

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING AN EXTENSION OF AN APPROVED AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR PROPERTY AT 3800, 3820, 3824, 3840 (1185 20<sup>TH</sup> ST), 3850, AND 3852 NORTH ROOSEVELT BOULEVARD (RE# 00065540-000000, 00065530-000000, 00065550-000000, 00064950-000000, 00064940-000000, AND 00065060-000000) IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT PURSUANT TO CHAPTER 90, ARTICLE IX AND SECTION 122-416 THROUGH 122-420 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, through Resolution no. 09-059, the City Commission authorized a Development Agreement for this group of properties previously known as the “Key West Resort and Conference Center”; and

**WHEREAS**, through Resolution no. 13-139, the City Commission authorized the execution of an Amended and Restated Development Agreement for this group of properties, then known as the “Key West Collection”; and

**WHEREAS**, Section C-2 of the Amended and Restated Development Agreement states, in part, that the agreement shall remain in effect for five years, commencing on the effective date, and that it may be renewed or extended; and

**WHEREAS**, pursuant to Section 90-684, a development agreement may be extended by mutual consent of the City Commission and the developer; and

**WHEREAS**, on July 18, 2018, the representative for the properties' owners submitted a request to the City of Key West Planning Department for a five-year extension to the Amended and Restated Development Agreement; and

**WHEREAS**, pursuant to F.S. § 163.3225 and city code section 90-683, before entering into, amending, or revoking a development agreement, the City shall conduct at least two public hearings, of which one shall be held by the Planning Board; and

**WHEREAS**, on November 15, 2018, the Planning Board of the City of Key West, Florida, passed Resolution no. 2018-67, recommending to the City Commission approval of the request for an extension; and

**WHEREAS**, pursuant to Section 90-683 of the Code of Ordinances, the day, time, and place at which the second public hearing will be held was announced at the first public hearing; and

**WHEREAS**, this matter came before the City Commission at a duly noticed public hearing on January 2, 2019; and

**WHEREAS**; the granting of the extension will be in harmony with the general purpose and intent of the Land Development Regulations and the City's Strategic Plan, Vision, and Mission;

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That the request for an extension to an Amended and Restated Development Agreement Resolution no. 13-139 pursuant to Sections 90-676 through 90-692 of the Land Development Regulations of the Code of Ordinances of the City of Key West, is hereby approved for property located at 3800, 3820, 3824, 3840, 3850, and 3852 North Roosevelt Boulevard (RE# 00065540-000000, 00065530-000000, 00065550-000000, 00064950-000000, 00064940-000000, and 00065060-000000) ; and

**Section 3.** This approved extension to the Amended and Restated Development Agreement does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 4.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 5.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit or development order is not effective for forty-five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this \_\_\_\_\_ day of January 2019.

Authenticated by the by presiding officer and the Clerk of the Commission on January \_\_\_\_\_, 2019.

Filed with the Clerk January \_\_\_\_\_, 2019.

Mayor Teri Johnston \_\_\_\_\_

Commissioner Gregory Davila \_\_\_\_\_

Commissioner Mary Lou Hoover \_\_\_\_\_

Vice-Mayor Sam Kaufman \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK