

**CITY OF MARATHON, FLORIDA
RESOLUTION 2007-122**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE AMENDED AND RESTATED MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF MARATHON CONCERNING DEVELOPMENT ACTIVITIES AT CURRY HAMMOCK STATE PARK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”), the Florida Department of Environmental Protection (“DEP”), and the Florida Department of Community Affairs (“DCA”) entered into an agreement on December 18, 2002 (“2002 Agreement”) regarding the development of campground spaces and other facilities at Curry Hammock State Park; and

WHEREAS, the City has requested that the thirty (30) campground spaces at the park remain open for overnight use throughout the year; and

WHEREAS, the City, DEP and DCA agree that amending the 2002 Agreement is in the public interest and will properly support and improve the continued operations and future development of Curry Hammock State Park;

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. The City Council hereby approves the Amended and Restated Memorandum of Agreement between the Department of Environmental Protection, the Department of Community Affairs and the City concerning Development Activities at Curry Hammock State Park, a copy of which is attached hereto as Exhibit “A”.

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 28th day of August 2007.


THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Cinque, Tempest, Vasil, Worthington, Bull
NOES: None
ABSENT: None
ABSTAIN: None


ATTEST:



Diane Clavier
City Clerk

(City Seal)

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



City Attorney

**AMENDED AND RESTATED
MEMORANDUM OF AGREEMENT BETWEEN THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION,
THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF
MARATHON CONCERNING DEVELOPMENT ACTIVITIES AT
CURRY HAMMOCK STATE PARK**

This Amended and Restated Memorandum of Agreement (this “Agreement”) is entered into by and between the Florida Department of Environmental Protection (“DEP”), the City of Marathon (the “City”), and the Florida Department of Community Affairs (“DCA”). This Agreement amends and restates the Memorandum of Agreement entered into by and between DEP, the City and DCA as of December 18, 2002.

WITNESSETH:

Whereas, the Florida Department of Environmental Protection is committed to developing and operating state parks in Monroe County (the “County”) and the City of Marathon consistent with the Florida Keys Area of Critical State Concern (“ACSC”) Principles for Guiding Development (“Principles”), and the City’s Comprehensive Plan and Land Development Regulations (LDRs); and

Whereas, between 1970 and 1980, DEP removed 57 campground spaces from John Pennekamp Coral Reef State Park. Between 1991 and 1992, DEP removed 50 RV campground spaces and 152 primitive campground spaces from Carysfort Yacht Harbor after the property was acquired and consolidated with Key Largo Hammock Botanical State Park. In total DEP has removed 259 campground spaces from the existing inventory of campground spaces; and

Whereas, Curry Hammock State Park lies completely within the boundaries of the City, and was purchased by the State of Florida to preserve natural resources and provide appropriate public outdoor recreation opportunities, including camping; and

Whereas, of the 50 RV campground spaces removed from development at Carysfort Yacht Harbor, 30 were transferred to Curry Hammock State Park. The 30 campground spaces are available for tent camping and RV camping and have electric and water hookups; and

Whereas, state parks in the County have an annual total direct economic impact of approximately 64.9 million dollars to the local economy and create over 1,900 jobs, and the development of camping and day use facilities at Curry Hammock State Park will significantly increase both jobs and direct local economic impact; and

Whereas, state parks provide substantial funds (approximately \$500,000 each year) to the County through the distribution of the ACSC surcharge collected on park admissions throughout the County which is used to support the Monroe County Land Authority, which was established to help protect endangered ecosystems and sensitive species through land acquisition and to provide affordable housing; and

Whereas, state parks provide valuable public outdoor recreational opportunities as well as protection and management of endangered natural ecosystems and sensitive species within the Florida Keys area; and

Whereas, the Florida Department of Community Affairs is the state land planning agency responsible for administering the ACSC;

Whereas, the City has requested that the thirty (30) campground spaces be open year round for overnight stays by the public; and

Whereas, the DEP, DCA, and the City agree that it is in the public interest to implement the following provisions and procedures to properly support and improve the continued operations and future development of Curry Hammock State Park.

NOW, THEREFORE, the parties do hereby agree as follows:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Development Activities. Development activities on lands managed by DEP are identified in unit management plans. Approved unit management plans receive extensive public review through local public workshops, by a local appointed advisory committee, by the DCA, County and the City, and by the Acquisition and Restoration Council (ARC). The Board of Trustees of the Internal Improvement Trust Fund (BOT) approved the Curry Hammock State Park Unit Management Plan (UMP) on April 24, 1997. The UMP provides a conceptual plan for the proposed land uses and development activities at Curry Hammock State Park. The UMP identifies the following development activities approved by this Agreement:

- A. **Existing Recreational Facilities and Uses:** Picnic shelters, picnic tables, playground, canoe/kayak launch.
- B. **Existing Support Facilities:** Ranger residence on Little Crawl Key, paved access roads on Little Crawl Key and Long Point Key, and stormwater treatment system (inlets, culverts, swales, and retention pond), camping area bathhouse w/composting disposal technology.
- C. **Proposed Recreational Facilities and Uses:** Hiking/nature trail, multi-use trail, canoe trail, viewing platforms, shoreline fishing, thirty (30) campground spaces, open play area.
- D. **Proposed Support Facilities:** Parking area (30) spaces), day use restroom, ranger station, shop, and service dock (not for public use).
- E. **Proposed Resource Management Activities:** Exotic plant removal, restoration of natural shorelines, restoration of altered wetlands, restoration of tidal flow, protection of rockland hammock and shallow marine resources, and the restoration and protection of critical habitat for species listed as endangered or threatened.

Section 3. Exempt Development. As public facilities, all new non-residential development within Curry Hammock State Park is exempt from the requirements of the City's Permit Allocation System (see Policy 101.3.4 of the City's Comprehensive Plan).

Section 4. Site Plan. Attached to this agreement as Exhibit "A", and incorporated by this reference, is the conceptual site plan for the development activities at Curry Hammock State Park. DEP acknowledges that it must submit the conceptual site plan for development review by the City in accordance with the applicable provisions of the City's LDRs. All development activities at Curry Hammock State Park shall substantially conform to the attached conceptual site plan and all development permits issued by the City.

Section 5. Mandatory Evacuation. All parties agree at not less than seventy-two (72) hours in advance of tropical storm winds, a mandatory evacuation of the campground spaces will be initiated.

Section 6. Effective Date. This Agreement shall take effect upon the date the last party signs this Agreement.

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The parties have executed this agreement as set forth below.



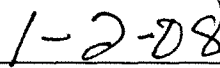
Michael W. Sole, Secretary
Florida Department of Environmental Protection



Date



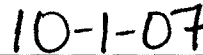
Thomas G. Pelham, Secretary
Florida Department of Community Affairs



Date



Christopher M. Bull, Mayor
City of Marathon

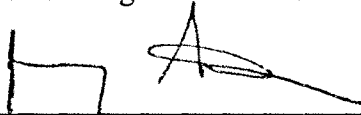


Date



City Clerk

Approved as to legal form and sufficiency:



City Attorney