

CITY COUNCIL RESOLUTION NO. 2022-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT AUTHORIZED BY CITY COUNCIL RESOLUTION NO. 2020-114; PROVIDING FOR AN EXTENSION OF THE DEADLINES FOR COMPLETION OF THE AGREEMENT TO FEBRUARY 28, 2022; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lake City, Florida (hereinafter the "City") and the Suwannee River Water Management District (hereinafter "District") entered into a Memorandum of Agreement (hereinafter the "MOA"), authorized by City Council Resolution No. 2020-114; and

WHEREAS, the City and District desire to modify the MOA pursuant to the terms and conditions contained in the *Second Amendment to Memorandum of Agreement Between Suwannee River Water Management District and City of Lake City* (hereinafter the "Amendment Two"), a copy of which is attached hereto; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to enter into the Amendment Two.

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

Section 1. The above recitals are all true and accurate and are hereby incorporated herein and made a part of this resolution.

Section 2. The City is hereby authorized to enter into the Amendment Two with the District and the Mayor is authorized to execute the Amendment Two for and on behalf of the City.

Section 3. Conflict. All resolutions or portions of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This resolution shall take effect upon its adoption.

PASSED AND ADOPTED at a meeting of the City Council this ____ day of January 2022.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney

**SECOND AMENDMENT
TO MEMORANDUM OF AGREEMENT
BETWEEN
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
AND
THE CITY OF LAKE CITY**

THIS AMENDMENT is entered upon final execution date by and between the Suwannee River Water Management District, a special taxing district organized under Chapter 373, Florida Statutes, whose address is 9225 CR 49, Live Oak, Florida 32060, (hereinafter the "DISTRICT"), and the City of Lake City, a political subdivision of the State of Florida, whose address is 205 N Marion Street, Lake City, Florida, 32055 (hereinafter the "COOPERATOR").

WITNESSETH:

WHEREAS, on July 10, 2019, DISTRICT and COOPERATOR entered into Memorandum of Agreement 18/19-202 for a Cost-Share Agreement for the Gwen Lake Project, (hereinafter the "AGREEMENT"), and

WHEREAS, on May 29, 2020, said contract was extended by letter to expire on February 28, 2021; and

WHEREAS, on May 27, 2021, said contract was extended to expire on June 28, 2021; and

WHEREAS, on December 1, 2021 the COOPERATOR notified the DISTRICT in a letter dated November 29, 2021 that they had experienced delays in obtaining materials and staff changes and requested an extension and

WHEREAS, DISTRICT and COOPERATOR now desire to amend said contract to extend the contract end date to February 28, 2022 to complete post-construction deliverables.

NOW THEREFORE, in consideration of the terms and conditions set forth herein DISTRICT and COOPERATOR do covenant and agree as follows:

The AGREEMENT is hereby amended, altered, and changed as follows:

EXHIBIT C paragraph 3. shall be replaced by the following.

3. All installations, deliverables and requests for reimbursements are to be completed no later than February 28, 2022.

In all other aspects the AGREEMENT shall remain the same and is hereby ratified by the parties.

(The remainder of the page is intentionally left blank)

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT, as of the day and year first specified above.

EXECUTED by the COOPERATOR on _____,

By _____

Print Name _____

As Its _____

EXECUTED by the DISTRICT on _____,

SUWANNEE RIVER WATER

MANAGEMENT DISTRICT

By _____

Hugh Thomas

As Its Executive Director