



COUNCIL AGENDA STATEMENT

Meeting Date: June 13, 2023
To: Honorable Mayor and Council Members
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: Resolution 2023-59, Approving A Fifth Amendment To The Lease Agreement No. 4547 With The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Management Of Properties With The City Of Marathon Purchased For The Purpose Of Conservation; Authorizing The Mayor To Execute The Amendment To The Agreement; And Providing An Effective Date

BACKGROUND & JUSTIFICATION

On June 22, 2004, the City Council of the City of Marathon, Florida approved Resolution 2004-63 authorizing the submission of a Florida Forever boundary modification form and designating the City of Marathon as Land Manager for conservation and natural area lands. Management of these lands primarily involves removal of invasive exotics, preventing dumping on the property, and encroachment by adjacent property owners. Resolution 2007-41 embodies that agreement including a list of some fifty-eight (58) parcels. Since the adoption of Resolution 2007-41, the State has acquired additional parcels which would logically be added to the Land Management Agreement.

Execution of this resolution complies with Policy 1-3.5.14 of the Comprehensive Plan by coordinating with outside agencies for the acquisition of environmentally sensitive lands for conservation.

Table with 3 columns: CONSISTENCY CHECKLIST:, Yes, No. Row 1: 1. Comprehensive Plant, XX, blank line. Row 2: 2. Other: Resolution 2004-063, XX, blank line.

FISCAL NOTE:

N/A

RECOMMENDATION:

Approval of Resolution

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-59**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A FIFTH AMENDMENT TO THE LEASE AGREEMENT NO. 4547 WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE MANAGEMENT OF PROPERTIES WITH THE CITY OF MARATHON PURCHASED FOR THE PURPOSE OF CONSERVATION; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is the desire of the City Council of the City of Marathon, Florida (the “City”) to acquire and to manage conservation lands within the City of Marathon for the purpose of conservation; and

WHEREAS, the State of Florida (the “State”) purchases environmentally sensitive properties throughout the State (including in the City) through the Florida Forever Program; and

WHEREAS, pursuant to Resolution 2004-63 and as a condition of the State purchasing conservation lands in a municipality is that the municipality will agree to manage those properties under a lease agreement with the State; and

WHEREAS, through this Amendment to the Agreement, the State has added certain environmentally sensitive property in the City, more particularly described in sum total in Exhibit A hereto (the “Property”); and

WHEREAS, the State will be amending its lease with the City for purposes of managing these additional Properties.

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 are incorporated herein.

Section 2. The Fifth Amended Lease Agreement between the City of Marathon and The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the management of the Property, a copy of which is attached as Exhibit “A”, in substantially the same terms together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved.

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 13TH DAY OF JUNE, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier
City Clerk

(City Seal)

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

Steve Williams, City Attorney