

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

RESOLUTION 23-04-35

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY TY HARRIS, PA ("AGENT") ON BEHALF OF SOJOURN INC ("OWNER") FOR FINAL PLAT APPROVAL FOR PROPERTY LOCATED IN MATECUMBE SANDY BEACH, LOWER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, HAVING REAL ESTATE NUMBER 00394480-000100, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Sojourn Inc., (the "Owner") are the owners of property located on Lower Matecumbe Key located on land between Captains Cove and Overseas Highway with Real Estate Number 00394480-000100, as legally described in Exhibit "A" and

WHEREAS, pursuant to Article IV "Administrative Procedures," Division 10 "Platting," Sections 30-431 through 30-444 of the Islamorada, Village of Islands (the "Village") Code of Ordinances (the "Village Code"), Ty Harris, PA as the Agent and Applicant (the "Agent/Applicant") has applied for Final Plat approval for the subdivision of one parcel into six (6) lots (the "Request"); and

WHEREAS, the Village Director of Planning granted preliminary plat approval on February 9, 2023; and

WHEREAS, pursuant to the applicable provisions of the Code, the Director in her Staff Report dated March 30, 2023 recommended approval of the Final Plat to the Village Council; and

WHEREAS, the Village Council has considered the Request, the relevant supporting materials, the Director's recommendation, public testimony and evidence given at a properly advertised public hearing held on April 11, 2023 (the "Hearing").

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, AS FOLLOWS:**

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

Section 2. **Findings of Fact.** The Village Council having considered the Request, the relevant support materials, the Director's recommendation, public testimony and evidence given at the Hearing, does hereby find and determine:

- (1) The Applicant submitted the Request on May 24, 2022.
- (2) The Request consists of a Final Plat attached as Exhibit "B" depicting the Request's configuration, layout, and level of impacts.
- (3) The Property is located within the Multifamily (MF) Zoning District.
- (4) The property was previously the subject of litigation between the Owner and the Village. The result of that litigation was an amicable settlement agreement outlined in Resolution No. 08-07-48 adopted by the Village Council in July 2008.
- (5) The Request **complies** with the standards of Code Section 30-434 for considering Final Plats.
- (6) The Request **complies** with the standards of Chapter 177, Florida Statutes for consideration of final plats.
- (7) The Request **is** consistent with the purposes, goals, objectives, and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

Section 3. Conclusions of Law. Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

(1) The Request has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations and **will not** be detrimental to the community.

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

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

Section 4. Approval of Final Plat. Pursuant to the requirements set forth in Article IV "Administrative Procedures," Division 10 "Platting," Sections 30-431 through 30-444 of the Village Code, the requested Final Plat, attached hereto as Exhibit "B," is hereby [DENIED/APPROVED].

Section 5. Conditions Imposed. Granting of the Request is subject to the following conditions:

(1) Upon approval of the Final Plat, the Applicant shall provide an improvement guarantee in an amount to be determined by the Director of Public Works pursuant to Section 30-435 of the Village Code.

Section 6. Conflicting Provisions. In the event the conditions or time limitations contained herein, and any conditions or time limitations of any subsequent development approval granted by the Village, or the LDRs are in conflict, the more restrictive conditions and/or time limitations shall apply.

Section 7. Violation of Conditions. The Owner understands and acknowledges that he or she must comply with all terms and conditions herein, and all other applicable requirements of the Village or other governmental agencies before he or she may affect the proposed transfer of development rights or commence construction or operation of any use authorized herein. In accordance with Code Section 30-224, this approval may be revoked by the Village Council upon a determination that the Owner or its successor(s) or designee(s) is in non-compliance with this Resolution or the Code. Failure to adhere all terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed by the Code.

Section 8. 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 thirty (30) days, this Resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Florida Department Of Economic Opportunity (the "DEO"), pursuant to Chapter 73C-44.0033 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this Resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

Section 9. Recording of Final Plat. Upon approval or approval with conditions, the Applicant shall record the Final Plat in the office of the recorder of deeds of Monroe County and a copy of the recorded plat shall be provided to the Director. In addition to the printed copy of the Final Plat, the Applicant shall also provide an electronic copy of the plat in a format acceptable to

the Director. Such recording shall be completed within 90 days of approval of the final plat, or such approval shall be deemed null and void. If this Resolution is appealed under the LDRs or by DEO, the above time limits shall be tolled until the appeals are resolved.

Motion to adopt by Council Member Mark Gregg, second by Council Member Elizabeth Jolin.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Joseph B. Pinder III	<u>Yes</u>
Vice Mayor Sharon Mahoney	<u>Yes</u>
Councilman Mark Gregg	<u>Yes</u>
Councilman Henry Rosenthal	<u>Yes</u>
Councilwoman Elizabeth Jolin	<u>Yes</u>

PASSED AND ADOPTED on this 11 day of April, 2023.

Joseph B. Pinder
JOSEPH B. PINDER, MAYOR

ATTEST:

Marne McGrath
MARNE MCGRATH, VILLAGE CLERK

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

John J. Quick
JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 13 day of April, 2023.

Marne McGrath
Marne McGrath, Village Clerk



