

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-136**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A LOT DENSITY REDUCTION ROGO ALLOCATION RESTRICTIVE COVENANT FROM FLORIDA KEYS ENTERPRISES, AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Section 9.5-127(a)(4) of the City Code, a landowner may elect to voluntarily reduce the density on a lot permitted as of right to receive additional points as part of the Residential Rate of Growth Ordinance ("ROGO") allocation process; and

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

WHEREAS, Florida Key Enterprises has applied for a market rate ROGO allocation and has elected to reduce the density of their property.

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 restrictive covenant submitted by Florida Keys Enterprises attached hereto and incorporated herein as Exhibit "A" is approved and accepted by the City Council. Florida Keys Enterprises shall record, at its sole expense, the 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 11th day of October, 2005.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

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

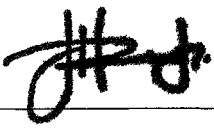
ATTEST:



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"

Lots 14 and 15, Block 47, Crains Subdivision, Grassy Key, Monroe County, Florida

RJH