



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

Recd

FEB 12 2005

City Clerk

February 8, 2005

City of Marathon
ATTN: Cindy Ecklund, City Clerk
10045 Overseas Highway
Marathon FL 33050

Re: Marathon Ordinance 2005-03 (Zoning Amendment - Knights Key)

Dear Mrs. Ecklund:

The Florida Keys Field Office has reviewed your rezoning request and has determined, pursuant to Section 380.07, Florida Statutes, that the Department will not appeal the rezoning. While the Department will not appeal this ordinance under its statutory authority, the ordinance is still subject to the local administrative appeal provisions.

This letter is not intended to constitute, and shall not be construed as constituting, a verification of compliance with the Comprehensive Plan and Land Development Regulations, and shall not be relied upon as a precedent or a waiver of rights regarding any other development order.

Sincerely,

Rebecca Jetton, Administrator
Florida Keys Area of Critical State Concern

c: City of Marathon Building Department - Gail Kenson

2 5 5 5 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781

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CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Sponsored By: Knight's Key Corporation
Introduction Date: December 13, 2004
Public Hearing Date: December 13, 2004
January 11, 2005
January 25, 2005
Enactment Date: January 25, 2005

ORDINANCE 2005-03

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE LAND USE DISTRICT (ZONING) MAP OF THE CITY OF MARATHON, CHANGING THE ZONING FROM RECREATIONAL VEHICLE (RV) TO DESTINATION RESORT (DR) FOR PROPERTY DESCRIBED AS SECTION 17 LOT 1 AND SECTION 8 PART OF LOT 2 AND BAY BOTTOM EAST OF AND ADJACENT TO GOVERNMENT LOT 2, KNIGHTS KEY, AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS, pursuant to the provisions of Chapters, 163, 166 and 380 *Florida Statutes*, the City of Marathon, Florida (the "City") proposes to amend the City Land Use District (the "Map") to change the land use district designation of property owned Knight's Key Corporation, legally described as Section 17 Lot 1 and Section 8 Part of Lot 2 and Bay Bottom East of and Adjacent to Government Lot 2, Knights Key, as more particularly described in the attached exhibit "A"; and

WHEREAS, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"), and will allow for the development of the Property to improve existing transient facilities in the City; and

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Sections 9.5-22 and 9.5-511 of the Code, the Planning Commission sitting as the Local Planning Agency has publicly considered the proposed Map amendment at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

WHEREAS, in accordance with Section 166.041, *Florida Statutes*, notice of the public hearings concerning the proposed Map amendment has been provided to the general public; and

WHEREAS, the City Council finds that approval of the proposed Map amendment is in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Section 9.5-511 of the Code and promotes and protects the health, safety and welfare of the residents of the City; and

WHEREAS, the City Council desires to approve the proposed Map amendment, in accordance with State law.

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

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. In accordance with State law and the Code, the Map designation of the Property, legally described on the attached Exhibit "A", is amended from its current designations of Recreational Vehicle to Destination Resort (DR).

Section 3. The City shall timely transmit the revised Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the State of Florida Department of Community Affairs, in its capacity as the State Land Planning Agency (the "Department"), as required by Chapters 163 and 380, *Florida Statutes*.

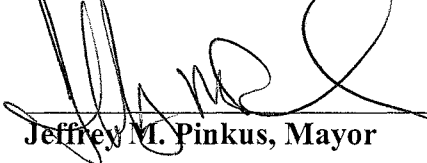
Section 4. That upon its effective date, the revised Map shall replace the Monroe County Land Use District Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

Section 5. The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), *Florida Statutes*.

Section 6. That this Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, *Florida Statutes*.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 25th day of January 2005.

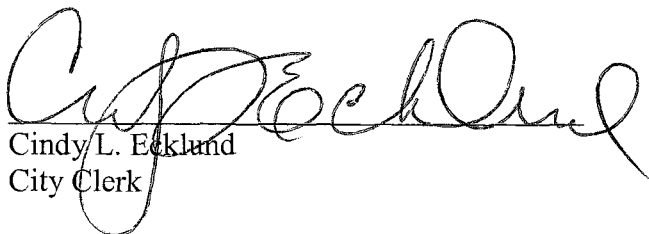
THE CITY OF MARATHON, FLORIDA



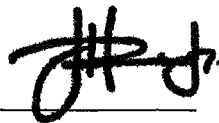
Jeffrey M. Pinkus, Mayor

AYES: Bull, Mearns, Miller, Bartus, Pinkus
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Cindy L. Ecklund
City Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



City Attorney

EXHIBIT "A"

I. KNIGHTS KEY CAMPGROUND

PARCEL 1

Commencing at the intersection of the line common to Section 8 and 9, Township 66 South, Range 32 East, Tallahassee Meridian, Key Vaca, Monroe County, Florida, with the centerline of U.S. Highway No. 1, as existing December 15, 1959; thence Westerly along said centerline, 2450 feet; thence Southerly and at a right angle, 160 feet, to its intersections with the Southerly boundary line of the Right-of-Way of said U.S. Highway No. 1, the Point of Beginning; thence along said line extended, 40 feet to the Southernmost point of the widened Right-of-Way of said U.S. Highway No. 1; thence continuing along said line into the waters of the Atlantic Ocean, 400 feet; thence Westerly, at a right angle, and parallel to the centerline of said U.S. Highway No. 1, 130 feet more or less to the Mean High Water Line of Knights Key; thence meandering said Mean High Water Line in a Southerly, Westerly, Southerly, Northerly, Westerly and Northerly directions to the intersection of said Mean High Water Line with the Southerly Right-of-Way line of said U.S. Highway No. 1; thence Easterly along said Southerly Right-of-Way line to the Point of Beginning; it being intended to describe all that part of Government Lot 2, Section 8, Township 66 South, Range 32 East, and Government Lot 1, Section 17, Township 66 South, Range 32 East, on Knights Key lying South of the Southerly Right-of-Way line of said U.S. Highway No. 1 and a portion of submerged land lying adjacent to and contiguous with said Knights Key, said submerged land being described and deeded in I & I Deed No. 2007.

Less and Except Knights Key Village, a subdivision according to the plat thereof as recorded in Plat Book 5, Page 84, Public Records of Monroe County, Florida.

PARCEL 2

A portion of Section 8, Township 66 South, Range 32 East, on Knights Key, Monroe County, Florida, being a portion of the right of way of State Road No. 5 (U.S. 1) as shown on the Florida Department of Transportation Right of Way Map for Section 90030-2522, more particularly described as follows:

Beginning at the Northeast corner of Lot 22, Block 1 of "Knights Key Village" according to the plat thereof as recorded in Plat Book 5, at Page 84, of the Public Records of Monroe County, Florida, said point being on the South right of way line of State Road No. 5 (U.S.1) as shown on said Florida Department of Transportation Right-of-Way Map, thence North 84° 43'39" East, along the previously described right of way line, for 1282.92 feet; thence North 5° 16'21" West, departing said right of way line, for 79.32 feet to a point on a line parallel with and 79.32 feet North of, as measured at right angle, said South right of way line; thence along the previously described line for the following described three (3) courses; 1) thence South 84° 43'39" West along a limited access line, for 33.50 feet; 2) thence continue South 84° 43'39" West for 34.50 feet; 3) thence continue South 84° 43'39" West, along a limited access line, for 1214.92 feet to a point on the Northerly extension of the East line of said Lot 22, Block 1; thence South 5° 16'21" East, along the previously described line, for 79.32 feet to the Point of Beginning, lying and being in Knights Key, Monroe County, Florida.

A. LESS DESCRIPTION OF AREA TO REMAIN ZONED NA

A Strip of Land and Water being a part of Government Lot 2, Section 8, Township 66 South, Range 32 East, on Knights Key lying South of the Southerly Right-of-Way line of said U.S. Highway No. 1 and a portion of submerged land lying adjacent to and contiguous with said Knights Key, said submerged land being described and deeded in I & I Deed No. 2007 and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the line common to Section 8 and 9, Township 66 South, Range 32 East, Tallahassee Meridian, Key Vaca, Monroe County, Florida, with the centerline of U.S. Highway No. 1, as existing December 15, 1959; Thence Westerly along said centerline, bearing South 85 degrees 15 minutes 00 seconds West, for a distance of 2450 feet; Thence Southerly and at a right angle, bearing South 04 degrees 45 minutes 00 seconds East, for a distance of 160 feet, to its intersections with the Southerly boundary line of the Right-of-Way of said U.S. Highway No. 1 and the Point of Beginning; Thence continuing along said line extended into the waters of the Atlantic Ocean, 184.59 feet; Thence bear North 82 degrees 28 minutes 00 seconds West, for a distance of 86.88 feet; Thence bear North 07 degrees 32 minutes 00 seconds East, for a distance of 170.00 feet; Thence bear North 85 degrees 15 minutes 00 seconds East, along said Southerly Right-of-Way line, back to the Point Beginning.

Containing an area of 9943.1, plus or minus, Square Foot, (0.23 ACRES, more or less) above the mean high water line.

THE "LESS" ACCORDING TO THE ATTACHED SKETCH OF LEGAL DESCRIPTION PREPARED BY JOHN PAUL GRIMES, III, REGISTERED FLORIDA SURVEYOR AND MAPPER NUMBER 4906, DATED 01/07/05 AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED 01/07/05

PREPARED FOR:
EARTHMARK COMPANIES
c/o THOMAS GRIMM
P.N. 040313R3L

BY: JOHN PAUL GRIMES, III
REGISTERED FLORIDA
SURVEYOR AND MAPPER NO. 4906
14 6th STREET, P.O. BOX 510403
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