

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-128**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING AN EXISTING DEVELOPMENT AGREEMENT DOCUMENTED AND RECORDED IN CITY OF MARATHON RESOLUTION 2013-02 FOR BONEFISH PROPERTIES, LLC, PURSUANT TO CHAPTER 102, ARTICLE 8 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (LDRS) ENTITLED "DEVELOPMENT AGREEMENT" IN ORDER TO AMEND THE DURATION OF THE AGREEMENT SET FORTH IN SECTION B OF THE AGREEMENT; FOR PROPERTY WHICH IS LEGALLY DESCRIBED AS LOT 2 AND EASTERLY 5 FT OF PART OF LOTS 1-2 FAT DEER KEY, HAVING REAL ESTATE NUMBERS 00100350-000000 AND 00100350-000200. NEAREST MILE MARKER 54.

WHEREAS, by Resolution 2013-02, the City Council of the City of Marathon, Florida (the "City") approved a Development Agreement (the "Agreement"), for Bonefish Properties LLC ("Owner"), a copy of which is attached as Exhibit "A", and

WHEREAS, Section B of the Agreement provides that the Agreement shall remain in effect for three (3) years from its effective date with an option to extend the Agreement; and

WHEREAS, Section M. 1 & 2. provides for renewal of the Agreement after legal public notice and two (2) public hearings; and

WHEREAS, the Owner is requesting an amendment to said section to allow an option for six (6) months.

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 Development Agreement is amended to allow for a six (6) month extension with the option for two (2) additional six (6) month extensions at the discretion of the City Council pursuant to the Terms of the Agreement.

Section 3. The renewal of this Agreement is further met as the applicant has active permits and is currently fulfilling the requirements stated in the Development Agreement.

Section 4. This resolution shall take effect immediately upon its review and approval by the Department of Economic Opportunity (DEO).

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8th DAY OF DECEMBER, 2015.


THE CITY OF MARATHON, FLORIDA



Mayor Mark Senmartin

AYES: Zieg, Bartus, Kelly, Coldiron, Senmartin
NOES: None
ABSENT: None
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:



David Migut, City Attorney

EXHIBT A

Development Agreement for Bonefish Properties, LLC approved by Resolution 2013-02 is filed and recorded in the official records of the Monroe County Clerk of Court, Document No. 1927806 Book 2622 Page 378