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**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-044**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A LOT AGGREGATION ROGO ALLOCATION RESTRICTIVE COVENANT FROM WILLIAM AND ROSEMARY MCNULTY, AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA

WHEREAS, pursuant to Section 9.5-127(a)(3) of the City Code, a landowner may voluntarily elect to reduce density by aggregating vacant, legally platted lots in order to obtain additional points as part of the Residential Rate of Growth Ordinance ("ROGO") allocation process; and

WHEREAS, if a landowner proposes to reduce density by aggregating lots as set forth above, the landowner is required to execute a restrictive covenant aggregating these lots, running in favor of the City that must be approved by the City Council prior to its recording in the public records of Monroe County, Florida; and

WHEREAS, William and Rosemary McNulty, have applied for a market rate ROGO allocation and have elected to aggregate two or more lots under common ownership.

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

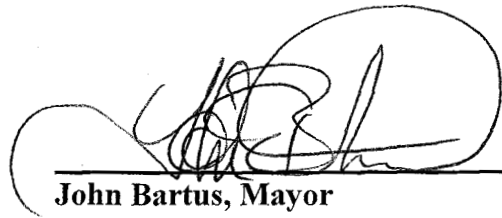
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Subject to the review and approval of the City Attorney, the lot aggregation restrictive covenant submitted by William and Rosemary McNulty attached hereto and incorporated herein as Exhibit "A" is approved and accepted by the City Council. William and Rosemary McNulty shall record, at their sole expense, the lot aggregation restrictive covenant in the public records of Monroe County, Florida.

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 12th day of April, 2005.

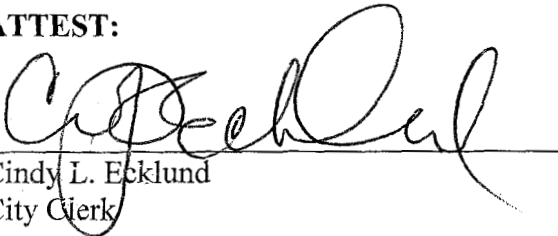
THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Bull, Mearns, Miller, Pinkus, Bartus
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

"EXHIBIT A"

This instrument prepared by:
John R. Herin, Jr., Esq.
Weiss Sorota Helfman
Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Suite 420
Miami, Florida 33133
Telephone: (305) 854-0800

After recording return to:

City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050
Telephone: (305) 743-0033

UNITY OF TITLE

WHEREAS, the undersigned are the Owners (the "Owner") of the Property described as:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

also known as Block 49 Lot 4 of the Crains Subdivision and Block 49
Lot 5 of the Subdivision and Block 49 Lot 6 in Monroe County, Florida (the
"Property").

Owner recognizes and acknowledges that for the public health, welfare, safety or morals, the Property should not be divided into separate parcels owned by several owners as long as the same is put to the hereinafter use; and

In considerations of the right to develop the Property for accessory uses, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner hereby agrees to restrict the use of the subject property in the following manner:

That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.

Owner further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and shall be recorded, at Owner's expense, in the Public Records of Monroe County, Florida and shall remain in full force and effect and be binding upon the Owner, his/her/its heirs, successors, personal representatives and assigns and upon all mortgagees or lessees until such time as the same may be released in writing by the City Manager or designee.

City Use Only

Verified by: _____

Accepted by: _____

Unity of Title

