

RESOLUTION NO. 18-05-37

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20180033 FILED BY CBT CONSTRUCTION & DEVELOPMENT, INC. ON BEHALF OF 1 SABRE LANE, LLC, RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 80101 OVERSEAS HIGHWAY, ON UPPER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, WITH PARCEL IDENTIFICATION NUMBER 00405250-000000, AS LEGALLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on February 14, 2018, CBT Construction & Development, Inc. (the “Agent”), filed Administrative Appeal No. PLADA20170113 (the “Appeal”) on behalf of 1 Sabre Lane, LLC (the “Appellant”) pursuant to Section 30-281 of the Code of Ordinances of Islamorada, Village of Islands (the “Village”); and

WHEREAS, the purpose of the Appeal is to seek the Village Council’s review of a determination made by the Director of Planning (the “Director”) regarding the findings set forth in Pre-Application Conference Application No. PLPRE20170137, specifically the determination of the number of legally established dwelling units on Appellant’s property located at 80101 Overseas Highway, as legally described in Exhibit “A” attached hereto; and

WHEREAS, on May 3, 2018 a duly noticed public hearing was held before the Village Council pursuant to Section 30-281 of the Village Code of Ordinances (the “Code”).

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

Section 1. Findings of Fact.

The Village Council having considered the testimony and evidence presented by all parties, including the Appellant and the Director, does hereby find and determine:

- (1) The Council heard the Appeal on May 3, 2018.
- (2) The hearing was noticed pursuant to Section 30-213(j) of the Village Code and all interested parties concerned in the matter were given an opportunity to be heard.
- (3) The Director presented the written recommendation of the Village Staff dated April 12, 2018 to the Village Council.
- (4) The Director's interpretation of the Code is **not** supported by the facts presented.
- (5) The granting of the appeal determining the existence of two (2) legally established residential dwelling units is supported by the facts and documents presented.

Section 2. Conclusions of Law.

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

- (1) The Appeal has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, including Section 30-281 of the Village Code; and
- (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; and
- (3) In accordance with Sections 30-281(d), (e) and (f) of the Village Code, the Administrative Appeal submitted by CBT Construction & Development, Inc. on behalf of 1 Sabre Lane, LLC is hereby **GRANTED**.

Section 3. Effective Date.

This Resolution shall not become effective until approved pursuant to Final Order by the State Department of Economic Opportunity ("DEO") pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

Motion to adopt by Councilwoman Cheryl Meads, second by Councilman Mike Forster.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Chris Sante	ABSTAINED
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilman Jim Mooney	YES
Councilwoman Cheryl Meads	YES

PASSED AND ADOPTED THIS 3RD DAY OF MAY, 2018.


CHRIS SANTE, MAYOR

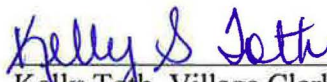
ATTEST:


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 8th day of May, 2018.


Kelly Toth, Village Clerk

DESCRIPTION:**PARCEL 1:**

Tracts 4 and 5, of CARIBBEE BEACH, a subdivision situate on the Island of Upper Matecumbe, as shown and recorded in Plat Book 2, at Page 62, of the Monroe County Public Records.

PARCEL 2:

A parcel of submerged land in the Florida Straits in Section 6, Township 64 South, Range 37 East, Monroe County, Florida, more particularly described as follows:
Beginning at the intersection of the mean high water mark of the Florida Straits and the Northeastery line of Tract 4 of Caribbee Beach on Upper Matecumbe Key, as per plat recorded in Plat Book 2, Page 62, Public Records of Monroe County, Florida; thence southeasterly along said mean high water mark 200 feet, more or less, to the intersection with the southwesterly line of Tract 5 of said Caribbee Beach; thence southeasterly along the bayward extension of the said southwesterly line of Tract 5, a distance of 125 feet; thence northeasterly and parallel to the mean high water mark of the Florida Straits extension of the said northeasterly line of Tract 4; thence northwesterly along said bayward extension 125 feet, more or less, to the Point of Beginning.

PARCEL 3:

A parcel of submerged land in the Straits of Florida, in Section 6, Township 64 South, Range 37 East, Upper Matecumbe Key, Monroe County, Florida, more particularly described as follows:
From the intersection at the dividing line between Lots 3 and 4 with the southeasterly right of way line of the Overseas Highway (State Road No. 3) all as shown on plat of Caribbee Beach, as recorded in Plat Book 2, Page 62, Public Records of Monroe County, Florida, run South 43 degrees 20 minutes East along said dividing line, a distance of 298 feet to the mean high tide line on the shore of the Straits of Florida, and the most northerly corner of a tract of submerged land previously conveyed to Perry by Deed No. 21102; thence continue South 43 degrees 20 minutes East, a distance of 125 feet to the most easterly corner of said tract conveyed to Perry and the Point of Beginning of the parcel herein described; thence continue South 43 degrees 20 minutes East, a distance of 73.13 feet; thence South 49 degrees 07 minutes 30 seconds West, a distance of 200.10 feet to the southeasterly prolongation of the dividing line between Lots 5 and 6 of Caribbee Beach; thence North 43 degrees 20 minutes West, along said prolongation, a distance of 74.51 feet to the most southerly corner of tract heretofore conveyed to Perry; thence Northeasterly along the southeasterly side of said tract conveyed to Perry, a distance of 200 feet, more or less, to the Point of Beginning.