

**RESOLUTION NO. 43-07-04**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING A PORTION OF THE EXISTING RIGHT OF WAY KNOWN AS EAST JASMINE DRIVE, EFFECTIVE UPON AND SUBJECT TO THE PERFORMANCE OF CERTAIN CONDITIONS ESTABLISHED BY THE TOWN COMMISSION.**

**WHEREAS**, the Town of Lake Park ("Town"), is the owner of certain real property, the legal description of which is attached hereto and incorporated herein as **Exhibit "A"** (the "subject property"); and

**WHEREAS**, the subject property is a roadway known as East Jasmine Drive; and

**WHEREAS**, Earl Stewart Toyota ("Stewart") owns certain real property, which is adjacent to and immediately north of the subject property; and

**WHEREAS**, Stewart proposes to acquire certain real property, which is adjacent to and immediately south of the subject property, said property now known as Journey's Inn; and

**WHEREAS**, Stewart has filed an application seeking the abandonment of a portion of the existing right of way known as East Jasmine Drive; and

**WHEREAS**, the Town Commission supports the abandonment of a portion the existing right of way known as East Jasmine Drive provided Stewart complies with certain conditions specified by the Town Commission.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

**Section 1:** The whereas clauses are incorporated herein as true and correct findings of fact and conclusions of law of the Town Commission.

**Section 2.** The Town Commission hereby approves the abandonment subject to the conditions contained in Section 3 herein below.

**Section 3.** Approval of the abandonment for the subject property by the Town Commission shall be subject to the following conditions:

1. Stewart shall cause to be removed the reversionary clause recorded against the subject property, which upon abandonment of the subject property as a public road, would vest title to Bankers Life, its successors or assigns.

2. Stewart shall obtain any and all appropriate amendments to the Town's Comprehensive Plan and land development regulations such that the subject property and the Journey's Inn property can be operated as an automobile dealership within three years from the effective date of this Resolution.

3. After obtaining any and all necessary amendments to the Town's Comprehensive Plan and land development regulations from the Town Commission to operate a car dealership upon the subject property, and the Journey's Inn property, the Town shall execute and record such instruments as may be necessary to abandon a portion of the existing right of way known as East Jasmine Drive, vesting title to the subject property to Stewart.

**Section 4.** This Resolution shall become effective upon adoption.

The foregoing RESOLUTION was offered by Commissioner Garretson, who moved its approval. The motion was seconded by Commissioner Vice Mayor Balius and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER ED DALY	X	
COMMISSIONER JEFF CAREY	X	

The Mayor thereupon declared Resolution No. 43-07-2004 duly passed and adopted this 4<sup>th</sup> day of August, 2004.

TOWN OF LAKE PARK, FLORIDA

BY: Paul Castro  
Mayor Paul Castro

ATTEST:

Stephanie Thomas  
Stephanie Thomas  
Interim Town Clerk

Approved as to form and legal sufficiency

Thomas J. Baird  
Thomas J. Baird, Town Attorney

