

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2791.21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO PROVIDE FOR PUBLICATION OF NOTICE OF INTENT TO USE THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON-AD VALOREM ASSESSMENTS FOR HIGH SPEED INTERNET SERVICES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 197.3632, F.S.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 197.3632, Florida Statutes establishes a uniform method for the levy, collection and enforcement of non-ad valorem assessments (the "Uniform Method"); and

WHEREAS, the Town of Golden Beach, Florida (the "Town") entered into a Service Agreement, including addendums thereto with Hotwire Communications, Ltd, a Pennsylvania Limited Partnership to provide for high-speed fiber optic internet services ("Internet Services") to the Town and to all of the properties located within the boundaries of the Town; and

WHEREAS, the Town intends to defray the cost of providing such Internet Service in whole or in part by the imposition of non-ad valorem special assessments on the properties benefitted by such Internet Services; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the Town to elect to utilize the Uniform Method in collecting the proposed assessments; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the legal description of the boundaries of the properties which may be subject to the levy of non-ad valorem assessments is attached hereto and incorporated herein as Exhibit "A;" and

WHEREAS, the Town Council desires to use the Uniform Method for the purpose of collecting special assessments to be levied on those properties benefitted by provision of such Internet Services; and

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

Section 1. Recitals. The above recitals are true and correct and incorporated herein by reference.

Section 2. Authorization. The Town Council hereby authorizes the Town Manager to publish notice of the Town's intent to use the uniform method for collecting such special assessments in accordance with Section 197.3632(3)(a), Florida Statutes, subject to the approval of the Town Attorney as to form, content, and legal sufficiency of such notice.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

Sponsored by the **Town Administration.**

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

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 16th day of November, 2021.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT A

LEGAL DESCRIPTION OF SERVICE AREAS SUBJECT TO ASSESSMENT

Beginning at a point on the east right-of-way line of the Intracoastal Waterway as shown on the plat of "Florida East Coast Canal" as recorded in Plat Book 37, at page 2, of the public records of Dade County, Florida; said point being located on the north line of Section 35, Township 51 South, Range 42 East, and 3,752.5 feet east of the northwest corner of said Section 35;

Thence, easterly along the north line of said Section 35 a distance of 1,400 feet, more or less, to the mean high water line of the Atlantic Ocean;

Thence, southerly along the mean high water line of the Atlantic Ocean 6,570 feet, more or less, to the north line of a tract deeded by Benjamin Kline to Alfred E. Hills recorded in Deed Book 367, at page 382, of the public records of Dade County, Florida;

Thence, westerly along the north line of said Hills tract 1,850 feet, more or less, to a point on the east right-of-way line of the Intracoastal Waterway; said point also being the southwest corner of the plat of "Section 'D' of Golden Beach," as recorded in Plat Book 10, at page 10, of the public records of Dade County, Florida;

Thence, northerly and easterly along the west and north lines of Block 'H' of said plat 530 feet, more or less, to the intersection with the southerly projection of the west line of Block 'J' of said plat;

Thence, northerly along said southerly projection and along the west line of said Block 'J' 1,080 feet, more or less, to the intersection with the south line of said Section 35; said point of intersection being located 3,245.09 feet east of the southwest corner of said Section 35;

Thence, northerly along the east right-of-way line of the Intracoastal Waterway 5,300 feet, more or less, to the point of beginning.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: November 16, 2021

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

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**Subject: Resolution No. 2791.21- Authorizing Commencement of a
Formal Process to Adopt a Special Assessment for High
Speed Internet Services**

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2791.21 as presented. The attached Resolution is (a) authorizing commencement of the formal statutory process for adopting a special assessment for high speed internet services in accordance and in the manner required by state law, and (b) authorizing the Town Manager and staff to take steps necessary to levy this special assessment.

Background:

On April 20, 2021 via Resolution 2742.21 Council authorized the Town Attorney to submit a request to the Attorney General for Opinion Regarding Authorization to impose a special assessment to Telecommunication Services.

This resolution establishes a uniform method for the levy, collection and enforcement of the special assessment for high speed internet services.

On June 15, 2021 via Resolution 2750.21 Council approved contract negotiations with Hotwire Communications. After successful negotiation and delivery of that contract, the Town broke ground on the project on October 28, 2021- making us the first municipality in the nation to provide our Town with a fully managed, 100% fiber optic/GPON network backbone, and deliver a Fiber-to-the-Home Over IP (VOIP), Phone, Internet protocol Television (IPTV), CCTV, Network security and monitoring, and more.

It has always been the stated objective of the Administration to be able to pass on the direct cost associated with providing this service to our residents. This resolution is the first step in the special assessment process to be able to levy and collect said fee. The Town has engaged SCS Engineers to conduct a rate

study which will determine the method and appropriate fee that will be levied. It is estimated that the fee will range between \$50 and \$60 per month per individually developed lot.

Fiscal Impact:

To be provided as part of the rate study being performed by SCS Engineers.