

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2005-156**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, AUTHORIZING THE CITY MANAGER TO  
AMEND AN AGREEMENT WITH MARATHON SEAWALLS AND DOCKS,  
INC., WITH RESPECT TO THE DOCK ACCESS RAMPS AT THE CITY  
MARINA**

**WHEREAS**, the City of Marathon City Council, on June 28, 2005, approved a Contract for Wooden Ramps and Pilings - Boot Key Harbor City Marina (the "Agreement") with Marathon Seawalls & Docks, Inc. (the "Contractor"), providing for the Contractor to construct dock access ramps at the Boot Key Harbor City Marina (the "Project"); and

**WHEREAS**, the Agreement required, among other things, the Contractor to post a performance bond with the City of Marathon (the "City"), guaranteeing completion of the Project on a timely basis; and

**WHEREAS**, the Contractor has notified the City that, despite good faith efforts by the Contractor, it has been unable to obtain a performance bond; and

**WHEREAS**, the Contractor had been the only bidder for the Project when the Project was bid on May 26, 2005; and

**WHEREAS**, the City desires that the work on the Project commence as quickly as possible and is willing to amend the Agreement by waiving the requirement that a performance bond be posted.

**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 Council hereby authorizes the City Manager to amend the Agreement with the Contractor by waiving any requirement that a performance bond be posted for the Project, and further instructs the City Manager to have the Contractor proceed with the Project.

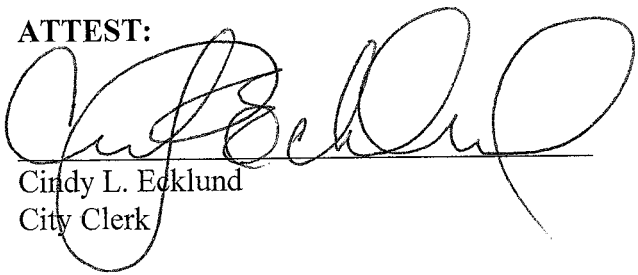
**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the City Council of the city of Marathon, Florida, this 11 day of October, 2005.

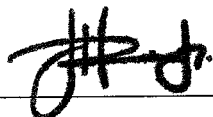
THE CITY OF MARATHON, FLORIDA

  
\_\_\_\_\_  
**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:**

  
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City Attorney