

CITY OF MARATHON, FLORIDA
RESOLUTION 2014-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, TERMINATING THE CDBG ECONOMIC DEVELOPMENT PROGRAM SUB-GRANT AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY IN THE AMOUNT OF \$727,000.00; TERMINATING THE PARTICIPATING PARTY GRANT AGREEMENT BETWEEN THE CITY AND THE FLORIDA KEYS LAND & SEA TRUST, INC. FOR GRANT FUNDING OF THE PROPOSED CRANE POINT ECO-ADVENTURE CANOPY TOUR ZIP LINE PROJECT; RESCINDING RESOLUTION 2014-02 CONCERNING THE GRANT OF AN ADMINISTRATIVE HEIGHT VARIANCE FOR THE PROPOSED CRANE POINT ECO-ADVENTURE CANOPY TOUR ZIP LINE PROJECT; AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO CLOSE OUT THE SUB-GRANT AGREEMENT BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND THE PARTICIPATING PARTY GRANT AGREEMENT BETWEEN THE CITY AND THE FLORIDA KEYS LAND & SEA TRUST, INC.; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 25, 2012, the City Council of the City of Marathon, Florida (the "City") adopted Resolution 2012-112 approving a Sub-grant Agreement between the City and the Florida Department of Economic Opportunity (the "DEO") in the amount of \$727,000.00, and approving a Participating Party Grant Agreement between the City and the Florida Keys Land & Sea Trust, Inc. for grant funding of the proposed Crane Point eco-adventure canopy tour zip line project (the "Zip Line Project"); and

WHEREAS, on April 18, 2013, the City issued a Notice of Intent to Issue and Administrative Height Variance for the Zip Line Project, which was subsequently appealed by the surrounding residents and interested parties; and

WHEREAS, on January 14, 2014, the City approved Resolution 2014-12 denying the appeal to the Administrative Height Variance; and

WHEREAS, Resolution 2014-12 is the subject of that certain Writ of Certiorari proceeding currently pending in the 16th Judicial Circuit In and For Monroe County styled *Beverly Welber, et. al. vs. The City of Marathon, et. al.*, Case No. 2014-CA-35-M (the "Litigation"); and

WHEREAS, the City and the Florida Keys Land & Sea Trust, Inc., cannot complete the required environmental reviews within the Sub-grant Agreement timeframes, and the United

States Fish & Wildlife Service has raised additional environmental concerns that will require immediate, additional resources to adequately address; and

WHEREAS, the Florida Keys Land & Sea Trust, Inc. has stated to the City both verbally and in writing (via correspondence dated April 4, 2014) that it desires to terminate the Participating Party Grant Agreement between it and the City and retract its application for the Administrative Height Variance; and

WHEREAS, the City desires to terminate the Sub-grant Agreement between it and the DEO, terminate the Participating Party Grant Agreement between it and the Florida Keys Land & Sea Trust, Inc., and amicably resolve the Litigation.

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 CDBG Economic Development Program Sub-grant Agreement between the City and the DEO is hereby terminated for the convenience of the City and DEO in accordance with subsection (12)(c) of same.

Section 3. The Participating Party Grant Agreement between the City and the Florida Keys Land & Sea Trust, Inc., for grant funding of the proposed Zip Line Project is hereby terminated at the request of Florida Keys Land & Sea Trust, Inc.

Section 4. Resolution 2014-12 is hereby rescinded and the corresponding Administrative Height Variance application is withdrawn at the request of Florida Keys Land & Sea Trust, Inc.

Section 5. The Acting City Manager or his designee is authorized to take all actions necessary to close out the Sub-grant Agreement between the City and the DEO and the Participating Party Grant Agreement between the City and the Florida Keys Land & Sea Trust, Inc.

Section 6. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 22nd DAY OF APRIL, 2014.

THE CITY OF MARATHON, FLORIDA



Dick Ramsay, Mayor

AYES: Bartus, Bull, Keating, Senmartin, Ramsay
NOES: None
ABSENT: None
ABSTAIN: None

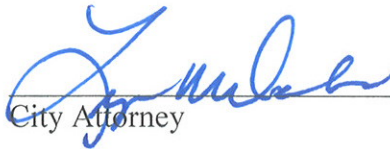
ATTEST:



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:**



City Attorney

Community Development Block Grant Closeout
Small Cities CDBG and Disaster Recovery Programs
(Revised 10/2012)

Instructions

Closeout forms must be submitted to the Department of Economic Opportunity (DEO), Florida Small Cities CDBG or Disaster Recovery Program, within 45 days after the contract termination or expiration date. Please note the following important instructions:

- Closeouts can only be submitted after all amendments have been executed and all requests for funds submitted. The Department will not process a request for funds or amendment that is submitted with a closeout.
 - A final request for funds must be submitted prior to submission of the closeout since funds not requested will be deobligated at closeout.
 - Any amendment that is necessary for final reconciliation of the grant funds must be executed prior to the submission of the closeout.
- All grant recipients must complete Section I.
- Commercial Revitalization, Disaster Recovery (if infrastructure or public facility projects were carried out) or Neighborhood Revitalization grant recipients must complete Section II.
- Recipients of Commercial Revitalization or Economic Development grants must complete Section III.
- Housing and Disaster Recovery (if housing activities were carried out) grant recipients must complete Section IV.
- All grant recipients must complete the Beneficiary Data form and the Status of Accomplishments and Expenditures form.
- The Closeout Approval form must be signed by the Chief Elected Official or another individual authorized by resolution to sign CDBG documents. Enter the information requested or circle the response.

Please complete and return only the sections that are applicable to your contract. Contact your grant manager if you have questions. Use the tab key or the cursor to move between form fields. Click on the appropriate check box to put an "X" for "Yes, No or N/A" questions.

Section I. Contract Information

Contract Number: 13DB-OH-11-54-02-E 09 **Beginning Date:** 10-29-2012 **Ending Date:** 10-29-2014 **Local Government's DUNS Number:** 148386910
Recipient: City of Marathon **Local Contact:** Debra London **Phone Number:** (305) 289-4103

1. Indicate how the project was carried out (administration and construction): Recipient Employees Contractors Both
2. Indicate how beneficiary data was collected: Census Survey Income Verification Form (for Housing or ED)
3. Enter the Census Tract(s) and/or Block Group(s) for service area(s): Census Tract(s) 971000;971100;971200;971300 Block Group(s) 2,3;1,2,3;1,2,3 respectively
4. If location of activities has changed since the initial award was made, and a revised map was not previously submitted, is a map included? Yes No N/A
5. Is a Property Management Register included? Yes No N/A
6. If an infrastructure project, is an engineering certification included? Yes No N/A
7. Is the project located in a Historic District? Yes No
8. Is the project located in a Presidentially Declared Disaster Area? Yes No
9. Is the project a Brownfield Activity? Yes No
10. Did the local government provide the assistance (to the beneficiaries) in the form of a loan or a grant? Grant Loan Deferred, forgivable loan
11. If a loan, indicate: Interest Rate: % Monthly Loan Amount: \$ Amortization Period in Months:
12. List all other funds, along with the source, used to support the activities funded with this grant:

	Source	Amount
Local Funds (i.e., General Revenue)		\$
Grant(s)	CDBG	\$727,000
Private Funds (i.e., Participating Party, etc.)		\$345,000
Loan(s)		\$
Other, including Program Income (Specify)		\$

13. Will the project result in program income? *Program income earned as a result of Small Cities CDBG and Disaster Recovery grants, but not expended before closeout must be returned to DEO. Make check payable to the Department of Economic Opportunity – CDBG Program and include it with the Closeout.* Yes No
 - If program income has already resulted, indicate amount: \$
 - Indicate amount of program income that has been expended to date: \$
14. Does the local government have CDBG funds on hand? If yes, you cannot close the contract. Yes If yes: \$ No
15. Has a final Request for Funds been submitted? If not, you cannot close the contract. Yes No

Section II. Public Services, Public Facility and Infrastructure

(To be completed by Commercial Revitalization, Disaster Recovery and Neighborhood Revitalization grant recipients. If water/sewer hookups were provided, please complete Section IV.)

1. Service (Housing Counseling, etc.)

- a. Number of persons with new access to this service or benefit
- b. Number of persons with improved access to this service or benefit
- c. Number of persons now receiving a service or benefit that is no longer substandard

2. Public Facility or Infrastructure Improvement (i.e., Water and Sewer Facilities, Drainage, Street Paving)

- a. Number of persons with new access to this type of public facility or infrastructure improvement
- b. Number of persons with improved access to this type of public facility or infrastructure improvement
- c. Number of persons served by public facility or infrastructure that is no longer substandard

Section III. Commercial Revitalization and Economic Development

**Recipients of Commercial Revitalization grants should only respond to items with an asterisk (*).*

*Number of businesses assisted with commercial facade treatment

*Number of businesses assisted that provide goods or services to meet the needs of a service area, a neighborhood, or a community

*Number of businesses assisted

Number of new businesses assisted

Number of existing businesses assisted

Number of existing businesses expanding

Number of existing businesses relocating

Number of full-time positions created

Number of full-time positions retained

Number of full-time low/mod positions created

Number of full-time low/mod positions retained

Number unemployed prior to taking jobs created by this activity

Number of retained jobs with employer-sponsored health care benefits

Number of jobs created with employer-sponsored health care benefits

Enter in the spaces below the number of jobs created by type:

Officials and Managers	Sales	Operatives (semi-skilled)
Professional	Technicians	(unskilled) Service workers
Office and Clerical	Craft workers (skilled)	Laborers

***For each business assisted, enter the business name and DUNS #:**

Business	DUNS #
Business	DUNS #
Business	DUNS #
Business	DUNS #
Business	DUNS #
Business	DUNS #

Please note that Commercial Revitalization projects which consist of activities other than facade improvements (i.e., sidewalks, street paving, etc.) provide a benefit to businesses. Therefore, the number of business assisted must be reported. A DUNS number is required for each.

Section IV. Housing

(To be completed by Small Cities CDBG and Disaster Recovery Program grant recipients if housing activities were undertaken. If water/sewer hookups were provided, please complete all information requested in Section IV.)

Number of single family houses rehabilitated

Number of single family rental houses addressed

Number of single family home-owner houses address

Number of single family one-for-one replacements

Number of multi-family properties addressed

Number of units within the multi-family properties

Number of permanent displacements/relocations

Number of units occupied by the elderly

Number of units with female head of household

Number of units made handicapped accessible

Number of units qualified as "energy star"

Number of units brought into compliance with lead safety requirements

If applicable, number of beds created in overnight shelter or emergency housing

Did the activity involve rental housing? Yes No

Did the project include:

- Installing security devices Yes No
- Installing smoke detectors Yes No
- Performing emergency housing repairs Yes No
- Providing supplies and equipment for painting houses Yes No
- Operating a Tool Lending Library Yes No
- Mitigation to prevent future damages (strengthened roof, doors, windows, elevations, etc.) Yes No

The form on the next page relates to housing units addressed, including those that were provided water/sewer hookups. **Please note that beneficiaries of housing units are measured in households (HH), not the number of people living with the household. Race and ethnicity also applies to the head of households (HH).**

Section V. STATUS OF ACCOMPLISHMENTS AND EXPENDITURES (Use additional pages if necessary)

National Objective 1-L/M 2-Urgent Need 3-Slum & Blight	(A) Activity #	(B) Activity Name	(C) IDIS # (for Small Cities CDBG)		(D) CDBG Accomplishments		(E) Current Approved CDBG Budget	(F) CDBG Funds Received To Date	(G) Other Leverage Funds Expended
			DEO Use Only		Contracted	To Date			
NA	21A	Administration					\$58,000	\$8,000	\$0
1	17B	Sewer Facilities			2 LS	0	\$44,800	\$0	\$0
1	17B	Parking Facilities			140 CY	0	\$7,500	\$0	\$0
1	16B	Historic Rehabilitation and Preservation			3 BLDG		\$201,0000	\$0	\$0
1	17B	Zipline and Touchtanks			1 Zipline	0	\$375,700	\$0	\$0
1	17D	Engineering for Ziplines					\$40,000	\$0	\$0
		SEE ATTACHMENT A					\$	\$	\$
TOTALS							\$727,000	\$8,000	\$0
J. Total CDBG Approved Budget:			Total of Column (E)					\$727,000	
K. Total CDBG Funds Received To Date:			Total of Column (F)					\$8,000	
L. Refund Due to DEO:			If Line (K) is greater than Line (J) indicate the difference					\$NA	
M. Amount to be Deobligated:			If Line (K) is less than Line (J) indicate the difference					\$719,000	

Section VI. BENEFICIARY DATA - Do not enter Administration or Engineering. Beneficiaries of housing units are measured in households (HH), not number of people living in household.

	Activity #		Activity #		Activity #		Activity #		Activity #		Activity #	
Total Beneficiaries Proposed												
Total Beneficiaries Actual												
LMI Beneficiaries Proposed												
LMI Beneficiaries Actual												
VLI Beneficiaries Proposed												
VLI Beneficiaries Actual												
Female												
Disabled												
Female Head of HH												
Elderly												
		For Housing Grants Only- Enter Summary Information from Page 6										
RACE	# Owner Occupied	# Renter Occupied	Total	# of Hispanic Ethnicity	Total	# of Hispanic Ethnicity	Total	# of Hispanic Ethnicity	Total	# of Hispanic Ethnicity	Total	# of Hispanic Ethnicity
White												
African American												
Asian												
American Indian or Alaskan Native												
Native Hawaiian Pacific Islander												
American Indian or Alaskan Native and White												
Asian and White												
African American and White												
American Indian/Alaskan Native and African American												
Other Multi-racial												

Section VII. PROPERTY MANAGEMENT REGISTER
 ATTACHMENT A (IF REQUIRED)

Recipient	Contract End Date				
Contract Number	Local Contact				
	1	2	3	4	5
Description of Property or Type of Equipment					
Identification Number					
Date of Purchase or Acquisition					
Total Cost of Property	\$	\$	\$	\$	\$
CDBG Cost	\$	\$	\$	\$	\$
CDBG % of Total Cost					
Physical Location					
Condition (New or Used)					
Residual Value	\$	\$	\$	\$	\$
Disposition Date					
Disposition Amount	\$	\$	\$	\$	\$
Method of Disposition					

Attachment A

National Objective	(A) Activity	(B) Activity Name	(C) IDIS #	(D) CDBG Accomplishments		(E) Current Approved CDBG Budget	(F) CDBG Funds Received To Date	(G) Other Leverage Funds Expended
				Contracted	To Date			
	1 17B	Engineering for Sewer and Parking Areas		NA	NA	\$0	\$0	\$0
	1 17B	Other-Zipline and Touch Tanks		1 Zipline	0	\$0	\$0	\$0
	1 18A	Non Capitalized Tool and Equipment				\$0	\$0	\$0
	1 18B	Start up Costs and Training				\$0	\$0	\$0

Section VIII. CLOSEOUT APPROVAL

I certify that, to the best of my knowledge, all activities undertaken by the local government with funds under this grant agreement have been carried out in accordance with the grant agreement, that proper provision has been made for the payment of all paid costs identified; that the State of Florida is under no obligation to make further payment to the local government under the grant agreement in excess of the amount identified on Line J of the STATUS OF ACCOMPLISHMENTS AND EXPENDITURES form submitted with this closeout report; that every statement and amount set forth in this instrument is true and correct as of this date; that all required audits as of this date have been submitted and approved; and I acknowledge that DEO reserves the right to recover any disallowed costs identified in an audit completed after this closeout.

Chief Elected Official or Authorized Designee

Michael H. Puto
Signature

MICHAEL H. PUTO, ACTING CITY MANAGER
Name and Title

APRIL 23, 2014
Date

2014 APR 23 PM 2:06

For DEO use only:

Approval of this Closeout Package authorizes the deobligation of unexpended CDBG contract funds in the amount of \$ 719,000.

Division of Community Development
[Signature]
Name and Title
6/30/14
Date

DEO Finance and Accounting Section
Emily P. Burke, Chief, BFM
Name and Title
6/19/14
Date