MINOR CONDITIONAL USE MN-13-07

RESOLUTION NO. 15-12-113

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE REQUEST BY MAISON 12 LLC FOR MINOR CONDITIONAL USE APPROVAL FOR THE CONSTRUCTION OF THREE BUILDINGS CONSISTING OF TWELVE DWELLING UNITS ON PROPERTY WITH AN ADDRESS OF 80639 OLD STATE ROAD 4-A LOCATED NEAR MILE MARKER 80 OCEANSIDE ON UPPER MATECUMBE KEY WITH REAL ESTATE NUMBER 00397700-000000, AS LEGALLY DESCRIBED IN EXHIBIT "A;" WITHIN THE MULTIFAMILY (MF) ZONING DISTRICT; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Maison 12 LLC, (the "Owner") is the owner of property with an address of 80639 Old State Road 4-A located at approximately Mile Marker 80 oceanside on Upper Matecumbe Key with Real Estate number 00397700-000000, and as legally described in Exhibit "A" (the "Property"); and

WHEREAS, Maison 12, LLC, as the owner of the Property (the "Applicant"), has submitted an application for Minor Conditional Use approval to Islamorada, Village of Islands, Florida (the "Village") for the construction of three (3) buildings consisting of twelve (12) dwelling units and accessory uses and structures on the Property; and

WHEREAS, pursuant to Section 30-217(c)(1) of the Village Code of Ordinances (the, a public hearing on the minor conditional use application permit may be requested in writing to the director, by the applicant or an adjacent property owner; and

WHEREAS, pursuant to Code Chapter 30, Article IV, Division 2, the Applicant has
applied for Minor Conditional Use Approval (MN-13-07) to construct three (3) buildings consisting of twelve dwelling units and accessory uses and structures (the “Request”); and

WHEREAS, the Village Development Review Committee (the “DRC”) reviewed the Request during a meeting held on August 18, 2015 and recommended approval of the Request with conditions to the Director of Planning and Development Services (the “Director”); and

WHEREAS, pursuant to the applicable provisions of the Code, the Director in the Development Review Committee Recommendation letter dated September 1, 2015 recommended that the request be approved with conditions; and

WHEREAS, at a properly advertised public hearing held on December 3, 2015 (the “hearing”), the Village Council has considered the Request, the relevant support materials, the DRC’s and the Director’s recommendations, public testimony and evidence given.

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, correct, and incorporated herein by this reference.

Section 2. Findings of Fact. The Village Council, having considered the Request, the relevant support materials, the DRC’s and Director’s recommendations, public testimony and evidence given at the hearing, does hereby find and determine:

1. The Applicant submitted the Request on September 13, 2013.

2. The Request consists of a Site Plan attached as Exhibit “B” depicting the Request’s configuration, layout and level of impacts.

3. The Property is located within the Residential High (RH) Future Land Use Map (FLUM) category.
4. The Property is located within the Multifamily (MF) Zoning District.

5. The Request complies with the standards of Code Section 30-216(d) for considering conditional uses.

6. The Request complies with the Concurrency Management and other applicable requirements of Code Chapter 30, Land Development Regulations (the "LDRs").

7. The Request is consistent with the purposes, goals, objectives and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

Section 3. Conclusions of Law. Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

1. The Request has been processed in accordance with the applicable provisions of the Village Comprehensive Plan and LDRs, and will not be detrimental to the community as a whole.

2. In rendering its decision as reflected in this Resolution, the Village Council has:
   (a) Accorded procedural due process;
   (b) Observed the essential requirements of the law; and
   (c) Supported its decision by competent substantial evidence of record.

3. The Request is hereby APPROVED, subject to the conditions imposed below.

Section 4. Conditions Imposed. Granting of the Request is subject to the following conditions:

1. All trash and garbage disposal systems, dumpsters, recycling collection areas, utility equipment, air conditioning units, vending machines, rooftop utilities and mechanical equipment shall be completely screened on all sides in a manner consistent with the architectural design of the building.
2. Indicate the height of the proposed rolling gate and aluminum fence to ensure consistency with Code Section 30-912. The height of the proposed rolling gate and fence shall not exceed eight (8) feet.

3. The ten (10) foot wide Class C bufferyard shall consist of 21 canopy trees, 8 understory, and 84 shrubs. Seventy-five percent (75%) of the plant material used to satisfy landscaping requirements shall be native species.

4. The twenty (20) foot wide Class D bufferyard shall consist of 14 canopy trees, 7 understory, and 59 shrubs. Seventy-five percent (75%) of the plant material used to satisfy landscaping requirements shall be native species.

5. Remove and relocate the proposed new sewage pump station from the required 20-foot-wide Class D major street bufferyard adjacent to Old State Road 4-A. The new sewage pump station shall not encroach into the required major street bufferyard or the required setbacks.

6. An approved Affordable Housing Agreement, pursuant to Code Section 30-638(b)(7), shall be required prior to issuance of any building permits associated with the Request.

7. A minimum of 375 square feet of off-street parking lot landscaping consisting of one (1) canopy tree and three (3) shrubs shall be required as depicted on the site plan.

8. The Applicant agrees to complete all construction activities within a period of thirteen (13) months after receipt of the building permit(s) associated with the Request, subject to extension for reasons of force majeure, including any delays relating to construction activities during the turtle nesting season.

9. The Applicant shall commence construction within sixty (60) days of approval of any building permit(s) associated with the Request.
10. The Applicant shall limit construction activities to eight (8) hours per day starting no earlier than 9:00 A.M. and ending no later than 6:00 P.M. The construction activities shall be permitted only during weekdays, excluding holidays that fall on weekdays. The Applicant shall inform the Maison Matecumbe Homeowners Association at least seven (7) days in advance of any planned blasting including specific days and times.

11. The Applicant shall construct a landscape quality six (6) foot high wood fence that compliments the style of Maison Matecumbe buildings along the entire boundary line between the Maison Matecumbe Homeowners Association’s property and the Applicant’s property.

12. The Applicant agrees to take all reasonable steps, including but not limited to dust fences and site watering, to prevent airborne construction dust from entering the Association’s airspace.

13. The Applicant shall hire and pay for a third-party to remove on a daily basis (Monday through Friday) any trash, debris, or dust on the Property due to construction activities, including personal trash left by construction workers.

14. There shall be no interference with the use of the Maison Matecumbe facilities by its owners/guests or disruption in its utility service(s). The existing sewage treatment facility shall continue to be operated without interruption until Maison Matecumbe is fully connected and online with the central sewer system. The Applicant shall be responsible for the shut-down, disassembly and removal of the existing sewage treatment facility and all costs associated therewith.

15. There shall be no continuation of walkways to or from the existing Maison Matecumbe property into the Property.
Section 5. Conflicting Provisions. In the event the conditions or time limitations contained herein, and any conditions or time limitations of any subsequent development approval granted by the Village, or the LDRs are in conflict, the more restrictive shall apply.

Section 6. Violation of Conditions. The Owners/Applicant understand and acknowledge that he or she must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he or she may commence construction or operation of any use authorized herein. In accordance with Code Section 30-224, this approval may be revoked by the Village Council upon a determination that the Owners/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 7. 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 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 the Florida Department of Economic Opportunity (the “DEO”), pursuant to Chapter 73C-44.003 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. Term. This Development Order shall become null and void, with no further notice required by the Village, unless a complete building permit application for site preparation and
building construction is submitted to the Village Building Official within the time frame specified in the LDRs. Commencement of development shall occur within three (3) years of the date of this Development Order unless a time extension is granted by the Director or the Village Council, pursuant to Code Section 30-225. If the Development Order is appealed under the LDRs or by the DEO, the above time limits shall be tolled until the appeals are resolved.

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

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 7 day of Dec, 2015.
A PARCEL OF LAND ON UPPER MATECUMBE KEY, MONROE COUNTY, FLORIDA, IN SECTION 5, TOWNSHIP 64 SOUTH, RANGE 37 EAST, COMPRISING A PORTION OF LOT 6, AS WELL AS A PORTION OF LOT 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 41, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AS SURVEYED FOR LEE PINDER BY GEO. MCDONALD, C.E., AND AGAIN FOR FRANCOIS LEPOTER BY THEODORE P. MISCELLA, P.E., P.L.S., AS WELL AS LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 2, COURY'S SUBDIVISION ACCORDING TO PLAT BOOK 3, PAGE 118, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AS WELL AS THE SOUTHWESTERN HALF OF OCEAN LANE AS SHOWN ON THE SAID PLAT BUT RENOUNCED AND DISCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA BY RESOLUTION NO. 111-1969 DATED NOVEMBER 12, 1969, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 4A WITH THE DIVIDING LINE BETWEEN LOTS 6 AND 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 41, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE SAID SOUTHEASTERLY RIGHT OF WAY LINE, NORTH 54 DEGREES 09 MINUTES EAST, 314.06 FEET MORE OR LESS TO THE CENTERLINE OF OCEAN LANE AS INDICATED ON SAID PLAT OF COURY'S SUBDIVISION; THENCE ALONG THE SAID CENTERLINE OF OCEAN LANE, SOUTH 25 DEGREES EAST, 430.77 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE; THENCE MEANDERING SOUTHWesterLY ALONG THE MEAN HIGH WATER LINE TO THE INTERSECTION OF THE WEST LINE OF THE SAID COURY'S SUBDIVISION, 107.55 FEET MORE OR LESS; THENCE MEANDERING SOUTHWESTERLY ALONG THE SAID MEAN HIGH WATER LINE 218.56 FEET MORE OR LESS, TO THE INTERSECTION WITH THE SAID LINE BETWEEN LOTS 6 AND 7; THENCE TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF OLD STATE ROAD 4A; NORTH 34 DEGREES 31 MINUTES 13 SECONDS WEST, 469.10 FEET MORE OR LESS; THENCE ALONG THE SAID RIGHT OF WAY LINE NORTH 54 DEGREES 09 MINUTES EAST, 79.0 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

ALSO

A PARCEL OF SUBMERGED LAND IN THE STRAITS OF FLORIDA IN SECTION 5, TOWNSHIP 64 SOUTH, RANGE 37 EAST, UPPER MATECUMBE KEY, MONROE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY OF OLD STATE ROAD 4A WITH THE DIVIDING LINE BETWEEN LOTS 6 AND 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 41, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE SAID DIVIDING LINE BETWEEN LOTS 6 AND 7, SOUTH 25 DEGREES EAST, 477.4 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE ON THE SHORE OF THE STRAITS OF FLORIDA, AT THE DIVIDING LINE BETWEEN HANKS AND BRINKS PROPERTY, AND THE POINT OF BEGINNING; THENCE SOUTH 47 DEGREES 30 MINUTES EAST, 200.0 FEET MORE OR LESS TO THE INTERSECTION WITH THE MOST EASTERLY CORNER OF THE SAID BRINKS TRACT; THENCE NORTH 51 DEGREES 32 MINUTES EAST; 212.2 FEET; THENCE NORTH 47 DEGREES 30 MINUTES WEST; 220 FEET MORE OR LESS TO THE SAID MEAN HIGH WATER LINE; THENCE SOUTHWESTERLY MEANDERING ALONG THE SAID MEAN HIGH WATER LINE, A DISTANCE OF 210.8 FEET MORE OR LESS TO THE POINT OF BEGINNING.

LESS THE FOLLOWING THREE DESCRIBED PARCELS:
COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF OLD STATE ROAD 4A, AND THE CENTERLINE OF OCEAN LANE, AS SHOWN ON THE PLAT OF COURY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 118 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE SOUTH 54 DEGREES 09 MINUTES 00 SECONDS WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE A DISTANCE OF 208.55 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE SOUTH 35 DEGREES 51 MINUTES 00 SECONDS EAST, A DISTANCE OF 55.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 09 DEGREES 09 MINUTES 00 SECONDS WEST, AND A CHORD LENGTH OF 35.36 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 39.27 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 54 DEGREES 09 MINUTES 00 SECONDS WEST, A DISTANCE OF 67.50 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING; A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 88 DEGREES 40 MINUTES 24 SECONDS, A CHORD BEARING OF SOUTH 09 DEGREES 09 MINUTES 48 SECONDS WEST AND A CHORD LENGTH OF 69.89 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 77.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 34 DEGREES 31 MINUTES 24 SECONDS EAST, A DISTANCE OF 50.69 FEET; THENCE NORTH 55 DEGREES 22 MINUTES 54 SECONDS EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 34 DEGREES 31 MINUTES 24 SECONDS EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 55 DEGREES 22 MINUTES 54 SECONDS WEST, A DISTANCE OF 38.18 FEET; THENCE NORTH 78 DEGREES 01 MINUTES 33 SECONDS EAST, A DISTANCE OF 39.94 FEET; THENCE SOUTH 34 DEGREES 31 MINUTES 32 SECONDS WEST, A DISTANCE OF 169.78 FEET; THENCE SOUTH 55 DEGREES 22 MINUTES 54 SECONDS WEST, A DISTANCE OF 125.08 FEET; THENCE NORTH 34 DEGREES 31 MINUTES 24 SECONDS WEST, A DISTANCE OF 9.75 FEET; THENCE NORTH 10 DEGREES 20 MINUTES 56 SECONDS EAST, A DISTANCE OF 28.58 FEET; THENCE NORTH 79 DEGREES 30 MINUTES 18 SECONDS WEST, A DISTANCE OF 28.52 FEET; THENCE NORTH 54 DEGREES 31 MINUTES 24 SECONDS WEST, A DISTANCE OF 333.62 FEET TO A POINT ON THE FOREMENTIONED NORTHWESTERLY RIGHT OF WAY LINE OF OLD STATE ROAD 4A; THENCE NORTH 54 DEGREES 09 MINUTES 00 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 174.51 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED.

LESS DESCRIPTION, PARCEL ONE-MAISON OF MATECUMBE, A CONDOMINIUM RECORDED IN O.R. BOOK 1300, PAGE 2149 AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF OLD STATE ROAD 4A, AND THE CENTERLINE OF OCEAN LANE, AS SHOWN ON THE PLAT OF COURY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 118 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE SOUTH 54 DEGREES 09 MINUTES 00 SECONDS WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE A DISTANCE OF 208.55 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE SOUTH 35 DEGREES 51 MINUTES 00 SECONDS EAST, A DISTANCE OF 55.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 09 DEGREES 09 MINUTES 00 SECONDS WEST, AND A CHORD LENGTH OF 35.36 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 39.27 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 54 DEGREES 09 MINUTES 00 SECONDS WEST, A DISTANCE OF 67.50 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING; A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 88 DEGREES 40 MINUTES 24 SECONDS, A CHORD BEARING OF SOUTH 09 DEGREES 09 MINUTES 48 SECONDS WEST AND A CHORD LENGTH OF 69.89 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 77.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 34 DEGREES 31 MINUTES 24 SECONDS EAST, A DISTANCE OF 50.69 FEET; THENCE NORTH 55 DEGREES 22 MINUTES 54 SECONDS EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 34 DEGREES 31 MINUTES 24 SECONDS EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 55 DEGREES 22 MINUTES 54 SECONDS WEST, A DISTANCE OF 38.18 FEET; THENCE NORTH 78 DEGREES 01 MINUTES 33 SECONDS EAST, A DISTANCE OF 39.94 FEET; THENCE SOUTH 34 DEGREES 31 MINUTES 32 SECONDS WEST, A DISTANCE OF 169.78 FEET; THENCE SOUTH 55 DEGREES 22 MINUTES 54 SECONDS WEST, A DISTANCE OF 125.08 FEET; THENCE NORTH 34 DEGREES 31 MINUTES 24 SECONDS WEST, A DISTANCE OF 9.75 FEET; THENCE NORTH 10 DEGREES 20 MINUTES 56 SECONDS EAST, A DISTANCE OF 28.58 FEET; THENCE NORTH 79 DEGREES 30 MINUTES 18 SECONDS WEST, A DISTANCE OF 28.52 FEET; THENCE NORTH 54 DEGREES 31 MINUTES 24 SECONDS WEST, A DISTANCE OF 333.62 FEET TO A POINT ON THE FOREMENTIONED NORTHWESTERLY RIGHT OF WAY LINE OF OLD STATE ROAD 4A; THENCE NORTH 54 DEGREES 09 MINUTES 00 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 174.51 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED.
COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF OLD STATE ROAD 4A, AND THE CENTERLINE OF OCEAN LANE, AS SHOWN ON THE PLAT OF COURY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 118 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE SOUTH 54 DEGREES 09 MINUTES 00 SECONDS WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE A DISTANCE OF 383.06 FEET; THENCE SOUTH 34 DEGREES 31 MINUTES 24 SECONDS EAST, A DISTANCE OF 383.80 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREBY DESCRIBED; THENCE NORTH 55 DEGREES 27 MINUTES 00 SECONDS EAST, A DISTANCE OF 125.08 FEET; THENCE NORTH 34 DEGREES 31 MINUTES 32 SECONDS WEST, A DISTANCE OF 169.78 FEET; THENCE SOUTH 78 DEGREES 01 MINUTES 33 SECONDS WEST, A DISTANCE OF 39.94 FEET; THENCE SOUTH 17 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 47.97 FEET; THENCE SOUTH 52 DEGREES 20 MINUTES 00 SECONDS EAST, A DISTANCE OF 101.21 FEET; THENCE SOUTH 40 DEGREES 50 MINUTES 07 SECONDS EAST, A DISTANCE OF 16.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 18.33 FEET, A CENTRAL ANGLE OF 50 DEGREES 03 MINUTES 50 SECONDS, A CHORD BEARING OF SOUTH 15 DEGREES 47 MINUTES 46 SECONDS WEST, AND A CHORD LENGTH OF 15.52 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 16.02 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 11.96 FEET, A CENTRAL ANGLE OF 76 DEGREES 00 MINUTES 44 SECONDS, A CHORD BEARING OF SOUTH 28 DEGREES 00 MINUTES 30 SECONDS WEST, AND A CHORD LENGTH OF 14.73 FEET; THENCE ALONG THE ARC OF SAID CURVE, AND ARC LENGTH OF 15.87 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 30.56 FEET, A CENTRAL ANGLE OF 60 DEGREES 56 MINUTES 46 SECONDS, A CHORD BEARING OF SOUTH 36 DEGREES 18 MINUTES 36 SECONDS EAST, AND A CHORD LENGTH OF 31.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 32.51 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 24.08 FEET, A CENTRAL ANGLE OF 54 DEGREES 15 MINUTES 15 SECONDS, A CHORD BEARING OF SOUTH 33 DEGREES 03 MINUTES 26 SECONDS EAST AND A CHORD LENGTH OF 32.03 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 22.88 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 31.11 FEET, A CENTRAL ANGLE OF 67 DEGREES 16 MINUTES 30 SECONDS A CHORD BEARING OF SOUTH 26 DEGREES 38 MINUTES 15 SECONDS EAST AND A CHORD LENGTH OF 34.47 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 36.53 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 07 DEGREES 00 MINUTES 01 SECONDS WEST, A DISTANCE OF 15.53 FEET; THENCE NORTH 83 DEGREES 50 MINUTES 06 SECONDS EAST, A DISTANCE OF 48.94 FEET; THENCE SOUTH 33 DEGREES 44 MINUTES 40 SECONDS EAST, A DISTANCE OF 69.70 FEET TO A POINT ON THE SHORELINE OF THE ATLANTIC OCEAN, THENCE MEANDER SAID SHORELINE, IN A SOUTHWESTERLY DIRECTION FOR A DISTANCE OF 245 FEET, MORE OR LESS, SAID SHORELINE BEING SUBTENDED BY A LINE WHICH BEARS; THENCE SOUTH 43 DEGREES 31 MINUTES 05 SECONDS WEST, A DISTANCE OF 242.76 FEET; THENCE NORTH 34 DEGREES 31 MINUTES 24 SECONDS WEST, A DISTANCE OF 85.17 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREBY DESCRIBED.
EXHIBIT "A" 
CONTINUATION

LESS DESCRIPTION OUT PARCEL 3-BAREFOOT POINT CLUB ENCROACHMENT

COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF OLD STATE ROAD 4A, AND THE CENTERLINE OF OCEAN LANE, AS SHOWN ON THE PLAT OF COURY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAG E 118 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE SOUTH 54 DEGREES 09 MINUTES 00 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 383.06 FEET; THENCE SOUTH 34 DEGREES 31 MINUTES 24 SECONDS EAST, A DISTANCE OF 333.62 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE SOUTH 79 DEGREES 30 MINUTES 18 SECONDS EAST, A DISTANCE OF 28.52 FEET; THENCE SOUTH 10 DEGREES 20 MINUTES 56 SECONDS WEST, A DISTANCE OF 28.52 FEET; THENCE NORTH 34 DEGREES 31 MINUTES 24 SECONDS WEST, A DISTANCE OF 40.43 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED.