



CITY COUNCIL AGENDA STATEMENT

Meeting Date: January 09, 2024
To: Honorable Mayor and City Council
From: George Garrett, City Manager

Agenda Item: **Resolution 2024-03**, Authorizing The Potential Settlement Of A Building Permit (P-21-777) Appealed By The Florida Department Of Commerce, Formerly Known As Florida Department Of Economic Opportunity; Authorizing The City Manager To Sign Settlement Documents On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND:

The City of Marathon approved the following TBRs: TBR-22-27, TBR-22-28, TBR-22-7, TBR-22-15, TBR-22-19, TBR-22-20, TBR-22-23, TBR-22-26, TBR-22-29, TBR-22-9, TBR-22-21, TBR-22-22, TBR-22-40, TBR-22-16. The Department of Economic Opportunity appealed the TBRs to the Florida Land and Water Adjudicatory Commission (FLWAC) who referred the cases to the Division of Administrative Hearings. TBR-22-26 was the allocation that was used to issue permit number P-21-777. Therefore, the then Department of Economic Opportunity appealed the permit because the TBR was appealed. This was assigned Case No. 22-2613DRI.

A motion to abate Case No. 22-2613DRI was filed July 12th. The City has authorized settlement of the TBR cases. Based upon the TBR settlement, the Department of Commerce, formerly known as Department of Economic Opportunity, has drafted conceptual framework for a settlement of the building permit. The conceptual framework requires action by the City of Marathon City.

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 2023-03**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE POTENTIAL SETTLEMENT OF A BUILDING PERMIT (P-21-777) APPEALED BY THE FLORIDA DEPARTMENT OF COMMERCE, FORMERLY KNOWN AS FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AUTHORIZING THE CITY MANAGER TO SIGN SETTLEMENT DOCUMENTS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon approved TBR-22-26, and subsequent permit P-21-777;
and

WHEREAS, the Department of Economic Opportunity appealed the TBR and subsequent permit 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 TBRs issued by the City of Marathon authorizing the transfers of building rights (Case No. 22-2572DRI through 22-2574DRI and Case No. 22-2578DRI through Case No. 22-2588DRI) were consolidated into one case; and

WHEREAS, the City and Department approved settlement of the TBR cases through Resolution 2023-100; and

WHEREAS, the parties have reached a conceptual framework to settle this building permit case No. 22-2613DRI which would negate the need for a final hearing. The conceptual framework requires action by the City of Marathon City Council; 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 9th DAY OF JANUARY 2024.

THE CITY OF MARATHON, FLORIDA

Mayor Robyn Still

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