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**CITY OF MARATHON, FLORIDA
RESOLUTION 2003-076**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA GRANTING ADMINISTRATIVE RELIEF
PURSUANT TO § 9.5-122(H), CITY OF MARATHON CODE, WHICH
ALLOWS ANY APPLICANT WHO HAS BEEN DENIED A ROGO
ALLOCATION FOR MORE THAN FOUR CONSECUTIVE YEARS TO FILE
FOR RELIEF**

WHEREAS, Douglas Rood is the owner of real property located of Lot 12, Block 14, Coco Plum Beach Subdivision, Fat Deer Key, City of Marathon, Monroe County, Florida, and having Real Estate Number 00365650-00000000;

WHEREAS, Douglas Rood is the owner of real property located in the Improved Subdivision Land Use District and March 13, 1999 submitted an application for a single-family residential dwelling unit;

WHEREAS, Douglas Rood on April 23, 1999 submitted an application for a Residential Dwelling Unit Allocation;

WHEREAS, the applicant's proposed development has meet all applicable, city, county, state, and federal regulations; and

WHEREAS, applicant's application for a Residential Dwelling Unit Allocation has not been withdrawn;

WHEREAS, applicant has complied with all the requirements of the Dwelling Unit Allocation System;

WHEREAS, Section 9.5-129 of the City of Marathon Land Development Regulations provides for Administrative Relief;

WHEREAS, a legal notice for a public hearing to grant Douglas Rood administrative Relief from Section 9.5, Division 8 of the City of Marathon City Code was advertised in the May 3, 2003 *Keynoter*; and

WHEREAS, the remedies available to an applicant for Administrative Relief include issuance of a building permit or just compensation by purchase of the property or such other relief as may be necessary or appropriate;

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

Section 1. The application for submitted by Douglas Rood for administrative relief from the Residential Dwelling Unit Allocation System on the real property described as Lot 12, Block 14, Coco Plum Beach Subdivision according to Plat Book 4, Page 166, of the Public Records of Monroe County, Florida, be APPROVED by granting a Residential Dwelling Unit Allocation from Year 12 (July 14, 2003 through July 13, 2004), Quarter 1 Residential Dwelling Unit Allocations.

Section 2. Findings.

1. The applicant purchased the subject property May 13, 1998 with the intention of constructing a single-family home.
2. The subject parcel is within the Improved Subdivision (IS) land use district which permits one dwelling unit per lot.
3. The survey submitted with the building permit application indicated the parcel had access to Coco Plum Drive by way of a gravel road.
4. At the time of purchase, the Residential Dwelling Unit Allocation System did not require paved streets within an improved subdivision in order to receive 10 points.
5. The applicant has complied with all requirement of the City of Marathon Residential Dwelling Unit Allocation Process.
5. In rendering its decision, as reflected in this Resolution, the Council has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by substantial competent evidence of record.

Section 3. Based upon the Staff Report, the Commission hereby approves the recommendation of the Planning Manager to approve granting Douglas Rood a Market Rate Dwelling Unit allocation from the First Quarter Year 12 allocations.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Marathon, Florida, this 13th day of May , 2003.

THE CITY OF MARATHON, FLORIDA


Randy Mearns, Mayor

AYES: Repetto, Pinkus, Worthington, Bartus, Mearns
NOES: None
ABSENT: None

ABSTAIN: NOne

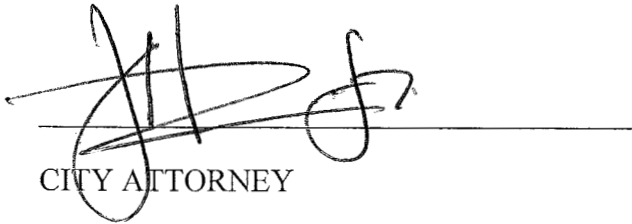
ATTEST:



Cindy L. Ecklund
City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



CITY ATTORNEY