

RESOLUTION NO. 23-05-24

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF THE TOWN'S RESERVATION OF RIGHTS TO PHOSPHATE, MINERALS, METALS AND PETROLEUM FOR LAND PREVIOUSLY CONVEYED TO PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in 2000 the Town conveyed 2.794 acres of environmentally sensitive land within Lake Park Scrub Natural Area to Palm Beach County (the County); and

WHEREAS, in exchange the County conveyed 2.674 acres of vacant land within and north of the proposed Park Avenue Right-of-Way to the Town; and

WHEREAS, at the time both the Town and the County reserved their respective rights to any phosphate, mineral, metal and petroleum in the land they conveyed to the other entity; and

WHEREAS, the County believes that the Town's and County's reservation of rights in the land conveyed by the Town to the County is contrary to the intended preservation and protection of environmentally sensitive land; and

WHEREAS, the County has requested that the Town release the rights it reserved in the land it conveyed to the County and in exchange the County proposed that it would release the rights to the land it conveyed to the Town; and

WHEREAS, the Town Manager has recommended to the Town Commission that it accept the County's proposal to mutually release each other's rights reserved.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein.

Section 2. The Mayor is hereby authorized and directed to execute the Release of Reservation copy of which is attached hereto and incorporated herein by reference as **Exhibit A.**

Section 3. This Resolution shall take effect immediately upon execution.

#5453106 v1 26508-00002

The foregoing Resolution was offered by Commissioner Thomas, who moved its adoption. The motion was seconded by Commissioner Taylor, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR ROGER D. MICHAUD	<u>/</u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	<u> </u>
COMMISSIONER MICHAEL HENSLEY	<u>/</u>	<u> </u>
COMMISSIONER MARY BETH TAYLOR	<u>/</u>	<u> </u>
COMMISSIONER JUDITH E. THOMAS	<u>/</u>	<u> </u>

The Town Commission thereupon declared the foregoing Resolution 23-05-24 duly passed and adopted this 1 day of May, 2024.

TOWN OF LAKE PARK, FLORIDA

BY: 
ROGER D. MICHAUD
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

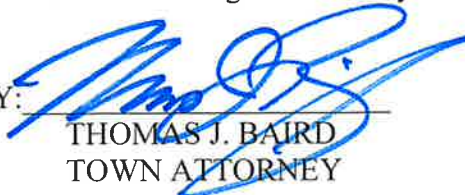
BY: 
THOMAS J. BAIRD
TOWN ATTORNEY

EXHIBIT 'A'

This Instrument prepared by:
Sandra Mann
Palm Beach County
Department of Environmental Resources Management
2300 N. Jog Road, 4th Floor
West Palm Beach, Florida 33411

PCN: 36-43-42-20-00-000-7440

Consideration: Donation

**RELEASE OF RESERVATION
FOR PHOSPHATE, MINERALS, METALS AND PETROLEUM**

KNOW ALL MEN BY THESE PRESENTS: That the **TOWN OF LAKE PARK**, a municipal corporation existing under the laws of the State of Florida, with a mailing address of 535 Park Avenue, Lake Park, Florida 33403, for and in consideration of \$10, the mutual benefits, and other valuable consideration hereby acknowledged hereby releases unto **PALM BEACH COUNTY**, a political subdivision of the State of Florida, with a mailing address of 2633 Vista Parkway, West Palm Beach, Florida 33411, its successors and assigns, the right, interest, claim and demand arising out of the following reservation, to-wit:

“Reserving unto the party of the first part and its successors, an undivided three fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.”

Said reservations being set forth in the Special Warranty Deed from the Town of Lake Park to Palm Beach County, dated September 5, 2000, and recorded at OR Book 11995, Pages 853-857 in the Public Records of Palm Beach County, Florida.

PROVIDED, HOWEVER, this release only affects those lands particularly described in Exhibit “A” which is attached hereto and by reference made a part hereof, lying and being in Palm Beach County, Florida.

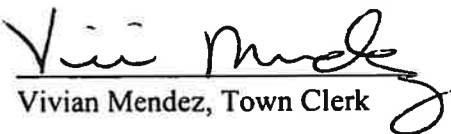
[Remainder of page intentionally left blank.]

EXHIBIT 'A'

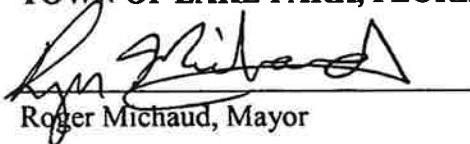
IN WITNESS WHEREOF, this release has been executed on the 1 day of May, 2024.

ATTEST:

TOWN CLERK

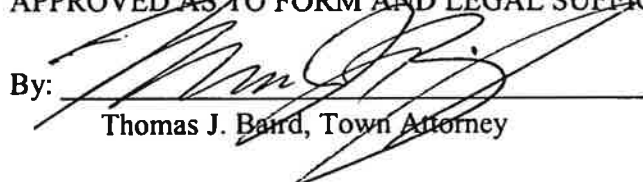

Vivian Mendez, Town Clerk

TOWN OF LAKE PARK, FLORIDA


Roger Michaud, Mayor



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
Thomas J. Baird, Town Attorney

#5437151 v1 26508-00002

Exhibit "A"

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST ONE-QUARTER (W 1/4) OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST;
 THENCE SOUTH 01° 21' 11" WEST ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 1350.73 FEET TO THE A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 20;
 THENCE SOUTH 86° 29' 41" EAST, ALONG SAID NORTH LINE A DISTANCE OF 845.77 FEET;
 THENCE SOUTH 01° 22' 57" WEST, A DISTANCE OF 29.99 FEET;
 THENCE SOUTH 88° 29' 35" EAST, A DISTANCE OF 3.34 FEET;
 THENCE SOUTH 01° 18' 43" WEST, A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING;
 THENCE SOUTH 89° 29' 42" EAST, A DISTANCE OF 292.46 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS POINT BEARS NORTH 01° 30' 18" EAST, A DISTANCE OF 330.00 FEET;
 THENCE EAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38° 31' 15" A DISTANCE OF 221.87 FEET;
 THENCE SOUTH 25° 44' 13" WEST, A DISTANCE OF 38.01 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 20;
 THENCE SOUTH 01° 18' 43" WEST, ALONG SAID WEST LINE A DISTANCE OF 270.50 FEET;
 THENCE NORTH 89° 41' 17" WEST, A DISTANCE OF 482.50 FEET;
 THENCE NORTH 01° 18' 43" EAST, A DISTANCE OF 234.97 FEET TO THE POINT OF BEGINNING.

CONTAINS: 2.682 ACRES OR 116,916 SQUARE FEET.

TOGETHER WITH PARCEL 2

CONTINUED


NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

OFFICE OF THE COUNTY ENGINEER
 PALM BEACH COUNTY ENGINEERING
 SURVEY SECTION
 160 AUSTRALIAN AVENUE
 WEST PALM BEACH, FL 33406

THIS INSTRUMENT PREPARED BY:
 WILLIAM ETHERIDGE, P.L.S.
 FLORIDA CERTIFICATE NO. 3173

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

W.E. Etheridge

PROJECT NO. 2000606	DATE 3	REVISED 1	DESCRIPTION SKETCH PARK AVENUE EXTENSION SECTION 20, TOWNSHIP 42 S. RANGE 43 E		SEARCHED INDEXED SERIALIZED FILED APR 17 2000 FBI - TAMPA	REVISION BY DATE	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 160 AUSTRALIAN AVENUE WEST PALM BEACH, FL 33406
	DESIGN FILE NAME 2000606.DGN	DRAWING NO. S-1-00-1459					

PARCEL 2

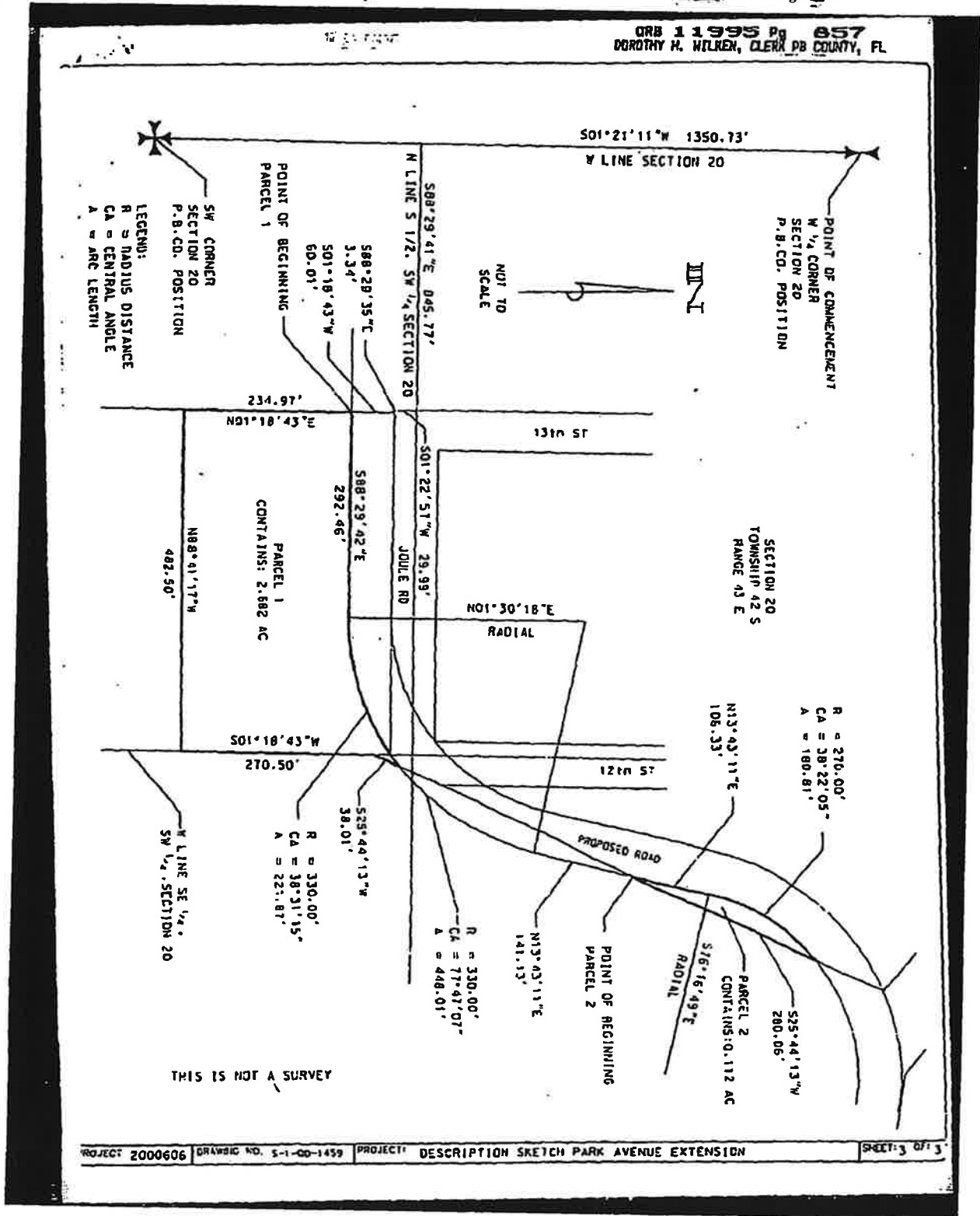
A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST ONE-QUARTER (W¹/₄) OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST;
THENCE SOUTH 01° 21' 11" WEST ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 1350.73 FEET TO THE A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF (S¹/₂) OF THE SOUTHWEST ONE-QUARTER (SW¹/₄) OF SAID SECTION 20;
THENCE SOUTH 88° 29' 41" EAST, ALONG SAID NORTH LINE A DISTANCE OF 845.77 FEET;
THENCE SOUTH 01° 22' 57" WEST, A DISTANCE OF 29.99 FEET;
THENCE SOUTH 88° 29' 35" EAST, A DISTANCE OF 3.34 FEET;
THENCE SOUTH 01° 18' 43" WEST, A DISTANCE OF 60.01 FEET;
THENCE SOUTH 88° 29' 42" EAST, A DISTANCE OF 292.46 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS POINT BEARS NORTH 1° 30' 18" EAST, A DISTANCE OF 330.00 FEET;
THENCE NORTHEAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77° 47' 07" A DISTANCE OF 448.01 FEET;
THENCE NORTH 13° 43' 11" EAST, A DISTANCE OF 141.13 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE NORTH 13° 43' 11" EAST, A DISTANCE OF 106.33 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS POINT BEARS SOUTH 76° 16' 49" EAST, A DISTANCE OF 270.00 FEET;
THENCE NORTHEAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38° 22' 05" A DISTANCE OF 180.81 FEET;
THENCE SOUTH 25° 44' 13" WEST, A DISTANCE OF 280.06 FEET TO THE POINT OF BEGINNING.

CONTAINS: 0.112 ACRE OR 4,884 SQUARE FEET.

PARCEL 1	2.682 AC	116,816 SQ FT
PARCEL 2	0.112 AC	4,884 SQ FT
TOTAL	2.794 AC	121,700 SQ FT

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST BEING S01°21'11"W (GRID NAD 27, 1972 ADJUSTMENT) AND ALL OTHER BEARINGS ARE RELATIVE THERE TO.



I hereby certify the foregoing is a true copy of the record in my office with redactions, if any as required by law as of this day, 06/14/2024.
 Joseph Abruzzo, Clerk of the Circuit Court & Comptroller Palm Beach County, Florida
 By: *Diedre Moreland* Deputy Clerk

Diedre Moreland



CFN 20240208012
OR BK 35086 PG 795
RECORDED 6/14/2024 11:23 AM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 795 - 800; (6pgs)

This Instrument prepared by:
Sandra Mann
Palm Beach County
Department of Environmental Resources Management
2300 N. Jog Road, 4th Floor
West Palm Beach, Florida 33411

PCN: 36-43-42-20-00-000-7470 and
Portion of PCN: 36-43-42-20-00-000-7190
Consideration: Donation

**RELEASE OF RESERVATION
FOR PHOSPHATE, MINERALS, METALS AND PETROLEUM**

R2024 0705 JUN 11 2024

KNOW ALL MEN BY THESE PRESENTS: That **PALM BEACH COUNTY**, a political subdivision of the State of Florida, with a mailing address of 2633 Vista Parkway, West Palm Beach, Florida 33411, for and in consideration of mutual benefits, by these presents does release unto the **TOWN OF LAKE PARK**, a municipal corporation existing under the laws of the State of Florida, with a mailing address of 535 Park Avenue, Lake Park, Florida 33403, its successors and assigns, the right, interest, claim and demand arising out of the following reservation, to-wit:

“Reserving unto the party of the first part and its successors, an undivided three fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.”

Said reservations being set forth in the County Deed from Palm Beach County to the Town of Lake Park, dated July 11, 2000, and recorded at OR Book 11995, Pages 858-863 in the Public Records of Palm Beach County, Florida.

PROVIDED, HOWEVER, this release only affects those lands particularly described in Exhibit “A” attached hereto and by reference made a part hereof, lying and being in Palm Beach County, Florida.

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IN WITNESS WHEREOF, this release has been executed on JUN 11 2024 day of _____, 2024.

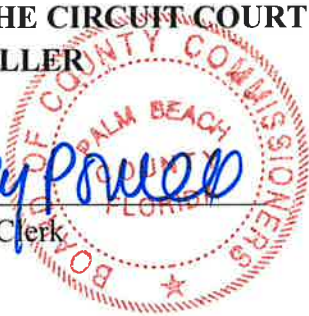
R2024 0705

ATTEST:

JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

By: _____


Deputy Clerk



PALM BEACH COUNTY, a political
subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

By: _____


Maria Sachs, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____



Scott Stone, Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: _____


Deborah Drum, Department Director
Environmental Resources Management

Exhibit "A"

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST ONE-QUARTER (1/4) OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST;
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 THENCE SOUTH 88° 29' 41" EAST, ALONG SAID NORTH LINE A DISTANCE OF 845.77 FEET;
 THENCE SOUTH 01° 22' 57" WEST, A DISTANCE OF 29.99 FEET;
 THENCE SOUTH 88° 29' 35" EAST, A DISTANCE OF 3.34 FEET;
 THENCE SOUTH 01° 18' 43" WEST, A DISTANCE OF 60.01 FEET;
 THENCE SOUTH 88° 29' 42" EAST, A DISTANCE OF 292.46 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS POINT BEARS NORTH 1° 30' 18" EAST, A DISTANCE OF 330.00 FEET;
 THENCE EAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38° 31' 15" A DISTANCE OF 221.87 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUE NORTHEAST ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39° 15' 52", A DISTANCE OF 226.15 FEET;
 THENCE NORTH 13° 43' 11" EAST, A DISTANCE OF 141.13 FEET;
 THENCE SOUTH 25° 44' 13" WEST, A DISTANCE OF 357.83 FEET TO THE POINT OF BEGINNING.

CONTAINS: 0.186 ACRE OR 8.110 SQUARE FEET.

CONTINUED


NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

OFFICE OF THE COUNTY ENGINEER
 PALM BEACH COUNTY ENGINEERING
 SURVEY SECTION
 160 AUSTRALIAN AVENUE
 WEST PALM BEACH, FL 33406

THIS INSTRUMENT PREPARED BY:
 WILLIAM ETHERIDGE, P.L.S.
 FLORIDA CERTIFICATE NO. 3173

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WCEtheridge

PARCEL NO. 2000606 SHEETS 1 OF 4	DESCRIPTION SKETCH PARK AVENUE EXTENSION SECTION 20, TOWNSHIP 42 S. RANGE 43 E		SCALE: NONE APPROPRIATE: NONE W/C: NONE M/AM: NONE CAD: NONE CHECKED: CIVIL DATE: 6/1/00	NO. _____ REVISION _____ BY _____ DATE _____	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 160 AUSTRALIAN AVENUE WEST PALM BEACH, FL 33406
	DESIGN FILE NAME 2000606.DGN	DRAWING NO. S-1-00-1460		TITLE BLOCK NO. NONE	

TOGETHER WITH PARCEL 2

PARCEL 2

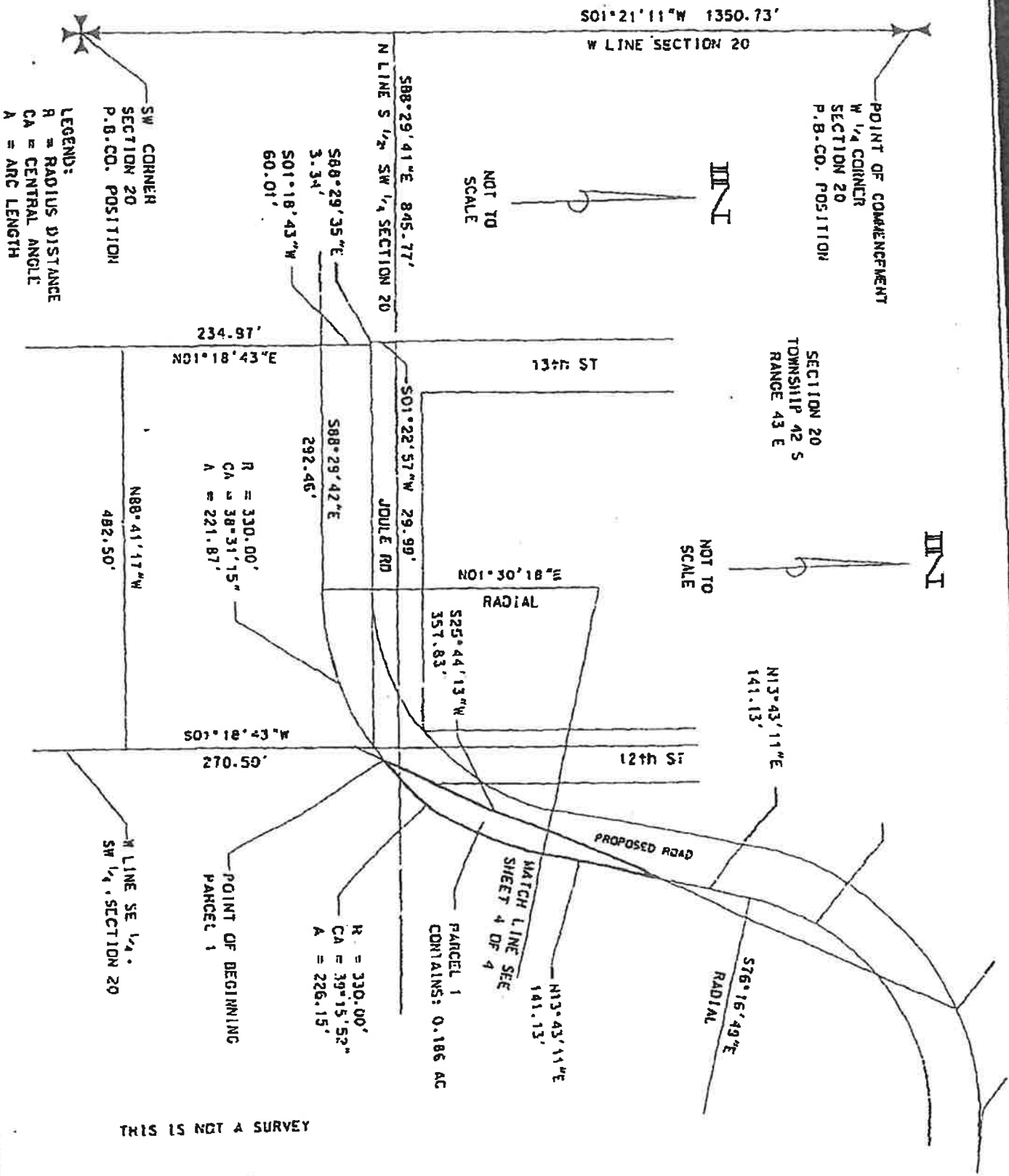
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 THENCE SOUTH 01° 22' 57" WEST, A DISTANCE OF 29.99 FEET:
 THENCE SOUTH 88° 29' 35" EAST, A DISTANCE OF 3.34 FEET:
 THENCE SOUTH 01° 18' 43" WEST, A DISTANCE OF 60.01 FEET:
 THENCE SOUTH 88° 29' 42" EAST, A DISTANCE OF 292.46 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS POINT BEARS NORTH 1° 30' 18" EAST, A DISTANCE OF 330.00 FEET:
 THENCE NORTHEAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77° 47' 07" A DISTANCE OF 448.01 FEET:
 THENCE NORTH 13° 43' 11" EAST, A DISTANCE OF 247.46 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS POINT BEARS SOUTH 76° 16' 49" EAST, A DISTANCE OF 270.00 FEET:
 THENCE NORTHEAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38° 22' 05" A DISTANCE OF 180.81 FEET TO THE POINT OF BEGINNING:
 THENCE CONTINUE EAST ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 47° 42' 30", A DISTANCE OF 224.82 FEET:
 THENCE SOUTH 80° 12' 14" EAST, A DISTANCE OF 683.41 FEET:
 THENCE NORTH 20° 55' 38" WEST, A DISTANCE OF 6.85 FEET:
 THENCE NORTH 69° 04' 22" EAST, A DISTANCE OF 63.86 FEET:
 THENCE NORTH 23° 53' 57" EAST, A DISTANCE OF 22.15 FEET:
 THENCE NORTH 78° 42' 03" WEST, A DISTANCE OF 415.15 FEET:
 THENCE NORTH 81° 51' 03" WEST, A DISTANCE OF 378.87 FEET:
 THENCE NORTH 49° 56' 03" WEST, A DISTANCE OF 571.87 FEET:
 THENCE SOUTH 01° 18' 43" WEST, A DISTANCE OF 128.23 FEET:
 THENCE SOUTH 49° 56' 03" EAST, A DISTANCE OF 414.09 FEET:
 THENCE SOUTH 25° 44' 13" WEST, A DISTANCE OF 105.06 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.488 ACRES OR 108,372 SQUARE FEET.

PARCEL 1	0.186 AC	8,110 SQ FT
PARCEL 2	2.488 AC	108,372 SQ FT
TOTAL	2.674 AC	116,482 SQ FT

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST BEING S01°21'11"W (GRID NAD 27.1972 ADJUSTMENT) AND ALL OTHER BEARINGS ARE RELATIVE THERETO.



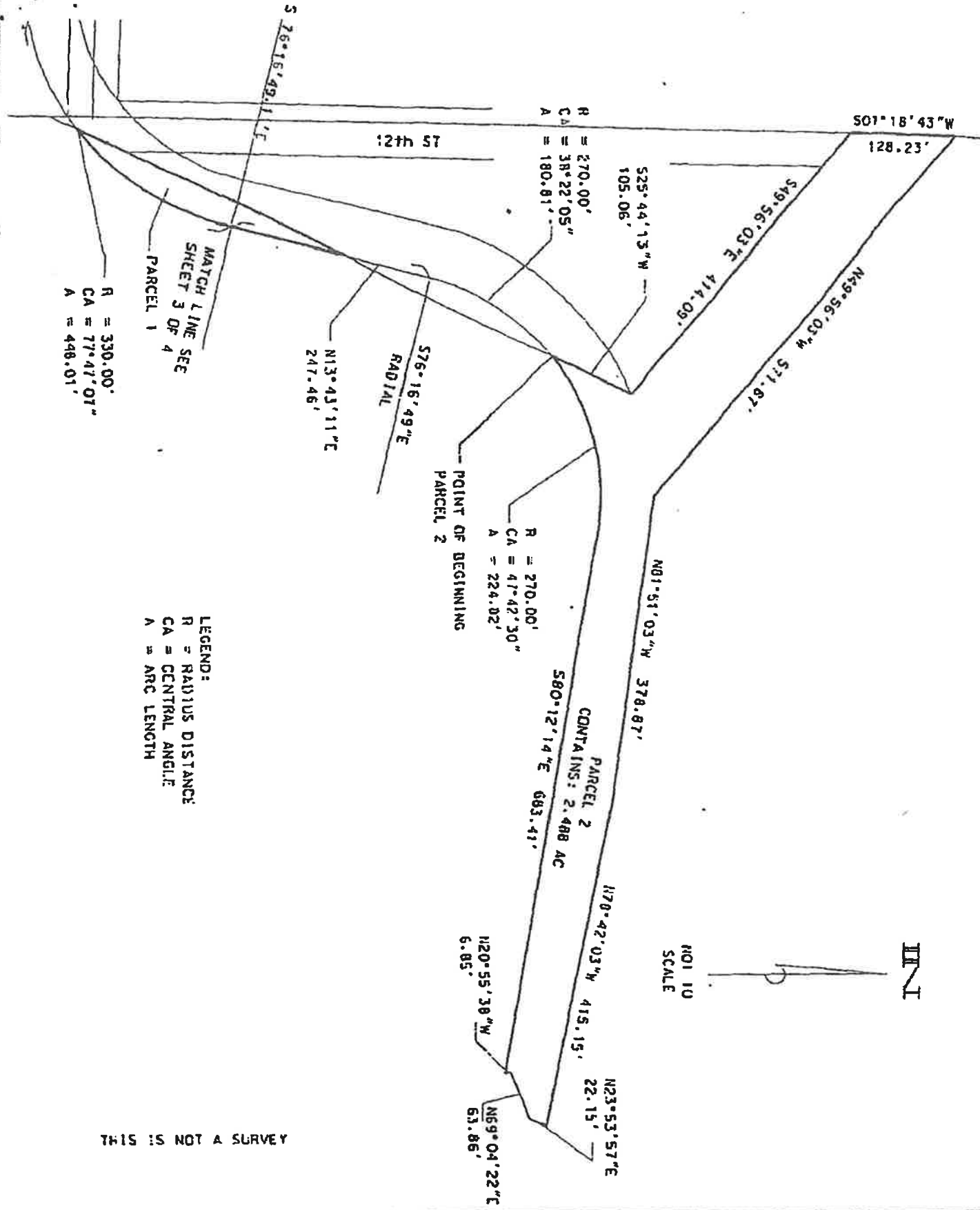
SW CORNER SECTION 20 P.B.CO. POSITION

LEGEND:
 R = RADIUS DISTANCE
 CA = CENTRAL ANGLE
 A = ARC LENGTH

POINT OF COMMENCEMENT W 1/4 CORNER SECTION 20 P.B.CO. POSITION

SECTION 20 TOWNSHIP 42 S RANGE 43 E

THIS IS NOT A SURVEY

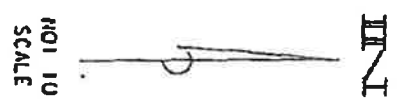


MATCH LINE SEE SHEET 3 OF 4
 PARCEL 1
 R = 330.00'
 CA = 77°47'07"
 A = 448.01'

LEGEND:
 R = RADIUS DISTANCE
 CA = CENTRAL ANGLE
 A = ARC LENGTH

POINT OF BEGINNING
 PARCEL 2
 R = 270.00'
 CA = 47°42'30"
 A = 224.02'

THIS IS NOT A SURVEY



Lake Park Scrub Natural Area

Reciprocal Release of Reserved Rights

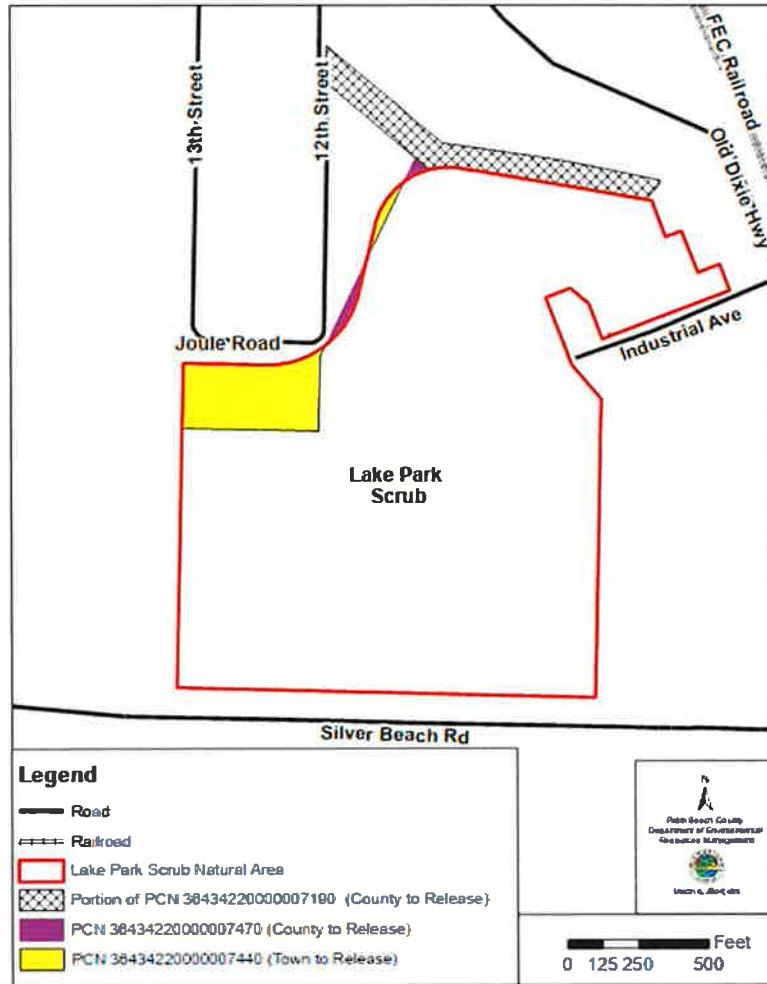
The County's Request:

The County respectfully asks the Town to release all of its reserved rights over the approximate 2.794-acre portion of the Natural Area (NA).

In exchange, the County will release all of its reserved rights over the approximate 2.674 acres of land north of the NA, including portions of the proposed Park Avenue right of way.

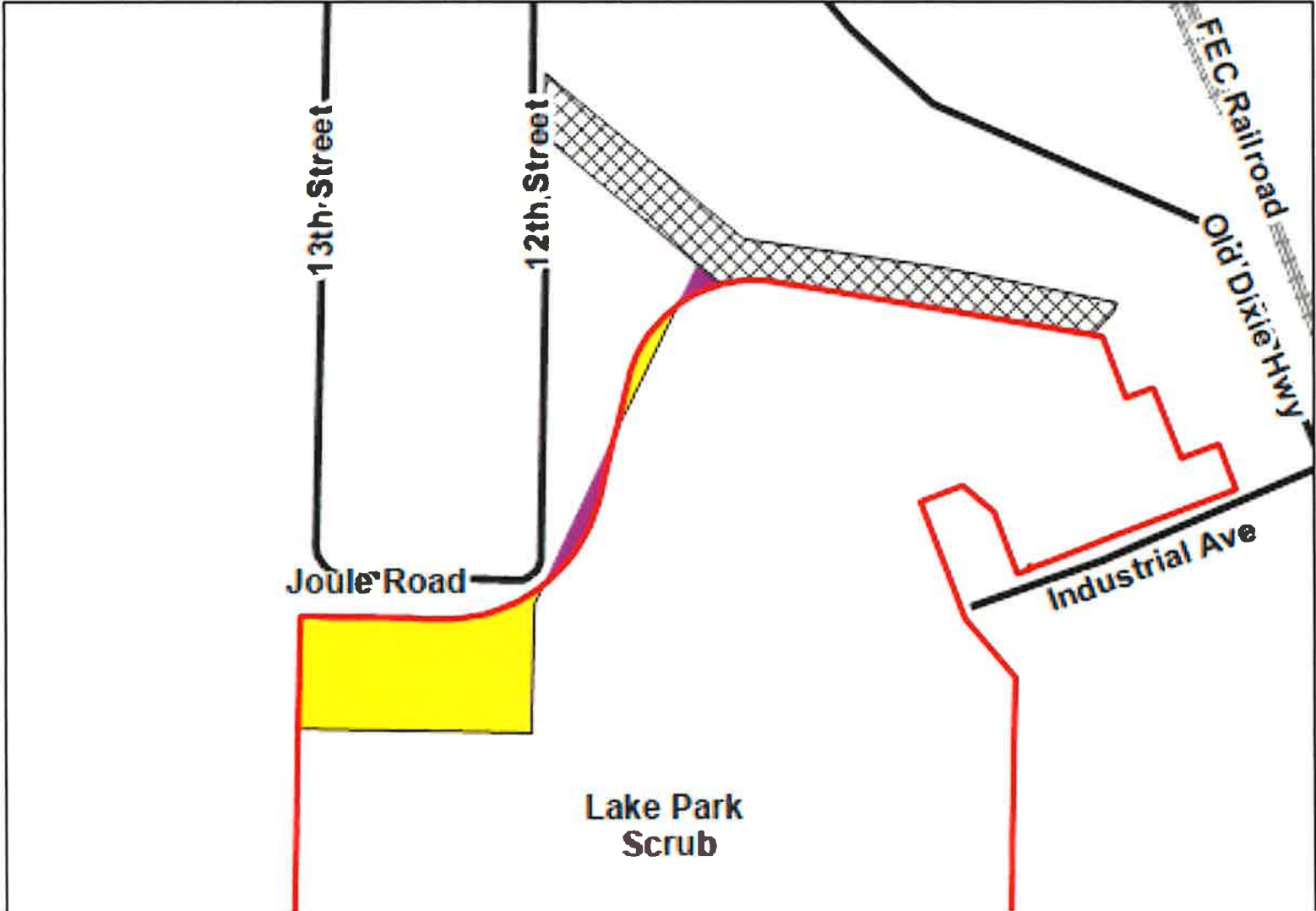
Reason for the Request:

It recently came to our attention that the Town's release of its reserved rights must occur before the County can apply for a grant to help pay for the construction of public use facilities on the NA.



**Lake Park Scrub Natural Area -
Location Map Showing Lands Over Which Reservations
Would Be Released**





Lake Park Scrub Natural Area

Reciprocal Release of Reserved Rights

History of Land Swap:

- In 2000, the Town gave the County 2.794 acres of environmentally sensitive land within Lake Park Scrub NA
- In exchange, the County gave the Town 2.674 acres of vacant land within the proposed Park Avenue right of way and other lands north of the NA
- Both the Town and County reserved phosphate, mineral, metal and petroleum rights (reserved rights) when they conveyed the land to the other entity

Lake Park Scrub Natural Area

Reciprocal Release of Reserved Rights

Reserved Rights are Contrary to the Intended Uses of the Conveyed Lands:

The County believes that the Town's and County's reserved rights are contrary to the intended uses of the lands.

- The Town's reserved rights (to explore and mine for phosphate, mineral, metal and petroleum) are contrary to the intended preservation and protection of ESLs
- The County's reserved rights (same as above) are contrary to the intended use of the lands proposed for Park Avenue right of way and other Town uses
- The Town's reserved rights make the County ineligible to apply for a grant that would help pay for the construction of public use facilities on the NA