

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2071.10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN AND AT&T IN CONNECTION WITH THE CONVERSION OF CERTAIN OVERHEAD FACILITIES TO UNDERGROUND FACILITIES; AUTHORIZING THE MAYOR AND TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AUTHORIZING THE TOWN TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach, Florida (the "Town") desires that Bellsouth Telecommunications, Inc., d/b/a AT&T Southeast ("AT&T"), convert certain overhead facilities within Phase 1 and 3A of the Town's Capital Improvement Program (the "Conversion Area") to underground facilities; and

WHEREAS, in connection with the conversion to underground facilities, the Town desires to enter into those agreements and/or documents as may be required by AT&T, including the Special Construction Agreement (collectively, the "Agreement") substantially in the form attached to this Resolution as Exhibit "A"; and

WHEREAS, the Town Council believes that it is in the Town's best interest to convert existing overhead facilities in the Conversion Area to underground facilities and enter into the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Agreement Approved; Execution of Agreement. That the Agreement is hereby approved in substantially the form attached hereto as Exhibit "A," and the Mayor and Town Manager are authorized to execute the Agreement on behalf of the Town, once approved as to form and legal sufficiency by the Town Attorney.

Section 3. Implementation. The Mayor and Town Manager are authorized to take any and all action which is necessary to implement the Agreement and this Resolution.

Section 4. Authorization for Fund Expenditure. The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

Section 5. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Town Administration.

The Motion to adopt the foregoing Resolution was offered by Vice Mayor Lusskin, seconded by Councilmember Bernstein and on roll call the following vote ensued:

| | |
|-----------------------------|------------|
| Mayor Glenn Singer | <u>Aye</u> |
| Vice Mayor Judy Lusskin | <u>Aye</u> |
| Councilmember Ben Einstein | <u>Aye</u> |
| Councilmember Ken Bernstein | <u>Aye</u> |
| Councilmember Amy Rojas | <u>Aye</u> |

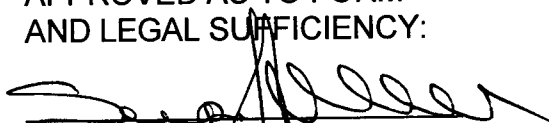
PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 26th day of January, 2010.

ATTEST:


ELIZABETH SEWELL
TOWN CLERK


MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY