

Sponsored by: Puto

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-034**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE CITY OF MARATHON, FLORIDA AND THE FLORIDA COMMUNITIES TRUST EXTENDING THE GRANT AGREEMENT FOR AN ADDITIONAL FOUR-MONTH TERM

WHEREAS, the City of Marathon, Florida (the "City"), entered into a grant agreement dated September 1, 2004 (the "Agreement") with Florida Communities Trust ("FCT"), accepting an award of grant funding for the acquisition of real property for use as a public recreational facility; and

WHEREAS, the Agreement's initial term expired March 1, 2005; and

WHEREAS, the parties wish to extend the initial term of the Agreement for a four (4) month period with a new expiration date of July 1, 2005.

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

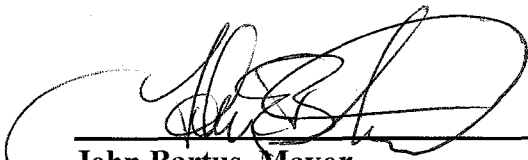
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Agreement between FCT and the City is amended to extend the initial term four (4) additional months, a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is 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 22nd day of March, 2005.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Bull, Mearns, Miller, Pinkus, Bartus
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

FCT Contract Number _____
FLORIDA COMMUNITIES TRUST
FF4 Award Number 04-001-FF4
MARATHON WATERFRONT PARK

ADDENDUM I TO GRANT CONTRACT

THIS ADDENDUM I is entered into by and between the **FLORIDA COMMUNITIES TRUST (FCT)**, a nonregulatory agency within the State of Florida Department of Community Affairs, and **CITY OF MARATHON**, a local government of the State of Florida (Recipient), this _____ day of _____, 2005.

NOW THEREFORE, FCT and Recipient mutually agree as follows:

WHEREAS, the parties hereto entered into a Grant Contract which sets forth the conditions of conceptual approval that must be satisfied by Recipient prior to the receipt of the FCT Florida Forever award and the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever award;

WHEREAS, the initial term of the Grant Contract expires March 1, 2005;

WHEREAS, the FCT Recipient in accordance with PERIOD OF AGREEMENT paragraph 2 of the Grant Contract and in compliance with Rule 9K-7.009(5), F.A.C., has timely submitted to FCT a written request for extension of the March 1, 2005 deadline;

WHEREAS, MODIFICATION OF AGREEMENT paragraph 1 of the Grant Contract states that the agreement may be amended at any time prior to FCT giving final project plan approval to the Recipient. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT;

WHEREAS, the parties hereto desire to extend the term of the Grant Contract as provided by Rule 9K-7.009(5), F.A.C.;

NOW THEREFORE, the FCT and RECIPIENT mutually agree as follows:

1. Notwithstanding the language of Section I. PERIOD OF AGREEMENT, paragraph 2., the parties hereby agree to revive it nunc pro tunc as though it had not lapsed in accordance with paragraph 1.

04-001-FF4
February 28, 2005
GCAMD.1

2. In every respect, this amendment is to be construed and applied as though the parties had both signed it before March 1, 2005.
3. The Grant Contract by and between FCT and Recipient is hereby extended until July 1, 2005.

This Addendum I, and the Grant Contract embody the entire agreement between the parties. All other terms and conditions not specifically referenced in this agreement remain the same and unchanged.

IN WITNESS WHEREOF, the parties hereto have duly executed this Addendum I.

CITY OF MARATHON

By: *Michael H. Puto*
Print Name: MICHAEL H. PUTO
Title: City Manager
Date: 3/22/05

Approved as to Form and Legality:
By: *[Signature]*
Print Name: John R. Helin Jr.

FLORIDA COMMUNITIES TRUST

By: _____
Janice Browning, Director, Division of
Housing & Community Development
Date: _____

Approved as to Form and Legality:
By: _____
Kristen L. Coons, Trust Counsel

FCT Contract Number _____
FLORIDA COMMUNITIES TRUST
FF4 Award Number 04-001-FF4
MARATHON WATERFRONT PARK

ADDENDUM I TO GRANT CONTRACT

THIS ADDENDUM I is entered into by and between the **FLORIDA COMMUNITIES TRUST (FCT)**, a nonregulatory agency within the State of Florida Department of Community Affairs, and **CITY OF MARATHON**, a local government of the State of Florida (Recipient), this _____ day of _____, 2005.

NOW THEREFORE, FCT and Recipient mutually agree as follows:

WHEREAS, the parties hereto entered into a Grant Contract which sets forth the conditions of conceptual approval that must be satisfied by Recipient prior to the receipt of the FCT Florida Forever award and the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever award;

WHEREAS, the initial term of the Grant Contract expires March 1, 2005;

WHEREAS, the FCT Recipient in accordance with PERIOD OF AGREEMENT paragraph 2 of the Grant Contract and in compliance with Rule 9K-7.009(5), F.A.C., has timely submitted to FCT a written request for extension of the March 1, 2005 deadline;

WHEREAS, MODIFICATION OF AGREEMENT paragraph 1 of the Grant Contract states that the agreement may be amended at any time prior to FCT giving final project plan approval to the Recipient. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT;

WHEREAS, the parties hereto desire to extend the term of the Grant Contract as provided by Rule 9K-7.009(5), F.A.C.;

NOW THEREFORE, the FCT and RECIPIENT mutually agree as follows:

1. Notwithstanding the language of Section I. PERIOD OF AGREEMENT, paragraph 2., the parties hereby agree to revive it nunc pro tunc as though it had not lapsed in accordance with paragraph 1.

04-001-FF4
February 28, 2005
GCAMD.1

2. In every respect, this amendment is to be construed and applied as though the parties had both signed it before March 1, 2005.
3. The Grant Contract by and between FCT and Recipient is hereby extended until July 1, 2005.

This Addendum I, and the Grant Contract embody the entire agreement between the parties. All other terms and conditions not specifically referenced in this agreement remain the same and unchanged.

IN WITNESS WHEREOF, the parties hereto have duly executed this Addendum I.

CITY OF MARATHON

By: Michael H. Puto
Print Name: Michael H. Puto
Title: City Manager
Date: 03/22/05

Approved as to Form and Legality:
By: [Signature]
Print Name: John R. Heron, Jr.

FLORIDA COMMUNITIES TRUST

By: _____
Janice Browning, Director, Division of
Housing & Community Development
Date: _____

Approved as to Form and Legality:
By: _____
Kristen L. Coons, Trust Counsel