

**CITY OF MARATHON, FLORIDA
RESOLUTION 2013-20**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING THE FIRST AMENDMENT TO THE STATE REVOLVING FUND CONSTRUCTION LOAN AGREEMENT NO. WW637020 BETWEEN THE CITY AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR WASTEWATER/STORMWATER INFRASTRUCTURE PROJECTS; ESTABLISHING REVISED SCHEDULES; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the “City”) is engaged in a capital improvement project to construct and install wastewater and stormwater management infrastructure in the City (the “Project”);

WHEREAS, the City and the Florida Department of Environmental Protection (the “FDEP”) have entered into State Revolving Fund Loan Agreement No. WW637020 (“Loan Agreement WW637020”) to provide funding for the Project; and

WHEREAS, the City and FDEP desire to amend Loan Agreement WW637020 to reschedule loan repayment activities and give the City additional time to withdraw funds to complete the Project (the “First Amendment”); and

WHEREAS, prior to any funds being released, the City shall submit a certified copy of a Resolution which authorizes the amendment, establishes pledged revenues, and assigns an authorized representative for signing the application and executing the Loan agreement.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, AS FOLLOWS:

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

Section 2. The First Amendment to Loan Agreement WW637020 attached hereto as Exhibit “A” is hereby approved and the City Manager is authorized to execute the First Amendment on behalf of the City.

Section 3. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 26th DAY OF FEBRUARY, 2013.

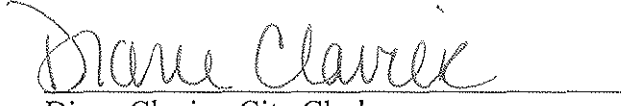
THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

AYES: Bull, Keating, Ramsay, Snead, Cinque
NOES: None
ABSENT: None
ABSTAIN: None

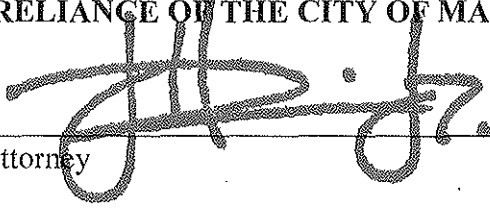
ATTEST:



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

**STATE REVOLVING FUND
AMENDMENT 1 TO LOAN AGREEMENT WW637020
CITY OF MARATHON**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF MARATHON, FLORIDA, existing as a local government agency (Local Government) under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number WW637020; and

WHEREAS, Loan repayment activities need rescheduling to give the Local Government additional time to withdraw funds; and

WHEREAS, revision of certain provisions are needed.

NOW, THEREFORE, the parties hereto agree as follows:

1. Subsection 9.01(7) of the Agreement is hereby deleted.
2. The items scheduled under Section 10.07 of the Agreement are rescheduled as follows:
 - (1) Completion of Project construction is scheduled for February 15, 2013.
 - (2) The Loan Debt Service Account shall be established and Monthly Loan Deposits shall begin no later than February 15, 2013.
 - (3) The date for the certification required under Subsection 2.01(10) of the Agreement is hereby revised. The initial annual certification shall be submitted no later than May 15, 2013. Thereafter, the annual certification shall be submitted no later than September 30 of each year until the final Semiannual Loan Payment is made.
 - (4) The first Semiannual Loan Payment in the amount of \$614,122 shall be due August 15, 2013.
3. All other terms and provisions of the Loan Agreement shall remain in effect.

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This Amendment 1 to Loan Agreement WW637020 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 Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Deputy Division Director and the Local Government 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 Deputy Director.

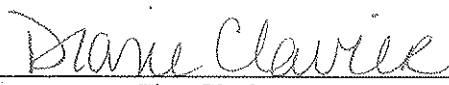
for
CITY OF MARATHON



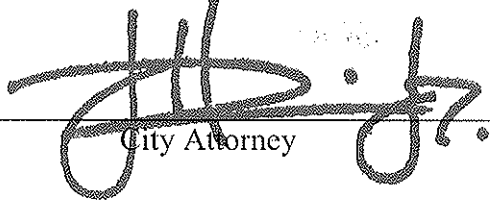
City Manager

Attest

Attest as to form and legality:



City Clerk

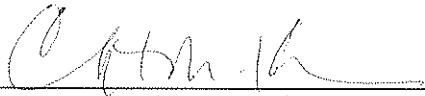


City Attorney

SEAL



for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Deputy Director
Division of Water Resource Management

MAR 05 2013
Date