

Sponsored by: Puto

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2005-114**

**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 REGARDING OWNERSHIP AND CONTROL OF THE CITY OF MARATHON WASTEWATER SYSTEM**

**WHEREAS**, the City of Marathon (the "City") wishes to construct a wastewater system within City limits (the "Wastewater System"); and

**WHEREAS**, the Florida Keys Aqueduct Authority (the "FKAA") is an independent special district organized and existing under Chapter 76-441, *Laws of Florida*; and

**WHEREAS**, pursuant to Chapter 163, *Florida Statutes*, the City and FKAA are permitted to enter into interlocal agreements with each other; and

**WHEREAS**, the FKAA and the City desire to enter into an interlocal agreement by which the issue of ownership and control of the Wastewater System is dispositively resolved.

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

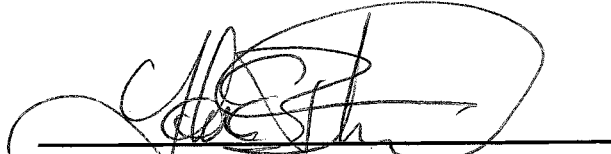
**Section 1.** The above recitals are true and correct and are incorporated herein

**Section 2.** The agreement between the City of Marathon and the Florida Keys Aqueduct Authority regarding ownership and control of the Wastewater System in the City, 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 9<sup>th</sup> day of August, 2005.

THE CITY OF MARATHON, FLORIDA

  
\_\_\_\_\_  
John Bartus, Mayor

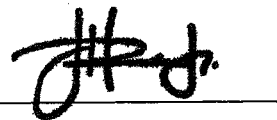
AYES: Pinkus, Mearns, Miller, Bull, Bartus  
NOES: None  
ABSENT: None  
ABSTAIN: None

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

**INTERLOCAL AGREEMENT**  
**By and Between The**  
**Florida Keys Aqueduct Authority And The City of Marathon, Florida**

**THIS AGREEMENT** is entered into this \_\_\_\_ day of July, 2005, by and between the Florida Keys Aqueduct Authority (the "FKAA"), an independent special district organized and existing under Chapter 76-441, as amended, Florida Statutes, and the City of Marathon, (the "City"), a political subdivision of the State of Florida (the "Agreement").

**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 (the "Wastewater System"); and

**WHEREAS**, the FKAA and the City agree that it is necessary to proceed immediately with the planning, design, construction, operation and maintenance of the Wastewater System in order to take advantage of available Federal and State funding, financing and grant money; and

**WHEREAS**, obtaining Federal and State funding, financing and grant money will lessen the cost the residents of Marathon will be required to pay for the design, construction, operation and maintenance of the Wastewater System; and

**WHEREAS**, the City has hired a wastewater engineering firm ("Wastewater Engineering Consultant") that is working with City and FKAA staff in the planning and design of the Wastewater System; and

**WHEREAS**, the FKAA and the City have already entered into an interlocal agreement whereby the FKAA has agreed to reimburse the City for costs incurred by the City's Wastewater Engineering Consultant for the planning and design of the Wastewater System; and

**WHEREAS**, in order to obtain funding, financing and grant money for the design construction, operation and maintenance of the Wastewater System, it is necessary for one party to have ownership and control of the Wastewater System; and

**WHEREAS**, the FKAA and the City desire to enter into an interlocal agreement by which the issue of ownership and control of the Wastewater System is dispositively resolved.

**NOW THEREFORE**, in consideration of the mutual consideration and promises set forth below, the parties agree as follows:

**Section 1. Authority to enter into Agreement.** The parties are entering into this Agreement pursuant to Chapter 163, *Florida Statutes*.

**Section 2. Ownership and Control.** During the term of this Agreement the City shall exercise exclusive ownership and control over the Wastewater System located within the City's jurisdictional limits. The FKAA agrees that, except for the "Little Venice" wastewater project, it shall not make any claim of ownership or control over the Wastewater System without the prior written consent of the City.

**Section 3. Continued Cooperation.** 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 billing, maintenance and operation of the Wastewater System.

**Section 4. Term.** This Agreement shall remain in effect for a period of not less than fifty (50) years, with an automatic renewal of an additional fifty (50) years. This Agreement may only be terminated if both parties agree to such termination in writing, and as approved by each parties respective governing bodies.

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

THE FLORIDA KEYS AQUEDUCT  
AUTHORITY

(SEAL)

By: \_\_\_\_\_  
James C. Reynolds, Executive Director

ATTEST:


\_\_\_\_\_  
Clerk

THE CITY OF MARATHON, FLORIDA

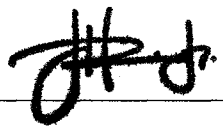
(City Seal)

  
\_\_\_\_\_  
Michael H. Puto, City Manager

ATTEST:

  
\_\_\_\_\_  
Cindy L. Ecklund  
City Clerk

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

  
\_\_\_\_\_  
City Attorney