

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-28**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, APPROVING THE ALLOCATION OF COMMERCIAL BUILDING PERMIT ALLOCATION SYSTEM (CBPAS) TO FLORIDIAN HOLDINGS LLC FOR PERIOD 2, YEAR 31 (JANUARY 14, 2023 TO JULY 13, 2023); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon City Council (the “City”) reviewed the commercial square footage application rankings for Period 2, Year 31 in compliance with the CBPAS Procedures promulgated in Section 107.07 of the Land Development Regulations (the “LDRs”);

WHEREAS, the City conducted a properly advertised public hearing (the “Public Hearing”) regarding the proposed commercial BPAS rankings, Period 2, Year 31 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:

Commercial Building Permit Allocation (CBPAS)

(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 CBPAS Rankings shown in the staff recommendation, the City Council awards 72,195 square feet of commercial square footage; and

(3) The remaining CBPAS Applicants will retain their relative positions in the CBPAS ranking list and will be marked as 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 CBPAS applications for Period 2, Year 31 of CBPAS 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.

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 14th DAY OF MARCH, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

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