

RESOLUTION NO. 18-03-25

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY CLOCK WISE . COM CORP AND JOHN F. MYERS FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 86600 OVERSEAS HIGHWAY, PLANTATION 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"), Clock Wise . Com and John F. Myers (the "Property Owners" / "Applicants") have 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 86600 Overseas Highway, Plantation Key at approximately Mile Marker 86, as legally described in Exhibit "A", and

WHEREAS, on March 15, 2018, 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 rollover 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 of administrative relief 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 Jim Mooney.

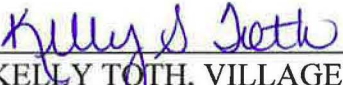
**FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:**

Mayor Chris Sante	YES
Vice Mayor Deb Gillis	NO
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	NO
Councilman James Mooney	YES

PASSED AND ADOPTED THIS 15TH DAY OF MARCH, 2018.


CHRIS SANTE, MAYOR

ATTEST:


KELLY TOTH, VILLAGE CLERK

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


ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 19 day of March, 2018.


Kelly Toth Village Clerk

Legal Description

SUBJECT TO: (ACCESS EASEMENT)

A 28.00 foot wide Access Easement over a parcel of land on Plantation Key, Monroe County, Florida, located in that portion of the Westerly 670 feet of that part of the SE 1/4 of the SE 1/4 lying Northerly of the Overseas Highway right of way (Formerly Florida East Coast Railway right of way) in Section 13, Township 63 South, Range 37 East, the centerline of said Easement being more particularly described as follows:

Commence at the intersection of the East line of the Southeast 1/4 of fractional Section 13, Township 63 South, Range 37 East, (said section line being determined by George MacDonald, surveyor), with the Northwestern right of way line of State Road No. 5, (former F.E.C.R.R. right of way); thence proceed South 68°19'00" West along said Northwestern right of way line for a distance of 117.00 feet to the Point of Beginning of the Centerline of said 28.00 foot wide Easement hereinafter described; thence running along said Centerline N.03°22'14"W. for a distance of 129.53 feet; thence N.21°43'01"W. for a distance of 251.09 feet to the POINT OF TERMINUS of said 28.00 foot wide Easement. Containing 10,657.22 square feet.

DESCRIPTION:

The Westerly 670 feet of that part of the SE 1/4 of SE 1/4 lying Northerly of Overseas Highway right-of-way (Formerly Florida East Coast Railway right-of-way) in Section 13, Township 63 South, Range 37 East lying and being in Monroe County, Florida.

And Less therefrom:

A parcel of land on Plantation Key, Monroe County, Florida, located in that portion of the Westerly 670 feet of that part of the SE 1/4 of the SE 1/4 lying Northerly of the Overseas Highway right of way (Formerly Florida East Coast Railway right of way) in Section 13, Township 63 South, Range 37 East, being more particularly described as follows:

Commence at the intersection of the East line of the Southeast 1/4 of fractional Section 13, Township 63 South, Range 37 East, (said section line being determined by George MacDonald, surveyor), with the Northwestern right of way line of State Road No. 5, (former F.E.C.R.R. right of way); thence proceed South 68°19'00" West along said Northwestern right of way line for a distance of 691.50 feet to the Point of Beginning of the parcel hereinafter described; thence continue South 68°19'00" West along said Northwestern right of way line for a distance of 93.20 feet to a point; thence North 00°54'30" East for a distance of 270.33 feet to a point on the Westerly prolongation of the North line of other lands of Carol Cutshall; thence run due East for a distance of 86.06 feet to the Northwest corner of lands of Carol Cutshall; thence South 00°54'30" West along lands of Carol Cutshall for a distance of 235.89 feet to the Point of Beginning.