RESOLUTION NO. 16-01-02

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY MARK COCKERHAM, FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 80930 OVERSEAS HIGHWAY, UPPER MATECUMBE KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 “Building Permit Allocation System,” Section 30-477 “Administrative Relief,” of the Code of Ordinances of Islamorada, Village of Islands (the “Village”), Mark Cockerham, (the “Applicant”) has applied to the Village Council of Islamorada, Village of Islands, Florida (the “Village Council”) for administrative relief from the Building Permit Allocation System (the “BPAS”) for property located at 80930 Overseas Highway, Upper Matecumbe Key at approximately Mile Marker 81, as legally described in Exhibit “A”, and

WHEREAS, on January 14, 2016, a duly noticed public hearing was held by the Village Council to consider the application for administrative relief; and

WHEREAS, following the public hearing, upon review and examination of the record, the Village Council finds that pursuant to the requirements of the Village Code and existing case law, the Application possesses a beneficial use providing economic benefit to the Applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:

Section 1. Findings.

The Village Council, having considered the testimony and evidence presented by all parties, including the Applicant, does hereby find and determine that:
(1) The hearing was properly noticed, the Application and the supporting documents and materials were properly before the Village Council for consideration, and all interested parties concerned in the matter were given opportunity to be heard.

(2) The Application, based on the evaluation DOES meet the standards set forth in Sections 30-477 and 30-553 of the Village Code to require remedial action to provide for administrative relief in the form of one (1) BPAS allocation award. This allocation award shall be awarded pursuant to Village Code Section 30-475(g) from previous market rate roll over allocations.

Section 2. Conclusions of Law.

(1) That granting of the Application is consistent with the Village Code and will not be detrimental to the community as a whole.

(2) That in rendering its decision as reflected in this Resolution, the Village Council has:

(a) Accorded procedural due process;
(b) Observed the essential requirements of the law; and
(c) Supported its decision by competent substantial evidence of record.

(3) Approval is hereby GRANTED.

Section 3. Effective Date.

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Resolution shall not be effective or acted upon by the Owner until forty-five (45) days following the rendition to the Florida Department of Economic Opportunity ("DEO"), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this Ordinance to the
Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by Councilman Mike Forster, second by Councilman Chris Sante.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Deb Gillis  YES
Vice Mayor James Mooney  YES
Councilman Mike Forster  YES
Councilman Chris Sante  YES
Councilman Dennis Ward  YES

PASSED AND ADOPTED THIS 14TH DAY OF JANUARY, 2016.

[Signature]
DEB GILLIS, MAYOR

ATTEST:

[Kelly Toth]
KELLY TOTH, VILLAGE CLERK

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

[Signature]
ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 19 day of January, 2016.

[Signature]
Kelly Toth, Village Clerk
A part of Lot 6 of the subdivision of part of Gov. Lot 1 and all of Lots 2 and 3 of sec. 32, T.63S., R.37E. and all of Lot 1 of Section 5, T.64S., R.37E., as surveyed by George MacDonald, C.E. and recorded in Plat Book 1, Page 41, of the Public Records of Monroe County, Florida, and being more particularly described as follows:

From the point of intersection of the N.W.'ly R/W line of State Road No. 5 (U.S. Highway No. 1, Overseas Highway) with the dividing line between Lots 5 and 6 of said plat), run South 44°11'30" West along the said N.W.'ly R/W line for 301.90 feet to the Point of Beginning of the parcel hereinafter described; thence run North 26°29'38" West for 31.79 feet; thence run South 46°55'10" West for 104.19 feet; thence run along the following nine course according to the above mentioned description by John D. Weiler, running thence N. 46°56'48" West a distance of 57.48 feet; running thence N. 29°56'00" West a distance of 65.01 feet; running thence N. 44°11'30" East a distance of 117.00 feet; running thence N. 28°00'00" West a distance of 142.13 feet; running thence on a curve to the left having a radius of 30.00 feet an arc distance of 47.12 feet; running thence S. 28°00'00" East a distance of 150.27 feet; running thence on a curve to the right having a radius of 25.00 feet a distance of 31.50 feet; running thence S. 44°11'30" West a distance of 103.47 feet; running thence S. 24°59'00" East a distance of 197.33 feet; thence continue South 24°59'00" East for 331.67 feet to the Point of Intersection with the N.W.'ly R/W line of State Road No. 5 (U.S. Highway, Overseas Highway); thence run North 44°11'30" East along said Northwesterly R/W line for 32.10 feet to the Point of Beginning. (Being the same lands conveyed to Grantors for roadway purposes by Richard J. Williams and Catherine L. Williams, his wife, as described in Deeds recorded in Official Records Book 793, at Page 1031 through 1034, inclusive)

LESS AND EXCEPT: Those portions conveyed by the Grantors to Richard J. Williams and Catherine L. Williams in Official Records Book 835 at pages 940-941, being more particularly described as follows:

A parcel of land lying in Lot 6, George MacDonald Plat, on Upper Matecumbe Key, according to the plat thereof, recorded in Plat Book 1, Page 41 of the Public Records of Monroe County, Florida, said parcel being a portion of the Ingress and Egress Easement described by Deed description recorded in Official Records Book 570 at Pages 332 through 335, inclusive, of the said Public Records of Monroe County, Florida, said parcel of land being more particularly described as follows:

COMMENCING at the dividing line between Lots 5 and 6 of the said Plat with the Northwesterly Right-of-way line of State Road No. 5 (U.S. Highway No. 1) run Southwesterly along the said Right-of-Way line for 301.90 feet; thence deflect 110 degrees 49' 30" right and run Northwesterly along the Northwesterly side of the said Ingress and Egress Easement described by said Deed description of 331.77 feet to the Point of Beginning of the hereindescribed parcel of land. From the said Point of Beginning continue Northwesterly along a Northwesterly prolongation of the last mentioned course for 38.99 feet; thence deflect 71 degrees 50' 35" right and run Northwesterly along the Southwesterly side of and along a Southwesterly prolongation thereof, of an existing Boat Basin, the same being a Northwesterly side of the said Ingress and Egress Easement described by said Deed Description for 138.60 feet; thence turning an angle of 73 degrees 50' 07" Southwesterly to Southeasterly from the last mentioned course, run Southeasterly along the Northeasternly end of the said Ingress and Egress Easement described by said Deed description, for 31.79 feet, thence deflect 70 degrees 40' 02" right and run Southeasterly along a Southeasterly side of the said Ingress and Egress Easement described by said Deed description for 141.79 feet to the Point of Beginning of the hereindescribed Parcel of Land.
LOT 9. A parcel of land lying in Lot 6 of a subdivision of a part of Government Lot 1 and all of Government Lots 2 and 3, Section 32, T.63S., R.37E., all of Government Lot 1 in Section 5, T.64S., R.37E. on Upper Matecumbe Key, Monroe County, Florida, made by George L. MacDonald, Civil Engineer, according to the map or plat thereof recorded in Plat Book 1 at Page 41 of the Public Records of Monroe County, Florida, being more particularly described as follows: From the intersection of the N.W.'ly R/W line of State Road No. 5 (U.S. Highway No. 1) with the dividing line between Lots 5 and 6 of the said plat recorded in Plat Book 1 at Page 41 of the Public Records of Monroe County, Florida, run N.W.'ly along said dividing line of Lots 5 and 6 for 652.47 feet; thence deflect 90° left and run Southwesterly for 45.00 feet; thence deflect 17°15' left and run S.W.'ly for 105.71 feet; thence deflect 72°15' left and run S.E.'ly for 90.00 feet to the Point of Beginning of the herein described parcel; thence continue S.E.'ly along the aforementioned course for 90 feet more or less, to an intersection with the N.W.'ly edge of a boat basin; thence deflect 107°45'00" left and run N.E.'ly along the N.W.'ly edge of the said boat basin for 112 feet, more or less, to the intersection with the S.W.'ly edge of a canal; thence run N.W.'ly along the S.W.'ly edge of the said canal for 90', more or less, to an intersection with a line having an inclusive angle of 107°45' with the S.W.'ly line of the hereinabove described parcel as measured from the S.E. to the N.E. at the Point of Beginning; thence run S.W.'ly along the said line for 109.45 feet, more or less, to the Point of Beginning.

AND

LOT 10. A parcel of land lying in Lot 6 of a subdivision of a part of Government Lot 1 and all of Government Lots 2 and 3, Section 32, T.63S., R.37E., all of Government Lot 1 in Section 5, T.64S., R.37E. on Upper Matecumbe Key, Monroe County, Florida, made by George L. MacDonald, Civil Engineer, according to the map or plat thereof recorded in Plat Book 1 at Page 41 of the Public Records of Monroe County, Florida, being more particularly described as follows: From the intersection of the N.W.'ly R/W line of State Road No. 5 (U.S. Highway No. 1) with the dividing line between Lots 5 and 6 of the said plat recorded in Plat Book 1 at Page 41 of the Public Records of Monroe County, Florida, run N.W.'ly along said dividing line of Lots 5 and 6 for 652.47 feet; thence deflect 90° left and run Southwesterly for 45.00 feet for the Point of Beginning; thence deflect 17°15' left and run S.W.'ly for 105.71 feet; thence deflect 72°15' left and run S.E.'ly for 90.00 feet; thence deflect 107°45'00" left and run N.E.'ly for 109.45 feet, more or less; thence run N.W.'ly along the S.W.'ly edge of a canal for 90 feet more or less, to the POINT OF BEGINNING.