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**CITY OF MARATHON, FLORIDA  
RESOLUTION 2006-066**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, ADOPTING LAND ACQUISITION  
PROCEDURES FOR THE CITY OF MARATHON LAND ACQUISITION  
ADVISORY COMMITTEE**

**WHEREAS**, the City Council of the City of Marathon (the "City") has, as required by the City's Comprehensive Plan, created a Land Acquisition Advisory Committee (the "LAAC") in order to assist the City in identifying real properties for acquisition by the City in order to serve important public purposes such as parks, affordable housing, environmental preservation, historical preservation and other public uses;

**WHEREAS**, the LAAC has prepared a set of Land Acquisition Procedures to oversee the actions of the LAAC, and has recommended that the City Council adopt such Procedures; and

**WHEREAS**, the City Council wishes to adopt such Procedures as the land acquisition procedures for the LAAC.

**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 Council approves and adopts the City of Marathon Land Acquisition Procedures, a copy of which is attached hereto as Exhibit "A". The Land Acquisition Procedures shall guide the actions of the land acquisition process for the LAAC.

**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 9th day of May, 2006.

**THE CITY OF MARATHON, FLORIDA**

  
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Christopher M. Bull, Mayor

AYES: Mearns, Pinkus, Tempest, Worthington, Bull  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**



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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:**



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City Attorney

City of Marathon Land Acquisition Advisory Committee  
Land Acquisition Procedures

1. Any property owner or their agent, member of the Land Acquisition Advisory Committee (“LAAC”) or City staff person may submit a property located within the City of Marathon for consideration by LAAC for acquisition by the City. Any submission must be in writing, must set forth the address and legal description of the property, the name and contact information of the owner or its agent, and a general physical description of the parcel(s) in question, and must indicate, in sufficient detail, the public purpose to be served by acquiring such property. City staff may designate a form to be used for the written submissions.
2. Upon receipt of a written submission containing the information set forth above, City staff shall conduct a preliminary review with the limited purpose of verifying the information set forth in the written submission.
3. Each written submission that is complete and has been verified by City Staff shall be presented to LAAC at its next regularly scheduled meeting. LAAC shall, based on this preliminary information, determine, by a majority vote, if it wishes to pursue further evaluation of the parcel.
4. If LAAC votes to further evaluate a parcel for possible acquisition, City staff shall prepare a detailed, written report about the property based upon the following criteria:
  - a. Consistency with the goals and policies of the City’s Comprehensive Plan, the Land Development Regulations and the policies of the City Council;
  - b. Availability of the property and willingness of the owner(s);
  - c. Cost and availability of funding;
  - d. Public benefits (with special emphasis on affordable housing);
  - e. Ecological value and impacts;
  - f. Aesthetic value and impacts;
  - g. Historic and/or archeological value and impacts;
  - h. Accessibility to the property; and
  - i. Other factors as may be identified by staff.

To the extent possible, staff shall conduct site visits. The report shall include a recommendation of staff on whether to acquire the property, the most appropriate future use(s) for the property, the most appropriate funding source, and the level of priority for such an acquisition.

5. The report and recommendation shall be considered by LAAC at one of its meetings, and LAAC may solicit additional commentary and information from City Staff, as well as public commentary on the recommendations. Based on the report and recommendation and any additional commentary and information,

LAAC may, by a majority vote, choose to adopt the staff recommendations, reject them altogether, modify the recommendations or defer them pending additional staff work.

6. If LAAC votes to recommend acquisition of a property, such property shall be added to the City of Marathon Land Acquisition List to be maintained by the Planning Department. The placement of a property on the Land Acquisition List does not create any obligation on the part of the City to purchase such property.
7. Any Report and Recommendation that is adopted by LAAC shall be forwarded to the City Manager. The City Manager will then commence discussions with the property owner(s) regarding possible acquisition of the Property, obtain appraisal(s) as required by Fla. Stat. 166.045, identify and apply to possible funding sources, and, if possible, negotiate the appropriate agreements.
8. In accordance with Fla. Stat. 166.045, every appraisal, offer or counteroffer must be in writing. Such appraisals, offers or counteroffers are not available for public disclosure or inspection and are exempt from the Florida public records law until an option contract is executed or, if not option contract is executed, until 30 days before a contract to purchase the property is considered for approval by the City Council.
9. The City will not be under any obligation to purchase a specific property. The City Manager shall use his or her professional judgment in determining whether the negotiated terms and conditions of any acquisition are in the best interests of the City.
10. Any contract to purchase real property, or contract for an option to purchase real property, must be approved by the City Council. Any contract for purchase presented to the City Council must be accompanied by such documentation as is customary for an acquisition of real property in Monroe County, Florida, including, but not limited to, title insurance commitment, certified survey(s), evidence of payment of taxes and fees, environmental assessments, and, if applicable, an appraisal(s) in accordance with Fla. Stat. 166.045. Before execution thereof, all contracts or agreements shall be reviewed for form and legality by the City Attorney.
11. Upon final approval by the City Council, the City Manager or his designee shall be authorized to execute the property closing process, disburse funding and record title to the property in the City's name.