CITY OF MARATHON, FLORIDA RESOLUTION 2015-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, APPROVING THE FINAL RANKING AND ALLOCATION OF THE MARKET RATE AND AFFORDABLE RESIDENTIAL DWELLING UNIT APPLICATIONS FOR PERIOD 2, YEAR 23 UNDER THE TEMPORARY RBPAS PROCEDURES PROMULGATED IN SECTION 107.07 G. 1. OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon City Council (the "City") reviewed the market rate and affordable residential dwelling unit application rankings for Period 2, Year 23 in compliance with the Temporary RBPAS Procedures promulgated in Section 107.07 G. 1.of the Land Development Regulations (the "LDRs");

WHEREAS, City Staff initiated the call-down procedure contemplated under the Temporary BPAS Procedures promulgated in the LDRs; and

WHEREAS, the City conducted a properly advertised public hearing (the "Public Hearing") regarding the proposed residential BPAS rankings, Period 2, Year 23 pursuant to Chapter 107 Article 1 of the LDRs.

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

Residential Building Permit Allocation (RBPAS)

- (1) 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
- (2) Based upon the RBPAS Rankings shown in the staff recommendation, attached as "Attachment A" for the Market Rate RBPAS pools and "Attachment B" for the Affordable pools, the City Council awards SEVENTEEN (17) Market Rate and FOUR (4) Affordable Residential allocations based upon a willingness to build immediately; and

- (3) The remaining RBPAS Applicants will retain their relative positions in the RBPAS ranking list and will be deferred in accordance with Section 107.07 of the LDRs.
- **Section 3.** Based upon the above Findings of Fact, the City Council does hereby make the following Conclusions of Law:
- (1) The RBPAS applications for Period 2, Year 23 of RBPAS have been processed in accordance with Chapter 107 Article 1 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.
 - (3) The attached RBPAS allocations are awarded.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 24th DAY OF MARCH, 2015.

THE CITY OF MARATHON, FLORIDA

Chris Bull, Mayor

AYES:

Keating, Zieg, Kelly, Senmartin, Bull

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:

City Attorney

Attachment A: Ranking of BPAS Applications for Period 2 Year 23 January 14, 2015 to July 13, 2015

	TROGO/BPAS	1	BPAS	DATE	ł	DATE RE-	TIME RE-		1		l	1
RANK	NUMBER	NA ME	SCORE	ENTERED	TIME ENTERED	ENTERED	ENTERED	# OF DEFERRALS	re number	REPRINTED	BLOCK	LOT
	Council Grantes	Tarpon Eartor	2 659	e statisticans gillioni	1.035325000000000000000000000000000000000	\$49:000000	20272300	de dame en Maladia	00338690-000000	EDMONDS ACREAGE TRACTS	383847	1920
	R3M-04/12/21-02	Wiete State	名類 数日により	12/21/2004	236PM	#####Yousay	A WELLER DORSO	030224203533007	00330650-000100	North Maration Shores	48	16
	RM-06/01/19-01	Servais & Sweeney	59	17.9/2006	3:29PM	\$68400000000	4900049469	ERINGO LUNEARONE	00329300-000000	Marsthon Shores N. Part B	10000	10
	P.M-04/08/09-03	Johnson, Marion	59	3/9/2004	1046 AM	\$2,540,445,611232.0	\$4454.9546F	2	00104920-000000	Boot Key	MARK	18.
	£M-94/08/96-01	Sielinck Lastio	56	10/10/2014	13:00 AM				00364870-000000	Coco Pium	12	10
	PM-0409/09-11	Calvo, Jerus & Identar	55	8/9/2004	3.28 PM	3250000000	124.2566	2 5000000000000000000000000000000000000	00363940-000000	Coco Flum Beach	3/	50
	214-12/06/07-01	Heriort Tom & Carol	607 55 % (1966	12/15/2011	10.11 AM	\$6\$\$\$1227.2550°	Versilverse		00333647-006200	Stirras Key	M.	20
***************************************	RM-06/13/08-01	Williams, Samuel	1667 51 560 167	11/18/2006	1.18.PM	CONTRACTORISE	7007-8009	Bestre No. 982 Aggr	00347630-000000	Allantic Ehores	14	18
	BM-15/01/13-01	Aranda Michael	49	1/13/2013	1:00:724	721802830070356	AMERICAN MA	184845 x 1144 18779	00355250-000000	Sombrero Properties	11000	5B
0	BM-13/01/13-01	Aranda Michael	49	1/13/2015	1:00 PM	37.79375401550	48182 (1850 H)	gallor and a governing	00355250700000	Sombrerd Properties	(680) (F)	SB
}	BW-14/12/19-01	Lewis Randy	48	12/19/2014	2:57 PM	128:0005 GEV	2020/2006	Burnell Commence	00364150-000000	Coco Pium Beach	9	117
2	RM:14/10/28-01	Zouriehi, Piere	45	10/28/2014	10 10 AM	\$150 BERTON	arma army	Parametrial de Carlo	60332970-000760	The Paint	3 (0.575)	7
3	F.M-14/12/03-01	Boursehi, Pierre	48	12/3/2014	12:08:716	8202465636		39030114-1-4-1-4-13	00355300-000201	Sombrine Properties	7/19/20	SG
4	RM-14/11/26-01	Acres, Randy	46	11/26/2014	12.10 PM	ernjesov graždav	Pharegraphs	Springer and publication of	00346380-000000	Little Venice No2	8000000	115
5	BM-14/01/08-01	Rorms, Katherine	46	1/6/2015	1:04 PM / 00/4/0	DEATH BOND FOR DAILY TO	ense lokikin		00354400-000000	Boot Key	M	-8
6	RM-04/08/05-09	Felling, Michael	62	8/5/2904	3 02 PM		ļ		00376160-000000	Docsett	<u> </u>	+
?	RM-04/08/09-07	Hazuka, John	62	8/9/2004	11.19 AM	<u> </u>		2	00349690-000000	Gulfstream Shores	1	2
8	RM-04/03/09-10	Joulini, Aref	- 1/2	8/9/2004	2 00 PM			2	00354380-000000	Waloriss	3	3
9	RM-04/08/18-01	Bufton, Ernest	<u> @</u>	8/19/2004	2.05 PM		ļ	1	00356900-000000	Flamingo Island Estates	M	16
0	RM-04/09/02-01	Gill, Ronnie	67	9/2/2004	9 05 AM		ļ	ļ:	00353680-000000	Walonss	3	15
:	RM-04/09/07-01	Rodriguez, Jose	62	9/7:/2004	10,30 AM			1	00331061-002000	Sea Air Estates	H	\$
2	RM-04/10/12-01	Cacciuti:, John	62	10/12/2004	2.35 PM		<u> </u>	1	00357641-002900	Sombrero Tsle	1	20
3	P.M-04/11/18-01	Borowski, Gregory & James	62	11/18/2004	8.00AM	<u> </u>	ļ		60373610-000000	Creat's	-	29
4	RM-05/08/22-01	Repotto, John and College	62	8/22/2005	8 40 AM				00354240-500000	Walteries	М	20
5	RM-05/09/22-02	Repetto, John and College		8/22/2005	841 AM				00353880-000000	Walterins	м	12
6	3.14-05/08/22-03	Repetto, John and Collean	(€2	8/22/2005	8.43 AM	ļ			00353890-000000	Walons	Į	7
7	RM-05/09/22-04	Repetto, John and Colliner,	62	2/22/2005	84: AM		ļ		00353850-200000	Waloriss	J	\$
3	RM-05/09/12-01	Kamph, Martin	€€	9/12/2005	3.50 PM				06354350-000000	Walenss	J	+-
9	RM-05/09/22-01	Ferraro, Bruce	62	9/22/2005	4.25 PM				00340370-000000	Days	<u> </u>	13
0	RM-05/11/07-01	Bennett, Mark & Debra	42	11/7/2005	10.33 AM		ļ		00105520-000000	Tingler's Island	12	6
1	RM-04/09/31-01	Young, Forrest A	62	3/31/2004	4 31 PM	12/4/2006	8 00 AM		00333641-009210	Starup Key	-	1
2	RM-C5/11/28-01	Perona, Bernard P.	61	11/28/2005	11.17AM		<u> </u>		00320990-000100	Sombrero Sub #2	ļ .	91
3	RM-06/10/16-01	Calabrese, Mark & Laure	61	10/16/2006	10 30 AM				00353060-000000	Walerits	-	<u></u>
٠	RM-06/11/13-05	Jacklich, David	61	11/13/2006	12:67 PM				00353780-000000	Waleriss	C	_5
5	5M-06/01/26-01	Leird, Christine & William	60	1/26/2006	10 13AM				00332310-000000	Venice	H	18
6	EM-06'02'08-01	Jamnolowitz, Aaron	60	2/8/3006	12 00 794		1		00353970-000000	Waleriss	4	7
7	RM-06/03/06-01	Harn, Mona	60	3/6/2006	1.45PM				00364810-000000	Coco Pium Beach	ĸ	5
8	RM 07/03/13-01	J & S Real Estate Investment	60	3/13/2007	2.50 FM				00356060-000000	Flamingo Island	12	3
,	RM-06/02/14-01	Heid, Michael & Robin	60	2/14/2006	12.00 794				00105240-001900	Treasure Island	1	52
0	RM-05/11/04-01	Gray, Ronald & Jeanne	æ	11/4/3005	3.10 PM				00346480-000000	Little Venice		3
1	RM-06/11/09-01	Florida Keyo Flaming & Devel	60	11/9/2006	9 59A14		1		00342961-001050	Seascape Vidias	1	115
2	RM-06/11/13-02	ST Land LLC	59	11/13/2006	10,56 AM	2/16/2007	11.35AM		00354000-900000	Wateriss		2
	RM-04/08/09-13	Vetraino, David	58	8/9/2004	3 25 PM			2	00355418-983193	Sombrero Angiero Club South	K	\$
1	RM-05/10/28-01	Sand Dollars of the Keys, Inc	57	10/28/3005	2.30 PM				00347029-500000	Atlantic Shores	-	54
:	RM-05/05/19-02	Dulmba, Duie	56	5/19/2005	12.29 PM				06325090-000000	Marameado	ļ:	12
:	RM-00/10/18-01	Ediund, Steve	56	10/19/2006	1 30 PM				00373196-000000	Cram's	E	5
	RM-94/08/16-01	Tekon, Frank	55	8/16/2004	8 00 AM	11/15/2004	5 00 PM		00355418-001800	Sombrero Anglers Ciub South	8	13

Attachment A: Ranking of BPAS Applications for Period 2 Year 23 January 14, 2015 to July 13, 2015

RANK	ROGO/BPAS NUMBER	NA ME	BPAS SCORE	DATE ENTERED	TIME ENTERED	DATE RE- ENTERED	TIME RE- ENTERED	# OF DEFERRALS	re number	subdivision	BLOCK	LOT
49	R_M-04/06/05-08	Benton, Frank & Karen	54	9/5/2004	12:01 PM				00365390-000000	Coco Pium Beach	1	62
50	RM-06/11/02-01	Pieloch, Mark	54	11/2/2006	4 20FM				00366031-000300	Coco Plum Beach	14	16
5;	BM-08/05/13-01	Fieloch, Mark	54	5/13/2008	MA 02 8		ì		00366710-000000	Coco Plum	20	2A
52	RM-06/03/03-01	Butler, Ceaf & Dean, William	53	3/3/2006	4.05PM		1	· · · · · · · · · · · · · · · · · · ·	00354850-000000	Sombrero Beach Village	21	62 & 63
53	RM 07/03/09-01	Daniels, David C	53	3/9/2067	10.45 AM		1	1	60352060-000000	Coral Colony	1	15
54	RM-07/02/05-01	Ayers, Michael & Natalije	52	2/5/2007	2:10 PM				00353690-000000	Watorins	1	14
55	RM-04/12/21-01	Prieto, Rogei	52	12/21/2004	2:21 PM				00328900-000000	North Marathon Shores	н	0
56	P.Ms-04/08/09-05	Halfman, John & Carol	51	8/9/2004	10:48 AM	İ			00365419-000000	Coco Pium Beach	c	9
57	RM-05/10/05-01	Forthman, Todá & Lesire	50	10/5/2005	12 30 PM	İ			00339910-000000	Sheryl	1	2
58	RM-65/04/13-01	Wood, Roger and Barbara	49	4/13/2005	8:30 AM		·	 	00338780-000100	Edmunds Acreage Tracts	1	12
59	RM-04/08/09-08	Marin, James	49	8/9/2004	11:25 AM	S/12/2005	1.15 PM	1.	00355980-000000	Flamingo Island Estates	<u> </u>	at 10
90	RM-06/07/13-01	Smith, Mark	46	7/13/2006	10:06 AM	0102003	11.02.535		00364639-000000	Coco Pium	111	14
41	RM-07/03/07-01	Enterhal Christoper	48	3/1/2007	11 20 AM	 	····		00356850-000000	Flamingo Island Estates	1,	54
62	RM 07/03/09-02	·····	48	3/9/2007			+					+
53		Osberne, Robert F	46		4:40 PM		1		00319870-000000	Knights Key Village	13	10
03	RM 07/03/09-02	Osbarne, Robert F		3/9/2007	4 40 PM	ļ	- 	 	00312870-000000	Knights Key Village	12	13
24	RM 07/03/09-03	Michon, James & Robin	48	3/9/2007	4.41 PM		 	-	00319885-000000	Knights Key Village	- 2	13
65	RM 07/03/09-03	Michon, James & Robin	43	3/9/2007	4 41 PM				00319880-000000	Knights Key Village	2	14
24	RM 07/03/09-04	Haves, Scott & Enca	46	3/9/2007	4,42 PM				06319760-000000	Enights Key Village	2	14
57	RM 07/03/99-04	Hayes, Scott & Erica	48	3/9/2007	4:43 PM				00319760-000000	Knights Key Village	2	13
68	BM 07/10/10-01	Grav , Ronald	49	10/10/2007	2:20 PM			ļ	00346470-000000	Little Venice #2	2	3
69	EM 08/06/03-01	Tomes, Luis & Mana Elena	47	6/3/2008	1:55 FM				00100750-001200	Fat Deer Key	_	154
70	RM-05/07/13-04	33 Southpoint, LLC	43	7/13/2005	3.70 PM		<u> </u>		00358230-900104	Manna Homes at Snawatch	D)	<u> </u>
71	RM-05/07/13-05	33 Southpoint, LLC	43	7/13/2005	3-22 PM		<u> </u>		00358230-000106	Marina Homes at Seawatch	+	4
72	RM-06/01/23-01	Spańiman, Joseph	43	1/23/2006	2.00PM				00364790-000000	Ceco Pium Beh	ļ	£
73	BM 08/03/07-02	Jutstrom, Brvan	42	3/7/2008	3,50,5%				00345780-000000	Laste Venice	12	6
74	BM-11/07/07-02	Pescayo, inc.	42	7/7/2011	2.31 PM				00363520-000200	Pescayo Village		46
75	2M-11/07/07-05	Pescayo, Inc.	47	7/7/2013	2.34 PM				00363520-000800	Pescayo Village	1	2
76	334-11/07/07-01	Pescayo, Inc.	42	7/7/2011	2.30 PM			ļ	00363520-000100	Fescayo Village		8
77		Carpo, Jorge (Screnity Cove)	42		ļ				00100260-000000		 	ļ
78		Cereso, Jorge (Serenty Cove)	42	ļ			1		00100280-000000		+	3
79 80		Cercpo, Jorge (Serenty Cove)	42	 	-				00100280-000000		+	2
se.		Cerepo, Jorge (Screnity Cove)	42	 				<u> </u>	00100280-000000		+	1.
07	1	Cerepo, Jorge (Serenty Cove) Cerepo, Jorge (Serenty Cove)	42	1	 				00100283-000000	<u> </u>		3
83	BM-14/12/19-02	Lewis, Randy	41	12/19/2014	2.58 PM		1		00364150-000100	Coco Pium Beach	9	31
34	BM-15/1/14-01	únento, Benard	41	1/14/2015	2 00 PM				00356950-000000			T
85	RM-06/03/16-01	JPSP investments LLC	39	3/16/2006	1,45PM				00358230-000105	Manna Homes at Seawatch	1	,
95	BM-13/01/14-01	Bolchanic, Emil & Janet	37	1/14/2013	2:00 934		+		00102440-000000		T.	s .
87	1234-13-01	Cerego, Jorge (Serenity Cove)	37	171446015	A-NV FAM		-		00100280-000000	1	1	ļ.
98		Cerego, Jorge (Serenity Cove) Cerego, Jorge (Serenity Cove)	37	 	+				00100280-000000		1	-
90	-		37	 			-	<u> </u>	00100280-000000	1	+	
30 25		Cerepo, Jorge (Serenty Cove)	37	 	+		1	-	00100280-000000			12
		Cerepo, Jorge (Serenty Cove)		 	- 		+		· · · · · · · · · · · · · · · · · · ·		+	,
91		Cerepo, Jorge (Serenity Cove)	37	 	+			-	00100280-000000		+	12
				 			+				+	
				ļ			-					
				ļ	 		ļ	 		 	-	
					<u> </u>						+	
····				ļ	1	ļ		ļ	<u> </u>	<u> </u>	4	
				ļ		<u> </u>						
		<u> </u>		L	1	L						<u> </u>

Attachment A; Ranking of BPAS Applications for Period 2 Year 23 January 14, 2015 to July 13, 2015

RANK	ROGO/BPAS NUMBER	NAME	BPAS SCORE	DATE ENTERED	TIME ENTERED	DATE RE- ENTERED	time re- entered	#OF DEFERRALS	re number	SUBDIVISION	BLOCK	LOT
Market Rat	e Owner Occupied 1	Pool	1	}			<u> </u>					<u> </u>
()	3351303/13-01	Matlock, Kimberly	55	216A9V3930-1176	dewertearner	600000000000000000000000000000000000000	8/65/36/86	1 850 550 VE 24 54 61 00 00	00354100-000000	Walorizi	K.	Selections
2	BM-1901/13-02	Landry, Lynn	50	1/13/2015	4:00 5M				00349270-000006	100000000000000000000000000000000000000		200
3	RM-05/10/19-01	Ferreiro, John	68	10/19/2005	9.20 AM			3	00335050-000000	Key Colony	2	5
					ļ							ļ
				1	ļ	ļ			1		 	
			 	1	<u> </u>		1					-
			<u> </u>	1	-				 			
												1
				Awards	Available	Recommended	Remaining					
			1	General	14	15	0					1
			1	Owner	2	2	0	1			T	

pecconia dos 2 Designado 2 Becinado 1 Registado 1 Presidence Hosting					G 24 1 1 3	CATEBER	CALEBED OF PUMPER			3
PASTOREN PASTOREN TIMUNEY NOTICE CO HO	515 - 70 (1-247)		74000	* C	•		THE SINE	7. 79 Jane 2		4
munity Worldorce Ho	Carateg Noon	4	TARRET	20 CA	Section Section	t on facilities	00 AC 200 200 AU	Treatment	3	9
mmunity Worksarce Ho	Service Mes.	a	100,000	MY ST I			20,000,000,000	MACROS	a	"
PACE POCOSPACION SAME	Water Commencer of the	Total scool	BATE	hanne partee	DAYERE	TIME RE	TAKE RE LOW SELVENTS	aviousuman	31000	1
विकासित महत्त्वाता क्रम्या क्रम्या मान्या है	loss sidi di rusi		ENTERTO	2	(TATERED	y and a second			3
BE Affordable Foot			4 L		F 1	1				
RANK ROCOTPAS MINIBER	8 NAME	JPAS SCORE	Щ.	ENTERED TIME INTERED	EXTERD	ECTERED	EVIENED RE, NUMBER	SUMPLEON	SHOCK	3
134.0177.5436	Clerkit Coles	×	2000000	30.04			0.35120.03000.	20050-55 5.5005		
22A0311591-01311 5.3	Salah Dame	X.	1000	io co			N SISTER DEST	W. t. t.		ľ
A BASSTANTON	Stellah Sterto		30.00	100,000			3.22.50.2000 (3.30.10.0000)	March 2 car	*	1
(316-14-14)	Appeld (Notes)		3.00	200.2			State States	Corperations	,	
8 20.40 (CT 5.00)	Super Militar Dilon	S S	246290	10.44			50 per 200 per	Nobel Ces	٠, ٠,	-
984.030T.6C!	MPDIM	2.12	146000	20106			200000000000000000000000000000000000000	HUNY EAS	-	
H NACOTTACK A & B	Service Pad	2	7462987	111.00			X111X4.00007	Markenberg	, [ľ
DARAGOSTA MARIO	Contractor	2.2	1460301	11.44	***************************************		N3C114-2006X	Marchaeller 3.	÷	1
14 RA 57-97-53 E.	perben Treg	۶	250000	116: AR				Locality		I,
14 P.A. \$100 D.S.	West mader, Novil		15.000	24104			K 23 4 K 4 AND 6 M	Farctions	2 54	
17 th 27 ch 24 ch	Total and a New	2	200124	7.7.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2			X300 007X	Sections		
10 PA.CTO 2: 5-02	Street Street	-	100000	AL SE			X 174 Fra JOSEA X IXE-40, 10016	New College	,	
20 BA 07771 6.03	Contact Days	22.13	2009911	20.7%			SCHOOL STORY	344,445		
22 84474 27.942	74 13 Page	, K	DEVE	34.77			30000 0 mol/30	Jun june		Ш
21/24-270; c.4.6/	States Skin	32 5	DOM:	20100			NOTE ACT (0000)	See, 1990		1
24944731550	Colonial Base	n	EBYONE I	34.45			e new nowe	Zona Sense		Ш
THAKTOLOGO	Walvers Devs	1 32	MATERIA	20.00			ir 1220, Yeld	Kay Caree		ľ
Mich Attractor	Waters Serve	Ę.	00/00	33.48			MC STEED THEORY.	Kerbera		
M parentelan	Property thank These	2	900/e.	115.00			APK CARCA	Season Season		ľ
33 NACKO 0140.	Chatan, Nec	* *	93/0/24	7400		-	State of the A	200		1
350A-14771-1-03	Classes News	×	12.005	342.55			or sectors and	Ž		
40 NA-140203133	Sam Affordatio Combosom	4 ×	100000	350 751			CONTROL OF A	C LANGE TO		1
41 RACESSONS	Service States Service By	×	110101	126-0311			Party no osser	411/32/07/248		
(1) Diving (2)	New Administration of	a ×	10,00	524°351;			N ACTO STREET	REPORT IN		
T CONTRACTOR	Ken Alleka Demokrate	47	12010031	110000			Carrie Otto	A Mark Anna Chair		
AS DA FASSOR IN	Ser America Sumpress	***	1101/010	1100001			N. A220 Chapt	01.04445612		П
A PAINTING	Contraction of the same	20	100,000	SANDE			Secure Control	SECURITION OF THE		IJ.
CP 33. 140.171.77	K-mt Allie Sch to 5 - where ext	X	1000	1156.404			la latto-ment	25,000,000,000		
S 35-140000000	No con Afficiation Standards on Many Afficiation Standards	25 72	11010010	W/SJ			Inches Commo	ALCANAGO NO		Т
S 17. 151.71 20	News Attendative Comments and	*	11610011	18273311			SCHEROLOWNOC	SPECIAL UP		. [
54 DA : 44 2 2 2 2	Stand Affection Company on	N A	15:00:51	12 (SA)	***************************************		NAME OF THE PERSONS	STANCE OF		1
Make Mark	News Affice 60th Stembers in	X	1161/04	1207031:			Seast-curves	2000/2/000		Ш
F (A.141)21.33	Kern Activity Company or	×	NEW COL	1204211			PC STEED SOMET.	THE SERVICE N		
SEPARATORS	Mary Affiliation Development	22 2	1103/012	11 (0.422)			\$10,000,000,000,000 \$10,000,000,000,000	TENANCE IN		1
40 Barren 1983	Zers Affection Senson an	٨	110,000	1100001			203000 01444 24	200 10 10 10 10 10 10 10 10 10 10 10 10 1		Н
61 34.140 125.78 62 04.140 175.46	Story Allerth Southern	××	1001001	10000			SCHOOL SON	ALTERNATION		ı
4.00 company	Ken effective contenses	*		3126,001			Septime was	STANKS AND A		Ш
4494121010	State All Salve Salve and	2	1001011	11/00/2			A March Albert	100 State 25		
#451 #37E89	The Artist Control of the Control of	Ž,	1. CV . 2	1/47/231:			CONTRACTO (ACCO)	200 3 700.44		
M(SACETICEAL	Sam Strakes Towarin an	2	3100161	1170.82		Ш	STACKE SPECI	100000000		
200.00.00.00.00	Stan Affaction Devices or	×	*(C/, 2)	11.554/1			OC MESTS AWAY:	17.20.00 TO		
21 23-147 152-49	Com Cilla Galla Development	×	110:01:	120021:			50340770-030000	January Carl		
7334542191.00 73804542121.0	New Allegate Conference	XX	100.00	100011			SCHOOL STORE			1
										П
										Ш
				Visite in						
			A walke or	1	٥	0				П

Ary populosation automates lan dan que mace afreculair ser 1900, político referenciem tres tax

This instrument prepared by, and after recording return to:

City of Marathon, Florida Planning Department 9805 Overseas Highway Marathon, Florida 33050

AGREEMENT AND DECLARATION OF MARKET RATE OWNER-OCCUPIED HOUSING RESTRICTIONS

THIS AGREEMENT AND DECLARATION	OF MARKET RATE OWNER
OCCUPIED HOUSING RESTRICTIONS ("Declaration	on") is made and entered into this \mathcal{L}
day of MAY 2015, by and between Ding Iones	Loca Landry, whose principal
mailing / address	is'
7251 0/s Hwy Marathon FC	_(Declarant") and the City of
Marathon, a Florida municipal corporation, whose princi	pal mailing address is 9805 Overseas
Highway, Marathon, Florida 33050 (the "City").	

RECITALS:

1. Declarant is the fee simple title owner to certain real property (the "Property") located in the City of Marathon, Monroe County, Florida, which is more particularly described as:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" (Identify the number of pages of the attachment)

- 2. Declarant is the recipient of a Market Rate Owner-occupied Residential Unit Allocation pursuant to the City's Residential Building Permit Allocation System ("RBPAS").
- 3. In consideration of the Declarant's receipt of its Market Rate Owner-occupied Residential Unit Allocation award, and for other good and valuable consideration, Declarant hereby covenants with the City of Marathon, a political subdivision of the State of Florida, its successors or assigns, for itself, its heirs and successors that the property described herein is subject to and bound by the Market Rate Owner-occupied Housing Restrictions hereinafter set forth, each and all of which is and are for the benefit of the Property, shall run with the land, and are enforceable by the City, its successors and assigns.

NOW, THEREFORE, the Declarant agrees that the Property shall be held and conveyed subject to the following Market Rate Owner-occupied Housing Restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the Property and be binding on all parties having any right, title or interests in the Property or any part thereof, their heirs, successors and assigns for the entire term of this Declaration.

Restrictions. Declarant hereby covenants, agrees and certifies, in so far as the rights, powers, interests and authority of the Declarant is concerned, that development, sale, lease, or other conveyance of the Property shall be in accordance with the City's Market Rate Owner-occupied Housing Restrictions as set forth in the provisions of Section 107.06 (A) of the City of Marathon Land Development Regulations (as may be amended), including, but not limited to, the requirement that the Declarant must occupy the dwelling unit to be constructed on the Property for a minimum of two (2) years from the date of the issuance of a Certificate of Occupancy issued by City of Marathon, its successors or assigns, for the dwelling unit to which this covenant applies.

Upon finding of "good cause", as defined in Chapter 110 of the City of Marathon Land Development Regulations, the City Manager or his/her designee, shall have the right to waive the above-referenced minimum two (2) year occupancy requirements and the Declarant may sell the Property during the two year minimum occupancy period. However, at the time of closing, the Declarant shall only receive proceeds in an amount not to exceed the Shared Limited Equity ("SLE") as calculated using the indexed formula set forth below and the City of Marathon shall receive the difference between the SLE and the Owner's Net Proceeds ("ONP"), such proceeds to be used for affordable housing in the City.

For purposes of this Declaration,

SHARED LIMITED EQUITY ("SLE") equals OWNERS' NET PROCEEDS ("ONP") multiplied by INDEX

Where:

- (i) "ONP" is the net proceeds received by the Declarant for the sale of the dwelling unit located on the Property, at the time of closing; and
- (ii) "INDEX" shall be the percentage of increase (or decrease) for all expenditures as listed in the Consumer Price Index for All Urban Consumers (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics or any successor thereto, for the period of time that includes December 31 of the year in question as compared to the household median income reported for the period of time that includes December 31 of the previous year.

- 2. <u>Impact Fees.</u> Under the provisions set forth in Chapter 111 of the City Code, any persons, including any governmental agency, prior to receiving a building permit for any new land development activity shall pay "Fair Share Impact Fees".
- 3. **City.** This Declaration is intended to benefit and run in favor to the City.
- 4. Enforcement. This Declaration may be enforced by the City at law or in equity or as a code compliance action against any party or person violating, or attempting to violate, any of the covenants and restrictions contained herein. The remedies available to the City shall include, but are not limited to, obtaining a court order requiring the Declarant or his/her successor or assigns to comply with the City's market rate owner-occupied housing regulations in effect at the time of such order, and compelling the Property's continuing compliance with the market rate owner-occupied housing regulations until this Declaration has expired. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, reasonable attorneys' fees and costs as well as attorneys' fees and cost incurred in enforcing this prevailing parties attorneys' fees provision. This enforcement provision shall be in addition to any other remedies available at law or in equity.
- 5. <u>Term.</u> The restrictions, covenants and conditions of this Declaration shall run with the land for a term of two (2) years from the date of the issuance of a Certificate of Occupancy issued by City of Marathon, its successors or assigns, for the dwelling unit to which this covenant applies. If any provision or application of this Declaration would prevent this Declaration from running with the land as aforesaid, such provision and/or application shall be judicially modified, if possible, to reflect the intent of such provision or application and then shall be enforced in a manner allowing the covenant, conditions, and restrictions to so run with the land.
- 6. <u>Amendments.</u> All amendments hereto shall be in writing and must be signed by the Declarant and the City. All amendments hereto shall be recorded in the Public Records of Monroe County, Florida, and shall not be valid until recorded.
- 7. **Paragraph Headings.** Paragraphs headings, where used herein, are inserted for the convenience only and are not intended to be a part of this Declaration or in any way defined, limited or described to be a part of this Declaration in the Public Records of Monroe County, Florida, and shall not be valid until recorded.
- 8. <u>Effective Date.</u> This Declaration shall become effective upon the date of execution by both parties hereto or the date of recordation of this Declaration in the Public Records of Monroe County, Florida, which ever is later.
- 9. Governing Law. This Declaration and the enforcement of the rights and obligations

established hereby shall be subject to and governed by the laws of the State of Florida.

- 10. Recordation. Declarant shall at its sole cost and expenses, record this Declaration in the Public Records of Monroe County, Florida within fifteen (15) days of the execution hereof by both the Declarant and the City. Declarant shall provide the City with proof of the recording of the Declaration in accordance with the provisions of this paragraph. Failure to record these restrictions shall entitle the City to refuse to issue the building permit for the dwelling unit or units to which this covenant applies, and to other remedies, legal or equitable, available to the City to assure compliance with these Restrictions.
- 11. Authorization for City to Withhold Permits and Inspections. If the terms of this Declaration are not being complied with, in addition to any other remedies available at law or in equity, the City is hereby authorized after notice and an opportunity to cure, to withhold any permits regarding the Property or any portion thereof, and to refuse to make any inspections or grant any approvals for the Property or any portion thereof, until such time as the Declarant or its successor or assigns is in compliance with the covenants of this Declaration. The determination of non-compliance and to withhold permits, inspections, or approvals shall be by the Director of Planning and shall be subject to the appeal provision of the City's land development regulations.

IN WITNESS WHEREOF, Declarant, has caused these presents to be executed on the day and year first above written.

Signed, sealed and delivered in the presence of:	DECLARANT
Printed Name: LDEA LANdry	By: White Tolde Printed Name: VERT'S TOLLE
Distra Jones Printed Name: Distra Jones	By: Matin Tolds Printed Name: VERT'S TOLLE
STATE OF MONTOE	
The foregoing instrument was Mill by, by, Rambi / Kis/are personally known to me or have and acknowledged executing the foregoing	s acknowledged before me this <u>14</u> day of <u>CIC</u> , who personally appeared before me, and produced <u>as identification</u> as identification ng document.
	Notary Public, State of Plorida Printed Name: Bambi KUCK My commission expires:
	BAMBI KUCK Notary Public - State of Florida Commission #FF 21284 My Commission Expires June 14, 2017

Agreed and accepted this Agreed and accepted this Agreed and accepted this Agreed and accepted this Agreed Agreed and accepted this Agreed Agreed and accepted this Agreed Agreed and accepted this Agreed Agreed and Agreed Agreed Agreed Agreed and Agreed and Agreed Agreed and
CITY OF MARATHON J

CITY ATTORNEY

BY:

JOINDER, CONSENT, AND SUBORDINATION

The undersigned hereby certifies	s that
that the undersigned hereby joins in a	er encumbrance upon the above-described Property, and nd consents to the foregoing instrument by the Owner
thereof (the "Declarant") and agrees t	hat its mortgage, lien or other encumbrance, which is
recorded in Official Records Book	at Page of the Public Records of Monroe
	to the foregoing Declaration of Covenants, Conditions,
and Restrictions (the Declaration) for	•
C'ddd dellerand	
Signed, sealed, and delivered in the presence of:	
in the presence of.	
	70
Print Name:	ByName:
Filmt Ivanic.	Name:
Driet Namo	
Print Name:	
	(CORPORATE SEAL)
STATE OF FLORIDA	
COUNTY OF	
The foregoing instrumen	nt was acknowledged before me by
The foregoing institution.	is personally known to me or who produced
	as identification, and who did/did not take an
oath.	
	Notary Public, State of
	Printed Name:
	My commission expires: