

RESOLUTION 24-1022-2

**UNANIMOUS CONSENT
OF THE BOARD OF DIRECTORS
OF
UTILITIES BOARD OF THE CITY OF FOLEY
d/b/a RIVIERA UTILITIES**

The undersigned, being the Board of Directors of Utilities Board of the City of Foley d/b/a Riviera Utilities, an Alabama domestic public corporation (the “Corporation”), hereby unanimously consent to the taking of all actions set forth in the resolutions which follow:

WHEREAS, the Corporation has entered into the Lease Agreement with Point Broadband Fiber Holding, LLC (“Point Broadband”) dated September 30, 2024 (the “Lease Agreement”), and the Corporation and Point Broadband both wish to amend the legal description and depiction of the leased areas in the Lease Agreement to what is shown on Exhibits “A” and “B” hereto, which will be exhibits to the First Amendment to the Lease Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the amendments to said Lease Agreement are agreed to by the Corporation, be, and they hereby are, authorized, adopted and approved; and

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorize, direct and empower Brian Skelton, as the President/CEO and Secretary of the Corporation, to negotiate, execute and deliver such First Amendment to the Lease Agreement; and

BE IT FURTHER RESOLVED, that any and all actions taken by Brian Skelton, as the President/CEO and Secretary of the Corporation or any other member of the Board of Directors prior to the date of adoption of the foregoing resolutions which would have been authorized by the foregoing resolutions but for the fact that such actions were taken prior to such date, be, and hereby are, ratified, approved, confirmed and adopted as a duly authorized act of the Corporation in all respects and for all purposes.

This Unanimous Consent shall become effective on the date indicated after the signature by the undersigned Board of Directors of the Corporation. The parties hereby stipulate and agree that an electronic transmission or signature by electronic transmission of one or more of the parties to this Unanimous Consent is permissible and as effective as if such signature was an original signature to this Unanimous Consent. This Unanimous Consent may be executed in any number of counterparts and all such counterparts shall for all purposes constitute one instrument, notwithstanding that all parties are not signatories on the same counterpart, and further, the pages to the counterparts on which appear the signatures of the parties may be detached from the respective counterparts of this Unanimous Consent and attached all to one counterpart which shall constitute the final Unanimous Consent. The parties hereby stipulate and agree that a photocopy (including facsimile, pdf, or .tif) shall constitute an original and shall have the same force and effect as an original for all intents and purposes.

BOARD OF DIRECTORS



Brian Skelton, President/CEO and Secretary

Date Signed: October __, 2024



Perry A. Hand, Chairman

Date Signed: October __, 2024



Charles J. Ebert, III, Vice Chairman

Date Signed: October __, 2024



Michael M. Dugger

Date Signed: October __, 2024



Ralph G. Hellmich

Date Signed: October __, 2024



Barbara P. Ingram

Date Signed: October __, 2024

EXHIBIT A

- The Leased Property is a portion of Lessor's property located at 216 East Berry Avenue, Foley, Alabama 36535 (Parcel No.: 54-05-21-3-000-014.005) and described as follows:

- A 31' x 41' area located along the Western margin of Lot four (4) of the Summit Addition to the Town of Foley, according to a plat thereof of record in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, Page 30, described as follows, to-wit:
 - Commencing at the Northwest corner of Lot four (4) of the Summit Addition to the Town of Foley, according to a plat thereof of record in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, Page 30; thence run South a distance of seventy-five feet (75') to the Point of Beginning; thence run East a distance of thirty-one feet (31') to a point; thence run South a distance of forty-one feet (41') to a point; thence run West a distance of thirty-one feet (31') to a point on the Western boundary of said Lot 4; thence run North a distance of forty-one feet (41') along the Western boundary of said Lot 4 to the Point of Beginning. Said parcel contains 1,271 square feet.

BERRY ST

40

100

Exhibit "B"

75

210

146

7

145

12'X75' Easement
approximate

31'X41' leased
property

approximate

210

75

10

1172.2

14,005

592.2

VULCAN ST

6.1

53

4

4

13.9

19

130