

**RESOLUTION NO. 20-07-56
(File No: PLAV20190198)**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF DMB INVESTMENTS, LLC (ISLAND CONSTRUCTION MANAGEMENT, AGENT) FOR AN ADMINISTRATIVE DOCK LENGTH VARIANCE IN ACCORDANCE WITH SECTION 30-1550(G) OF THE CODE OF ORDINANCES TO ALLOW A DOCK CONSISTING OF A FOUR (4) FOOT WIDE, 124-FOOT LONG WALKWAY WITH A FOUR (4) FOOT BY 16-FOOT (64 SQUARE FOOT) TERMINAL PLATFORM FOR A TOTAL LENGTH OF 128 FEET, THEREBY EXCEEDING BY 28 FEET THE MAXIMUM LENGTH ALLOWED FOR DOCKS. THE SUBJECT PROPERTY IS LOCATED AT 139 GIMPY GULCH DRIVE ON PLANTATION KEY IN THE R1 (RESIDENTIAL SINGLE FAMILY) ZONING DISTRICT WITH PARCEL ID# IS 00091852-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, DMB Investments, LLC. (Island Construction Management, Agent) has submitted an application for a Dock Length Variance pursuant to Section 30-1550(g) of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") to construct a docking facility, which would consist of a four (4) foot wide, 124-foot long walkway with a four (4) foot by 16-foot (64 square foot) terminal platform on property located at 139 Gimpy Gulch Drive, Islamorada, Florida 33036 (the "Property") as legally described herein; and

WHEREAS, the Property is located within the R1 (Residential Single Family) Zoning District; and

WHEREAS, the overall length of the proposed dock is 128 feet which exceeds the overall maximum length allowed for docks by 28 feet; and

WHEREAS, the Director issued a Notice of Intent to Approve the Request on April 27, 2020; and

WHEREAS, the Director posted a sign on the subject property on July 1, 2020; and

WHEREAS, on July 16, 2020, the Village Council conducted a duly noticed Public Hearing regarding the Request.

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 and correct and incorporated into this Resolution by this reference.

Section 2. Findings of Fact.

The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:

(1) The Application for a Dock Length Variance **does** meet the requirements set forth in Code Section 30-1550 and **has** demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council **approves** the Request submitted by the Applicant for the property located at 139 Gimpy Gulch Drive, legally described as follows:

PARCEL #1: FROM A POINT ON THE EAST LINE OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 63 SOUTH, RANGE 37 EAST, PLANTATION KEY, MONROE COUNTY, FLORIDA, AT THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 5, (FORMER F.E.C RAILWAY) RUN SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 33 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF AMENDED PLAT OF OLLIEWOOD, NO. 2. PLAT BOOK 4, AT PAGE 27, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, THENCE CONTINUE SOUTHWESTERLY ALONG THE SAID RIGHT OF WAY LINE A DISTANCE OF 480.75 FEET, THENCE NORTH AND PARALLEL WITH THE SAID EAST LINE OF SECTION 13, A DISTANCE OF 719.8 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED, THENCE EAST AT THE THE RIGHT ANGLES TO LAST DESCRIBED COURSE, A DISTANCE OF 252 FEET, THENCE NORTH AND PARALLEL TO THE SAID EAST LINE OF SECTION 13, A DISTANCE OF 296.1 FEET, MORE OR LESS, TO THE MEAN HIGH TIDE LINE ON THE SHORE OF THE BAY OF FLORIDA, THENCE NORTHWESTERLY MEANDERING SAID MEAN HIGH TIDE LINE A DISTANCE OF 271 FEET, MORE OF LESS, TO A POINT DIRECTLY NORTH THE POINT OF BEGINNING, THENCE SOUTH AND PARALLEL TO THE SAID EAST LINE OF SECTION 13, A DISTANCE OF 395.2 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

AND

PARCEL #2 A TRACT OF SUBMERGED LAND LYING IN SECTION 13, TOWNSHIP 63 SOUTH, RANGE 37 EAST, ON PLANATION KEY, MONROE COUNTY , FLORIDA, WHICH TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE DIVIDING LINE BETWEEN OLLIEWOOD NO. 2 AMENDED, ACCORDING TO A MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 27, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND LOT 9 OF MCDONALD PLAT, ACCORDING TO A MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 81, OF SAID PUBLIC RECORDS, WITH THE NORTHERLY SIDE OF THE RIGHT OF WAY OF STATE ROAD NO. 5 (US NO 1) RUN NORTH 01 DEGREES 30 MINUTES 04 SECONDS WEST FOR 789.2 FEET, THENCE RUN NORTH 88 DEGREES 29 MINUTES 56 SECONDS EAST ALONG THE SAID DIVIDING LINE FOR 103.7 FEET, THENCE RUN NORTH 01 DEGREES 30 MINUTES 04 SECONDS WEST ALONG THE SAID DIVIDING LINE FOR 980.9 FEET, MORE OR LESS, TO THE MEAN HIGH TIDE LINE ON THE SHORE OF FLORIDA BAY, THENCE RUN NORTH 31 DEGREES 29 MINUTES 14 SECONDS WEST FOR 291.36 FEET, THENCE RUN SOUTH 24 DEGREES 52 MINUTES 51 SECONDS WEST FOR 450.00 FEET, THENCE RUN SOUTH 02 DEGREES , 07 MINUTES 09 SECONDS EAST FOR 450FEET, THENCE RUN SOUTH 42 DEGREES 52 MINUTES 51 SECONDS WEST FOR 240.22 FEET, THENCE RUN SOUTH 87 DEGREES 52 MINUTES 51 SECONDS WEST FOR 20.23 FEET TO AN INTERSECTION WITH A NORTHERLY PROLONGATION OF THE EASTERLY BOUNDARY OF THE SCHMITT PROPERTY AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF SUBMERGED LAND, FROM SAID POINT OF BEGINNING CONTINUE SOUTH 87 DEGREES 52 MINUTES 51 SECONDS WEST FOR 252.00 FEET TO AN INTERSECTION WITH A NORTHERLY PROLONGATION OF THE WESTERLY BOUNDARY OF THE SAID SCHMIDT PROPERTY, THENCE RUN SOUTH 01 DEGREES 45 MINUTES 04 SECONDS EAST ALONG THE SAID NORTHLY PROLONGATION OF THE SAID WESTERLY BOUNDARY FOR 150 FEET, MORE OR LESS, TO THE MEAN HIGH TIDE LINE ON THE SHORE OF FLORIDA BAY, THENCE SOUTHEASTERLY MEANDERING THE SAID MEAN HIGH TIDE LINE FOR 270 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY BOUNDARY OF THE SAID SCHMITT PROPERTY, THENCE RUN NORTH 01 DEGREES 45 MINUTES 04 SECONDS WEST ALONG A NORTHERLY PROLONGATION OF THE SAID EASTERLY BOUNDARY FOR 249.73 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT IN, OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL.

A PARCEL OF LAND IN SECTION 13, TOWNSHIP 63 SOUTH, RANGE 37 EAST, ON PLANTATION KEY, MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST LINE OF SECTION 13, TOWNSHIP 63 SOUTH, RANGE 37 EAST WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 5 (FORMERLY F.E.C. RAILWAY, US HIGHWAY NO. 1); THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 513.03 FEET, MORE OR LESS TO THE SOUTH EASTERLY CORNER OF LANDS, NOW OR FORMALLY OF CAROL CUTSHALL AND THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED, THENCE RUN NORTH, PARALLEL WITH SAID EAST LINE OF SECTION 13 FOR A DISTANCE OF 719.52 FEET, MORE OR LESS TO THE SOUTHWESTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 809, PAGE 1332 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, THENCE RUN EAST ALONG SAID LANDS FOR A DISTANCE OF 35.00 FEET, THENCE RUN SOUTH, PARALLEL TO SAID EAST LINE OF SECTION 13 FOR A DISTANCE OF 705.62 FEET, MORE OR LESS TO THE

NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO 5 THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 37.66 FEET TO THE POINT OF BEGINNING.

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 Comprehensive Plan and the Code; and

(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 contained within the record.

Section 4. 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 Applicant until forty-five (45) days following the rendition to the Department of Economic Opportunity (DEO), pursuant to Chapter 9J-1 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 Resolution until the appeal is resolved by agreement or order.

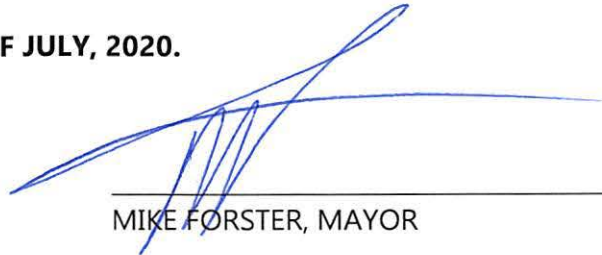
Motion to adopt by Vice Mayor Ken Davis, second by Councilman Chris Sante.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

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

PASSED AND ADOPTED THIS 16th DAY OF JULY, 2020.



MIKE FORSTER, MAYOR

ATTEST:



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 of this 17th day of July, 2020.



KELLY TOTH, VILLAGE CLERK