

Sponsored by: Puto

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-062**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MARATHON AND MONROE COUNTY, TO PROVIDE BEACH SAND, REPAIRS AND BEACH MAINTENANCE; EXTENDING THE AGREEMENT FOR AN ADDITIONAL FIVE (5) YEAR PERIOD

WHEREAS, On June 1, 2001, the City of Marathon, Florida (the "City") entered into an agreement with the Tourist Development Council of Monroe County (the "County") for reimbursement of certain beach maintenance expenses at Sombrero Beach (the "Agreement"); and

WHEREAS, On November 21, 2001, the first amendment to the Agreement was approved adding Coco Plum Beach to the Agreement; and

WHEREAS, the Agreement is expiring and has a provision for one (1) five (5) year extension; and

WHEREAS, the City and the County wish to extend the Agreement for an additional five (5) years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:


Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Second Amendment to the Agreement between the City of Marathon and the Tourist Development Council of Monroe County to provide beach sand, repairs and beach maintenance; extending the agreement for an additional five (5) year period a copy of which is attached as Exhibit "A" together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is approved.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Marathon, Florida, this 10th day of May, 2005.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Bull, Mearns, Miller, Pinkus, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

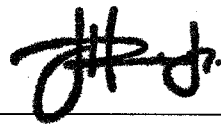
ATTEST:



Cindy L. Ecklund
City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**



City Attorney

AMENDMENT TO INTER-LOCAL AGREEMENT

THIS ADDENDUM to agreement is made and entered into this 20th day of July 2005, between the County of Monroe and The City of Marathon.

WHEREAS, there was a contract entered into on June 21, 2001, between the parties, to provide beach sand, beach repairs and beach maintenance at Sombrero Beach; and

WHEREAS, the contract was amended on November 21, 2001 for the addition of Coco Plum Beach; and


WHEREAS, the current contract provides an option to extend the agreement for an additional five (5) year period beyond the initial award period;

NOW, THEREFORE, in consideration of the mutual covenants contained herein the parties agree to the amended agreement as follows:

1. Contract period as outlined in Paragraph 1 as amended on November 21, 2001 be extended to September 30, 2010.
2. The remaining provisions of the contract dated June 21, 2001 remain in full force and effect.


IN WITNESS WHEREOF, the parties have set their hands and seal on the day and year first above written.

City of Marathon

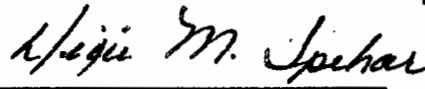

 (SEAL)
 ATTEST: DANNY L. KOLHAGE, CLERK


 Deputy Clerk

(SEAL)
ATTEST: City of Marathon Clerk

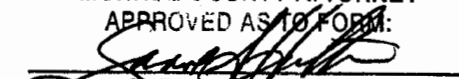

 Clerk

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA


 Mayor/Chairman

FILED FOR RECORD
 05 JUL 22 AM 10:34
 DANNY L. KOLHAGE
 CLERK, CITY OF
 MONROE COUNTY, FLORIDA

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


 SUZANNE A. HUTTON
 ASSISTANT COUNTY ATTORNEY
 Date 7/21/05

THE FLORIDA KEYS & KEY WEST
MONROE COUNTY TOURIST DEVELOPMENT COUNCIL
Come as you are®

APR 28 2005
DR

April 28, 2005

Ms. Susie Thomas
Executive Program Coordinator
City of Marathon
10045-55 Overseas Highway
Marathon, FL 33050

Dear Ms. Thomas,

Attached, please find five original copies of an Amendment to Agreement with The City of Marathon to extend the beach cleaning and beach maintenance agreement for Sombrero Beach and Coco Plum Beach.

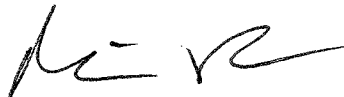
Please review carefully and if there are no changes have the **Mayor of your organization sign the Agreement and the City Clerk attest to signature.** If other than the Mayor signs the attached, documentation in the manner of approved minutes or resolution identifying said individual as an authorized person to sign on behalf of the organization must accompany the Agreements. If other than the Mayor's signature appears on the Agreement as stated above, this signature must be witnessed. **If there are any inaccuracies, please advise immediately so the correct information is reflected in the Agreement.**

Please note that when submitting for reimbursement against this Agreement the information provided must reflect the manner in which the Agreement is written. Any deviation from the scope of services will result in a delay in processing.

Return all (5) five signed copies to my attention **no later than Friday, May 27, 2005. (After City has approved at their meeting)** Please note that funds may not be expended against this Agreement until the TDC and Board of County Commissioner's has approved the Agreement. We anticipate placing your Agreement for approval on the **May 11th DAC III Agenda** and the **July 20, 2005 BOCC agenda.** A fully executed Amendment to Agreement will be forwarded to you after the Board of County Commissioner's approval.

If you have any questions, please do not hesitate to call.

Yours sincerely,



Maxine Pacini,
Administrative Assistant

/MP
Attachments (5)

COUNCIL AGENDA STATEMENT



Meeting Date: May 10, 2005
From: Susie Thomas, Project Manager ST
Through: Michael H. Puto, City Manager MBP

Agenda Item: **Resolution 2005-062**, Approving The Second Amendment To The Agreement Between The City Of Marathon And Monroe County, To Provide Beach Sand, Repairs And Beach Maintenance; Extending The Agreement For An Additional Five (5) Year Period

BACKGROUND & JUSTIFICATION:

On June 1, 2001, the City entered into an agreement with Tourist Development Council (TDC) of Monroe County for reimbursement of certain expenses relating to beach maintenance for Sombrero Beach. On November 21, 2001, amendment # 1 was approved adding Coco Plum Beach to the agreement. The original agreement is now expiring with a provision for one (1) five (5) year extension. The contract period with amendment # 2 will now expire on September 30, 2010. The current reimbursable amount is \$115,887.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u> X </u>	<u> </u>
2. Other _____	<u> </u>	<u> </u>
3. Not applicable _____		

FISCAL NOTE:

Funds will be budgeted in the FY06 Parks and Recreation Budget to cover expenses with an offsetting grant revenue for beach maintenance.

Approved by Finance Director: Dr RJA 5-4-5

RECOMMENDATION:

Council approve Resolution 2005-062, Approving The Second Amendment To The Agreement Between The City Of Marathon And Monroe County, To Provide Beach Sand, Repairs And Beach Maintenance; Extending The Agreement For An Additional Five (5) Year Period