

## **RESOLUTION NO. 18-01-03**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAND ELIXIR LLC FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 143 NORTH HAMMOCK ROAD, 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"), Island Elixir 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 143 North Hammock Road, Upper Matecumbe Key at approximately Mile Marker 83, as legally described in Exhibit "A", and

**WHEREAS**, on January 18, 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 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 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 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 18<sup>th</sup> DAY OF JANUARY, 2018.**

  
CHRIS SANTE, MAYOR

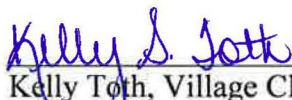
ATTEST:

  
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 January, 2018.

  
Kelly Toth, Village Clerk

Legal Description

**Parcel "I", A tract of land in Section 27, Township 63 South, Range 37 East, Upper Matecumbe Key, Monroe County, Florida, more particularly described as follows, From a point on the Northwestern right of way line of State Road No. 5, (former FEC Ry), at the Northeasterly side of North Hammock Road, as shown on Plat of "The Hammock", recorded in Plat Book 3 at Page 50, Public Records of Monroe County, Florida; run Northwesternly at right angles to said Northwesternly right of way line and along the said Northeasterly side of North Hammock Road, a distance of 607.5 feet to the Point of Beginning of the parcel hereinafter described; thence continue Northwesternly along the said Northeasterly side of North Hammock Road, a distance of 72.5 feet; thence Northeasterly and parallel to the said Northwesternly right of way line a distance of 162.85 feet; thence Southeasterly and parallel to the Northeasterly side of North Hammock Road a distance of 72.5 feet; thence Southwesterly and parallel to the said Northwesternly right of way line a distance of 162.85 feet to the Point of Beginning, subject to an easement 5 feet wide for utility purposes over the Northeasterly side of above described parcel.**