CITY OF MARATHON, FLORIDA RESOLUTION 2012-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON. FLORIDA APPROVING THE RANKING AND AWARDING ALLOCATIONS MARKET OF THE RATE AND AFFORDABLE RESIDENTIAL DWELLING UNIT ALLOCATION **AWARDING** SYSTEM (RBPAS); CONDITIONALLY AFFORDABLE RBPAS ALLOCATIONS TO ARNOLD & MARIA STEINMETZ PENDING THE OUTCOME OF A VESTED RIGHTS APPLICATION FOR PROPERTY LOCATED AT 10828 5th AVENUE. GULF, MARATHON HAVING REAL ESTATE NUMBER 00335320-000000; FOR PERIOD 2, YEAR 20; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 13, 2012 the City Council (the "Council") of the City of Marathon (the "City") conducted a properly advertised public hearing (the "Public Hearing") regarding the Residential Building Permit Allocation System ranking and allocation applications for Period 2, Year 20 pursuant to Chapter 107 Article 1 of the Marathon Code (the "Code"),

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.** Based upon the information and documentary evidence presented by City staff and members of the public, the Council hereby makes the following findings of fact:

Residential Building Permit Allocation (RBPAS)

- (1) The Public Hearing was properly advertised and held, as required by law, and the applicant(s) and all interested parties concerned in the matter were given an opportunity to be heard; and
- (2) City staff recommended the City Council award eight (8) Market Rate allocations and nine (9) Affordable allocations based upon the selected applicants willingness to build immediately as set forth in Exhibit "A" and "B" attached hereto.
- (3) The City Council conditionally approved the allocation of two (2) Affordable BPAS allocations to Arnold G. and Maria F. A. Steinmetz pending the outcome of a Vested Rights Application for property located at 10828 5th Avenue, Gulf, Marathon having Real Estate Number 00335320-000000.

Section 3. Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

- (1) The RBPAS applications for Period 2, Year 20 of RBPAS have been processed in accordance with Chapter 107 Article 1 of the Code.
- (2) In rendering its decision, as reflected in this Resolution, the Council has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by substantial competent evidence of record.
- (3) The RBPAS allocations as set forth in Exhibit "A" and "B" attached hereto are awarded. In addition, two (2) Affordable BPAS Allocations are conditionally awarded to Arnold G. and Maria F. A. Steinmetz pending the outcome of a Vested Rights Application for property located at 10828 5th Avenue, Gulf, Marathon having Real Estate Number 00335320-000000. The remaining RBPAS applicants will retain their positions in the RBPAS ranking list and be deferred in accordance with Section 107.07 of the Land Development Regulations.

Section 4. This Resolution shall not take effect until after thirty (30) days following the date it is filed with the City Clerk, during which time the approvals herein shall be subject to appeal as provided in the Code.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 27th DAY OF MARCH, 2012.

THE CITY OF MARATHON, FLORIDA

Dick / Conso

Dick Ramsay, Vice Mayor____

AYES:

Cinque, Keating, Snead, Ramsay

NOES:

None

ABSENT:

Worthington

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

This Resolution was filed in the Office of the City Clerk on this 2 day of March 2012.

Diane Clavier, City Clerk

EXHIBIT A

Attachment A: Ranking of BPAS Applications for Period 2 Year 20 January 14, 2012 to July 13, 2012

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