

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-84**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AMENDMENT NO. 6 TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF WATER FACILITIES FUNDING – FLORIDA WATER POLLUTION CONTROL, FINANCING CORPORATION LOAN WW63702P TO ADD SERVICE AREA 7 CONSTRUCTION COSTS TO THIS LOAN WHICH WAS ORIGINALLY FOR SERVICE AREAS 4 AND 6; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon, Florida (the “City”) entered into a Clean Water State Revolving Fund Loan Agreement, Number WW63702P with the Florida Department of Environmental Protection (the “Loan”), to help pay for the construction of the stormwater and wastewater collection and treatment systems for service areas 4 and 6; and

WHEREAS, the City and FDEP desire to amend the Loan to reflect the additional contracts to the project description, as outlined in Amendment No.6 to the Loan (the "Loan Amendment No.6") to include Service Area 7 construction costs for wastewater treatment plant, collection system and stormwater improvements to this loan.

WHEREAS, there are no changes to the loan amount, interest or payments.

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

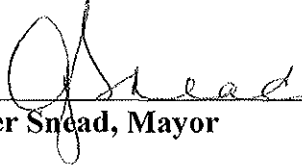
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Loan Amendment No. 6 attached hereto as Exhibit "A" is hereby approved. The City Manager is authorized to execute Loan Amendment No.6 on behalf of the City.

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 13th DAY OF SEPTEMBER, 2011.

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 LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney

**AMENDMENT 6 TO LOAN AGREEMENT WW63702P
CITY OF MARATHON**

This amendment is executed by the FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION (the "Corporation") and the CITY OF MARATHON, FLORIDA, (the "Local Borrower") existing as a local governmental agency under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Corporation and the Local Borrower entered into a Clean Water State Revolving Fund Loan Agreement, Number WW63702P; and

WHEREAS, the definition of Project needs revision to include additional contracts.

NOW, THEREFORE, the parties hereto agree as follows:

1. Subsection 1.01(18) of the Agreement, as amended, is deleted and replaced as follows:

(18) "Project" shall mean the works financed by this Loan and shall consist of furnishing all labor, materials, and equipment to construct the collection, transmission, treatment, and reuse facilities in accordance with the plans and specifications accepted by the Department for the following contracts:

- (a) "Sombrero Beach Sewer Project"; and
 - (b) "Service Area 4 and 6 Treatment and Disposal" (only Service Area 4 is covered under this Agreement); and
 - (c) "Service Area 4 and 6 Collection" (only Service Area 4 is covered under this Agreement); and
 - (d) "Marathon Service Area 7 Wastewater Treatment Facility"; and
 - (e) "Marathon Service Area 7 Sewer and Stormwater Project"; and
- Owner purchased equipment:
- (f) "Grinder Pump Station and Accessories"; and
 - (g) "Service Area 7 WWTP Equipment".


The Project is in agreement with the "City of Marathon – Planning Documents for State Revolving Fund Loan, Marathon Regional Wastewater Project" Facilities Plan, dated July 2005 and revised January 2006. A Florida Categorical Exclusion Notification was published on February 17, 2006 and no adverse comments were received. This Project is a Capitalization Grant Project as defined in Chapter 62-503, Florida Administrative Code.

2. All other terms and provisions of the Loan Agreement shall remain in effect.

This Amendment 6 to Loan Agreement WW63702P shall be executed in three or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Corporation has caused this amendment to the Loan Agreement to be executed on its behalf by its Chief Executive Officer and the Local Borrower has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Chief Executive Officer of the Corporation.

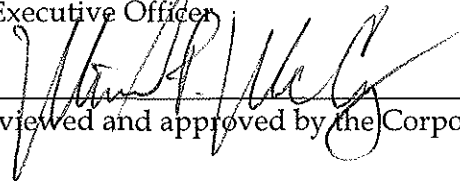
for
FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION



Chief Executive Officer

9/28/11

Date




Reviewed and approved by the Corporate Secretary

for
CITY OF MARATHON

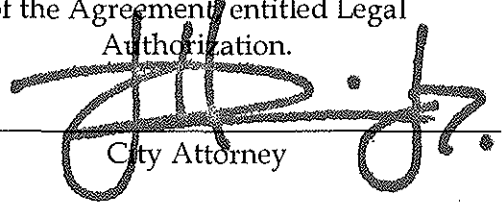


City Manager

I attest to the opinion expressed in Section 2.03
of the Agreement entitled Legal
Authorization.

Attest


Dianne Claver
City Clerk



City Attorney

SEAL

APPROVED AND ACCEPTED BY THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.



Deputy Director
Division of Water Resource Management