

**CITY OF MARATHON, FLORIDA
RESOLUTION 2007-46**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY JAMES CHAPLIN, LLC, FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT AND ASSOCIATED DEVELOPMENT ORDER, PURSUANT TO SECTION 9.5-69 OF THE CITY OF MARATHON, AUTHORIZING THE DEVELOPMENT OF A RESTAURANT, SWIMMING POOL, DECK AND PATIO AREA ON A VACANT PARCEL, AT PROPERTY LEGALLY DESCRIBED AS PART OF LOT S 1, 2, AND 3, BLOCK 1, KNIGHT'S KEY VILLAGE, KNIGHT'S KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00319520-000000, 00319530-000000, AND 00319540-000000

WHEREAS, on the May 23, 2006 the City of Marathon City Council approved Resolution 2006-073, which granted major conditional use approval to James Chaplin, LLC (the "Applicant") authorizing the development of a restaurant, swimming pool, deck and patio pursuant to Sections 9.5-69 of the City Code (the "Code"); and

WHEREAS, the Applicant has requested an extension of time to the major conditional use permit pursuant to Section 9.5-72 of the Code; and

WHEREAS, on the 20th day of February, 2007, the City of Marathon Planning Commission, and on the 12th day of March, 2007, the City of Marathon City Council, conducted properly advertised public hearings regarding the request submitted by the Applicant, for an extension to a major conditional use permit.

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 a request for an extension to the major conditional use approval granted by Resolution 2006-073 and Development Order 2006-05 until July 31, 2010 with the condition that if development impact fees are established with 24 months of approval of this request for an extension to major conditional use approval, the applicant shall pay these fees to the City.

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 27th day of March, 2007.


THE CITY OF MARATHON, FLORIDA



Marilyn Tempest, Acting Mayor

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