

**RESOLUTION 22-08**

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A SITE DEVELOPMENT PLAN FOR THE CITY OF MARCO ISLAND'S LEIGH PLUMMER PARK LOCATED AT 400 NORTH BARFIELD AVENUE, MARCO ISLAND; MAKING FINDINGS; APPROVING THE SITE DEVELOPMENT PLAN; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article IX, Site Development and Site Development Plan Standards of the Marco Island Land Development Code provides standards and regulations for the review and approval of site improvement plans; and

**WHEREAS**, the City of Marco Island, the Owner/Developer submitted a Site Development Plan Application for the Development of Leigh Plummer Park at 400 North Barfield Avenue, Marco Island, Florida (SDP 22-000039); and

**WHEREAS**, the City of Marco Island staff has reviewed and recommend approval of SDP 22-000039, as contained herein; and

**WHEREAS**, the Planning Board has reviewed the documentation, and found SDP 22-000039 to be in compliance pursuant to Section 30-673(1-8) of the LDC; and

**WHEREAS**, on March 4, 2022, the City's Planning Board reviewed and approved the Site Development Plan, finding the Site Development Plan to be in compliance with applicable LDC regulations and to be consistent with the City's Comprehensive Plan; and

**WHEREAS**, the Planning Board does hereby approve the Site Development Plan SDP 22-000039 set forth in this resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA**

**SECTION 1. Recitals; Definitions.**

(a) That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

(b) That as used herein, unless the context hereof, or City Code of Ordinances, requires to the contrary, the following terms will be defined as set forth below:

- (1) "City" means the City of Marco Island, a Florida Municipal Corporation.
- (2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.
- (3) "Development Permit" is defined as set forth in Section 163.3164, Florida Statutes.
- (4) "Land Development Code" or "LDC" means the Land Development Code which consists of Chapter 30, Code of Ordinances of the City of Marco Island.
- (5) "Owner/Developer" means the City of Marco Island, and its successors and assigns, as owners or developers of the Subject Property.
- (6) "Site Development Plan" means: the Site Development Plan Application consisting of one page, entitled "City of Marco Island Leigh Plummer Park."
- (7) "Subject Property" means the following described parcel of land, lying, situate and being in the State of Florida, County of Collier, City of Marco Island, to-wit:

**MARCO BCH UNIT 3 TRACT B**

(Said legal description has neither been reviewed nor examined by the City, Weiss Serota Helfman Cole & Bierman, P.L., Alan Gabriel, Esq., or David N. Tolces, Esq., but is extracted from the most recent deed of conveyance in Official Records Book 3532, Page 3143, Public Records of Collier County, Florida.)

**SECTION 2. Adoption.** The Owner/Developer's Site Development Plan for the Subject Property is hereby approved. The Site Development Plan is approved subject to the following conditions of approval set forth in Section 3 of this Resolution.

**SECTION 3. Conditions of Approval.** None.

**SECTION 4. Failure to Obtain Other Permits.** That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal

permits must be obtained before commencement of the Development on the Subject Property. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**SECTION 5. Failure to Adhere to Resolution.** That failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

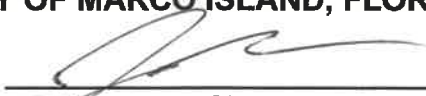
**SECTION 6. Effective Date.** That this Resolution shall take effect immediately upon adoption.

ADOPTED BY PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 4<sup>th</sup> day of March 2022.


**ATTEST:**

  
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Laura Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**

By:   
\_\_\_\_\_  
Jason Bailey, Chairman

Approved as to form and legal sufficiency:

  
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David N. Tolces, City Attorney

