

File #: 2018-091

Owner's Name: Debra S. Toppino
(Trustee Debra S. Toppino
Living Trust)
& Richard Toppino

Applicant: Smith Hawks, PL

Agent / Contact: Barton W. Smith, Esq.

Type of Application: LUD Map Amendment

Key: Geiger Key

RE #: 00142020-000000

County of Monroe

**Planning & Environmental Resources
Department**

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor David Rice, District 4
Mayor Pro Tem Sylvia J. Murphy, District 5
Danny L. Kolhage, District 1
George Neugent, District 2
Heather Carruthers, District 3

We strive to be caring, professional, and fair.

Date: 05-02-18

Dear Applicant:

This is to acknowledge submittal of your application for LUD Map Amendment
Type of application

Debra S. Toppino Living Trust to the Monroe County Planning Department.
Project / Name

Agent: Barton W. Smith

Thank you.

[Signature]

Planning Staff

**MONROE COUNTY, FLORIDA
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT**



Land Use District (Zoning) Map Amendment Application

An application must be deemed complete and in compliance with the Monroe County Comprehensive Plan and Code by the staff prior to the item being scheduled for review

Application Fee: \$5,570.00

The base fee includes two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, additional fees shall be charged pursuant to Fee Schedule Resolution and paid prior to the private application proceeding through public hearings.

In addition to the application fee, the following fees also apply:

Advertising Costs: \$245.00

Surrounding Property Owner Notification (SPON): \$3.00 for each property owner required to be noticed

Transportation Study Review: \$5,000.00 Deposit (any unused funds will be returned upon approval)

Advertising and Noticing fees for a community meeting: \$245.00 plus \$3.00/SPON

Date of Request: 05 / 01 / 2018
Month Day Year

Applicant / Agent Authorized to Act for Property Owner: (Agents must provide notarized authorization from all property owners.)

<u>Smith Hawks, PL</u>	<u>Barton W. Smith, Esq.</u>
Applicant (Name of Person, Business or Organization)	Name of Person Submitting this Application
<u>138 Simonton Street, Key West, FL 33040</u>	
Mailing Address (Street, City, State and Zip Code)	
<u>(305) 296-7227</u>	<u>bart@smithhawks.com</u>
Work Phone	Home Phone
	Cell Phone
	Email Address

Property Owner: (Business/Corp must include documents showing who has legal authority to sign.)

<u>Debra S. Toppino, as Trustee of the Debra S. Toppino Living Trust, and Richard Toppino</u>	<u>c/o Barton W. Smith, Esq.</u>
(Name/Entity)	Contact Person
<u>138 Simonton Street, Key West, FL 33040</u>	
Mailing Address (Street, City, State and Zip Code)	
<u>(305) 296-7227</u>	<u>bart@smithhawks.com</u>
Work Phone	Home Phone
	Cell Phone
	Email Address

Legal Description of Property (if in metes and bounds, please attach separate sheet):

6	4, 5, 6 & 7	Boca Chica Ocean Shores	Geiger
Block	Lot	Subdivision	Key Name
00142020-000000		1183377	
Real Estate (RE) Number		Alternate Key Number	
10 Egret Lane, Geiger Key, FL 33040		11	
Street Address		Approximate Mile Marker	

Current Future Land Use Map Designation(s): Residential Low (RL)

Current Land Use District (Zoning) Designation(s): Sparsely Settled (SS)

Proposed Land Use District (Zoning) Designation(s): Suburban Residential (SR)

Total Land Area Affected by Proposed Land Use District (in acres): 0.7 acre

Tier Designation(s): III

Is the property located within the Military Installation Area of Impact (MIAI): Yes No

Existing Use of the Property (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any nonresidential development):

See attached.

Please describe the reason for the proposed Land Use District amendment (attach additional sheets if necessary):

See attached.

The Board of County Commissioners may consider an amendment if the change is based on one or more of the following factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

1) Changed projections (e.g. regarding public service needs) from those on which the text was based

See attached.

2) Changed assumptions (e.g. regarding demographic trends):

See attached.

3) Data errors, including errors in mapping, vegetative types and natural features:

See attached.

4) New issues:

See attached.

5) Recognition of a need for additional detail or comprehensiveness:

See attached.

6) Data updates:

See attached.

In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located or to any area in accordance with a Livable CommuniKeys master plan. Please describe how the text amendment would not result in an adverse community change (attach additional sheets if necessary):

See attached.

* * * * *

Applicants requesting a Land Use District (Zoning) Map Amendment shall provide for community participation through a community meeting, as indicated in Section 102-159.

Scheduling. The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 - 120 days prior to any of the public hearings.

Notice of Meeting. The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

Noticing and Advertising Costs. The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.

* * * * *

All of the following must be submitted in order to have a complete application submittal:
(Please check as you attach each required item to the application)

- Completed application form (unaltered and unbound)
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Ownership Disclosure Form
- Current Property Record Card(s) from the Monroe County Property Appraiser
- Location map
- Photograph(s) of site(s) from adjacent roadway(s)
- Signed and Sealed Boundary Survey(s), prepared by a Florida registered surveyor – eight (8) sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; total acreage by habitat; and total upland area)
- Typed name and address mailing labels of all property owners within a 600 foot radius of the property(s) – (three sets). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included
- Copy of current Land Use District Map (request from the Planning & Environmental Resources Department prior to application submittal)
- Copy of current Future Land Use Map (request from the Planning & Environmental Resources Department prior to application submittal)

If applicable, the following must be submitted in order to have a complete application submittal:

- Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)
- Traffic Study, prepared by a licensed traffic engineer (*required if application affects specific and defined area*)
- Transportation fee of \$5,000 to cover the cost of experts hired by the Department to review the traffic study – any unused funds deposited will be returned upon approval (*required if application affects specific and defined area*)

If deemed necessary to complete a full review of the application, within reason, the Planning & Environmental Resources Department reserves the right to request additional information.

Additional fees may apply pursuant to the approved fee schedule.

* * * * *

Has a previous application been submitted for this site(s) within the past two years? Yes No

Is there a pending code enforcement proceeding involving all or a portion of the parcel(s) proposed for development? Yes No Code Case file # CE18040104 Describe the enforcement proceedings and if this application is being submitted to correct the violation: This code enforcement case is related to seawall-concrete work and is not related to this application.

* * * * *

SMITH/HAWKS
ATTORNEYS AT LAW



May 2, 2018

Via FedEx Standard Overnight Delivery

Emily Schemper, Assistant Director
Monroe County Planning & Environmental Resources Department
2798 Overseas Highway, Suite 400
Marathon, FL 33050

RE: Richard Toppino & Debra S. Toppino, Trustee of Debra S. Toppino Living Trust
10 Egret Lane, Geiger Key, FL 33040
Land Use District (Zoning) Map Amendment Application

Dear Emily,

Pursuant to my conversation with Christine Hurley, enclosed for your review is the Land Use District (Zoning) Map Amendment Application (“Application” or “LUD Amendment”) submitted on behalf of Richard Toppino and Debra S. Toppino, as Trustee of the Debra S. Toppino Living Trust (collectively, “Applicant”) concerning the property located at 10 Egret Lane, Geiger Key, FL 33040 (Parcel ID: 00142020-000000) consisting of approximately 0.7 acre (“Property”).

Also enclosed is a check payable to Monroe County in the amount of \$6,180.00 for the Application Fee and additional costs associated with the Application. No Traffic Study should be required for this LUD Amendment because there is no change in allowed density and the zoning does not allow transient uses or non-residential uses.¹

I. Request

Applicant submits the Application to amend the Land Use District (“LUD”) designation concerning the Property from Sparsely Settled (SS) to Suburban Residential (SR).

II. Amendment Summary

A. Basis for Amendment.

The Property is currently used by the Applicant as the Applicant’s residence, and the Applicant’s house located on the Property was destroyed by Hurricane Irma in September 2017. The house located on the Property have been in existence for decades and were built pre-Code. The Applicant

¹ Suburban Residential does allow non-residential uses but the non-residential use must have been established prior to the adoption of the 2010 Comprehensive Plan. The property has always been utilized as a single family residence.

Ms. Emily Schemper, Assistant Director
May 2, 2018
Page 2

would like to rebuild the house but has an issue because the Property consists of a total of 28,800 square feet. The existing open space on the Property is 16,894 square feet and the remainder consists of their home, driveways, paving a pool a hardscape; however, in SS the minimum open space required for the Property is 23,040 square feet. Per Sec. 102-58(b) of the Land Development Code (“Code”), when the principal use or structure is demolished, the accessory structures must come into compliance with the land use district, which would require the Applicant remove 6,146 square feet of hardscape, including his pool, driveways and many of the features that existed at the home. Even if he removed these features they would not be permitted to be replaced unless there was a significant reduction in the hardscape.

The LUD Amendment would allow for a change in Minimum Open Space Ratio from 0.80 in SS to 0.50 in SR which would allow the Applicant to rebuild the house on the Property and have hardscape and a pool without changing the density or the restricted usage of his property.

The amendment would not change the allowable development because SS-designated properties have an Allocated Density of 0.5 units per acre, and SR-designated properties have an Allocated Density of 0.5 units per acre.

Therefore, the Amendment will allow the Applicant to rebuild the house and guesthouse within the original footprint and the necessary amount of open space to comply with the Code.

III. Proposed Amendment

A. Overview of Amendment

The Application proposes to amend the LUD designation of the Property from SS to SR. Pursuant to Code Section 130-157, Maximum Permanent Residential Density and Minimum Open Space, the following residential density applies:

Current LUD (SS)

Land Use District	Allocated Density (DU/Gross Acre of Upland)	Maximum Net Density (DU/Buildable Area)	Minimum Open Space Ratio
SS	0.5	N/A	0.80

Proposed LUD (SR)

Land Use District	Allocated Density (DU/Gross Acre of Upland)	Maximum Net Density (DU/Buildable Area)	Minimum Open Space Ratio
SR	0.5	5.0 ²	0.50

With the approval of the LUD Amendment from SS to SR, the Property would have a Minimum Open Space Ratio of 0.50 instead of 0.80 which would allow the Applicant to rebuild the house using 0.4 acre of the 0.7 acre Property instead of only 0.1 acre of the 0.7 acre Property as limited by SS.

The maximum net density does not create an issue either as maximum net density is based on buildable area which takes out open space. A 28,800 square foot parcel with a .5 open space has 14,400 buildable area or .33 of an acre. Based on a maximum net density of 5 the total allowable density is 1.65 which permits one residential dwelling unit, which already exists and is ROGO exempt, and may be built back under the current .5 density per Code Sec. 130-163.

B. Property Involved

The Property contains a total of 0.7 acre zoned as SS. An aerial of the Property overlaid with the respective LUD is attached to this letter for your reference as Exhibit "A".

The Property has a corresponding Future Land Use Map ("FLUM") designation of Residential Low (RL). An aerial of the Property overlaid with the respective FLUM designation is attached to this letter for your reference as Exhibit "B".

The entirety of the Property is designated Tier III. An aerial of the Property overlaid with its Tier designation is attached to this letter for your reference as Exhibit "C".

² Please note that the

C. Deed and Legal Description

The Deeds by which the Applicant took title to the Property are attached to this letter for your reference as Exhibit "D".

IV. Absence of Adverse Community Change in Planning Area

The LUD Amendment will not result in an adverse community change in the planning area or surrounding community. The Property is used for residential purposes with the intention of rebuilding 1 house and 1 guest house on the Property with the same footprint. The Property is adjacent to neighboring residential properties zoned as SS which is a compatible use with the Property and will not create any significant impacts. The Property is located on a point lot and is surrounded by other residences and water.

The densities for SS and SR are the same. Moreover, the permitted uses are the same for SS and SR, except SR allows for parks and vacation rentals while SS does not. For minor conditional uses, SR allows institutional uses, but SS does not. SS allows public buildings while SR does not. Neither SS nor SR allow hotel/motel/RV uses. Furthermore, the setbacks for SS and SR are the same.

The land area which is the subject of the requested LUD Amendment is designated as Tier III, classified as developed land, and is not classified as habitat for any protected species.

The property is located within the Military Installation Area of Impact, however, the request is not an amendment to the Future Land Use Map and therefore Policy 108.2.5 is inapplicable. Regardless of its application, the permitted density is not changing and the property becomes conforming as to density.

V. Policies and District Purposes

A. Current Comprehensive Plan Policies

The Property has a corresponding FLUM designation of Residential Low (RL), and the Monroe County Year 2030 Comprehensive Plan provides as follows:

Existing FLUM:

Policy 101.5.2

The principal purpose of the Residential Low (RL) future land use category is to provide for low-density residential development in partially developed areas with substantive native vegetation. Low intensity public and low intensity institutional uses are also allowed.

This LUD Amendment is consistent with Policy 101.5.2.

Ms. Emily Schemper, Assistant Director
May 2, 2018
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B. Current Land Development Code Provisions

Existing:

Sec. 130-49

Purpose of the Sparsely Settled Residential District (SS)

The purpose of the SS district is to establish areas of low-density residential development where the predominant character is native or open space lands.

Proposed:

Sec. 130-47

Purpose of the Suburban Residential District (SR)

The purpose of the SR district is to establish areas of low- to medium-density residential uses characterized principally by single-family detached dwellings. This district is predominated by development; however, natural and developed open space creates an environment defined by plants, spaces and over-water views.

Sec. 130-94

Suburban Residential District (SR)

(a) The following uses are permitted as of right in the suburban residential district:

(1) Detached dwellings;...

VI. Conclusion

Applicant respectfully requests granting of the LUD Amendment based on the foregoing and the Applicant's need to rebuild the Applicant's house after being destroyed by Hurricane Irma in September 2017 while allowing for the rebuilt house and hardscape to comply with the Code.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your kind attention to this matter.

Sincerely,



Barton W. Smith, Esq.

Ms. Emily Schemper, Assistant Director
May 2, 2018
Page 6

cc: File

Enclosures

Exhibit "A"

Zoning Map



Planning & Environmental Resources (Public Map App)

00142020-000000 X Q

Show search results for 00142...

40ft

83° 47' 24.585 Degrees

SS

(1 of 2)

Parcels: TOPPINO DEBRA LIVING TRUST
9/18/2007

RE Number: 00142020-000000

Owner Name: TOPPINO DEBRA LIVING TRUST 9/18/2007

AK Number: 1188377

Physical Location: 10 EGGHILL GEEGER KEY

Mailing Address: 10 EGGHILL CITY: KEY WEST State: FL Zip Code: 33040

1 mile circle is shown. Zoom in to see details.

40ft

Ms. Emily Schemper, Assistant Director
May 2, 2018
Page 7

Exhibit "B"

Future Land Use Map

 Planning & Environmental Resources (Public Map App)



001422020-0000000

Show search results for 00142...

40ft

91.64724, 24.5851 Degrees

RL

Parcel: TOPPINO DEBRA LIVING TRUST
9/18/2007

RE Number: 001422020-0000000

Owner Name: TOPPINO DEBRA LIVING
TRUST 9/18/2007

AK Number: 1183377

Physical Location: 10 EGRET LN
GEIGER KEY

Mailing Address: 10 EGRET LN
City: KEY WEST
State: FL
Zip Code: 33040

Find Geiger Key, FL 33040
Zoom to

Ms. Emily Schemper, Assistant Director
May 2, 2018
Page 8

Exhibit "C"

Tier Designation



Planning & Environmental Resources (Public Map App)



Ms. Emily Schemper, Assistant Director
May 2, 2018
Page 9

Exhibit "D"

Deeds

Doc# 1692793 04/29/2008 1:10PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

THIS INSTRUMENT PREPARED BY:

JOHN S. BOHATCH, Esquire
GUTTENMACHER, BOHATCH & BARINAGA-BURCH, P.A.
7301 SW 57th Court, Suite 560
South Miami, Florida 33143

04/29/2008 1:10PM
DEED DOC STAMP CL: PW

\$0.70

RETURN INSTRUMENT TO:

JOHN S. BOHATCH, Esquire
GUTTENMACHER, BOHATCH & BARINAGA-BURCH, P.A.
7301 SW 57th Court, Suite 560
South Miami, Florida 33143

Doc# 1692793
Bk# 2358 Pg# 768

Parcel ID Number: 00142020-000000

WARRANTY DEED
(Prepared Without Benefit of Title Search Examination)

THIS WARRANTY DEED, executed this 24 day of December, 2007, by RICHARD J. TOPPINO, a married man, joined by his wife, DEBRA S. TOPPINO, whose post office address is: 10 Egret Lane, Key West, Florida 33040, hereinafter referred to as the "GRANTOR,"* and DEBRA S. TOPPINO, as Trustee of THE DEBRA S. TOPPINO LIVING TRUST, dated September 18, 2007, whose post office address is: 10 Egret Lane, Key West, Florida 33040, hereinafter referred to as the "GRANTEE." * (* Whenever used herein the term "Grantor," "Grantee," and "party" include all the parties to this instrument, whether singular or plural).

WITNESSETH that the GRANTOR for and in consideration of the sum of TEN & NO/100 (\$10.00) 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 and assigns forever, the following described land, situated, lying and being in the County of Monroe, State of FLORIDA (street address: 10 Egret Lane, Key West, Florida), to wit:

Lots 5, 6 and 7, Block 6, BOCA CHICA OCEAN SHORES, Geiger Key,
recorded in Plat Book 5 at Page 49, of the Public Records of Monroe County,
Florida.

The property conveyed here is the homestead property of the GRANTOR.

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

TO HAVE AND TO HOLD the said real estate in fee simple with its appurtenances upon the Trust and for the purposes set forth herein and in said Trust Agreement.

Full power and authority is hereby granted to said Trustee to improve and protect said real estate or any part thereof, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber said real estate or any part thereof, to lease said real estate or any part thereof, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about said real estate or any part thereof, and to deal, with said real estate and every part thereof in all other ways

This Document Prepared By:
WILLIAM B. SPOTTSWOOD
500 FLEMING STREET
KEY WEST, FL. 33040

934807

OFF REC | 392 PAGE | 254

SW
105-00

Parcel ID Number: 00142010-000000
Grantee #1 TIN:

OS Paid 105.00 Date 3-5-96
MONROE COUNTY
DANNY L. KOEHAEGE, CLERK CIR. CT.
By *[Signature]*

Warranty Deed

This Indenture, Made this 20th day of
ADOLFO AVAEL, a married man,

February, 1996 A.D.

FILED FOR RECORD
96
MAR -
P 3:31
DANNY L. KOEHAEGE
CLERK CIR. CT.
MONROE COUNTY, FL.

of the County of MONROE, State of Florida
RICHARD J. TOPPINO, a married man,

whose address is: 10 EGRET LANE, BIG COPPITT KEY, Florida 33040

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

Witnesseth that the GRANTOR, for and in consideration of the sum of
----- TEN & NO/100 (\$10.00) ----- DOLLARS.

and other good and valuable consideration to GRANTEE in hand paid by GRANTOR, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the County of MONROE, State of Florida to wit:

Lot Four (4), Block Six (6), BOCA CHICA OCEAN SHORES, according to the Plat thereof as recorded in plat book 5 at page 49 of the Public Records of Monroe County, Florida.

SUBJECT TO THE FOLLOWING:

1. Taxes for the current year and subsequent years.
2. Conditions, limitations, restrictions and easements of record.
3. Prior grants of gas, oil and mineral rights.
4. AICU Zoning exception as set forth in Resolution as to high noise or high hazard area recorded in OR 787, Page 234, Public Records of Monroe County, Florida.

THE GRANTOR HEREIN STATES THAT THE ABOVE PROPERTY IS NOT HIS HOMESTEAD AS DEFINED UNDER THE FLORIDA CONSTITUTION.

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 his hand and seal the day and year first above written.
Signed, sealed and witnessed in our presence

[Signature]
WILLIAM B. SPOTTSWOOD
Witness

[Signature]
ADOLFO AVAEL (Seal)

P.O. Address 1213 14TH STREET, LOT 86, KEY WEST, FL 33040

[Signature]
MELINDA ROBERTS
Witness

Recorded in Official Records
in Monroe County, Florida
Record Verified
DANNY L. KOEHAEGE
Clerk Circuit Court

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 20th day of February, 1996 by
ADOLFO AVAEL, a married man,

who is personally known to me or who has produced his Florida driver's license as identification.

[Signature]
MELINDA ROBERTS
NOTARY PUBLIC

My Commission Expires: 09/26/96

OFFICIAL NOTARY SEAL
MELINDA ROBERTS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC230763
MY COMMISSION EXP. SEPT 26, 1996

AGENT AUTHORIZATION FORM

Date of Authorization: 5 / 1 / 2018
Month Day Year

I hereby authorize Smith Hawks, PL/Barton W. Smith, Esq. be listed as authorized agent
(Print Name of Agent)

representing Debra S. Toppino, Trustee of the Debra S. Toppino Living Trust for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Application for Variance and all related matters for 10 Egret Lane, Geiger Key, FL 33040
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

5, 6 & 7 6 Boca Chica Ocean Shores Geiger
Lot Block Subdivision Key (Island)

00142020-000000 1183377
Real Estate (RE) Number Alternate Key Number

10 Egret Lane, Geiger Key, FL 33040 11
Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

138 Simonton Street, Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)

305-296-7227 bart@smithhawks.com
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Handwritten Signature]

Printed Name of Property Owner: Debra S. Toppino, Trustee of the Debra S. Toppino Living Trust

STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 1st day of May, 2018,

by Debra S. Toppino, who is personally known to me OR produced
(Print Name of Person Making Statement)

as identification.

(Type of ID Produced)
[Handwritten Signature]



Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

AGENT AUTHORIZATION FORM

Date of Authorization: 5 / 1 / 2018
Month Day Year

I hereby authorize Smith Hawks, PL/Barton W. Smith, Esq. be listed as authorized agent
(Print Name of Agent)

representing Debra S. Toppino, Trustee of the Debra S. Toppino Living Trust for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Application for Land Use District (Zoning) Map Amendment and all related matters for 10 Egret Lane, Geiger Key, FL 33040
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

5, 6 & 7 6 Boca Chica Ocean Shores Geiger
Lot Block Subdivision Key (Island)

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Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

138 Simonton Street, Key West, FL 33040

Mailing Address (Street, City, State and Zip Code)

305-296-7227

bart@smithhawks.com

Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Handwritten Signature]

Printed Name of Property Owner: Debra S. Toppino, Trustee of the Debra S. Toppino Living Trust

STATE OF FLORIDA

COUNTY OF MONROE

Sworn to and subscribed before me this 1st day of May, 2018,

by Debra S. Toppino, who is personally known to me OR produced
(Print Name of Person Making Statement)

(Type of ID Produced) as identification.

[Handwritten Signature: Brandi Green]
Signature of Notary Public



Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

AGENT AUTHORIZATION FORM

Date of Authorization: 5 / 1 / 2018
Month Day Year

I hereby authorize Smith Hawks, PL/Barton W. Smith, Esq. be listed as authorized agent
(Print Name of Agent)

representing Richard J. Toppino for the application submission
(Print Name of Property Owner(s) the Applicant(s))

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Authorized Agent Contact Information:

138 Simonton Street, Key West, FL 33040

Mailing Address (Street, City, State and Zip Code)

305-296-7227 bart@smithhawks.com

Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Richard J. Toppino

Printed Name of Property Owner: Richard J. Toppino

STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 1st day of May, 2018

by Richard J. Toppino, who is personally known to me OR produced
(Print Name of Person Making Statement)

(Type of ID Produced) as identification.

Brandi Green
Signature of Notary Public



Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

AGENT AUTHORIZATION FORM

Date of Authorization: 5 / 1 / 2018
Month Day Year

I hereby authorize Smith Hawks, PL/Barton W. Smith, Esq. be listed as authorized agent
(Print Name of Agent)

representing Richard J. Toppino for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Application for Land Use District (Zoning) Map Amendment and all related matters for 10 Egret Lane, Geiger Key, FL 33040
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

4 6 Boca Chica Ocean Shores Geiger
Lot Block Subdivision Key (Island)

00142020-000000 1183377
Real Estate (RE) Number Alternate Key Number

10 Egret Lane, Geiger Key, FL 33040 11
Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

138 Simonton Street, Key West, FL 33040

Mailing Address (Street, City, State and Zip Code)

305-296-7227 bart@smithhawks.com
Work Phone Home Phone Cell Phone Email Address

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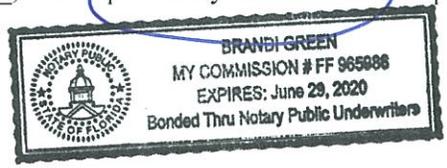
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Brandi Sheen
Signature of Notary Public



Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

BRANNAN TAMMY L
15 CORMORANT LN
KEY WEST, FL 33040

FIALA F HARRY
5762 CEDAR FOREST DR S
JACKSONVILLE, FL 32210

IRURZUN LYONEL
3109 Glenwood Rd
West Palm Beach, FL 33405

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3109 Glenwood Rd
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JIOVANI CRAIG
2 Jay Ln
Key West, FL 33040

KIRK JEFFERY L
2 KINGBIRD LN
KEY WEST, FL 33040

KNIGGE DONALD WAYNE
2 IBIS LN
KEY WEST, FL 33040

LIFLAND RICHARD SCOTT
3911 23rd W Ave
Bradenton, FL 34205

MC HUGH RAYMOND V
5 KINGBIRD LN
KEY WEST, FL 33040

MC HUGH RAYMOND V
5 KINGBIRD LN
KEY WEST, FL 33040

MORRIS MICHELLE MONIQUE
7 CORMORANT LN
KEY WEST, FL 33040

MURDOCK CRAIG S
9 KINGBIRD LN
KEY WEST, FL 33040

RANSBOTTOM DEBORAH LYNN H/W
6 Egret Ln
Key West, FL 33040

RIEDEL ANNA A
11 CORMORANT LN
KEY WEST, FL 33040

ROCKTESCHEL ELKE F
1481 Boca Chica Rd
Key West, FL 33040

SPURLOCK FRANCES THERESA ESTATE
323 DEE DR
MONTGOMERY, AL 36108

STATE OF FLA DEPT OF TRANSPORTATI
1000 NW 111TH AVE
MIAMI, FL 33172

STATE OF FLA DEPT OF TRANSPORTATI
1000 NW 111TH AVE
MIAMI, FL 33172

STEVENSON DANIEL K
8 Karakara Ln
Key West, FL 33040

TOPPINO DEBRA LIVING TRUST 9/18/200
10 EGRET LN
KEY WEST, FL 33040

UNITED STATES OF AMERICA
PO BOX 10068
CHARLESTON, SC 29411

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UNITED STATES OF AMERICA
PO BOX 10068
CHARLESTON, SC 29411

USA NAVAL AIR STATION
PO BOX 9001
KEY WEST, FL 33040

WEEKS WILLIAM C JR
10 CORMORANT LN
KEY WEST, FL 33040



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 00142020-000000
 Account # 1183377
 Property ID 1183377
 Millage Group 100B
 Location 10 EGRET Ln, GEIGER KEY
 Address
 Legal BOCA CHCIA OCEAN SHORES PB5-49 GEIGER KEY LOTS 4-7 BLK 6
 Description OR343-242 OR445-163/164Q OR500-797 OR764-1861/62 OR776-1534/35 OR810-1880/81F/J OR845-2134 OR930-2389/91 OR1047-1606 OR1392-1254 OR2358-768/69
 (Note: Not to be used on legal documents)
 Neighborhood 201
 Property Class VACANT RES (0000)
 Subdivision BOCA CHICA OCEAN SHORES
 Sec/Twp/Rng 26/67/26
 Affordable No
 Housing



Owner

TOPPINO DEBRA LIVING TRUST 9/18/2007
 10 EGRET LN
 KEY WEST FL 33040

Valuation

	2017	2016	2015	2014
+ Market Improvement Value	\$264,842	\$227,854	\$233,034	\$210,593
+ Market Misc Value	\$150,298	\$128,314	\$109,589	\$100,524
+ Market Land Value	\$591,552	\$630,353	\$504,282	\$504,282
= Just Market Value	\$1,006,692	\$986,521	\$846,905	\$815,399
= Total Assessed Value	\$465,977	\$456,393	\$453,220	\$449,623
- School Exempt Value	(\$25,000)	(\$25,000)	(\$25,000)	(\$25,000)
= School Taxable Value	\$440,977	\$431,393	\$428,220	\$424,623

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RES WATERFRONT (010W)	28,800.00	Square Foot	0	0

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
SEAWALL	1975	1976	1	1280 SF	1
SEAWALL	1975	1976	1	375 SF	4
SEAWALL	1975	1976	1	390 SF	4
CONCRETE DOCK	1975	1976	1	500 SF	4
CONCRETE DOCK	1975	1976	1	520 SF	4
BOAT RAMP	1975	1976	1	70 SF	3
FENCES	1976	1977	1	346.5 SF	5
SEAWALL	1976	1977	1	441 SF	4
FENCES	1979	1980	1	900 SF	5
FENCES	1985	1986	1	144 SF	5
FENCES	1987	1988	1	1024 SF	3
SEAWALL	1988	1989	1	240 SF	2

Description	Year Built	Roll Year	Quantity	Units	Grade
CONCRETE DOCK	1988	1989	1	828 SF	1
CONC DAVITS	1998	1999	1	1 UT	1

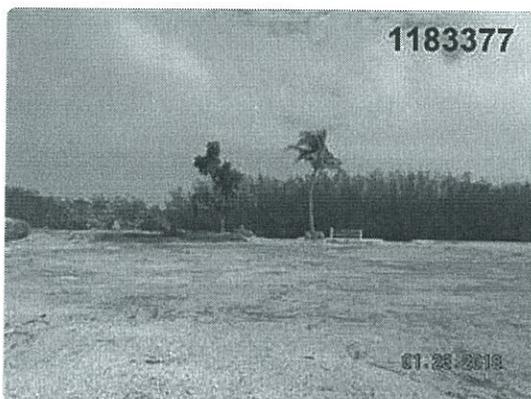
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
12/1/1984	\$43,000	Warranty Deed		930	2389	U - Unqualified	Improved

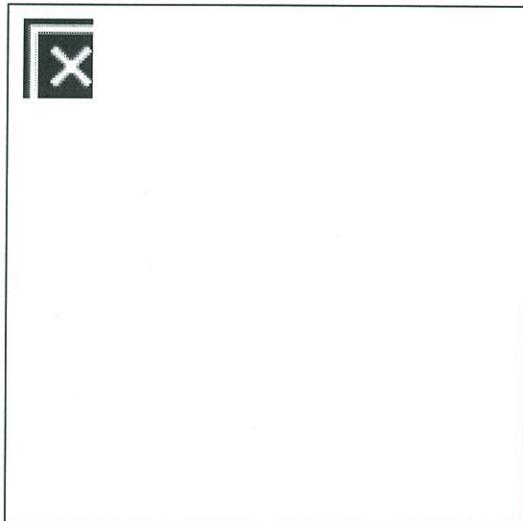
Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
17106225	11/21/2017	12/18/2017	\$10,000	Residential	DEMO
10100281	1/20/2010	2/10/2010	\$2,000	Residential	SEWER TIE-IN

Photos



Map



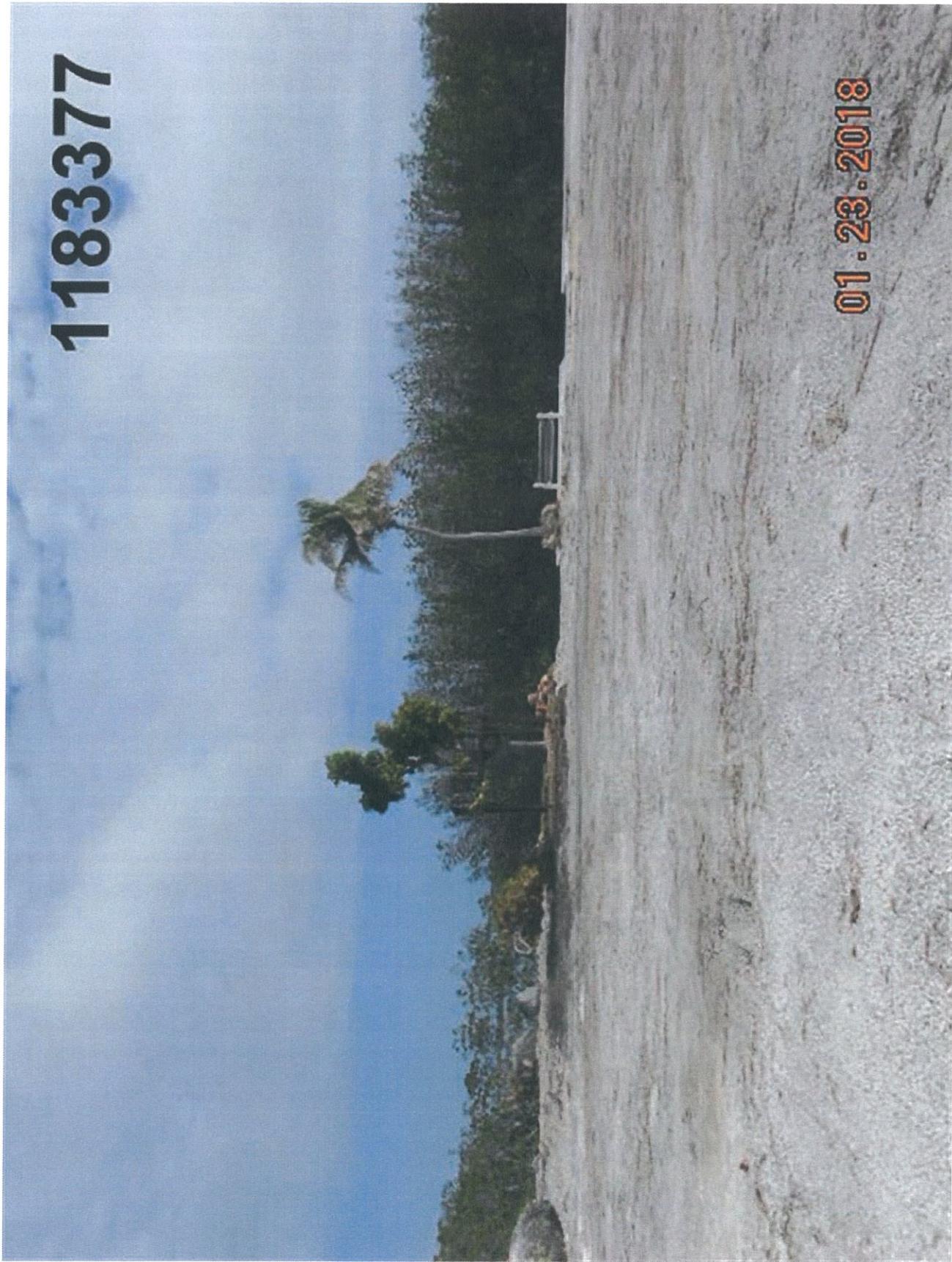
No data available for the following modules: Buildings, Commercial Buildings, Mobile Home Buildings, Exemptions, Sketches (click to enlarge).

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

Last Data Upload: 5/1/2018 5:06:53 AM



1183377



01.23.2018

**MONROE COUNTY, FLORIDA
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT**



Disclosure of Interest

Pursuant to Section 101-6 of the Land Development Code, this form shall accompany land-use related applications. The intent is to disclose the identity of true parties in interest to the public, thereby enabling the public to ascertain which parties will potentially benefit.

Any person or entity holding real property in the form of a partnership, limited partnership, corporation, assignment of interest, trust, option, assignment of beneficial or contractual interest, or any form of representative capacity whatsoever for others, except as otherwise provided, shall, during application submittal for a specified application types, make a public disclosure, in writing, under oath, and subject to the penalties prescribed for perjury. Exemptions to the requirements of this section include the beneficial interest which is represented by stock in corporations registered with the federal securities exchange commission or in corporations registered pursuant to Chapter 517, Florida Statutes, whose stock is for sale to the general public.

This written disclosure shall be made to the planning director at the time of application. The disclosure information shall include the name and address of every person having a beneficial or contractual interest in the real property, however small or minimal.

- If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest. (Use additional sheets if necessary):

<i>Name and Address</i>	<i>% of Ownership</i>
Richard J. Toppino - 10 Egret Lane, Geiger Key, FL 33040	100% of Lot 4

- If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each. (Use additional sheets if necessary):

<i>Name and Address</i>	<i>% of Ownership</i>

- If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest. (Use additional sheets if necessary):

<i>Name and Address</i>	<i>% of Ownership</i>
Debra S. Toppino - 10 Egret Lane, Geiger Key, FL 33040	100% of Lots 5,6,7

* In the case of a trust, the four largest beneficiaries must also sign the affidavit.

- If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners. (Use additional sheets if necessary):

<i>Name and Address</i>	<i>% of Ownership</i>

- If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners. (Use additional sheets if necessary):

<i>Name and Address</i>	<i>% of Ownership</i>

* Please provide date of contract _____

- If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. (Use additional sheets if necessary):

<i>Name and Address</i>

By signing this form, the signer certifies that he or she is a person who is familiar with the information contained in the form, and that to the best of his or her knowledge such information is true, complete and accurate.

Printed Name / Signature of Person Completing Form: _____

State of Florida, County of Monroe

Barton W. Smith, as Authorized Agent

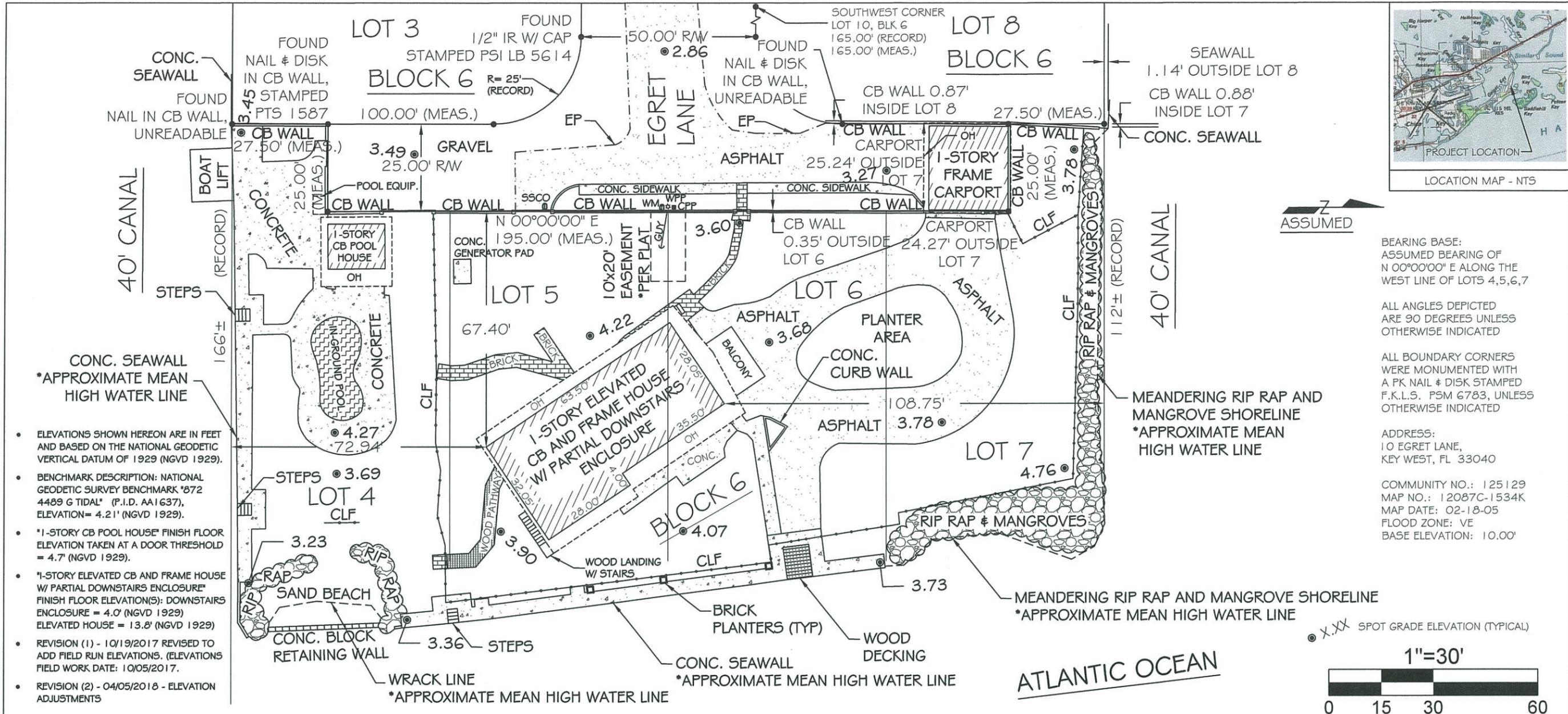
The foregoing instrument was acknowledged before me this 1st day of May, 2018, by

_____ **He/she** is personally known to me or has produced _____ as identification.

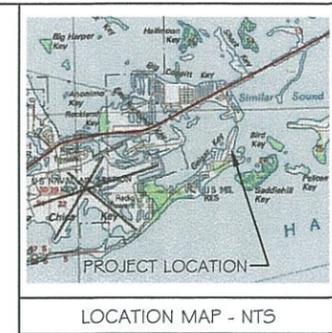


Brandi Green
 Notary Public
 My Commission Expires 6/29/2020

03/2013



- ELEVATIONS SHOWN HEREON ARE IN FEET AND BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 1929).
- BENCHMARK DESCRIPTION: NATIONAL GEODETIC SURVEY BENCHMARK *872 4489 G TIDAL* (P.I.D. AA1637), ELEVATION = 4.21' (NGVD 1929).
- *1-STORY CB POOL HOUSE* FINISH FLOOR ELEVATION TAKEN AT A DOOR THRESHOLD = 4.7' (NGVD 1929).
- *1-STORY ELEVATED CB AND FRAME HOUSE W/ PARTIAL DOWNSTAIRS ENCLOSURE* FINISH FLOOR ELEVATION(S): DOWNSTAIRS ENCLOSURE = 4.0' (NGVD 1929) ELEVATED HOUSE = 13.8' (NGVD 1929)
- REVISION (1) - 10/19/2017 REVISED TO ADD FIELD RUN ELEVATIONS. (ELEVATIONS FIELD WORK DATE: 10/05/2017.
- REVISION (2) - 04/05/2018 - ELEVATION ADJUSTMENTS



7
ASSUMED

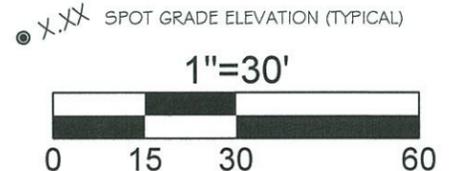
BEARING BASE:
ASSUMED BEARING OF
N 00°00'00" E ALONG THE
WEST LINE OF LOTS 4,5,6,7

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

ALL BOUNDARY CORNERS
WERE MONUMENTED WITH
A PK NAIL & DISK STAMPED
F.K.L.S. PSM 6783, UNLESS
OTHERWISE INDICATED

ADDRESS:
10 EGRET LANE,
KEY WEST, FL 33040

COMMUNITY NO.: 125129
MAP NO.: 12087C-1534K
MAP DATE: 02-18-05
FLOOD ZONE: VE
BASE ELEVATION: 10.00'



LEGAL DESCRIPTION -
Lots FOUR (4), FIVE (5), SIX (6), and SEVEN (7), Block SIX (6), BOCA CHICA OCEAN SHORES, according to the Plat thereof as recorded in Plat Book FIVE (5), Page (49), of the Public Records of Monroe County, State of Florida.

CERTIFIED TO -
Branch Banking and Trust Company,
Debra S. Toppino Living Trust dated September 18, 2007,
Stones and Cardenas,
Old Republic National Title Insurance Company

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE, PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS. THE MEAN HIGH WATER LINE WAS NOT DETERMINED FOR THIS SURVEY, THE APPROXIMATE MEAN HIGH WATER LINE IS SHOWN FOR REFERENCE ONLY.

SCALE:	1" = 30'
FIELD WORK DATE:	04/01/2011
REVISION DATE:	04/05/2018
SHEET:	1 OF 1
DRAWN BY:	EAI
CHECKED BY:	XXX
INVOICE NO.:	XXX

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, FLORIDA STATUTES.

SIGNED:
ERIC A. SISK, PSM #6783, PROFESSIONAL SURVEYOR AND MAPPER, L#47647

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

**FLORIDA KEYS
LAND SURVEYING**
35 CALLE UNO
KEY WEST, FL 33040
PHONE: (305) 394-3690
FAX: (305) 509-7373
EMAIL: EILandSurveyor@Gmail.com

NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE. THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET.

BFP = BACK-FLOW PREVENTER	GLY = GUY WIRE	PRC = POINT OF REVERSE CURVE
BO = BLOW OUT	HB = HOSE BIB	PRM = PERMANENT REFERENCE MONUMENT
C & G = 2" CONCRETE CURB & GUTTER	IP = IRON PIPE	PT = POINT OF TANGENT
CB = CONCRETE BLOCK	IR = IRON ROD	R = RADIUS
CBW = CONCRETE BLOCK WALL	L = ARC LENGTH	RW = RIGHT OF WAY LINE
CL = CENTERLINE	LS = LANDSCAPING	SSCO = SANITARY SEWER CLEAN-OUT
CLF = CHAINLINK FENCE	MB = MAILBOX	SW = SIDE WALK
CM = CONCRETE MONUMENT	MEAS = MEASURED	TBM = TEMPORARY BENCHMARK
CONC = CONCRETE	MHWL = MEAN HIGH WATER LINE	TOS = TOP OF BANK
CP = CONCRETE POWER POLE	NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929)	TOS = TOP OF SLOPE
COVD = COVERED	NTS = NOT TO SCALE	TS = TRAFFIC SIGN
DELTA = CENTRAL ANGLE	OH = ROOF OVERHANG LINE	TYP = TYPICAL
DEASE = DRAINAGE EASEMENT	OW = OVERHEAD WIRES	UE = UTILITY EASEMENT
EL = ELEVATION	PC = POINT OF CURVE	WD = WOOD DECK
ENC = ENCLOSURE	PE = POINT OF BEGINNING	WF = WOOD FENCE
EP = EDGE OF PAVEMENT	PCC = POINT OF COMPOUND CURVE	WL = WOOD LANDING
FF = FINISHED FLOOR ELEVATION	PCP = PERMANENT CONTROL POINT	WM = WATER METER
FI = FIRE HYDRANT	PK = PARKER KALON NAIL	WPP = WOOD POWER POLE
FIND = FOUND	POB = POINT OF BEGINNING	WRACK LINE = LINE OF DEBRIS ON SHORE
FO = FENCE OUTSIDE	POI = POINT OF INTERSECTION	WV = WATER VALVE
FOL = FENCE ON LINE	POC = POINT OF COMMENCEMENT	

MAP OF BOUNDARY SURVEY

RECEIVED
MAY 02 2018

MONROE CO. PLANNING DEPT

Additional Information added to File 2018-091

BRANNAN TAMMY L
15 CORMORANT LN
KEY WEST, FL 33040

FIALA F HARRY
5762 CEDAR FOREST DR S
JACKSONVILLE, FL 32210

IRURZUN LYONEL
3109 GLENWOOD RD
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JIOVANI CRAIG
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Key West, FL 33040

KIRK JEFFERY L
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KNIGGE DONALD WAYNE
2 IBIS LN
KEY WEST, FL 33040

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5 KINGBIRD LN
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Dup

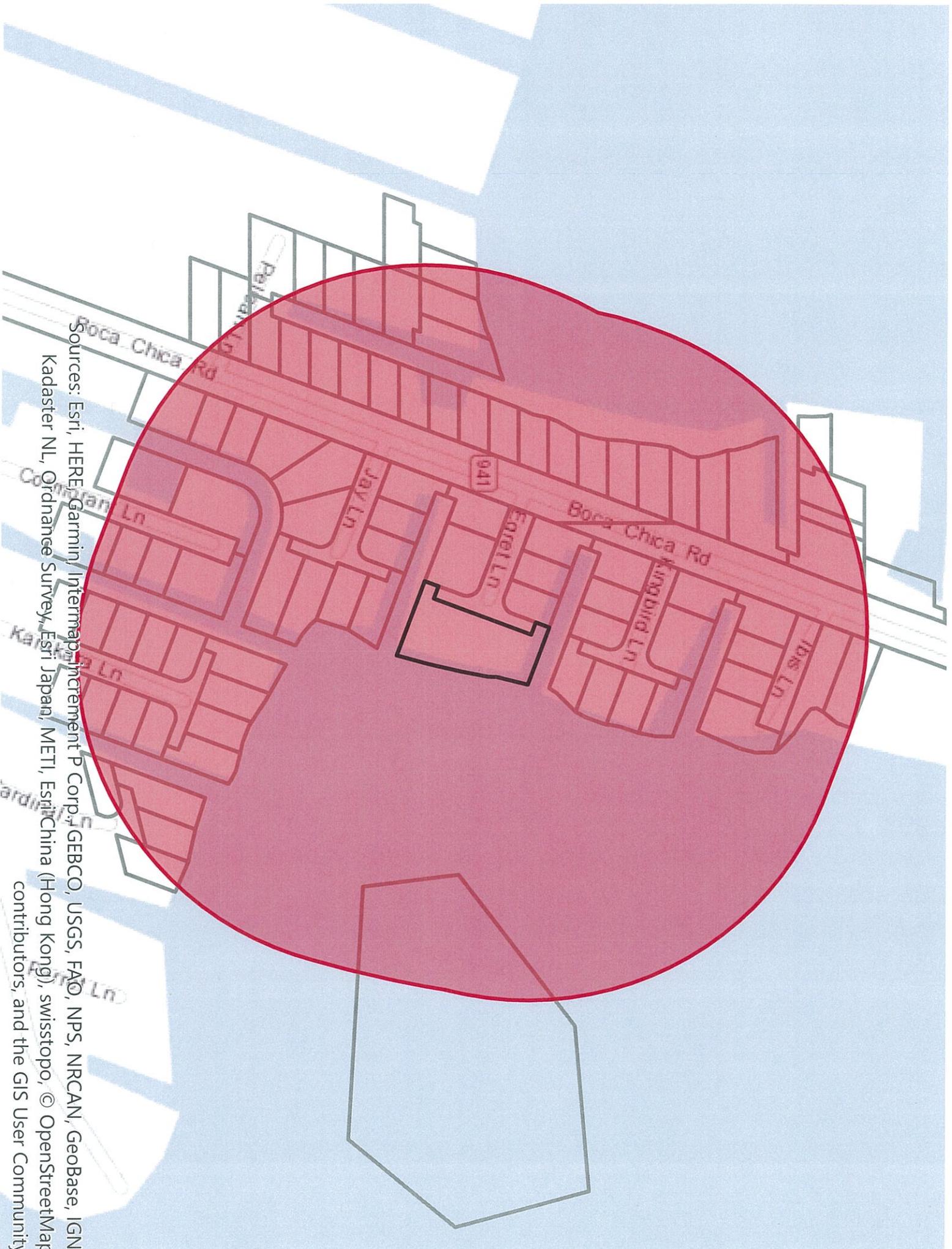
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USA NATIONAL AIR STATION KEY
WEST
PO Box 9001
Key West, FL 33040

Dup

USA NAVAL AIR STATION
PO BOX 9001
KEY WEST, FL 33040

WEEKS WILLIAM C JR
10 CORMORANT LN
KEY WEST, FL 33040



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

End of Additional File 2018-091