

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

**RESOLUTION 23-04-35**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY TY HARRIS, PA ("AGENT") ON BEHALF OF SOJOURN INC ("OWNER") FOR FINAL PLAT APPROVAL FOR PROPERTY LOCATED IN MATECUMBE SANDY BEACH, LOWER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, HAVING REAL ESTATE NUMBER 00394480-000100, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Sojourn Inc., (the "Owner") are the owners of property located on Lower Matecumbe Key located on land between Captains Cove and Overseas Highway with Real Estate Number 00394480-000100, as legally described in Exhibit "A" and

**WHEREAS**, pursuant to Article IV "Administrative Procedures," Division 10 "Platting," Sections 30-431 through 30-444 of the Islamorada, Village of Islands (the "Village") Code of Ordinances (the "Village Code"), Ty Harris, PA as the Agent and Applicant (the "Agent/Applicant") has applied for Final Plat approval for the subdivision of one parcel into six (6) lots (the "Request"); and

**WHEREAS**, the Village Director of Planning granted preliminary plat approval on February 9, 2023; and

**WHEREAS**, pursuant to the applicable provisions of the Code, the Director in her Staff Report dated March 30, 2023 recommended approval of the Final Plat to the Village Council; and

**WHEREAS**, the Village Council has considered the Request, the relevant supporting materials, the Director's recommendation, public testimony and evidence given at a properly advertised public hearing held on April 11, 2023 (the "Hearing").

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

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

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

- (1)    The Applicant submitted the Request on May 24, 2022.
- (2)    The Request consists of a Final Plat attached as Exhibit "B" depicting the Request's configuration, layout, and level of impacts.
- (3)    The Property is located within the Multifamily (MF) Zoning District.
- (4)    The property was previously the subject of litigation between the Owner and the Village. The result of that litigation was an amicable settlement agreement outlined in Resolution No. 08-07-48 adopted by the Village Council in July 2008.
- (5)    The Request **complies** with the standards of Code Section 30-434 for considering Final Plats.
- (6)    The Request **complies** with the standards of Chapter 177, Florida Statutes for consideration of final plats.
- (7)    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.

(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

**Section 4. Approval of Final Plat.** Pursuant to the requirements set forth in Article IV "Administrative Procedures," Division 10 "Platting," Sections 30-431 through 30-444 of the Village Code, the requested Final Plat, attached hereto as Exhibit "B," is hereby [DENIED/APPROVED].

**Section 5. Conditions Imposed.** Granting of the Request is subject to the following conditions:

(1) Upon approval of the Final Plat, the Applicant shall provide an improvement guarantee in an amount to be determined by the Director of Public Works pursuant to Section 30-435 of the Village Code.

**Section 6. 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 conditions and/or time limitations shall apply.

**Section 7. Violation of Conditions.** The Owner 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 Owner 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 8. 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 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 Florida Department Of Economic Opportunity (the "DEO"), pursuant to Chapter 73C-44.0033 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 instrument until the appeal is resolved by agreement or order.

**Section 9. Recording of Final Plat.** Upon approval or approval with conditions, the Applicant shall record the Final Plat in the office of the recorder of deeds of Monroe County and a copy of the recorded plat shall be provided to the Director. In addition to the printed copy of the Final Plat, the Applicant shall also provide an electronic copy of the plat in a format acceptable to

the Director. Such recording shall be completed within 90 days of approval of the final plat, or such approval shall be deemed null and void. If this Resolution is appealed under the LDRs or by DEO, the above time limits shall be tolled until the appeals are resolved.

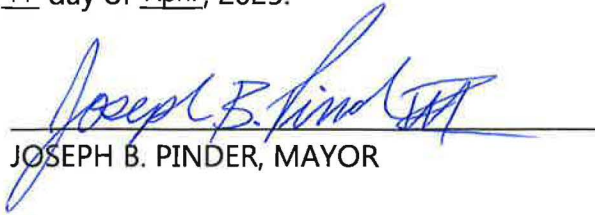
Motion to adopt by Council Member Mark Gregg, second by Council Member Elizabeth Jolin.

**FINAL VOTE AT ADOPTION**

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

Mayor Joseph B. Pinder III	<u>Yes</u>
Vice Mayor Sharon Mahoney	<u>Yes</u>
Councilman Mark Gregg	<u>Yes</u>
Councilman Henry Rosenthal	<u>Yes</u>
Councilwoman Elizabeth Jolin	<u>Yes</u>

**PASSED AND ADOPTED** on this 11 day of April, 2023.

  
JOSEPH B. PINDER, MAYOR

ATTEST:

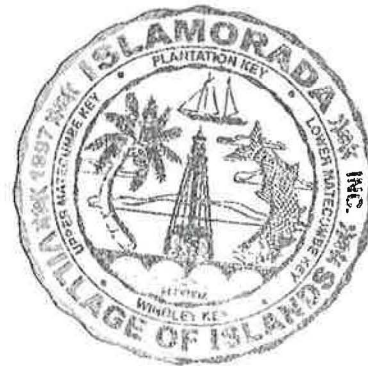
  
MARNE MCGRATH, VILLAGE CLERK

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

  
JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 13 day of April, 2023.

  
Marne McGrath, Village Clerk





# SOJOURN PROPERTY

A REPLAT OF A PART OF TRACT 5 OF MATECUMBE SANDY BEACH ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 127, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA LYING AND BEING IN SECTION 20, TOWNSHIP 64 SOUTH, RANGE 36 EAST MATECUMBE KEY-MONROE COUNTY, FLORIDA

PREPARED BY



ORTHOTEK GEOSPATIAL SOLUTIONS

PLAT BOOK 7 PAGE 99

**DEDICATION**  
KNOW ALL MEN BY THESE PRESENT, THAT SOJOURN INC., A FLORIDA CORPORATION, OWNER OF THIS FOLLOWING DESCRIBED PROPERTY LOCATED IN LOWER MATECUMBE, ISLAMORADA, VILLAGE OF ISLANDS, MONROE COUNTY FLORIDA HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "SOJOURN PROPERTY"

THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES BUT NOT LIMITED TO: RECORD THE BOUNDARIES OF OWNERSHIP AND REPLAT THE FOLLOWING DESCRIBED PROPERTY IN ORDER TO CREATE A MORE SUITABLE SITE FOR CONSTRUCTION.

**ACKNOWLEDGEMENT**

OWNER'S SIGNATURE

STATE OF FLORIDA

COUNTY OF **Monroe**

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF  
PHYSICAL PRESENCE OR ONLINE NOTARIZATION, THIS DAY  
OF **April**, BY **Kary Markowski**, owner  
FOR **Sojourn**

**UNMARRIED**  
Notary Public State of Florida  
Kary Markowski  
My Commission No. 381297  
Expires 3/30/2027  
(PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC)

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

REVIEWED AND APPROVED BY ISLAMORADA, VILLAGE OF ISLANDS SURVEYOR

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN REVIEWED FOR THE CONFORMITY TO THE REQUIREMENTS OF CHAPTER 177, PART I OF FLORIDA STATUTES.

NO CONFIRMATION OF MATHEMATICAL CLOSURE OR THE PLACEMENT OF P.M.'S AND P.C.'S IN THE FIELD WAS MADE IN THIS REVIEW.

CPH, LLC LB #7143

500 WEST FULTON STREET

SANFORD, FL 32771

BY **Randall L. Roberts**, P.S.M. 3144, DATE **4-27-2023**

RANDALL L. ROBERTS, R.L.S.

APPROVAL OF THE CLERK OF THE CIRCUIT COURT OF MONROE COUNTY FLORIDA

THIS PLAT WAS APPROVED BY RESOLUTION OF THE VILLAGE OF ISLANDS, VILLAGE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_ 20\_\_\_\_ AND RECORDED IN PLAT BOOK \_\_\_\_ AT PAGE \_\_\_\_ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT MONROE COUNTY, FLORIDA ON THE \_\_\_\_ DAY OF \_\_\_\_ 20\_\_\_\_

BY **Kary Markowski** CLERK OF COURTS

APPROVAL OF ISLAMORADA VILLAGE COUNCIL

IT IS HEREBY CERTIFIED THAT THE ISLAMORADA VILLAGE OF ISLANDS, VILLAGE COUNCIL OFFICIALLY APPROVES THIS PLAT OF "SOJOURN PROPERTY" ON THE **11** DAY OF **April**, 2023 BY RESOLUTION NO. **23-04-39**

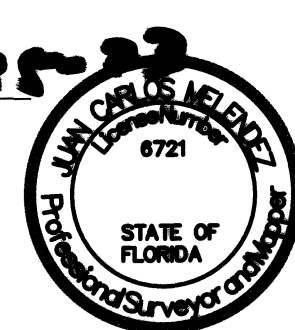
BY **James B. Smith** MAYOR

BY **Unmarried** VILLAGE CLERK

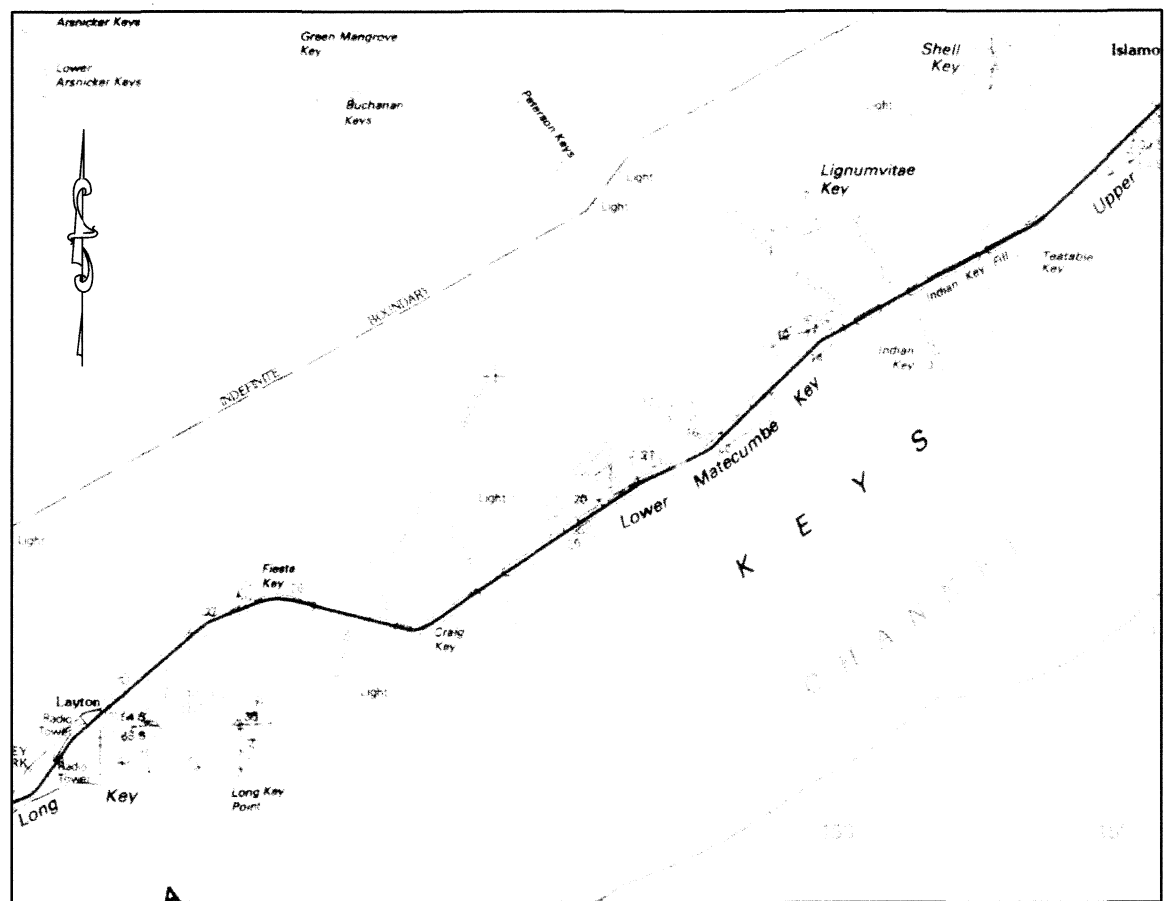
PROFESSIONAL SURVEYOR AND MAPPER CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT TITLED "SOJOURN PROPERTY" AS SHOWN ON THIS SHEET, IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SUBDIVIDED UNDER MY DIRECT SUPERVISION AND THAT SURVEY DATA SHOWN ON SAID PLAT COMPLIES WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART I, FLORIDA STATUTES, AND FURTHER THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.091(7) OF SAID CHAPTER.

DATE **4-27-2023**  
JUAN C. MELENDEZ  
PROFESSIONAL SURVEYOR AND MAPPER  
LB7920 LS6721  
8865 N.W. 102ND CT.  
DORAL, FLORIDA 33178



THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED/DIGITAL SEAL OF A FLORIDA REGISTERED PROFESSIONAL SURVEYOR AND MAPPER.



LOCATION MAP N.T.S.

## LEGAL DESCRIPTION

PARCEL "2"

A PART OF TRACT 5, ACCORDING TO THE PLAT OF MATECUMBE SANDY BEACH, AS RECORDED IN PLAT BOOK 3 AT PAGE 127, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, ON LOWER MATECUMBE KEY, IN SECTIONS 20 AND 21, TOWNSHIP 64 SOUTH, RANGE 36 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE SOUTHWESTERLY SIDE OF SAID TRACT 5 WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OVERSEAS HIGHWAY Y (U.S. HIGHWAY NO. 1), ALL AS SHOWN ON SAID PLAT OF MATECUMBE SANDY BEACH; THENCE PROCEED N56°42'30"E ALONG SAID RIGHT-OF-WAY LINE 1422.84 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREINAFTER DESCRIBED; THENCE CONTINUE N56°42'30"E ALONG SAID RIGHT-OF-WAY LINE 59.60 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2964.93 FEET THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 7°30'51", 388.84 FEET TO A POINT OF TANGENCY; THENCE PROCEED N64°13'21"E ALONG SAID RIGHT-OF-WAY LINE, 123.05 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 25 FEET AND TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SANDY COVE AVENUE; THENCE PROCEED NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 97°30'51", 42.55 FEET TO A POINT OF TANGENCY; THENCE PROCEED N33°17'30"W ALONG SAID RIGHT-OF-WAY LINE, 173.20 FEET; THENCE PROCEED S64°13'21"W, 125.19 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 3164.93 FEET; THENCE PROCEED SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 7°30'51", 415.07 FEET TO A POINT OF TANGENCY; THENCE PROCEED S56°42'30"W, 59.60 FEET; THENCE PROCEED S33°17'30" E, 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 119594.63 SQUARE FEET OR 2.746 ACRES

PARCEL "3"

A PART OF TRACT 5, ACCORDING TO THE PLAT OF MATECUMBE SANDY BEACH, AS RECORDED IN PLAT BOOK 3, AT PAGE 127, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

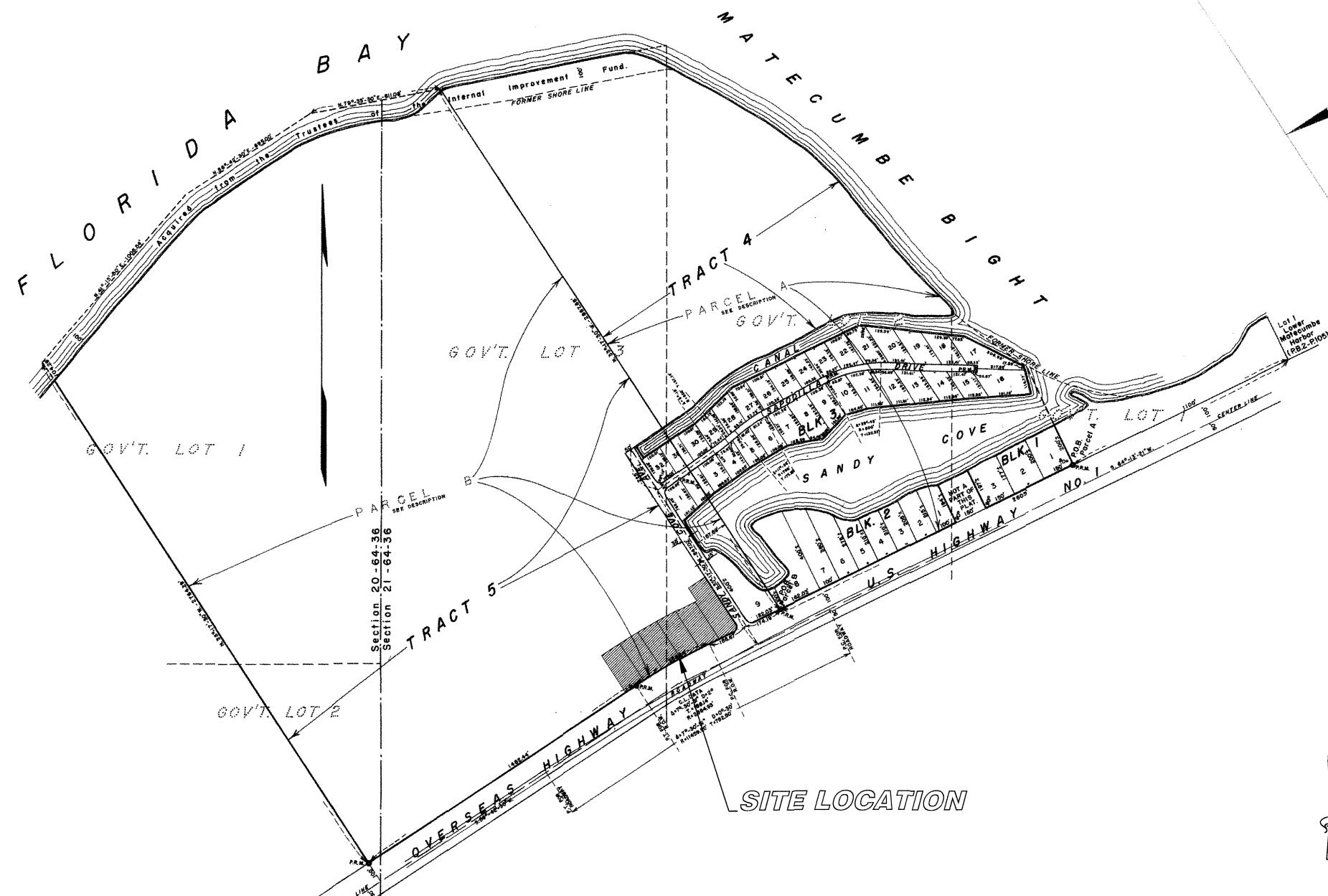
FROM THE INTERSECTION OF THE WESTERLY LINE OF SANDY COVE AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE OVERSEAS HIGHWAY (STATE ROAD NO. 5), AS SHOWN ON SAID PLAT, RUN N33°17'30"W, ALONG SAID WESTERLY LINE OF SANDY COVE AVENUE, A DISTANCE OF 201.71 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED, THENCE CONTINUE N33°17'30"W, A DISTANCE OF 83.29 FEET; THENCE S56°42'30"W, A DISTANCE OF 90.00 FEET; THENCE S33°17'30"E, A DISTANCE OF 71.42 FEET; THENCE NORTH 64°13'21"E, A DISTANCE OF 90.78 FEET TO THE POINT OF BEGINNING, CONTAINING 6982.01 SQUARE FEET OR 0.160 ACRES.

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

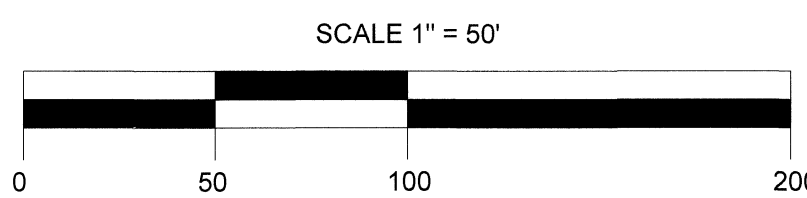
TITLE INSURANCE FOR THIS PARCEL WAS OBTAINED PURSUANT TO OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY VIA TITLE COMMITMENT NUMBER C-2842573, WITH THE ISSUANCE OF THE RESULTING OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY OWNERS' TITLE POLICY NUMBER OPN 1238315, WITH EFFECTIVE DATE OF MARCH 11, 1998 @ 10:58 AM, AND A LISTED INSURED AND VESTED TITLE HOLDER DELINEATED AS: SOJOURN, INC., A FLORIDA CORPORATION, PER ISSUING AGENT ATLANTIC TITLE INSURANCE COMPANY. FURTHERMORE, A TITLE SEARCH WAS PERFORMED TO VERIFY AND CONFIRM THE CURRENT VESTED TITLE HOLDER AND LISTED ENCUMBRANCES AND ENCROACHMENTS AS THEY PERTAIN TO THE REAL PROPERTY LEGALLY DESCRIBED HEREIN. PURSUANT TO CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT ORDER NO. 10106132, WITH EFFECTIVE DATE DECEMBER 6, 2022 @ 11:00 PM, THE PROPOSED INSURED AND CURRENT VESTED TITLE HOLDER IS DELINEATED AND CONFIRMED TO BE SOJOURN, INC., A FLORIDA CORPORATION, PER ISSUING AGENT CHAMPAGNE TITLE SERVICES, INC.

I. EASEMENTS #1 AND #2 FOR THE PURPOSE OF DOCKS AND WATER ACCESS, DATED JULY 17, 1973, FILED JULY 27, 1973, IN OFFICIAL RECORDS BOOK 547, PAGE 550.

II. EASEMENT OF U.S. HIGHWAY NO. 1 BY DEED GIVEN TO STATE ROAD DEPARTMENT, FILED IN OFFICIAL RECORDS BOOK 6-10, AT PAGE 423. (NOT SHOWN ON PLAT-NOT PLOTTABLE)



REFERENCE PLAT  
MATECUMBE SANDY BEACH  
(P.B. 3 PG. 127 M.C.R.)



## ABBREVIATIONS

FND = FOUND  
L = LENGTH (WHEN USED IN CURVE DATA)  
D = DELTA-CENTRAL ANGLE  
L.F. = LINEAR FEET  
(C) = CALCULATED DATA  
(R) = RECORD  
B.O.B. = BASIS OF BEARING  
C.B. = CHORD BEARING  
NO. = NUMBER  
O.R.B. = OFFICIAL RECORDS BOOK  
(P) = PLAT DATA  
P.B. = PLAT BOOK  
PG. = PAGE  
P.O.B. = POINT OF BEGINNING  
R/W = RIGHT-OF-WAY  
P.O.C. = POINT OF COMMENCEMENT  
TYP. = TYPICAL  
T.B. = TANGENT BEARING  
PC = POINT OF CURVE  
PI = POINT OF INTERSECTION  
PRC = POINT OF REVERSE CURVE  
PCC = POINT OF COMPOUND CURVE  
PT = POINT OF TANGENCY  
T.B. = TANGENT BEARING  
N.R. = NON RADIAL  
R.O.W. = RIGHT OF WAY LINE

○ DENOTES (P.R.M.) PERMANENT REFERENCE MONUMENT  
● DENOTES SET 8" I.P. LB.7920  
● DENOTES FND. ORIGINAL PARCEL CORNER-1" I.P.  
● PARCEL CORNER FALLS ON WATER (UNABLE TO SET)  
⊙ DENOTES LOT NUMBER

UNLESS OTHERWISE NOTED A 8" IRON ROD AND CAP LB.7920 MONUMENT SHALL BE SET AT ALL LOT CORNERS, POINTS OF INTERSECTION, AND CHANGES OF DIRECTION LINE WITHIN THE SUBDIVISION WHICH DO NOT REQUIRE P.R.M. OR P.C.P.

ALL PLATED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES IN ACCORDANCE WITH FLORIDA STATUTE 177.091(28).