

CITY COUNCIL RESOLUTION NO. 2021-074

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN SUWANNEE RIVER WATER MANAGEMENT DISTRICT AND THE CITY OF LAKE CITY; PROVIDING FOR AN EXTENSION TO THE CONTRACT END DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 10, 2019, the City of Lake City, Florida (hereinafter the “City”) and the Suwannee River Water Management District (hereinafter “SRWMD”), entered into a *Memorandum of Agreement for a Cost-Share Agreement for the Gwen Lake Project* (hereinafter the “Agreement”) pursuant to City Council Resolution No. 2019-077; and

WHEREAS, the City administration and SRWMD have determined that an amendment to the Agreement that affords an extension of the contract to a new expiration date of June 28, 2021, is necessary; and

WHEREAS, the City Council finds it to be in the best interests of the City to amend the Agreement by executing the First Amendment *Memorandum of Agreement Between Suwannee River Water Management District and The City of Lake City* (hereinafter the “First Amendment”), a copy of which is attached hereto as “Exhibit A”.

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

Section 1. The above recitals are adopted and hereby incorporated by reference.

Section 2. The City is hereby authorized to execute and enter into the First Amendment to the Agreement.

Section 3. The City Manager and City Attorney are authorized to make such reasonable changes and modifications to the First Amendment as may be deemed necessary to be in the best interest of the City and its citizens. The Mayor is authorized and directed to execute and deliver the Amendment in the

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name and on behalf of the City, with such changes, amendments, modifications, omissions, and additions made by the City Manager and City Attorney. Execution by the Mayor and SRWMD shall be deemed to be conclusive evidence of approval of such changes, amendments, modifications, omissions, and additions.

Section 4. This resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council on this _____ day of May 2021.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

By: _____
Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

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

**FIRST 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 April 14, 2021 the COOPERATOR notified the DISTRICT in a letter dated April 14, 2021 that they had experienced delays in obtaining bids and materials and requested a 120-day extension from February 28, 2021 and

WHEREAS, DISTRICT and COOPERATOR now desire to amend said contract to extend the contract end date to June 28, 2021.

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 and/or retrofits and requests for reimbursements are to be completed no later than June 28, 2021.

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 _____, 2021.

By _____

Print Name _____

As Its _____

EXECUTED by the DISTRICT on _____, 2021.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

By _____

Hugh Thomas

As Its Executive Director