

Sponsored by: Puto

**CITY OF MARATHON, FLORIDA
RESOLUTION 2006-095**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA, APPROVING ADDENDUM #4 TO FLORIDA
COMMUNITIES TRUST CONTRACT AND AUTHORIZING THE CITY
MANAGER TO ENTER INTO ADDENDUM #4 AND PROVIDE FOR AN
EXTENSION OF THE REIMBURSEMENT DEADLINE**

WHEREAS, the City of Marathon (the "City") was awarded a Florida Communities Trust ("FCT") Grant in the amount of \$697,200, with a deadline of May 1, 2006 for the City to access grant funds by way of reimbursement; and

WHEREAS, the City and FCT entered into a contract governing the terms and conditions of the Grant (the "Contract"); and

WHEREAS, additional time was requested by FCT, necessitating an extension of the reimbursement deadline in the Contract; and

WHEREAS, Addendum #4 to the Contract extends the reimbursement deadline as agreed between the City and FCT.

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 approves Addendum #4 to the Florida Communities Trust contract, a copy of which is attached hereto as Exhibit "A". The City Manager and the City Attorney are authorized to finalize the terms and conditions of Addendum #4 and the City Manager is authorized to execute said Addendum 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 27th day of June, 2006.

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

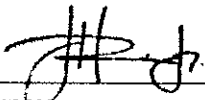
ATTEST:



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

FCT Contract Number 05-CT-D5-04-F4-A1-001
FLORIDA COMMUNITIES TRUST
FF4 Award Number 04-001-FF4
MARATHON WATERFRONT PARK

ADDENDUM IV TO GRANT CONTRACT

THIS ADDENDUM IV is entered into by and between the **FLORIDA COMMUNITIES TRUST (FCT)**, a nonregulatory agency within the State of Florida Department of Community Affairs, and **CITY OF MARATHON**, a local government of the State of Florida (Recipient), this 9th day of August, 2006.

NOW THEREFORE, FCT and Recipient mutually agree as follows:

WHEREAS, the parties hereto entered into a Grant Contract which sets forth the conditions of conceptual approval that must be satisfied by Recipient prior to the receipt of the FCT Florida Forever award and the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever award;

WHEREAS, the term of the Grant Contract expires May 1, 2006;

WHEREAS, the FCT Recipient in accordance with PERIOD OF AGREEMENT paragraph 2 of the Grant Contract and in compliance with Rule 9K-7.009(5), F.A.C., has timely submitted to FCT a written request for extension of the May 1, 2006 deadline;

WHEREAS, MODIFICATION OF AGREEMENT paragraph 1 of the Grant Contract states that the agreement may be amended at any time prior to FCT giving final project plan approval to the Recipient. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT;

WHEREAS, the parties hereto desire to extend the term of the Grant Contract as provided by Rule 9K-7.009(5), F.A.C.;

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

1. Notwithstanding the language of Section I. PERIOD OF AGREEMENT, paragraph 2., the parties hereby agree to revive it nunc pro tunc as though it had not lapsed in accordance with paragraph 1.


04-001-FF4
May 24, 2006
GCAMD.4

2. In every respect, this amendment is to be construed and applied as though the parties had both signed it before May 1, 2006.
3. The Grant Contract by and between FCT and Recipient is hereby extended for a time sufficient time to reimburse.

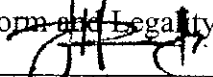
This Addendum IV, Addendum III, Addendum II, Addendum I, and the Grant Contract embody the entire agreement between the parties. All other terms and conditions not specifically referenced in this agreement remain the same and unchanged.

IN WITNESS WHEREOF, the parties hereto have duly executed this Addendum IV.

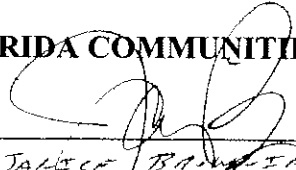
CITY OF MARATHON

By: 
Print Name: MICHAEL H. PUTO
Title: CITY MANAGER

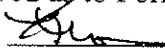
Date: 7/11/06

Approved as to Form and Legality:
By: 
Print Name: John Herin

FLORIDA COMMUNITIES TRUST

By: 
JANICE BANNISTER
CHIEF OF STAFF

Date: 8/9/06

Approved as to Form and Legality:
By: 
Kristen L. Coons, Trust Counsel