

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY
ATTORNEY TO COMMENCE LEGAL ACTION RELATED TO
ENFORCEMENT OF THE PARKING AGREEMENT
BENEFITING THE MARKER RESORT; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the Marker Resort was built pursuant to a development agreement/major development plan approved by the City of Key West, which included certain conditions regarding parking facilities for the resort; and

WHEREAS, pursuant to the development agreement The Marker Resort was required to compensate the City monthly, with adjustments every five years for twenty-six parking spaces located at the City's Caroline Street Parking Lot on the 800 block of Caroline Street; and

WHEREAS, although Pebblebrook Hotel Trust has made monthly payments pursuant to the parking agreement, the amount of said payments and the five-year adjustments are disputed by Pebblebrook; and

WHEREAS, the City Commission finds that it is necessary for City staff to commence legal or administrative action to address conformance with the development agreement, in particular the parking conditions; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the city attorney or counsel is directed to commence legal action in order to enforce the terms of the parking agreement and seek any amounts due to the City that are in arrears.

Section 2: That the City Commission hereby authorizes allocation of funds to address anticipated litigation costs regarding potential litigation on this matter in an amount of up to \$75,000.00.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2023.

Authenticated by the Presiding Officer and Clerk of the
Commission on _____ day of _____, 2023.

Filed with the Clerk on _____, 2023.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Lissette Carey _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK