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**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-010**

**A RESOLUTION OF THE CITY OF MARATHON, FLORIDA,
ESTABLISHING A VESSEL EXCLUSION ZONE OFF OF SOMBRERO
BEACH**

WHEREAS, Chapter 2000-408, Laws of Florida, authorizes the City of Marathon, (the "City"), to exercise its police powers 1,200 feet into the tidal waters adjacent to its corporate limits to regulate "the abatement of nuisances, the enforcement of sanitary laws and regulations, the regulation of zoning, and the suppression of crime;" and

WHEREAS, City Ordinance 2005-005, provides the City with the authority to create Vessel Exclusion Zones which impose restrictions on the anchoring, mooring or operation of vessels in designated areas such as the public bathing beach and swim area off of Sombrero Beach; and

WHEREAS, based upon the authority provided in both Chapter 2000-408 and Ordinance 2005-005, the City Council finds that vessels anchoring, mooring or operating within the area depicted and described on an official City map of Sombrero Beach, as shown on Exhibit "A" attached hereto (the "Sombrero Beach Vessel Exclusion Zone") constitute a nuisance and create a dangerous condition to life, limb, vessel traffic safety and maritime property as described in Section 68D-23.101, Florida Administrative Code; and

WHEREAS, the City Council finds that the regulations of vessels anchoring, mooring or operating within the Sombrero Beach Vessel Exclusion Zone does not conflict with any federal or state navigation laws.

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


Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The Vessel Exclusion Zone off of Sombrero Beach as more particularly described and depicted on an official City map of Sombrero Beach, as shown on Exhibit "A" attached hereto together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is created.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 25th day of January, 2005.

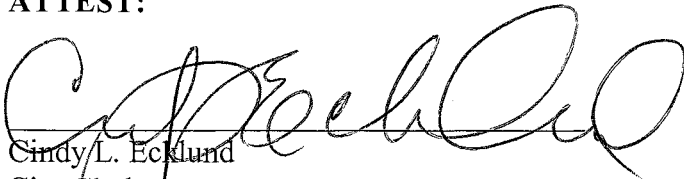
THE CITY OF MARATHON, FLORIDA



Jeffrey M. Pinkus, Mayor

AYES: Bartus, Bull, Mearns, Miller, Pinkus
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



Sombrero Beach

