RESOLUTION NO. 15-12-115

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST BY JENNIFER VERBISKI, TRUSTEE OF THE ISLAMORADA RESIDENCE TRUST, TO ABANDON AND VACATE A 110 FOOT BY 20 FOOT WIDE PORTION OF RIGHT-OF-WAY BETWEEN OVERSEAS HIGHWAY AND LOT 6 OF THE TOWNSITE OF ISLAMORADA SUBDIVISION AT APPROXIMATELY MILE MARKER 83 WITH AN ADDRESS OF 20 AVACADO STREET AS RECORDED IN PLAT BOOK 1 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 unimproved Right-of-Way within Islamorada, Village of Islands, Florida, (the “Village”) between Overseas Highway and Lot 6 at approximately mile marker 83 with an address of 20 Avocado Street within the Townsite of Islamorada Subdivision (“the Right-of-Way”); and

WHEREAS, the Applicant, Jennifer Verbiski, Trustee of the Islamorada Residence Trust (the “Applicant”), has requested that the Village abandon and vacate a 110 foot by 20 foot wide portion of right-of-way, as depicted and legally described in Exhibit “A” (the “Roadway”); and

WHEREAS, in accordance with the Village Code of Ordinances, 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 interests of the Village to abandon and vacate
the Roadway, while reserving its rights to any needed easements 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 March 31, 2015 by William M. Hinckley, P.S.M. # 5772.
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 Mike Forster, who moved for its adoption. This motion was seconded by Councilman Chris Sante, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

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

**PASSED AND ADOPTED THIS 3rd DAY OF DECEMBER, 2015.**
ATTEST:

DEB GILLIS, MAYOR

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 7th day of Dec., 2015.

Kelly Toth, Village Clerk
LEGAL DESCRIPTION:
That Portion of "Orange Street", according to the Plat of Townsite of Islamorada, as recorded in Plat Book 1, Page 48, of the Public Records of Monroe County, Florida and contiguous to Lot 6 of said plat and more particularly described as follows:

Commencing and Beginning at the intersection of said "Orange Street" and the common lot line between Lots 6 and 7, of said Plat of Townsite of Islamorada, as recorded in Plat Book 1, Page 48 of the Public Records of Monroe County, Florida; thence South 44°30'00" West along the northwesterly right of way line of said "Orange Street" for a distance of 110.00 feet to the southeasterly corner of aforementioned Lot 6; thence South 45°30'00" East for a distance of 20.00 feet to the southeasterly right of way line of said "Orange Street", also being the northwesterly right of way line of Overseas Highway (formerly Florida East Coast Railway); thence North 44°30'00" East along the said southeasterly right of way line of said "Orange Street" for a distance of 110.00 feet; thence North 45°30'00" West for a distance 20.00 feet to the Point of Beginning.

Containing 2,214.39 Square Feet more or less.

CERTIFIED TO:
JENNIFER VERDINSKI & CHRIS VERDINSKI

NOTES:
1) MEASURED DISTANCES ARE BASED ON THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (FORMERLY 441) 2000' PER PLAT.
2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE POLICY AND MAY BE SUBJECT TO EASEMENTS, RIGHTS-OF-WAYS.
3) NO UNDETERMINED EASEMENTS OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE STATED.
4) MEASUREMENTS SHOWN ARE BASED ON 1947.1929 (NATIONAL GEODETIC VERTICAL DATUM NAV.)
5) SUBURBAN PROPERTY APPRAISED TO BE IN ZONE "Y", AS SCALLED ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 1261011011110500, DATE OF INDEX 5/19/85.
6) PRINTED DIMENSIONS SHOWN SUPERSSEDE SCALLED DIMENSIONS.
7) USE OF THIS SURVEY BY ANYONE OTHER THAN THOSE "CERTIFIED TO" WILL BE AT THEIR OWN SOLE RISK WITHOUT LIABILITY TO THE SURVEYOR.
8) NOT MADE WITHOUT THE SIGNATURE AND THE ORIGINAL RIVED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPERS.
9) THIS SURVEY IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.

LEGEND

A: ASPHALT
B: CONCRETE
C: SOD
D: FIELD MEASURED DATA
E: FOUNDATION BLOCK
F: FOUNDATION DRILL HOLE
G: FOUNDATION REBAR
H: FOUNDATION METAL (WELD)
I: FOUNDATION REBAR (PIECE)
J: FOUNDATION REBAR (ROD)
K: FOUNDATION REBAR (SHEAR)
L: FOUNDATION REBAR (SLEEVE)
M: FOUNDATION REBAR (SP)