

RESOLUTION NO. 19-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
FIBER OPTICS DEVELOPMENT AGREEMENT WITH
CAMP FOX, LLC, DBA ISLAND FIBER,
FOR “FIBER TO THE HOME” SERVICES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

SECTION 1. Approval of Lending of Credit, Expenditure of Public Funds and Giving of Things of Value.

The City, at its public meeting on August 20, 2019, and in accordance with Alabama Constitutional Amendment No. 750, hereby finds and determines that the proposed lending of its credit, expenditure of public funds and giving of things of value for the purposes described in the proposed form of Fiber Optics Development Agreement (the “Development Agreement”) by and between the City of Orange Beach, Alabama, (the “City”) and Camp Fox, LLC, an Alabama limited liability company, doing business as Island Fiber (“Island Fiber”), will serve a valid and sufficient public purpose, notwithstanding any incidental benefits accruing to Island Fiber or any other private party. A draft of the Development Agreement was presented and considered at this meeting.

Under the Development Agreement, Island Fiber proposes to construct, install and place fiber optic facilities within the City (the “Project”) to make available to owners and occupants of residential units within the City the option of symmetrical 100 Megabyte (MB) or 1 Gigabit (GIG) high speed internet services on a “fiber to the home” basis.

Subject to the terms and conditions of the Development Agreement, and subject to the mutual execution and delivery thereof by the parties thereto, the City Council hereby approves a one-time grant to Island Fiber in the amount of \$350,000.00 to be used solely for the Project.

SECTION 2. Approval of Development Agreement.

The City hereby authorizes, adopts and approves the Development Agreement in substantially the form and of substantially the content as the form of the Development Agreement presented and considered at this meeting (a copy of which has been ordered filed in the permanent records of the City in the custody of the City Clerk) with such changes and additions thereto and deletions therefrom as the Mayor shall approve, which approval shall be evidenced by his executing the Development Agreement, and the Mayor is hereby authorized and directed, in the name and on behalf of the City, to execute, acknowledge and deliver said Development Agreement, and the City Clerk is hereby authorized and directed to affix to the Development Agreement the seal of the City and to attest the same.

SECTION 3. Authorization of Related Documents and Action.

The Mayor and City Clerk are hereby authorized and directed to execute, deliver, seal and attest the Development Agreement and such other agreements, undertakings, documents and certificates related thereto, and to take such other actions on behalf of the City as may be necessary or desirable to carry out the transactions contemplated by this resolution.

SECTION 4. Public Benefits Sought to be Achieved.

The public benefits sought to be achieved by the City's adoption of the Development Agreement are expected to include, without limitation, (i) advancing the economic development of the City, (ii) promoting the convenience, order, prosperity and welfare of its citizens, (iii) increasing property values within the City, (iv) stimulating additional economic activity within the City, and (v) providing enhanced educational opportunities within the City.

ADOPTED THIS 20th DAY OF AUGUST, 2019.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 19-xxx, which was duly and legally adopted at a regular meeting of the City Council on August 20, 2019.

City Clerk