WHEREAS, there presently exists a public unimproved and unnamed Right-of-Way within Islamorada, Village of Islands, Florida, (the "Village") between lots 3 and 4 at approximately mile marker 80.4 with an address of 80401, 80411 and 80431 within the Keys Subdivision ("the Right-of-Way"); and

WHEREAS, the Applicants, Islamorada Leisure Properties, LLC and James Bernardin, have requested that to the Village abandon and vacate a 250 foot by 30 foot wide portion of right-of-way, as depicted and legally described in Exhibit "A" (the Roadway); and

WHEREAS, the Village Council desires to 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 interest
of the Village to abandon and vacate the Roadway, while reserving its rights in any needed
casements for 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 Roadway abandonment and vacation; and

WHEREAS, the Village Council has determined that the Petition and supporting
documents are in accordance with the requirements of Sections 50-55 through 50-57 of the
Village Code of Ordinances 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 and correct and are 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 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 August 19,
   2014 by David S. Massey, P.S.M. # 125.
**Section 3.** **Reservation of Public Utility Easement.** The Village reserves a public 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 Village or Florida Keys Electric Cooperative utilities, including, but not limited to, wastewater and stormwater improvements 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.

The foregoing Resolution was offered by Councilman Dennis Ward, who moved for its adoption. This motion was seconded by Councilman Jim Mooney, and upon being put to a vote, the vote was as follows:

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

| Mayor Mike Forster | YES |
| Vice Mayor Deb Gillis | YES |
| Councilman Chis Sante | NO |
| Councilman Dennis Ward | YES |
| Councilman Jim Mooney | YES |
PASSED AND ADOPTED THIS 28TH DAY OF MAY, 2015.

MIKE FORSTER, MAYOR

ATTEST:

KELLY TOTH, 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 on this ___ day of June, 2015.

Kelly Toth, Village Clerk
DESCRIPTION:
The plot of land described herein is located on the east side of Old State Road and consists of a portion of the land described in the Florida Certificate of Authorization No. LB #7882 issued to Isla Morada Leisure Properties, Inc., for the construction of a resort hotel.

SURVEY NOTES:
1. The sketch herein represents a boundary survey of a small portion of the property described in the Florida Certificate of Authorization.
2. The parcel was located by the surveyor and marked as shown on the sketch.
3. The parcel was surveyed and marked on the ground.
4. The parcel was marked with survey monuments.
5. The parcel was described by the surveyor and recorded on the certificate.
6. The parcel was conveyed to the client.

I, David S. Massey, P.S.M., hereby certify that the survey herein was performed under my direct supervision and is true and correct to the best of my knowledge and belief.

David S. Massey, P.S.M. # 5125
Client: Islamorada Leisure Properties, Inc.
Section 6, Township 64 South, Range 37 East
Upper Matecumbe Key, Monroe County, Florida
Surveyed: 8-19-14, Fieldbook No. L-130
Drawing No. 12245, Drawn by DSM, Scale: 1" = 50'