

RESOLUTION NO. 01-05-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, APPROVING AND ACCEPTING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FROM HABITAT FOR HUMANITY OF THE MIDDLE KEYS, INC., AUTHORIZING RECORDING OF SAME IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 9.5-122.1(a)(4) of the Marathon Code (the "Code"), a landowner may voluntarily elect to develop dwelling units which contribute to the supply of affordable housing in the City as part of the Residential Dwelling Unit Allocation Award ("ROGO") process; and

WHEREAS, pursuant to Section 9.5-122.1(b)(4) of the Code, if a landowner proposes to develop affordable housing in the City as set forth above, the landowner is required to execute a legally binding restrictive covenant limiting the eligibility of the prospective resident; and

WHEREAS, the restrictive covenant must run in favor of, and be enforceable by the City, and must be approved by the City Council prior to recording in the public records of Monroe County, Florida.

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

Section 1. That the Declaration of Covenants, Conditions and Restrictions (the "Declarations"), submitted by Habitat for Humanity of the Middle Keys, Inc., attached as Exhibit "A" is approved and accepted by the City as part of the ROGO allocation process.

Section 2. That the above approval and acceptance is subject to compliance with all City Code requirements, and review and approval of the Declaration by the City Attorney. The

Declarations shall be recorded in the public records of Monroe County, Florida at the sole cost and expense of Habitat for Humanity of the Middle Keys, Inc.

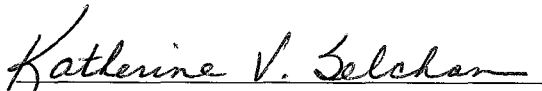
Section 3. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 22nd day of May, 2001.

A stylized, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

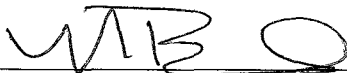
ROBERT MILLER, MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Katherine V. Salchen", written in a cursive style.

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

A handwritten signature in black ink, consisting of the letters "WTB" followed by a large circle, all written in a bold, blocky style.

CITY ATTORNEY



CITY OF MARATHON PLANNING DEPARTMENT

11090 Overseas Highway, Marathon, Florida 33050

Phone: (305) 743-0033 Fax: (305) 743-3667

AFFORDABLE HOUSING DEED RESTRICTION

State of Florida
City of Marathon

Notice is hereby given that

- I. (We) HABITAT FOR HUMANITY
IF THE MIDDLE KEYS the undersigned am/are the sole owner(s) of certain real property, situated, lying and being within the City of Marathon, a jurisdiction of the State of Florida, described as follows:

Lot(s): #6 Block(s): 33

Subdivision: CRAINS Key: GRASSY MM: _____
If in metes and bounds, attach a separate sheet.

- II. Under the provisions set forth in Chapter 9.5 of the Land Development Regulations in effect for the City, "Fair Share Impact Fees" shall be paid by any person, including any governmental agency, prior to receiving a building permit for any new land development activity.
- III. Under the affordable housing provisions set forth in Chapter 9.5 of said Land Development Regulations, the owner or owners of the above described real property have been exempted from payment of "Fair Share Impact Fees" for a (check one):
☒ Single Family, ☐ Multi-Family, ☐ Mobile Home Dwelling,
 to be constructed on said real property.
- IV. All of the restrictions herein are binding upon any transferees, lessees, heirs or assigns.
- V. The covenants shall be effective for twenty (20) years, but shall not commence running until a certificate of occupancy has been issued by the building official for the dwelling unit to which the covenant or covenants apply.
- VI. The applicant(s) used the affordable housing program to gain additional points in the permit allocation system pursuant to the Dwelling Unit Allocation Text Amendment, Ordinance 18-1992.
- VII. The applicant(s) used the affordable housing program to gain maximum net density afforded under Section 9.5-262 of the Code in effect in the City.

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SENT TO KEY WEST FOR RECORDING

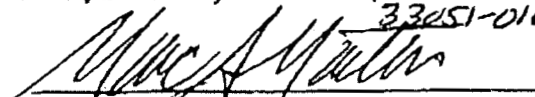
WITNESSES:


(Signature)

MARC A. MARTTER

Print/Type Name

Address: P.O. Box 510169
KEY COLONY BEACH, FL
33051-0169


(Signature)

MARC A. MARTTER

Print/Type Name

Address: PO BOX 510169
KEY COLONY BEACH, FL
33051-0169

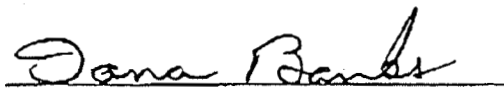
OWNER OR OWNERS:


(Signature)

JEFF SMITH, PRESIDENT

Print/Type Name

Address: 50486 MORTON ST.
MARATHON, FL 33050

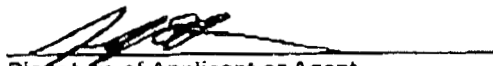

(Signature)

DANA BANKS

Print/Type Name

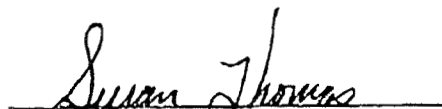
Address: P.O. Box 500786
MARATHON, FL 33050

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.


Signature of Applicant or Agent

2-17-01
Date

Sworn before me this 13 day of Feb., 2001 AD


Notary Public
My Commission Expires

RECEIVED 5/9/01 AT MAR
SENT TO KEY WEST FOR RECORDING

