RESOLUTION NO. 15-02-15

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE AND ACQUISITION OF A WASTEWATER UTILITY EASEMENT ON KEY HONEY LANE; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE EASEMENT AND ALL NECESSARY DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 21, 2012, the Village entered into a Design Build and Operate (DBO) Agreement with Reynolds Water Islamorada, LLC (“Reynolds”) to provide design, construction and operation of a Village-wide central wastewater system (“DBO Agreement”); and

WHEREAS, the scope of the work for the DBO Agreement includes extending centralized wastewater collection and treatment to properties on all private roads within the Village; and

WHEREAS, Key Honey Lane is a privately owned road within the Village that is scheduled to be served by the Village’s central wastewater system; and

WHEREAS, the owner of Key Honey Lane has agreed to convey a wastewater utility easement (the “Easement”) to the Village, subject to the Village providing compensation for the conveyance of the Easement; and

WHEREAS, acquisition of this Easement is required in order for the Village to install the wastewater facilities on Key Honey Lane; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the “Village Council”) finds that the acquisition of this Easement is in the best interests of the Village and its residents.
NOW, THEREFORE BE IT RESOLVED BY THE VILLAGE COUNCIL OF
ISLAMORDA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

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

Section 2. Approving Purchase and Acquisition of Easement. The Village
Council hereby approves the purchase and acquisition of a wastewater utility easement (the
"Easement") on Key Honey Lane from Key Honey Lane, Incorporated to the Village, in
substantially the form attached hereto as Exhibit “A”, in an amount not to exceed Forty-Six
Thousand Dollars ($46,000.00), subject to changes acceptable to the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or her
designee and the Village Attorney are hereby authorized to take all actions necessary to implement
the acquisition of the Easement.

Section 4. Authorization of Fund Expenditure. The Village Manager is authorized to
expend budgeted funds to implement the acquisition of the Easement in an amount not to exceed
Forty-Six Thousand Dollars ($46,000.00).

Section 5. Execution of Documents. The Village Manager is authorized to execute
the Easement document, to execute any required agreements and/or documents to acquire the
Easement and to authorize any further acts necessary to implement the terms thereof, subject to
approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall be effective immediately upon its
adoption.
Motion to adopt by Councilman Chris Sante, seconded 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                   ABSENT
Councilman Chris Sante                  YES
Councilman Dennis Ward                  NO

PASSED AND ADOPTED ON THIS 12TH DAY OF FEBRUARY, 2015.

[Signature]
MIKE FORSTER, MAYOR

ATTEST:

[Signature]
KELLY TOOTH, VILLAGE CLERK

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

[Signature]
ROGET V. BRYAN, VILLAGE ATTORNEY
EXHIBIT “A”
EASEMENT
Record and return to:

Lillian M. Arango, Esq.
Weiss Serota Helfman
Cole & Bierman, P.L.
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, Florida 33134

COVER PAGE TO UTILITY EASEMENT
UTILITY EASEMENT

THIS INDENTURE, Made this 13th day of March, 2015, by Key Honey Lane, Incorporated, a Florida Corporation, whose address is c/o The Law Offices of Thomas M. Shuler, P.A., 40-4th Street, Apalachicola, Florida 32320, grantor, and Islamorada, Village of Islands, a municipal corporation, its successors and assigns, whose address is 8680 Overseas Highway, Islamorada, Florida 33036, grantee,

DESCRIPTION OF EASEMENT PROPERTY: The property being subjected to the easement (the "Easement Property") is described as follows:

Key Honey Lane, Islamorada, Florida, more particularly described on Exhibit "A" which is a legal description and sketch provided by grantee.

CONVEYANCE AND TYPE OF EASEMENT: For the consideration of $60,000.00, net U.S. Dollars to be paid to the grantor, grantor conveys to grantee all of its right, title and interest to an exclusive perpetual easement on the Easement Property for the following purposes: install, operate and repair and maintain certain sewer and wastewater collection and transmission facilities, including but not limited to, all conveyances, lines, equipment, fixtures and appurtenances related thereto ("Utilities"), including installing, constructing, operating, inspecting, repairing, replacing, reconstructing, improving, removing and maintaining the Utilities, as well as ingress and egress in, over, under, upon and through the Easement Property with the right and authority to enter upon and excavate the Easement Property in order to install, construct, inspect, reconstruct, operate, relocate, replace, improve, remove, repair and maintain such Utilities.

WARRANTIES: This indenture is made without any warranty of title. Grantee accepts that this is an easement conveying, remising and releasing all of the right, title and interest of Grantor, if any, in the Easement Property without warranty.

LEGAL DESCRIPTION FURNISHED BY PARTIES AND NOT VERIFIED BY DRAFTOR
THIS DOCUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH OR SURVEY BY GRANTOR AND IS BASED SOLELY ON FACTS PROVIDED BY GRANTEE.

"Grantor" and "grantee" are used for singular or plural, as the context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Key Honey Lane, Inc., a Florida Corporation

Arthur Roland Hollenbeck, Jr., as President
Grantor

Signed, sealed and delivered in our presence:

Witness: Thomas M. Shuler

Witness: Kim J. Johnson

STATE OF FLORIDA
COUNTY OF FRANKLIN

The foregoing instrument was acknowledged on this 13th day of March, 2015, by Arthur Roland Hollenbeck, Jr. as President of Key Honey Lane, Inc., who is either personally known to me or (___) produced as identification and who did not take an oath.

Kim L. Johnson
Notary Public
EXHIBIT "A"
LEGAL AND SKETCH

DESCRIPTION:

AN EASEMENT FOR THE INSTALLATION, CONSTRUCTION, OPERATION AND MAINTENANCE OF SEWER AND WASTEWATER COLLECTION AND TRANSMISSION FACILITIES, AS WELL AS INGRESS AND EGRESS, OVER, UNDER, UPON AND THROUGH THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF THAT CERTAIN EASEMENT AS DESCRIBED BY G.A. CRAWSHAW & ASSOCIATES IN ORDER #4303 AND DATED DECEMBER 12, 1997, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN EASEMENT HAVING A RIGHT ANGLE WIDTH OF 22.24 FT. AND EXTENDING FROM THE RIGHT OF WAY OF STATE ROAD NO.5 TO THAT CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1614 AT PAGE 846 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA;

BEGINNING AT A POINT OF INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO.5 AND A LINE WHICH IS 22.24 FT. SOUTHWESTERLY FROM, (MEASURED AT RIGHT ANGLES TO) THE NORTHEASTERLY SIDE OF LOT 7, ACCORDING TO PLAT OF RANDAL ADAMS SUBDIVISION ON PLANTATION KEY AS RECORD IN PLAT BOOK 1 AT PAGE 110, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THEREFRE RUN N.47°00'00"W, AND PARALLEL TO THE SAID NORTHEASTERLY SIDE OF SAID LOT 7, A DISTANCE OF 268.78 FEET; THEN RUN S.43°00'00"W, A DISTANCE OF 100.13 FEET TO A POINT ON THE SOUTHWESTERLY SIDE OF SAID LOT 7; THEREFRE N.47°00'00"W, A DISTANCE OF 1049.24 FEET TO THE POINT OF INTERSECTION OF THOSE LANDS DESCRIBED AT OFFICIAL RECORDS BOOK 1614 AT PAGE 948, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THEREFRE N.43°00'00"E, A DISTANCE OF 22.24 FEET; THENE S.47°00'00"E, ALONG A LINE THAT IS PARALLEL TO SAID SOUTHWESTERLY SIDE LOT 7, A DISTANCE OF 1027.00 FEET; THENE N.43°00'00"E, A DISTANCE OF 100.13 FEET; THENE S.47°00'00"E, ALONG SAID NORTHEASTERLY SIDE LOT 7, A DISTANCE OF 307.66 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 5; THEREFRE S.33°16'33"W, A DISTANCE OF 22.24 FEET TO THE POINT OF BEGINNING.

SURVEYORS NOTES

1. THIS EASEMENT PARCEL WAS NOT FIELD SURVEYED. CALCULATIONS FOR THIS WERE BASED UPON HISTORIC DOCUMENTS PROVIDED BY CLIENT AND CURRENT MONROE COUNTY PROPERTY APPRAISER DATA.

2. THIS SKETCH AND DESCRIPTION WAS PRODUCED FOR THE SPECIFIC PURPOSE OF DESCRIBING AN EASEMENT.

3. THIS IS NOT A BOUNDARY SURVEY.

4. BEARINGS AND PARCEL/RIGHT OF WAY LINES DEPICTED HEREON ARE BASED UPON MONROE COUNTY PROPERTY APPRAISER PARCEL DATA.

5. UNLESS IT BEARS THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS PLOT IS FOR INFORMATIONAL PURPOSES ONLY AND NOT VALID.

THIS IS NOT A BOUNDARY SURVEY

EASEMENT SKETCH & DESCRIPTION
Section 7 & 8, Township 63S, Range 38E
Location: KEY HONEY LANE, ISLAMORADA FLORIDA
Date: January 30, 2013

Prospect Surveying, LLC
Certificate of Authorization No. LB 7021
1402 81ST STREET GULF MARATHON, FL 33050
WWW.PROPECTSURVEYING.COM
305.597.4235
LB # 7021