



**Islamorada, Village of Islands
Planning & Development Services**

86800 Overseas Highway, Islamorada, FL 33036
T: 305-664-6400, F: 305-664-6467

APPLICATION FOR ADMINISTRATIVE APPEAL

Pursuant to Code Chapter 30, Article IV, Division 4

Application Type:	Fee:	*Deposit:	Total Fee:
<input checked="" type="checkbox"/> Residential	\$1,800.00	\$500.00	\$2,300.00
<input type="checkbox"/> Nonresidential	\$3,900.00	\$500.00	\$4,400.00

* A deposit is required for development approval or permits which necessitate additional review and processing, and/or public hearing and notice requirements. Applicants are required to pay a cost recovery deposit which shall be credited toward the fee charged for such additional review and processing and shall pay additional deposits as may be required from time to time. A debit based upon the actual time expended in reviewing an application and the applicable actual amount charged to the Village shall be charged against the cost recovery deposit.

Any person aggrieved by an administrative decision or interpretation of the Director of Planning and Development Services, the Building Official or other Village administrative official regarding the provisions of Chapter 30, Land Development Regulations, of the Code of Ordinances of Islamorada, Village of Islands, may appeal such decision or interpretation. The appeal shall be initiated within 30 days of the date of the administrative decision or interpretation by filing this application with the Director.

PLEASE NOTE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY.

APPELLANT:

Name: Mark Gregg
 Mailing Address: 189 East Ridge Road Islamorada, FL 33036
 Primary Phone: 305 394 3337 Fax: _____
 Email: mgregg9787@aol.com

AGENT (if applicable): Property owner must submit a **notarized** letter authorizing the applicant/agent to act on their behalf including the agent's name, address and phone number.

Name: none
 Mailing Address: _____
 Primary Phone: _____ Fax: _____
 Email: _____

PROPERTY OWNER:

Name: same as appellant
 Mailing Address: _____
 Primary Phone: _____ Fax: _____
 Email: _____

LEGAL DESCRIPTION OF PROPERTY: If in metes and bounds, attach legal description on separate sheet.
 Physical Address: 183 East Ridge Road

Lot: priv. road & park + Block: _____ Mile Marker: 86.7
 Plantation Key Windley Key Upper Matecumbe Key Lower Matecumbe Key
 Subdivision: Toner's Nautical Shores PB 4 Pg. 36

Application for Administrative Appeal

Real Estate (RE) Number: 00412230-000000 Alternate Key: 1506460

Zoning District: R1 Future Land Use Category: RM

Are there any pending codes violations on the property? Yes (Case # _____) No

A COPY OF THE BASIS FOR THE APPEAL IN THE NATURE OF AN INITIAL BRIEF AND ANY EVIDENCE INCLUDING TESTIMONY, AFFIDAVITS AND THE CURRICULUM VITAE OF ANY EXPERT WITNESS THAT WILL BE CALLED MUST BE ATTACHED TO THIS APPLICATION. The brief must at a minimum state all grounds for the appeal, including but not limited to, the law being appealed and any facts necessary for the interpretation of those laws. (Attach additional sheets of paper.)

All of the following must be submitted in order to have a complete application:

- Correct fee (check or money order to "Islamorada, Village of Islands")
- Proof of ownership (i.e. warranty deed)
- Current property record card(s) from the Monroe County Property Appraiser
- A copy of the document(s), which comprise the administrative decision being appealed
- Any evidence and record which forms the basis for the appeal must be submitted with this application
- Names and addresses of all expert witnesses that you propose to call at the hearing
- Photograph(s) of site from adjacent roadway(s)
- Notarized agent authorization letter from all owners of the subject property (if applicable)
- Signed and sealed boundary survey (if applicable)

If deemed necessary to complete a full review of the application, the Planning and Development Services Department reserves the right to request additional information. If new evidence, or the basis for appeal, is submitted at the hearing, Staff shall request that the hearing be continued to the next meeting so that Staff has the opportunity to prepare a response to the new evidence. If the applicant does not submit the basis for the appeal with the application, Staff will recommend denial of the appeal.

If deemed necessary to complete a full review of the application, the Planning and Development Services Department reserves the right to request additional information.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate. I certify that all information required has been provided.

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Mark Gregg
Signature of Applicant

MAY 3, 2023
Date


Print Name: Mark Gregg

STATE OF Florida
COUNTY OF Monroe

Sworn to and subscribed before me by means of physical appearance or online notarization, this 3 day of May, 20 23, by Mark Gregg (name of person signing the application) as owner (type of authority e.g. officer, manager / member, trustee, attorney in fact) for _____ (name of entity or party on behalf of whom application was executed).

Karla P. Vasquez
Signature of Notary Public

Personally Known Produced Identification

SEAL:  KARLA P. VASQUEZ
Commission # HH 310403
Expires September 11, 2026
Type of ID _____

Mark H. Gregg, P.A.
189 East Ridge Road
Islamorada, FL 33036
telephone 305 394 3337
email: mgregg9787@aol.com

Administrative Appeal Introduction

The purpose of this appeal is to request that the Islamorada Village Council restore the Appellant's BPAS score to the original 17 points which was incorrectly rescored By the Village Planning Department down to 6 points after the Appellant's BPAS application was refiled on January 31, 2022 identical to the originally filed application in 2021, without any changes to the substance or content.

Appellant's Property Description.

The Appellant's property is located within the boundaries of a legally recorded and platted subdivision named as "Toner's Nautical Shores" as recorded in Plat Book 4 at page 36 (See Exhibit 1), and consists of 3 legally platted lots shown on the Plat as follows: 1) a "20' Private Road" lot, 2) a "Private Park" lot, and 3) an adjacent unnamed lot shown on the original Plat (See Exhibit 2) and subsequently incorporated into the boundary of the Plat by virtue of a "Notice Of Approval: Lot Combination/Lot Line Adjustment" document dated January 11, 2021 (See Exhibit 3) as approved by then Senior Planner Hank Flores of the Village Planning Department who then recorded the document in the Public Records of Monroe County Florida.

Erroneous Planning Decision

The Village Planning Department's decision to rescore the Appellant's BPAS application is apparently based upon a faulty analysis set forth in a letter authored by then Assistant Planning Director Hank Flores on September 22, 2021 (See Exhibit 4), at the request of then Village Manager Gregory Oravec. This letter contains 3 substantive errors:

- a) An incorrect determination that the lot described as "Private Park" was not part of the Plat of Toner's Nautical Shores",
- b) An incorrect determination that the 3 combined lots did not qualified for an

award of 10 points as a “platted infill lot” under Village Code Section 30-476(a)(1) (See Exhibits 5 & 6), and

c) An incorrect determination that 2 of the 3 combined lots shown on the Plat “although buildable are not platted lots of record”, and therefore not entitled to an award of 6 points for lot combinations under Section 476(a)(3) of the Village Code. (See Exhibits 5 & 6).

Analysis of Planning Decision Error

As a result of the scoring errors above, the Appellant’s prior BPAS score was wrongfully reduced to 6 points (See Exhibit 7), down from the 17 points originally scored by the Village Planning Department on May 25, 2021 (See Exhibit 8). All of scoring the errors above are based upon the common mistake of failing to properly recognize that all 3 of Appellant’s lots are located within the boundaries of the Plat. The “20’ Private Road” lot and “Private Park” lot are both clearly identified and shown on the originally recorded Plat of Toner’s Nautical Shores in accordance with the requirements of Florida Statutes 177.031(11) (See Exhibit 9). The third unnamed lot located at the tip of the “Private Park” peninsula was clearly shown on the original recorded Plat, and later incorporated into the Plat by virtue of the “Notice of Approval: Lot Combination/Lot Line Adjustment Approval”, which changed the boundary of the lands included within the original Plat in accordance with Village Code Section 30-431(e) (See Exhibit 10). The effect of the Notice of Approval was to incorporate all of Appellant’s lots into the Plat as required by Village Code Section 30-475(a)(1) in order to qualify for 10 BPAS points for “platted infill”, and to combine the “20 Private Road” lot and the “Private Park” lot together with the 3rd unnamed lot for 6 additional BPAS points, as permitted by Village Code Section 30-475(a)(3). The intent of this scoring result is clearly set forth in an email chain between the Appellant and Mr. Flores on January 11 and January 15, 2021 (See Exhibit 11). Mr. Flores goes further to confirm that then Village Attorney confirmed this result:

“I am asking to combine the unplatted tip of the peninsula with the Private Park and “Private Road” so that I will not receive negative BPAS points for developing an unplatted lot. I am also hoping to receive points for combining 2 lots. The effect is to include the unplatted tip of the peninsula within the platted boundary of the property”. Appellant email to Hank Flores January 11, 2021 @ 1:47 pm.

“Our ArcMap (which is out of date, but indicates property lines from a few

years ago before people were allowed to combine and split properties through MCPA) indicates that the property is composed of three parcels with the referenced RE's. Two of them closest to the road are platted. The tip is not. I think it still qualifies under the BPAS as "Platted Subdivision Infill", but I'll ask Roget. Megan is out this week. You get points also for lot aggregation."

Hank Flores email to Appellant January 11, 2021 @ 2:47pm.

"I spoke to Roget and he said that there should be no effect on the BPAS score. You are combining lots, so would get the points. Does this make sense?"

Hank Flores email to Appellant January 15, 2021 @ 3:09pm.

"Yes, I think so. 10 points for platted subdivision and 6 points for lot aggregation (private road + private park + tip of peninsula)?" Appellant's email to Hank Flores January 15, 2021 @ 4:22pm.

Conclusion

Based upon the relevant provisions of the Village Code and the emails between the Appellant and Mr. Flores, the purpose and intent of combining the lots is clear: to qualify for 6 additional BPAS points. The purpose of the lot line adjustment is also clear: to qualify for 10 BPAS points as platted subdivision infill. Village Code Section 30-431 (e) governing plats (See Exhibit 10), and the clear language contained in the recorded "Notice of Approval" allowing the planning Director to approve for technical or minor changes to a recorded plat, clearly reflect the Planning Director's legal authority and intention to incorporate the unnamed lot into the legal boundary for Toner's Nautical Shores. The Appellant was entitled to refile his BPAS application "without prejudice" (See Exhibit 12) and receive the same 17 points as awarded in the original 2021 BPAS application. Accordingly, The Village Council should GRANT this Appeal in favor of the Appellant by restoring the Appellant's original BPAS score to 17 points.

Respectfully Submitted,



Mark H. GREGG, Esq.

May 3, 2023

Mark H. Gregg, P.A.
189 East Ridge Road
Islamorada, FL 33036
telephone 305 394 3337
email: mgregg9787@aol.com

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Respectfully Submitted,



Mark H. GREGG, Esq.

May 3, 2023

Mark H. Gregg

**Appeal of Islamorada Planning department appeal for property
located at 183 East Ridge Road Islamorada Fl 33036**

Expert Witness List:

- 1). Ty Harris
110 Plantation Shores Drive
Tavernier, Fl 33070
Ph. 386 596 8776**

Permit PRSFC202001140

Jamie Terry <jamie.terry@islamorada.fl.us>

Mon 4/3/2023 4:03 PM

To: Mark Greg <mgregg9787@aol.com>; Mark Gregg <mark.gregg@islamorada.fl.us>

Cc: Daniel Gulizio <planningdirector@islamorada.fl.us>; John J. Quick <JQuick@wsh-law.com>

📎 1 attachments (142 KB)

BPAS Scoresheet PRSFC202001140.pdf;

Dear Mr. Gregg,

Pursuant to your request, Permit # PRSFC202001140 was added to the 4th Quarter 2022 BPAS list for consideration. Please be advised that this permit has been evaluated and was scored with +06 points (attached).

If you need additional information, or have questions, please contact me directly.

Thanks,

Jamie Terry
Planning & Zoning Technician
86800 Overseas Highway
Islamorada, Florida 33036
Office: (305) 664-6426

****How are we doing? Click [here](#) to complete our Customer Survey****

Please Note: Florida Public Records Law provides that most written communications to or from municipal employees regarding Village business are public records, available to the public and media upon request. Therefore, this email may be subject to public disclosure.

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RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark Gregg PERMIT #: PRSEC202001140

DATE OF REVIEW: 1/31/22 DATE OF APPLICATION INTO BPAS: 1/31/22 TOTAL POINTS: +6

1. PLATTED SUBDIVISION INFILL (+10) Points
(Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)
2. INFRASTRUCTURE AVAILABILITY (+5) Points +5
(A dwelling unit outside of a *legally platted, recorded subdivision*, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)
3. LOT AGGREGATION (+3) Points
4. LAND DEDICATION (+10) Points
5. HABITAT PROTECTION Points +1
 Group 4 (-10)
 Group 3 (-7)
 Group 2 (-2) Dis w/hammock
 Group 1 (+1)
6. THREATENED OR ENDANGERED ANIMAL SPECIES Points
 Known Threatened/Endangered Species Habitat
 Probable or Potential Threatened/Endangered Species Habitat
 Habitat of Wide-Ranging Threatened/Endangered Species
 Development Within 100 feet of Known Sea Turtle Nesting Area
 Development Within 500 feet of Known Piping Plover Area
7. CRITICAL HABITAT AREA (-10) Points
8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10) Points
9. PERSEVERANCE POINTS (+1 or +2) Points
10. COASTAL HIGH HAZARD AREA. Points -7
 Development Within AE Zone (-2)
 Development Within VE Zone (-7)
11. ENERGY CONSERVATION Points +3
 Installed Air Conditioning Units Rating 12 or Higher (+1)
 Heat Recovery Unit or Solar Hot Water Heater (+1)
 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)
12. STRUCTURAL INTEGRITY OF CONSTRUCTION Points +2
 160 Mph Wind Load (+1)
 180 Mph Wind Load (+1)
13. AFFORDABLE HOUSING (+3) Points
(+3 points per application which proposes affordable housing development with four or more new units within the same structure)
14. CENTRAL SEWER (+2) Points +2
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area where a central wastewater facility service area has been constructed)

DRAFT Ranking of BPAS Applications for 2023 Quarter 1 (closed Friday, March 31, 2023 at 12:00 PM)							3/31/2023			
Market Rate Allocations (with & without Land Dedication Points)							RECOMMENDED FOR ALLOCATION			
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.
1	PRRFC202101705	L12 B7 Sunshine Estates LLC (Land Dedication)	5/2/2022	2:10:00 PM	26	Plantation Key	Sunshine Estates	12	7	00435720-000000
2	PRRFC202101308	L12 B7 Sunshine Estates LLC (Land Dedication)	6/24/2022	11:12:00 AM	26	Plantation Key	Kahiki Harbor	11	1	00424960-000000
3	PRRFC201901157	Samurai Conchstruction LLC (Land Dedication)	4/14/2022	2:20:00 PM	25	Upper Matecumbe	Bay Hammock Community	17	-	00403041-001700
4	PRRFC202100516	Martinez, Lazaro & Marialina (Land Dedication)	6/27/2022	3:08:00 PM	24	Lower Matecumbe	Marlin Beach	22	H	00393860-000000
5	PRRFC201800385	Perez, George (Land Dedication)	4/4/2022	10:23:00 AM	23	Plantation Key	Coral Shores	18	-	00411410-000000
6	PRRFC202101687	Harborgate Limited Partnership (Land Dedication)	5/10/2022	2:30:00 PM	22	Upper Matecumbe	Bay Hammock Community	7	-	00403041-000700
7	PRRFC202100870	Harborgate Limited Partnership (Land Dedication)	4/12/2022	1:00:00 PM	21	Upper Matecumbe	Bay Hammock Community	6	-	00403041-000600
8	PRRFC202000634	What A Good Catch LLC (Land Dedication)	6/20/2022	2:23:00 PM	21	Upper Matecumbe	Stratton's Subd	6	12	00401260-000000
9	PRRFC202001126	Charles LeMoine Hall	2/4/2021	3:00:00 PM	18	Windley	Galen Beach	38	-	00405340-000000
10	PRRFC202001460	Jorgensen, Deana & Paul	3/29/2021	12:53:00 PM	18	Plantation Key	Lake Harbor 1st Addition	8	-	00418311-000800
11	PRRFC202001085	126 Port Antigua LLC	9/16/2021	3:26:00 PM	17	Lower Matecumbe	Port Antigua Plat 3 & 4	126	-	00394488-002900
12	PRRFC202001595	Savage Marc Revocable Trust 2/24/2017	4/13/2021	11:19:00 AM	17	Lower Matecumbe	Matecumbe Ocean View	3	2	00396390-000000
13	PRRFC202100421	Luis Gonzalez	4/26/2021	1:30:00 PM	17	Plantation Key	Venetian Shores No 3	14	25	00409390-000000
14	PRRFC202001215	Brian Mass	4/27/2021	12:00:00 PM	17	Plantation Key	Kahiki Harbor	1	2	00425090-000000
15	PRRFC202001378	KAMELY URI PINKHAS	5/4/2021	12:00:00 PM	17	Lower Matecumbe	Port Antigua Plat No 5&6	279	-	00394489-000200
16	PRRFC202100105	BLACK, RICHARD & BROOKE	5/6/2021	9:30:00 AM	17	Plantation Key	Vacation Village	7	1	00417530-000000
17	PRRFC202001467	CODISPOTI HUMBERTO & CARMEN	5/27/2021	1:00:00 PM	17	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	11	C	00392430-000000
18	PRRFC202000472	LEON WILLIAM & JACKELINE	5/27/2021	1:10:00 PM	17	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	18	E	00392990-001000
19	PRRFC202100428	RUIZ JORGE ALBERTO	6/16/2021	12:53:00 PM	17	Lower Matecumbe	Port Antigua Plat No. 1	11	-	00394486-001100
20	PRRFC202001015	NICHOLS GARY & BETH	6/25/2021	10:36:00 AM	17	Lower Matecumbe	Lower Matecumbe Beach	9	2	00388960-000100
21	PRRFC202001254	Burstyn, Samuel	8/2/2021	12:00:00 PM	17	Lower Matecumbe	Port Antigua Plat 5&6 PB6-25	317	-	00394489-012000
22	PRRFC202100688	Jaquelyn Wrenn Ekblom	8/5/2021	2:07:00 PM	17	Plantation Key	Fontaine Lake Estates	11	5	00433080-000000
23	PRRFC201901572	Morejon, Orlando and Annmarie	8/23/2021	2:20:00 PM	17	Upper Matecumbe	Russell Estates	-	-	00404060-000100
24	PRRFC202100572	Morejon, Orlando and Annmarie	9/24/2021	11:00:00 AM	17	Upper Matecumbe	Russell Estates	-	-	00404060-000300
25	PRRFC202100850	Lindback, Craig	10/12/2021	1:06:00 PM	17	Plantation Key	Plantation Key Colony	43	3	00426140-000200
26	PRRFC202100751	Torres, David and Sothsoier	10/25/2021	12:11:00 PM	17	Lower Matecumbe	Port Antigua Plat No 2	58	-	00394487-001500
27	PRRFC202100433	Makulu LLC	10/29/2021	11:44:00 AM	17	Plantation Key	Tavernero	19	1	00437493-002001
28	PRRFC202101234	Morales Rev Living Trust	11/22/2021	2:17:00 PM	17	Plantation Key	Sunshine Estates	7	1	00434630-000000
29	PRRFC202101237	Tiedemann, Jocelyn	12/1/2021	11:59:00 AM	17	Plantation Key	Key Heights Sect 2	21	4	00416180-000000
30	PRRFC202101049	Ferguson, James	1/14/2022	9:54:00 AM	17	Plantation Key	Indian Waterways	33	2	00422920-000000
31	PRRFC202101339	RCM of Florida LP	1/31/2022	10:33:00 AM	17	Lower Matecumbe	Mat Ocean Bay	9	3	00395240-000000
32	PRRFC202101553	Egret Investments Limited Partnership	8/30/2022	10:40:00 AM	17	Lower Matecumbe	Lower Matecumbe Beach	17-28	3	00389440-000000
33	PRRFC202100988	162 Sunset Dr LLC	10/20/2022	12:50:00 PM	17	Lower Matecumbe	Lower Matecumbe Beach	16	3	00389310-000000
34	PRRFC201802189	CBT Construction and Development, Inc.	4/11/2019	1:22:00 PM	16	Plantation Key	Indian Harbor	16	9	00421920-000000
35	PRRFC201900719	Holly Lynn Ernstes-Jones Revocable Trust	10/24/2019	3:48:00 PM	16	Upper Matecumbe	Bay Hammock Community	33	-	00403041-003300
36	PRRFC202000659	Islamorada Realty Invesment Trust	7/31/2020	9:15:00 AM	16	Plantation Key	Plantation Key Colony	28	11	00429010-000000
37	PRRFC202000667	Islamorada Realty Invesment Trust	7/31/2020	9:16:00 AM	16	Plantation Key	Plantation Key Colony	27	11	00429000-000000
38	PRRFC202000719	Islamorada Realty Investment Trust	8/17/2020	10:00:00 AM	16	Plantation Key	Plantation Key Colony	25	4	00426430-000000
39	PRRFC202100240	Gode, A.J and P.J.	9/27/2021	3:18:00 PM	16	Lower Matecumbe	Lower Matecumbe Beach	3	3	00389160-000000
40	PRRFC202100571	Morejon, Orlando and Annmarie	10/29/2021	11:50:00 AM	16	Upper Matecumbe	Russell Estates	-	-	00404060-000200
41	PRRFC202100954	Vaughn, Ray	11/1/2021	11:45:00 PM	16	Plantation Key	Edenair	8	1	00433470-000000
42	PRRFC202101286	Whitehill, Doria, Gregory, Allgood, Simpson	2/22/2022	10:20:00 AM	16	Plantation Key	Venetian Shores No 2	4	18	00408320-000000
43	PRRFC202200068	Islamorada Realty Investment Trust	3/30/2022	12:32:00 PM	16	Lower Matecumbe	Matecumbe Ocean Bay Sec 2	-	-	00397120-000000
44	PRRFC202000300	Villavicencio, Jose A	6/10/2022	11:00:00 AM	16	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	16	I	00393270-000000
45	PRRFC20200149	Villamil Carlos and Vicente Sonia	9/1/2022	2:00:00 PM	16	Plantation Key	Plantation Key Colony	20	15	00431260-000100
46	PRRFC202101283	Martin, Akalia	9/16/2022	10:40:00 AM	16	Plantation Key	Tropical Atlantic Shores 1 Add	25	6	00436950-000000
47	PRRFC202100967	Schrader, Kathleen	9/16/2022	10:41:00 AM	16	Plantation Key	Tavernero	11	1	0037493-001100
48	PRRFC20200170	Sanders Charles Revocable Living Trust	9/23/2022	2:00:00 PM	16	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	23	G	00393580-000000
49	PRRFC202201313	McKeown, James	1/23/2023	1:05:00 PM	16	Plantation Key	Tavernero	7	2	00437493-003700
50	PRRFC202200812	Weber, Craig	3/30/2023	10:00:00 AM	16	Plantation Key	Venetian Shores Plat No 2	8	10	00407150-000100
51	PRRFC201800860	LAZZERI JEFF & JULIE	4/2/2020	2:15:00 PM	15	Plantation Key	Plantation Lakes Estates	39	-	00093420-003801
52	PRRFC201801827	Paulo & Kellen Paiva	2/4/2021	12:15:00 PM	15	Upper Matecumbe	Bay Hammock Community	20	-	00403041-000100
53	PRRFC201801826	Paulo & Kellen Paiva	2/5/2021	8:00:00 AM	15	Upper Matecumbe	Bay Hammock Community	1	-	00403041-002000
54	PRRFC202001406	FERNANDEZ VIVIAN M & DOCAMPO JOSE A	5/13/2021	8:19:00 AM	15	Lower Matecumbe	Lower Matecumbe Beach	4	1	00388710-000000
55	PRRFC202100804	Island Investment Partners Inc.	10/12/2021	11:08:00 AM	15	Plantation Key	Venetian Shores Plat No 2	1	13	00407550-000000
56	PRRFC202101379	Lonnberg, Ronald	5/11/2022	3:00:00 PM	15	Plantation Key	Plantation Beach	4	8	00414060-000000
57	PRRFC201901501	Weeks, Donald	3/16/2020	8:00:00 AM	14	Plantation Key	Plantation Lake Estates	8	-	00093420-000901

Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.
58	PRSF202000351	Keys Basin LLC	10/7/2020	10:30:00 AM	14	Plantation Key	Vacation Village	1	1	00417470-000000
59	PRSF202000352	Keys Basin LLC	10/7/2020	10:31:00 AM	14	Plantation Key	Vacation Village	1	1	00417470-000000
60	PRSF202100795	MAZAL 233 LLC	9/27/2021	11:05:00 AM	14	Plantation Key	Key Heights Sect 2	5	7	00416500-000000
61	PRSF202100796	MAZAL 233 LLC	9/27/2021	11:22:00 AM	14	Plantation Key	Key Heights Sect 2	6	7	00416510-000000
62	PRSF202200078	Rodriguez, Robert	4/26/2022	12:00:00 PM	14	Plantation Key	Plantation Key Colony	11	7	00427430-000000
63	PRSF202201342	Weidler Thomas	1/23/2023	12:30:00 PM	13	Plantation Key	Plantation Shores	18	3	00418621-004600
64	PRSF202000794	Hopman, Andreas	9/16/2020	10:30:00 AM	12	Lower Matecumbe	Lower Matecumbe Beach	19	4	00389820-000100
65	PRSF202200455	Lesko, Brian and Jodi Lynn	9/8/2022	3:00:00 PM	12	Plantation Key	Bay Hammock Community	25		00403041-002500
66	PRSF202000555	Ewald, Nicholas	4/30/2021	11:30:00 AM	10	Plantation Key	Plantation Beach	7	2	00413760-000000
67	PRSF202200496	Cockerham, Mark	8/4/2022	9:48:00 AM	9	Upper Matecumbe		5(9)		00096220-000300
68	PRSF202001140	Gregg, Mark	1/31/2022	10:15:00 AM	7	Plantation Key	Toners Nautical Shores			00412230-000000
69	PRSF202000130	Rosa Maria Z Walchli REV Trust 11/5/2008	10/20/2020	9:27:00 AM	2	Plantation Key	Fontaine Lake Estates	2	5	00432990-000000



Overview



Legend

- Centerline
- Easements
- Hooks
- - - Lot Lines
- Road Center
- - - Rights of Way
- Shoreline
- [] Condo Building
- Key Names
- ▭ Subdivisions
- ▭ Parcels

Parcel ID	00412230-000000	Alternate ID	1506460	Owner Address	GREGG MARK H
Sec/Twp/Rng	24/63/37	Class	MINING		189 E Ridge Rd
Property Address	183 E RIDGE Rd				Islamorada, FL 33036
	PLANTATION KEY				
District	50VI				
Brief Tax	PRIVATE PARK LYING ELY LTS 1-2 TONERS NAUTICAL SHORES PLANTATION KEY PB4-36 AND ROAD EASEMENT AND PT				
Description	SOVEREIGNTY LAND (19 63 38) OR103-183(II DEED 21558) OR443-105 OR463-930/32(II DEED 25155) OR848-775 OR889-1903P/R OR889-1904/07WILL CASE83-270-CP-12 OR1608-1180/81 OR1608-1182/83				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 4/30/2023
 Last Data Uploaded: 4/28/2023 2:07:26 AM

Developed by  **Schneider**
 GEOSPATIAL

1506460-20190723



TONER'S NAUTICAL SHORES

A REPLAT OF A PART OF PLANTATION RIDGE (P.B.3-P.43)
AND ADJOINING SUBMERGED LAND
PLANTATION KEY MONROE COUNTY FLORIDA

SCALE 1"=100'

SCALE IN FEET

SEPTEMBER 1957

O. A. CRAWSHAW & ASSOCIATES
CIVIL ENGINEERS & SURVEYORS
ISLADORADA-FLORIDA

ENGINEERS NOTE
Rounded block corners have 25' radius and distances are to intersection of block lines extended.

KNOW ALL MEN BY THESE PRESENTS:

That M. Nadel, owner and holder of a certain mortgage encumbering the property described hereon, does hereby consent to and joins in the foregoing dedication.

IN WITNESS WHEREOF the said M. Nadel has hereunto

affixed his hand and seal this 30th day of Sept, A.D. 1957.

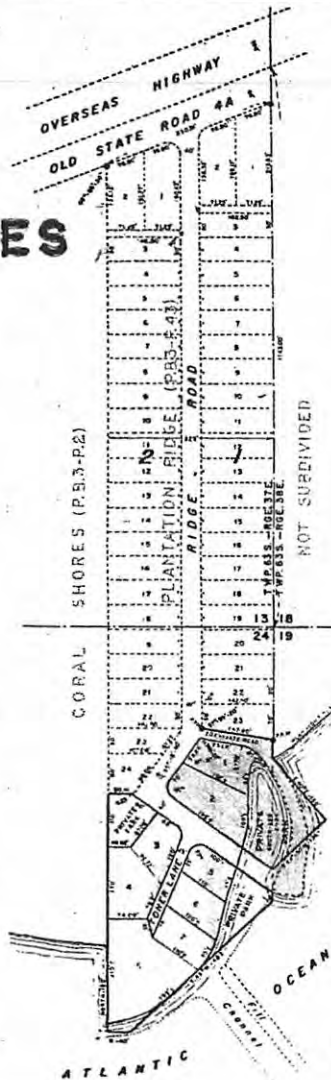
Witnessed by M. Nadel (SEAL)
M. Nadel

STATE OF FLORIDA
COUNTY OF DADE SS

I hereby certify that on this day personally appeared before me, the undersigned authority, M. Nadel, to me well known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same freely and voluntarily for the uses and purposes therein expressed.

Witness my hand and official seal this 30th day of September, A.D. 1957.

My commission expires _____
[Signature]
Notary Public
State of Florida of large



KNOW ALL MEN BY THESE PRESENTS:

That Marjorie M. Toner, a widow, owner of the property described below, as Plantation Key, Monroe County, Florida, has caused to be made the attached plat entitled TONER'S NAUTICAL SHORES.

Description:—Lots 24, 25 & 26, Block 1; the north 50 feet of Lot 24, Block 2; and that part of Ridge Road lying southwesterly of a northwesterly extension of the northeasterly line of Block 3, all as shown on plat of Plantation Ridge, recorded in Plat Book 3 at Page 43, Public Records of Monroe County, Florida. Also 2 parcels of submerged land more particularly described as follows:

Parcel 1.—From the Northeast corner of Section 24, Township 43 South, Range 37 East, run South on the East line of said Section 24, which is also the East line of the subdivision of Plantation Ridge (P.B.3-Page 43), a distance of 275 feet, more or less, to the high tide line as shown on said plat and the Point of Beginning of the parcel hereinafter described; thence continue South on the prolongation of the East line of said Section 24 a distance of 280 feet; thence S.40°W a distance of 403 feet; thence West a distance of 40 feet to a point on the southerly prolongation of the west line of said Plantation Ridge; thence North on said prolongation of west line of Plantation Ridge a distance of 180 feet to the high tide line shown on said plat; thence easterly and northeasterly meandering said high tide line to Point of Beginning, less some which is on the extension of Ridge Road.

Parcel 2.—In Section 19, T.43S., R.30E. and more particularly described as follows: From the Northeast corner of Govt. Lot 1 in said Section 19 run South along the west line of said Govt. Lot 1 a distance of 275 feet, more or less, to the mean high tide line on the shore of the Straits of Florida and the Point of Beginning of the parcel hereinafter described; thence S.40°E a distance of 150 feet; thence S.64°50'W a distance of 1367 feet to a point of intersection with the southerly prolongation of the said west line of Govt. Lot 1 and the southerly prolongation of the southwesterly line of Lot 26, Block 1 of Plantation Ridge (P.B.3-P.43); thence run North along said prolongation a distance of 2184 feet to the Point of Beginning.

The road and low as shown are hereby dedicated to the perpetual use of the public for proper purposes, (reserving to herself, her heirs, successors or assigns the reversion or reversions thereof whenever discontinued by law.

IN WITNESS WHEREOF the said Marjorie M. Toner has hereunto affixed her hand and seal this 28th day of Sept, 1957.

Witnessed by [Signature] [Signature] (SEAL)
[Signature]

STATE OF FLORIDA
COUNTY OF MONROE SS

I hereby certify that on this day personally appeared before me, the undersigned authority, Marjorie M. Toner, to me well known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same freely and voluntarily for the uses and purposes therein expressed.

Witness my hand and official seal this 28th day of

[Signature] 1957.
My commission expires _____
[Signature]
Notary Public
State of Florida of large

I HEREBY CERTIFY that the attached plat of TONER'S NAUTICAL SHORES is a true and correct representation of the land recently surveyed and plotted by me, and that Permanent Reference Monuments were set in accordance with Section 7, Chapter 10275 (No. 253), Laws of the State of Florida.

[Signature]
O. A. Crawshaw
Registered Engineer No. 1557
Surveyor No. 198
State of Florida.

This plat was approved by Resolution of the Board of County Commissioners of Monroe County, Florida, this 12th day of November, 1957, and filed for record in Plat Book 4 at Page 36.

[Signature] [Signature] 36
Clerk of the Circuit Court Chairman of the Board

Legal description from Plat for Private Park area adjacent to platted lots 1 & 2

KNOW ALL MEN BY THESE PRESENTS.

That Marjorie M. Toner, a widow, owner of the property described below, on Plantation Key, Monroe County, Florida, has caused to be made the attached plat entitled TONER'S NAUTICAL SHORES.

Description:— Lots 24, 25 & 26, Block 1; the south 50 feet of Lot 24, Block 2; all of Block 3; and that part of Ridge Road lying southwesterly of a northwesterly extension of the northeasterly line of Block 3, all as shown on plat of Plantation Ridge, recorded in Plat Book 3 at Page 43, Public Records of Monroe County, Florida. Also 2 parcels of submerged land more particularly described as follows:

Park Parcel
Parcel 1:— From the Northeast corner of Section 24, Township 63 South, Range 37 East, run South on the East line of said Section 24, which is also the East line of the subdivision of Plantation Ridge (P.B. 3- Page 43), a distance of 275 feet, more or less, to the high tide line as shown on said plat and the Point of Beginning of the parcel hereinafter described; thence continue South on the prolongation of the East line of said Section 24 a distance of 280 feet; thence S.45°W. a distance of 403 feet; thence West a distance of 40 feet to a point on the southerly prolongation of the west line of said Plantation Ridge; thence North on said prolongation of west line of Plantation Ridge a distance of 180 feet to the high tide line shown on said plat; thence easterly and northeasterly meandering said high tide line to Point of Beginning, less portion which includes S.E.ly extension of Ridge Road.

Parcel 2:— In Section 19-T. 63 S.-R. 38 E. and more particularly described as follows: From the Northwest corner of Govt. Lot 1 in said Section 19 run South along the west line of said Govt. Lot 1 a distance of 275 feet, more or less, to the mean high tide line on the shore of the Straits of Florida and the Point of Beginning of the parcel hereinafter described.— thence S.40°E. a distance of 150 feet; thence S.44°-50' W. a distance of 136.7 feet to a point of intersection with the southerly prolongation of the said west line of Govt. Lot 1 and the southerly prolongation of the southwesterly line of Lot 26, Block 1 of Plantation Ridge (P.B. 3-P.43); thence run North along said prolongation a distance of 211.84 feet to the Point of Beginning.

The road and lane as shown are hereby dedicated to the perpetual use of the public for proper purposes, reserving to herself, her heirs, successors or assigns the reversion or reversions thereof whenever discontinued by law.

IN WITNESS WHEREOF the said Marjorie M. Toner has hereunto affixed her hand and seal this 28th day of Sept. 1957.

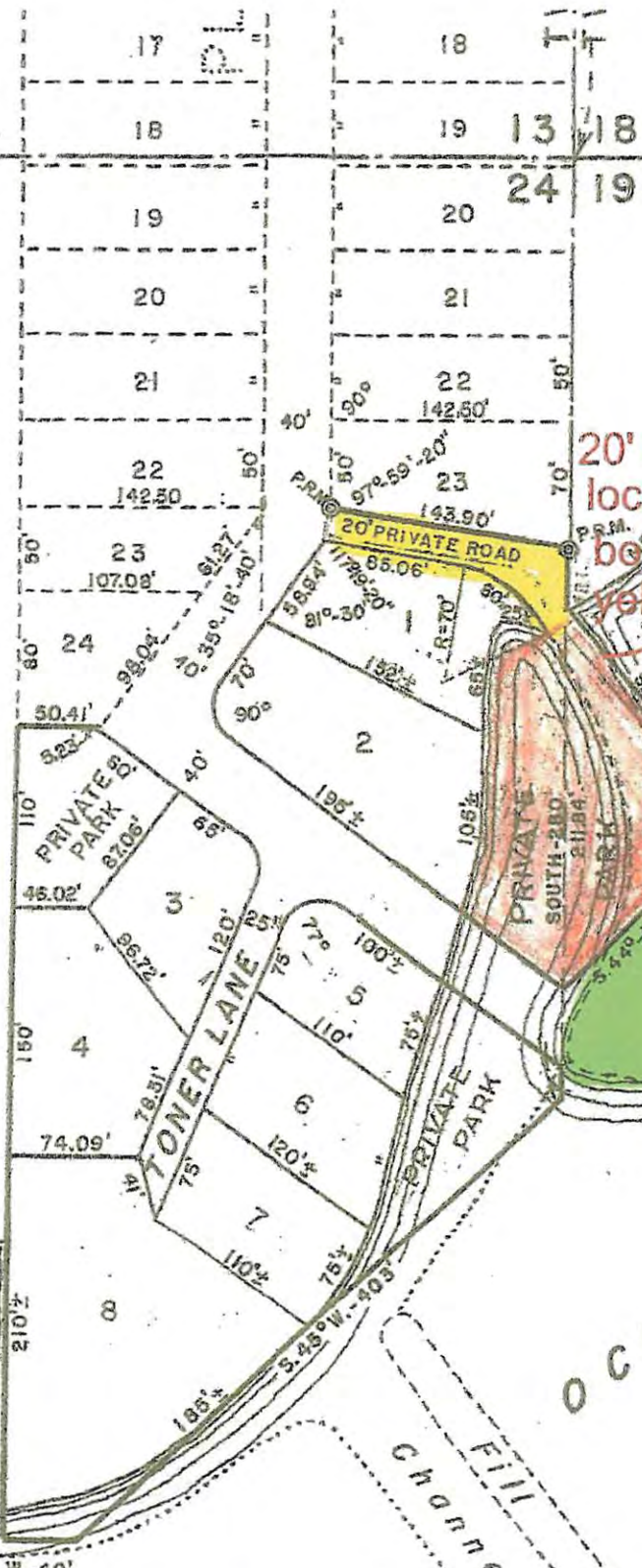
Witnessed by

Robert P. Wilkinson

Marjorie M. Toner (SEAL)

10181

CORAL



20' Private Road located inside Plat boundary shown in yellow

Private Park as described in Plat legal description

area formerly omitted from Plat description now included as per lot line adjustment and lot combination shown in green

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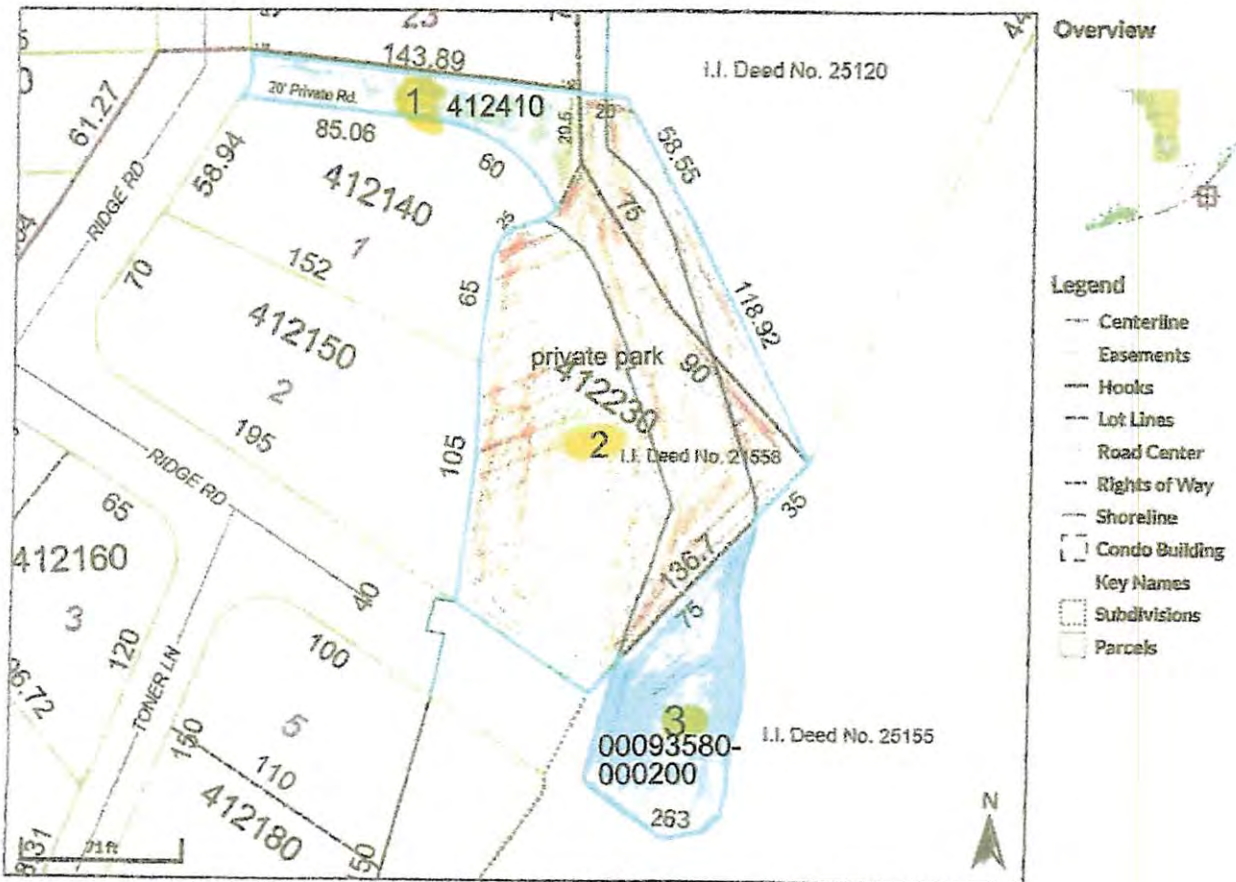
Thi

Commission

1957, and f

Earl

Clerk



Parcel ID 00412230-000000 Alternate ID 1506460 Owner Address GREGG MARK H
 Sec/Twp/Rng 24/63/37 Class MINING 189 E Ridge Rd
 Property Address 183 E RIDGE Rd Islamorada, FL 33036
 PLANTATION KEY
 District 50VI
 Brief Tax PRIVATE PARK LYING ELY LTS 1-2 TONERS NAUTICAL SHORES PLANTATION KEY P84-36 AND ROAD EASEMENT AND PT
 Description SOVEREIGNTY LAND (19 63 38) OR103-183(II DEED 21558) OR443-105 OR463-930/32(II DEED 25155) OR848-775 OR889-1903P/R
 OR889-1904/07WILL CASE83-270-CP-12 OR1608-1180/81 OR1608-1182/83
 (Note: Not to be used on legal documents)

Date created: 4/30/2023
 Last Data Uploaded: 4/28/2023 2:07:26 AM

Developed by Schneider
 GEOSPATIAL

- Lot 1 RE# 00412140-000000
- Lot 2 RE# 00412230-000000
- Lot 3 RE# 00093580-000200

Property Appraiser's parcel Identification numbers as shown on recorded Notice Of Approval for lot combination and lot line adjustment dated January 11,2021

Exhibit 3

Doc # 2300841 Bk# 3071 Pg# 87 Recorded 1/25/2021 at 2:32 PM Pages 4
Filed and Recorded in Official Records of MONROE COUNTY KEVIN MADOK
REC: \$35.50

This instrument prepared by:
Hank Flores, AICP, CFM
Senior Planner
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

After recording, please return to:
Planning and Development Services Department
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Florida 33036



Notice of Approval: Lot Combination (File No.: PLLCB20200347)

Applicant:	Mark H. Gregg
Parcels 1, 2, and 3:	Real Estate Numbers: 00412140-000000, 00412230-000000, and 00093580-000200
LEGAL DESCRIPTION AFTER LOT COMBINATION:	
<p>The "Private Road", North of and adjacent to Lot 1, Toner's Nautical Shores, as shown on the Plat thereof, as recorded in Plat Book 4, at Page 36, of the Public Records of Monroe County, Florida.</p> <p>LESS AND EXCEPTING THEREFROM:</p> <p>A parcel of land being a part of a 20 foot wide "Private Road", shown on the Plat of Toner's Nautical Shores, recorded in Plat Book 4, at Page 36 of the Public Records of Monroe County, Florida, said road being adjacent to and abutting the southerly line of Lot 23, Block 1, of the plat of Plantation Ridge, recorded in Plat Book 3, at Page 43, of the Public Records of Monroe County, Florida and being more particularly described as follows: Begin at the Southwest corner of said Lot 23; thence run in a Southeasterly direction along the northerly line of said 20 foot Private Road for a distance of 143.90 feet to a point on the West line of Section 19, Township 63 South, Range 37 East; thence run in a Southwesterly direction, deflecting 89°57'47" to the right from the last described course, along said West line of Section 19 for a distance of 1.48 feet to a point; thence run in a Northwesterly direction, deflecting 97°57'07" to the right from the last described course for a distance of 143.89 feet to a pipe on the southerly prolongation of the west line of said Lot 23; thence run Northerly on said prolongation for a distance of 1.58 feet to the Point of Beginning.</p> <p>ALSO:</p> <p>(Parcel A)</p> <p>A parcel of filled sovereignty land in the Atlantic Ocean abutting Section 24, Township 63 South, Range 37 East and Section 19, Township 63 South, Range 38 East, Plantation Key, Monroe County, Florida, being more particularly described as follows:</p> <p>Commence at the Northwest corner of said Section 19; thence South 275 feet along the West line of said Section 19; thence South 40° East 150 feet; thence South 44°50' West 35 feet to the existing mean high water line of the Atlantic Ocean and the Point of Beginning; thence Southerly, Southwesterly, Westerly, Northwesterly and Northeasterly 263 feet, more or less along said existing mean high water line to its intersection with the Southeasterly line of a parcel of sovereignty land conveyed by Trustees of the Internal Improvement Fund Deed No. 21,588; thence North 44°50' East 75 feet to the Point of Beginning.</p> <p>ALSO:</p> <p>(Parcel B)</p> <p>A parcel of filled sovereignty land in the Atlantic Ocean in theoretical Section 19, Township 63 South, Range 38 East, and abutting Section 24, Township 63 South, Range 37 East, Plantation Key, Monroe County, Florida, being more particularly described as follows:</p> <p>Commence at the Northwest corner of said Section 19; thence South 257 feet along the West line of said Section 19 to the Point of Beginning; thence continue South 18 feet along the West line of said Section 19; thence South 40° East 60 feet, more or less to the existing mean high water line of the Atlantic Ocean; thence Northwesterly 75 feet, more or less along said mean high water line to the Point of Beginning.</p> <p>Captioned premises are embraced within the East 325 feet of Section 24, Township 63 South, Range 37 East and submerged lands Southerly thereof and a part of submerged lands within Section 19, Township 63 South, Range 38 East, South of Government Lot 1 in Section 19, Township 63 South, Range 38 East.</p>	

Project: Mark H. Gregg
 Notice of Approval: Lot Line Adjustment Approval (PLLCB20200347)
 January 11, 2021
 Page 2

	<p>ALSD (Parcel C) A parcel of submerged land being a portion of that land deeded and described in THE STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, Deed No. 25120 (2291-44) recorded in Official Records Book 457, at Page 349, of the Public Records of Monroe County, Florida, and being more particularly described by metes and bounds as follows:</p> <p>As a point of reference Commence at the Southeast corner of Lot 23, Block 1, PLANTATION RIDGE, according to the Plat thereof, as recorded in Plat Book 3, at Page 43, of the Public Records of Monroe County, Florida, said point being 227.50 feet South of the Northwest corner of Section 19, Township 63 South, Range 38 East as shown on the unrecorded plat of Plantation Lake Estates as surveyed by Frank H. Uherek, Registered Land Surveyor No. 2410 and dated November 1976; thence run SOUTH along the West line of said Section 19, a distance of 1.48 feet for the Point of Beginning of the herein described parcel; thence run S.82°00'40"E. a distance of 20.00 feet; thence run S.28°02'56"E. a distance of 58.55 feet; thence run S.24°21'19"E. a distance of 118.92 to a corner of said Deed No. 25120, said corner being also a corner of the boundary of Plat of TONER'S NAUTICAL SHORES, according to the Plat thereof, as recorded in Plat Book 4, at Page 36, of the Public Records of Monroe County, Florida; thence run N.40°00'00"W. along said Plat and Deed line a distance of 90 feet; thence leaving the Plat boundary but following the deed line, run Northwesterly along the mean high water line, per the Deed, for a distance of 75 feet more or less to its intersection with the West line of said Section 19; thence run NORTH along said West line of Section 19 a distance of 29.50 feet to the Point of Beginning. Contains 3657 square feet more or less.</p>
<p>Description of Lot Line Combination:</p>	<p>Previously platted properties under three (3) Parcel Identification Numbers. This application combines the parcels into one single lot of record as depicted on the survey prepared by MASSEY-RICHARDS SURVEYING AND MAPPING, LLC., last field surveyed on 02/08/2019 and revised on 04/03/2020.</p>
<p>Effective Date:</p>	<p>January 11, 2021</p>

Pursuant to Section 30-431(e) of the Code of Ordinances of Islamorada, Village of Islands, Florida, if a plat has been previously approved and recorded, technical or minor changes to the plat may be approved by the Director of Planning and Development Services (The Director). The Director has determined that the proposed Lot Combination prepared for the subject properties, as prepared on a survey dated February 2, 2019 and revised on April 3, 2020, by Massey-Richardson Surveying & Mapping, LLC. (David S. Massey, P.S.M. #5125), depicting the conditions of the three properties, meet the requirements for a technical or minor change to the plat pursuant to Code Section 30-431(e). The Lot Line Combination shall run with the land.

This approval does not constitute an assurance that the newly created or reconfigured lots can be built upon or developed in the future. The issuance of a Notice of Approval by the Village and recording thereof does not constitute a transfer of title. Separate deed(s) to this effect may need to be prepared by the applicant and recorded with Monroe County.

Project: Mark H. Gregg
Notice of Approval: Lot Line Adjustment Approval (PLLCB20200347)
January 11, 2021
Page 3


Signed, witnessed and executed on this 11th day of January, 2021.

WITNESS:

DIRECTOR OF PLANNING:



Hank Flores, AICP, CFM



Ty Harris, Esq.

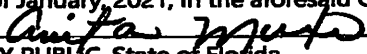
STATE OF FLORIDA

)SS

COUNTY OF MONROE

The foregoing instrument was acknowledged before me by Ty Harris as Director of Planning of Islamorada, Village of Islands, Florida, a Municipal Corporation. He is personally known to me.

Witness my signature and official seal this 11th day of January, 2021, in the aforesaid County and State.

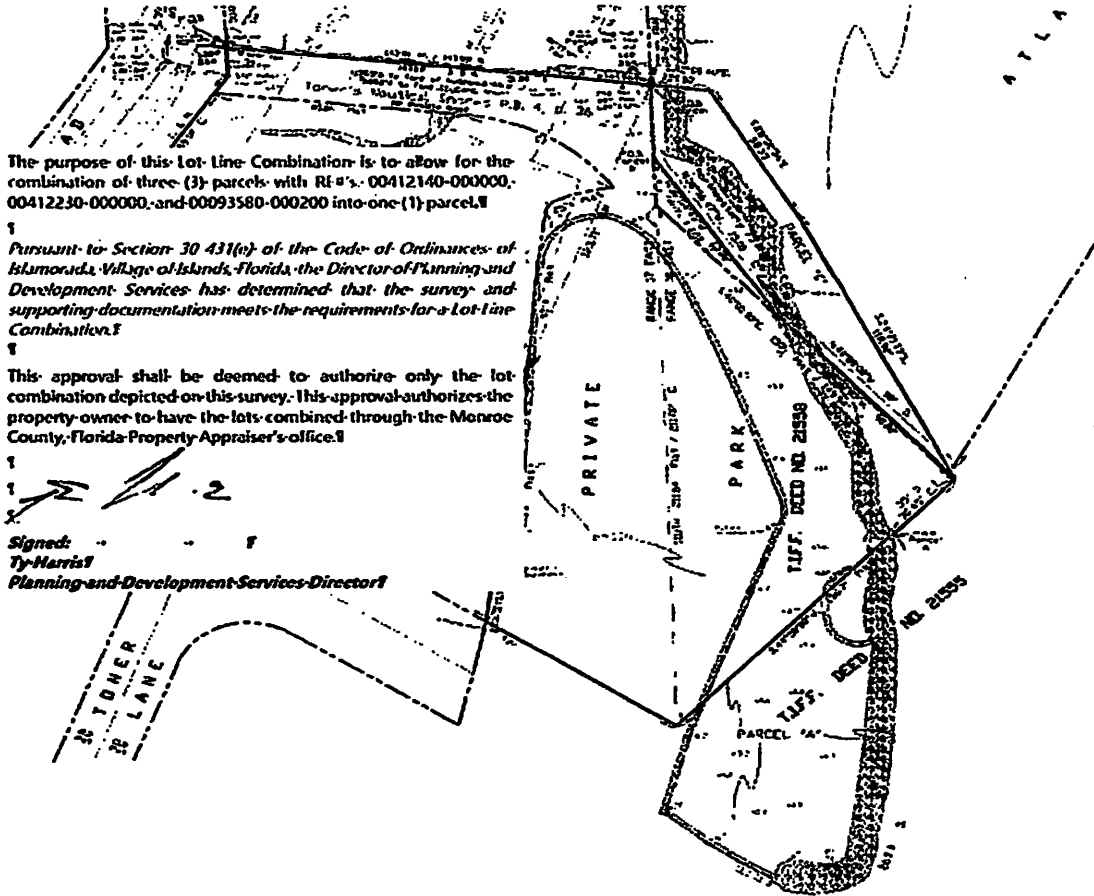


NOTARY PUBLIC, State of Florida

Print Name: Anita Muxo
Commission No.: GG 094121
Commission Expires: 4-13-21



Project: Mark H. Gregg
Notice of Approval: Lot Line Adjustment Approval (PLLCB20200347)
January 11, 2021
Page 4



The purpose of this Lot Line Combination is to allow for the combination of three (3) parcels with RI #'s: 00412140-000000, 00412230-000000, and 00093580-000200 into one (1) parcel.

Pursuant to Section 30 431(n) of the Code of Ordinances of Islamorada, Village of Islands, Florida, the Director of Planning and Development Services has determined that the survey and supporting documentation meets the requirements for a Lot Line Combination.

This approval shall be deemed to authorize only the lot combination depicted on this survey. This approval authorizes the property owner to have the lots combined through the Monroe County, Florida Property Appraiser's office.

Signed: Ty Harris
Planning and Development Services Director



Exhibit 4

ISLAMORADA, VILLAGE OF ISLANDS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
86800 Overseas Highway • Islamorada, Florida 33036 • www.islamorada.fl.us

To: Gregory J. Oravec, Village Manager
Roget Bryan, Esq., Village Attorney

From: Hank Flores *HJ* P.I.C.P., CFM, Asst. Planning Director

Date: September 22, 2021

Subject: **Mark Gregg – Review of BPAS (Building Permit Allocation System) Scoresheet for Property located at 183 East Ridge Road Overseas Highway, Plantation Key, Islamorada, Florida 33036 - Parcel RE#: 00410540-000300.**

The subject property located at 183 East Ridge Road and zoned R1 (Residential Single Family).

Mr. Gregg submitted a Building Permit (PRBLD202001140) on September 23, 2020. After Departmental Review, the building permit was determined to have met the standards of review for the issuance of a building permit. At that time the residential BPAS (Building Permit Allocation System) Scoresheet was completed based on the information known at that time. The property was awarded 10 points for being a Platted Subdivision Infill lot and three (3) points were also awarded Lot Aggregation. Factoring in the other conditions of the property and criteria on the Scoresheet, a total of 14 points were awarded.

Subsequent to the scoring calculation, Mr Gregg came into the office and spoke with Ty Harris former Development Services Director, and Megan Rumbaugh, Planner (and BPAS Administrator) concerning his Scoresheet. After discussion of existing conditions, additional information provided by Mr. Gregg, and the regulations of the Code of Ordinances, Mr. Gregg was awarded an additional three (3) points for Lot Aggregation for total of 17 points.

I was reviewing BPAS Scoresheet list online and noticed that this particular property had 17 points awarded. Since I was the reviewer of the permit, I did not ^{Recall?} call that it had 17 points. I went back and checked the file and saw that the project was awarded an additional three points for the 17 point total. I brought the matter to the attention of Roget Bryan, Esq., Village Attorney, and we subsequently had a meeting with yourself and Megan where the project was discussed. At that time it was determined that the Plat in which the property is located designated the parcels as a "park." Upon further examination of the Plat it was determined that the park lot was never actually a part of the Plat, though it was subsequently assigned a Real Estate Number and sold several times to different parties. Staff mistook this parcel as a platted lot.

While rescoring the Scoresheet it was determined that the project [?] did not qualify for 10 points as a Platted Subdivision Infill lot, but instead qualifies for five (5) points for Infrastructure Availability. It also did not qualify for any points under Lot Aggregation as the lots, though buildable, are not platted lots of record as required under the Code of Ordinances. Therefore, six (6) points were also deducted from the Scoresheet. [?]

Attached is the revised Scoresheet wherein Mr. Gregg qualifies for a total of six (6) points based on a more thorough review of criteria.

Let me know if you have any questions.

RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark H. Gregg PERMIT#: PRRFC202001140

DATE OF REVIEW: ~~January 27, 2020~~ September 22, 2021 DATE OF APPLICATION INTO BPAS: January 26, 2020 TOTAL POINTS: 6

- | | | |
|---|--------|-----------|
| <p>1. PLATTED SUBDIVISION INFILL (+10)
(Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)</p> | Points | <u>0</u> |
| <p>2. INFRASTRUCTURE AVAILABILITY (+5)
(A dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)</p> | Points | <u>5</u> |
| <p>3. LOT AGGREGATION (+3)</p> | Points | <u>0</u> |
| <p>4. LAND DEDICATION (+2 or +4)</p> | Points | <u>0</u> |
| <p>5. HABITAT PROTECTION</p> <p style="margin-left: 20px;"><input type="checkbox"/> Group 4 (-10)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Group 3 (-7)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Group 2 (-2)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Group 1 (+1)</p> | Points | <u>1</u> |
| <p>6. THREATENED OR ENDANGERED ANIMAL SPECIES</p> <p style="margin-left: 20px;"><input type="checkbox"/> Known Threatened/Endangered Species Habitat</p> <p style="margin-left: 20px;"><input type="checkbox"/> Probable or Potential Threatened/Endangered Species Habitat</p> <p style="margin-left: 20px;"><input type="checkbox"/> Habitat of Wide-Ranging Threatened/Endangered Species</p> <p style="margin-left: 20px;"><input type="checkbox"/> Development Within 100 feet of Known Sea Turtle Nesting Area</p> <p style="margin-left: 20px;"><input type="checkbox"/> Development Within 500 feet of Known Piping Plover Area</p> | Points | <u>0</u> |
| <p>7. CRITICAL HABITAT AREA (-10)</p> | Points | <u>0</u> |
| <p>8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10)</p> | Points | <u>0</u> |
| <p>9. PERSEVERANCE POINTS (+1 or +2)</p> | Points | <u>0</u> |
| <p>10. COASTAL HIGH HAZARD AREA.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Development Within AE Zone (-2)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Development Within VE Zone (-7)</p> | Points | <u>-7</u> |
| <p>11. ENERGY CONSERVATION</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Installed Air Conditioning Units Rating 12 or Higher (+1)</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Heat Recovery Unit or Solar Hot Water Heater (+1)</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)</p> | Points | <u>3</u> |
| <p>12. STRUCTURAL INTEGRITY OF CONSTRUCTION</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> 160 Mph Wind Load (+1)</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> 175 Mph Wind Load (+1)</p> | Points | <u>2</u> |
| <p>13. AFFORDABLE HOUSING (+3)
(+3 points per application which proposes affordable housing development with <u>four or more new</u> units within the same structure)</p> | Points | <u>0</u> |
| <p>14. CENTRAL SEWER (+2)
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area <u>where a central wastewater facility service area has been constructed</u>)</p> | Points | <u>2</u> |

Exhibits 5 & 6

Sec. 30-476. - Building permit allocation evaluation criteria and award.

(a) *Residential building permit allocation evaluation criteria.* Applications shall be evaluated and ranked according to the following point values, which are to be applied cumulatively.

(1) *Platted subdivision infill.* The following points are intended to encourage the infill of legally platted subdivisions served by existing infrastructure.

Point assignment:	+10.
-------------------	------

Criteria: An application which proposes a dwelling unit within a legally platted, recorded subdivision on lots served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which the operations director determines are paved. In order to be considered served, the necessary infrastructure must be both located along the same street as the lot or parcel proposed for development and in place since December 31, 1997.

(2) *Infrastructure availability.* The following points are intended to encourage the infill of lots or parcels served by existing infrastructure.

Point assignment:	+5.
-------------------	-----

Criteria: An application which proposes a dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which the operations director determines are paved. In order to be considered served, the necessary infrastructure must be both located along the same street as the lot or parcel proposed for development and in place since December 31, 1997.

(3) *Lot aggregation.* The following points are intended to encourage the voluntary reduction of density through aggregation of contiguous, vacant, legally platted, buildable lots with density allocation by lot.

Point assignment:	+3 per contiguous, vacant, legally platted, buildable lot.
-------------------	--

Criteria: An application which proposes aggregation of a contiguous vacant, legally platted, buildable R1, R1M, RMH, R2, R3, R4 or SR lot together with the parcel proposed for development. The application shall include but shall not be limited to an affidavit of ownership of all affected parcels, acreage or land and a legally binding restrictive covenant limiting the number of dwelling units on the aggregated lot, running in favor of the village and enforceable by the village, subject to the approval of the village council prior to filing in the office of the clerk of the county, and such covenant must be approved by the village council before any development approval may be issued pursuant to an award.

RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark H. Gregg PERMIT#: PRSF202001140

DATE OF REVIEW: ~~January 27, 2020~~ September 22, 2021 DATE OF APPLICATION INTO BPAS: January 26, 2020 TOTAL POINTS: 6

- | | | |
|---|--------|-----------|
| 1. PLATTED SUBDIVISION INFILL (+10)
(Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways) | Points | <u>0</u> |
| 2. INFRASTRUCTURE AVAILABILITY (+5)
(A dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved) | Points | <u>5</u> |
| 3. LOT AGGREGATION (+3) | Points | <u>0</u> |
| 4. LAND DEDICATION (+2 or +4) | Points | <u>0</u> |
| 5. HABITAT PROTECTION | Points | <u>1</u> |
| ___ Group 4 (-10) | | |
| ___ Group 3 (-7) | | |
| ___ Group 2 (-2) | | |
| ___ Group 1 (+1) | | |
| 6. THREATENED OR ENDANGERED ANIMAL SPECIES | Points | <u>0</u> |
| ___ Known Threatened/Endangered Species Habitat | | |
| ___ Probable or Potential Threatened/Endangered Species Habitat | | |
| ___ Habitat of Wide-Ranging Threatened/Endangered Species | | |
| ___ Development Within 100 feet of Known Sea Turtle Nesting Area | | |
| ___ Development Within 500 feet of Known Piping Plover Area | | |
| 7. CRITICAL HABITAT AREA (-10) | Points | <u>0</u> |
| 8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10) | Points | <u>0</u> |
| 9. PERSEVERANCE POINTS (+1 or +2) | Points | <u>0</u> |
| 10. COASTAL HIGH HAZARD AREA. | Points | <u>-7</u> |
| ___ Development Within AE Zone (-2) | | |
| ___ Development Within VE Zone (-7) | | |
| 11. ENERGY CONSERVATION | Points | <u>3</u> |
| <input checked="" type="checkbox"/> Installed Air Conditioning Units Rating 12 or Higher (+1) | | |
| <input checked="" type="checkbox"/> Heat Recovery Unit or Solar Hot Water Heater (+1) | | |
| <input checked="" type="checkbox"/> 2500 Gallon Concrete Cistern with gutters and a pump out system (+1) | | |
| 12. STRUCTURAL INTEGRITY OF CONSTRUCTION | Points | <u>2</u> |
| <input checked="" type="checkbox"/> 160 Mph Wind Load (+1) | | |
| <input checked="" type="checkbox"/> 175 Mph Wind Load (+1) | | |
| 13. AFFORDABLE HOUSING (+3)
(+3 points per application which proposes affordable housing development with <u>four or more new</u> units within the same structure) | Points | <u>0</u> |
| 14. CENTRAL SEWER (+2)
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area <u>where a central wastewater facility service area has been constructed</u>) | Points | <u>2</u> |

RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark H. Gregg PERMIT#: PRSF202001140DATE OF REVIEW: January 27, 2020 DATE OF APPLICATION INTO BPAS: January 26, 2020 TOTAL POINTS: +17

1. PLATTED SUBDIVISION INFILL (+10) Points 10
(Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)
2. INFRASTRUCTURE AVAILABILITY (+5) Points -
(A dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)
3. LOT AGGREGATION (+3) Points +3 +3 = +6
4. LAND DEDICATION (+2 or +4) Points -
5. HABITAT PROTECTION Points 1
 Group 4 (-10)
 Group 3 (-7)
 Group 2 (-2)
 Group 1 (+1)
6. THREATENED OR ENDANGERED ANIMAL SPECIES Points -
 Known Threatened/Endangered Species Habitat
 Probable or Potential Threatened/Endangered Species Habitat
 Habitat of Wide-Ranging Threatened/Endangered Species
 Development Within 100 feet of Known Sea Turtle Nesting Area
 Development Within 500 feet of Known Piping Plover Area
7. CRITICAL HABITAT AREA (-10) Points -
8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10) Points -
9. PERSEVERANCE POINTS (+1 or +2) Points -
10. COASTAL HIGH HAZARD AREA. Points -7
 Development Within AE Zone (-2)
 Development Within VE Zone (-7)
11. ENERGY CONSERVATION Points 3
 Installed Air Conditioning Units Rating 12 or Higher (+1)
 Heat Recovery Unit or Solar Hot Water Heater (+1)
 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)
12. STRUCTURAL INTEGRITY OF CONSTRUCTION Points 2
 160 Mph Wind Load (+1)
 175 Mph Wind Load (+1)
13. AFFORDABLE HOUSING (+3) Points -
(+3 points per application which proposes affordable housing development with four or more new units within the same structure)
14. CENTRAL SEWER (+2) Points 2
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area where a central wastewater facility service area has been constructed)

Exhibit 9

Select Year: 2022

The 2022 Florida Statutes (including 2022 Special Session A and 2023 Special Session B)

[Title XII](#)
MUNICIPALITIES

[Chapter 177](#)
LAND BOUNDARIES

[View Entire Chapter](#)

177.031 Definitions.—As used in this part:

- (1) “Alley” means a right-of-way providing a secondary means of access and service to abutting property.
- (2) “Block” includes “tier” or “group” and means a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.
- (3) “Board” means any board appointed by a municipality, county commission, or state agency, such as the planning and zoning board, area planning board, or the governing board of a drainage district.
- (4) “Governing body” means the board of county commissioners or the legal governing body of a county, municipality, town, or village of this state.
- (5) “Cul-de-sac” means a street terminated at the end by a vehicular turnaround.
- (6) “Developer” means the owners of record executing the dedication required by s. [177.081](#) and applying for approval of a plat of a subdivision pursuant to this part.
- (7)(a) “Easement” means any strip of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.
- (b) “Public utility” includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.
- (8) “Survey data” means all information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.
- (9) “Improvements” may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (P.R.M.s), permanent control points (P.C.P.s), monuments, or any other improvement required by a governing body.
- (10) “Professional surveyor and mapper” means a surveyor and mapper registered under chapter 472 who is in good standing with the Board of Professional Surveyors and Mappers.
- (11) “Lot” includes tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.
- (12) “Municipality” means any incorporated city, town, or village.
- (13) “P.C.P.” means permanent control point and shall be considered a reference monument.
 - (a) “P.C.P.s” set in impervious surfaces must:
 1. Be composed of a metal marker with a point of reference.
 2. Have a metal cap or disk bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters “P.C.P.”
 - (b) “P.C.P.s” set in pervious surfaces must:
 1. Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2 square inches. In certain materials, encasement in concrete is optional for stability of the rod. When used,

Exhibit 10

DIVISION 10. - PLATTING

Sec. 30-431. - Plat approval and recording required.

- (a) Except as provided in subsections (b) and (c) of this section, plat approval shall be required for:
 - (1) The division of land into three or more parcels; or
 - (2) The division of land into two or more parcels where the land involved in the division was previously divided without plat approval within the prior two years; or
 - (3) The division of land into two parcels where the disclosure statement required under subsection (f) of this section is not attached to the conveyance.
- (b) No building permit shall be issued for the construction of any building, structure or improvement unless a final plat has been approved in accordance with the provisions of this division and recorded for the lot on which the construction is proposed or unless the building, structure or improvement qualifies for an exemption pursuant to this division.
- (c) No plat approval is required if the subdivision involved consists only of:
 - (1) A governmentally required dedication and the director of planning and development services finds that it is not necessary that a plat be recorded. In lieu of recording a plat, the dedication shall be required by deed and shall be subject to compliance with the submission of a grading, paving and drainage plan which will meet the requirements of this chapter and the posting of an improvement guarantee or bond as required under section 30-435 before the acceptance of the dedication by the village council.
 - (2) The proposed subdivision is for the purpose of conveying ownership of real property with a single-family unit in a townhouse-type development when such conveyance of real property is the space beneath the unit, plus an area surrounding the unit, which is no greater than the gross ground floor area of the unit. Prerequisites for exceptions to platting in this case are as follows:
 - a. The minimum overall development size shall be the same as required in the zoning district assigned to the property.
 - b. The average building length within the townhouse development shall not exceed 160 feet. However, no such building shall contain more than eight units.
 - c. The proposed subdivision is part of a development project for which the village has granted site plan approval, the proposed subdivision is less than five acres in size, and the lots or parcels from which the proposed subdivision is created have been specifically delineated in a recorded plat.

(3)

The combination of two or more previously platted lots to form a single unified building site. However, such combination must be accompanied by a unity of title, in a form approved by the village attorney and recorded in the public records of the clerk of the circuit court of the county.

- (4) A subdivision of land legally recorded prior to September 15, 1986.
- (5) A change in ownership which would result in the formation of a Condominium Association, pursuant to Florida Statute Chapter 718, however in such a case, review of the proposed condominium documents shall be required by the village at the sole cost of the applicant.
- (d) No plat of any subdivision shall be entitled to be recorded in the office of the clerk of the circuit court until it shall have been approved by the village council in the manner prescribed herein and certified by the village clerk.
- (e) If a plat has been previously approved and recorded, technical or minor changes to the plat may be approved by the director of planning and development services. All other changes shall be considered in accordance with the provisions of this division.
- (f) The conveyance of land that involves the division of the land into two or more parcels may result in the creation of lots that do not meet the minimum building requirements of this chapter, and thus are not buildable lots. For example, the assignment of a tax parcel number by the county appraiser's office does not signify that a parcel is buildable under this chapter. Therefore, to ensure that the public is provided disclosure additional to that which is otherwise required by law of the possible creation of such unbuildable lots by conveyance of property without platting, whenever land is conveyed that involves the division of land into two or more parcels and where plat approval is not obtained pursuant to this division, such conveyance shall include the following disclosure statement: "The parcel of land described in this instrument is located in incorporated Islamorada, Village of Islands. The use of the parcel of land is subject to and restricted by the goals, policies and objectives of the Islamorada, Village of Islands, Comprehensive Plan and Development Regulations adopted as a part of, and in conjunction with and as a means of implementing the Islamorada, Village of Islands Comprehensive Plan. The land development regulations provide that no building permit shall be issued for any development of any kind unless the proposed development complies with each and every requirement of the regulations, including minimum area requirements for residential development. You are hereby notified that under the Islamorada, Village of Islands land development regulations, the division of land into parcels of land that are not approved as platted lots under the regulations confers no right to develop a parcel of land for any purpose."

(Ord. No. 01-19, § 5(4.9.1), 11-19-2001; Ord. No. 02-29, § 5, 11-21-2002; Ord. No. 09-01, § 3, 1-22-2009)

Sec. 30-432. - General standards for plat approval.

Exhibit 11

—Original Message—

From: Hank Flores <hank.flores@islamorada.fl.us>
To: Mark Gregg <mgregg9787@aol.com>
Sent: Fri, Jan 15, 2021 4:28 pm
Subject: RE: revised drawings are ready

I have the NOA ready. I emailed with Tim Bricker and he'll be resubmitting the revisions for the BP soon. I can't sign-off on my comment until the plans are resubmitted.

From: Mark Gregg <mgregg9787@aol.com>
Sent: Friday, January 15, 2021 4:22 PM
To: Hank Flores <hank.flores@islamorada.fl.us>
Subject: Re: revised drawings are ready

4 Yes, I think so. 10 points for platted subdivision infill and 6 points for lot aggregation (private road + private park+ tip of peninsula)? Also, Would it be possible to finish your review by Tuesday next week? I am trying to submit corrections for approval before the next BPAS deadline. Thank you, Mark

—Original Message—

From: Hank Flores <hank.flores@islamorada.fl.us>
To: Mark Gregg <mgregg9787@aol.com>
Sent: Fri, Jan 15, 2021 3:09 pm
Subject: RE: revised drawings are ready

3 I spoke with Roget and he said that there should be no effect on the BPAS score. You are combining platted lots, so would get the points.

Does this make sense?

—Original Message—

From: Hank Flores <hank.flores@islamorada.fl.us>
To: Mark Gregg <mgregg9787@aol.com>
Sent: Mon, Jan 11, 2021 2:47 pm
Subject: RE: revised drawings are ready

Mark,

2 Our ArcMap (which is out of date, but indicates property lines from a few years ago before people were allowed to combine and split properties through the MCPA) indicates that the property is composed of three parcels with the referenced RE's. Two of them closest to road are platted. The tip is not. I think it still qualifies under the BPAS as "Platted Subdivision Infill," but I'll ask Roget. Megan is out this week. You get points also for lot aggregation. Of course, you lose points for being in a V Zone.

As we've discussed, the Code is hazy on what constitutes a "lot" or "parcel," which allows some leeway.

I'll think on it more and touch base soon.

Hank

From: Mark Gregg <mgregg9787@aol.com>
Sent: Monday, January 11, 2021 1:47 PM
To: Hank Flores <hank.flores@islamorada.fl.us>
Subject: Re: revised drawings are ready

1 Hello Hank, The legal description looks good. Page 4 seems to indicate I am combining 3 separate tax parcels which is incorrect. I am asking to combine the unplatted tip of the peninsula with the Private Park and "Private 20' Road" so that I will not receive negative BPAS points for developing an unplatted lot. I am also hoping to receive points for combining 2 lots. The effect is to include the unplatted tip of the peninsula within the platted boundary of the property. Platted Lo1 and Lot 2 are not involved in this application. Let me know if this is what you were thinking. Thank you, Mark

—Original Message—

Exhibit 12 pg 1

There shall be no limit on the number of separate parcels on which allocation applications may be submitted by an individual, entity or organization.

- (3) An allocation application for a given parcel shall not be for more dwelling units or floor area than are permitted by the applicable zoning and land use regulations.
- (g) *Expiration of allocation award.* The applicant shall have no more than 180 calendar days from the date the notice is mailed to pick up the building permit for the applicable residential dwelling unit(s) or nonresidential floor area. If the applicant fails to pick up the building permit associated with the allocation award within the 180-calendar-day period, such building permit and associated allocation award shall expire. Upon expiration, the allocation award shall be returned to the BPAS for future allocation. Unused market rate allocations shall be available for administrative relief. Any unused affordable allocations will roll over to affordable housing.
 - (h) *Borrowing from future allocations.*
 - (1) The village council may award additional units from future residential allocation periods to fully grant an application for multifamily residential units, if such an application receives an allocation award for some, but not all, of the units requested because the applicant seeks more units than are available during the allocation period. The village council shall not reduce any future allocation by more than 20 percent, but may apply the reduction over any number of future allocation periods. Multifamily affordable housing projects shall be given priority.
 - (i) *Withdrawal of application.* An applicant may elect to withdraw an application without prejudice at any time up to finalization of the evaluation rankings by the village council. Revision and resubmission of the withdrawn application must be in accordance with subsection (j) of this section.
 - (j) *Revisions to applications and awards.*
 - (1) Upon submission of an application, an applicant may revise the application if it is withdrawn and resubmitted prior to the allocation date for the allocation period in which the applicant wishes to compete. Resubmitted applications shall be considered "new," requiring payment of appropriate fees.
 - (2) After receipt of an allocation award, and either before or after receipt of a building permit being obtained, but prior to receipt of a certificate of occupancy or final inspection, no revisions shall be made to any aspect of the proposed development which formed the basis for the evaluation, review and allocation rankings, unless such revision would have the effect of increasing the original score.
 - (3) After receipt of an allocation award, a building permit and a certificate of occupancy or final inspection, no revision shall be made to any aspect of the completed development which formed the basis for the evaluation, review, and allocation rankings, unless such revisions are

Exhibit 12 pg 2

From: [Daniel Gulizio](#)
To: [Roget Bryan](#)
Subject: FW: BPAS application PRSFC202001140, Toner's Nautical Shores P.B 4-36
Date: Wednesday, December 15, 2021 7:31:44 AM
Attachments: [image001.png](#)

Roget,

I have completed a review of the applicable code provisions and see no prohibition against the withdrawal of the application "without prejudice at any time up to finalization of the evaluation rankings by the village council" [Sec. 30-475 (i)]. Please let me know if you have any additional thoughts. Thank you, in advance, for your help and guidance.

Dan

From: Greg Oravec <greg.oravec@islamorada.fl.us>
Sent: Tuesday, December 14, 2021 10:11 AM
To: Jamie Terry <jamie.terry@islamorada.fl.us>; Daniel Gulizio <planningdirector@islamorada.fl.us>
Cc: Maria Bassett <Maria.Bassett@islamorada.fl.us>; Katie Atkins <katie.atkins@islamorada.fl.us>; Roget Bryan <roget.bryan@islamorada.fl.us>; Kelly Toth <clerk@islamorada.fl.us>
Subject: RE: BPAS application PRSFC202001140, Toner's Nautical Shores P.B 4-36

Jamie,

Thank you for your e-mail and for sharing your concern. You are certainly right to suggest that we should expect public scrutiny with this application, which is exactly why in this case, as with all cases, I want to go by the book. Accordingly, by way of this e-mail, I am asking that the Director of Planning or his designee provide me with the relevant facts, analysis and conclusion, with corresponding citations, in an e-mail or memo. I will then respond to the applicant's request.

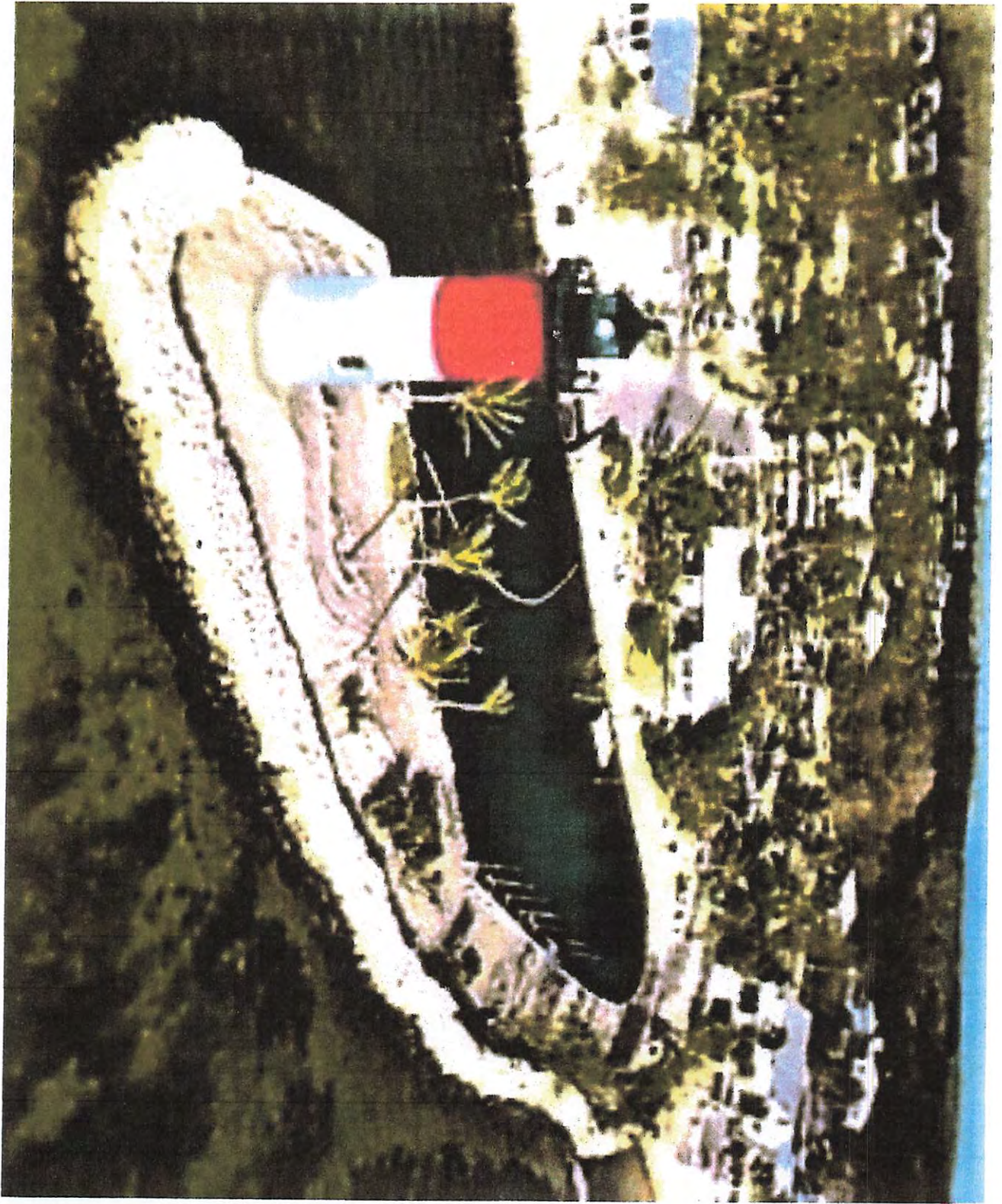
Thank you,
Greg



From: Jamie Terry <jamie.terry@islamorada.fl.us>
Sent: Tuesday, December 14, 2021 9:20 AM
To: Greg Oravec <greg.oravec@islamorada.fl.us>; Daniel Gulizio

Mark H. Gregg Administrative Appeal

**Supplemental Exhibits: Land Development
Regulations, Florida Statutes, Emails, Plats and Photos**



PLANTATION RIDGE

A SUBDIVISION ON PLANTATION KEY
MONROE COUNTY - FLORIDA

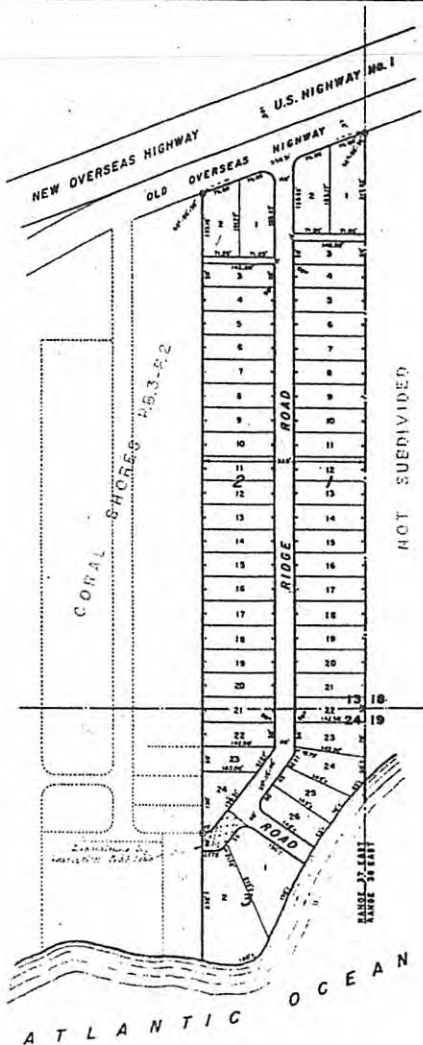
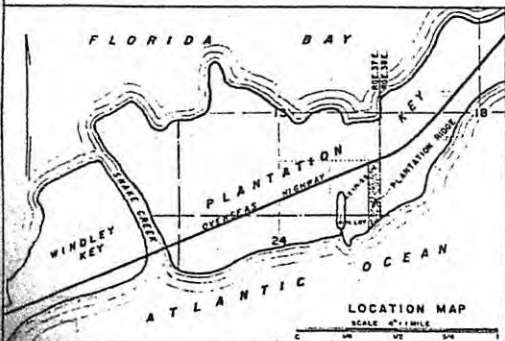
SCALE IN FEET
0 100 200 300 400

JUNE 1953

G. A. CRAWSHAW
CIVIL ENGINEER & SURVEYOR
HOMESTEAD & ISLANDORADA, FLA.

ENGINEERS NOTE
All rods are 25'
© General Permanent Reference Measurements.
Distances on lots having rounded corners are to later section of block lines extended

SCALE 1" = 100'



KNOW ALL MEN BY THESE PRESENTS

That Henry Potkin and Alice Potkin, his wife, have caused to be made the attached plat entitled PLANTATION RIDGE, the same being a subdivision of the East 325 feet of Government Lot 1, Section 24 and that part of the East 325 feet of the S.E. 1/4 of Section 13 lying southerly of the southerly right of way line of the Old Overseas Highway, all in Township 23 South, Range 23 East, in Plantation Key, Monroe County, Florida.

The same being as shown are hereby dedicated to the perpetual use of the public for a road purposes, reserving to themselves, their heirs, successors or assigns the reversion or reversion thereof whenever discontinued by law.

IN WITNESS WHEREOF the said Henry Potkin and Alice Potkin, his wife, have hereunto affixed their hands and seals this 26th day of June, A.D. 1953.

Witnessed by
Henry Potkin *Alice Potkin*
Henry Potkin *Alice Potkin*

COUNTY OF DADE SS
STATE OF FLORIDA

I hereby certify that on this day personally appeared before me, the undersigned authority, Henry Potkin and Alice Potkin his wife, in me well known to be the persons described in and who executed the foregoing instrument and who acknowledged that they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and seal this 26th day of June, A.D. 1953

My commission expires
July 6, 1954

Henry Public
Henry Public
State of Florida at large

KNOW ALL MEN BY THESE PRESENTS

That Morris Rutkin, owner and holder of a certain mortgage encumbering the property described herein recorded in Mortgage Book 835 at Page 140, Public Records of Monroe County, Florida does hereby consent to join in the foregoing dedication.

IN WITNESS WHEREOF the said Morris Rutkin has hereunto affixed his hand and seal this 26th day of July, A.D. 1953.

Witnessed by
Morris Rutkin *Henry Public*
Morris Rutkin *Henry Public*

COUNTY OF DADE SS
STATE OF FLORIDA

I hereby certify that on this day personally appeared before me, the undersigned authority, Morris Rutkin, in me well known to be the person described in and who executed the foregoing instrument and who acknowledged that he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and seal this 26th day of July, A.D. 1953

My commission expires
July 6, 1957

Henry Public
Henry Public
State of Florida at large

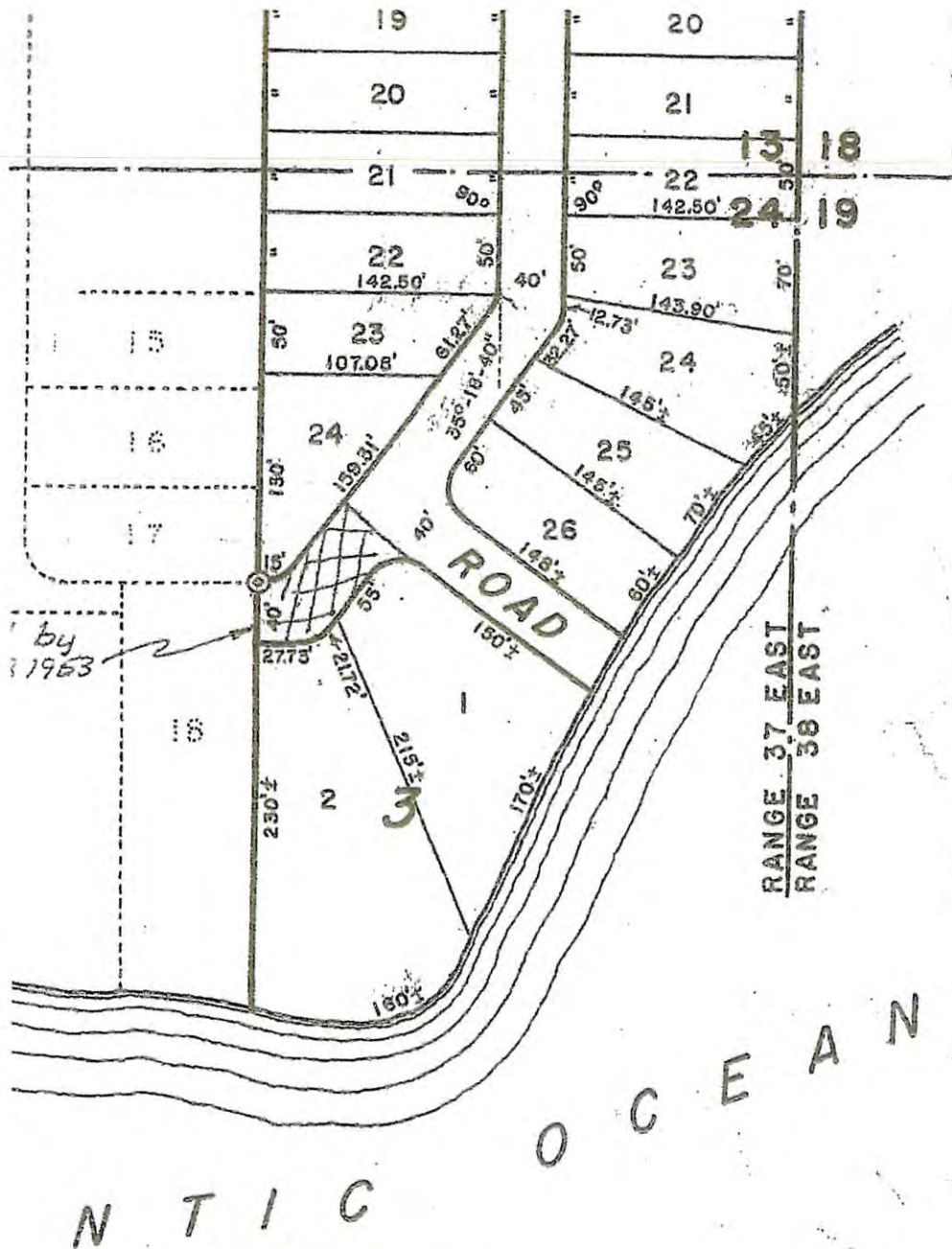
I HEREBY CERTIFY that the attached plat of PLANTATION RIDGE is a true and correct representation of the land recently surveyed and plotted by me, and that Permanent Reference Measurements were set on the 12th day of June, 1953 in accordance with Section 7, Chapter 10, 275 (No. 253), Laws of the State of Florida.

G. A. Crawshaw
G. A. Crawshaw
Registered Engineer No. 1557
Registered Surveyor No. 190
State of Florida

This plat was approved by Resolution No. _____ passed and adopted by the Board of County Commissioners of Monroe County, Florida this 26th day of June, A.D. 1953, and recorded in Plat Book 3 at Page 63

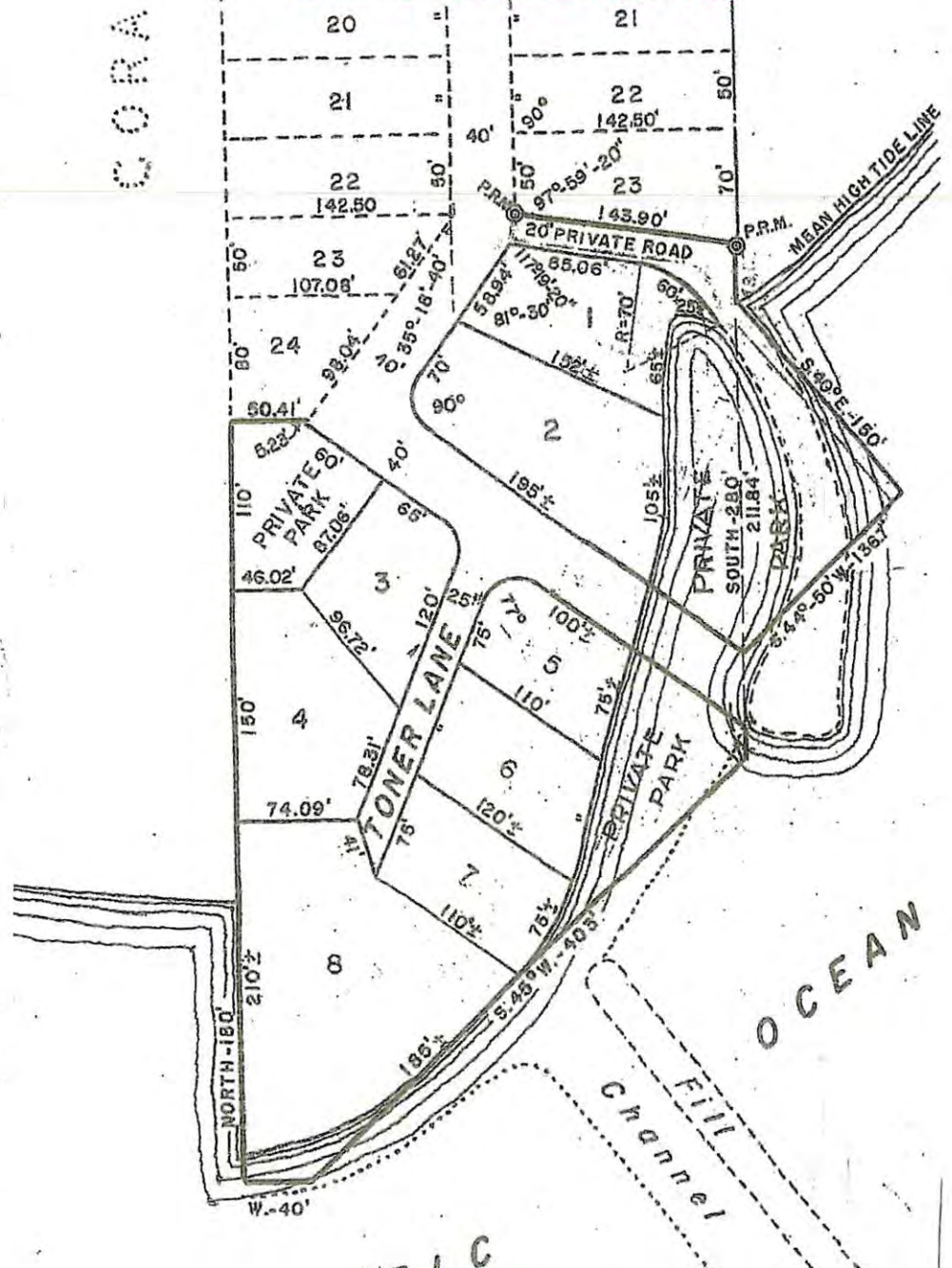
Approved
Carl R. Adams
County Engineer
Carl R. Adams
Clerk of the Circuit Court

Plantation Ridge



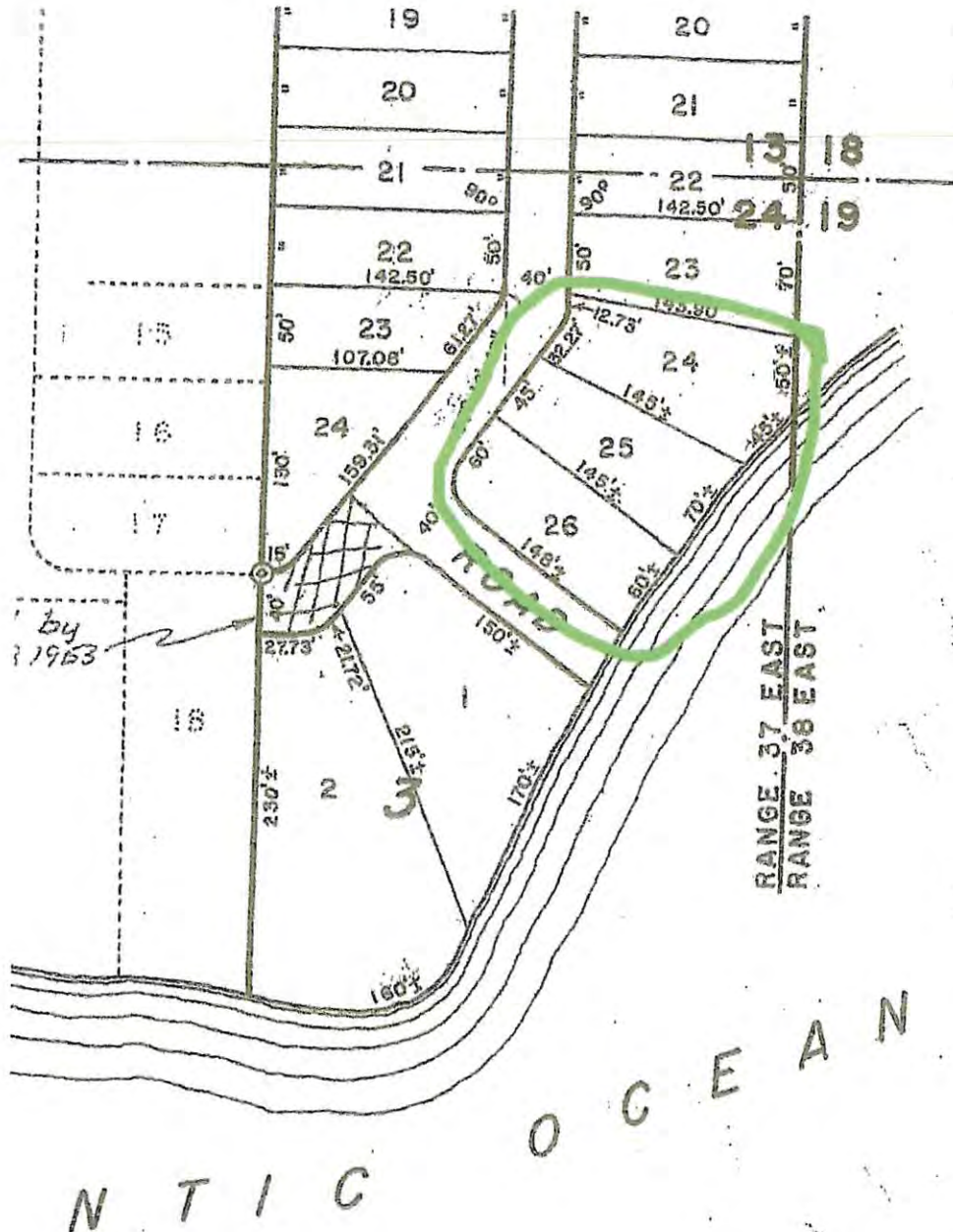
BEFORE

Toner's Nautical Shores



AFTER

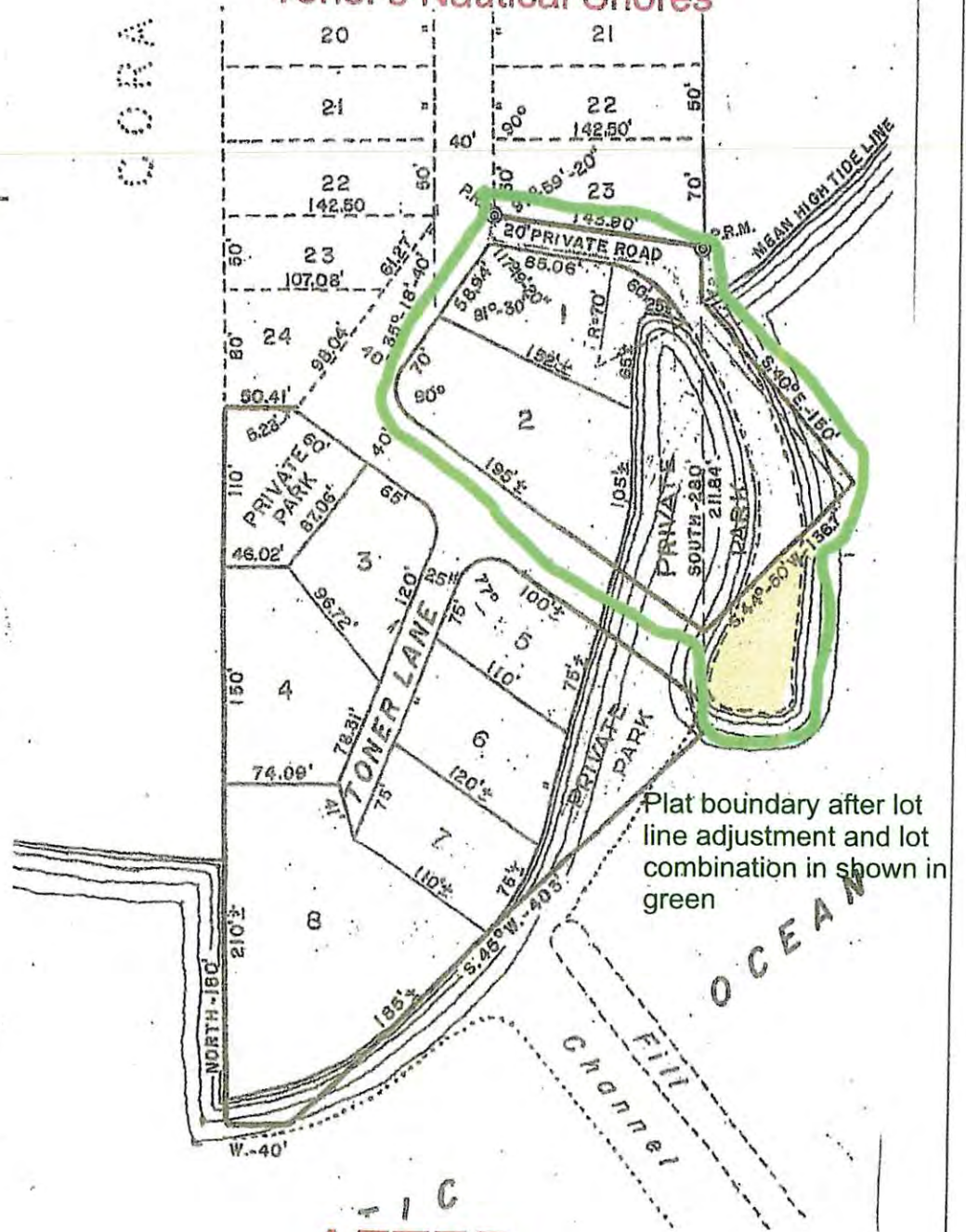
Plantation Ridge



BEFORE

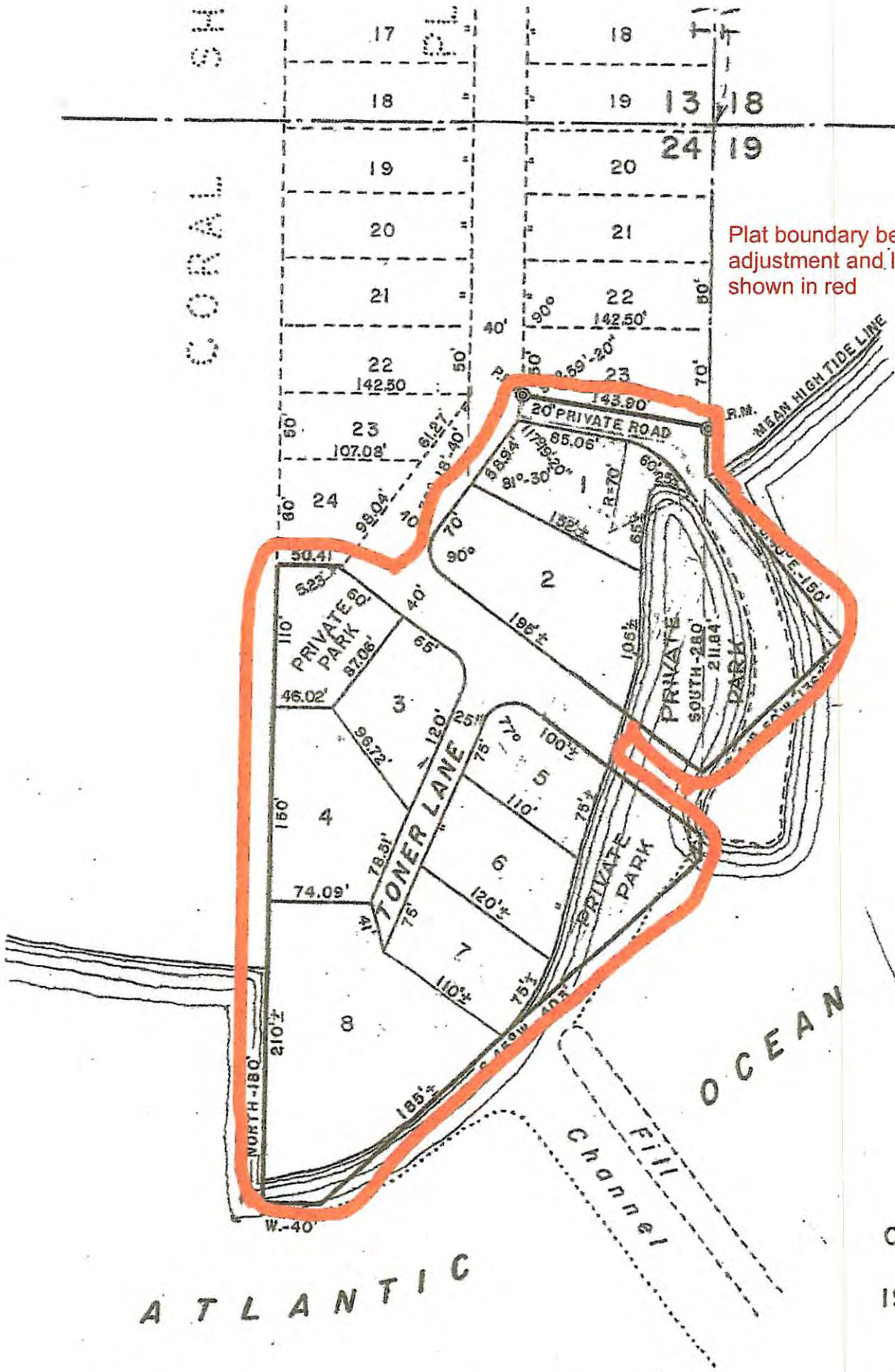
C O R A

Toner's Nautical Shores



AFTER

CORAL



Plat boundary before lot line adjustment and lot combination shown in red

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Commission

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Clerk

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NOVEMBER 12, 1957, 11:50 A.M. - 60358

RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark H. Gregg PERMIT#: PRRFC202001140

DATE OF REVIEW: January 27, 2020 DATE OF APPLICATION INTO BPAS: January 26, 2020 TOTAL POINTS: 14

- | | | |
|--|--------|-----------|
| <p>1. PLATTED SUBDIVISION INFILL (+10)
(Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)</p> | Points | <u>10</u> |
| <p>2. INFRASTRUCTURE AVAILABILITY (+5)
(A dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)</p> | Points | <u>-</u> |
| <p>3. LOT AGGREGATION (+3)</p> | Points | <u>3</u> |
| <p>4. LAND DEDICATION (+2 or +4)</p> | Points | <u>-</u> |
| <p>5. HABITAT PROTECTION
 <input type="checkbox"/> Group 4 (-10)
 <input type="checkbox"/> Group 3 (-7)
 <input type="checkbox"/> Group 2 (-2)
 <input type="checkbox"/> Group 1 (+1)</p> | Points | <u>1</u> |
| <p>6. THREATENED OR ENDANGERED ANIMAL SPECIES
 <input type="checkbox"/> Known Threatened/Endangered Species Habitat
 <input type="checkbox"/> Probable or Potential Threatened/Endangered Species Habitat
 <input type="checkbox"/> Habitat of Wide-Ranging Threatened/Endangered Species
 <input type="checkbox"/> Development Within 100 feet of Known Sea Turtle Nesting Area
 <input type="checkbox"/> Development Within 500 feet of Known Piping Plover Area</p> | Points | <u>-</u> |
| <p>7. CRITICAL HABITAT AREA (-10)</p> | Points | <u>-</u> |
| <p>8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10)</p> | Points | <u>-</u> |
| <p>9. PERSEVERANCE POINTS (+1 or +2)</p> | Points | <u>-</u> |
| <p>10. COASTAL HIGH HAZARD AREA.
 <input type="checkbox"/> Development Within AE Zone (-2)
 <input type="checkbox"/> Development Within VE Zone (-7)</p> | Points | <u>-7</u> |
| <p>11. ENERGY CONSERVATION
 <input checked="" type="checkbox"/> Installed Air Conditioning Units Rating 12 or Higher (+1)
 <input checked="" type="checkbox"/> Heat Recovery Unit or Solar Hot Water Heater (+1)
 <input checked="" type="checkbox"/> 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)</p> | Points | <u>3</u> |
| <p>12. STRUCTURAL INTEGRITY OF CONSTRUCTION
 <input checked="" type="checkbox"/> 160 Mph Wind Load (+1)
 <input checked="" type="checkbox"/> 175 Mph Wind Load (+1)</p> | Points | <u>2</u> |
| <p>13. AFFORDABLE HOUSING (+3)
(+3 points per application which proposes affordable housing development with <u>four or more new</u> units within the same structure)</p> | Points | <u>-</u> |
| <p>14. CENTRAL SEWER (+2)
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area <u>where a central wastewater facility service area has been constructed</u>)</p> | Points | <u>2</u> |

RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark H. Gregg PERMIT#: PRSFC202001140

DATE OF REVIEW: January 27, 2020 DATE OF APPLICATION INTO BPAS: January 26, 2020 TOTAL POINTS: +17

1. PLATTED SUBDIVISION INFILL (+10) Points 10
 (Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)

2. INFRASTRUCTURE AVAILABILITY (+5) Points -
 (A dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)

3. LOT AGGREGATION (+3) Points +3 +3 = +6

4. LAND DEDICATION (+2 or +4) Points -

5. HABITAT PROTECTION Points 1
 Group 4 (-10)
 Group 3 (-7)
 Group 2 (-2)
 Group 1 (+1)

6. THREATENED OR ENDANGERED ANIMAL SPECIES Points -
 Known Threatened/Endangered Species Habitat
 Probable or Potential Threatened/Endangered Species Habitat
 Habitat of Wide-Ranging Threatened/Endangered Species
 Development Within 100 feet of Known Sea Turtle Nesting Area
 Development Within 500 feet of Known Piping Plover Area

7. CRITICAL HABITAT AREA (-10) Points -

8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10) Points -

9. PERSEVERANCE POINTS (+1 or +2) Points -

10. COASTAL HIGH HAZARD AREA. Points -7
 Development Within AE Zone (-2)
 Development Within VE Zone (-7)

11. ENERGY CONSERVATION Points 3
 Installed Air Conditioning Units Rating 12 or Higher (+1)
 Heat Recovery Unit or Solar Hot Water Heater (+1)
 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)

12. STRUCTURAL INTEGRITY OF CONSTRUCTION Points 2
 160 Mph Wind Load (+1)
 175 Mph Wind Load (+1)

13. AFFORDABLE HOUSING (+3) Points -
 (+3 points per application which proposes affordable housing development with four or more new units within the same structure)

14. CENTRAL SEWER (+2) Points 2
 (+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area where a central wastewater facility service area has been constructed)

RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark H. Gregg PERMIT#: PR5FC202001140

DATE OF REVIEW: ~~January 27, 2020~~ September 22, 2021 DATE OF APPLICATION INTO BPAS: January 26, 2020 TOTAL POINTS: 6

1. PLATTED SUBDIVISION INFILL (+10) Points 0
 (Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)
2. INFRASTRUCTURE AVAILABILITY (+5) Points 5
 (A dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)
3. LOT AGGREGATION (+3) Points 0
4. LAND DEDICATION (+2 or +4) Points 0
5. HABITAT PROTECTION Points 1
 - Group 4 (-10)
 - Group 3 (-7)
 - Group 2 (-2)
 - Group 1 (+1)
6. THREATENED OR ENDANGERED ANIMAL SPECIES Points 1
 - Known Threatened/Endangered Species Habitat
 - Probable or Potential Threatened/Endangered Species Habitat
 - Habitat of Wide-Ranging Threatened/Endangered Species
 - Development Within 100 feet of Known Sea Turtle Nesting Area
 - Development Within 500 feet of Known Piping Plover Area
7. CRITICAL HABITAT AREA (-10) Points 1
8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10) Points 1
9. PERSEVERANCE POINTS (+1 or +2) Points 0
10. COASTAL HIGH HAZARD AREA. Points -7
 - Development Within AE Zone (-2)
 - Development Within VE Zone (-7)
11. ENERGY CONSERVATION Points 3
 - Installed Air Conditioning Units Rating 12 or Higher (+1)
 - Heat Recovery Unit or Solar Hot Water Heater (+1)
 - 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)
12. STRUCTURAL INTEGRITY OF CONSTRUCTION Points 2
 - 160 Mph Wind Load (+1)
 - 175 Mph Wind Load (+1)
13. AFFORDABLE HOUSING (+3) Points 0
 (+3 points per application which proposes affordable housing development with four or more new units within the same structure)
14. CENTRAL SEWER (+2) Points 2
 (+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area where a central wastewater facility service area has been constructed)

Final scoresheet sent to appellant on April 3, 2023

RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark Gregg PERMIT #: PRSEC202001140

DATE OF REVIEW: 1/31/22 DATE OF APPLICATION INTO BPAS: 1/31/22 TOTAL POINTS: +6

1. PLATTED SUBDIVISION INFILL (+10) Points
(Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)
2. INFRASTRUCTURE AVAILABILITY (+5) Points +5
(A dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)
3. LOT AGGREGATION (+3) Points
4. LAND DEDICATION (+10) Points
5. HABITAT PROTECTION Points +1
 Group 4 (-10)
 Group 3 (-7)
 Group 2 (-2) Dis w/hammock
 Group 1 (+1)
6. THREATENED OR ENDANGERED ANIMAL SPECIES Points
 Known Threatened/Endangered Species Habitat
 Probable or Potential Threatened/Endangered Species Habitat
 Habitat of Wide-Ranging Threatened/Endangered Species
 Development Within 100 feet of Known Sea Turtle Nesting Area
 Development Within 500 feet of Known Piping Plover Area
7. CRITICAL HABITAT AREA (-10) Points
8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10) Points
9. PERSEVERANCE POINTS (+1 or +2) Points
10. COASTAL HIGH HAZARD AREA. Points -7
 Development Within AE Zone (-2)
 Development Within VE Zone (-7)
11. ENERGY CONSERVATION Points +3
 Installed Air Conditioning Units Rating 12 or Higher (+1)
 Heat Recovery Unit or Solar Hot Water Heater (+1)
 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)
12. STRUCTURAL INTEGRITY OF CONSTRUCTION Points +2
 160 Mph Wind Load (+1)
 180 Mph Wind Load (+1)
13. AFFORDABLE HOUSING (+3) Points
(+3 points per application which proposes affordable housing development with four or more new units within the same structure)
14. CENTRAL SEWER (+2) Points +2
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area where a central wastewater facility service area has been constructed)

Original BPAS score and ranking 11/1/21

DRAFT Ranking of BPAS Applications for 2021 Quarter 4 (closed Monday, November 1, 2021 at 12:00 PM)												
Market Rate Allocations												
Rank	Permit #	Name	Deferrals	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.	
1	PRRFC202100049	Islamorada Realty Invest. Trust		8/31/2021	1:00 PM	18	Plantation Key	Tavernero	15	2	00437493-004800	
2	PRRFC202100049	Lindback, Craig		10/12/2021	1:07 PM	18	Plantation Key	Plantation Key Colony	40	3	00426140-000100	
3	PRRFC201901652	Wynn Ekblom Development		10/30/2018	9:45 AM	27	Plantation Key	Fontaine Lake Estates	6	4	00432810-000200	
4	PRRFC201809262	Correa, Octavio		10/16/2018	2:00 PM	17	Plantation Key	Lake Harbor 1st Addition	20	-	00418811-002800	
5	PRRFC20180191A	Key Largo 492 LLC		10/30/2018	10:29 AM	17	Plantation Key	Vacation Village	16	3	00417840-000000	
6	PRRFC201900879	Tiedeman, Jocelyn & Brian		8/29/2019	11:45 AM	17	Plantation Key	Indian Waterways	22	5	00424090-000200	
7	PRRFC201900988	Hampson, Tim		9/30/2019	2:40 PM	17	Plantation Key	Indian Waterways	33	3	00423510-000000	
8	PRRFC201901069	Gregg, Mark H		10/2/2019	2:34 PM	17	Plantation Key	Coral Shores	A	-	00411210-000000	
9	PRRFC201900494	Hayes, Stephan & Marilyn		10/8/2019	2:19 PM	17	Lower Matecumbe	Port Antigua	11B	-	00394488-002100	
10	PRRFC201901700	Cockerham, Mark		6/4/2020	1:21 PM	17	Upper Matecumbe	Matecumbe Sub Lots 3&4	3&4	-	00404690-000300	
11	PRRFC201000507	Codispoti, Edward & Susanna		6/23/2020	1:30 PM	17	Lower Matecumbe	Port Antigua	104	-	00394488-000700	
12	PRRFC201900454	Fisher, Donna & Daniel		7/9/2020	11:15 AM	17	Plantation Key	Venetian Shores Plat #6	15	17	00410502-010280	
13	PRRFC201901131	Zamora, Enrique & Llan		8/13/2020	3:00 PM	17	Lower Matecumbe	Mate-Udo Beach	7	-	00395970-000000	
14	PRRFC202000068	ROSELLO JUAN & ENA		9/1/2020	9:00 AM	17	Lower Matecumbe	Port Antigua Plat 2	51	-	00394487-000701	
15	PRRFC202001140	Mark H Gregg		1/28/2021	10:00 AM	17	Plantation Key	Toner's Nautical Shores PB 4-36	-	-	00412230-000000	
16	PRRFC201901119	Segovia Investment LLC		3/15/2021	2:30 PM	17	Lower Matecumbe	Port Antigua Plat 3 & 4	109	-	00394488-001200	
17	PRRFC201702154	Tafaya, Kenneth J		1/25/2018	3:25pm	16	Plantation Key	Coral Shores	30	-	00411530-000000	
18	PRRFC201802246	Hopman, Andre		4/9/2019	3:00 PM	16	Lower Matecumbe	Lower Matecumbe Beach	15	3	00389300-000000	
19	PRRFC201802283	PARED ARIEL & GENEVIEVE SPRINGER		4/9/2019	3:01 PM	16	Lower Matecumbe	Lower Matecumbe Beach	13 & 14	3	00389290-000000	
20	PRRFC201802232	Islamorada Realty Investment Trust		6/25/2019	11:23 AM	16	Plantation Key	Plantation Shores Rev	13	2	00418621-002700	
21	PRRFC201901219	Island Ellair LLC		11/19/2019	1:40 PM	16	Upper Matecumbe	Stratton's Subd	SELY 1/2 20	-	00400580-000000	
22	PRRFC202000059	Julio Colomba		6/23/2020	4:00 PM	16	Lower Matecumbe	Safety Harbor	4	4	00391420-000000	
23	PRRFC202000040	Natalie Bevis & Nicholas Blondeletti		7/14/2020	11:00 AM	16	Plantation Key	Plantation Key Colony	16	6	00427920-000000	
24	PRRFC202000724	Native Construction Contracting Inc		9/4/2020	10:27 AM	16	Plantation Key	Plantation Key Colony	3	12	00429110-000100	
25	PRRFC202000988	Jose Gonzalez		11/17/2020	2:07 PM	16	Plantation Key	Plantation Key Colony	22	19	00432450-000000	
26	PRRFC202001164	William Gerard Graenwald		12/10/2020	1:46 PM	16	Lower Matecumbe	Safety Harbor	11	6	00391830-000000	
27	PRRFC202001087	Augustus F. and Kristy L. Moss		12/17/2020	9:40 AM	16	Plantation Key	Plantation Key Colony	4	2	00430120-000100	
28	PRRFC202001145	72 PLAZA DEL LAGO LLC		1/21/2021	9:24 AM	16	Lower Matecumbe	Port Antigua	91	-	00394487-004800	
29	PRRFC202000989	RAMOS MARILYN		1/21/2021	9:25 AM	16	Lower Matecumbe	White Marlin Beach	20	-	00393550-000000	
30	PRRFC202001126	Charles LeMoynes Hall		2/4/2021	3:00 PM	16	Windley	Galen Beach	38	-	00405340-000000	
31	PRRFC202001460	Jorgensen, Deana & Paul		3/29/2021	12:53 PM	16	Plantation Key	Lake Harbor 1st Addition	8	-	00418311-000800	
32	PRRFC202001595	Savage Marc Revocable Trust 2/24/2017		4/13/2021	11:19 AM	16	Lower Matecumbe	Matecumbe Ocean View	3	2	00396390-000000	
33	PRRFC202100421	Luis Gonzalez		4/26/2021	1:30 PM	16	Plantation Key	Venetian Shores No 3	14	25	00409390-000000	
34	PRRFC202001215	Austin & Kathleen Young		4/27/2021	12:00 PM	16	Plantation Key	Kahiki Harbor	1	2	00425090-000000	
35	PRRFC202001978	KAMELY URI PINKHAS		5/4/2021	12:00 PM	16	Lower Matecumbe	Port Antigua Plat NO 5&6	279	-	00394489-008200	
36	PRRFC202100105	BLACK, RICHARD & BROOKE		5/6/2021	9:30 AM	16	Plantation Key	Vacation Village	7	1	00417530-000000	
37	PRRFC202001467	CODISPOTI HUMBERTO & CARMEN		5/27/2021	1:00 PM	16	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	11	C	00392430-000000	
38	PRRFC202000472	LEON WILLIAM & JACKELINE		5/27/2021	1:10 PM	16	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	18	E	00392990-001000	
39	PRRFC202100428	RUIZ JORGE ALBERTO		6/16/2021	12:53 PM	16	Lower Matecumbe	Port Antigua Plat No. 1	11	-	00394486-001100	
40	PRRFC202001015	NICHOLS GARY & BETH		6/25/2021	10:36 AM	16	Lower Matecumbe	Lower Matecumbe Beach	9	2	00388990-000100	
41	PRRFC202001254	Burstyn, Samuel		9/2/2021	12:00 PM	16	Lower Matecumbe	Port Antigua Plat 5&6 PB6-25	317	-	00394489-012000	
42	PRRFC202100688	Jaquelyn Wrenn Ekblom		8/5/2021	2:07PM	16	Plantation Key	Fontaine Lake Estates	11	5	00433080-000000	
43	PRRFC201901572	Morejon, Orlando and Annmarie		9/23/2021	2:20 PM	16	Upper Matecumbe	Russell Estates			00404060-000100	
44	PRRFC202100572	Morejon, Orlando and Annmarie		9/24/2021	11:00 AM	16	Upper Matecumbe	Russell Estates			00404060-000300	
45	PRRFC202100607	Hampson, Tim		9/27/2021	9:36 AM	16	Plantation Key	Indian Harbor	30	4	00420290-000100	
46	PRRFC202100850	Lindback, Craig		10/12/2021	1:06 PM	16	Plantation Key	Plantation Key Colony	43	3	00426140-000200	
47	PRRFC202100751	Torres, David and Sothaler		10/25/2021	12:11 PM	16	Lower Matecumbe	Port Antigua Plat No 2	58	-	00394487-001500	
48	PRRFC202100433	Makulu LLC		10/29/2021	11:44 AM	16	Plantation Key	Tavernero	19	1	00437493-002001	
49	PRRFC201802189	CBT Construction and Development, Inc.		4/11/2019	1:22 PM	15	Plantation Key	Indian Harbor	16	9	00421920-000000	

BPAS score and ranking after refile on 1/31/22

DRAFT Ranking of BPAS Applications for 2023 Quarter 1 (closed Friday, March 31, 2023 at 12:00 PM)						3/31/2023				
Market Rate Allocations (with & without Land Dedication Points)						RECOMMENDED FOR ALLOCATION				
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.
1	PR5FC202101705	L12 B7 Sunshine Estates LLC (Land Dedication)	5/2/2022	2:10:00 PM	26	Plantation Key	Sunshine Estates	12	7	00435720-000000
2	PR5FC202101308	L12 B7 Sunshine Estates LLC (Land Dedication)	6/24/2022	11:12:00 AM	26	Plantation Key	Kahiki Harbor	11	1	00424960-000000
3	PR5FC201901157	Samurai Conchstruction LLC (Land Dedication)	4/14/2022	2:20:00 PM	25	Upper Matecumbe	Bay Hammock Community	17	-	00403041-001700
4	PR5FC202100516	Martinez, Lazaro & Marialina (Land Dedication)	6/27/2022	3:08:00 PM	24	Lower Matecumbe	Marlin Beach	22	H	00393860-000000
5	PR5FC201800385	Perez, George (Land Dedication)	4/4/2022	10:23:00 AM	23	Plantation Key	Coral Shores	18	-	00411410-000000
6	PR5FC202101687	Harbortate Limited Partnership (Land Dedication)	5/10/2022	2:30:00 PM	22	Upper Matecumbe	Bay Hammock Community	7	-	00403041-000700
7	PR5FC202100870	Harbortate Limited Partnership (Land Dedication)	4/12/2022	1:00:00 PM	21	Upper Matecumbe	Bay Hammock Community	6	-	00403041-000600
8	PR5FC202000634	What A Good Catch LLC (Land Dedication)	6/20/2022	2:23:00 PM	21	Upper Matecumbe	Stratton's Subd	6	12	00401260-000000
9	PR5FC202001126	Charles LeMoynes Hall	2/4/2021	3:00:00 PM	18	Windley	Galen Beach	38	-	00405340-000000
10	PR5FC202001460	Jorgensen, Deana & Paul	3/29/2021	12:53:00 PM	18	Plantation Key	Lake Harbor 1st Addition	8	-	00418311-000800
11	PR5FC202001085	126 Port Antigua LLC	3/16/2021	3:26:00 PM	17	Lower Matecumbe	Port Antigua Plat 3 & 4	126	-	00394488-002900
12	PR5FC202001595	Savage Marc Revocable Trust 2/24/2017	4/13/2021	11:19:00 AM	17	Lower Matecumbe	Matecumbe Ocean View	3	2	00396390-000000
13	PR5FC202100421	Luis Gonzalez	4/26/2021	1:30:00 PM	17	Plantation Key	Venetian Shores No 3	14	25	00409390-000000
14	PR5FC202001215	Brian Mass	4/27/2021	12:00:00 PM	17	Plantation Key	Kahiki Harbor	1	2	00425090-000000
15	PR5FC202001378	KAMELY URI PINKHAS	5/4/2021	12:00:00 PM	17	Lower Matecumbe	Port Antigua Plat NO 5&6	279	-	00394489-008200
16	PR5FC202100105	BLACK, RICHARD & BROOKE	5/6/2021	9:30:00 AM	17	Plantation Key	Vacation Village	7	1	00417530-000000
17	PR5FC202001467	CODISPOTI HUMBERTO & CARMEN	5/27/2021	1:00:00 PM	17	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	11	C	00392430-000000
18	PR5FC202000472	LEON WILLIAM & JACKELINE	5/27/2021	1:10:00 PM	17	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	18	E	00392990-001000
19	PR5FC202100428	RUIZ JORGE ALBERTO	6/16/2021	12:53:00 PM	17	Lower Matecumbe	Port Antigua Plat No. 1	11	-	00394486-001100
20	PR5FC202001015	NICHOLS GARY & BETH	6/25/2021	10:36:00 AM	17	Lower Matecumbe	Lower Matecumbe Beach	9	2	00388960-000100
21	PR5FC202001254	Burstyn, Samuel	8/2/2021	12:00:00 PM	17	Lower Matecumbe	Port Antigua Plat 5&6 PB6-25	317	-	00394489-012000
22	PR5FC202100688	Jaquelyn Wrenn Ekblom	8/5/2021	2:07:00 PM	17	Plantation Key	Fontaine Lake Estates	11	5	00433080-000000
23	PR5FC201901572	Morejon, Orlando and Annmarie	8/23/2021	2:20:00 PM	17	Upper Matecumbe	Russell Estates	-	-	00404060-000100
24	PR5FC202100572	Morejon, Orlando and Annmarie	9/24/2021	11:00:00 AM	17	Upper Matecumbe	Russell Estates	-	-	00404060-000300
25	PR5FC202100850	Lindback, Craig	10/12/2021	1:06:00 PM	17	Plantation Key	Plantation Key Colony	43	3	00426140-000200
26	PR5FC202100751	Torres, David and Sothsoier	10/25/2021	12:11:00 PM	17	Lower Matecumbe	Port Antigua Plat No 2	58	-	00394487-001500
27	PR5FC202100433	Makulu LLC	10/29/2021	11:44:00 AM	17	Plantation Key	Tavernero	19	1	00437493-002001
28	PR5FC202101234	Morales Rev Living Trust	11/22/2021	2:17:00 PM	17	Plantation Key	Sunshine Estates	7	1	00434630-000000
29	PR5FC202101237	Tiedemann, Jocelyn	12/1/2021	11:59:00 AM	17	Plantation Key	Key Heights Sect 2	21	4	00416180-000000
30	PR5FC202101049	Ferguson, James	1/14/2022	9:54:00 AM	17	Plantation Key	Indian Waterways	33	2	00422920-000000
31	PR5FC202101339	RCM of Florida LP	1/31/2022	10:33:00 AM	17	Lower Matecumbe	Mat Ocean Bay	9	3	00395240-000000
32	PR5FC202101553	Egret Investments Limited Partnership	8/30/2022	10:40:00 AM	17	Lower Matecumbe	Lower Matecumbe Beach	27-28	3	00389440-000000
33	PR5FC202100988	162 Sunset Dr LLC	10/20/2022	12:50:00 PM	17	Lower Matecumbe	Lower Matecumbe Beach	16	3	00389310-000000
34	PR5FC201802189	C&T Construction and Development, Inc.	4/11/2019	1:22:00 PM	16	Plantation Key	Indian Harbor	16	9	00421920-000000
35	PR5FC201900719	Holly Lynn Ernestes-Jones Revocable Trust	10/24/2019	3:48:00 PM	16	Upper Matecumbe	Bay Hammock Community	33	-	00403041-003300
36	PR5FC202000659	Islamorada Realty Investment Trust	7/31/2020	9:15:00 AM	16	Plantation Key	Plantation Key Colony	28	11	00429010-000000
37	PR5FC202000667	Islamorada Realty Investment Trust	7/31/2020	9:16:00 AM	16	Plantation Key	Plantation Key Colony	27	11	00429000-000000
38	PR5FC202000719	Islamorada Realty Investment Trust	8/17/2020	10:00:00 AM	16	Plantation Key	Plantation Key Colony	25	4	00426430-000000
39	PR5FC202100240	Gode, A.J and P.J.	9/27/2021	3:18:00 PM	16	Lower Matecumbe	Lower Matecumbe Beach	3	3	00389160-000000
40	PR5FC202100571	Morejon, Orlando and Annmarie	10/29/2021	11:50:00 AM	16	Upper Matecumbe	Russell Estates	-	-	00404060-000200
41	PR5FC202100954	Vaughn, Ray	11/1/2021	11:45:00 PM	16	Plantation Key	Edenair	8	1	00433470-000000
42	PR5FC202101286	Whitehill, Doria, Gregory, Allgood, Simpson	2/22/2022	10:20:00 AM	16	Plantation Key	Venetian Shores No 2	4	18	00408320-000000
43	PR5FC202200068	Islamorada Realty Investment Trust	3/30/2022	12:32:00 PM	16	Lower Matecumbe	Matecumbe Ocean Bay Sec 2	-	-	00397120-000000
44	PR5FC202000300	Villavicencio, Jose A	6/10/2022	11:00:00 AM	16	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	16	1	00393270-000000
45	PR5FC202200149	Villamil Carlos and Vicente Sonia	9/1/2022	2:00:00 PM	16	Plantation Key	Plantation Key Colony	20	15	00431260-000100
46	PR5FC202101283	Martin, Akalia	9/16/2022	10:40:00 AM	16	Plantation Key	Tropical Atlantic Shores 1 Add	25	6	00436950-000000
47	PR5FC202100967	Schrader, Kathleen	9/16/2022	10:41:00 AM	16	Plantation Key	Tavernero	11	1	0037493-001100
48	PR5FC202200170	Sanders Charles Revocable Living Trust	9/23/2022	2:00:00 PM	16	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	23	G	00393580-000000
49	PR5FC202201313	McKeown, James	1/23/2023	1:05:00 PM	16	Plantation Key	Tavernero	7	2	00437493-003700
50	PR5FC202200812	Weber, Craig	3/30/2023	10:00:00 AM	16	Plantation Key	Venetian Shores Plat No 2	8	10	00407150-000100
51	PR5FC201800860	LAZZERI JEFF & JULIE	4/2/2020	2:15:00 PM	15	Plantation Key	Plantation Lakes Estates	39	-	00093420-003801
52	PR5FC201801827	Paulo & Kellen Paiva	2/4/2021	12:15:00 PM	15	Upper Matecumbe	Bay Hammock Community	20	-	00403041-000100
53	PR5FC201801826	Paulo & Kellen Paiva	2/5/2021	8:00:00 AM	15	Upper Matecumbe	Bay Hammock Community	1	-	00403041-002000
54	PR5FC202001406	FERNANDEZ VIVIAN M & DOCAMPO JOSE A	5/13/2021	8:19:00 AM	15	Lower Matecumbe	Lower Matecumbe Beach	4	1	00388710-000000
55	PR5FC202100804	Island Investment Partners Inc.	10/12/2021	11:08:00 AM	15	Plantation Key	Venetian Shores Plat No 2	1	13	00407550-000000
56	PR5FC202101379	Lonnberg, Ronald	5/11/2022	3:00:00 PM	15	Plantation Key	Plantation Beach	4	8	00414060-000000
57	PR5FC201901501	Weeks, Donald	3/16/2020	8:00:00 AM	14	Plantation Key	Plantation Lake Estates	8	-	00093420-000901

Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RE No.
58	PRSF202000351	Keys Basin LLC	10/7/2020	10:30:00 AM	14	Plantation Key	Vacation Village	1	1	00417470-000000
59	PRSF202000352	Keys Basin LLC	10/7/2020	10:31:00 AM	14	Plantation Key	Vacation Village	1	1	00417470-000000
60	PRSF202100795	MAZAL 233 LLC	9/27/2021	11:05:00 AM	14	Plantation Key	Key Heights Sect 2	5	7	00416500-000000
61	PRSF202100796	MAZAL 233 LLC	9/27/2021	11:22:00 AM	14	Plantation Key	Key Heights Sect 2	6	7	00416510-000000
62	PRSF202200078	Rodriguez, Robert	4/26/2022	12:00:00 PM	14	Plantation Key	Plantation Key Colony	11	7	00427430-000000
63	PRSF202201342	Weidler Thomas	1/23/2023	12:30:00 PM	13	Plantation Key	Plantation Shores	18	3	00418621-004600
64	PRSF202000794	Hopman, Andreas	9/16/2020	10:30:00 AM	12	Lower Matecumbe	Lower Matecumbe Beach	19	4	00389820-000100
65	PRSF202200455	Lesko, Brian and Jodi Lynn	9/8/2022	3:00:00 PM	12	Plantation Key	Bay Hammock Community	25		00403041-002500
66	PRSF202000555	Ewald, Nicholas	4/30/2021	11:30:00 AM	10	Plantation Key	Plantation Beach	7	2	00413760-000000
67	PRSF202200496	Cockerham, Mark	8/4/2022	9:48:00 AM	9	Upper Matecumbe		6(9)		00096220-000300
68	PRSF202001140	Gregg, Mark	1/31/2022	10:15:00 AM	7	Plantation Key	Toners Nautical Shores			00412230-000000
69	PRSF202000130	Rosa Maria Z Walchli REV Trust 11/5/2008	10/20/2020	9:27:00 AM	2	Plantation Key	Fontaine Lake Estates	2	5	00432990-000000

From: hank.flores@islamorada.fl.us,
To: mgregg9787@aol.com,
Subject: RE: Lot Line Adjustment
Date: Mon, Aug 10, 2020 12:33 pm

Lot Line Adjustments are specifically referenced in the Code, which are basically a re-plat. You can reference Section 30-431.

From: Mark Gregg <mgregg9787@aol.com>
Sent: Monday, August 10, 2020 11:56 AM
To: Hank Flores <hank.flores@islamorada.fl.us>
Subject: Lot Line Adjustment

Hello Hank, I am working on an application for a lot line adjustment but I can't find the applicable code section that addresses lot line adjustments. I read the chapter on platting, but it is no specific. Can you sent me the correct code section for this? Thank you, Mark Gregg

From: hank.flores@islamorada.fl.us,

To: mgregg9787@aol.com,

Cc: roget.bryan@islamorada.fl.us, craig.southern@islamorada.fl.us, planningdirector@islamorada.fl.us,

Subject: PRSFC202001140 - 183 E. Ridge Road - Lot Combination

Date: Mon, Oct 19, 2020 4:58 pm

Attachments: [Lot_Adjustment_Form_2020_16_1_FINAL_VAO-Rev_06172020.pdf](#) (94K)

Mark,

I spoke with Roget and followed up with Craig. You may submit an application for Lot Adjustment & Exchanges to combine the property into one legal parcel. Once submitted and determined to be complete, I'll prioritize the review.

Thanks.

Hank

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From: mgregg9787@aol.com,

To: planningdirector@islamorada.fl.us, ted.yates@islamorada.fl.us, jquick@wsh-law.com,

Subject: BPAS score sheet error Permit # PRSFC202001140

Date: Thu, Mar 16, 2023 5:31 pm

Attachments: 183 E Ridge Road - Private Park (00412230-000000) _ 1957 Toners Nautical Shores Plat and Section 30-432(f) _ Lot Line Adjustment Application __.pdf (179K), 183 E Ridge Road - BPAS Application - PRSFC202001140.pdf (113K), Scan0163.pdf (935K), Lot Combination and Lot Line Adjustment.pdf (903K), Lot Combination and Lot Line Adjustment.pdf (903K), Scan0119.pdf (596K), Scan0117.pdf (361K), Scan0112.pdf (854K), BPAS Scoresheet PRSFC202001140 6 points.pdf (134K), updated scoresheet 17 points.pdf (65K)

Hello Dan, Ted, and John, I'm writing to request that the erroneous score sheet for my BPAS application be revised to reflect the correct score for ranking and inclusion in the 2023 1st quarter allocation for approval by the Village Council. Specifically, I ask that the correct score of 17 points be included in my application on the BPAS score sheet, together with any perseverance points. As we have previously discussed, the Planning Staff approved a score of 17 points on my original application filed on January 26, 2020, a copy being attached hereto. At the request of then Village Manager Greg Oravec, I withdrew the application in December of 2020, but refiled the application *without any changes* on January 31, 2022. Several months later, I learned that the Planning Staff had reduced my score from 17 points to 6 points without explanation. See attached 6-point score sheet. I believe that the reduced score was based upon an erroneous analysis memo dated September 22, 2021, written by former Assistant Planning Director Hank Flores, a copy being attached (note: handwritten markings are not part of the original memo and were added by me at a later date.)

For

the first error in this memo, Mr., Flores concluded that the platted "park" parcel was not part of the plat, even though it is clearly shown as being within both the legal description of the lands being approved for the original plat of Toner's Nautical Shores and is depicted within the plat boundaries as shown on the graphic drawing of the plat and designated with thicker black boundary lines. If requested, I will ask my surveyor to confirm this fact for you. See attached plat graphic and legal description text.

For the second error,

Mr. Flores concludes that the "project did not qualify for 10 points as a Platted Subdivision Infill lot, but instead qualifies for five (5) points for Infrastructure Availability." (Spelling and grammar are as written by Mr. Flores). This conclusion contradicts the effect and intent of the Notice Of Approval of the lot line adjustment and lot combination application processed, approved, witnessed, and recorded by Mr. Flores, and previously approved by our Village Attorney Roget Bryant, a copy being attached. I have also attached a copy of an email that I sent on January 26, 2023 to John Quick and James White which discusses an attached email chain between me and Mr. Flores from January 11 and 15, 2021 which explains the details of how my lot line/lot adjustment application was being processed. In this email chain, Mr. Flores appears to have confirmed with our then Village Attorney that I would "get the points" for combining platted lots and platted subdivision infill. Please note the proper chronological sequence of emails which were *not* disclosed by my public records search.

For the third error, Mr.

Flores writes "It also did not qualify for any points under Lot Aggregation as the lots, *though buildable* (italics added), are not platted lots of record as required under the Code of Ordinances, therefore six (6) points were also deducted from the Scoresheet." This contradicts his statement in the January 11, 2021 2:47pm email: "Two of them closest to the road are platted.", and his statement in the January 15, 2021, 4:22pm email: "I spoke to Roget and he said that there should be no effect on the BPAS score. You are combining platted lots, so would get the points."

Finally, I've attached a email

chain between me and former Planner Craig Southern from September 2019 which documents the beginning of the process to combine my lots and modify the lot and plat boundaries in such a way as to avoid a lower score for developing unplatted lands. My file was later assigned to Mr. Flores for processing and review. I followed the direction of the planning staff with the oversight and approval of the Village Attorney and the Planning Director Ty Harris to achieve this goal. I have faithfully relied upon and complied with the staff's directions and the Land Development Regulations so that my application is entitled to the original updated score of 17 points. Nothing changed from the original application scored with 17 points to the resubmitted application, so it seems logical that 17 points is the correct score for the resubmitted application. I have relied upon the approvals, representations and actions of the Village Staff in good faith and I respectfully ask that I be treated fairly as you would treat any other applicant. Thank you, Mark Gregg

From: craig.southern@islamorada.fl.us,

To: mgregg9787@aol.com,

Cc: roget.bryan@islamorada.fl.us, planningdirector@islamorada.fl.us, anita.muxo@islamorada.fl.us,

Subject: 183 E Ridge Road - Private Park (00412230-000000) | 1957 Toners Nautical Shores Plat and Section 30-432(f) | Lot Line Adjustment Application |

Date: Thu, Sep 12, 2019 12:49 pm

Attachments: Lot Line Adjustment Application.pdf (116K),

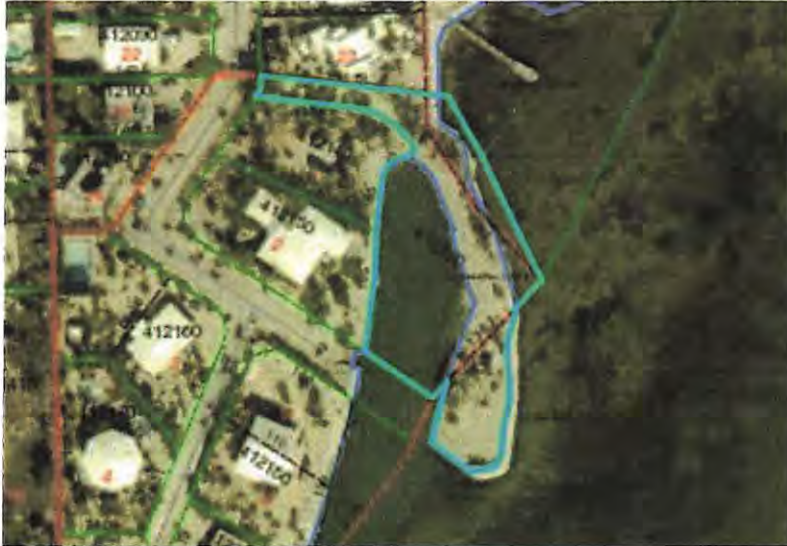
Good Morning Mark,

Yes as previously indicate and highlighted below, it appears that it may be possible to combine/unify or in a creative manner conduct a lot line adjustment of the "spoil spit peninsula" to the existing private park so as not to exceed the number of parcels that lawfully existed as of September 15, 1986 in 1957 Toners Nautical Shores Plat. I interpret this code section as prohibiting an increase in the number of lots or units to the amount of lots/parcels that were existing within the plat as of September 15, 1986. My current recommendation would be to apply for a Lot line Adjustment yet when I go to the Monroe County Property Appraiser's website for the subject property 00412230-000000

Click on URL link:[https://qpublic.schneidercorp.com/Application.aspx?](https://qpublic.schneidercorp.com/Application.aspx?AppID=605&LayerID=9946&PageTypeID=4&PageID=7635&KeyValue=00412230-000000)

[AppID=605&LayerID=9946&PageTypeID=4&PageID=7635&KeyValue=00412230-000000](https://qpublic.schneidercorp.com/Application.aspx?AppID=605&LayerID=9946&PageTypeID=4&PageID=7635&KeyValue=00412230-000000)

Monroe County Property Appraiser has the "spoil spit peninsula" already combined/unified to the existing private park, do you know why that is? Please see light blue boundary outlined below:



Craig Southern, CFM

Senior Planner

Islamorada, Village of Islands

86800 Overseas Highway

Islamorada, Florida 33036

Craig.Southern@Islamorada.fl.us

(305) 664-6424

From: Mark Gregg <mgregg9787@aol.com>

Sent: Tuesday, September 10, 2019 2:28 PM

To: Craig Southern <craig.southern@islamorada.fl.us>

Subject: Re: 1957 Toners Nautical Shores Plat and Section 30-432(f)

Hello Craig, I just got called to go to Miami this afternoon. How about tomorrow anytime, you pick? I read the code section mentioned in your email and I am unclear on one point. I do not want to create a new parcel, or create a new buildable lot. Instead, I would like to modify the plat boundary to include the existing unplatted parcel at the tip of the peninsula within the plat boundary. This would not increase the number of lots in my RM land use district, however it would add a lot to the

plat, but would eliminate an unplatted lot. Net change is zero new parcels. The plat boundary change would only affect the number of lots included within the plat, without increasing "the number of parcels that lawfully existed as of September 15, 1986", and without creating any new parcels. In fact, if my proposed plat modification is approved, I intend to combine the currently unplatted peninsula parcel with the platted "Private Park" parcel in a BPAS application which would ultimately reduce the number of buildable lots on my property by one. So the question is: Does the code prohibit increasing the number of parcels in the RM land use district, OR does it prohibit increasing the number of parcels within the plat? The code is not clear. Lets talk tomorrow. Mark

-----Original Message-----

From: Craig Southern <craig.southern@islamorada.fl.us>

To: Mark Gregg <mgregg9787@aol.com>

Cc: Roget Bryan <roget.bryan@islamorada.fl.us>; Ty Harris <planningdirector@islamorada.fl.us>

Sent: Tue, Sep 10, 2019 1:52 pm

Subject: RE: 1957 Toners Nautical Shores Plat and Section 30-432(f)

Okay can you stop around 4pm today?

Thanks

Craig

From: Mark Gregg <mgregg9787@aol.com>

Sent: Tuesday, September 10, 2019 1:41 PM

To: Craig Southern <craig.southern@islamorada.fl.us>

Subject: Re: 1957 Toners Nautical Shores Plat and Section 30-432(f)

Hello Craig, I can come by anytime today or tomorrow. Mark

-----Original Message-----

From: Craig Southern <craig.southern@islamorada.fl.us>

To: Mark Gregg <mgregg9787@aol.com>

Cc: Roget Bryan <roget.bryan@islamorada.fl.us>; Ty Harris <planningdirector@islamorada.fl.us>; Anita Muxo <anita.muxo@islamorada.fl.us>

Sent: Tue, Sep 10, 2019 1:32 pm

Subject: 1957 Toners Nautical Shores Plat and Section 30-432(f)

Hi Mark,

As briefly discussed earlier, pursuant to [Section 30-432\(f\)](#) Lands within the R1, R1M, RMH, R2, R3, R4, SR and TA districts shall not be platted, replatted or otherwise reconfigured in any manner that would allow the number of proposed lots or units to exceed the number of parcels that lawfully existed as of September 15, 1986.

Attached in PDF format is the 1957 Toners Nautical Shores Plat.

It appears that is may be possible to combine/unify the "spoil spit peninsula" to the existing park so as not to exceed the number of parcels that lawfully existed as of September 15, 1986

What time are you wanting to come in today and discuss this in more detail?

Thanks

Craig

Craig Southern, CFM

Senior Planner

Islamorada, Village of Islands

86800 Overseas Highway

Islamorada, Florida 33036

Craig.Southern@Islamorada.fl.us

(305) 664-6424

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From: megan.rumbaugh@islamorada.fl.us,
To: mgregg9787@aol.com,
Cc: hank.flores@islamorada.fl.us,
Subject: 183 E Ridge Road - BPAS Application - PRSFC202001140
Date: Wed, Jan 27, 2021 1:46 pm
Attachments: 183 E Ridge Road - Planning Conditions Affidavit.pdf (513K), 183 E Ridge Road - BPAS_Residential_Scoresheet.pdf (70K), BPAS_Application.pdf (260K)

Good afternoon Mark,

183 E Ridge Road is now ready to enter BPAS. Attached is a blank BPAS application and the Planning Conditions Affidavit. Please fill out the BPAS application, sign the Planning Conditions Affidavit and pay the \$300 fee to enter into BPAS. Once the documents are complete please return them to me by email. Payments can be paid either via phone, mailed check or portal. Our offices are open so if you would like to drop off all the documents in person we can arrange a meeting time and date. Please note that the quarter has been extended to **February 16, 2021** due to the Village's COVID-19 closure.

I've also attached the score sheet for your records. **The applicant's submittal into BPAS acknowledges the permit will enter BPAS with +14 points.** For questions on scoring please contact Hank (CCed to this email).

Let me know if you have any questions.

Thanks!

Megan A. Rumbaugh

Associate Planner

Islamorada, Village of Islands

86800 Overseas Highway

Islamorada, Florida 33036

Megan.Rumbaugh@Islamorada.fl.us

(305) 664-6423

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RESIDENTIAL BPAS SCORE SHEET

APPLICANT NAME: Mark H. Gregg PERMIT#: PRSFC202001140

DATE OF REVIEW: January 27, 2020 DATE OF APPLICATION INTO BPAS: January 26, 2020 TOTAL POINTS: 14

- | | | |
|--|--------|-----------|
| <p>1. PLATTED SUBDIVISION INFILL (+10)
(Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)</p> | Points | <u>10</u> |
| <p>2. INFRASTRUCTURE AVAILABILITY (+5)
(A dwelling unit outside of a <i>legally platted, recorded subdivision</i>, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)</p> | Points | <u>-</u> |
| <p>3. LOT AGGREGATION (+3)</p> | Points | <u>3</u> |
| <p>4. LAND DEDICATION (+2 or +4)</p> | Points | <u>-</u> |
| <p>5. HABITAT PROTECTION
 <input type="checkbox"/> Group 4 (-10)
 <input type="checkbox"/> Group 3 (-7)
 <input type="checkbox"/> Group 2 (-2)
 <input type="checkbox"/> Group 1 (+1)</p> | Points | <u>1</u> |
| <p>6. THREATENED OR ENDANGERED ANIMAL SPECIES
 <input type="checkbox"/> Known Threatened/Endangered Species Habitat
 <input type="checkbox"/> Probable or Potential Threatened/Endangered Species Habitat
 <input type="checkbox"/> Habitat of Wide-Ranging Threatened/Endangered Species
 <input type="checkbox"/> Development Within 100 feet of Known Sea Turtle Nesting Area
 <input type="checkbox"/> Development Within 500 feet of Known Piping Plover Area</p> | Points | <u>-</u> |
| <p>7. CRITICAL HABITAT AREA (-10)</p> | Points | <u>-</u> |
| <p>8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10)</p> | Points | <u>-</u> |
| <p>9. PERSEVERANCE POINTS (+1 or +2)</p> | Points | <u>-</u> |
| <p>10. COASTAL HIGH HAZARD AREA.
 <input type="checkbox"/> Development Within AE Zone (-2)
 <input type="checkbox"/> Development Within VE Zone (-7)</p> | Points | <u>-7</u> |
| <p>11. ENERGY CONSERVATION
 <input checked="" type="checkbox"/> Installed Air Conditioning Units Rating 12 or Higher (+1)
 <input checked="" type="checkbox"/> Heat Recovery Unit or Solar Hot Water Heater (+1)
 <input checked="" type="checkbox"/> 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)</p> | Points | <u>3</u> |
| <p>12. STRUCTURAL INTEGRITY OF CONSTRUCTION
 <input checked="" type="checkbox"/> 160 Mph Wind Load (+1)
 <input checked="" type="checkbox"/> 175 Mph Wind Load (+1)</p> | Points | <u>2</u> |
| <p>13. AFFORDABLE HOUSING (+3)
(+3 points per application which proposes affordable housing development with <u>four or more new</u> units within the same structure)</p> | Points | <u>-</u> |
| <p>14. CENTRAL SEWER (+2)
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area <u>where a central wastewater facility service area has been constructed</u>)</p> | Points | <u>2</u> |

From: megan.rumbaugh@islamorada.fl.us,

To: mgregg9787@aol.com, planningdirector@islamorada.fl.us,

Subject: UPDATED SCORESHEET - PRSFC202001140 - 183 Ridge Road

Date: Tue, May 25, 2021 9:29 am

Attachments: 20210525074900.pdf (69K)

Good morning Mark,

The error to your scoresheet has been corrected. Please find the updated scoresheet attached. The updated points will be reflected on the next quarter update.

Megan Rumbaugh

Floodplain / CRS Coordinator

Islamorada, Village of Islands

86800 Overseas Highway

Islamorada, Florida 33036

Megan.Rumbaugh@Islamorada.fl.us

(305) 664-6423

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RESIDENTIAL BPAS SCORE SHEET

+17
~~+14~~

APPLICANT NAME: Mark H. Gregg PERMIT#: PRSFC202001140

DATE OF REVIEW: January 27, 2020 DATE OF APPLICATION INTO BPAS: January 26, 2020 TOTAL POINTS: 17

- | | |
|--|---------------------------------|
| <p>1. PLATTED SUBDIVISION INFILL (+10)
(Legally platted, recorded subdivisions served by infrastructure including at a minimum potable water, electricity and paved roadways)</p> | <p>Points <u>10</u></p> |
| <p>2. INFRASTRUCTURE AVAILABILITY (+5)
(A dwelling unit outside of a legally platted, recorded subdivision, but the lot or parcel proposed for development is served by existing infrastructure, including, at a minimum, potable water, electricity, and roadways which are paved)</p> | <p>Points <u>-</u></p> |
| <p>3. LOT AGGREGATION (+3)</p> | <p>Points <u>+3 +3 = +6</u></p> |
| <p>4. LAND DEDICATION (+2 or +4)</p> | <p>Points <u>-</u></p> |
| <p>5. HABITAT PROTECTION
 <input type="checkbox"/> Group 4 (-10)
 <input type="checkbox"/> Group 3 (-7)
 <input type="checkbox"/> Group 2 (-2)
 <input type="checkbox"/> Group 1 (+1)</p> | <p>Points <u>1</u></p> |
| <p>6. THREATENED OR ENDANGERED ANIMAL SPECIES
 <input type="checkbox"/> Known Threatened/Endangered Species Habitat
 <input type="checkbox"/> Probable or Potential Threatened/Endangered Species Habitat
 <input type="checkbox"/> Habitat of Wide-Ranging Threatened/Endangered Species
 <input type="checkbox"/> Development Within 100 feet of Known Sea Turtle Nesting Area
 <input type="checkbox"/> Development Within 500 feet of Known Piping Plover Area</p> | <p>Points <u>-</u></p> |
| <p>7. CRITICAL HABITAT AREA (-10)</p> | <p>Points <u>-</u></p> |
| <p>8. COASTAL BARRIER RESOURCES SYSTEM (CBRS) (-10)</p> | <p>Points <u>-</u></p> |
| <p>9. PERSEVERANCE POINTS (+1 or +2)</p> | <p>Points <u>-</u></p> |
| <p>10. COASTAL HIGH HAZARD AREA.
 <input type="checkbox"/> Development Within AE Zone (-2)
 <input type="checkbox"/> Development Within VE Zone (-7)</p> | <p>Points <u>-7</u></p> |
| <p>11. ENERGY CONSERVATION
 <input checked="" type="checkbox"/> Installed Air Conditioning Units Rating 12 or Higher (+1)
 <input checked="" type="checkbox"/> Heat Recovery Unit or Solar Hot Water Heater (+1)
 <input checked="" type="checkbox"/> 2500 Gallon Concrete Cistern with gutters and a pump out system (+1)</p> | <p>Points <u>3</u></p> |
| <p>12. STRUCTURAL INTEGRITY OF CONSTRUCTION
 <input checked="" type="checkbox"/> 160 Mph Wind Load (+1)
 <input checked="" type="checkbox"/> 175 Mph Wind Load (+1)</p> | <p>Points <u>2</u></p> |
| <p>13. AFFORDABLE HOUSING (+3)
(+3 points per application which proposes affordable housing development with <u>four or more new</u> units within the same structure)</p> | <p>Points <u>-</u></p> |
| <p>14. CENTRAL SEWER (+2)
(+2 points per application which proposes a dwelling unit on a parcel served by a collection line within a central wastewater facility service area <u>where a central wastewater facility service area has been constructed</u>)</p> | <p>Points <u>2</u></p> |

Policy 1-2.1.11: - Limit Creation of New Development Rights.

Islamorada, Village of Islands shall limit the number of development rights within the Village. All duly approved and recorded lots of record which existed as legal lots of record as of December 31, 1997 shall continue to be legal lots of record after Plan adoption.

Policy 1-2.3.3: - Residential Medium (RM).

This designation is intended to provide stable, single family neighborhoods and allow for uses which further the peaceful enjoyment and high quality residential character valued by Village residents. Areas designated Residential Medium (RM) on the Future Land Use Map shall include one (1) single family unit on one (1) lot of record, and duplexes. Duplexes shall only be permitted in Zoning Districts where legally permitted duplexes currently exist. Notwithstanding the density limitations, duplexes or two (2) single-family deed-restricted detached dwelling units, triplexes or three (3) single-family deed-restricted detached dwelling units, and fourplexes or four (4) single-family deed-restricted detached dwelling units shall be permitted on RM lots fronting U.S. 1, pursuant to the Building Permit Allocation System, if approved as affordable housing. The RM Future Land Use Map designation shall allow home occupations. Supportive community facilities ancillary to the residential uses may be located within areas designated RM. The Land Development Regulations shall provide regulatory procedures for considering the above-noted uses.

Sec. 30-684. - Residential single-family (R1) and (R1M) zoning district.

(a) *Purpose and intent.*

- (1) The purpose of the residential single-family (R1) and (R1M) zoning district is to accommodate homes, homeowners' parks, and open space in single-family residential neighborhoods located in subdivisions and on streets where the primary land use is single-family residential. On lots fronting U.S. 1, this zoning district shall also accommodate deed restricted affordable housing of up to four units. **All lots within this zoning district are platted or legally recorded.**
- (2) This zoning district is established within the Residential Medium (RM) FLUM category.

(b) *Permitted uses.*

- (1) Single-family detached dwelling unit;
- (2) Multifamily attached or detached single-family deed restricted affordable housing of up to four dwelling units on lots fronting U.S. 1;
- (3) Where an "M" sub-district designator is indicated, only dwelling units of masonry construction; and
- (4) Accessory uses and structures, excluding guesthouses.

(c) *Uses reviewed as a minor conditional use.*

- (1) Homeowners' park and associated facilities;
- (2) Infrastructure and municipal utility facilities; and
- (3) Park.

(d) *Uses reviewed as a major conditional use.* None.

(e) *Site development standards.*

- (1) Minimum lot area: 4,500 square feet for a single-family detached dwelling unit; 6,000 square feet for two attached or detached deed restricted affordable housing dwelling units; 9,000 square feet for three attached or detached deed restricted affordable housing dwelling units; and 12,000 square feet for four attached or detached deed restricted affordable housing dwelling units.
- (2) Maximum building height: 35 feet.
- (3) Maximum developable lot coverage: Not applicable.
- (4) Setbacks:
 - a. Front yard: 25 feet. Front yard setback may be reduced to 20 feet where a five-foot-wide Class B bufferyard is installed running the length of the frontage.
 - b. Side yard: A minimum of five feet on each side for a minimum combined total of 15 feet for both sides.
 1. Street side yard: Minimum ten feet.

Interior side yard: Minimum five feet.

c. Rear yard not on shoreline: Minimum 20 feet.

Accessory structures limited to 15 feet in height may be permitted within the rear yard setback, provided that a five-foot rear yard setback is maintained and a minimum of one canopy tree per 50 feet of rear property line is planted within the 20-foot rear yard setback.

d. Rear yard on shoreline: See article VII, division 2 of this chapter.

(5) Floor area: Maximum floor area for principal structures: Not applicable.

(6) **Density: One dwelling unit per lot** except up to four deed restricted affordable housing dwelling units per lot fronting U.S. 1 pursuant to the minimum lot area standard for this zoning district.

(7) Open space: See article VII, division 4 of this chapter.

(8) Landscape requirements: See division 6 of this article.

(9) Parking requirements: See division 7 of this article.

(Ord. No. 02-22, § 1(5.1.4), 1-31-2002; Ord. No. 05-24, § 1, 12-15-2005; Ord. No. 11-06, § 2, 1-13-2011; Ord. No. 13-17, § 3, 8-22-2013; Ord. No. 16-16, § 2, 8-11-2016; Ord. No. 17-09, § 3, 8-24-2017)

Plan means the Islamorada, Village of Islands Comprehensive Plan, which constitutes the required elements adopted pursuant to F.S. § 163.3177.

Plane means any surface such as a rectangle, square, triangle, circle or sphere which is capable of carrying items of information; any area enclosed by an imaginary line describing a rectangle, square, triangle or circle which includes freestanding letters, numbers or symbols.

Platted lot means a lot that is identified on a plat approved by the county or the village and duly recorded.

Pole lighting means a light fixture set on a base or pole which raises the source of light higher than 48 inches off the ground.

Portable sign means any mobile sign or sign structure that is not permanently attached to the ground or to any other structure. This definition shall include but not be limited to trailer signs, A-frame signs, sandwich signs, inflatables and vehicles whose primary purpose is advertising.

Porte-cochere: An attached porch or cover structure under which a vehicle may be driven temporarily to protect the occupants when alighting. A porte-cochere shall not be constructed to be a "carport"

Posted property sign means a sign such as, but not limited to "no trespassing," "beware of dog," "no dumping," or other similar warnings.

Potential habitat of threatened/endangered animal species means one where there is a lack of direct evidence documenting the presence of an animal(s) and where the habitat area is not suitably close to an existing population to make colonization possible, but the habitat area is of a size and ecological character sufficient to support the animal(s), or is listed on the village's protected animal species maps (also known as the threatened and endangered species maps) or by written documentation by a state or federal agency.

Pre-condition for stormwater runoff means topography, vegetation, rate, volume, direction and pollution load of surface water or groundwater flow existing immediately prior to development or redevelopment of a parcel.

Pre-destruction improvement means the value of a structure less the age and condition as it is documented by either the county property appraiser or a state licensed property appraiser (the adjusted replacement cost) before any improvements have begun or prior to a natural disaster or event.

Premises means any property owned, leased or controlled by the person or persons actively engaged in business and so connected with the business as to form a contiguous component or integral part of such property; or owned, leased or controlled by a person or persons for living accommodations.

Prevailing roadway and traffic conditions means those conditions that influence road capacity, including two general groups: those that are established by the physical feature of the roadway, and those that are dependent on the nature of traffic on the roadway.





Islamorada, Village of Islands

May 1, 2019

Owners of Vacant Residential Property
Islamorada, Village of Islands
Islamorada, FL

Greetings;

I'm writing to pass along the enclosed brochure that provides critical information about the Florida Keys Area of Critical State Concern...and what it means to you as the owner of vacant residential property. There are a fixed number of building permits that will be issued within the Village that are awarded competitively through the Building Permit Allocation System (BPAS). When the current allotment expires, no further permits for new residential construction will be issued.

Please take a few moments to learn the details of the BPAS program described in the brochure. As of today, the permit allotment is due to be emptied in 2023, just four years away. If you desire to develop your vacant residential property, the time is now to begin planning your project. The Islamorada Planning staff can provide additional details, just call them at 305-664-6423 or send an email to megan.rumbaugh@islamorada.fl.us. Also, visit the website at www.islamorada.fl.us/departments/planning, it is full of helpful information.

Thanks for taking the time to read this letter and better familiarize yourself with BPAS. Don't miss out on your opportunity to build your dream in Paradise!

Sincerely,

Seth Lawless
Village Manager

Enclosure: brochure

From: jt.keys@att.net,
To: mgregg9787@aol.com,
Subject: Fwd: 00411730-000000
Date: Mon, Jul 29, 2019 12:41 pm
Attachments: image001.jpg (86K), Sec._30_476.____Building_permit_allocation_evaluation_criteria_and_award..pdf (183K)

Jocelyn Tiedemann

Begin forwarded message:

From: Christina Neel <christina.neel@islamorada.fl.us>
Date: July 29, 2019 at 12:18:03 PM EDT
To: "jt.keys@att.net" <jt.keys@att.net>
Subject: RE: 00411730-000000

So I did some digging and asked Megan/Legal about the points we talked about.

Quick disclaimer, this is an informal point possibility review. The formal point allocation is done when plans are submitted and approved.

For the lot aggregation (+3): When combined, the two parcels' square footage is about 10,685 sf (more than two minimum-size buildable lots). So even though the one parcel by itself is considered too small to be buildable on its own, the combined lot is large enough to get the points. This would have to be officially approved by Planning Director Ty Harris, but we feel pretty positive that this would count as an aggregation big enough for the points.

For the habitat protection points (either +1 or -2, or otherwise, in this case): The Code provides a formula for special lots that have multiple types of habitat.

$(\text{area of clearing in Group 1} / \text{area in parcel of land to be cleared}) \times (+1) + (\text{area of clearing in Group 2} / \text{area in parcel of land to be cleared}) \times (-2)$

Doing some quick measurements on the GIS map (again, this is informal advice only, once we have a vegetation survey, these numbers would be more exact)

Disturbed area (red on map): 5,240sf

Disturbed w/ hammock (light green on map): 4935sf

Total sf used for this exercise: 10685

$(5240/10685) \times 1 + (4935/10685) \times -2 = -0.433$. I assume we would round this down to 0 points on the BPAS sheet. (if you wanted to account for -1, that might be a good idea just to cover any possible bases).

I attached the BPAS section of the code with the sections highlighted to match my above comments, especially regarding the hammock/disturbed land points. The formula the code provided is one we rarely use, but it's there and it does help clarify points possible.

Call me if you have any questions (especially about that math problem.... Never thought I'd be playing with algebra after college!)

Thanks,

Christina Neel

Planner

Islamorada, Village of Islands

86800 Overseas Highway

Islamorada, Florida 33036

Christina.Neel@Islamorada.fl.us

(305) 664-6421

From: Christina Neel
Sent: Monday, July 29, 2019 11:18 AM
To: 'jt.keys@att.net' <jt.keys@att.net>
Subject: 00411730-000000

Red: disturbed

Light green: dist. With hammock

Tan: Mangrove



Islamorada

Village of Islands

Post Office Box 568, Islamorada, FL 33036
305 664-6400

Http://www.islamorada.fl.us

Memorandum

Date: June 28, 2007
To: Planning and Development Services Staff
From: Edward Koconis, AICP, Director of Planning and Development Services
SUBJECT: *ADMINISTRATIVE INTERPRETATION 07-01*
BUILDING PERMIT ALLOCATION SYSTEM, SECTIONS 30-471-477

The subject division is drafted pursuant to Comprehensive Plan Policy 1-3.1.1: Establish a Building Permit Allocation System (BPAS). The Policy states that the Village shall create a BPAS, which establishes criteria for the allocations of dwelling units and through the ranking system shall allocate units based on their suitability. Section 30-476 of the Village Code outlines these criteria and the number of points awarded or deducted for each section.

Section 30-476(a)(5) of the Village Code, *Habitat Protection*, indicates that if an "application...proposes to develop in an area of habitat type and quality from Group 1", then one point shall be awarded. If an "application...proposes to clear an area of habitat type and quality from Group 2", then two points shall be deducted. The code does not specifically address point assignment or deduction in a situation where an application may be for property which contains habitat from Group 2 or greater, but does not propose to clear any of that habitat. As the code does not provide a point value for such a situation, than it is only prudent and reasonable to interpret that for such a situation, points shall be neither deducted nor added, but that the application will receive zero points for that criterion.

Section 30-476(a)(8) of the Village Code, *Perseverance Points*, indicates that "a point shall be awarded on the anniversary date of the submittal date for each year that the application remains in the...system" and that once in the system for four years, two points for each year shall be awarded. Relying upon legal counsel from the Village Attorney, it is reasonable, on a case-by-case basis, that if the Applicant has relied upon faulty written information provided by the Village, and such information has caused the Applicant delayed entry into the system, then the Applicant may be awarded perseverance points as if their application had been accepted into the system at the time the application originally would have been approved, based upon a reasonable time frame established by the Director.

This instrument prepared by:
Hank Flores, AICP, CFM
Senior Planner
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

After recording, please return to:
Planning and Development Services Department
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Florida 33036



Notice of Approval: Lot Combination (File No.: PLLCB20200347)

Applicant: Mark H. Gregg

Parcels 1, 2, and 3: Real Estate Numbers: 00412140-000000, 00412230-000000, and 00093580-000200

LEGAL DESCRIPTION AFTER LOT COMBINATION:

The "Private Road", North of and adjacent to Lot 1, Toner's Nautical Shores, as shown on the Plat thereof, as recorded in Plat Book 4, at Page 36, of the Public Records of Monroe County, Florida.

LESS AND EXCEPTING THEREFROM:

A parcel of land being a part of a 20 foot wide "Private Road", shown on the Plat of Toner's Nautical Shores, recorded in Plat Book 4, at Page 36 of the Public Records of Monroe County, Florida, said road being adjacent to and abutting the southerly line of Lot 23, Block 1, of the plat of Plantation Ridge, recorded in Plat Book 3, at Page 43, of the Public Records of Monroe County, Florida and being more particularly described as follows: Begin at the Southwest corner of said Lot 23; thence run in a Southeasterly direction along the northerly line of said 20 foot Private Road for a distance of 143.90 feet to a point on the West line of Section 19, Township 63 South, Range 37 East; thence run in a Southwesterly direction, deflecting 89°57'47" to the right from the last described course, along said West line of Section 19 for a distance of 1.48 feet to a point; thence run in a Northwesterly direction, deflecting 97°57'07" to the right from the last described course for a distance of 143.89 feet to a pipe on the southerly prolongation of the west line of said Lot 23; thence run Northerly on said prolongation for a distance of 1.58 feet to the Point of Beginning.

ALSO:

(Parcel A)

A parcel of filled sovereignty land in the Atlantic Ocean abutting Section 24, Township 63 South, Range 37 East and Section 19, Township 63 South, Range 38 East, Plantation Key, Monroe County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 19; thence South 275 feet along the West line of said Section 19; thence South 40° East 150 feet; thence South 44°50' West 35 feet to the existing mean high water line of the Atlantic Ocean and the Point of Beginning; thence Southerly, Southwesterly, Westerly, Northwesterly and Northeasterly 263 feet, more or less along said existing mean high water line to its intersection with the Southeasterly line of a parcel of sovereignty land conveyed by Trustees of the Internal Improvement Fund Deed No. 21,588; thence North 44°50' East 75 feet to the Point of Beginning.

ALSO:

(Parcel B)

A parcel of filled sovereignty land in the Atlantic Ocean in theoretical Section 19, Township 63 South, Range 38 East, and abutting Section 24, Township 63 South, Range 37 East, Plantation Key, Monroe County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 19; thence South 257 feet along the West line of said Section 19 to the Point of Beginning; thence continue South 18 feet along the West line of said Section 19; thence South 40° East 60 feet, more or less to the existing mean high water line of the Atlantic Ocean; thence Northwesterly 75 feet, more or less along said mean high water line to the Point of Beginning.

Captioned premises are embraced within the East 325 feet of Section 24, Township 63 South, Range 37 East and submerged lands Southerly thereof and a part of submerged lands within Section 19, Township 63 South, Range 38 East, South of Government Lot 1 in Section 19, Township 63 South, Range 38 East.

	<p>ALSO: (Parcel C) A parcel of submerged land being a portion of that land deeded and described in THE STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, Deed No. 25120 (2291-44) recorded in Official Records Book 457, at Page 349, of the Public Records of Monroe County, Florida, and being more particularly described by metes and bounds as follows:</p> <p>As a point of reference Commence at the Southeast corner of Lot 23, Block 1, PLANTATION RIDGE, according to the Plat thereof, as recorded in Plat Book 3, at Page 43, of the Public Records of Monroe County, Florida, said point being 227.50 feet South of the Northwest corner of Section 19, Township 63 South, Range 38 East as shown on the unrecorded plat of Plantation Lake Estates as surveyed by Frank H. Uherek, Registered Land Surveyor No. 2410 and dated November 1976; thence run SOUTH along the West line of said Section 19, a distance of 148 feet for the Point of Beginning of the herein described parcel; thence run S.82°00'40"E. a distance of 20.00 feet; thence run S.28°02'56"E. a distance of 58.55 feet; thence run S.24°21'19"E. a distance of 118.92 to a corner of said Deed No. 25120, said corner being also a corner of the boundary of Plat of TONER'S NAUTICAL SHORES, according to the Plat thereof, as recorded in Plat Book 4, at Page 36, of the Public Records of Monroe County, Florida; thence run N.40°00'00"W. along said Plat and Deed line a distance of 90 feet; thence leaving the Plat boundary but following the deed line, run Northwesterly along the mean high water line, per the Deed, for a distance of 75 feet more or less to its intersection with the West line of said Section 19; thence run NORTH along said West line of Section 19 a distance of 29.50 feet to the Point of Beginning. Contains 3657 square feet more or less.</p>
<p>Description of Lot Line Combination:</p>	<p>Previously platted properties under three (3) Parcel Identification Numbers. This application combines the parcels into one single lot of record as depicted on the survey prepared by MASSEY-RICHARDS SURVEYING AND MAPPING, LLC., last field surveyed on 02/08/2019 and revised on 04/03/2020.</p>
<p>Effective Date:</p>	<p>January 11, 2021</p>

Pursuant to Section 30-431(e) of the Code of Ordinances of Islamorada, Village of Islands, Florida, if a plat has been previously approved and recorded, technical or minor changes to the plat may be approved by the Director of Planning and Development Services (The Director). The Director has determined that the proposed Lot Combination prepared for the subject properties, as prepared on a survey dated February 2, 2019 and revised on April 3, 2020, by Massey-Richardson Surveying & Mapping, LLC. (David S. Massey, P.S.M. #5125), depicting the conditions of the three properties, meet the requirements for a technical or minor change to the plat pursuant to Code Section 30-431(e). The Lot Line Combination shall run with the land.

This approval does not constitute an assurance that the newly created or reconfigured lots can be built upon or developed in the future. The issuance of a Notice of Approval by the Village and recording thereof does not constitute a transfer of title. Separate deed(s) to this effect may need to be prepared by the applicant and recorded with Monroe County.

Signed, witnessed and executed on this 11th day of January, 2021.

WITNESS:

DIRECTOR OF PLANNING:

Hank Flores, AICP, CFM

Ty Harris, Esq.

STATE OF FLORIDA

)SS

COUNTY OF MONROE

The foregoing instrument was acknowledged before me by Ty Harris as Director of Planning of Islamorada, Village of Islands, Florida, a Municipal Corporation. He is personally known to me.

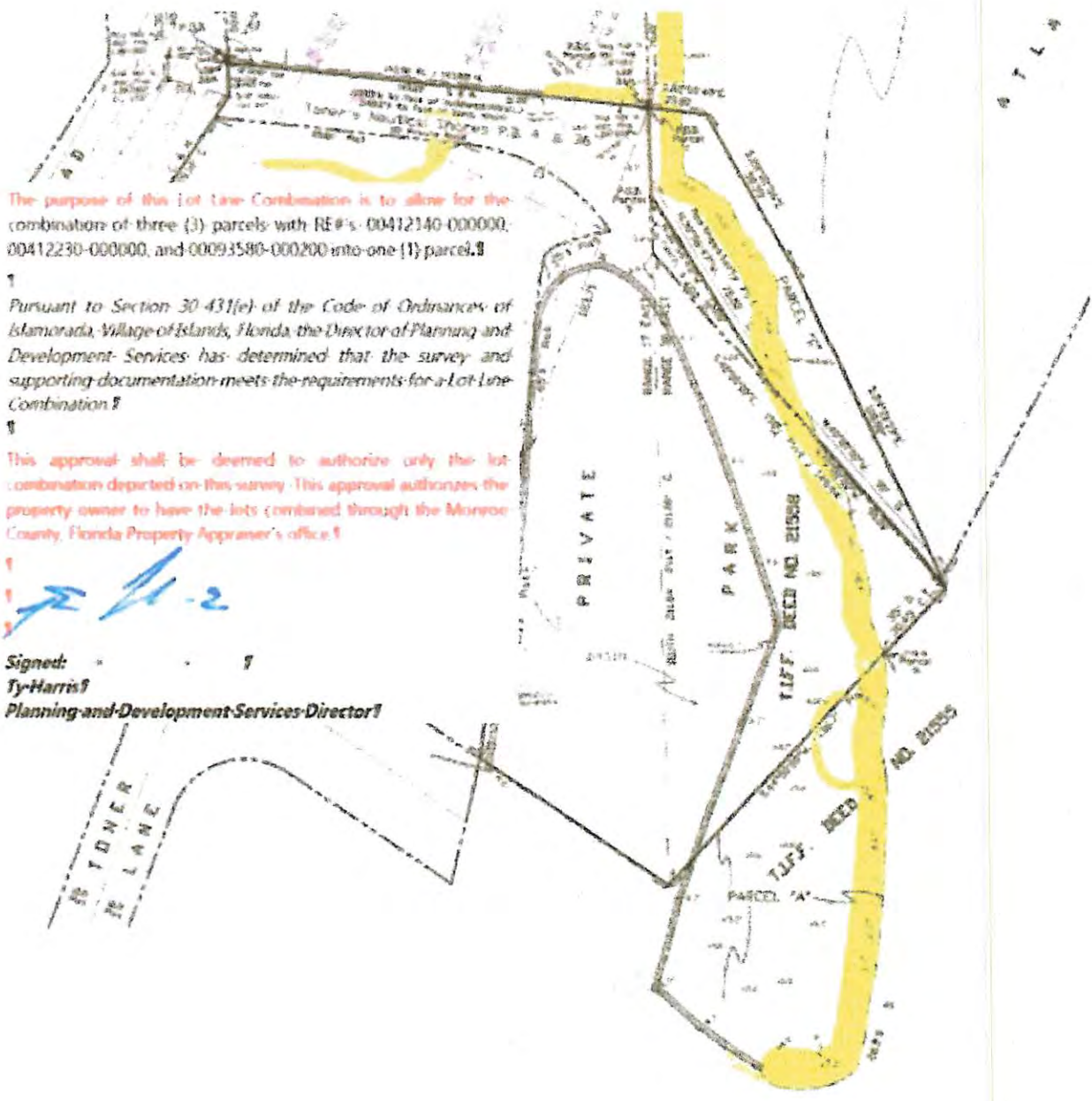
Witness my signature and official seal this 11th day of January, 2021, in the aforesaid County and State.

NOTARY PUBLIC, State of Florida

Print Name: _____

Commission No.: _____

Commission Expires: _____



The purpose of this Lot Line Combination is to allow for the combination of three (3) parcels with RE #'s: 00412140-000000, 00412230-000000, and 00093580-000200 into one (1) parcel.

Pursuant to Section 30-431(e) of the Code of Ordinances of Islamorada, Village of Islands, Florida, the Director of Planning and Development Services has determined that the survey and supporting documentation meets the requirements for a Lot Line Combination.

This approval shall be deemed to authorize only the lot combination depicted on this survey. This approval authorizes the property owner to have the lots combined through the Monroe County, Florida Property Appraiser's office.

Ty Harris

Signed: Ty Harris
Planning and Development Services Director

4764

7/2/19

This instrument was prepared by:

Mark H. Gregg, Esq.
189 East Ridge Road
Islamorada, FL 33036

After Recording Return To:
Planning and Development Services Department
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Parcel IDs: 00412150-000000
00412230-000000

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (the "Declaration") is made this 2nd day of July, 2019, by Mark H. Gregg, (the "Owner"), whose mailing address is 189 East Ridge Road, Islamorada FL 33036, to and in favor of Islamorada, Village of Islands, a Florida municipal corporation, whose address is 86800 Overseas Highway, Islamorada, Florida 33036-0568.

RECITALS


1. The Owner holds fee simple title to real property located in Islamorada, Village of Islands (the "Village"), Monroe County, Florida, consisting of two (2) lots, as more particularly described on attached Exhibit "A" attached hereto and by this reference made a part hereof (the "Property");
2. The Property consists of (a) a lot or parcel upon which there exists two single-family residences (the "Principal Use Lot"), described as "Lot 2, Toner's Nautical Shores, Plat Book 4 at page 36 of the Public records of Monroe County Florida" having Real Estate Number: 00412150-000000; and (b) a lot or parcel used by the Owner as a private park (the "Park Lot"), described as "Private Park lying Easterly of Lots 1 and 2, Toner's Nautical Shores, Plat Book 4 at Page 36, of the Public Records of Monroe County, Florida", having Real Estate Number 00412230-000000 and further described as "Parcel 2" on Exhibit "A" attached hereto, upon which a new boat lift is to be constructed (the "Accessory Use");
3. The Owner has applied for approval of a boat lift on the Park Lot, as an accessory structure to the Owner's principal use of a park on the Park Lot, and as an accessory use to the residences located on the Principal Use Lot, pursuant to Chapter 30, *Land Development Regulations*, of the Code of Ordinances (the "Code") of the Village;

4. The Park Lot was platted or divided in such a manner that it may not be suitable for single family development and has not yet been determined by the Village to be a buildable lot; and

5. The Park Lot has been improved with separate utilities, a seawall, and a docking facility consisting of a 60-foot-long wooden dock, and has historically been used by the Owner with both a principal use as a private "park", as allowed by Section 30-684(c)(3) of the Code, and also as an accessory use to the Principal Use Lot; and

6. As a condition of approval of the boat lift and issuance of Permit No. PRBLD201900326 (the "Permit"), the Village requires that Owner execute this Declaration restricting the Property in the manner set forth herein.

NOW, THEREFORE, in order to assure the Village that the representations made by the Owner during the issuance of the Permit approving the boat lift as an accessory structure on the Park Lot will be abided by, the Owner freely, voluntarily and without duress, hereby declares, covenants, and agrees that the Property shall be held and conveyed subject to the following restrictions, covenants and conditions, which shall run with the Property and be binding upon all persons having any right, title or interest in the Property or any part thereof.

1. **Restrictions as to Development and Uses.** Development and use of the Principal Use Lot shall be limited to the existing two (2) single-family dwelling units and a docking facility (boat lift and 30' wooden dock) on the Principal Use Lot, together with an additional docking facility (boat lift and 60' wooden dock) as an accessory structure on the Park Lot. The development, construction or use of the Property for more than two (2) single-family dwelling units, or other multi-family dwelling units shall be prohibited. The Park Lot shall only be used as a park and accessory to the Principal Use Lot and for accessory use(s) or structure(s) and no other principal use(s). Notwithstanding the foregoing prohibitions and limitations, Owner may develop and construct an additional single family residence on the Park Lot after (a) a determination by the Village that the Park Lot is a buildable lot and (b) after issuance of a building permit for a single-family residence in accordance with the provisions and requirements of the Code. 


2. **Restrictions as to the Boat Lift.** The boat lift shall be permitted as an accessory structure on the Park Lot, subject to the following restrictions:

- a. The Park Lot shall be used only by the Owner of the Property, Owner's family members, and guests of the Owner, limited to occupants of the Property and owners of lots adjacent to the Property.
- b. The Park Lot or accessory structures thereupon shall not be made available for rental to any person.
- c. No boat ramps, dry dock facilities, gasoline or fuel pumps, or parking facilities shall be permitted accessory uses or structures to the Park Lot.

3. **Village's Right to Inspect Property.** The Owner hereby acknowledges and agrees that any official Village inspector or duly authorized agent of the Village has the right to enter upon and inspect the use of the Property at any time during normal working hours to determine whether or not the Owner is in compliance with the conditions of this Declaration.

4. **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the Public Records of Monroe County, Florida. This Declaration shall remain in full force and effect and be binding upon the Owner, and all parties having any right, title or interest in the Property or any part thereof, and their heirs, successors and assigns, until such time as the same is modified, amended or released pursuant to paragraph 6 hereinbelow.

5. **Term.** This Declaration shall be binding on the Owner and all subsequent owners of the Property for a period of thirty (30) years from the date this Declaration is recorded, after which time the Declaration shall be extended automatically for successive periods of ten (10) years each.

6. **Modification, Amendment Release.** This Declaration may only be modified, amended or released by a written instrument executed by the Director of the Village's Planning and Development Services Department, or his/her designee (the "Director"). Upon Owner's written request, the Director shall execute and deliver to Owner a release of this Declaration, provided first that Owner shall either (a) remove the boat lift on the Park Lot, or (b) convey the Park Lot to the owner(s) of a single family residence located on property no further than 100 feet from the Park Lot for use as an accessory use and structure, and said owner(s) place(s) a restrictive covenant on the Park Lot in accordance with Section 30-766 of the Code, or (c) issuance of a building permit to Owner to develop and construct a single family residence on the Park Lot. 

7. **Enforcement.** This Declaration may be enforced by the Village against any party or person violating, or attempting to violate, any of the covenants and restrictions contained herein. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, reasonable attorneys' fees and costs as well as attorneys' fees and cost incurred in enforcing this prevailing parties attorneys' fees provision. This enforcement provision shall be in addition to any other remedies available at law or in equity.

8. **Authorization for Village to Withhold Permits and Inspections.** If the terms of this Declaration are not being complied with, in addition to any other remedies available at law or in equity, the Village is hereby authorized to withhold any permits regarding the Property or any portion thereof, and to refuse to make any inspections or grant any approvals for the Property or any portion thereof, until such time as the Owner is in compliance with the covenants of this Declaration.

9. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges. The Owner or the Village shall be entitled to pursue all actions at law or in equity including, but not limited to, injunctive relief.

10. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions, which shall remain in full force and effect.

Signed, witnessed, executed and acknowledged on this 2nd day of July, 2019.

WITNESSES:

OWNER:

[Signature]
Signature

Print Name: Henry Flores

[Signature]
By: MARK H. GREGG
Title: OWNER

[Signature]
Signature

Print Name: Laurie Postrion

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me on this 2 day of July, 2019, by MARK GREGG (name of person signing the application) as OWNER (Type of authority...e.g. officer, manager/member, trustee, attorney in fact) for [Signature] (name of entity or party on behalf of whom application was executed).

[Signature]
Signature of Notary Public - State of FL

SEAL:

Personally Known Produced Identification Type of ID _____



Exhibit "A"

To Declaration of Restrictions

Legal Description of Property

Certain real property located in Monroe County, Florida and more particularly described as follows:

Parcel 1: Lot 2, Toner's Nautical Shores, according to the plat thereof, as recorded in Plat Book 4 at page 36, of the Public Records of Monroe County, Florida

Parcel 2: Private Park and Private Road adjacent to Lots 1 and 2, less a portion of said Private Road, as more particularly described on page 6 hereof, all located in Toner's Nautical Shores, according to the Plat thereof, as recorded in Plat Book 4, at page 36 of the Public Records of Monroe County, Florida, together with three adjacent parcels referenced as "Parcel A", "Parcel B", and "Parcel C", also as more particularly described on pages 6 and 7 hereof.

DESCRIPTION:

Lot 2, TONER'S NAUTICAL SHORES, according to the Plat thereof, as recorded in Plat Book 4, at Page 36, of the Public Records of Monroe County, Florida.

ALSO:

The "Private Road", North of and adjacent to Lot 1, Toner's Nautical Shores, as shown on the Plat thereof, as recorded in Plat Book 4, at Page 36, of the Public Records of Monroe County, Florida.

LESS AND EXCEPTING THEREFROM:

A parcel of land being a part of a 20 foot wide "Private Road", shown on the Plat of Toner's Nautical Shores, recorded in Plat Book 4, at Page 36 of the Public Records of Monroe County, Florida, said road being adjacent to and abutting the southerly line of Lot 23, Block 1, of the plat of Plantation Ridge, recorded in Plat Book 3, at Page 43, of the Public Records of Monroe County, Florida and being more particularly described as follows: Begin at the Southwest corner of said Lot 23; thence run in a Southeasterly direction along the northerly line of said 20 foot Private Road for a distance of 143.90 feet to a point on the West line of Section 19, Township 63 South, Range 37 East; thence run in a Southwesterly direction, deflecting $89^{\circ}57'47''$ to the right from the last described course, along said West line of Section 19 for a distance of 1.48 feet to a point; thence run in a Northwesterly direction, deflecting $97^{\circ}57'07''$ to the right from the last described course for a distance of 143.89 feet to a pipe on the southerly prolongation of the west line of said Lot 23; thence run Northerly on said prolongation for a distance of 158 feet to the Point of Beginning.

ALSO:

(Parcel A)

A parcel of filled sovereignty land in the Atlantic Ocean abutting Section 24, Township 63 South, Range 37 East and Section 19, Township 63 South, Range 38 East, Plantation Key, Monroe County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 19; thence South 275 feet along the West line of said Section 19; thence South 40° East 150 feet; thence South $44^{\circ}50'$ West 35 feet to the existing mean high water line of the Atlantic Ocean and the Point of Beginning; thence Southerly, Southwesterly, Westerly, Northwesterly and Northeasterly 263 feet, more or less along said existing mean high water line to its intersection with the Southeasterly line of a parcel of sovereignty land conveyed by Trustees of the Internal Improvement Fund Deed No. 21,588; thence North $44^{\circ}50'$ East 75 feet to the Point of Beginning.

ALSO:

(Parcel B)

A parcel of filled sovereignty land in the Atlantic Ocean in theoretical Section 19, Township 63 South, Range 38 East, and abutting Section 24, Township 63 South, Range 37 East, Plantation Key, Monroe County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 19; thence South 257 feet along the West line of said Section 19 to the Point of Beginning; thence continue South 18 feet along the West line of said Section 19; thence South 40° East 60 feet, more or less to the existing mean high water line of the Atlantic Ocean; thence Northwesterly 75 feet, more or less along said mean high water line to the Point of Beginning.

Captioned premises are embraced within the East 325 feet of Section 24, Township 63 South, Range 37 East and submerged lands Southerly thereof and a part of submerged lands within Section 19, Township 63 South, Range 38 East, South of Government Lot 1 in Section 19, Township 63 South, Range 38 East.

ALSO:

(Parcel C)

A parcel of submerged land being a portion of that land deeded and described in THE STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, Deed No. 25120 (2291-44) recorded in Official Records Book 457, at Page 349, of the Public Records of Monroe County, Florida, and being more particularly described by metes and bounds as follows:

As a point of reference Commence at the Southeast corner of Lot 23, Block 1, PLANTATION RIDGE, according to the Plat thereof, as recorded in Plat Book 3, at Page 43, of the Public Records of Monroe County, Florida, said point being 227.50 feet South of the Northwest corner of Section 19, Township 63 South, Range 38 East as shown on the unrecorded plat of Plantation Lake Estates as surveyed by Frank H. Uherek, Registered Land Surveyor No. 2410 and dated November 1976; thence run SOUTH along the West line of said Section 19, a distance of 1.48 feet for the Point of Beginning of the herein described parcel; thence run S.82°00'40"E. a distance of 20.00 feet; thence run S.28°02'56"E. a distance of 58.55 feet; thence run S.24°21'19"E. a distance of 118.92 to a corner of said Deed No. 25120, said corner being also a corner of the boundary of Plat of TONER'S NAUTICAL SHORES, according to the Plat thereof, as recorded in Plat Book 4, at Page 36, of the Public Records of Monroe County, Florida; thence run N.40°00'00"W. along said Plat and Deed line a distance of 90 feet;

thence leaving the Plat boundary but following the deed line, run Northwesterly along the mean high water line, per the Deed, for a distance of 75 feet more or less to its intersection with the West line of said Section 19; thence run NORTH along said West line of Section 19 a distance of 29.50 feet to the Point of Beginning. Contains 3657 square feet more or less.

Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00412230-000000
 Account# 1506460
 Property ID 1506460
 Millage Group 50VI
 Location 183 E RIDGE Rd, PLANTATION KEY
 Address
 Legal PRIVATE PARK LYING ELY LTS 1-2 TONERS NAUTICAL SHORES PLANTATION KEY
 Description PB4-36 AND ROAD EASEMENT AND PT SOVEREIGNTY LAND (19 63 38) OR103-183(II DEED 21558) OR443-105 OR463-930/32(II DEED 25155) OR848-775 OR889-1903P/R OR889-1904/07WILL CASE83-270-CP-12 OR1608-1180/81 OR1608-1182/83
 (Note: Not to be used on legal documents.)
 Neighborhood 1551
 Property Class MINING (9200)
 Subdivision TONER'S NAUTICAL SHORES
 Sec/Twp/Rng 24/63/37
 Affordable No
 Housing



Owner

GREGG MARK H
 189 E Ridge Rd
 Islamorada FL 33036

Valuation

	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$78,882	\$74,778	\$76,063	\$0
+ Market Land Value	\$21,921	\$21,921	\$21,921	\$21,921
= Just Market Value	\$100,803	\$96,699	\$97,984	\$21,921
= Total Assessed Value	\$24,084	\$21,895	\$19,905	\$18,096
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$100,803	\$96,699	\$97,984	\$21,921

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2021	\$21,921	\$0	\$74,778	\$96,699	\$21,895	\$0	\$96,699	\$0
2020	\$21,921	\$0	\$76,063	\$97,984	\$19,905	\$0	\$97,984	\$0
2019	\$21,921	\$0	\$0	\$21,921	\$18,096	\$0	\$21,921	\$0
2018	\$16,451	\$0	\$0	\$16,451	\$16,451	\$0	\$16,451	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL PARK (010P)	15,410.00	Square Foot	0	0
(9500)	0.39	Acreage	0	0

Yard Items

Description	Roll Year	Size	Quantity	Value	Grade
SEAWALL	2019	3 x 360	1	\$46,440	1
SEAWALL	2019	3 x 214	1	\$36,594	2

Permits

Number ↕	Date Issued ↕	Date Completed ↕	Amount ↕	Permit Type ↕	Notes ↕
PRELT201801751	10/15/2018	11/26/2019	\$2,450	Residential	INSTALL ELECT SVC FOR BOAT LIFT/LIGHTING

View Tax Info

[View Taxes for this Parcel](#)

Photos



TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

2022 Notices Only

No data available for the following modules: Buildings, Sales, Sketches (click to enlarge).

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

[User Privacy Policy](#)
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Last Data Upload: [4/12/2023, 2:05:20 AM](#)

Version 3.1.1

Developed by
 Schneider
GEOSPATIAL

This Document Prepared By:
Joe Miklas, P.A.
Joe Miklas, Esq.
P.O. Box 366
Islamorada, FL 33036

RCD Dec 14 1999 01:03PM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 0.70
12/14/1999 DEP CLK

Parcel ID Number: 00412140-000000&00412150-000000

Grantor #1 TIN:

Grantor #2 TIN:

Warranty Deed

This Indenture, Made this 30th day of November, 1999 A.D. Between Sally Swayne Jennings, a.k.a. Sally S. Jennings, individually and as Trustee of a Trust under Article "Third" of the Last Will and Testament of Mary Gordon Swayne of the County of Albany, State of New York, grantor, and Mark H. Gregg, a single man, State of Florida, grantee,

whose address is: 142 Iroquois Street, Tavernier, FL 33070

of the County of Monroe, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Monroe, State of Florida, to wit:

SEE EXHIBIT "A"

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 1999.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantor. The Grantor's HOMESTEAD address is 1186 River Road, Selkirk, NY 12158.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Cindy Shields
Printed Name: Cindy Shields
Witness

Sally Swayne Jennings (Seal)
Sally Swayne Jennings
P.O. Address: 1186 River Road, Selkirk, NY 12158

Jody A. Baurd
Printed Name: Jody Baurd
Witness

STATE OF New York
COUNTY OF Albany

The foregoing instrument was acknowledged before me this 26th day of November, 1999 by Sally Swayne Jennings, also known as Sally S. Jennings

she is personally known to me or she has produced her New York driver's license as identification.

Tammy Bullivant
Printed Name: Tammy Bullivant
Notary Public

My Commission Expires 3/27/01
TAMMY A. BULLIVANT
Notary Public, State of New York
No. 01BU041214
GREENE COUNTY
Commission Expires March 27, 01

EXHIBIT "A"

Lots 1 and 2, and the Private Park adjacent thereto, TONER'S NAUTICAL SHORES, according to the plat thereof, recorded in Plat Book 4 at Page 36 of the Public Records of Monroe County, Florida

Also:

The "Private Road", North of and adjacent to Lot 1, TONER'S NAUTICAL SHORES, as shown on the plat thereof as recorded in Plat Book 4 at page 36 of the Public Records of Monroe County Florida.

LESS AND EXCEPTING THEREFROM:

A parcel of land being a part of a 20' wide "Private Road", shown on the Plat of TONER'S NAUTICAL SHORES, recorded in Plat Book 4 at page 36 of the Public Records of Monroe County Florida, said road being adjacent to and abutting the southerly line of Lot 23, Block 1 of the plat of PLANTATION RIDGE, recorded in Plat Book 3, at Page 43 of the Public Records of Monroe County, Florida and being more particularly described as follows:

Begin at the Southwest corner of said Lot 23;
thence run in a Southeasterly direction along the northerly line of said 20' Private Road for a distance of 143.90 feet to a point on the West line of Section 19, Township 63 South, Range 37 East;
thence run in a Southwesterly direction, deflecting $89^{\circ}57'47''$ to the right from the last described course, along said West line of Section 19 for a distance of 1.48 feet to a point;
thence run in a Northwesterly direction, deflecting $97^{\circ}57'07''$ to the right from the last described course for a distance of 143.89 feet to a pipe on the southerly prolongation of the west line of said Lot 23;
thence run Northerly on said prolongation for a distance of 1.58 feet to the Point of Beginning.

Containing: 218 Square Feet, more or less

MONROE COUNTY
OFFICIAL RECORDS

This Document Prepared By: RCD Dec 14 1999 01:03PM
Joe Miklas, P.A. DANNY L KOLHAGE, CLERK
Joe Miklas, Esq.
P.O. Box 366
Islamorada, FL 33036

DEED DOC STAMPS 1270.00
12/14/1999 DEP CLK

Parcel ID Number: 00412140-000000&00412150-000000
Grantor #1 TIN:
Grantor #2 TIN:

Quitclaim Deed

This Quitclaim Deed, Made this 30th day of November, 1999 AD. Between Sally Swayne Jennings, a.k.a. Sally S. Jennings, individually and as Trustee of a Trust under Article "Third" of the Last Will and Testament of Mary Gordon Swayne of the County of Albany, State of New York, grantor, and Mark H. Gregg, a single man, whose address is: 142 Iroquois Street, Tavernier, FL 33070

of the County of Monroe, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and quitclaimed to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Monroe, State of Florida to wit:

SEE EXHIBIT "B"

To Have and to Hold the same together with all and singular the appurtenances therunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantor, either in law or equity, for the use, benefit and profit of the said grantee forever.

In Witness Whereof, the grantor has herunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Cindy Shields
Printed Name: Cindy Shields
Witness

Sally Swayne Jennings (Seal)
Sally Swayne Jennings
P.O. Address: 1186 River Road, Schirk, NY 12158

Jody Bayard
Printed Name: Jody Bayard
Witness

STATE OF New York
COUNTY OF Albany

The foregoing instrument was acknowledged before me this 26th day of November, 1999 by Sally Swayne Jennings, also known as Sally S. Jennings

she is personally known to me or she has produced her New York driver's license as identification.

Tanny Bullivant
Printed Name: Tanny Bullivant
Notary Public
My Commission Expires: 3/27/01

ANNEX A GULLIVANT
Notary Public of New York
No. 01B5041214
GREENE COUNTY
Commission Expires March 27, 01

EXHIBIT "B"

Parcel A

A parcel of filled sovereignty land in the Atlantic Ocean abutting Section 24, Township 63 South, Range 37 East and Section 19, Township 63 South, Range 38 East, Plantation Key, Monroe County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 19;

thence South 275 feet along the West line of said Section 19;

thence South 40° East 150 feet;

thence South 44°50' West 35 feet to the existing mean high water line of the Atlantic Ocean and a Point of Beginning;

thence Southerly, Southwesterly, Westerly, Northwesterly and Northeasterly 263 feet, more or less along said existing mean high water line to its intersection with the Southeasterly line of a parcel of Sovereignty land conveyed by Trustees of the Internal Improvement Fund Deed No. 21.588;

thence North 44°50' East 75 Feet to the Point of Beginning

Also Parcel B

A parcel of filled sovereignty land in the Atlantic Ocean in Theoretical Section 19, Township 63 South, Range 38 East, and abutting Section 24, Township 63 South, Range 37 East, Plantation Key, Monroe County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 19;

thence South 257 feet along the West Line of said Section 19 to the Point of Beginning;

thence continue South 18 feet along the West line of said Section 19;

thence South 40° East 60 feet, more or less to the existing mean high water line of the Atlantic Ocean;

thence Northwesterly 75 feet, more or less along said mean high water line to the Point of Beginning.

Captioned premises are embraced within the East 325 feet of Section 24, Township 63 South, Range 37 East and submerged land Southerly thereof and a part of submerged lands within Section 19, Township 63 South, Range 38 East, South of Government Lot 1 in Section 19, Township 63 South, Range 38 East

MONROE COUNTY
OFFICIAL RECORDS

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Debi Wachendorfer
Island Acquisition Title Company dba Florida Title of the Keys
82921 Overseas Highway
Islamorada, Florida 33036
Property Appraisers Parcel Identification (Folio) Numbers:

12/03/2008 12:23PM
DEED DOC STAMP CL: TRINA \$282.50

Doc# 1721589
Bk# 2390 Pg# 1427

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 1st day of December, 2008 by **LUIS M. GARCIA and DEANNE L. GARCIA**, husband and wife, herein called the grantors, to **MARK H. GREGG**, a single man, whose post office address is 189 E. Ridge Rd., Islamorada, FL 33036, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in MONROE County, State of Florida, viz.:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

Subject to easements, restrictions and reservations of record and to taxes for the year 2008 and thereafter.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2007.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness #1 Signature

Witness #1 Printed Name

Witness #2 Signature

Witness #2 Printed Name

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 1st day of December, 2008 by **LUIS M. GARCIA and DEANNE L. GARCIA** who are personally known to me or have produced **FLORIDA DRIVER'S LICENSE** as identification.

SEAL

Notary Public

Printed Notary Name

My Commission Expires:



Deed 1721569
Bk# 2380 P# 1428

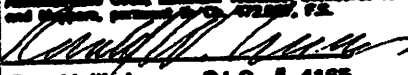
DESCRIPTION (PREPARED BY THE UNDERSIGNED)

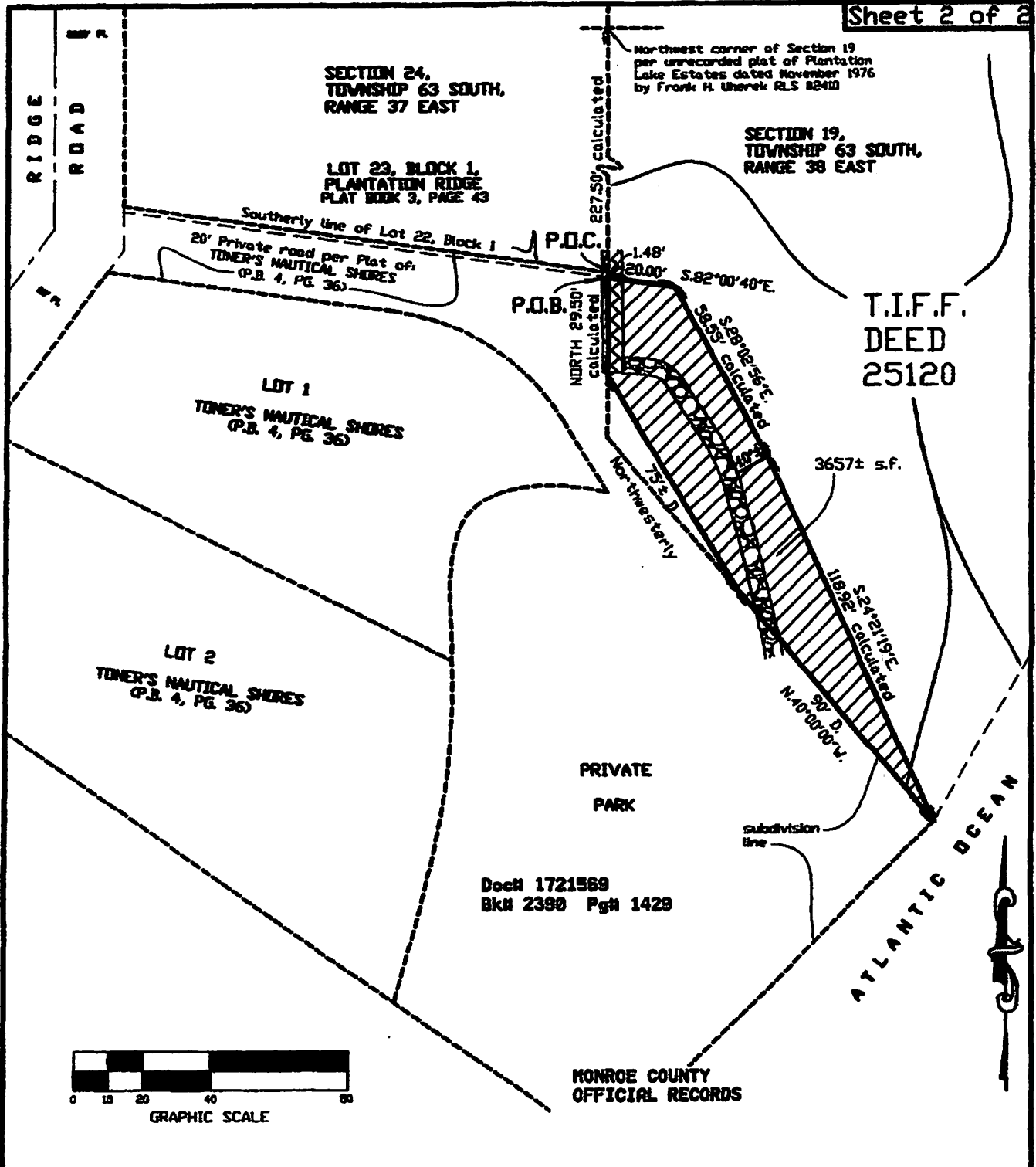
A parcel of submerged land being a portion of that land deeded and described in THE STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, Deed No. 25120 (2291-44) recorded in Official Records Book 457, at Page 349, of the Public Records of Monroe County, Florida, and being more particularly described by metes and bounds as follows:

As a point of reference Commence at the Southeast corner of Lot 23, Block 1, PLANTATION RIDGE, according to the Plat thereof, as recorded in Plat Book 3, at Page 43, of the Public Records of Monroe County, Florida, said point being 227.50 feet South of the Northwest corner of Section 19, Township 63 South, Range 38 East as shown on the unrecorded plat of Plantation Lake Estates as surveyed by Frank H. Uherek, Registered Land Surveyor No. 2410 and dated November 1976; thence run SOUTH along the West line of said Section 19, a distance of 1.48 feet for the Point of Beginning of the herein described parcel; thence run S.82°00'40"E. a distance of 20.00 feet; thence run S.28°02'56"E. a distance of 58.55 feet; thence run S.24°21'19"E. a distance of 118.92 to a corner of said Deed No. 25120, said corner being also a corner of the boundary of Plat of TONER'S NAUTICAL SHORES, according to the Plat thereof, as recorded in Plat Book 4, at Page 36, of the Public Records of Monroe County, Florida; thence run N.40°00'00"W. along said Plat and Deed line a distance of 90 feet; thence leaving the Plat boundary but following the deed line, run Northwesterly along the mean high water line, per the Deed, for a distance of 75 feet more or less to its intersection with the West line of said Section 19; thence run NORTH along said West line of Section 19 a distance of 29.50 feet to the Point of Beginning. Contains 3657 square feet more or less.

This description is based on information found in the public record and from field information obtained by this office.

SEE SHEET 2 FOR SKETCH, THIS SHEET NOT COMPLETE WITHOUT SHEET 2.

DAVID MASSEY LAND SURVEYING, INC.		Phone: (305)853-0088 / Fax: (305)853-0233
		68088 Overseas Highway / P.O. Box 618, Tavernier, FL 33070
Client: Gregg	Florida Certificate of Authorization No. LB 6956	
Section 19 . Township 63 South, Range 38 East	I hereby certify that the survey herein was performed under my direct supervision and to the best of my knowledge and belief. This survey meets the requirements of Ch. 69617 of the Florida Administrative Code, Minimum Technical Standards for Florida Surveyors and Mappers, promulgated by Ch. 47220, F.S.	
Plantation Key Monroe County, Florida		
Drafted: 10-20-08 Fieldbook No. 145	Ronald W. Lucas, P.L.S. # 4165	
Drawing No. 0006 Drawn By: RML Scale: 1"=40'	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	



SEE SHEET 1 FOR SIGNATURE & SEAL, THIS SHEET NOT COMPLETE WITHOUT SHEET 1.

DAVID MASSEY LAND SURVEYING, INC.		Phone: (305)833-0066 / Fax: (305)833-0233	
		66688 Overseas Highway / P.O. Box 618, Tavernier, FL 33070	
Client: Gregg		Florida Certificate of Authorization No. LB 6856	
Section 19, Township 63 South, Range 38 East		Drafted: 10-20-08	Fieldbook No. 145
Plantation Key Monroe County, Florida		Drawing No. 8888	Drawn By: RML Scale: 1=40'