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RESOLUTION NO. 2023-24

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL
AUTHORIZING THE MAYOR TO EXECUTE A
COMPREHENSIVE AGREEMENT WITH ARCADIA
INFRASTRUCTURE I, LLC, A WHOLLY OWNED
SUBSIDIARY OF ARCADIA TOWERS GROUP, LLC FOR
THE MARKETING AND LEASE OF PROPERTIES OWNED
BY WELLINGTON OR ACME IMPROVEMENT DISTRICT
FOR THE PURPOSE OF DEVELOPING, CONSTRUCTING
AND MAINTAINING COMMUNICATIONS FACILITIES; AND
PROVIDING AN EFFECTIVE DATE.**

14 **WHEREAS**, Wellington received an unsolicited proposal from Arcadia Towers
15 Group, LLC for the marketing and lease of properties owned by the Village of Wellington
16 or its dependent special district, Acme Improvement District, for the purpose of
17 developing, constructing and maintaining communications facilities (the "Proposal"); and
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19 **WHEREAS**, at its November 9, 2022 Council Meeting, after reviewing the
20 Proposal, Wellington's Council expressed its intent to waive certain requirements under
21 section 255.065, Florida Statutes and to enter into a comprehensive agreement with
22 Arcadia and directed staff to publish a 30-day notice of intent in the Palm Beach Post
23 and the Florida Administrative Register; and
24

25 **WHEREAS**, the 30-day notice period has ended and Wellington has the
26 authority, pursuant to section 255.065, Florida Statutes, to establish a public private
27 partnership with Arcadia Towers Group, LLC, or its wholly owned subsidiary, Arcadia
28 Infrastructure I, LLC, by entering into a comprehensive agreement; and
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30 **WHEREAS**, the proposed agreement has been reviewed and analyzed by
31 Wellington's outside consultant, who has determined that the proposed agreement is
32 cost-effective (revenue generating) and provides an overall public benefit to Wellington;
33 and

34 **WHEREAS**, Wellington's Council finds that the Proposal is financially beneficial,
35 imposes no costs upon Wellington, and is in the best interest of the public; and
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37 **WHEREAS**, the comprehensive agreement is for a facility that will be owned by
38 Wellington or Acme throughout the term and at the completion, expiration or termination
39 of the comprehensive agreement; and
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41 **WHEREAS**, the comprehensive agreement includes adequate safeguards to
42 ensure that additional costs or service disruptions are not imposed on the public in the
43 event of a default or cancellation of the comprehensive agreement by Wellington or
44 Acme; and
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46 **WHEREAS**, the comprehensive agreement has adequate safeguards in place to

1 ensure that Wellington/Acme or Arcadia Infrastructure I, LLC has the opportunity to add
2 capacity or facilities to the Project to serve predominantly public purposes; and
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4 **WHEREAS**, the proposed agreement otherwise meets the requirements of
5 section 255.065(5), Florida Statutes; and
6

7 **WHEREAS**, the Wellington Council has the authority to enter into the proposed
8 Agreement on its own behalf and on behalf of its dependent special district, Acme
9 Improvement District.
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11 **NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S**
12 **COUNCIL** that:
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14 **SECTION 1.** The Wellington Mayor is authorized to execute the comprehensive
15 agreement with Arcadia Infrastructure I, LLC on behalf of Wellington and Acme
16 Improvement District.
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18 **SECTION 2.** This Resolution shall become effective immediately upon adoption.
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20 **PASSED AND ADOPTED** this 9th day of May, 2023.
21

22 **ATTEST:**

WELLINGTON

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25 By: 
26 Chevelle D. Addie, MMC, Village Clerk
27

By: 
Anne Gerwig, Mayor

28 **APPROVED AS TO FORM**
29 **AND LEGAL SUFFICIENCY**
30

31
32 By: 
33 Laurie Cohen, Village Attorney
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