

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-38**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING AMENDMENT NO. 1 OF GRANT AGREEMENTS NOS. 2853 BETWEEN THE CITY AND THE MONROE COUNTY TOURIST DEVELOPMENT COUNCIL FOR A RESTROOM FACILITY AT THE QUAY PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 9, 2022, Council approved the Tourist Development Council Inter-Local Grant Agreement No. 2853 (Quay Restroom Project); and

WHEREAS, the Monroe County Tourist Development Council awarded a grant in the amount of \$245,000 to construct a restroom facility at the Quay with a project completion date of September 30, 2023; and

WHEREAS, the City has bid the project twice, both times receiving one bid and above budget. The staff has determined a different approach, use of a Construction Manager at Risk in an effort to build the facility in a more efficient manner; and

WHEREAS, the procurement of the Construction Manager at Risk, added time to the process, and as a result, staff feels that the project may not be complete by the expiration date of the grant; and

WHEREAS, the City requested and received an extension from the Monroe County Tourist Development Council to March of 2024 and this amendment formalizes the time extension of the grant.

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 Amendment 1 between the City and Monroe County attached hereto as Exhibit "A," is hereby approved. The City Manager is authorized to execute any future amendments to the Grant Award Agreement and expend budgeted funds on behalf of the City.

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 11th DAY OF APRIL, 2023.

THE CITY OF MARATHON, FLORIDA



Luis Gonzalez, Mayor

AYES: Landry, Matlock, Smith, Still, Gonzalez
NOES: None
ABSENT: None
ABSTAIN: None

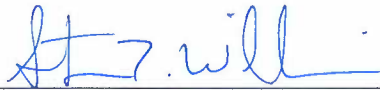
ATTEST:



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

AMENDMENT (1st AMENDMENT) TO AGREEMENT

THIS AMENDMENT to Agreement dated this 17th day of May 2023, is entered into by and between the Board of County Commissioners for Monroe County, on behalf of the Tourist Development Council, and **The City of Marathon** a Government agency organized and operating under the laws of the state of Florida (Grantee).

WHEREAS, there was an Agreement entered into on October 19, 2022 between the parties, awarding \$245,000 to Grantee for the **City of Marathon Quay Restroom II Project (Public Facilities Category)** (“**Agreement**”); and

WHEREAS, it has become necessary to revise the termination date of the project to March 31, 2024 due to delays, and

NOW, THEREFORE, in consideration of the mutual covenants contained herein the parties agree to the amend Agreement as follows:

1. Paragraph 1 of the agreement shall be revised to read as follows: This Agreement is for the period of **October 19, 2022 to March 31, 2024**. This Agreement shall remain in effect for the stated period unless one party gives to the other written notification of termination pursuant to and in compliance with paragraphs 7, 12 or 13 of the original Agreement dated October 19, 2022.
2. Reimbursement request for the project may not be submitted until October 1, 2023.
3. Any references to termination date and submission of invoices shall be revised to read March 31, 2024.
4. The remaining provisions of the Agreement dated October 19, 2022 shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have set their hands and seal on the day and year first

Madok, Clerk

Board of County Commissioners
of Monroe County

Family Stinson

As Deputy Clerk

[Signature]

Mayor/Chairman

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Christine Lambert-Barrows
CHRISTINE LAMBERT-BARROWS
ASSISTANT COUNTY ATTORNEY
DATE 4/18/23

The City of Marathon

Attest:

By *Hillary Palmer*
City Clerk *Deputy Clerk*

Hillary Palmer
Print Name

Date: 3-27-23

By *[Signature]*
Mayor

Luis Gonzalez
Print Name

Date: 3-27-23

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