

RESOLUTION NO. 16 -07-15

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT APPROVING THE TRANSFER OF A SMALL PORTION OF PROPERTY LOCATED AT 92431 OVERSEAS HIGHWAY IN TAVERNIER, FLORIDA AND MORE COMMONLY KNOWN AS VACUUM STATION J/K IN EXCHANGE FOR AN EASEMENT COVERING PROPERTY UPON WHICH CERTAIN OF THE DISTRICT'S IMPROVEMENTS ENCROACH; AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key Largo Wastewater Treatment District ("District") installed, operates, and maintains a vacuum pit and lateral ("Improvements") in an area referred to as a plat of survey of Ellis Property located south of the main gate of the property located at 92501 Overseas Highway, Tavernier, Florida; and

WHEREAS, a portion of the Improvements encroach onto a certain vacant parcel of real property referred to as a plat of survey of Ellis Property, which is currently owned by Chris Sante ("Sante") and is identified as RE 00490230-000000; AK 1605662 ("AK 1605662"); and

WHEREAS, District staff have determined that moving the Improvements to eliminate the encroachment onto AK 1605662 would cost the District many thousands of dollars; and

WHEREAS, the District has requested that Sante grant the District a non-exclusive permanent utility easement granting the District access to the Improvements that encroach onto AK 1605662, so that the District can continue to operate and maintain them; and

WHEREAS, the District owns a parcel located at 92431 Overseas Highway, Key Largo, FL ("Vac J/K") for the purpose of operating a Vacuum Station; and

WHEREAS, Sante has requested that the District transfer to him a small strip of land located along the south edge of Vac J/K, which area totals 538.67 square feet; and

WHEREAS, District staff have determined that transferring this small portion of the property at Vac J/K to Sante would have no impact on the District's operations at that location; and

WHEREAS, District staff and Sante have determined and agreed that it would be in the mutual best interest of all parties concerned for the District to transfer to Sante the small strip of land at Vac J/K in consideration for Sante granting to the District a non-exclusive permanent utility easement over that portion of AK 1605662 upon which the District's Improvements encroach.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AS FOLLOWS:

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

Section 2. Approval of exchange of Easement for Quitclaim. The Key Largo Wastewater Treatment District has determined that it would be in the best interest of the District to, and hereby agrees to, transfer to Chris Sante the property described in the Quitclaim Deed attached hereto as "Exhibit A" for and in consideration of the non-exclusive permanent utility easement granted to the District by Chris Sante in the Easement Grant attached hereto as "Exhibit B".

Section 3. Execution of Quitclaim Deed. The General Manager is authorized to execute the Quitclaim Deed attached hereto as "Exhibit A," and to cause same to be duly filed with the County Clerk.

Section 4. Acceptance of Easement Agreement. The General Manager is authorized to execute the Certificate of Acceptance on the original of the Easement Grant attached hereto as "Exhibit B," and to cause same to be duly filed with the County Clerk.

Section 5. Authorization of District Officials. The General Manager and/or his designee and the General Counsel are authorized to take all actions necessary to implement the terms and conditions of this resolution.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption by the Board of Commissioners.

RESOLVED AND ADOPTED THIS 21st DAY OF JULY, 2015

The foregoing RESOLUTION was offered by Commissioner Higgins, who moved its approval. The motion was seconded by Commissioner Gibbs, and being put to a vote, the result was as follows:

	AYE	NAY
Chairman Asdourian	<u>✓</u>	___
Commissioner Gibbs	<u>✓</u>	___
Commissioner Higgins	<u>✓</u>	___
Commissioner Majeska	<u>✓</u>	___
Commissioner Tobin	<u>✓</u>	___

The Chairman thereupon declared Resolution No. 16-07-15 duly passed and adopted the 21st day of July, 2015.

KEY LARGO WASTEWATER TREATMENT DISTRICT



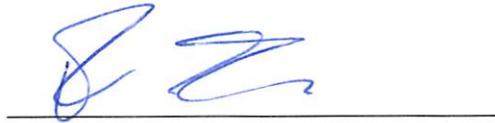
Chairman David Asdourian

ATTEST:

Approved to as to form and legal sufficiency



Katherine Jackson, District Clerk



Ray Giglio, General Counsel

SEAL

