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**CITY OF MARATHON, FLORIDA
RESOLUTION 2004-038**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE FLORIDA KEYS AQUEDUCT AUTHORITY TO HIRE ADDITIONAL CITY STAFF WITH FUNDS FROM THE MARATHON MUNICIPAL SERVICE TAXING UNIT

WHEREAS, on January 27, 2004 the parties entered into a Memorandum of Agreement (the original Memorandum of Agreement (MOA)) whereby the City would use its staff, including any contractual employees, to assist Florida Keys Aqueduct Authority (FKAA) in the planning for the construction of the central wastewater collection and treatment system for the City of Marathon. The costs associated with the utilization of the City staff was limited to \$20,000. The FKAA agreed to reimburse the City for these costs from funds collected from the Marathon Municipal Service Taxing Unit (MSTU); and

WHEREAS, it is beneficial to the parties that the City hire additional staff to assist the FKAA in the planning for the construction of the central wastewater and treatment system; and

WHEREAS, the FKAA would reimburse the City for the costs associated with the hiring of additional staff from funds collected from the MSTU; and

WHEREAS, the FKAA and the City intend to continue to cooperatively work together to perform the planning and development necessary as a condition precedent to the construction and operation of central wastewater collection and treatment infrastructure serving the property owners within the MSTU.

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

Section 1. Council approves the amended MOA between the City and the FKAA, a copy of which is attached as Exhibit "A".

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Marathon, Florida, this 27th day of April, 2004.

THE CITY OF MARATHON, FLORIDA



Jeffrey M. Pinkus, Mayor

AYES: Bartus, Bull, Mearns, Miller, Pinkus
NOES: None
ABSENT: None
ABSTAIN: None

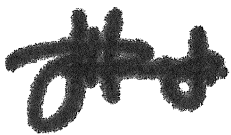
ATTEST:



Cindy L. Ecklund
City Clerk

(City Seal)

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



City Attorney

**AMENDMENT #1
TO A MEMORANDUM OF AGREEMENT
By and Between
Florida Keys Aqueduct Authority and the City of Marathon**

THIS AMENDMENT TO AN AGREEMENT is entered into this 31st day of March, 2004, by and between the Florida Keys Aqueduct Authority ("FKAA"), an independent special district organized and existing under Chapter 76-441, as amended, Florida Statutes, and the City of Marathon, ("City"), a political subdivision of the State of Florida.

WHEREAS, on January ⁷~~26~~, 2004, The parties entered into a Memorandum of Agreement (the original Memorandum of Agreement) whereby the City would use its staff, including any contractual employees, to assist FKAA in the planning for the construction of the central wastewater collection and treatment system for the City of Marathon. The costs associated with the utilization of the City staff was limited to \$20,000.00. The FKAA agreed to reimburse the City for these costs from funds collected from the Marathon Municipal Service Taxing Unit; and

WHEREAS, it is beneficial to the parties that the City hire additional staff to assist the FKAA in the planning for the construction of the central wastewater and treatment system, and

WHEREAS, FKAA would reimburse the City for the costs associated with the hiring of additional staff from funds collected from the Marathon Municipal Service Taxing Unit; and

WHEREAS, the FKAA and the City intend to continue to cooperatively work together to perform the planning and development necessary as a condition precedent to the construction and operation of central wastewater collection and treatment infrastructure serving the property owners within the Marathon Municipal Service Taxing Unit; now therefore

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

1. A copy of the original Memorandum of Agreement is provided for reference.
2. Subparagraph 2 of the original Memorandum of Agreement is amended to read as follows:

The City shall use its staff, including any contractual employees, to assist FKAA in the planning for the construction of the central wastewater collection and treatment system for the City of Marathon. The costs associated with the utilization of the City staff shall not exceed \$80,000.00 per year for the duration of the existence of the

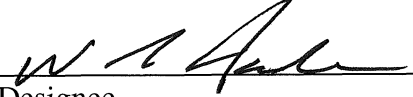
Marathon Municipal Service Taxing Unit. The FKAA shall reimburse the City for these costs from funds collected from the Marathon Municipal Service Taxing Unit.

3. Except as provided in paragraph 2 of this amendment, in all other respects the terms and conditions of the original agreement remain in full force and effect.

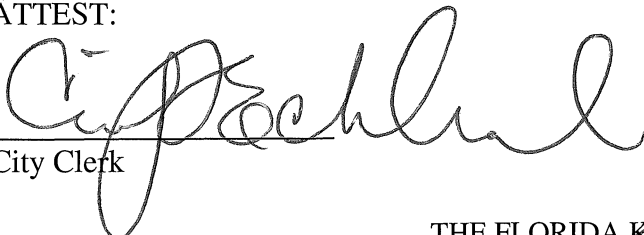
IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement on the dates opposite their names.

CITY OF MARATHON, FLORIDA

(SEAL)

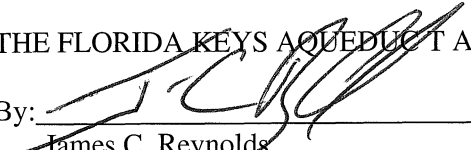
By: 
City Designee

ATTEST:


City Clerk

THE FLORIDA KEYS AQUEDUCT AUTHORITY

(SEAL)

By: 
James C. Reynolds
Executive Director

ATTEST:


Clerk

FKAA Board Approved: March 31, 2004