

After recording return to:  
Islamorada, Village of Islands  
Planning and Development Services Department  
86800 Overseas Highway  
Islamorada, Florida 33036

**Doc # 2459801 Blk# 3273 Pg# 1760**  
Recorded 4/30/2024 10:44 AM Page 1 of 7

Filed and Recorded in Official Records of  
**MONROE COUNTY KEVIN MADOK, CPA**

## **RESOLUTION NO. 24-04-31**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST BY JAMES LUPINO, ESQ. ("AGENT") ON BEHALF OF MM82,790 LLC ("OWNER"), TO ABANDON AND VACATE A PORTION OF ORANGE STREET RIGHT OF WAY, AS SHOWN ON THE PLAT OF "MAP OF THE TOWNSITE OF ISLAMORADA" ("REQUEST"), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 48, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN "EXHIBIT A"; RESERVING TO THE VILLAGE ALL RIGHTS OVER ANY PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (File No.: PLRA20220112)**

**WHEREAS**, the Applicant, MM82.790 LLC ("Applicant") through its registered agent James S. Lupino, Esq., requested that the Village vacate and abandon a portion of Orange Street as depicted in Exhibit "A" and legally described below ("Right-of-Way"); 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 Right-of-Way, 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 Right-of-Way will not be detrimental to the public health, safety and welfare; and

**WHEREAS**, the Village Council further finds that there is no public interest in continued access by such Right-of-Way; and

**WHEREAS**, on July 20, 2023, the Village Council conducted a duly noticed public hearing regarding the Request and passed a motion to table the item to a future hearing date; and

**WHEREAS**, on April 11, 2024, the Village Council conducted a duly noticed public hearing regarding the Request, and

**WHEREAS**, the Village Council finds that all affected property owners and utility companies have no objection to the proposed abandonment and vacation of the 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:

A portion of Orange Street Right of Way, as shown on the Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", according to the plat thereof, as recorded in Plat Book 1, at Page 48, of the Public Records of Monroe County, Florida, being more particularly described as follows:

BEGIN at the Most Easterly Northeast Corner of Lot 2 of said Plat of "MAP OF THE TOWNSITE OF ISLAMORADA"; thence S 45° 30' 00" E along the Southeasterly prolongation of the Northeasterly Boundary Line of said Lot 2 for 200.00 feet; thence S 45° 30' 00" W along the Southeasterly Right of Way Line of Orange Street, said line also being the Northwesternly Right of Way Line of Overseas Highway for 200.00 feet; thence N 45° 30' 00" W along the Southeasterly prolongation of the Southwesterly Boundary Line of Lot 1 of said Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", for 20.00 feet; thence N 44° 30' 00" E along the Southeasterly Boundary Line of said Lots 1 & 2, said line also being the Northwesternly Right of Way Line of Orange Street for 200.00 feet to the Point of Beginning. Containing 4,000 Square Feet, more or less, by calculations.

**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 Mark Gregg, second by Joseph B. Pinder III.

**FINAL VOTE AT ADOPTION**

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

Mayor Joseph B. Pinder III	Yes
Vice Mayor Sharon Mahoney	Yes
Councilman Mark Gregg	Yes
Councilwoman Elizabeth Jolin	No
Councilman Henry Rosenthal	No

**PASSED AND ADOPTED THIS 11th DAY OF APRIL 2024.**

DocuSigned by:

*Joseph B. Pinder III*

E9E93A68BD794EF

JOSEPH B. PINDER III, MAYOR

ATTEST:

DocuSigned by:

*Marne K. McGrath*

008B89A9B2704D5

MARNE MCGRATH, VILLAGE CLERK

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

DocuSigned by:

*John J. Quick*

362BE4A7E0DD417

JOHN J. QUICK, VILLAGE ATTORNEY



SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
prepared by:



**HADONNE**

**EXHIBIT "A"**

LAND SURVEYOR AND MAPPERS  
3D LASER SCANNING  
UTILITY COORDINATION  
SUBSURFACE UTILITY ENGINEERING

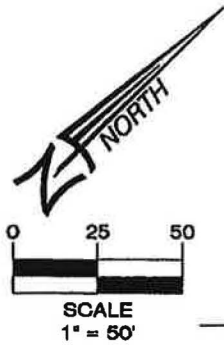
**PORTION OF ORANGE STREET RIGHT OF WAY  
TO BE CLOSED, ABANDONED & VACATED**

**LEGAL DESCRIPTION:**

A portion of Orange Street Right of Way, as shown on the Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", according to the plat thereof, as recorded in Plat Book 1, at Page 48, of the Public Records of Monroe County, Florida, being more particularly described as follows:

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Containing 4,000 Square Feet, more or less, by calculations.



SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
prepared by:



**HADONNE**

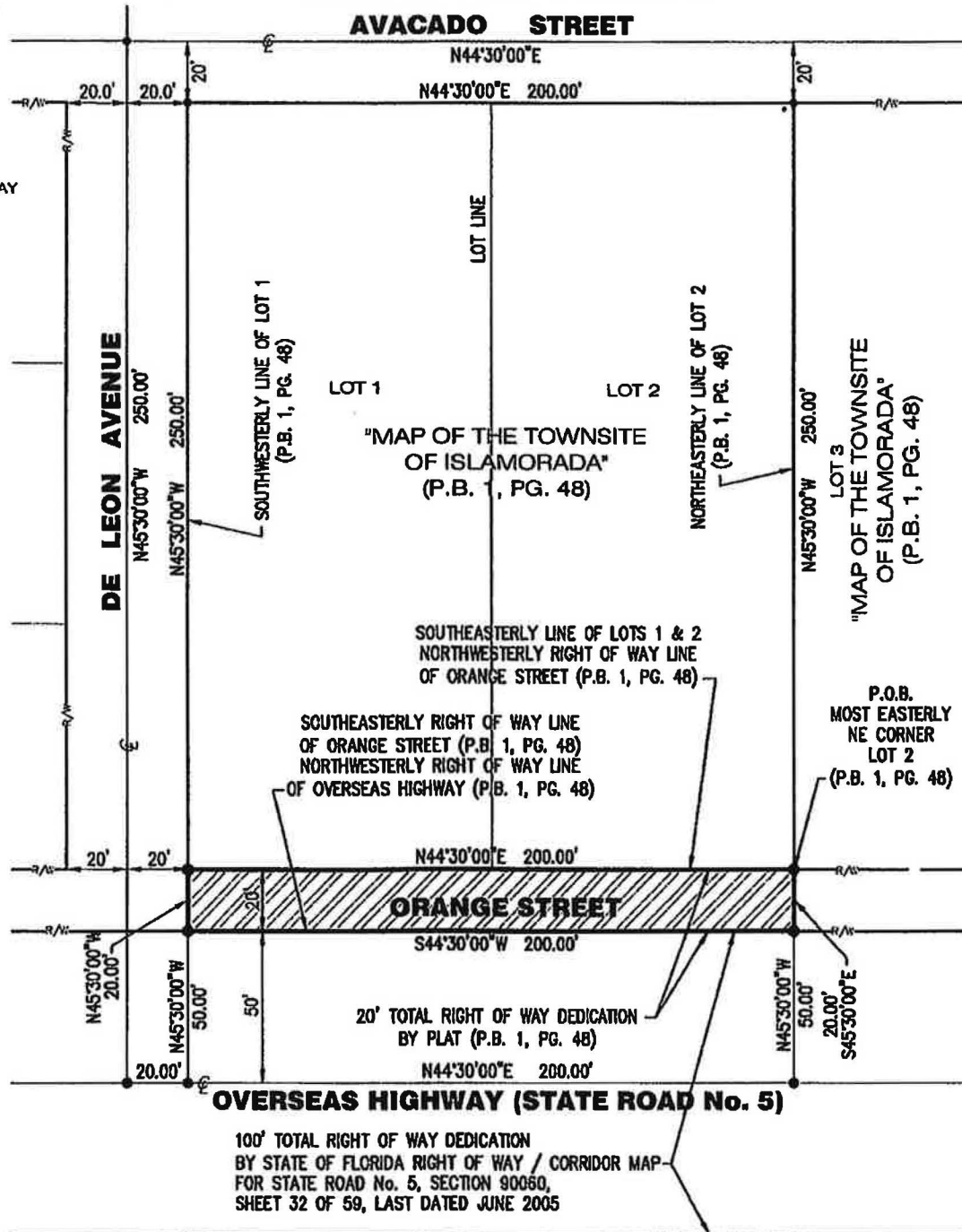
LAND SURVEYOR AND MAPPERS  
3D LASER SCANNING  
UTILITY COORDINATION  
SUBSURFACE UTILITY ENGINEERING

**EXHIBIT "A"**

**PORTION OF ORANGE STREET RIGHT OF WAY  
TO BE CLOSED, ABANDONED & VACATED**

**LEGEND**

P.B. = PLAT BOOK  
PG. = PAGE  
RW = RIGHT OF WAY



SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
prepared by:



**HADONNE**

LAND SURVEYOR AND MAPPERS  
3D LASER SCANNING  
UTILITY COORDINATION  
SUBSURFACE UTILITY ENGINEERING

**EXHIBIT "A"**

**PORTION OF ORANGE STREET RIGHT OF WAY  
TO BE CLOSED, ABANDONED & VACATED**

**SOURCES OF DATA:**

The Legal Description was generated from the following documents:

1. Plat of "MAP OF THE TOWNSITE OF ISLAMORADA", recorded in Plat Book 1, at Page 48 of the Public Records of Monroe County, Florida.
2. Florida Department of Transportation Right of Way / Corridor Map for Overseas Highway (State Road No. 5), Section 90060, last dated on June 2005.

Bearings as shown hereon are based upon the centerline of Overseas Highway (State Road No. 5), with an assumed bearing of N44°30'00"E.

**EASEMENTS AND ENCUMBRANCES:**

No information was provided as to the existence of any easements other than those that appeared on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

**LIMITATIONS:**

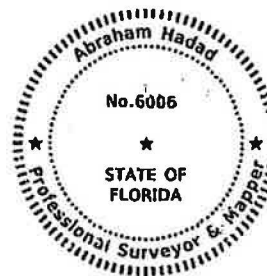
Since no other information was furnished other than that which is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

**SURVEYOR'S CERTIFICATE:**

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

Abraham Hadad, PSM  
For The Firm  
Professional Surveyor and Mapper LS6006  
State of Florida  
HADONNE CORP., a Florida corporation  
Land Surveyors and Mappers  
Certificate of Authorization LB7097  
1985 NW 88 Court, Suite 101  
Doral, Florida 33172  
305.266.1188 phone  
305.207.6845 fax



Abraham  
Hadad  
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NOTICE: Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.