

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2078.10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN AND ATLANTIC BROADBAND (MIAMI) LLC IN CONNECTION WITH THE RELOCATION OF EXISTING CATV 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 Atlantic Broadband (Miami) LLC ("ABB"), relocate existing CATV overhead facilities within Phase 1 and 3A of the Town's Capital Improvement Program (the "Relocation Area") to underground facilities; and

WHEREAS, in connection with the relocation to underground facilities, the Town desires to enter into those agreements and/or documents as may be required by ABB, 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 relocate existing CATV overhead facilities in the Relocation 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/or 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 Councilmember Bernstein, seconded by Councilmember Lusskin and on roll call the following vote ensued:

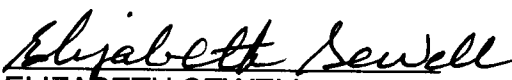
Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Ben Einstein	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 23rd day of February, 2010.


ATTEST:



MAYOR GLENN SINGER


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY