

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2008-101**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA SUPPLEMENTING RESOLUTION 2007-108 ENTITLED "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$11,500,000 FROM THE FLORIDA RURAL UTILITY FINANCING COMMISSION FOR THE PURPOSE OF FINANCING THE COST OF IMPROVEMENTS TO THE CITY OF MARATHON'S WASTEWATER SYSTEM AND STORMWATER SYSTEM; APPROVING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF MARATHON, FLORIDA AND THE FLORIDA RURAL UTILITY FINANCING COMMISSION TO PROVIDE INTERIM FINANCING TO THE CITY OF MARATHON; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE." TO PROVIDE FOR ADDITIONAL PROJECTS TO BE FUNDED BY SAID LOAN AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Marathon, Florida (the "City") previously adopted Resolution 2007-108 on July 25, 2007 to provide for interim financing for the City's wastewater and stormwater system projects (the "Project");

WHEREAS, the City now desires to provide for the interim financing of additional projects in Service Area 6 and has received a funding commitment letter for permanent financing from the Florida Department of Environmental Protection Agency Bureau of Water Facilities Funding ("FDEP");

WHEREAS, the City finds and declares that it is necessary for the continued preservation of the health, welfare, convenience and safety of the City and its inhabitants to construct the additional projects.

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

**SECTION 1. AUTHORITY FOR RESOLUTION.** This Resolution is adopted pursuant to the provisions of the Constitution of Florida, the Charter of the City of Marathon, Florida, as amended, Chapter 166, Florida Statutes, and other applicable provisions of law.



**SECTION 2. SUPPLEMENT.** Resolution 2007-108 adopted on July 25, 2007 is hereby supplemented to include the construction of wastewater and stormwater projects in Service Area 6 as described in the funding commitment letter received from FDEP and attached hereto as Exhibit A.

**SECTION 3. SEVERABILITY.** If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reasons whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions, and in no way affect the validity of all the other provisions of this Resolution.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida this 24th day of June, 2008.

**THE CITY OF MARATHON, FLORIDA**

By: \_\_\_\_\_

Edward P. Worthington, Mayor

AYES: Bull, Cinque, Tempest, Vasil, Worthington  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST

Diane Clavier

City Clerk

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

[Signature]

City Attorney



EXHIBIT A

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY  
FUNDING COMMITMENT LETTER





# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

June 2, 2008

Mr. Gary Williams  
Executive Director  
Florida Rural Utility Financing Commission  
2970 Wellington Circle W., Suite 101  
Tallahassee, Florida 32308-6885

RE: Funding Commitment for the City of Marathon

Dear Mr. Williams:

This letter is to update and clarify the information provided in our letter of August 3, 2007 regarding the funding commitments made by the Department of Environmental Protection's Bureau of Water Facilities Funding (the "Department") to the City of Marathon (the "City") for wastewater and stormwater infrastructure construction in two service areas including treatment, collection, transmission and disposal in each area. We have given the City written authority to incur costs for the construction of Clean Water State Revolving Fund (CWSRF) projects WW637020, SW637030, SW637040 and WW637050 based on the approved facilities plan and plans and specifications. Additionally, the City has submitted all required permits, the site certificate, and all required bid documents.

It has been determined by the Department that conditions for executing the assistance agreements can be reasonably achieved. As such, funds will be obligated for the City by the Department, as they become available. The City currently has existing loan agreements as well as additional funds for these projects on the fundable and contingency portions of the priority list as follows:

Project Number	Current Approved Loan Amount	Additional Amount on Fundable Portion of Priority List	Additional Amount on Contingency Portion of Priority List
WW637020 (Service Area 4 Wastewater)	\$ 8,746,211	\$ 2,562,000	\$ 4,016,000
SW637030 (Service Area 4 Stormwater)	\$395,302	-0-	-0-
SW637040 (Service Area 6 Stormwater)	\$253,923	-0-	-0-
WW637050 (Service Area 6 Wastewater)	\$848,654	-0-	\$ 5,968,000

We appreciate your assistance and look forward to working with you on the Project

Sincerely,

Robert E. Holmden, P.E., Chief  
Bureau of Water Facilities Funding

RH/tb