

**CITY OF MARATHON, FLORIDA
RESOLUTION 2008-167**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, GRANTING A REQUEST FOR ADMINISTRATIVE RELIEF FOR ONE PROPERTY OWNED BY HUGH WELBORN, AND ONE PROPERTY OWNED BY ORLANDO PERDIGON, LEGALLY DESCRIBED RESPECTIVELY AS LOTS 14 & 15, BLOCK 14, COCO PLUM BEACH SUBDIVISION, HAVING REAL ESTATE NUMBERS 00365370-000000 AND 00365380-000000, RESPECTIVELY, PURSUANT TO CHAPTER 107.04 (C) OF THE CITY'S LAND DEVELOPMENT REGULATIONS WHICH ALLOWS ANY APPLICANT WHO HAS NOT RECEIVED A BPAS ALLOCATION FOR MORE THAN FOUR (4) CONSECUTIVE YEARS TO FILE FOR RELIEF; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 107.04 (C) of the City of Marathon Land Development Regulations provides a mechanism whereby an applicant who has not received an allocation award in BPAS may apply to the City Council for administrative relief; and

WHEREAS, the BPAS administrative relief allocations are distributed by the City Council at their discretion following request from an applicant, and subject to a finding through the administrative relief process that minimum conditions have been met; and

WHEREAS, the conditions for minimum Administrative Relief are:

1. The applicant has applied for an allocation, but has not received an allocation for residential development during four (4) consecutive years in the BPAS, during which the ownership has not changed, the application has not been withdrawn; and the applicant has not deferred an allocation of a permit pursuant to Section 107.08; and

2. The issuance of an allocation, pursuant to the recommendation of the Planning Director, will not adversely affect the public interest or the purposes of the Comprehensive Plan; and

3. The relief awarded represents the most appropriate option for the use of the property. Such options may include award an allocation, purchase of the property or other agreed option; and

4. Allocations are available in the BPAS administrative relief pool; and the requested allocation and the resulting building permit would be proper and in accordance with all of the ordinances and regulations of the City of Marathon, except the provisions of Chapter 107, Article 1 of the LDRs.

WHEREAS, applicants Hugh Wellborn and Orlando Perdigon, who respectively own properties having real estate numbers 00365370-000000 and 00365380-000000, each meet the necessary minimum criteria for Administrative Relief; and

WHEREAS, after considerable analysis, the City Council finds that issuance of a BPAS allocation would not adversely affect the public interest or purposes of the Comprehensive Plan and that issuance of a BPAS allocation to each applicant is the most appropriate option;

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 by this reference.


Section 2. The Council approves the application for Administrative Relief for Hugh Wellborn with respect to his property having real estate number 00365370-000000. The Council further approves the application for Administrative Relief for Orlando Perdigon with respect to his property having real estate number 00365380-000000. The Council hereby grants each applicant one (1) allocation each from the Administrative Relief pool pursuant to the provisions of Chapter 107.04 of the City's Land Development Regulations.

Section 3. Receipt by each applicant of an allocation is subject to all of the conditions of the City of Marathon Land Development Regulations, including the requirement that said allocation and associated building permit must be picked up by the applicant within ninety (90) days of the notice of receipt of an allocation. Each applicant shall not be entitled to any deferrals in connection with said requirement.

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 28th day of October, 2008.

THE CITY OF MARATHON, FLORIDA


Edward P. Worthington, Mayor

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


Jimmy Morales, City Attorney