

RESOLUTION NO. 2003- 28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, APPROVING AND ACCEPTING AN AFFORDABLE HOUSING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FROM FRED NOTARANTONIO, AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 9.5-127(6) of the City Code (the "Code"), a landowner may voluntarily elect to develop dwelling units which contribute to the supply of affordable housing in the City as part of the Residential Dwelling Unit Allocation Award ("ROGO") process; and

WHEREAS, pursuant to Section 9.5-127(6) of the Code, if a landowner proposes to develop affordable housing in the City as set forth above, the landowner is required to execute a legally binding restrictive covenant limiting the eligibility of the prospective resident; and

WHEREAS, the restrictive covenant must run in favor of, and be enforceable by the City, and must be approved by the City Council prior to recording in the public records of Monroe County, Florida.

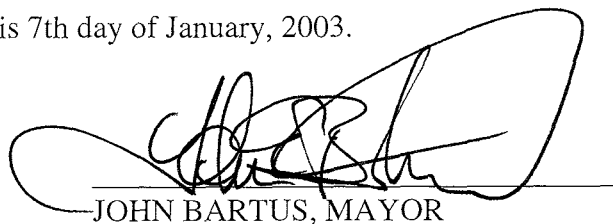
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. Acceptance of Declaration. That the Declaration of Covenants, Conditions and Restrictions (the "Declarations"), submitted by Fred Notarantonio, submitted under separate cover, is approved and accepted by the City as part of the ROGO allocation process.

Section 2. **Recording.** That the above approval and acceptance is subject to compliance with all City Code requirements, and review and approval of the Declaration by the City Attorney. The Declaration shall be recorded in the public records of Monroe County, Florida at the sole cost and expense of Fred Notarantonio.

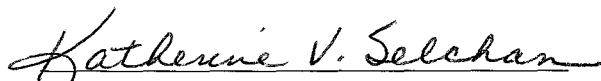
Section 3. **Effective Date.** That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 7th day of January, 2003.



JOHN BARTUS, MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY