPERTY LOCATED AT 84745 OLD HIGHWAY ON WINDLEY KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A;” PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 30, Article IV, Division 10, “Platting”, of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”), William E. Bosely (the “Owner”) has applied for approval of an amendment to the final plat of The MacDonald Plat (the “Request”), for property legally described in Exhibit “A” (the “Property”); and

WHEREAS, the Development Review Committee reviewed the Preliminary Plat and Final Plat documents and recommended approval with conditions to the Village Council; and

WHEREAS, public notice was provided in accordance with the Code; and

WHEREAS, the Village Council finds that the proposed final plat is consistent with the Village’s Comprehensive Plan and the Village’s Code.

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

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

Section 2. Approval of Final Plat. Pursuant to the requirements set forth in the Code, the Village Council hereby approves the Request, as set forth in Exhibit “B attached hereto, subject to the conditions set forth in Section 3 hereof.
Section 3. Conditions. The approval granted by this Resolution is subject to the Owner and Applicant’s compliance with the following conditions:

1) Amending the service location of the sewer connection on the Utility Plan to reflect the system as-built.

2) Correcting the callout arrow error identified by Wade Trim in the Email dated September 20, 2014.

3) Amending the plat title to be consistent within the final document prior to recording.

Section 4. Conflicting Provisions. In the event that the conditions or time limitations contained herein, and any conditions or time limitations of any subsequent development approval granted by the Village, or the Village LDRs are in conflict, the more restrictive shall apply.

Section 5. Violation of Conditions. The Owner understands and acknowledges that he must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he may 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 applicant or its successor or designee is in non-compliance with this Resolution or the Code. Failure to adhere to the 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 6. Effective Date. This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Village Code; and following the thirty (30) days, this Resolution shall not be effective or acted upon by the Owner until forty-five (45) days following the
rendition to Department of Economic Opportunity ("DEO"), pursuant to Section 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this Resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

Section 8. Recording of Final Plat. Prior to issuance of any building permit for the construction of any building, structure or improvement, the Owner shall record the final plat in the office of the recorder of deeds of the county and a copy of the recorded plat shall be provided to the Director. In addition to the printed copy of the final plat, the Owner shall also provide an electronic copy of the plat in a format acceptable to the Director. Such recording shall be completed within 90 days of approval of the final plat, or such approval shall be deemed null and void. If this Resolution is appealed under the LDRs or by DEO, the above time limits shall be tolled until the appeals are resolved.

Motion to adopt by Councilman Chris Sante, second by Vice Mayor Deb Gillis.

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

Mayor Mike Forster        YES
Vice Mayor Deb Gillis     YES
Councilman Jim Mooney     YES
Councilman Chris Sante    YES
Councilman Dennis Ward    YES

PASSED AND ADOPTED THIS 20TH DAY OF NOVEMBER, 2014.

MIKE FORSTER, MAYOR
ATTEST:

KELLY S. TOOTH, VILLAGE CLERK

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

ROGEL V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 24th day of November, 2014.

Kelly S. Toth, Village Clerk

cc:  Florida Department of Economic Opportunity
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 Pete Bacherer, as agent for the Owner, this 15 day of Nov, 2014.

89240 Overseas Hwy
Unit 12
Tavernier, FL 33070

[Signature]
Kelly Toth, Village Clerk
Description: Parent Parcel

A portion of Lots 6 & 7 according to MacDonald's Plat of Part of Gov. Lots 1, 2 & 3 in Sec 23, Twp 63S, Rge 37E on Windley Island, Monroe County, Fla., and recorded in Plat Book 1 at Page 50, public records of Monroe Co., Fla., more particularly described as follows: From the northwest corner of said Lot 7 on the southerly right of way line of the Overseas Highway (formerly F.E.C.Ry.), run southerly on the westerly line of said Lot 7 a distance of 548 ft. to a point in the centerline of paving of State Road S-905 (formerly Old Dixie Highway) and the Point of Beginning of the parcel hereinafter described; thence (Course 1) continue southerly on last described course and its southerly prolongation and along the dividing line between Lots 5 & 6, according to said plat, a distance of 320.8 ft., more or less, to the mean high tide line on the shore of the Atlantic Ocean; thence (Course 2) meandering said mean high tide line in a northeasterly direction to a point of intersection with a line which is 150 ft. easterly from (measured at right angles) and parallel to Course 1; thence (Course 3) northerly on the said line which is 150 ft. easterly from and parallel to Course 1, a distance of 414 ft., more or less, to the said centerline of paving of State Road S-905; thence (Course 4) southwesterly along said centerline of paving a distance of 200.61 ft. to the Point of Beginning; excepting from the above described parcel, the right of way of State Road S-905.

And Submerged Lands described by Trustees of the Internal Improvement Fund of the State of Florida, Deed No. 22572:

A parcel of submerged land in the Straits of Florida in Section 23, Township 63 South, Range 37 East, Windley Key, Monroe County, Florida, more particularly described as follows:

Beginning at the mean high tide line on the shore of the Straits of Florida at the dividing line between Lots 5 and 6, as shown on "Plat of that land of Government Lots 1, 2 and 3 of Section 23, Township 63 South, Range 37 East, being south of the Right of Way of the Florida East Coast Railway", as recorded in Plat Book 1 at Page 50, public records of Monroe County, Florida, said dividing line between Lots 5 and 6 having a bearing of South 25°24'00"East, and run South 31°54'East, a distance of 230 feet; thence North 44°38'00"East, a distance of 177.9 feet; thence North 36°24'00"West, a distance of 230 feet to the said mean high tide line at a line which is 150 feet easterly from and parallel to the said dividing line between Lots 5 and 6; thence southwesterly meandering said mean high tide line a distance of 160 feet, more or less, to the Point of Beginning.
Wade Trim Comment Email  
September 20, 2014

1. Comments from our 7/16/13 letter still stand. However, construction of the Village wastewater facilities in Windley Key are now complete. As referenced in our letter, the service connection location does not correspond to the proposed low pressure wastewater discharge line from the site. I have attached a mark-up of the Preliminary Utility Drawing (Sht. 1) which shows the approximate as-built location of the Village LPFM service stub out to the property.

2. The redevelopment includes a proposed sewer collection system which flows via gravity to an onsite grinder pump station. The grinder pump discharges to a low pressure force main (LPFM) located on Old Highway. This remains consistent with our earlier 7/16/14 review comments.

3. A minor additional comment that should be added: The callout/arrow on the plans for the proposed 8-inch gravity sewer erroneously points to the proposed underground electrical/communications utilities. This should be corrected.

4. It is my understanding that the Village will not agree to operate and maintain grinder pumps serving more than 4 EDU’s or privately constructed gravity sewer systems. Greg/Roget can confirm this.