

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-37**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN EXTENSION OF SIX (6) MONTHS FOR THE DEVELOPMENT AGREEMENTS ASSOCIATED WITH COCONUT CAY (RESOLUTIONS 2014-064) AND HOLIDAY INN EXPRESS & SUITES (RESOLUTIONS 2014-062); PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon, Florida (the “City”) approved the allocation of a total of thirty-five (35) Transient Residential Units (the “TRUs”) (Resolution 2014-105) to applicants known generally as Coconut Cay (10 TRUs) and Holiday Inn Express & Suites (25 TRUs); and

WHEREAS, promulgated in the Development Agreements for Coconut Cay (Resolution 2014-64) and Holiday Inn Express & Suites (Resolution 2014-62) is the requirement that building permit applications be submitted to the City within six (6) months of the effective date of either project specific development agreement; and

WHEREAS, each project has requested a time extension of this condition of their respective development agreement as generally allowed in their respective development agreements; and

WHEREAS, Coconut Cay is awaiting final state approvals of building plans for replacement building associated with that the Coconut Cay project expansion; and

WHEREAS, Holiday Inn Express & Suites is working on state and federal environmental permits for the HIE project expansion; and

WHEREAS, it is staff’s opinion, based on work with both entities, that building permit applications are forthcoming within a reasonable time frame and recommended period of time extension (six (6) months); and

WHEREAS, the City Council conducted a properly advertised public hearing on April 14, 2015 regarding the allocation of TRUs,

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 information and evidence presented by City Staff, the applicants and members of the public, the City Council hereby finds:

(a) 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

(b) It is appropriate to grant a six (6) month time extension to submit building plans to the projects known as Coconut Cay and Holiday Inn Express & Suites as associated with approvals granted respectively in Resolutions 2014-64 and 2014-62.

(c) That all other time constraints associated with the City's allocation of TRUs under Resolution 2014-105 and the City's approval of Resolutions 2014-64 and 2014-62 are similarly extended by six (6) months.

Section 3. Based upon the above Findings of Fact, the City Council does hereby make the following Conclusions of Law:

(1) The requests for time extension were granted in accordance with the development agreements in place and in conformance with the City of Marathon 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 approval by the Florida Department of Economic Opportunity.

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**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS 14th DAY OF APRIL, 2015.**

THE CITY OF MARATHON, FLORIDA



Chris Bull, Mayor

AYES: Zieg, Senmartin, Keating, Kelly, Bull
NOES: None
ABSENT: None
ABSTAIN: None

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:**



Dirk Smits, City Attorney