

RESOLUTION NO. 22-08-75

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AMENDMENT NUMBER TWO TO LEASE NUMBER 3783 WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund for the State of Florida (the "BOT TIF"), holds title to certain lands and property for the use and benefit of the State of Florida; and

WHEREAS, on October 18, 1989, the BOT TIF and Monroe County entered into Lease Number 3783 (the "Lease") for the management of certain lands on Lower Matecumbe Beach; and

WHEREAS, on August 2, 2010, the Lease was assigned to Islamorada, Village of Islands (the "Village"); and

WHEREAS, on January 18, 2019, a first amendment to the Lease was entered between the BOT TIF and the Village to add additional properties to the leased premises; and

WHEREAS, the BOT TIF and the Village desire to amend the lease a second time to add additional properties to the leased premises excluded from the first amendment ("Amendment Number Two"); and

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council"), has determined that entering into Amendment Number Two to the Lease to add additional properties, is in the best interests of the Village.

**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. Approval of Amendment Number Two. The Village Council hereby approves Amendment Number Two, attached hereto as Exhibit "A".

Section 3. Authorization of Village Officials. The Village Manager and/or designee and the Village Attorney are authorized to take all actions necessary to execute and implement the terms and conditions of the Second Amendment.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption. Motion to adopt by David Webb, seconded by Mark Gregg.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Pete Bacheler	<u>Yes</u>
Vice Mayor Henry Rosenthal	<u>Yes</u>
Councilman Mark Gregg	<u>Yes</u>
Councilman Joseph B. Pinder III	<u>Yes</u>
Councilman David Webb	<u>Yes</u>

PASSED AND ADOPTED THIS 4th DAY OF August, 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:



JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

This instrument prepared by:
Tara Gray
Department of Environmental Protection
Bureau of Public Administration
Division of State Lands
3900 Commonwealth Blvd. MS 130
Tallahassee, Florida 32399-3000
AID# 44614

ATL1
[0.67 +/- acres]

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA**

AMENDMENT NUMBER 2 TO LEASE NUMBER 3783

THIS LEASE AMENDMENT is entered into this 19th day of August, 2022, by and between the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, hereinafter referred to as "LESSOR" and **ISLAMORDA, VILLAGE OF ISLANDS**, a Florida municipal corporation, hereinafter referred to as "LESSEE";

WITNESSETH:

WHEREAS, LESSOR, by virtue of Section 253.03, Florida Statutes, holds title to certain lands and property for the use and benefit of the State of Florida; and

WHEREAS, on October 18, 1989, LESSOR and Monroe County entered into Lease Number **3783** (the "lease"); and

WHEREAS, on August 2, 2010, the lease was assigned to LESSEE; and

WHEREAS, LESSOR and LESSEE desire to amend the lease to add to the leased premises.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The legal description of the leased premises set forth in Exhibit "A" of Lease Number **3783** is hereby amended to include the real property described in Exhibit "A" attached hereto and by reference made a part hereof.
2. It is understood and agreed by LESSOR and LESSEE that in each and every respect the terms of Lease Number **3783**, except as amended, shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by LESSOR and LESSEE as of the date of this amendment.
3. It is understood and agreed by LESSOR and LESSEE that this Amendment Number **2** to Lease Number **3783** is hereby binding upon the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Lease Amendment to be executed on the day and year first above written.

WITNESSES:

Michele Stevens

Original Signature

Michele Stevens

Print/Type Name of Witness

Janelle Wamble

Original Signature

Janelle Wamble

Print/Type Name of Witness

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA**

(SEAL)

BY:

[Signature]

Brad Richardson, Chief, Bureau of Public Land Administration,
Division of State Lands, State
of Florida Department of Environmental
Protection, as agent for and on behalf of the Board of Trustees of
the Internal Improvement Trust
Fund of the State of Florida

“LESSOR”

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me by means of physical presence or online notarization
this 19th day of August, 2022 by Brad Richardson, Chief, Bureau of Public Land Administration, Division of
State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of
the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:

[Signature] 04-28-2022

DEP Attorney

Date

Audrey Michele Stevens
Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires: _____

Commission/Serial No. _____



WITNESSES:

Marne M'Brath
Original Signature

Marne M'Brath
Print/Type Name of Witness

Jamie Terry
Original Signature

JAMIE TERRY
Print/Type Name of Witness

ISLAMORADA, VILLAGE OF ISLANDS
a Florida municipal corporation

BY: Pete Bachele
Pete Bachele, Mayor



“LESSEE”

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me by means of physical presence on this 4th day of August, 2022 by Pete Bachele, as Mayor, for and on behalf of Islamorada, Village of Islands, a Florida municipal corporation. He is personally known to me.

Stephanie Conde
Notary Public, State of Florida

Stephanie Conde
Printed, Typed or Stamped Name

My Commission Expires: 11/27/25

Commission/Serial No. _____



Stephanie Conde
Comm.: HH 189981
Expires: Nov. 27, 2025
Notary Public - State of Florida

EXHIBIT "A"

All of those lands described in Official Records Book 2267, page 2192 of the Public Records of Monroe County, Florida, described as follows:

A portion of Tract C, according to the plat of Lysiloma, as recorded in Plat Book 5, at page 115, of the Public Records of Monroe County, Florida, on Plantation Key, being more particularly described as follows:

Beginning at an iron pipe at the Southwest corner of said Tract C; thence proceed N 15° 12' E along the West line of Tract C a distance of 108.58 feet; thence proceed S 89° 10' 07" E a distance of 159.96 feet; thence proceed S 00° 39' 12" W a distance of 102.16 feet to an iron pipe in the South line of Tract C; thence proceed S 89° 56' W along said South line of Tract C a distance of 187.20 feet to an iron pipe at the Point Of Beginning.

AND:

All of those lands described in Official Records Book 2402, page 315 of the Public Records of Monroe County, Florida, described as follows:

A portion of Lot 3, Randal Adams Subdivision, on Plantation Key, as per Plat recorded in Plat Book 1, at Page 110, of the Public Records of Monroe County, Florida, more particularly described as follows:

Commence at a point on the Northwestern Right-of-Way line of Overseas Highway (State Road No. 5) at the dividing line between Lots 3 and 4 of said Randal Adams Subdivision for a point of reference; thence proceed Northwesterly along said dividing line 361.80 feet; thence proceed at right angles and Northeasterly 12 feet to the Point Of Beginning of the property to be described herein; thence continue Northeasterly 110.02 feet to the Northeasterly line of said Lot 3; thence proceed at right angles and Northwesterly along said Northeasterly line of Lot 3 for 100 feet; thence proceed at right angles and Southwesterly 110.02 feet to a point 12 feet Northeasterly of the dividing line between Lots 3 and 4; thence proceed Southeasterly on a line 12 feet Northeasterly and parallel to the dividing line between Lots 3 and 4 for 100 feet to the Point Of Beginning.

TOGETHER WITH a road and utility easement varying in Width between 20 feet and 31 feet, and being more particularly described as follows:


A portion of Lots 3 and 4, Randal Adams Subdivision, on Plantation Key, as per Plat recorded in Plat Book 1, at Page 110, of the Public Records of Monroe County, Florida, more particularly described as follows:

Beginning at the Southwest corner of said Lot 4; thence proceed along the Northwestern Right-of-Way line of Overseas Highway (State Road No. 5) for 31.07 feet; thence proceed Northwesterly and parallel to the Southwesterly line of said Lot 4 for 140.29 feet; thence proceed at right angles and Northeasterly for 103.24 feet to a point 12 feet Northeasterly of the dividing line between said Lots 3 and 4; thence proceed at right angles Northwesterly and parallel with said dividing line for 427.52 feet to the Northerly end of said road; thence proceed at right angles and Southwesterly 20 feet to a point 8 feet Southwesterly of said dividing line between Lots 3 and 4; thence proceed Southeasterly and parallel to said dividing line for 407.52 feet; thence proceed at right angles and Southwesterly 114.24 feet to the Southwesterly line of said Lot 4; thence proceed Southeasterly along the Southwesterly line of Lot 4 for 142.84 feet to the Point Of Beginning.

BSM: *Amy Lewis*

DATE: November 5, 2021



 Subject Parcels

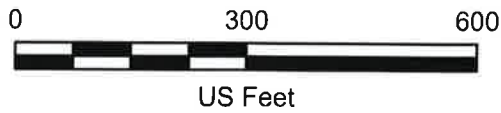
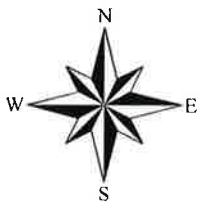


Exhibit A



PLANTATION KEY
VILLAGE OF ISLAMORADA
LEASE 3783 - AMENDMENT

Monroe County, Florida

