



CITY COUNCIL AGENDA STATEMENT

Meeting Date: January 10, 2023
To: Honorable Mayor and City Council
From: George Garrett, City Manager

Agenda Item: **Resolution 2023-12**, Approving A Resolution And Settlement Agreement Between The Parties Identified As The City Of Marathon, Florida, The Florida Department Of Economic Opportunity, And Boat Works Investments LLC Concerning The Project Known As Boatworks; And Providing For An Effective Date

BACKGROUND:

The City of Marathon issued permits P-21-1431, P-21-1580, P-22-44, P-22-45, P-22-46, pursuant to Resolution 2018-88. The Department of Economic Opportunity appealed the permits to the Florida Land and Water Adjudicatory Commission (FLWAC) who referred the cases to the Division of Administrative Hearings.

A motion to abate the Cases No. 22-2608DRI through 22-2612DRI was filed December 21st because the parties have reached a conceptual framework to settle this consolidated case which would negate the need for a final hearing. The conceptual framework requires action by the City of Marathon City Council and the entry of a Final Order in Case Number 22-1063DRI by the Florida Land and Water Adjudicatory Commission.

The conceptual framework is amenable to the City and will require the City to enter into the settlement agreement. The resolution authorizes the City to enter into the settlement agreement and authorizes the City Manager to sign any necessary documents under the advisement of the City Attorney.

RECOMMENDATION:

Approval of the Resolution.

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-12**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A RESOLUTION AND SETTLEMENT AGREEMENT BETWEEN THE PARTIES IDENTIFIED AS THE CITY OF MARATHON, FLORIDA, THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, AND BOAT WORKS INVESTMENTS LLC CONCERNING THE PROJECT KNOWN AS BOATWORKS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon issued permits P-21-1431, P-21-1580, P-22-44, P-22-45, P-22-46, pursuant to Resolution 2018-88; and

WHEREAS, the Department of Economic Opportunity appealed the permits to the Florida Land and Water Adjudicatory Commission (FLWAC); and

WHEREAS, FLWAC referred the cases to the Division of Administrative Hearings; and

WHEREAS, the Department's consolidated challenge to building permits issued by the City of Marathon authorizing construction of one (1) single-family dwelling unit (Case No. 22-2608DRI) and four (4) accessory or secondary structures (Case No. 22-2609DRI through Case No. 22-2612DRI) were consolidated into one case; and

WHEREAS, the parties have reached a conceptual framework to settle this consolidated case which would negate the need for a final hearing. The conceptual framework requires action by the City of Marathon City Council and the entry of a Final Order in Case Number 22-1063DRI by the Florida Land and Water Adjudicatory Commission; and

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. The City Council hereby authorizes the City Manager to enter into a settlement agreement and sign any necessary documents under the advisement of the City Attorney.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10th DAY OF JANUARY 2023.

THE CITY OF MARATHON, FLORIDA

Mayor Luis Gonzalez

AYES:
NOES:
ABSENT:
ABSTAIN:

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:

Steven T. Williams, City Attorney