

**RESOLUTION NO. 20-08-70**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF COVE VILLAGE PROPERTIES, LLC FOR TRANSFER OF DEVELOPMENT RIGHTS OF TWO (2) MARKET RATE RESIDENTIAL DWELLING UNITS FROM THE "SENDER SITE" PROPERTY LOCATED AT 199 CARROLL STREET, PARCEL # 00400900-000000 ON UPPER MATECUMBE KEY, WITHIN THE RESIDENTIAL SINGLE FAMILY (R1) ZONING DISTRICT, AS LEGALLY DESCRIBED HEREIN, TO THE "RECEIVER SITE" PROPERTY LOCATED AT 73501 OVERSEAS HIGHWAY, PARCEL# 00388620-000000 ON LOWER MATECUMBE KEY, WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Kim Daria Corsini and Robert F. Jones, Jr. (the "Sender Site Owners") are the owners of the property located at 199 Carroll Street on Upper Matecumbe Key with Real Estate Number 00400900-000000 and as legally described in Exhibit "A" (the "Sender Site"): and

**WHEREAS**, Cove Village Properties, LLC, (the "Receiver Site Owner") is the owner of the property located at 73501 Overseas Highway on Lower Matecumbe Key with Real Estate Number 00388620-000000 and as legally described in Exhibit "B" (the "Receiver Site"): and

**WHEREAS**, James S. Lupino, Esq. as the Agent on behalf the Applicant Cove Village Properties, LLC (the "Applicant") has applied for approval for the Transfer of Two (2) Market-Rate Residential Dwelling Units from the Sender Site to the Receiver Site (the "Request"): and

**WHEREAS**, pursuant to applicable provisions of the Code, Village Staff via Staff Report dated July 16, 2020 recommended to the Village Council that the "Request" be approved with one (1) condition; and

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF  
VILLAGE OF ISLANDS, FLORIDA AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

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

- (1) The Sender Site is located within the Residential Single Family (R1) Zoning District.
- (2) The Receiver Site is located within the Tourist Commercial (TC) Zoning District.
- (3) The Applicant has furnished the Village with a Declaration of Covenants, Conditions, and Restrictions for the Sender Site on a form acceptable to and approved by the Village Attorney affecting the transfer of development rights of two (2) market rate residential dwelling units from the Sender Site.
- (4) The Request complies with the standards of Code Section 30-506 for considering the Transfer of Development Rights (TDRs) for residential dwelling units.
- (5) 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 Village's Comprehensive Plan and Land Development Regulations 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; and
- (b) Observed the essential requirements of the law; and
- (c) Supported its decision by competent substantial evidence of record; and

(3) The Request by Applicant Cove Village Properties, LLC is hereby **APPROVED**.

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

*1. Upon approval of this application by the Department of Economic Opportunity, the Village shall record the executed Declaration of Covenants, Conditions, and Restrictions.*

**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 5. Violation of Conditions.** The Applicant understands and acknowledges that he or she must comply with all terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he or she may affect the proposed transfer of development rights or 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 Applicant or its successor(s) or designee(s) is in non-compliance with this Resolution or the Code. Failure to adhere all 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 3. Effective Date.** This Resolution shall be effective immediately upon its adoption.

Motion to adopt by Councilwoman Deb Gillis, second by Councilman Chris Sante.

## **FINAL VOTE AT ADOPTION**

## VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Mike Forster	YES
Vice Mayor Ken Davis	YES
Councilman Deb Gillis	YES
Councilman Jim Mooney	ABSTAINED
Councilman Chris Sante	YES

PASSED AND ADOPTED THIS 20<sup>TH</sup> DAY OF AUGUST, 2020.

AUGUST, 2020.

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MIKE FORSTER, MAYOR

ATTEST:

Kelly J. Toth  
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

**EXHIBIT A**

The Southwest 50 feet of Lot 12, Block 10, STRATTON'S SUBDIVISIONS, according to the Plat thereof, as recorded in Plat Book 2, at Page 38, of the Public Records of Monroe County, Florida, together with a parcel of submerged land in the Straits of Florida, in Section 28, Township 63 South, Range 37 East, Upper Matecumbe, Monroe County, Florida, more particularly described as follows:

From the intersection of the dividing line between Lots 11 and 12, Block 10, STRATTON'S SUBDIVISION, Plat Book 2, at Page 38, of the Public Records of Monroe County, Florida, with the Northwesterly side of said Block 10, run Southeasterly along the said dividing line a distance of 407 feet, more or less, to the mean high tide line on the shore of the Straits of Florida and the point of beginning of the parcel hereinafter described; thence continue Southeasterly on the prolongation of the last described course a distance of 214 feet, more or less; thence run Northeasterly with an interior angle of 76.44 feet a distance of 51.9 feet to a line which is parallel to and 50 feet distant Northeasterly from the said dividing line between Lots 11 and 12; thence Northwesterly along said line which is parallel and 50 feet distant Northeasterly from the said dividing line between Lots 11 and 12, a distance of 220 feet, more or less, to the said mean high tide line; thence Southwesterly meandering said mean high tide line a distance of 52 feet, more or less, to the point of beginning, containing .25 acres.

**Exhibit B**

**PARCEL II: (Calouza Cove Realty, L.L.C.)**

A parcel of land being a portion of Tract "A" of "LOWER MATECUMBE BEACH", according to the Plat thereof as recorded in Plat Book 3, at Page 34, of the Public Records of Monroe County, Florida, being more particularly described by "Mates and Bounds" as follows:

Commence at the intersection of the Southerly right-of-way line of US Highway No. 1 (State Road No. 5) and the centerline of Iroquois Drive, as shown on said plat of "LOWER MATECUMBE BEACH"; thence S 57° 07' 00" W along said Southerly right-of-way line for 558.22 feet to the point of beginning of the following described parcel; thence S 32° 53' E for 81.85 feet; thence N 57° 07' E for 90.00 feet; thence S 32° 53' E for 140.00 feet; thence N 57° 07' E for 33.90 feet; thence S 78° 10' E for 76.05 feet; thence N 11° 50' E for 140.00 feet; thence S 78° 10' E for 150.00 feet; thence S 11° 50' W for 140.00 feet; thence S 78° 10' E for 74.05 feet; thence S 11° 50' 00" W for a distance of 43.82 feet; thence N 38° 58' 15" E for a distance of 72.68 feet; thence S 51° 01' 45" E along a line radial to the next described curve for 10.00 feet to a point of intersection with a circular curve concave to the Southeast, said circular curve also being the westerly right-of-way line of said Iroquois Drive as shown on said plat of "LOWER MATECUMBE BEACH"; thence run Northeasterly along the arc of said curve and along said westerly right-of-way line of Iroquois Drive having a radius of 25.00 feet and a central angle of 41° 24' 35" for 18.07 feet to a point of reverse curvature of a circular curve concave to the Northwest; thence run Northeasterly along the arc of said curve and along said westerly right-of-way line of Iroquois Drive having a radius of 25.00 feet and a central angle of 41° 25' 35" for 18.07 feet to the point of tangency; thence N 38° 58' 15" E along said westerly right-of-way line of Iroquois Drive for 108.59 feet; thence N 44° 58' 15" E along said westerly right-of-way line of Iroquois Drive for 166.05 feet to a point of curvature of a circular curve concave to the Southwest; thence run Southwesterly along the arc of said curve and along said Westerly right-of-way line of Iroquois Drive having a radius of 25.00 feet and a central angle of 138° 35' 25" for 60.47 feet to a point of reverse curvature of a circular curve concave to the North, said point of reverse curvature also being a point of intersection with the Southerly right-of-way line of said Iroquois Drive; thence run westerly along the arc of said curve and along said Southerly right-of-way line of Iroquois Drive having a radius of 275.00 feet and a central angle of 60° 44' 10" for 291.51 feet to a point of tangency; thence N 32° 53' 00" W along said Southerly right-of-way line of Iroquois Drive for 52.68 feet to a point of curvature of a circular curve concave to the South; thence run Southwesterly along the arc of said curve

and along the Southerly right-of-way line of said Iroquois Drive having a radius of 25.00 feet and a central angle of  $90^{\circ} 00' 00''$  for 39.27 feet to the point of tangency and a point of intersection with said Southerly right-of-way line of US Highway No. 1; thence  $S\ 57^{\circ}\ 07'\ W$  along said Southerly right-of-way line of US Highway No. 1 for 520.72 feet to the point of beginning.

**PARCEL II: (Caloosa Cove Realty, L.L.C.)**

**(S.T.P. SITE)**

A parcel of land being a portion of Tract "A", of "LOWER MATECUMBE BEACH", according to the Plat thereof as recorded in Plat Book 3, at Page 34, of the Public Records of Monroe County, Florida, being more particularly described by "Metes and Bounds" as follows:

Commence at the intersection of the Southerly right-of-way line of U.S. Highway No. 1 (State Road No. 5), and the centerline of Iroquois Drive, as shown on said Plat of "LOWER MATECUMBE BEACH"; thence  $S\ 57^{\circ}\ 07'\ W$  along said Southerly right-of-way line for 538.22 feet; thence  $S\ 32^{\circ}\ 53'\ E$  for 81.85 feet to the Point of Beginning of the following described parcel; thence continue  $S\ 32^{\circ}\ 53'\ E$  for 140.00 feet to an intersection with a Northerly Limit of CALOOSA COVE RESORT CONDOMINIUM Property; thence  $N\ 57^{\circ}\ 07'\ E$  along said Northerly Limit for 90.00 feet; thence  $N\ 32^{\circ}\ 53'\ W$  for 140.00 feet; thence  $S\ 57^{\circ}\ 07'\ W$  for 90.00 feet to the Point of Beginning.

**PARCEL III: (Caloosa Cove Realty, L.L.C.)**

**(RESTAURANT AND MARINA PARCEL.)**

A parcel of land being a portion of Tract "A", "LOWER MATECUMBE BEACH", according to the Plat thereof as recorded in Plat Book 3, Page 34, of the Public Records of Monroe County, Florida, together with a portion of that certain submerged parcel deeded by The Trustees of the Internal Improvement Fund of the State of Florida, by Deed No. 21721, being more particularly described by "Metes and Bounds" as follows:

Commence at the intersection of the Southerly right-of-way line of U.S. Highway No. 1 (State Road No. 5), and the centerline of Iroquois Drive, as shown on said Plat of "LOWER MATECUMBE BEACH"; thence S 57° 07' W along said Southerly right-of-way line for 611.22 feet to the Point of Beginning of the hereinafter described parcel; thence S 30° 55' 01" E for 99.17 feet; thence S 33° 56' 56" E for 73.23 feet to the point of curvature of a circular curve concave to the Northwest; thence Southwesterly along the arc of said curve having a radius of 26.79 feet and a central angle of 91° 09' 20" for 42.53 feet to the point of tangency; thence S 57° 08' 24" W for 60.70 feet; thence S 32° 45' 06" E for 290.78 feet to the point of curvature of a circular curve concave to the Northwest; thence Southeasterly along the arc of said curve having a radius of 58.31 feet and a central angle of 84° 35' 55" for 86.09 feet to a nontangential intersection with a line bearing N 6° 57' 41" E, said intersection bearing S 38° 09' 11" E from the center of the aforementioned curve; thence S 6° 57' 41" W along said line for 190.00 feet to an intersection with the Southerly Limits of the aforementioned submerged parcel; thence along said Southerly Limits for the following two (2) courses: (1) N 72° 53' 00" W for 194.68 feet, more or less, to an intersection with the Southeasterly prolongation of the Southwesterly boundary of said Tract "A"; (2) N 32° 53' 00" W along said Southeasterly prolongation for 410 feet, more or less, to an intersection with the Southwesterly boundary of said Tract "A"; thence continue N 32° 53' 00" W along said Southwesterly boundary of Tract "A" for 195 feet, more or less, to an intersection with the aforementioned Southerly right-of-way line; thence N 57° 07' 00" E along Southerly right-of-way line for 390.00 feet to the Point of Beginning.

**PART OF PARCEL III-A: (Celoossa Cove Realty, L.L.C.)**

**ROAD**

A parcel of land being a portion of Tract "A", LOWER MATECUMBE BEACH, according to the Plat thereof as recorded in Plat Book 3, at Page 34, of the Public Records of Monroe County, Florida, together with a portion of that certain submerged parcel deeded by The Trustees of the Internal Improvement Fund of the State of Florida, by Deed No. 21721, being more particularly described as follows:

Commence at the intersection of the Southerly right-of-way line of U.S. Highway No. 1, (State Road No. 5), and the centerline of Iroquois Drive, as shown on said Plat of LOWER MATECUMBE BEACH, thence S 57° 07' 00" W along said Southerly

right-of-way line for 558.22 feet to the Point of Beginning of the parcel of land hereinafter described, thence S 32° 53' 00" E 225.42 feet to a point on a circular curve concave to the Southeast and having for its elements a radius of 25.65 feet, a delta angle of 39° 05' 59" and a chord bearing of S 37° 33' 30" W, thence run along the arc of said curve in a Southwesterly direction for a distance of 17.65 feet to the point of reverse curvature of a circular curve concave to the Northwest and having for its elements a radius of 60.00 feet, a delta angle of 39° 14' 53" and a chord bearing of S 37° 37' 27" W, thence run along the arc of said curve in a Southwesterly direction for a distance of 41.10 feet, thence run S 57° 14' 54" W for a distance of 14.05 feet to the point of curvature of a circular curve concave to the Southeast and having for its elements a radius of 40.00 feet, a delta angle of 90° 00' 00" and a chord bearing of S 12° 14' 54" W, thence run along the arc of said curve in a Southwesterly, Southerly and Southeastery direction for 62.63 feet, thence run S 32° 45' 06" E for 95.54 feet, thence run S 32° 53' 00" E for 22.30 feet, thence run S 57° 14' 54" W for 34.30 feet, thence run N 32° 45' 06" W for 202.74 feet, thence run N 57° 08' 24" E for 60.70 feet to the point of curvature of a circular curve concave to the West and having for its elements a radius of 26.75 feet, a delta angle of 91° 05' 20" and a chord bearing of N 11° 35' 44" E, thence run along the arc of said curve Northwesterly, Northery and Northwesterly direction for a distance of 42.53 feet, thence N 33° 56' 56" W for 73.23 feet, thence N 30° 55' 01" W for 99.17 feet to a point on the Southerly right-of-way line of said U.S. Highway No. 1, thence run N 57° 07' 00" E for 53.00 feet back to the Point of Beginning.

**PARCEL III-B: (Calcosa Cove Realty, L.L.C.)**

**PARKING LOT**

A parcel of land being a portion of Tract "A", LOWER MATECUMBE BEACH, according to the Plat thereof as recorded in Plat Book 3, at Page 34, of the Public Records of Monroe County, Florida, together with a portion of that certain submerged parcel deeded by The Trustees of the Internal Improvement Fund of the State of Florida, by Deed No. 21721, being more particularly described as follows:

Commence at the intersection of the Southerly right-of-way line of U.S. Highway No. 1, (State Road No. 5), and the centerline of Iroquois Drive, as shown on said Plat of LOWER MATECUMBE BEACH, thence S 57° 07' 00" W along said Southerly right-of-way line for 558.22 feet, thence run S 32° 53' 00" E for 225.42 feet to the

Point of Beginning of the parcel of land hereinafter described, thence continue S 32° 53' 00" E for 44.92 feet, thence S 11° 50' 00" W 154.43 feet, thence N 32° 45' 05" W 95.54 feet to a point of curvature of a circular curve concave to the Southeast and having a radius of 40.00 feet, a delta angle of 90° 00' 00" and a chord bearing of N 12° 14' 54" E, thence run along the arc of said curve in a Northwesterly, Northwesterly and Northeastery direction for a distance of 82.83 feet, thence run N 57° 14' 54" E 14.05 feet to the point of curvature of a circular curve concave to the Northwest and having for its elements a radius of 60.00 feet, a delta angle of 39° 14' 53" and a chord bearing of N 37° 37' 27" E, thence run along the arc of said curve in a Northeastery direction for 41.10 feet to the point of reverse curvature of a circular curve concave to the Southeast and having for its elements a radius of 25.85 feet, a delta angle of 39° 06' 59" and a chord bearing of N 37° 33' 30" E, thence run along the arc of said curve in a Northeastery direction for 17.65 feet back to the Point of Beginning.

**PARCEL IV: (Caloosa Cove Realty, L.L.C.)**  
**(SAFARI LOUNGE PARCEL)**

A parcel of land being a portion of that certain submerged parcel deed by The Trustees of the Internal Improvement Fund of the State of Florida, by Deed No. 21721, being more particularly described by "Metes and Bounds" as follows:

Commence at the intersection of the Southerly right-of-way line of U.S. Highway No. 1 (State Road No. 5) and the centerline of Iroquis Drive as shown on the Plat of "LOWER MATECUMBE BEACH", according to the Plat thereof as recorded in Plat Book 3, Page 34, of the Public Records of Monroe County, Florida; thence S 57° 07' 00" W along said Southerly right-of-way line for 511.22 feet to the most Northerly corner of "PARCEL III" (Restaurant and Marina Parcel) described herein; thence along the Northeastery boundary lines of said "PARCEL III" (Restaurant and Marina Parcel) for the following five (5) courses: (1) S 30° 55' 01" E for 99.17 feet; (2) S 33° 56' 56" E for 73.23 feet to the point of curvature of a circular curve concave to the Northwest; (3) Southwesterly along the arc of said curve having a radius of 26.75 feet and a central angle of 91° 05' 20" for 42.53 feet to a point of tangency; (4) thence S 57° 08' 24" W for 60.70 feet; (5) S 32° 45' 06" E for 202.74 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue along said Northeastery boundary line and along the Southeasterly boundary line of said PARCEL III (Restaurant and Marina Parcel) for the following three (3)

courses: (1) continue S  $32^{\circ} 45' 06''$  E for 88.04 feet to a point of curvature of a circular curve concave to the Northwest; (2) Southeasterly along the arc of said curve having a radius of 58.31 feet and a central angle of  $84^{\circ} 35' 55''$  for 86.09 feet to a nontangential intersection with a line bearing N  $08^{\circ} 57' 41''$  E, said intersection bearing S  $38^{\circ} 09' 11''$  E from the center of the aforementioned curve; (3) S  $08^{\circ} 57' 41''$  W for 87.00 feet to the outside face of an existing concrete seawall; thence S  $79^{\circ} 29' 32''$  E along the outside face of said seawall for 7.46 feet to a deflection point along said seawall; thence continue Southeasterly along said seawall and along the apparent shoreline of an existing boulder riprap wall for 135 feet, more or less; thence N  $37^{\circ} 33' 17''$  W for 85 feet, more or less, to an intersection with a line bearing N  $78^{\circ} 10' W$ , said line being the Northwesterly prolongation of the most Southwesterly boundary line of CALOOSA COVE RESORT CONDOMINIUM described herein; thence S  $78^{\circ} 10' E$  along said Northwesterly prolongation for 53.88 feet to an intersection with the Southwesterly boundary of said CALOOSA COVE RESORT CONDOMINIUM; thence along said Southwesterly boundary for the following two (2) courses: (1) N  $11^{\circ} 50' E$  for 100.00 feet; (2) N  $78^{\circ} 10' W$  for 150.00 feet; thence S  $57^{\circ} 14' 54''$  W for 34.30 feet to the Point of Beginning.

**PARCEL V: (Caloosa Cove Realty, L.L.C.)**

A parcel of land being a portion of the submerged land deeded by The Trustees of the Internal Improvement Fund of the State of Florida (T.I.I.F. Deed No. 21721) lying in Section 29, Township 64 South, Range 36 East, Monroe County, Florida, being more particularly described as follows:

Commence at the most Northerly corner of Lot 24 in Block 2 of "LOWER MATECUMBE BEACH", according to the Plat thereof as recorded in Plat Book 3, at Page 34, of the Public Records of Monroe County, Florida; thence run Northerly along the arc of a circular curve concave to the East and along the Westerly right-of-way line of Iresque's Drive as shown on said Plat of "LOWER MATECUMBE BEACH" having a radius of 25.00 feet and a central angle of  $90^{\circ} 00' 00''$  for 39.27 feet to a point of termination along said curve; thence N  $51^{\circ} 01' 45''$  W along a line radial to the last described curve for 10.00 feet; thence S  $38^{\circ} 58' 15''$  W for 72.68 feet; thence S  $11^{\circ} 50' 00''$  W for 127.80 feet to the Point of Beginning of the following described parcel; thence S  $11^{\circ} 29' 53''$  W for 114.03 feet; thence S  $57^{\circ} 07' W$  for 171.23 feet; thence N  $78^{\circ} 10' 10''$  W for 107.56 feet; thence S  $37^{\circ} 33' 17''$  E for 85 feet, more or less to a point of intersection with the "approximate mean high water line" along the Easterly edge of the boulder riprap as located by Post, Buckley,

**Schuh & Jettigan, Inc. on December 31, 1987; thence meander Northwesterly along said "approximate mean high water line" for 370 feet, more or less to a point of intersection with a line bearing S 53° 48' 36" E from said Point of Beginning; thence run N 53° 48' 36" W along said line for 95 feet, more or less, to the Point of Beginning.**