

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2007-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA CALLING UPON THE FLORIDA LEGISLATURE TO ENACT LEGISLATION IN THE 2007 LEGISLATIVE SESSION TO RESTORE HOME OWNER ASSOCIATIONS' DEED RESTRICTIONS INADVERTENTLY CANCELED BY THE MARKETABLE RECORD TITLE ACT OF 1963; AND DIRECTING THE CITY'S LOBBYING FIRM TO ADD SUCH LEGISLATION TO THE CITY'S LEGISLATIVE AGENDA IN THE 2007 LEGISLATIVE SESSION**

**WHEREAS**, in 1963, the Florida Legislature passed the Marketable Record Title Act ("MRTA") which had the legal effect of extinguishing all old title claims on real property that had not been renewed within the previous thirty (30) years; and

**WHEREAS**, MRTA inadvertently also had the legal effect of extinguishing home owner association's deed restrictions that had not been renewed during that same time period; and

**WHEREAS**, the inability to enforce deed restrictions prevents home owners associations from enforcing the collection of dues and other moneys from homeowners, and thereby results in insufficient funds to pay for the infrastructure obligations of such associations; and

**WHEREAS**, the inability of associations to pay for their infrastructure obligations puts pressure on local governments to intervene and assume financial responsibility for such infrastructure.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

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

**Section 2.** The City Council calls upon the Florida Legislature to enact legislation in the 2007 Legislative session that would restore homeowners associations' deed restrictions that were inadvertently canceled by MRTA, and further calls upon the Governor and the Cabinet to work diligently towards the implementation of such legislation.

**Section 3.** The City Council hereby directs Barreto, Cunningham and May, the City's lobbying firm in Tallahassee, to add such legislation to the City's state legislative agenda for the 2007 legislative session.

**Section 4.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the City Council of the City of Marathon, Florida, this 13<sup>th</sup> day of February, 2007.

**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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Diane Clavier  
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