

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2010-56**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FLORIDA DEPARTMENT OF TRANSPORTATION CONSULT, COORDINATE AND COOPERATE WITH THE CITY CONCERNING THE PLANNING, DESIGN, CONSTRUCTION, IMPLEMENTATION AND OPERATION OF ALL PLANNED AND ONGOING PROJECTS INCLUDING THE OVERSEAS HERITAGE TRAIL SO AS TO MINIMIZE OR ELIMINATE ANY ADVERSE IMPACTS TO THE BUSINESSES AND RESIDENTS OF THE CITY; DIRECTING THE CITY CLERK AND CITY MANAGER TO TRANSMIT THIS RESOLUTION TO GOVERNOR CRIST, REPRESENTATIVE SAUNDERS, SENATOR BULLARD AND THE SECRETARIES OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon historically has had a cooperative working relationship with the Florida Department of Environmental Protection (“FDEP”) and the Florida Department of Transportation (“FDOT”) on most projects impacting the City; and

**WHEREAS**, on March 11, 2008 the City Council adopted Resolution 2008-51, supporting in principle the Florida Keys Overseas Heritage Trail Master Plan proposed by the Florida Department of Environmental Protection (“FDEP”) and the Florida Department of Transportation (“FDOT”); and

**WHEREAS**, such resolutions encouraged the City to believe that FDEP and FDOT would coordinate and cooperate with the City of Marathon (“City”) concerning the planning, design, construction and operation of all projects including the Overseas Heritage Trail through the City as mandated by Section 260.012, *Fla. Stat.*; and

**WHEREAS**, the City has shared various concerns of property owners adjacent to the Overseas Heritage Trail project within the City of Marathon and such concerns have not been adequately addressed and set a precarious precedent for future collaboration on projects of mutual interest and in particular, the City is concerned regarding apparent State noncompliance of statutory mandate of Section 260.12, *Fla. Stat.*

**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 City requests that FDEP and FDOT delay or modify the construction activity of the Overseas Highway Trail project until such time as the City, FDEP and FDOT can cooperate and coordinate the design and development of the Overseas Heritage Trail, throughout the City, to mitigate, minimize or eliminate any adverse impacts on adjacent businesses and residents.


**Section 3.** The City further requests that FDEP and FDOT allow the City to participate in the planning, design, construction, implementation and operation of all other planned and ongoing projects under their control or jurisdiction so as to eliminate or minimize any adverse impacts to the businesses and residents of the City.

**Section 4.** The City Clerk and City Manager are directed to transmit this resolution to Governor Crist, Representative Saunders, Senator Bullard and the Secretaries of the Florida Department of Environmental Protection and the Florida Department of Transportation.

**Section 5.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8<sup>th</sup> DAY OF JUNE, 2010.**

**THE CITY OF MARATHON, FLORIDA**

  
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**Ginger Snead, Mayor**


AYES: Cinque, Keating, Ramsay, Worthington, Snead

NOES: None

ABSENT: None

ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Diane Clavier, City Clerk

(City Seal)

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

  
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City Attorney