

**RESOLUTION NO. 50-08-04**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING A UTILITY EASEMENT LOCATED ALONG THE EAST FIVE FEET OF LOTS 1 THROUGH 11, BLOCK 121 AND THE WEST FEET OF LOTS 12 THROUGH 22, BLOCK 121, KELSEY CITY, WITHIN THE PROPERTY KNOWN AS THE JOURNEY'S INN.**

**WHEREAS**, the Town of Lake Park ("Town"), dedicated a utility easement per Plat Book 8, Pages 15 & 35, the legal description of which is attached hereto and incorporated herein as **Exhibit A** ("the subject property"); and

**WHEREAS**, the subject property runs through the middle of the Journey's Inn property; and

**WHEREAS**, Douglas A. Holder ("Owner") owns certain real property, which surrounds the subject property; and

**WHEREAS**, the Owner proposes to sell certain real property, which is encumbered by the utility easement, said property now known as Journey's Inn; and

**WHEREAS**, the Owner has filed an application ("Application") seeking the abandonment of the utility easement; and

**WHEREAS**, the utility easement was platted in March of 1921, as part of the Kelsey City Plat

**WHEREAS**, a portion of the Journey's Inn was constructed within the platted utility easement; and

**WHEREAS**, the construction of the Journey's Inn is in conflict with Town's Code

Section 33-153, which prohibits the placement of buildings within a utility easement; and

**WHEREAS**, there are currently no utilities located within said easement; and

**WHEREAS**, the Owner has provided "Letters of No Objection" from all existing utility providers; and

**WHEREAS**, the Town Commission supports the abandonment of the existing utility easement as depicted on Exhibit A attached hereto, with certain conditions as set forth herein.

**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. The Owner will rededicate the utility easement under a separate instrument consistent with Section 33-153 of the Town's Code of Ordinances.

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

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

	<u>Aye</u>	<u>Nay</u>
MAYOR PAUL CASTRO	<u>X</u>	
VICE MAYOR CHUCK BALIUS	<u>X</u>	
COMMISSIONER PAUL GARRETSON	<u>X</u>	
COMMISSIONER ED DALY	<u>X</u>	
COMMISSIONER JEFF CAREY		

The Mayor thereupon declared Resolution No.50-08-04 passed and adopted this 18th day of August, 2004.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul W. 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

