

RESOLUTION NO. 22-04-31

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST OF THE MOORINGS ISLAMORADA, INC., WITNESS RESOURCES, INC., AND BALDWIN INDUSTRIAL PROPERTIES, INC., TO ABANDON AND VACATE A 25 FOOT BY 595 FOOT PORTION OF INDUSTRIAL ROAD RIGHT-OF-WAY FROM THE INTERSECTION OF INDUSTRIAL ROAD (MORADA WAY) AND PRESTON STREET TO THE SOUTHEASTERN TERMINUS OF INDUSTRIAL ROAD, AS LEGALLY DESCRIBED HEREIN; RESERVING TO THE VILLAGE ALL RIGHTS OVER ANY PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (File No.: PLRA20200075)

WHEREAS, there presently exists a public, improved Right-of-Way within Islamorada, Village of Islands, Florida, (the "Village") located on Industrial Road between Lots 3 and 4 of Block 3 and Lot 4 of Block 5 of Matecumbe Beach Subdivision and Lot 1 and Lot 10, Block 10 of Grove Park Addition as Recorded in the Public Records of Monroe County, Florida; and

WHEREAS, the Applicants, The Moorings Islamorada, Inc., Witness Resources, Inc., and Baldwin Industrial Properties, Inc., (collectively the "Applicants") through their registered agent James S. Lupino, Esq., requested that the Village abandon and vacate a 25 foot by 595 foot portion of Village right-of-way, as depicted in Exhibit "A" and legally described below; and

WHEREAS, in accordance with the Village Code of Ordinances (the "Code"), the Village Council must 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 emergency access and 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 no objection to the proposed abandonment and vacation of right-of-way; and

WHEREAS, the Village Council has determined that the application and supporting documents are being considered in accordance with the requirements of Sections 50-55 through 50-57 of the Village Code 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, correct, and 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, an amended right-of-way abandonment and vacation, as shown on the attached Exhibit "A," is hereby approved and described as follows:

PORTION OF INDUSTRIAL ROAD, MATECUMBE BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 133 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA IN PART AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF A LOT 4, BLOCK 5 PER PLAT OF MATECUMBE BEACH; THENCE RUN NORTH 45 DEGREES, 00 MINUTES, 00 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF INDUSTRIAL ROAD FOR A DISTANCE OF 405.85 FEET; THENCE RUN SOUTH 44 DEGREES, 43 MINUTES, 15 SECONDS WEST FOR A DISTANCE OF 25.00 FEET TO THE SOUTHWESTERLY LINE OF INDUSTRIAL ROAD; THENCE RUN SOUTH 45 DEGREES, 00 MINUTES, 00 SECONDS EAST LONG SAID SOUTHWESTERLY LINE OF INDUSTRIAL ROAD FOR A DISTANCE OF 405.85 FEET; THENCE RUN NORTH 44 DEGREES, 43 MINUTES, 15 SECONDS EAST FOR A DISTANCE OF 25.00 FEET BACK TO THE POINT OF BEGINNING. CONTAINING 10,146.2 SQUARE FEET.

This approval is subject to the following Conditions of Approval:

1. The requested abandonment shall begin at a point 167.50 feet southeasterly of the intersection of Industrial Road and Preston Street, for a distance of 405.85 feet to the southeasterly terminus of Industrial Road.
2. The Applicant shall provide an executed Access and Utility Agreement to the Village providing access to existing wastewater infrastructure within the abandoned right-of-way as stipulated in Section 3 below.
3. The applicant shall provide an isolation valve on the vacuum main.
4. The request is approved for the proposed area as shown on the revised survey dated April 28, 2022, by Massey-Richards Surveying & Mapping, LLC., P.S.M. #5125.

Section 3. Reservation of An Access and Utility Easement. If abandonment is approved, the Village hereby reserves the right to an access and 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 public utilities and appurtenant facilities. The Village also

reserves the right for access of life safety vehicles with the addition of a keypad and Knox Box if a fence and/or gate is placed on the property line.

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.

Motion to adopt by Councilman David Webb, second by Mayor Pete Bacheler.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Peter Bacheler	Yes
Vice-Mayor Henry Rosenthal	Yes
Councilman Joseph B. Pinder III	Yes
Councilman Mark H. Gregg	Yes
Councilman David Webb	Yes

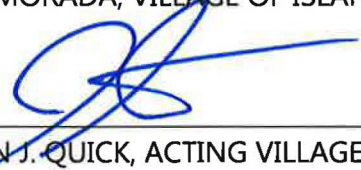
PASSED AND ADOPTED THIS 21st DAY OF APRIL, 2022.


PETE BACHELER, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN J. QUICK, ACTING VILLAGE ATTORNEY