

RESOLUTION NO. 01-09-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AND ADOPTING THE TENTATIVE MILLAGE RATE FOR TAXATION OF REAL PROPERTY LYING WITHIN THE BOUNDARIES OF THE CITY OF MARATHON FOR FISCAL YEAR 2001/2002 COMMENCING OCTOBER 1, 2001 AND ENDING SEPTEMBER 30, 2002, PURSUANT TO SECTION 200.065, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the City of Marathon, Florida, is a municipality located in Monroe County, Florida; and

WHEREAS, pursuant to Section 200.065(4)(E)(1), Florida Statutes, the City Council is obliged to adopt its tentative millage rate prior to the adoption of its tentative budget.

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

Section 1: The tentative millage rate approved and adopted for the taxation of all real property lying within the boundaries of the City of Marathon, Florida, shall be **\$2.9645 per \$1,000.00** of assessed property value for the Fiscal Year 2001/2002.

Section 2: The percentage by which this millage rate to be levied exceeds the rolled back rate of **2.7054 mills** (computed pursuant to Florida law) is **9.5771%**. This is the percentage increase/decrease in property taxes tentatively adopted by the City of Marathon.

Section 3: This tentative millage rate of **\$2.9645 per \$1,000.00** of taxable value is for the calendar year 2001 to fund the expenses for the Fiscal Year commencing October 1, 2001 and ending September 21, 2002.

Section 4: The City Council shall, at the City Council Public Hearing Meeting on Tuesday, September 18, 2001, at which meeting the Final Budget for Fiscal Year 2001/2002 will be considered and approved, adopt a Final Millage Rate.

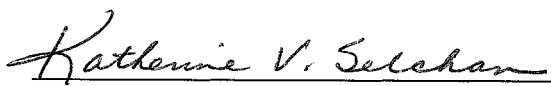
Section 5: That a decision by a court of competent jurisdiction declaring invalid any section, paragraph, sentence, clause, phrase or other part of this Resolution shall not affect the validity of this Resolution as a whole or any portion thereof, other than the part so declared to be invalid.

Section 6: Effective Date. This resolution shall become effective immediately upon its adoption.

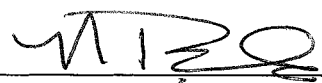
ADOPTED by the City Council of the City of Marathon, Monroe County, Florida, this 4th day of September, 2001.


ROBERT K. MILLER, MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


CITY ATTORNEY

#3912v1

SCANNED

9/17/01 #4125 KS✓

INTERLOCAL AGREEMENT

City of Marathon

THIS INTERLOCAL AGREEMENT is entered by and between Monroe County, (County) a political subdivision of the State of Florida, whose address is Public Service Building, 5100 College Road, Key West, FL 33040 and the City of Marathon (City), a municipal corporation, whose address is PO Box 500430, Marathon, FL 33050, pursuant to Sec. 163.01, Fla. Stat.

WHEREAS, the City has requested certain funds collected within the City but held in the account of the County Planning, Zoning and Building District, (District) to be used for recreational, park and beach purposes at Sombrero Beach Park within the City of Marathon;

WHEREAS, Sec. 2-388(6), Monroe County Code, authorizes the use of District funds for the purposes listed above; and

WHEREAS, the County desires to transfer the funds to the City but also desires to ensure that the funds are used for the purposes authorized by Sec. 2-388(6), Monroe County Code; now, therefore

IN CONSIDERATION of the mutual promises and covenants set forth below, the parties agree as follows:

1. The County shall pay \$492,332 from the Planning, Zoning and Building District Fund to the City for park, beach and recreational improvements at Sombrero Beach Park, subject to the following terms and conditions:

a) As work on the Sombrero Beach Park improvements progresses, the City shall submit to the County copies of invoices, or other requests for payment however denominated, from City employed contractors or materialmen furnishing construction services or material to the Sombrero Beach Park, improvements describing the services or material furnished and the amount requested. If the County's Clerk of the Circuit Court, (the Clerk), after examination of the documents, is satisfied that the construction services or material were furnished for park, beach and recreational improvements at Sombrero Beach Park then he shall pay the City the amount represented by each invoice up to \$492,332. In no event does the County's obligation to pay the City under this agreement exceed \$492,322. Nothing in this agreement may be construed to create

on behalf of the County any privity with, or liability to, any City employed contractor, materialman or vendor.

b) The City's financial records pertaining to this interlocal agreement must be kept according to generally accepted governmental accounting principles and must be made available to auditors employed by the Clerk, County or the State of Florida, during regular business hours (9 AM - 5 PM, Monday - Friday, holidays excepted). If an auditor employed by any of the entities listed above determines that any of the funds paid to the City pursuant to this interlocal agreement were spent for a purpose not authorized by this agreement, then the City must repay the County the amount determined by the auditor to have been improperly spent plus interest calculated under Sec. 55.03, Fla. Stat., with the interest running from the date the auditor determined that the funds were misspent. The City must retain its financial records pertaining to this agreement for a minimum of three years beginning on the date the last payment to the City was made under this agreement.

2. In the event of any litigation arising under this agreement, the prevailing party is entitled to a market value attorney's fee plus costs.

3. This interlocal agreement will take effect on the signature date of the last party to execute it. An original of this interlocal agreement must be filed with the Clerk of the Circuit Court and the Clerk of the City.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals.

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

By Isabel C. DeSantis
Deputy Clerk
Date 07-18-01

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By George R. Neugart
Mayor/Chairman

(SEAL)
ATTEST:

By Katherine V. Saladan
City Clerk
Date 9-4-01
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CITY OF MARATHON, FLORIDA

By [Signature]
Mayor

By N. Burche
City Attorney
Date 9/6/01

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY.
BY [Signature]
ROBERT N. WOLFE
DATE 7-16-01

RESOLUTION NO. 271 -2001

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF MARATHON FOR THE PAYMENT OF \$492,332 OUT OF THE COUNTY PLANNING, ZONING AND BUILDING DISTRICT ACCOUNT.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA that:

The Mayor is hereby authorized to execute on behalf of the BOCC of Monroe County, Florida, an interlocal agreement with the City of Marathon providing for the payment of \$492,332 to the City for park, beach and recreational purposes at Sombrero Beach Park. A copy of the interlocal agreement is attached to, and made a part of, this Resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 18th day of July, 2001.

Mayor George Neugent	<u>yes</u>
Mayor Pro Tem Nora Williams	<u>yes</u>
Commissioner Murray Nelson	<u>yes</u>
Commissioner Dixie Spehar	<u>yes</u>
Commissioner Charles McCoy	<u>yes</u>

(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By Isabel C. De Santis
Deputy Clerk

By George R. Neugent
Mayor/Chairperson

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MONROE COUNTY, FLA.
CLK. CIR. CT.
DANNY L. KOLHAGE

2001 SEP 17 PM 4: 23

FILED FOR RECORD

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY Robert N. Wolfe
ROBERT N. WOLFE

DATE 7-16-01