

RESOLUTION NO. 00-10-69

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FROM CLEVELAND AND MARY SIBLEY, AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 9.5-122.1(a)(3) of the City Code a landowner may voluntarily agree to a reduction of density permitted as of right within subdivisions by aggregating vacant, legally platted buildable lots as part of the Residential Rate of Growth Ordinance ("ROGO") unit allocation process; and

WHEREAS, pursuant to Section 9.5-122.1(a)(8) of the City Code a landowner may voluntarily agree to a reduction of acreage tract density permitted as of right as part of the ROGO unit allocation process; and

WHEREAS, if a landowner proposes lot aggregations or voluntary acreage track density reduction as set forth above, the landowner is required to execute a legally binding restrictive covenant limiting the number of dwelling units on the aggregated lot or acreage track running in favor of, and enforceable by the City. The City Council must approve the restrictive covenant before it is recorded in the public records of Monroe County, Florida.

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

Section 1. Acceptance of Declaration of Covenants. The City Council approves and accepts the Declaration of Covenants, Conditions and Restrictions (the "Declaration"), submitted by Cleveland and Maria Sibley attached as Exhibit "A."

Section 2. Recording. Cleveland and Mary Sibley shall record, at their sole expense, the Declaration in the public records of Monroe County, Florida.

Section 3. Effective Date. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 13th day of SEPTEMBER, 2000.

ATTEST:



Carol N. Chamberlain
MY COMMISSION # CC682322 EXPIRES
September 22, 2001
BONDED THRU TROY FAIN INSURANCE, INC.


ROBERT MILLER, MAYOR


RECORDING CLERK

APPROVED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY

Restrictive Covenant

Whereas, Cleveland C. Sibley and Mary Kathryn Sibley, the undersigned are the sole owners of the following described real property located in Monroe County, Florida.

Lots F-4 and F-5 of Sombrero Subdivision #6 in Marathon.
RE # 0032208/Alternate Key # 1396346
RE # 0032209/Alternate Key # 1396354

And, whereas, as part of the Building Permit application, the County of Monroe requires the undersigned to execute and deliver for recording in the Public Records of Monroe County, Florida, a Restrictive Covenant restricting the use of the subject property. Now; therefore, in consideration of the County of Monroe issuing to the undersigned a Building permit to build a Single Family Home, on the above property the undersigned agree as follows:

- A. The undersigned shall not construct more than the allowable number of residences on above real property pursuant to the Monroe County Code, as amended. The current allowable number of residences is one.
- B. The restrictions herein shall be binding upon the representatives, heirs, assigns, and successors in title of the undersigned, it being the intention of the undersigned by execution and recording of this document that this restriction shall run with land and shall be forever binding upon the successors in title.
- C. This covenant is intended to benefit and run in favor of the County of Monroe.
- D. In the event of any breach or violation of the covenant contained herein, the said county may enforce the covenant by injunction or such other legal methods as the County deems appropriate.

RECEIVED 10/25 AT Marathon SENT TO MY WEST FOR RECORDING

Mary K Sibley
OWNER
Address P.O. Box 522664
Marathon FL 33052

Cleveland C. Sibley
OWNER
Address P.O. Box 522664
Marathon FL 33052

WITNESSES:
Name Stacy Bernage
Address 29155 Guava Lane
Big Pine Key FL 33043
Sign Name Stacy Bernage
Name Jamie D. Butyoff
Address 13 1/2 Mockingbird Lane
Marathon, FL 33050
Sign Name Jamie D. Butyoff

MONROE COUNTY
OFFICIAL RECORDS

State of Florida
County of Monroe
Before me this day personally appeared Mary Sibley
Who, being duly sworn, deposes and say/says that They
is/are the record title holders of the above-described real property situated in Monroe County, Florida.

The individuals are personally known to me or has/have produced _____ as identification
Sworn to and subscribed before me this 2 day of Sept. 1999.

Leis Samuels
Notary Public State of Florida
County of Monroe

My commission expires:

