

**RESOLUTION NO. 18-03-21**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY 716 INVESTMENTS, LLC FOR ADMINISTRATIVE RELIEF (PLAR20180011) FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 177 CARROLL STREET, 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"), 716 Investments, LLC (the "Property Owner" / "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 177 Carroll Street, Upper Matecumbe Key at approximately Mile Marker 82, as legally described in Exhibit "A", and

**WHEREAS**, on March 1, 2018, a duly noticed public hearing was held by the Village Council to consider the application for administrative relief (PLAR20180011); 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 Forster, second by Vice Mayor Deb Gillis.

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

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

**PASSED AND ADOPTED THIS 1<sup>st</sup> 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 5 day of March, 2018.

  
Kelly Toth, Village Clerk

### Legal Description

That part of Lot 10, Block 10, of STRATTON'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 38, of the Public Records of Monroe County, Florida, more particularly described as follows, to wit:

Begin at a point on the Northwestern line of Block 10, of STRATTON'S SUBDIVISION aforesaid, where the dividing line between Lots 10 and 11, Block 10, of the aforesaid subdivision, intersects the Southerly Right-of-Way line of that certain unnamed 50 foot street lying Northwesternly of Block 10 of aforesaid subdivision;  
thence Southwesterly along said Right-of-Way line of said unnamed street 100 feet;  
thence Southeasterly and parallel to the dividing line between Lots 10 and 11, a distance of 474 feet more or less, to the high water line of the Atlantic Ocean, as shown on the aforesaid plat;  
thence Northeasterly along the high water line of the Atlantic Ocean to a point where said high water line intersects the dividing line between Lots 10 and 11;  
thence Northwesternly along the dividing line of Lots 10 and 11, Block 10, aforesaid, 462 feet, more or less to the Point of Beginning.

ALSO:

That part of Lot 11, Block 10, of STRATTON'S SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 38, of the Public Records of Monroe County, Florida, more particularly described as follows, to wit:

Begin at a point on the Northwestern line of Block 10 of STRATTON'S SUBDIVISION aforesaid, where the dividing line between Lots 10 and 11, Block 10, of the aforesaid subdivision intersects the Southerly Right-of-Way line of that certain unnamed 50 foot street lying Northwesternly of Block 10 of aforesaid subdivision;  
thence Northeasterly along said Right-of-Way line of said unnamed street 100 feet;  
thence Southeasterly and parallel to the dividing line between Lots 10 and 11, a distance of 443 feet, more or less to the high water line of the Atlantic Ocean as shown on the aforesaid Plat;  
thence Southwesterly along the high water line of the Atlantic Ocean to a point where said highwater line intersects the dividing line between Lots 10 and 11;  
thence Northwesternly along the dividing line of Lots 10 and 11, Block 10, aforesaid, 462 feet, more or less to the Point of Beginning.

ALSO:

A parcel of submerged land in the Straits of Florida in Section 33, Township 63 South, Range 37 East, Upper Matecumbe Key, Monroe County, Florida, more particularly described as follows:

From the Intersection of the dividing line between Lots 11 and 12 in Block 10, of STRATTON'S SUBDIVISION, according to the Plat recorded in Plat Book 2, Page 38, of the Public Records of Monroe County, Florida, with the Northwestern side of said Block 10, run Southwesterly along the said Northwestern side of Block 10, a distance of 100 feet to the center of Lot 11;  
thence Southeasterly and parallel to the said dividing line between Lots 11 and 12, a distance of 444 feet, more or less, to the mean high tide line on the shore of the Straits of Florida and the point of beginning of the parcel hereinafter described;  
thence continue Southeasterly on a prolongation of last described course, a distance of 200 feet;  
thence Southwesterly with an interior angle of 99 degrees, 00 seconds, 45 minutes, a distance of 202 feet to the Southeasterly prolongation of the Southwesterly line of the Northeasterly half of Lot 10, of said Block 10;  
thence Northwesternly along said Southeasterly prolongation, a distance of 200 feet to the said mean high tide line at the most Southerly corner of the Northeasterly half of said Lot 10;  
thence Northeasterly meandering said mean high tide line a distance of 202 feet more or less to the Point of Beginning.