

**CITY OF MARATHON, FLORIDA
RESOLUTION 2012-28**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING THE RANKINGS AND ALLOCATIONS OF THE COMMERCIAL BUILDING PERMIT APPLICATION SYSTEM (CBPAS); CONDITIONALLY AWARDED 4,260 SQUARE FEET OF CBPAS TO J & L ACQUISITIONS; FOR PERIOD 2, YEAR 7; 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 commercial floor area ranking and allocation applications for Period 2, Year 7; pursuant to Chapter 107 Article 1 of the Marathon Code (the "Code"); and

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 documented evidence presented by City Staff and members of the public, the City Council hereby makes the following Findings of Fact:

Commercial Building Permit Allocation (CBPAS)

- (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 10,483 square feet of Commercial Floor Area to the applicants as set forth in Attachment "A" attached hereto.
- (3) The City Council conditionally approves the allocation of 4,260 square feet of CBPAS to J & L Acquisitions.

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

- (1) The CBPAS applications for Period 2, Year 7 of CBPAS have been processed in accordance with Chapter 107 Article 1 of the Code.
- (2) In rendering its decision, as reflected in this Resolution, the City 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 CBPAS allocations as set forth in Attachment "A" attached hereto are awarded, subject to the following condition:
- (a) The CBPAS allocation for J&L Acquisitions approved herein is subject to final approval by the City Council and Florida Department of Economic Opportunity of a pending Conditional Use Application and Request for Variance to setbacks.

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 Ramsay, Vice Mayor

AYES: Cinque, Keating, Snead, Ramsay
NOES: None
ABSENT: Worthington
ABSTAIN: None

ATTEST:

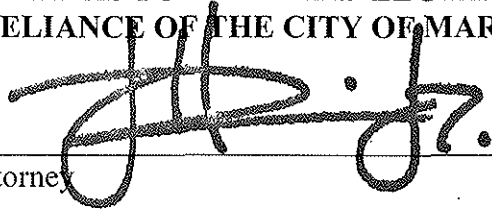


Diane Clavier, City Clerk

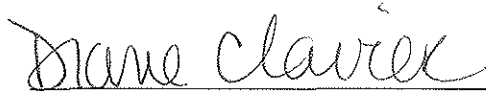
(City Seal)

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

City Attorney

A handwritten signature in black ink, appearing to be "J. H. ...", written over a horizontal line.

This Resolution was filed in the Office of the City Clerk on this 28 day of March ~~13~~, 2012.

A handwritten signature in black ink, reading "Diane Clavier", written over a horizontal line.

Diane Clavier, City Clerk

ATTACHMENT A

Attachment A:
 Ranking of CBPAS Applications for Period 2, Year 7
 January 14, 2012 to July 13, 2012

	Score	NROGO Number	City/View Number	Name	Square Feet Requested	Date Entered	Time Entered	Expansion?	RE NUMBER	SUBDIVISION	BLOCK	LOT(S)
1	42	C-12/09/01-02	DP2011-0035	Sands Petroleum Ventures	5458	12/01/2011	12:22 PM	Yes	00342240-000000, 00342240-000200, 00342270, 740, 8, 750 (unity in progress)	Fields	B	1, 2, 3
2	36	C-12/01/13-01	DP2012-0004	Jobo Materials	755	1/13/2012	9:45 AM	Yes	00100550-000000	Fal Deer Key		3
3	24	C-12/01/10-01	DP2012-0002	J&L Acquisitions	4260	1/10/2012	3:00 PM	New	00363900-000000, 00363220, 003900, 00363230, 000000, 00363240-000000 (need utility of title)	Coco Plum Beach	1& 2	19, 20, 21

Total	Total	Total
Available	Requested	Rollover
152244	7223	145,021

Applications entered as of January 13, 2012