

**RESOLUTION NO. 176 -2020**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FORMALIZING THE PRIOR APPROVAL OF THE SPECIAL MAGISTRATE'S RECOMMENDED ORDER REGARDING THE BENEFICIAL USE DETERMINATION APPLICATION OF PATRICIA J. EDWARDS AND HENRY A. OLYNGER JR., AND DENIAL OF THE RELIEF SOUGHT BY APPLICANTS.**

**WHEREAS**, Patricia J. Edwards and Henry A. Olynger, Jr. (“Applicants”) filed an amended application for a Determination of Beneficial Use (“BUD”) on June 12, 2017; and

**WHEREAS**, the BUD application was referred to a Special Magistrate as provided in Sections 102-105 and 102-106 of the Monroe County Code; and

**WHEREAS**, the duly appointed Special Magistrate, Francine M. Ffolkes, held an evidentiary hearing on January 16, 2018; and

**WHEREAS**, the Special Magistrate issued a Recommended Order with recommended Findings of Fact and Conclusions of Law on March 27, 2018, and a copy of the Recommended Order is hereby appended to, and made a part of, this Resolution; and

**WHEREAS**, the Board of County Commissioners must approve, modify, reverse, or approve with conditions a Recommended Order from a Special Magistrate during a public hearing as provided in Monroe County Code, Section 102-108; and

**WHEREAS**, a public hearing was held before the Board of County Commissioners on July 18, 2018; and

**WHEREAS**, the Board of County Commissioners unanimously voted at the July 18, 2018, hearing to approve without conditions the March 27, 2018, Recommended Order and deny beneficial use relief; and

**WHEREAS**, following the July 18, 2018, hearing, the Board of County Commissioners did not formalize its decision to approve without conditions the March 27, 2018, Recommended Order and deny beneficial use relief pursuant to a written resolution; and

**WHEREAS**, on October 9, 2019, the Florida Division of Administrative Hearing requested that the County provide it with a written final decision on the Recommended Order in order to close out its case file; and

