

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-140**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN ASSIGNMENT OF DEVELOPMENT AGREEMENT PURSUANT TO SECTION IV, T OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MARATHON AND SOMBRERO COUNTRY CLUB, INC.; SAID ASSIGNMENT BEING MADE TO FLORIDA RESORT HOLDINGS, LLC; FOR PROPERTY LOCATED AT 4000 SOMBRERO BOULEVARD, NEAREST MILE MARKER 50, WHICH IS LEGALLY DESCRIBED AS THE SOMBRERO PROPERTIES PB5-101 BOOT KEY PARCELS 7, 8, & 9, SECTION 10, TOWNSHIP 66, RANGE 32, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00355330-000000, 00355340-000000, AND 00355350-000000.

WHEREAS, Sombrero Country Club, Inc. entered into a Development Agreement with the City of Marathon, Florida, a Florida municipal corporation; and

WHEREAS, the Development Agreement is recorded in Official Records Book 2705, page 2142, of the Public Records of Monroe County, Florida; and

WHEREAS, Paragraph T. of the Development Agreement requires written consent of the City of Marathon for an assignment which will not be unreasonably withheld; and

WHEREAS, Sombrero Country Club, Inc. has sold the property subject to the Development Agreement and assigns its rights, duties, and obligations under the Development Agreement by execution of this instrument to the current owner, Florida Keys Resort Holdings, LLC., a Florida limited liability company.

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. Sombrero Country Club, Inc. assigns all its rights and obligations under the aforesaid Development Agreement to Florida Keys Resort Holdings, LLC.

Section 3. Florida Keys Resort Holdings, LLC accepts the assignment and agrees to perform all rights, duties, and obligations of the Development Agreement.

Section 4. The City of Marathon consents to this assignment and approves signature of the document attached as "Exhibit A," "Assignment of Development Agreement."

Section 5. This Resolution shall take effect upon approval by the State Department of Economic Opportunity.

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

THE CITY OF MARATHON, FLORIDA



Mark Senmartin, Mayor

AYES: Bartus, Coldiron, Kelly, Zieg, 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

EXHIBIT A

2000

Doc# 2081894
Bk# 2804 Pg# 60

Parcel I.D. Nos.:
RF# 00355330-000000
RE# 00355340-000000
RE# 00355350-000000
(Space reserved for recording)

ASSIGNMENT OF DEVELOPMENT AGREEMENT

THIS AGREEMENT entered into this 10 day of December, 2015, by and between SOMBRERO COUNTRY CLUB, INC., a Florida non-profit corporation, (hereafter "ASSIGNOR") and FLORIDA KEYS RESORT HOLDINGS, LLC, a Florida limited liability company (hereafter "ASSIGNEE"); with the consent of the CITY OF MARATHON, a Florida municipal corporation

WHEREAS, ASSIGNOR entered into a Development Agreement with the City of Marathon, Florida, a Florida municipal corporation; and

WHEREAS, the Development Agreement is recorded in Official Records Book 2705, page 2142, of the Public Records of Monroe County, Florida; and

WHEREAS, Paragraph T. of the Development Agreement requires written consent of the City of Marathon for an assignment which will not be unreasonably withheld; and

WHEREAS, ASSIGNOR has sold the property subject to the Development Agreement and assigns its rights, duties, and obligations under the Development Agreement by execution of this instrument to the current owner.

NOW THEREFORE in consideration of the mutual covenants the sufficiency of which is acknowledged by all parties, it is hereby covenanted and agreed:

1. ASSIGNOR assigns all its rights and obligations under the aforesaid Development Agreement to ASSIGNEE.
2. ASSIGNEE accepts the assignment and agrees to perform all rights, duties, and obligations of the Development Agreement.
3. City of Marathon consents to this assignment.

EXECUTED the date and year first above written.

WITNESSES:

Wit. #1 - Signature [Signature]
Printed Name: John S. White

Wit. #2 - Signature [Signature]
Printed Name: Lisa Ziels

ASSIGNOR

Sombrero Country Club, Inc.

[Signature]
By: Robert Belcaster, President

STATE OF FLORIDA
COUNTY OF MONROE

The following instrument was acknowledged before me on this 11 day of NOV, 2015, by Robert Belcaster, as President of Sombrero Country Club, Inc., a Florida non-profit corporation, who is personally known to me or who produced _____ as identification; and who did/did not take an oath.



[Signature]
Notary Public, State of Florida
My commission expires:

WITNESSES:

Wit. #1 - Signature [Signature]
Printed Name: Cheryl Chauva

Wit. #2 - Signature [Signature]
Printed Name: Sheila Allen

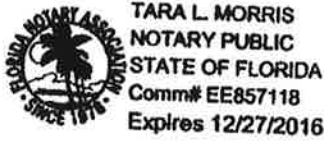
ASSIGNEE


FLORIDA KEYS RESORTS
HOLDINGS, LLC

[Signature]
By: Peter Rosasco, President

STATE OF FLORIDA
COUNTY OF MONROE

The following instrument was acknowledged before me on this 29th day of September, 2015, by Peter Rosasco, as President of Florida Keys Resort Holdings, LLC, a Florida limited liability company, who is personally known to me or who produced _____ as identification, and who did/did not take an oath.






Notary Public, State of Florida
My commission expires: 12/27/2016

ATTEST:

CITY OF MARATHON




City Clerk

By: 

Chris Butt, Mayor
Mark Seimmarin

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



David Migut, Esq., City Attorney

This Document Prepared By:
Thomas D. Wright, Esq.
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