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**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-104**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA, AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN INTERLOCAL AGREEMENT WITH THE FLORIDA
KEYS AQUEDUCT AUTHORITY TO FUND THE DEVELOPMENT OF A
WASTEWATER SYSTEM FOR THE CITY OF MARATHON**

WHEREAS, the City of Marathon (the "City") wishes to install a wastewater system within City limits; and

WHEREAS, the Florida Keys Aqueduct Authority (the "FKAA") is an independent special district organized and existing under Chapter 76-441, as amended, Florida Statutes with expertise in engineering and constructing utility facilities; and

WHEREAS, on December 18, 2002, at the request of the City, the Monroe County Board of County Commissioners created the City of Marathon Municipal Service Taxing Unit for the purposes of levying an ad valorem tax, not to exceed 0.77 mils, to fund the FKAA'S planning and administrative costs incurred in preparing for the construction of wastewater collection and treatment services within the Taxing Unit; and

WHEREAS, the FKAA has agreed to reimburse the City for costs incurred by the City's contractor for the preparation of a wastewater facilities plan for the entire City and the planning and design of the initial phase of the wastewater system; and

WHEREAS, pursuant to Section 163, Florida Statutes, the City and FKAA are permitted to enter into an agreement pool their resources and expertise in the development of a wastewater system for the City of Marathon.

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 agreement between the City of Marathon and the Florida Keys Aqueduct Authority to fund the development of a wastewater system for the City of Marathon, 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 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 26th day of July, 2005.


THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

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

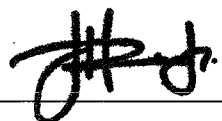
ATTEST:



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

INTERLOCAL AGREEMENT
By and Between
Florida Keys Aqueduct Authority and the City of Marathon

THIS AGREEMENT is entered into this 26th day of July, 2005, 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, The FKAA and the City are currently engaged in discussions regarding forming a partnership for the development of a wastewater system for the City of Marathon; and

WHEREAS, The FKAA and the City agree that it is necessary to proceed immediately with the planning and design of the wastewater system; and

WHEREAS, on December 11, 2002, The City of Marathon in Ordinance No. 03-12-01, consented to the inclusion of a specified area of the City of Marathon in the Marathon Municipal Service Taxing Unit; and

WHEREAS, on December 18, 2002, The Monroe County Board of County Commissioners, at the request of the City, created the City of Marathon Municipal Service Taxing Unit for the purposes of levying an ad valorem tax not to exceed 0.77 mils to fund the FKAA'S planning and administrative costs incurred in preparing for the construction of a wastewater collection and treatment services within the Taxing Unit; and

WHEREAS, the City will incur costs associated with the retaining of a wastewater engineering firm ("Wastewater Engineering Consultant") which will work with City and FKAA staff in the planning and design of a wastewater collection and treatment system; and

WHEREAS, the FKAA has agreed to reimburse the City for costs incurred by the City's Wastewater Engineering Consultant for the preparation of a wastewater facilities plan for the entire City and the planning and design of the initial phase of the wastewater system; and

NOW, THEREFORE, THE PARTIES AGREE:

1. The City will enter into a contract with Weiler Engineering as the City's Wastewater Engineering Consultant, for Professional Engineering Services for the City of Marathon Wastewater Project. The FKAA will reimburse the City for costs incurred by the Wastewater Engineering Consultant and by City staff for the preparation of a facilities plan for the City and the planning and design of the initial phase of the City's wastewater system. The amount of the costs expended

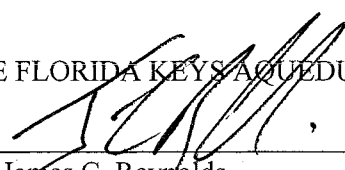
pursuant to this Agreement, for services provided by the Wastewater Engineering Consultant, shall not exceed the sum agreed to between the City and the Wastewater Engineering Consultant. The FKAA shall reimburse the City for these costs to the extent that there are funds available from the Marathon Municipal Service Taxing Unit.

2. The Wastewater Engineering Consultant shall work together with the City and FKAA staff in the planning and design of the wastewater system for the City of Marathon. No bids for construction shall be solicited without the approval of the City and FKAA.
3. The City will submit to FKAA periodic requests for reimbursement for funds that have been expended under the contract with Weiler Engineering and time that has been expended by City staff. Each request for reimbursement will identify in detail the costs for which the request is made, the payees, and other information as necessary to satisfy FKAA'S documentation requirements. The City shall create and maintain all records reasonably necessary to document the proper expenditure of such funds, and to provide copies of such documentation to the FKAA.
4. The City assumes all responsibility for proper stewardship of funds transferred to it and expended by it pursuant to this Interlocal Agreement.
5. The FKAA and the City agree to continue their negotiations to put in place a more detailed Interlocal Agreement which will fully define their respective roles in the planning, constructing, operating and ownership of the City's wastewater system.

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

(SEAL)

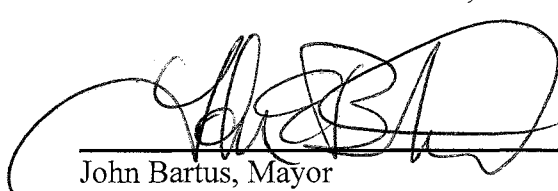
THE FLORIDA KEYS AQUEDUCT AUTHORITY

By: 
James C. Reynolds
Executive Director

ATTEST:


Clerk

THE CITY OF MARATHON, FLORIDA


John Bartus, Mayor

ATTEST:



Cindy L. Ecklund
City Clerk

(City Seal)

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THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney