

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-068**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, EXEMPTING THE EXPANSION OF AN EXISTING STRUCTURE LOCATED ON THE SOUTH 1/2 OF LOTS 4-5, SQUARE 3, MARATHON BEACH SUBDIVISION AND ADJACENT RIGHT-OF-WAY FROM THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO) AS AUTHORIZED BY POLICY 101.3.4 OF THE CITY OF MARATHON INTERIM COMPREHENSIVE PLAN.

WHEREAS, the Cephus Corporation, owner of the non-residential structure located on the south 1/2 of Lots 4-5, Square 3, Marathon Beach Subdivision and adjacent right-of-way (the "Property") has applied for a development/building permit to expand the structure for the use and occupancy by the United States Border Patrol offices; and

WHEREAS, Policy 101.3.4 of the City of Marathon Transitional Comprehensive Plan provides for an exemption from the Permit Allocation System for new non-residential development for development activity by public facilities; and

WHEREAS, the development activity will not adversely impact the hurricane evacuation objectives of the Transitional Comprehensive Plan.

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

Section 1. Pursuant to Policy 101.3.4 of the City's Transitional Comprehensive Plan, the Council exempts the expansion of the existing structure owned by the Cephus Corporation located on the property from the provisions of the City's Non-Residential Rate of Growth Ordinance ("NROGO"), so long as the structure is occupied and used exclusively by the United State Border Patrol.

Section 2. The exemption granted herein is subject to the following conditions:

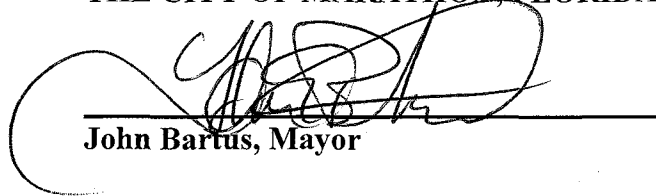
The Applicant shall, at its sole cost and expense, record a Declaration of Restrictive Covenants in a form acceptable to the City Attorney in the Public records of Monroe County, Florida within fifteen (15) days of approval of this Resolution and shall provide proof of the recording to the City. The Declaration of Restrictive Covenants shall: (i) Prohibit holding cells or facilities within the non-residential structure; and (ii) Prohibit overnight stays of anyone detained by the U.S. Border Patrol; and (iii) Limit the use and occupancy of the non-residential

structure exclusively to that by the United States Border Patrol unless the property owner applies for and obtains a NROGO allocation and all other required development approvals and permits.

Section 3. This resolution shall not take effect for thirty (30) days following the date it is rendered/filed with the City Clerk. During that time, the exemption granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this resolution until said appeal is resolved.

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

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Pinkus, Bull, Mearns, Miller, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

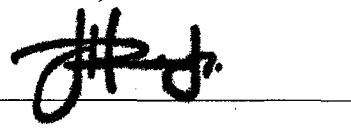
ATTEST:



Cindy L. Esklund
City Clerk

(City Seal)

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



City Attorney