RESOLUTION NO. 13-05-24

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE LITIGATION SETTLEMENT AGREEMENT WITH GARY ZARET AND JEANNE ZARET; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE SETTLEMENT AGREEMENT AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE SETTLEMENT AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gary and Jeanne Zaret (“ZARET”) initiated an appeal styled Gary Zaret and Jeanne Zaret v. Islamorada, Village of Islands, Case No. 12-AP-8-P, in the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida, (the "Appeal"); and

WHEREAS the Appeal by ZARET challenges the Findings of Fact, Conclusions of Law and Order (the “Final Order”) rendered by the Village Code Compliance Hearing Officer in Village Code Compliance Case No. 12-05-85970 against ZARET; and

WHEREAS, the Appeal and Final Order pertain to the operation a marina with live-aboard vessels, non-compliance of standards and requirements for live-aboard vessels and allowing moored vessels to obstruct more than twenty-five percent (25%) of the navigable portion of the canal; and

WHEREAS, the Village Council of Islamorada, Village of Islands, Florida, (the “Village Council”) desires to enter into a settlement of the Appeal, a copy of which is attached hereto as Exhibit “A” (the “Settlement Agreement”), which will avoid the expense and delay of lengthy litigation and allow the VILLAGE and ZARET to resolve the Litigation on an amicable basis.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:
Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval of the Settlement Agreement. The Village Council hereby approves the execution of the Settlement Agreement and any additional documents pertaining to the Settlement Agreement.

Section 3. Authorization. The appropriate Village officials including the Mayor, Village Manager and Village Attorney are authorized to execute and deliver the Settlement Agreement and any additional documents pertaining to the Settlement Agreement, including but not limited to addendums thereto, Joint Stipulation for Final Order of Dismissal With Prejudice, termination of the Settlement Agreement if necessary, and to take all action necessary to implement the terms and conditions of the Settlement Agreement.

Section 4. Effective Date. This Resolution shall be effective immediately upon its adoption.
The foregoing Resolution was offered by Councilman Mike Forster, who moved for its adoption on first reading. This motion was seconded by Councilman Dave Purdo, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

<table>
<thead>
<tr>
<th>Mayor Ken Philipson</th>
<th>YES</th>
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<tr>
<td>Councilman Ted Blackburn</td>
<td>YES</td>
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<td>Councilwoman Deb Gillis</td>
<td>YES</td>
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<td>Councilman Mike Forster</td>
<td>YES</td>
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<tr>
<td>Councilman Dave Purdo</td>
<td>YES</td>
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</tbody>
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**PASSED AND ADOPTED on this 9th day of May, 2013.**

KEN PHILIPSON, MAYOR

ATTEST:

ARIANA S. LAWSON, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS ONLY:

VILLAGE ATTORNEY
SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT made this 24th day of May, 2013, is entered into between ISLAMORADA, VILLAGE OF ISLANDS, a municipal corporation of the State of Florida (the "VILLAGE"), and Gary Zaret and Jeanne Zaret ("ZARET").

WITNESSETH:

WHEREAS, ZARET initiated an appeal styled Gary Zaret and Jeanne Zaret v. Islamorada, Village of Islands, Case No. 12-AP-8-P, in the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida, (the "Appeal");

WHEREAS the Appeal by ZARET challenges the Findings of Fact, Conclusions of Law and Order (the “Final Order”) rendered by the Village Code Compliance Hearing Officer in Village Code Compliance Case No. 12-05-85970 against ZARET;

WHEREAS, the Appeal and Final Order concern property more particularly described in Exhibit “A” attached hereto (the “Property”); and the Property is zoned Neighborhood Commercial (NC) pursuant to the Village’s Land Development Regulations and is designated Mixed Use (MU) under the Village’s Comprehensive Plan; and

WHEREAS, Comprehensive Plan Policy 5-1.2.10 prohibits the establishment of new marinas within the Village; and

WHEREAS, marina uses are not permitted or conditional uses in the Neighborhood Commercial (NC) zoning district; and

WHEREAS, Comprehensive Plan Policy 5-1.2.6 “Regulate Docks” and Village Code Section 30-1547 “Docking Facility General Standards” provide that no dock together with a
moored vessel, lift or mooring pile shall obstruct more than twenty-five (25) percent of the navigable portion of a man-made water body; and

WHEREAS, the 2008 Islamorada Working Waterfront Master Plan inventory identifies and lists the Property as a docking facility; and

WHEREAS, on June 9, 2012 pursuant to Minor Conditional Use (MN 10-03), the Property was granted approval to construct a replacement 319 square foot bath house for a non-conforming docking facility; and

WHEREAS, pursuant to the approval conditions stipulated within MN 10-03, live-aboard vessels of any kind are prohibited on the Property; and

WHEREAS, Village Code Section 30-1343 provides standards and regulations applicable to live-aboard vessels, which stipulate that live-aboard vessels must be located at a marina with wastewater treatment “pump-out” stations, showers, and laundry facilities, and marina owners must register each live-aboard vessel slip with the Village Manager; and

WHEREAS, the VILLAGE asserts that ZARET is in violation of Village Code Sections: 30-681(b)(1)&(2), 30-1343, and 30-1547(c) by operating a marina with live-aboard vessels, non-compliance of standards and requirements for live-aboard vessels and allowing moored vessels on the Property to obstruct more than twenty-five percent (25%) of the navigable portion of the canal immediately adjacent to the Property; and

WHEREAS, ZARET asserts that the use of the Property as a marina with live-aboard vessels is a legal nonconforming use and is both permissible with zoning and consistent with the Village Code; and
WHEREAS, on June 19, 2012 a Code Compliance hearing was held on the Village issued Code Compliance Notice of Violation related to the above referenced Code Sections; and

WHEREAS, on July 18, 2012 the Village Code Compliance Hearing Officer rendered the Final Order attached as “Exhibit B”; and

WHEREAS, ZARET is in disagreement with the Final Order and has filed the Appeal to challenge the Final Order rendered by the Village Code Compliance Hearing Officer; and

WHEREAS, without prejudicing either the VILLAGE or ZARET’s legal position in the Appeal, and to avoid the expense and delay of lengthy legal proceedings, the parties desire to resolve the Appeal on an amicable basis; and

WHEREAS, the VILLAGE and ZARET wish to enter into a settlement of the Appeal.

THEREFORE, IN CONSIDERATION of the terms and conditions set forth below, the parties agree as follows:

1. The foregoing recitals are hereby incorporated in this Settlement Agreement and made a part hereof.

2. The VILLAGE shall recognize the Property as a legal nonconforming marina with a maximum of ten (10) wet slips permitted as provided on the approved Site Plan dated March 25, 2010, incorporated and approved as part of the Minor Conditional Use Approval (MN 10-03) issued on June 9, 2010 by the Village.

3. Of the maximum ten (10) wet slips permitted for the legal nonconforming marina, seven (7) live-aboard vessels shall be permitted subject to compliance with the standards and regulations applicable to live-aboard vessels pursuant to Village Code Section 30-1343.

4. ZARET will apply for and the VILLAGE will process the following development approvals and building permits on the Property necessary to develop the marina in accordance with the existing Minor Conditional Use Approval (MN 10-03) and this Settlement Agreement:
(a) Amendment to the Minor Conditional Use Approval (MN 10-03) to modify the existing condition prohibiting live-aboard vessels by permitting a maximum of seven (7) live-aboard vessels on the Property subject to compliance with the standards and regulations pursuant to Village Code Section 30-1343. Within ninety (90) days of the approval and execution of this Settlement Agreement by the Village, the application for an Amendment to the Minor Conditional Use Approval (MN 10-03) shall be filed with the Village.

(b) Building Permit for the replacement of a 319 square foot bath house as provided on the approved Site Plan dated March 25, 2010, incorporated and approved as part of the Minor Conditional Use Approval (MN 10-03) issued on June 9, 2010 by the Village.

(c) Building Permit for the wastewater pump-out facility to service the Property pursuant to the 2002 Department of Health approval. ZARET agrees to tie the pump out system into the VILLAGE wastewater system when the system is ready to accept connections from ZARET’s property.

(d) Driveway Permit for the Property consistent with FDOT approvals and the approved Site Plan dated March 25, 2010, incorporated and approved as part of the Minor Conditional Use Approval (MN 10-03) issued on June 9, 2010 by the Village.

(e) Building Permit for repairs and/or replacement of the existing gate on the Property.

5. The VILLAGE and ZARET agree to use their best efforts and to faithfully, responsibly, and completely fulfill the intent and duties set forth herein by processing any proposed development approvals and permits that may be required on the Property, as defined and allowed pursuant to the Village Code and this Settlement Agreement.

6. The VILLAGE’S obligation to process the development approvals and permits under Paragraph 4 does not in any manner obligate the VILLAGE to ultimately take favorable action on the applications or limit the VILLAGE’S right to impose reasonable conditions upon any approval or relieve ZARET from payment of any fees which may be applicable to the Property, except that there shall be no fee for the amendment to the Minor Conditional Use Approval set forth in paragraph 4 (a) above.
7. In the event the VILLAGE grants the development applications and permits, ZARET agrees to dismiss the Appeal on the effective date of the approvals. On that date, ZARET will file a Joint Stipulation for Dismissal of the Appeal, pursuant to Fla. R. App. P. 9.350(a), in the Appeal styled Gary Zaret and Jeanne Zaret v. Islamorada, Village of Islands, Case No. 12-AP-8-P, in the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida. The parties agree that the Joint Stipulation for Dismissal shall provide that each party will bear its own costs and attorneys’ fees. A copy of the Joint Stipulation for Dismissal of the Appeal is attached hereto as Exhibit “C.” The VILLAGE will file a Joint Motion To Withdraw Final Order And Dismissal of Code Compliance Case with the Village Code Compliance Hearing Officer, which may be recorded in the public records of Monroe County, Florida.

8. The VILLAGE and ZARET agree that they shall immediately commence all reasonable actions necessary to fulfill their obligations described in this Settlement Agreement and shall diligently pursue the same throughout the existence of this Settlement Agreement.

9. In any action to enforce the terms and conditions of this Settlement Agreement, the prevailing party shall be entitled to recover its costs and attorneys fees from the other party incurred in the action to enforce the Settlement Agreement only.

10. The Parties acknowledge and agree the Village Council approval is required in connection with any formal settlement of litigation between the Parties, and specifically this Settlement Agreement.

11. This Settlement Agreement shall be binding upon and shall inure to the benefit of the Parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Settlement Agreement as of the day and year first written above.
Witnesses:

Linda E. Conley

Signature: __________________________
Print Name: Linda E. Conley

Signature: __________________________
Print Name: Patricia M. Conley

Gary Zaret

Dated: May 14, 2013

Jeanne Zaret

Dated: May 14, 2013

Attest:

[Signature]
Village Clerk

ISLAMORADA, VILLAGE OF ISLANDS

[Signature]
By: Ken Philipson as Mayor
Dated: 5/20/13, 2013

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND BENEFIT OF ISLAMORADA

[Signature]
VILLAGE ATTORNEY
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me by Gary Zaret who is personally known to me or produced ___________________________ as identification.

________________________
Notary Public
Dated: ____________________, 2013

The foregoing instrument was acknowledged before me by Jeanne Zaret who is personally known to me or produced ___________________________ as identification.

________________________
Notary Public
Dated: ____________________, 2013
Legal Description

85970 Overseas Highway, Plantation Key

RE # 000405510-000000

BK 2 LTS 5, 6, AND 7 VENETIAN SHORES PLAT NO. 1 AMENDED AND EXTENDED PB3-157 PLANTATION KEY
ISLAMORADA, VILLAGE OF ISLANDS
CODE COMPLIANCE HEARING OFFICER

ISLAMORADA, VILLAGE OF ISLANDS, Case # 12-05-85970 SS

Petitioner;

vs.

GARY ZARET and
JEANNE ZARET

Respondents.

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

This matter came before the Islamorada, Village of Islands ("Village") Code Compliance Hearing Officer ("Hearing Officer") on June 19, 2012. Having heard testimony and based on the evidence presented by the Petitioner and the Respondents, the Hearing Officer enters the following Findings of Fact, Conclusions of Law, and Order:

Findings of Fact and Conclusions of Law

1. Gary Zaret and Jeanne Zaret ("Respondents" or "Violators") are the owners of the Property, as later defined, that is the subject of this code enforcement action.

2. The Property is located at 85970 Overseas Highway, Islamorada, FL 33036 having Monroe County Property Appraiser’s Real Estate Parcel ID number 000405510-000000 and Alternate Key Number 1497762 and legally described as BK 2 LTS 5, 6 AND 7 VENETIAN SHORES PLAT NO 1 AMENDED AND EXTENDED PB3-157 PLANTATION KEY OR517-969(CASE 76-522-CA-04) OR529-975 OR660-381 OR748-606R/S OR768-182Q/C OR768-184 OR821-935Q/C OR867-59Q/C OR928-1189/92 OR929-1578/89(PROB 84-382-CP-12) OR949-1672/73P/R OR1281-183 OR1284-1998 OR1968-604 OR2299-1363Q/C OR2370-1192/93C/T (the "Property").

3. Respondents are operating a marina use on the Property, which marina use was never lawfully established and is not a legal nonconforming use of the Property. No evidence was submitted that would purport to prove the marina use was or is lawfully established. The Property is located in the zoning district designated by the Village as Neighborhood Commercial. Marina uses are not permitted or conditional uses in the Neighborhood Commercial zoning district.
4. Respondents acknowledged during the hearing that vessels moored at the Property are utilized as live-aboard vessels and evidence was presented by the Village supporting such acknowledgment. No live-aboard boat slips have been registered with the village manager or the Village. Under the Village Code, live-aboard vessels are allowed at permitted marinas. No evidence was submitted that would purport to prove the live-aboard use was ever lawfully established, licensed, or permitted at the Property. Documentation produced by the Village in connection with various permits applied for or issued with respect to the Property make it clear that live-aboards and marinas are not permitted or conditional uses, but that the Property, under current zoning and with the proper approvals, could be used as a docking facility or for commercial fishing uses. The Village Code is clear in indicating that live-aboards do not constitute dockage or marinerelated storage use nor do they constitute a commercial charter or fishing use.

5. While there appears to exist portable pump-out stations at the Property, the portable pump-out stations have not been permitted or registered with the village manager or the Village; nor does there exist on-site at the Property any permitted shower or laundry facilities, which amenities are required for marinas under the Village Code.

6. While there is signage on the Property pertaining to the use of pump-out facilities and referencing a Florida Statute citation pertaining to the discharge of raw sewage, the existing signage does not educate the live-aboard public about the importance of pumping out wastewater and does not include village regulatory requirements, as is required by the Village Code.

7. The evidence makes clear that at the time of the hearing, there exists one or more vessels moored at the Property that obstruct more than twenty-five percent (25%) of the navigable portion of the canal immediately adjacent to the Property. Evidence presented established that the width of the canal adjacent to the Property is between 110 and 115 feet. Vessels are moored at the Property in a manner perpendicular to the dock and protrude into the canal at lengths exceeding 35 feet, which is considerably more than the 25% limit imposed by the Village Code. No competent substantial evidence indicating otherwise was presented.

8. The Hearing Officer affirms the decision of the Code Compliance Officer and finds the Respondents to be in violation of Section 30-681 of the Village Code, entitled “Uses generally; District established,” and specifically subsections (b)(1) and (b)(2) thereof, which provide that no structure or land in the Village shall hereafter be developed, used or occupied unless expressly authorized in a zoning district in this division, and that uses not specifically listed therein as a permitted or conditional use are prohibited, unless the director of planning and development services determines by written interpretation that the proposed use exhibits similar characteristics to a listed permitted use, in which case the use shall be permitted in the same manner as the use with similar characteristics. The marina use at the Property is not a permitted or conditional use in the Neighborhood Commercial zoning district and further the requirements for an approved marina use have not been satisfied.
9. The Hearing Officer affirms the decision of the Code Compliance Officer and finds the Respondents to be in violation of Section 30-1343 of the Village Code, entitled "Regulations," which provides that:

(a) Live-aboard vessels of any type shall only be permitted in marinas with on-site or portable wastewater treatment "pump-out" stations and shower and laundry facilities. Such vessels shall not be permanently connected to land-based utilities.

(b) All marina owners must register each live-aboard vessel slip with the village manager.

(d) Every marina, regardless of size, must provide signage conspicuously posted at dockage sites to educate the live-aboard public about the importance of pumping out wastewater. Signage shall, at a minimum, give clear directions to the nearest pump-out station and include both state and village regulatory requirements. Marinas shall provide signs within 90 days of the effective date of this division.

(e) Each marina at which a live-aboard vessel is docked, as a condition of permit issuance for substantial improvement to the principal structure or addition of a new accessory structure, excluding fences, must provide an on-site or portable pump-out station appropriate sewage treatment to accommodate the number of live-aboard slips present, according to state department of environmental protection and state department of health services standards. Marinas with portable pump-out stations must register each station with the village manager.

Live-aboard vessels are moored at the Property, which is not zoned for any type or marina use, and therefore the live-aboards are not permitted. Further, the pump-out station(s) at the Property have not been permitted by the Village and there are no on-site shower or laundry facilities on the Property, nor have any live-aboard slips or pump-out stations been properly registered with the village manager. Further, although a marina use is not a permitted use at the Property, it is appropriate here to also indicate that the signage requirements of Section 30-1343(d) of the Village Code have not been satisfied.

10. The Hearing Officer also affirms the decision of the Code Compliance Officer and finds the Respondents to be in violation of Section 30-1547(e) of the Village Code, entitled "Docking Facility General Standards," which provides that no dock together with a moored vessel, lift or mooring piles shall obstruct more than 25 percent of the navigable portion of a manmade water. While evidence was presented regarding the Monroe County Code of Ordinances applicable prior to the incorporation of the Village along with the Monroe County Comprehensive Plan, no evidence or testimony was
presented indicating that the mooring of boats in a manner exceeding the limitations of Section 30-1547(c) constitute a legal nonconforming use under the Village Code and applicable law.

11. Even if evidence were to be subsequently presented indicating that either or both the marina use or the manner in which boats are moored in the waterway to obstruct more than 25% of the navigable portion of the waterway, was lawful under applicable codes, regulations, or laws, such marina use or manner of mooring vessels was/were abandoned for periods in excess of 180 days or as a result of other changes in the Property, which would have subsequently prohibited the use from being a lawful use or a lawful nonconforming use. However, there was no evidence presented indicating that the marina use or the manner in which vessels are moored at the Property was/were ever lawful or permitted by Monroe County or the Village.

12. Respondents argue that the defense of laches is applicable to this case; however, laches was not established by Respondents under the evidence and testimony presented during the hearing.

Order

It is hereby ORDERED, that:

13. The Violators shall comply with the code sections referred to in paragraphs 8, 9, and 10 of this Order by ceasing any use of the Property as an unpermitted marina use, ceasing the use of any vessels moored at the Property as live-aboards, and moving or repositioning any vessels obstructing (including the docking facility in the calculation pursuant to Section 30-1547(c), more than twenty-five percent (25%) of the navigable portion of the canal adjacent to the Property within sixty (60) days of the date of this Order. Any portable pump-out stations on the Property shall either be properly permitted with the Village, if possible, or removed. If the Respondent fails to timely comply with the deadline in this paragraph or otherwise violates this code section, the Respondent shall pay a fine of $150.00 per day per violation until the violations are corrected.

14. The Violators shall pay an administrative fee of $125.00 within thirty (30) days of the date of this Order. The Hearing Officer reserves jurisdiction to award the Village its actual costs in this case should this Order be violated and any violations remain after the date set for compliance.

15. It is the responsibility of the Violator to arrange for a re-inspection of the Property and Village records, as applicable, to determine compliance with this Order.

16. A certified copy of this Order may be recorded in the Public Records of Monroe County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violations concern real property, and the findings therein shall be binding upon the Respondents, jointly and severally, and, if the
violations concern real property, any subsequent purchasers, successors in interest or assigns. If the Respondents do not bring the violations into compliance with this order within the time specified, the Hearing Officer may enter an Order Imposing Fine. A certified copy of this Order and an Order Imposing Fine may be recorded in the Public Records of Monroe County, Florida, and once recorded shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Respondents. It is the Respondents' responsibility to request a re-inspection of the Property and Village records, as applicable, to determine compliance with this Order.

DONE AND ORDERED at Islamorada, Village of Islands, Monroe County, Florida, on this 18th day of July, 2012.

CODE COMPLIANCE HEARING OFFICER
FOR ISLAMORADA, VILLAGE OF ISLANDS

[Signature]
Michael J. Pawlowski
Hearing Officer

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of this order was filed with the Clerk of the Hearing Officer on this 19th day of July, 2012 and that on the same date a true and correct copy of the foregoing was sent via certified mail, return receipt requested, and by first class U.S. Mail to Gary Zaret and Jeanne Zaret, P.O. Box 1525, Islamorada, Florida 33036 (return receipt number: 76CA34HPLXXA06187); and first class U.S. Mail to Alexander L. Palenzuela-Mauri, 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, Florida 33134.

[Signature]
Tozte Gomes
Clerk of the Code Compliance Hearing Officer
IN THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT IN AND FOR MONROE COUNTY, FLORIDA

CASE NO. 12-AP-8-P
LOWER TRIBUNAL CASE NO. 12-05-85970 SS

GARY ZARET and JEANNE ZARET

Appellant,

vs.

ISLAMORADA, Village of Islands,
a municipal corporation,

Appellee.

/J/

JOINT STIPULATION FOR FINAL ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to the parties Settlement Agreement, a copy of which is attached hereto, the Appellants and the Appellee stipulate and agree to the entry of a Final Order of Dismissal With Prejudice with each party to bear its own costs and attorneys' fees. The parties further request that the Court approve and retain jurisdiction to enforce the Settlement Agreement.

Patricia M. Silver, Esq.            Laura K. Wendell, Esq.
P.O. Box 710                      Nina Boniske, Esq.
Islamorada, FL 33036          2525 Ponce De Leon Blvd.
954/664-3363 Telephone         Suite 700
954/664-3365 Facsimile          Coral Gables, FL 33134

305/854-0800 Telephone         305/854-2323 Facsimile
IN THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT IN AND FOR MONROE COUNTY, FLORIDA

CASE NO. 12-AP-8-P
LOWER TRIBUNAL CASE NO. 12-05-85970 SS

By: ____________________________  By: ____________________________
PATRICIA M. SILVER               LAURA K. WENDELL
Florida Bar No. 198919           Florida Bar No. 0053007

Dated: ____________________  Dated: ____________________
IN THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT IN AND FOR MONROE COUNTY, FLORIDA

CASE NO. 12-AP-8-P
LOWER TRIBUNAL CASE NO. 12-05-85970 SS

GARY ZARET AND JEANNE ZARET

Appellant,

vs.

ISLAMORADA, Village of Islands,
a municipal corporation,

Appellee.

________________________________________

FINAL ORDER OF DISMISSAL WITH PREJUDICE

THIS CAUSE having come before the Court on the Parties' Joint Stipulation for entry of
a Final Order of Dismissal With Prejudice, and the Court otherwise fully advised in the premises,
it is hereupon

ORDERED AND ADJUDGED that the above-styled action be and the same is hereby
dismissed with prejudice with each party to bear its own costs and attorneys' fees. The Parties
Settlement Agreement, a copy of which is attached hereto, is approved, the Parties are directed to
comply with the same and the Court retains jurisdiction to enforce the Settlement Agreement.

DONE AND ORDERED in Chambers at Key West, Florida, this ____ day of
______________, 2013.

_____________________________________
CIRCUIT COURT JUDGE
DAVID AUDLIN

Copies furnished: