

Sponsored By: Sandler at Greater Marathon Bay, LLC

Introduction Date: April 18, 2005

Public Hearing Date: March 21, 2005

May 10, 2005

May 25, 2005

Enactment Date: May 25, 2005

ORDINANCE 2005-11

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL MOBILE HOME (URM) TO URBAN RESIDENTIAL (UR) FOR PROPERTY DESCRIBED AS PART OF LOT 3, ALL OF LOTS 4 AND 5, AND PART OF LOT 6, OF BLOCK 6, OF MARATHON BEACH SUBDIVISION AND LOTS 1-6, OF BLOCK 2, OF THE AMENDED PLAT OF YACHT BASIN TRACTS, KEY VACA, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00337010-000000 AND 00337000-000000

WHEREAS, pursuant to the provisions of Chapters, 163, 166 and 380 *Florida Statutes*, Sandler at Greater Marathon Bay, LLC (the "Applicant") proposes to amend the City of Marathon (the "City") Land Use District (the "Map") to change the land use district designation of property owned by Sandler at Greater Marathon Bay, LLC, legally described Part of Lot 3, All of Lots 4 and 5, and Part of Lot 6, of Block 6, of Marathon Beach Subdivision and Lots 1-6, of Block 2, of the Amended Plat of Yacht Basin Tracts, Key Vaca, Monroe County, Florida, as more particularly described in the attached Exhibit "A"; and

WHEREAS, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"), and will allow for the development of the Property to improve existing transient facilities in the City; and

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Sections 9.5-22 and 9.5-511 of the Code, the Planning Commission sitting as the Local Planning Agency has publicly considered the proposed Map amendment at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

WHEREAS, in accordance with Section 166.041, *Florida Statutes*, notice of the public hearings concerning the proposed Map amendment has been provided to the general public; and

WHEREAS, the City Council finds that approval of the proposed Map amendment is in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Section 9.5-511 of the Code and promotes and protects the health, safety and welfare of the residents of the City; and

WHEREAS, the City Council desires to approve the proposed Map amendment, in accordance with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. In accordance with State law and the Code, the Map designation of the Property is amended from its current designations of Urban Residential Mobile Home (URM) to Urban Residential (UR).

Section 3. The City shall timely transmit the revised Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the State of Florida Department of Community Affairs, in its capacity as the State Land Planning Agency (the "Department"), as required by Chapters 163 and 380, *Florida Statutes*.

Section 4. That upon its effective date, the revised Map shall replace the Monroe County Land Use District Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

Section 5. The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), *Florida Statutes*.

Section 6. That this Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, *Florida Statutes*.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 25th day of May 2005.

THE CITY OF MARATHON, FLORIDA



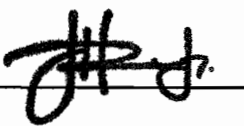
John Bartus, Mayor

AYES: Mearns, Bull, Pinkus, Miller, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Cindy L. Ecklund
City Clerk

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


City Attorney

LEGAL DESCRIPTION:

PARCEL 1

Lot 5, Block 6, of MARATHON BEACH, a subdivision of Part of Government Lot 3, of Section 10, Township 66 South, Range 32 East, of Monroe County, Florida, according to the Plat thereof recorded in Plat Book 2, Page 16 of the Public Records of Monroe County, Florida.

ALSO

A part of Lot 3 and a part of Lot 4, Block 6, of MARATHON BEACH SUBDIVISION as recorded in Plat Book 2, Page 16 of the Public Records of Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the Southwest corner of Lot 4, said corner also to be known as the POINT OF BEGINNING of that part of Lots 3 and 4 herein after described; bear Northerly and at right angles to Louisa Street of said Plat for a distance of 550 feet, more or less, to a point on the shoreline of an existing Boat Basin; thence meander the shoreline of said Boat Basin in an Easterly direction for the distance of 120 feet, more or less, to a point which is 114.00 feet, measured at right angles to the preceding course; thence bear Southerly and at right angles to said Louisa Street for a distance of 200 feet, more or less, to a point; said point being 310.00 feet Northerly and, at right angles to Louisa Street; thence at right angles and in a Westerly direction for a distance of 89.00 feet to a point; thence at right angles and in a Southerly direction for a distance of 80.00 feet to a point; thence at right angles and in a Southerly direction for a distance of 89.00 feet to a point; thence at right angles and in a Southerly direction for a distance of 100 feet to the Easterly line of aforesaid Lot 6, a distance of 100 feet to the Easterly line of aforesaid Lot 5, a distance of 100 feet to a point on the Northerly right-of-way of Louisa Street; thence at right angles and in a Westerly direction along the Northerly right-of-way of Louisa Street for a distance of 114.00 feet, back to the POINT OF BEGINNING.

ALSO

Lots 1, 2, 3, 4, 5, and 6, Block 2, YACHT BASIN TRACTS, according to an Amended Plat thereof recorded in Plat Book 2, Page 116 of the Public Records of Monroe County, Florida.

ALSO

RESIDENTIAL PARCEL

The Northerly 100 feet of the Southerly 430 feet of Lot 6, Block 6, MARATHON BEACH, a subdivision of Part of Government Lot 3, Section 10, Township 66 South, Range 32 East, according to the Plat thereof recorded in Plat Book 2, Page 16 of the Public Records of Monroe County, Florida, more particularly described as follows: Commence at the Southwest corner of Lot 6, of Block 6 of aforesaid Plat of Marathon Beach; thence Northerly along the Westerly boundary of said Lot 6, a distance of 330 feet to the POINT OF BEGINNING of the tract of land herein after described; thence continue Northerly along the Westerly line of aforesaid Lot 6, a distance of 100 feet; thence Easterly parallel to the Southerly line of aforesaid Lot 6, a distance of 100 feet; thence Easterly parallel to the Southerly line of aforesaid Lot 6, a distance of 100 feet; thence Southerly parallel to the Southerly line of aforesaid Lot 6, a distance of 100 feet to the POINT OF BEGINNING.

TOGETHER WITH PARCEL II (QUIT CLAIM DEED - O.R.B. 1927, PG. 1427, M.C.R.)

A parcel of filled, formerly submerged land lying and being in Section 10, Township 66 South, Range 32 East, Monroe County, Florida and being more particularly described as follows:

COMMENCE at the intersection of the Northeastly Right-of-Way line of Third Street and the Northwestly Right-of-Way line of Louisa Street, said intersection also being the Southwest corner of Lot 6, Block 6, "MARATHON BEACH", according to the Plat thereof, as recorded in Plat Book 2, at Page 16 of the Public Records of Monroe County, Florida; thence N 74° 20' E along the said Northwestly Right-of-Way line of Louisa Street for 314.00 feet; thence N15°40'00" W for 509.16 feet to the face of a concrete seawall and the Mean High Water Line (elevation 0.75 N.G.V.D.); thence N86°34'24" W for 144.11 feet to the POINT OF BEGINNING; thence meander the said seawall and boulder rip-rap for the following twenty-two (22) metes and bounds (1) N73°04'54" W for 30.92 feet; (2) thence N60°00'00" W for 19.00 feet; (3) thence N48°00'00" W for 18.00 feet; (4) thence N26°29'47" W for 14.78 feet; (5) thence N12°50'25" W for 102.21 feet; (6) thence N28°05'09" E for 14.55 feet; (7) thence N42°06'54" W 2.31 feet; (8) thence N19°27'46" E for 13.27 feet; (9) thence N36°56'49" E for 116.74 feet; (10) thence N26°06'15" E for 24.78 feet; (11) thence N22°32'30" E for 49.07 feet; (12) thence N03°16'47" W for 30.96 feet; (13) thence S 50° 48' 43" W for 25.73 feet;

(14) thence S12°07'14" W for 8.34 feet; (15) thence S20°52'10" W for 27.98 feet; (16) thence S27°47'47" W for 34.86 feet; (17) thence S37°24'16" W for 22.64 feet; (18) thence S37°55'33" W for 86.65 feet; (19) thence S37°55'40" W for 29.73 feet; (20) thence S39°42'53" W for 17.15 feet to the extension of the Westerly Property line; thence S15°40'00" E along the said extended Property line for 152.43 feet to the Platted Shoreline; thence S82°30' E along the said Platted Shoreline for 84.65 feet to the POINT OF BEGINNING.

LESS AND EXCEPT any of the above described lands which are or may hereafter become located waterward of the line of mean high water of the Bay of Florida, it being the express intent of the Grantor to retain and reserve such lands within the sovereign ownership of the State of Florida.

Said Lands lying in the City of Marathon, Monroe County, Florida and containing a Total Net Area of 164,026 Sq. Ft. (3.766 Acres)

TOGETHER WITH SOVEREIGNTY SUBMERGED LANDS LEASE

Created by Submerged Lands Lease Number 440004095 recorded in Official Records Book 1253, Page 12, as renewed in Official Records Book 1516, Page 63 and Official Records Book 1869, Page 1625. The lands in said lease being more particularly described as follows:

A parcel of submerged land lying and being in Section 10, Township 66 South, Range 32 East, Monroe County, Florida and being more particularly described as follows:

COMMENCE at the intersection of the Northeastly Right of Way line of Third Street and the Northwestly Right of Way line of Louisa Street, said intersection also being the Southwest corner of Lot 6, Block 6, "MARATHON BEACH", according to the Plat thereof, as recorded in Plat Book 2, at Page 16 of the Public Records of Monroe County, Florida; thence N74°20'E along the said Northwestly Right of Way line of Louisa Street for 314.00 feet; thence N15°40'00"W for 509.16 feet to the face of a concrete seawall (Safe Mean High Water Line, elevation 0.75) and the POINT OF BEGINNING; thence meander the said seawall and boulder rip-rap for the following 12 metres and bounds:

- (1) thence N86°34'24"W for 144.11 feet;
- (2) thence N73°04'54"W for 30.92 feet;
- (3) thence N60°00'00"W for 19.00 feet;
- (4) thence N48°00'00"W for 18.00 feet;
- (5) thence N26°29'47"W for 14.78 feet;
- (6) thence N12°50'25"W for 102.21 feet;
- (7) thence N28°05'09"E for 14.13 feet;
- (8) thence N42°06'54"W 2.31 feet;
- (9) thence N19°27'46"E for 13.27 feet;
- (10) thence N36°56'49"E for 116.74 feet;
- (11) thence N26°06'15"E for 24.78 feet;
- (12) thence N22°32'30"E for 20.26 feet;
- thence S60°07'46"E for 24.33 feet;
- thence S29°52'15"W for 20.57 feet;
- thence S60°07'46"E for 16.39 feet;
- thence S35°53'56"W for 96.40 feet;
- thence N54°06'05"W for 5.00 feet;
- thence S36°25'04"W for 57.53 feet;
- thence S13°20'47"E for 97.40 feet;
- thence S39°59'40"E for 19.18 feet;
- thence S77°51'55"E for 32.39 feet;
- thence S86°34'24"E for 129.10 feet;
- thence S15°40'00"E for 31.07 feet to the said face of a concrete seawall and the POINT OF BEGINNING.

Containing 14,485.37 square feet, more or less.