

**LAND AUTHORITY GOVERNING BOARD
AGENDA ITEM SUMMARY**

Meeting Date: April 18, 2007

Division: Land Authority

Bulk Item: Yes No

Contact / Phone #: Mark Rosch / 295-5180

Agenda Item Wording: Approval to purchase Block 10, Lots 1 and 2, Bowens Addition to Riviera Village for ROGO Administrative Relief.

Item Background: This acquisition is proposed pursuant to County Commission Resolution 609-2006 to provide administrative relief under ROGO (the rate of growth ordinance). The subject property consists of two contiguous lots zoned Improved Subdivision (IS) totaling 13,844 square feet on Pompano Drive near MM 105 on the bayside of Key Largo. The property consists of tropical hardwood hammock and is designated Tier 3-A Special Protection Area. The property owner has been unsuccessful in competing for a ROGO allocation to build a single family home and applied for administrative relief. Resolution 609-2006 states the property owner is eligible for administrative relief in the form of a purchase offer and requests the Land Authority to make that offer. The proposed purchase price is the property's appraised value of \$150,000.

The Land Authority's standard purchase contract will be used in this transaction. The agenda packet spreadsheet lists the estimated closing costs.

Advisory Committee Action: On January 24, 2007 the Land Authority Advisory Committee voted 5/0 to approve this item.

Previous Governing Board Action: Sitting as the BOCC, the Board approved Resolution 609-2006 on November 15, 2006.

Contract/Agreement Changes: N/A

Staff Recommendation: Approval

Total Cost: \$153,460

Budgeted: Yes No .

Cost to Land Authority: \$153,460

Source of Funds: Land Authority
(Tourist Impact Tax and State Park Surcharge)

Approved By: Attorney County Land Steward .

Documentation: Included: To Follow: Not Required: .

Disposition: _____

Agenda Item _____

PURCHASE CONTRACTS
04/18/07

<u>Property</u>	<u>Purchase Price</u>	<u>Envr. Audit, Survey or Clean-up</u>	<u>Title Insurance</u>	<u>Attorney Fee</u>	<u>Recording Fee</u>	<u>Total Costs</u>
Block 10, Lots 1 and 2 Bowen's Addition to Riviera Village (Parkinson)	\$150,000.00	\$2,000.00	\$950.00	\$500.00	\$10.00	\$153,460.00

DOLPHIN RD

POMPANO DR

BONITA AVE

OVERSEAS HWY



Subject Property

RESOLUTION NO. 609-2006

**A RESOLUTION BY THE MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS APPROVING
ADMINISTRATIVE RELIEF FOR DEAN PARKINSON ON
THE PROPERTY DESCRIBED AS BLOCK 10 LOTS 1 & 2,
BOWENS ADDITION RIVIERA VILLAGE, KEY LARGO, RE
#00512580-000000 & 00512580-000100.**

WHEREAS, Dean Parkinson (hereinafter "Applicant") submitted an application for administrative relief under Sec. 9.5-122.2(f) of the Monroe County Land Development Regulations, and

WHEREAS, the Monroe County Board of County Commissioners makes the following findings of fact and conclusions of law; and

- 1. Applicant's application for administrative relief is for Block 10, Lots 1 & 2, Bowens Addition Riviera Village, Key Largo, RE#00512580-000000 & 00512580-000100 (hereinafter "subject property").**
- 2. Applicant applied for a building permit on July 08, 2002 and a Rate of Growth Ordinance (ROGO) allocation on October 09, 2002 for the subject properties.**
- 3. Section 9.5-122.2(f) of the Monroe County Code provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief.**
- 4. The applicant applied for administrative relief on January 09, 2006.**
- 5. Applicant's ROGO allocation application has been in the ROGO system for three (3) of the last four (4) annual allocation periods and therefore qualifies for administrative relief under Section 9.5-122(f)(1)c of the Monroe County Code.**
- 6. Applicant's ROGO allocation application has been in the ROGO system for at least four (4) consecutive years and therefore qualifies for administrative relief under Policy 101.6.1 of the Monroe County Year 2010 Comprehensive Plan.**
- 7. The Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5-122.2(f)(6) of the Monroe County Code to qualified applicants and may grant the applicant a ROGO allocation, offer to purchase the property at fair market value, or provide such other relief as may be necessary and appropriate.**
- 8. Policy 101.6.6 of the Monroe County Year 2010 Comprehensive Plan calls for the Board to base the acquisition decision for administrative relief applications on the property's environmental sensitivity per Policy 101.6.5.**
- 9. The acquisition criteria in Policy 101.6.5 of the Monroe County Year 2010 Comprehensive Plan include the environmental sensitivity of the vegetative habitat on the subject property.**

10. The subject property consists of low elevation low quality tropical hardwood hammock. Based on this classification, the subject property received negative two (-2) environmental points for an environmental total of negative two (-2) points in the ROGO system evaluation criteria. The subject property is also designated as a Tier 3A Special Protection Area in the proposed Tier system.
11. Board of County Commissioners Resolution #223-2004 directs staff to identify small parcels with indigenous hammock or pinelands that are ineligible for purchase by the State with Florida Forever funds, limit the issuance of permits for clearing on said parcels, and recommend said parcels for purchase by the Monroe County Land Authority.
12. The subject property is in an area of indigenous hammock that is ineligible for purchase by the State with Florida Forever funds.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

1. Applicant Dean Parkinson has met the requirements to receive administrative relief for Block 10, Lots 1 & 2, Bowens Addition of Riviera Village, Key Largo.
2. In accordance with Policy 101.6.5, 101.6.6, and BOCC Resolution 223-2004, the appropriate form of administrative relief for this application is an offer to purchase. The issuance of a ROGO allocation would be inconsistent with the Monroe County Year 2010 Comprehensive Plan and BOCC Resolution 223-2004.
3. The Monroe County Land Authority is requested to have the subject property appraised and subsequently make an offer to purchase same.


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4. In the event Applicant declines the above referenced purchase offer, Applicant will retain the right to remain in the ROGO system and continue competing for an allocation.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 15th day of NOVEMBER, 2006.

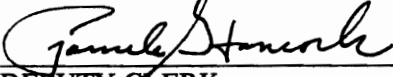
Mayor Charles "Sonny" McCoy	<u>YES</u>
Mayor Pro Tem, Dixie Spehar	<u>YES</u>
Commissioner George Neugent	<u>YES</u>
Commissioner Mario Di Genarro	<u>YES</u>
Commissioner Silvia Murphy	<u>YES</u>

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

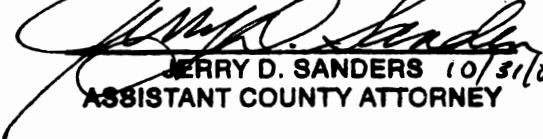
BY 
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK


DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


JERRY D. SANDERS 10/31/06
ASSISTANT COUNTY ATTORNEY

FILED FOR RECORD

2006 DEC -7 PM 2:18

DANNY L. KOLHAGE
CLK. CIR. CL.
MONROE COUNTY, FLA.