

RESOLUTION NO. 01-09-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AUTHORIZING THE CITY TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND THE CITY OF MARATHON FOR THE COUNTY TO PAY \$492,332.00 TO THE CITY FOR PARK, BEACH AND RECREATIONAL IMPROVEMENTS AT SOMBRERO BEACH PARK; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE THE TERMS AND CONDITIONS OF SAID AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to enter into an Interlocal Agreement with Monroe County whereby the County shall pay \$492,332.00 from Planning, Zoning and Building District Fund(s) to the City of Marathon for park, beach and recreational improvements at Sombrero Beach Park; and

WHEREAS, said Agreement is subject to the terms and conditions outlined in said Interlocal Agreement approved by the Monroe County Board of County Commissioners ("BOCC") at their meeting of July 18, 2001.

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

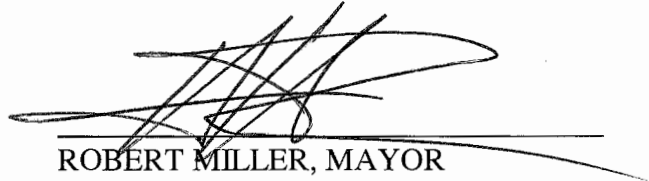
Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Agreement. The Interlocal Agreement between the Monroe County and the City of Marathon, in substantially the form and substance that is attached as Exhibit "A", is

hereby approved. The City Manager and the City Attorney are authorized to finalize the terms and conditions of the Agreement, if deemed necessary, and the Mayor is authorized to execute the Agreement on behalf of the City.

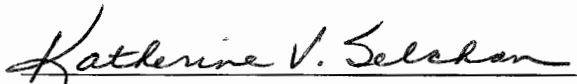
Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 4th day of September, 2001.




ROBERT MILLER, MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

#3910v1

SCANNED

9/17/01 #4126 KSV

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

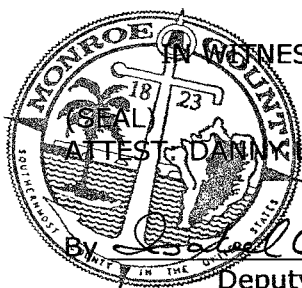
on behalf of the County any privity with, or liability to, any City employed contractor, materialman or vendor.

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" 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.



ATTEST DANIEL L. KOLHAGE, CLERK

By Richard 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. Selchan
City Clerk
Date 9-4-01
JdiaCOMP&b

CITY OF MARATHON, FLORIDA

By [Signature]
Mayor

By N. Banche
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

By Isabel C. DeSantis
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By George R. Neugent
Mayor/Chairperson

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FILED FOR RECORD
2001 SEP 17 PM 4: 23
DANNY L. KOLHAGE
CLK. CIR. CL.
MONROE COUNTY, FLA.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY Robert N. Wolfe
ROBERT N. WOLFE
DATE 7-16-01