

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2010-83**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND THE MIDDLE KEYS COMMUNITY LAND TRUST, INC., TO INCLUDE THE PROVISION OF TECHNICAL ASSISTANCE AND ADMINISTRATIVE SUPPORT IN FURTHEREANCE OF THE CITY'S FIRST TIME HOMEBUYER PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marathon, Florida (the "City") and the Middle Keys Community Land Trust (the "Land Trust") have entered into a Professional Services Agreement (the "Agreement"), under which the Land Trust provides assistance to the City concerning affordable housing administration; and

**WHEREAS**, the City and Land Trust desire to Amend the Agreement so that the Land Trust will also provide administrative and technical support to the City in the implementation of the City's First Time Home Buyer Program.

**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 by this reference.

**Section 2.** The First Amendment to the Agreement for Professional Services between the City and the Land Trust, a copy of which is attached as Exhibit "A" hereto, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved. The City Manager is authorized to execute the agreement on behalf of the City and expend budgeted funds.

**Section 3.** This Resolution shall become effective immediately upon its adaptation

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THIS 10<sup>th</sup> OF AUGUST, 2010.**

**THE CITY OF MARATHON, FLORIDA**



**Ginger Snead, Mayor**

AYES: Cinque, Keating, Ramsay, Worthington, Snead  
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

**FIRST AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MARATHON AND THE MIDDLE KEYS COMMUNITY LAND TRUST**

This First Amendment to the Professional Services Agreement (“First Amendment”) between the CITY OF MARATHON (the “City”) and the MIDDLE KEYS COMMUNITY LAND TRUST (the “Land Trust”) entered into this 10<sup>th</sup> of August, 2010.

**WHEREAS**, on September 22, 2009, City and Land Trust entered into an agreement whereby Land Trust has provided services to the City for the preservation of affordable/workforce housing (the “Agreement”); and

**WHEREAS**, the City has created, implemented and funded a First Time Homebuyers Program (the “Program”) to provide subordinate mortgage loans to very low, low and moderate households to assist in the purchase of a home in the City of Marathon; and

**WHEREAS**, City and Land Trust desire to amend the Agreement as set forth herein so that Land Trust can provide technical and administrative assistance in support of the Program.

**NOW THEREFORE**, in consideration of the mutual covenants set forth in this First Amendment, the parties agree as follows:

**Section 1. Amendment to Section 1 of the Agreement.** The parties hereby amend Section 1 of the Agreement to read as follows:

**1. Scope of Services**

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**G. FIRST TIME HOMEBUYER PROGRAM**

The Land Trust shall be responsible for the full administration and implementation of the Program, the expenditure of the Program Funds in accordance with Resolution 2010-01, the administrative directives of the City of Marathon Planning and Finance Departments and the City Manager. The Land Trust shall make every effort to fully expend all Program Funds, regardless of time, effort and costs necessary to due so; provide the City all required original loan documents; and provide reports to the City as provided for in Resolution 2010-01 and subsection 1.F. of this Agreement.

The Land Trust shall be responsible to pay any and all costs of the implementation of the Program from Administrative Funds.

**H. ADDITIONAL SERVICES – TECHNICAL ASSISTANCE**

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**Section 2. Amendment to Section 4 of the Agreement.** The parties hereby amend Section 4 of the Agreement to read as follows:

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4.6 Provide funding for the First Time Homebuyers Program (the "Program"). Mortgage loans issued under the Program shall be in the amount of \$10,000.00 ("Program Funds") to qualified applicants. The City intends to make no more than nine mortgage loans for a total of \$90,000.00.

4.7 Provide funding to the Land Trust in an amount of \$9,600.00 ("Administrative Funds") for the purpose of administering the Program on behalf of the City.

**EXCEPT AS PROVIDED HEREIN**, all other terms and conditions of the Agreement remain in force and effect.

Attest:

Dranie Clavier  
City Clerk

CITY OF MARATHON

By: [Signature]  
08/16/10

Date:

MIDDLE KEYS COMMUNITY  
LAND TRUST, INC.

By: [Signature]

Date:

APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF CITY OF MARATHON ONLY

[Signature]  
City Attorney