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**CITY OF MARATHON, FLORIDA  
RESOLUTION 2006-158**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON,  
FLORIDA, APPROVING AN AMENDMENT TO THE INTERLOCAL  
AGREEMENT WITH THE FLORIDA KEYS AQUEDUCT AUTHORITY TO  
ALLOW REQUESTS TO RECEIVE WASTEWATER TREATMENT  
SERVICES FOR PROPERTIES OUTSIDE THE LITTLE VENICE  
WASTEWATER SERVICE DISTRICT**

**WHEREAS**, on October 25, 2005, the parties entered into an Interlocal Agreement (ILA) whereby the City was granted the authority to proceed with the administration, maintenance, development and operations of a wastewater system for the City of Marathon, excepting that area served by the "Little Venice Wastewater Service District ; and

**WHEREAS**, the City has requested the FKAA to provide wastewater treatment services to certain properties located outside the Little Venice Wastewater Service District; and

**WHEREAS**, the Little Venice wastewater treatment facility presently has sufficient reserve capacity to serve a limited number of additional properties located outside of the Little Venice Service District .

**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 Council approves the amendment to Interlocal Agreement between the City and the FKAA, a copy of which is attached hereto as Exhibit "A".

**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 3rd day of October, 2006.

**THE CITY OF MARATHON, FLORIDA**



**Christopher M. Bull, Mayor**

AYES: Mearns, Tempest, Pinkus, Worthington, Bull  
NOES: None  
ABSENT: None  
ABSTAIN: None

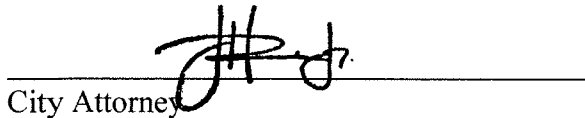
**ATTEST:**



Diane Clavier  
City Clerk

(City Seal)

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

  
City Attorney

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

**THIS AMENDMENT TO INTERLOCAL AGREEMENT** is entered into this \_\_\_\_\_ day of September, 2006, by and between the Florida Keys Aqueduct Authority (the "FKAA"), an independent special district organized and existing under Chapter 76-441, as amended, Laws of Florida, and the City of Marathon, (the "City"), a Florida municipal corporation (the "Amendment").

**WHEREAS**, on October 25, 2005, the parties entered into an Interlocal Agreement whereby the City was granted the authority to proceed with the administration, maintenance, development and operation of a wastewater system for the City of Marathon, excepting that area served by the "Little Venice" Wastewater project (the "Interlocal Agreement"); and

**WHEREAS**, the City has requested the FKAA to provide wastewater treatment services to certain properties located outside the Little Venice Wastewater Service District; and

**WHEREAS**, the Little Venice wastewater treatment facility presently has sufficient reserve capacity to serve a limited number of additional properties located outside of the Little Venice Service District; and

**WHEREAS**, the FKAA and the City agree that it is beneficial to the citizens of Marathon to utilize the Little Venice wastewater treatment facility to serve properties located outside the Little Venice Wastewater Service District;

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

1. The parties are entering into this Amendment pursuant to Chapter 163, *Florida Statutes*.
2. All capitalized terms used herein but not defined herein shall have the meaning ascribed to them in the Interlocal Agreement
3. Section 2 of the Interlocal Agreement dated October 25, 2005 between the FKAA and the City is hereby amended by adding the following Paragraph C:

Upon the request of the City, the FKAA may provide wastewater treatment services to properties located outside the Little Venice Wastewater Service District. The FKAA shall consider the following criteria in determining whether to provide wastewater services to properties outside the Little Venice Wastewater Service District:

1. Whether there is sufficient wastewater treatment plant reserve capacity to service the proposed property;
2. Whether the proposed property is located adjacent to the existing wastewater system;
3. Whether service to the proposed property will be beneficial to the existing customers of the Little Venice Wastewater Service District; and
4. Whether the owners of the proposed property agree to pay the same rates and follow the same rules and regulations which apply to the existing customers of the Little Venice Wastewater Service District.

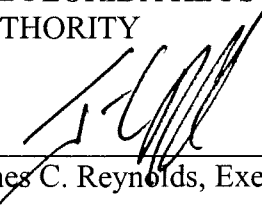
The decision to provide wastewater service to properties located outside the Little Venice Wastewater Service District shall be at the sole discretion of the FKAA.

4. The FKAA and the City agree that this Amendment shall be deemed to be effective on the date signed by the parties.
5. This Amendment may be executed in any number of counterparts and by different parties hereto on separate counterparts, each of which when so executed and delivered shall be an original and all of which shall together constitute one and the same agreement. Signature pages may be detached from the various counterparts and attached to a single copy of this document to physically form one document.
6. The foregoing terms and conditions are hereby incorporated into the Interlocal Agreement. Except as modified herein, the Interlocal Agreement remains in full force and effect. In the event of any conflict or ambiguity between the Interlocal Agreement and this Amendment, this Amendment shall control.

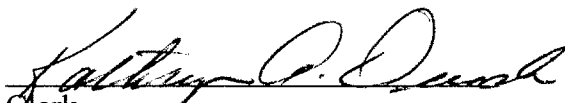
IN WITNESS WHEREOF, the parties have executed this Amendment as of the date set forth above.

THE FLORIDA KEYS AQUEDUCT  
AUTHORITY

(SEAL)

By:  9/22/06  
James C. Reynolds, Executive Director

ATTEST:


  
Katherine P. Duvall  
Clerk

Board Approved on September 21, 2006

THE CITY OF MARATHON, FLORIDA

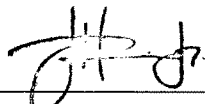
  
\_\_\_\_\_  
Christopher M. Bull, Mayor

ATTEST:

  
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Diane Clavier  
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