

After recording return to:
Craig Southern, CFM
Planning and Development Services Dept.
Islamorada, Village of Islands
86800 Overseas Hwy
Islamorada FL 33036

RESOLUTION NO. 20-08-69

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY IAN G. BACHEIKOV OF AKERMAN LLP ON BEHALF OF KANTANGA, LLC D/B/A THE MOORINGS VILLAGE FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER AND WINE CONSUMPTION ON-PREMISES FOR WITNESS RESOURCES, INC./THE MOORINGS-ISLAMORADA, INC. ON THE PROPERTY LOCATED AT 123 BEACH ROAD ON UPPER MATECUMBE KEY, WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED BELOW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ian G. Bacheikov of Akerman LLP on the behalf of Kantanga, LLC d/b/a/ The Moorings Village (“Applicant”) is requesting a 2COP Alcoholic Beverage Use Permit to allow on-premises consumption, for Witness Resources, Inc./The Moorings-Islamorada, Inc. (the “Owner”); and,

WHEREAS, the Proposed Use is located within the Tourist Commercial (TC) Zoning District at 123 Beach Road on Upper Matecumbe Key, with Parcel Identification Numbers 00401870-000000 and 000955230-000000 as legally described below within Islamorada, Village of Islands, Florida (the “Village”); and

WHEREAS, on August 20, 2020, pursuant to the applicable provisions of the Village Code of Ordinances (the “Code”), the Village Council of Islamorada, Village of Islands, Florida (the Council”) conducted a duly noticed Public Hearing regarding the Proposed Use.

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

Section 1. Findings of Fact. The Council, having considered the testimony and evidence presented by all parties, including the Applicant, does hereby find and determine:

1. The Council reviewed the application for the Proposed Use on August 20, 2020.
2. The Public Hearing was properly noticed, the application for the Proposed Use was properly before the Council for consideration, and all interested parties were given an opportunity to be heard on the matter.
3. In accordance with Code Section 30-1461, the Council considered whether or not the Proposed Use met the following criteria:
 - a. The Proposed Use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development as represented by property owners within 500 feet of the premises;
 - b. The Proposed Use is consistent with the purposes, goals, objectives and policies of the comprehensive plan and this chapter, including standards for building and structural intensities and densities, and intensities of use; and the suitability of the premises regarding its location, site characteristics, and intended purpose;
 - c. The Proposed Use complies with Code Chapter 30, Article IV, Division 5 (Concurrency Management); and,
 - d. The design of the Proposed Use minimizes adverse effects, including visual impact and intensity of the Proposed Use on adjacent lands.
4. Village Staff presented their written recommendation dated August 20, 2020 to the Council to approve the application for the Proposed Use.
5. The Applicant **has** demonstrated that the Proposed Use meets all of the criteria to receive the requested Alcoholic Beverage Use Permit.

Section 2. Conclusions of Law. Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the Land Development Regulations and **will not** be detrimental to the community as a whole; and
2. In rendering its decision, as reflected in this Resolution, the 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 Application for an Alcoholic Beverage Use Permit is hereby **GRANTED**, for the following described property:

Attached Exhibit A

Section 3. Violation of Conditions. The Applicant understands and acknowledges that it must comply with all of the terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies applicable to the Proposed Use granted herein. In accordance with Code Section 30-224(e), the Council may revoke this approval upon a determination that the Applicant, 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 4. Effective Date. This Resolution shall not take effect until after 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 Village Code.

Motion to adopt by Vice Mayor Ken Davis, second by Councilman Jim Mooney.

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	YES
Councilman Chris Sante	YES

PASSED AND ADOPTED THIS 20TH DAY OF AUGUST, 2020.



MIKE FORSTER, MAYOR

ATTEST:



KELLY S. TOTH, CMC, 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 of this 21st day of August, 2020.



Kelly S. Toth, CMC, Village Clerk

EXHIBIT A

LEGAL DESCRIPTIONS

Parcel 00401870-000000

Southeasterly ½ of Lots 1 & 2, Block 3, and all of Lot 3, Block 3, MATECUMBE BEACH, according to the Plat thereof, as recorded in Plat Book 1, at Page 133, of the Public Records of Monroe County, Florida.

Together with:

A Tract of land 45'x83.6' lying in the Southwesterly corner of Lot 2, Block 3, MATECUMBE BEACH, and being described as the Southerly 45 feet of the West 83.6 feet of Lot 2, Block 3, MATECUMBE BEACH, as per Plat thereof, recorded in Plat Book 1, Page 133, of the Public Records of Monroe County, Florida.

Parcel 00095230-000000

Lots 4, 5, and 6, Block 3, MATECUMBE BEACH, according to the Plat thereof as recorded in Plat Book 1, at Page 133, of the Public Records of Monroe County, Florida.

AND ALSO

Lots 1, 2, 3 and 4 of Block 5 of MATECUMBE BEACH, a subdivision on Upper Matecumbe Key, Monroe County, Florida, according to the Plat thereof, recorded in Plat Book 1, at Page 133 of the Clerk of the Circuit Court, in and for Monroe County, Florida.

AND ALSO

On the Island of Upper Matecumbe, and is part of Government Lot 2, Section 32, Township 63 South, Range 37 East, Tallahassee Meridian, Florida, and being more particularly described as follows: Commencing at a point on the Southeast Shoreline distance of 854 feet Southwesterly from where the Eastern boundary line of Section 32, intersects with the Southeast shoreline, thence along the Southeast shoreline in a Southwesterly direction 170 feet; thence in a North 45 degrees West direction 350 feet more or less; thence in a Northeasterly direction 118 feet more or less; 1114.65 feet as shown on survey from G.A. Crawshaw, Registered Surveyor 0198 bearing date of August 18, 1968; thence in a South 45 degrees East direction 150 feet; thence in a Northeasterly direction 215 feet; thence in a South 45 degrees east direction 18 feet; thence in a southwesterly direction 160 feet; thence in a South 45 degrees East direction 190 feet more or less to the Southeast shoreline, the Point of Beginning.

AND ALSO

On the Island of Upper Matecumbe, and is part of Government Lot 2, Section 32, Township 63 South, Range 37 East, Upper Matecumbe Key, Monroe County, Florida, and being more particularly described as follows: Commencing at the southeast shoreline distant 694 feet southwesterly from where the Eastern boundary line of Section 32 intersects the southeast shoreline, thence in a southwesterly direction 168 feet; thence in a North 45 degrees West direction 190 feet more or less; thence in a Northeasterly direction 168 feet; thence in a South 45 degrees East direction 198 feet more or less to the Southeast shoreline, the Point of Beginning.

AND ALSO

A parcel of submerged land in the Straits of Florida and fronting a portion of Lot 1, Plat Book 1, Page 41, in Section 32, Township 63 South, Range 37 East, Upper Matecumbe Key, Monroe County, Florida, more particularly described as follows: From the most Northerly corner of Block 5, of Matecumbe Beach, a subdivision on Upper Matecumbe Key, as per Plat recorded in Plat Book 1, at Page 133 of the Public Records of Monroe County, Florida, run South 45 degrees 54' East, a distance of 488 feet to the mean high tide line on the Straits of Florida, as per the original deed, and the point of beginning of the parcel hereinafter described; thence continued South 45 degrees 54' East, a distance of 184.1 feet; thence South 37 degrees 25' West, a distance of 332.5 feet to the most Easterly corner of a parcel of submerged land previously conveyed by Trustees Deed No. 21784; thence North 45 degrees 48' West and along said parcel, a distance of 142.3 feet to the said mean high tide line, per original deed; thence Northeasterly meandering said mean high tide line, as per original deed, a distance of 338 feet, more or less to the Point of Beginning.

AND ALSO

A parcel of land lying within the right of way of the Florida State Road System, known as Catherine Street, located in Upper Matecumbe, Florida, in Section 32, Township 63 South, Range 37 East, Monroe County, Florida as shown on the Florida Department of Transportation Right of Way Map for State Road No. 5 and labeled Section 90504-(2605), sheet 23 of 32 sheets and being more particularly described as follows:

A portion of Catherine Street, "MATECUMBE BEACH", according to the Plat thereof, as recorded in Plat Book 1, at Page 133, of the Public Records of Monroe County, Florida and being more particularly described as follows:

BEGIN at the Southwest corner of Lot 4, Block 3 of said Plat of "MATECUMBE BEACH"; thence N.46°08'26"E. along the Southeasterly lines of Lots 4 thru 6, Block 3 of said Plat for 190.00 feet to the Southwesterly Right of Way line of Beach Road; thence S.43°51'34"E along the Southwesterly Right of Way line of Beach Road for 60.00 feet, thence S.46°08'26"W. along the Northwesterly lines of Lots 1 and 4, Block 5 for 190.00 feet to the Northeasterly Right of Way line of Industrial Lane; thence N.43°51'34"W. along the said Northeasterly Right of Way line of Industrial Lane for 60.00 feet to the Point of Beginning. Containing 11,400 square feet.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished to the Applicant, via U.S. certified mail, return receipt requested, addressed to Akerman, LLP, Attn: Ian G. Bacheikov, 98 Southeast Seventh Street, Suite 1100, Miami, FL 33131 this 21st day of September, 2020.



Kelly S. Toth, Village Clerk