

**CITY OF MARATHON, FLORIDA
RESOLUTION 2014-105**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE FINAL RANKINGS AND ALLOCATION OF THIRTY-FIVE (35) TRANSIENT RESIDENTIAL UNITS (TRUS) TO TWO (2) ELIGIBLE PROJECTS PURSUANT TO CHAPTER 107, ARTICLE 1 OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING CONDITIONS FOR THE USE OF ALLOCATED TRUS, PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon, Florida (the “City”) received two (2) complete and timely applications requesting a total of thirty-five (35) Transient Residential Units (the “TRUs”) allocations, from applicants known generally as Coconut Cay (Sapodilla Holdings) and Holiday Inn Express; and

WHEREAS, City staff reviewed each application for TRUs pursuant to the criteria set forth in the LDRs, Chapter 107, Article 1, Section 107.06 G.; and

WHEREAS, each applicant complied with the terms of Chapter 107, Article 1, Section 107.06 G.; and determined to be eligible to receive TRUs from the City; and

WHEREAS, the City Council conducted a properly advertised public hearing on August 26, 2014 regarding the allocation of TRUs,

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 evidence presented by City Staff, the applicants and members of the public, the City Council hereby finds:

(a) The Public Hearing was properly advertised and held, as required by law, and the applicants and all interested parties concerned in the matter were given an opportunity to be heard; and

(b) Based upon the staff recommendation, the City Council awards TRU allocations as follows:

Coconut Cay (Sapodilla Holdings)	10
Holiday Inn Express & Suites	25
<u>TOTAL TRUs</u>	<u>35</u>

Section 3. Award of Transient Residential Units to each applicant is subject to the following

conditions:

- (a) All conditions of the respective Conditional Use Permits and Development Agreements approved by the City are complied with; and
- (b) Compliance with all of the conditions and requirements of Chapter 107, Article 1, Section 107.06 G. of the City of Marathon LDRs are complied with; and
- (c) Within thirty (30) days from the effective date of the this Resolution each applicant files a restrictive covenant acceptable to the City Attorney in the public records of Monroe County that memorializes the requirements of Chapter 107, Article 1, Section 107.06 G.;

Section 4. Based upon the above Findings of Fact, the City Council does hereby make the following Conclusions of Law:

- (1) The TRU applications were processed in accordance with Chapter 107, Article 1, Section 107.06 G. of the LDRs.
- (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.

Section 5. This Resolution shall become effective immediately upon its approval by the Florida Department of Economic Opportunity.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9th DAY OF SEPTEMBER, 2014.

THE CITY OF MARATHON, FLORIDA



Dick Ramsay, Mayor

AYES: Bartus, Bull, Senmartin, Ramsay
NOES: None
ABSENT: Keating
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:**



Lynn Dannheisser, City Attorney