

CITY OF MARATHON, FLORIDA
RESOLUTION 2013-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE FINAL RANKINGS AND ALLOCATION OF SIXTY-FIVE TRANSIENT RESIDENTIAL UNITS (TRUS) TO FOUR 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 four (4) complete and timely applications requesting a total of sixty-five (65) Transient Residential Units (the "TRUs") allocations, from applicants known generally as Bonefish Bay Motel, Courtyard Marriott, Faro Blanco, and Tranquility Bay; and

WHEREAS, City staff reviewed each application for TRUs pursuant to the criteria set forth in City Ordinance 2012-07; and

WHEREAS, each applicant complied with the terms of City Ordinance 2012-07 and determined to be eligible to receive TRUs from the City; and

WHEREAS, the City Council conducted a properly advertised public hearing on January 8, 2013 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:

Bonefish Bay Motel	5
Courtyard Marriott	19
Faro Blanco	25
<u>Tranquility Bay</u>	<u>16</u>
TOTAL TRUs	65

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 City Ordinance 2012-07 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 City Ordinance 2012-07.

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 Ordinance 2012-07 (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.

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 22nd DAY OF JANUARY, 2013.

THE CITY OF MARATHON, FLORIDA



Richard Keating, Vice Mayor

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

ATTEST:

Diane Clavier

Diane Clavier, City Clerk

(City Seal)

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

[Handwritten Signature]

City Attorney