

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2176.11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AGREEMENTS BETWEEN THE TOWN AND FLORIDA POWER & LIGHT COMPANY IN CONNECTION WITH THE CONVERSION OF CERTAIN OVERHEAD ELECTRICAL DISTRIBUTION FACILITIES TO UNDERGROUND FACILITIES; AUTHORIZING THE MAYOR AND TOWN MANAGER TO EXECUTE THE AGREEMENTS; 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 Florida Power & Light Company ("FPL") convert certain overhead electric distribution facilities, located on South Island, Center Island and North Island (known as phase 4) (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 FPL, including the Underground Facilities Conversion Agreement – Governmental Adjustment Factor Waiver, (collectively, the "Agreement") substantially in the form attached to this Resolution as composite 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 Agreements.

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 composite 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 the **Town Administration**.

The Motion to adopt the foregoing Resolution was offered by Councilmember Lusskin, seconded by Councilmember Isackson-Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 26th day of April, 2011.

ATTEST:



MAYOR GLENN SINGER



LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HEIZERMAN
TOWN ATTORNEY