

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-113**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE EXECUTION OF ADDENDUM VII TO GRANT CONTRACT FOR THE FLORIDA COMMUNITIES TRUST RATE OF GROWTH CONTROL PROJECT, PROJECT NUMBER 93-001-CS1 TO ALLOW FOR THE TRANSFER OF LAND ON GRASSY KEY FROM MONROE COUNTY TO THE CITY OF MARATHON; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Monroe County Land Authority (the "Authority") purchased the properties within the City of Marathon (the "City") listed on Exhibit A hereto (the "Properties") through a grant agreement with the Florida Communities Trust prior to the incorporation of the City; and

WHEREAS, the Properties were inadvertently omitted from the land transfer agreement between the Monroe County Board of Commissions and the City of Marathon at the time of incorporation of the City; and

WHEREAS, the City currently maintains three of the four parcels which comprise the Properties as a passive park area; and

WHEREAS, the Florida Community Trust requires the execution of Addendum VII to Grant Contract, Project Number 93-001-CS1; and

WHEREAS, the City wishes to obtain ownership of the Properties from the Authority;

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

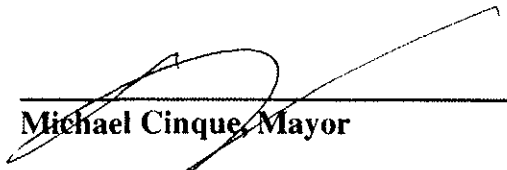
Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The City Council hereby requests the transfer of the properties listed in Exhibit A hereto from the Monroe County Land Authority, and directs the City Manager to execute Addendum VII to Grant Contract, a copy of which is attached hereto as Exhibit B.

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 25th day of August, 2009.


THE CITY OF MARATHON, FLORIDA



Michael Cinque, Mayor

AYES: Snead, Worthington, Ramsay, Vasil, Cinque
NOES: None
ABSENT: None
ABSTAIN: None

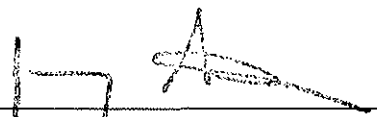
ATTEST:



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

EXHIBIT A

**Doc# 1761221
Bk# 2434 Pg# 288**

Real Estate Number 00360240-000000, 00360250-000000, 00360260-000000, and
00373720-000000

This document prepared by:
Kristen L. Coons, Esq.
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

Doc# 1761221 10/01/2009 2:51PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1761221
Bk# 2434 Pg# 281

PROJECT NAME Rate of Growth Control

FLORIDA COMMUNITIES TRUST
PROPOSAL NUMBER 93-001-CS1

**FLORIDA COMMUNITIES TRUST
AREA OF CRITICAL STATE CONCERN PROGRAM
ADDENDUM VII TO GRANT CONTRACT**

THIS ADDENDUM VII to the Grant Contract is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and MONROE COUNTY, a political subdivision of the State of Florida ("FCT Recipient") and CITY OF MARATHON, a political subdivision of the State of Florida ("City"), this 25th day of September, 2009.

WHEREAS, the parties hereto entered into a Grant Contract which sets forth the terms and conditions on the use of the proceeds of certain bonds and the lands acquired with such proceeds (Project Site), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Sections 259.101, 375.045, and Chapter 380, Part III, Florida Statutes. The Grant Contract was recorded in Official Records Book 1306, page 417, of the Public Records of Monroe County, Florida.

WHEREAS, the FCT Recipient has requested that FCT approve the transfer of title to certain lands, as described in Exhibit "A" attached hereto and made a part hereof ("Property"), acquired by the FCT Recipient in the Project Site and subject to the terms of the Grant Contract, to the City of Marathon ("City");

WHEREAS, Condition III.4. of the Grant Contract states that any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee, containing such covenants, clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

WHEREAS, on August 22, 2001, the FCT governing body approved the transfer to the City of the Property purchased by the FCT Recipient with funds awarded under the terms of this Grant Contract.

WHEREAS, four parcels were inadvertently omitted from the prior transfer agreement and are now being included in the transfer to the City;

WHEREAS, the conditions for property transfers from the FCT Recipient to the City have been established and the parties desire to incorporate those conditions into the Grant Contract;

WHEREAS General Condition I.4. states that the Grant Contract may be amended at any time. The amendment must be set forth in a written instrument and agreed to by both the FCT Recipient and FCT.

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

Section VIII. is hereby added to read as follows:

VIII. PROCEDURE TO RELEASE PARCELS TO THE CITY OF MARATHON

1. FCT governing body shall review and approve the parcel(s) for which release is requested for compliance with the following requirements:

a. The City must confirm agreement to accept title to the parcel(s) by executing this addendum.

b. By executing this addendum the City is confirming the legal and tax consequences under Florida and federal income tax law affecting the parcel(s) under Preservation 2000.

2. This addendum shall be executed by FCT, the FCT Recipient and the City and recorded in the Public Records of Monroe County, Florida.

3. All terms and conditions of the Grant Contract still apply to all parcels retained by the FCT Recipient.

4. All terms and conditions of the Grant Contract still apply to all parcels transferred to the City and by executing this addendum the City acknowledges those restrictions.

The date of execution of this addendum shall be the date that the last party signs this addendum.

THIS ADDENDUM VII TO GRANT CONTRACT, ADDENDUM VI, ADDENDUM V, ADDENDUM IV, ADDENDUM III, ADDENDUM II, ADDENDUM I, the GRANT CONTRACT AND ALL EXHIBITS embody the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this ADDENDUM VII TO GRANT CONTRACT.

MONROE COUNTY

BY:

Title: Mayor / Chairman

Date: AUG 19 2009

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

By:

Deputy Clerk

Accepted as to Form and Legal Sufficiency:

Date:

FLORIDA COMMUNITIES TRUST

Ken Reecy

Community Program Manager

Date: 9-25-09

Accepted as to Form and Legal Sufficiency:

Date: Sept. 21 2009

CITY OF MARATHON

BY:

Title:

Date:

(SEAL)

ATTEST: CLERK, City of Marathon

Diane Claver

Accepted as to Form and Legal Sufficiency:

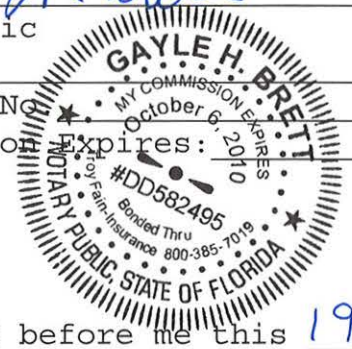
By:

Date:

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 25th
day of September, 2009, by **Ken Reecy**, as **Community Program
Manager of the Florida Communities Trust**. He is personally known
to me.

Gayle H. Brett
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____



STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 19th
day of August, 2009, by **George Neugent** as **Mayor of the
Board of County Commissioners of Monroe County, Florida**. He\She
is personally known to me.

Isabel C. DeSantis
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____



STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 28th
day of August, 2009, by Clyde Burnett, as
City Manager, City of **Marathon, Florida**. He\She is
personally known to me.

Cynthia J. McPherson
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____



Exhibit "A"

Tax Id Numbers:

Doc# 1761221
BK# 2434 Pg# 285

00360240-000000 and also

00360250-000000 and also

00360260-000000 and also

00373720-000000.

END OF LEGAL DESCRIPTION