

RESOLUTION NO. 32-09-05

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING PORTIONS OF UTILITY EASEMENTS, WHICH ARE LOCATED WITHIN THE PLAT OF EARL STEWART TOYOTA

WHEREAS, Utility easements were dedicated to the Town of Lake Park ("Town"), pursuant to the Plat of Kelsey City in March of 1921, recorded in Plat Book 8, Pages 15 & 35, of the public records of Palm Beach County, Florida (the "Platted Easement"); and

WHEREAS, the Town of Lake Park received a Dedication of Easement for Public Utilities in September 1970, by instrument recorded in Official Records Book 1836, Page 1634, of the public records of Palm Beach County, Florida (the "Dedication of Easement"); and

WHEREAS, on September 3, 2003, the Town adopted Resolution No. 23-09-03, approving the Plat of Earl Stewart Toyota, conditioned on the property owners' agreement to cause certain existing utility easements to be abandoned and new easements to be dedicated to the utility providers; and

WHEREAS, portions of the Platted Easement further described on Exhibit "A" attached hereto and made a part hereof and portions of the Dedication of Easement as further described on Exhibit "B" attached hereto and made a part hereof, existed on the property subject to the Plat of Earl Stewart Toyota, approved by the Town and recorded in Plat Book 100, Page 148 of the public records of Palm Beach County, Florida; and

WHEREAS, certain construction proposed on the Earl Stewart Toyota plat would be in conflict with Town's Code Section 33-153, which prohibits the placement of buildings within a utility easement; and

WHEREAS, Earl Stewart LLC (the "Owner") owns the property subject to the easements described on attached Exhibits "A" and "B"; and

WHEREAS, there are currently no utilities located within portions of those easements owned by the Owner; and

WHEREAS, the Owner has filed an application ("Application") seeking the abandonment of portions of the Platted Easement and Dedication of 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 those portions of the Platted Easement as shown on Exhibit "A" and those portions of the Dedication of Easement shown on Exhibit "B", 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 of the portions of the easements described in Exhibit "A" and Exhibit "B" (the subject property") subject to the Owner's rededication of utility easements to utility providers under 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 Comm. Daly, who moved its adoption. The motion was seconded by Comm. Carey, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR PAUL W. CASTRO	<u>X</u>	—
VICE MAYOR PAUL GARRETSON	<u>X</u>	—
COMMISSIONER BALIUS	<u>X</u>	—
COMMISSIONER ED DALY	<u>X</u>	—
COMMISSIONER JEFF CAREY	<u>X</u>	—

The Mayor thereupon declared the foregoing Resolution No. 32-09-05 duly passed and adopted this 21st day of Sept. 2005

TOWN OF LAKE PARK, FLORIDA

BY:

Paul W. Castro
PAUL W. CASTRO
MAYOR

ATTEST:

Stephanie Thomas

Stephanie Thomas
TOWN CLERK

TOWN OF LAKE PARK
(TOWN SEAL)
SEAL

FLORIDA

Approved as to form and legal
sufficiency:

By:

Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY

DESCRIPTION & SKETCH
 PREPARED FOR:
 STEWART TOYOTA OF
 NORTH PALM BEACH



PLATTED UTILITY EASEMENTS
 (TO BE ABANDONED)
 STEWART TOYOTA

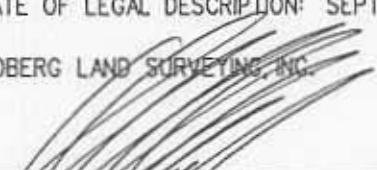
LEGAL DESCRIPTION

THE EAST 5 FEET OF LOTS 1 THROUGH 17, BLOCK 122, AND THE WEST 5 FEET OF LOTS 18 THROUGH 34, BLOCK 122 AND THE SOUTH 5 FEET OF LOTS 35 THROUGH 41, BLOCK 122, ACCORDING TO THE PLAT OF KELSEY CITY, RECORDED IN PLAT BOOK 8, PAGES 15 AND 35, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SURVEYOR'S NOTES:

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.
5. DATE OF LEGAL DESCRIPTION: SEPTEMBER 12, 2003

LIDBERG LAND SURVEYING, INC.


 DAVID C. LIDBERG
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 3613

ABBREVIATIONS:

- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCEMENT
- ORB - OFFICIAL RECORD BOOK



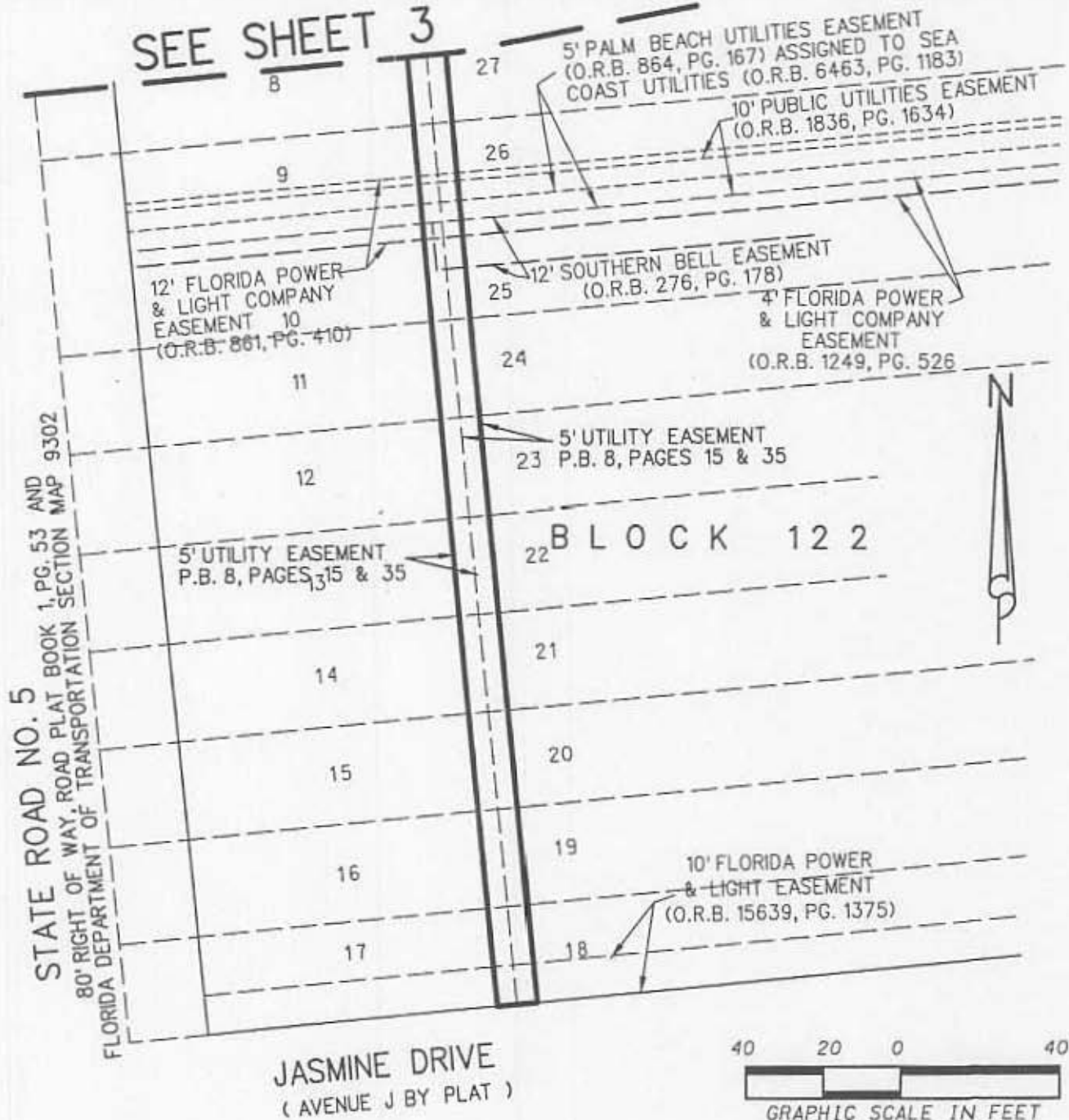
LB4431 675 West Indiantown Road, Suite 200,
 Jupiter, Florida 33458 TEL. 561-746-8454

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REF.			
FLD. _	FB. _	PG. _	JOB 02-174-303A
OFF. L.J.C.			DATE 09/12/03
CKD. D.C.L.	SHEET 1	OF 4	DWG. A02-174A

DESCRIPTION & SKETCH
 PREPARED FOR:
 STEWART TOYOTA OF
 NORTH PALM BEACH

PLATTED UTILITY EASEMENTS
 (TO BE ABANDONED)
 STEWART TOYOTA

SEE SHEET 3



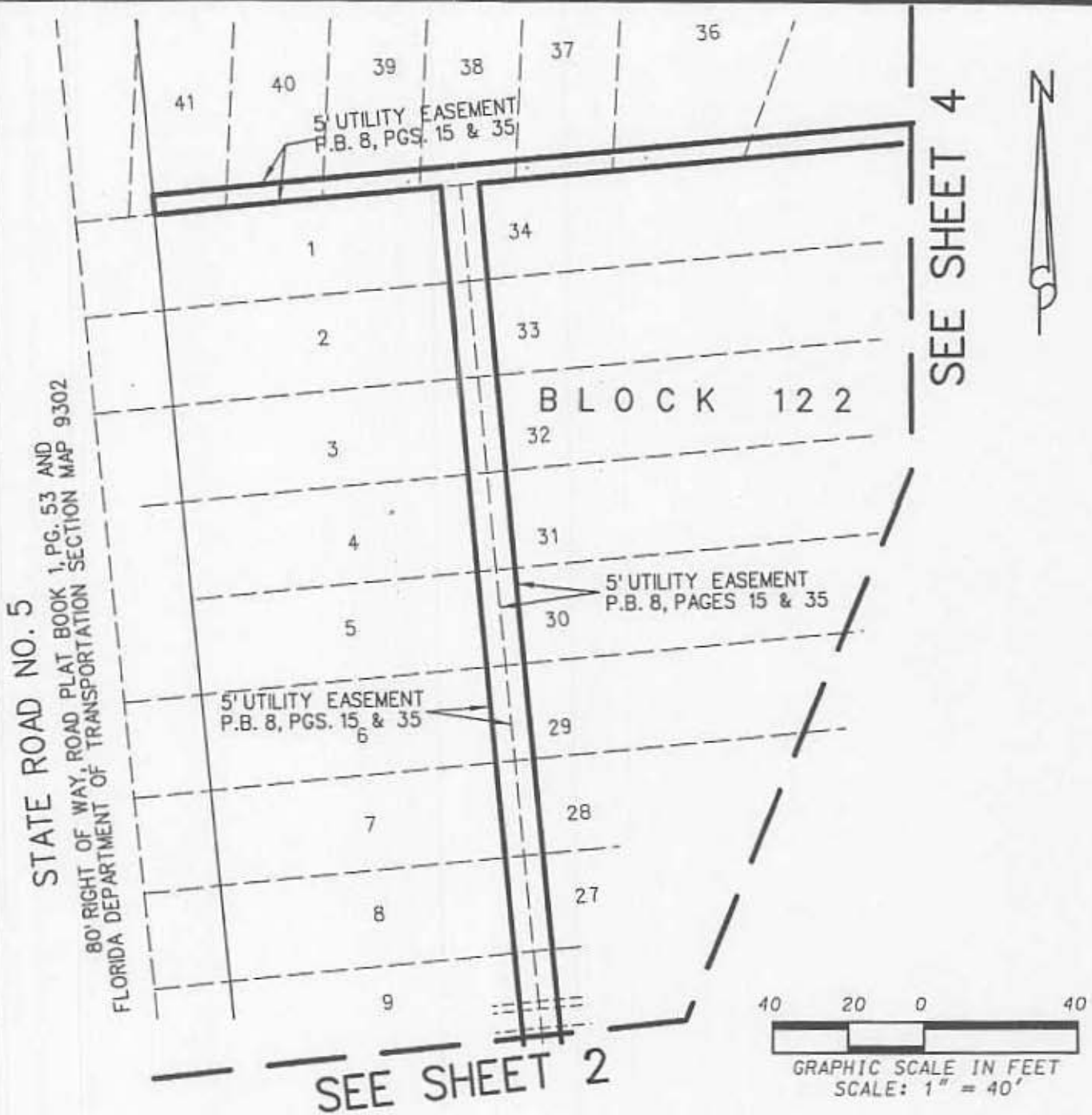
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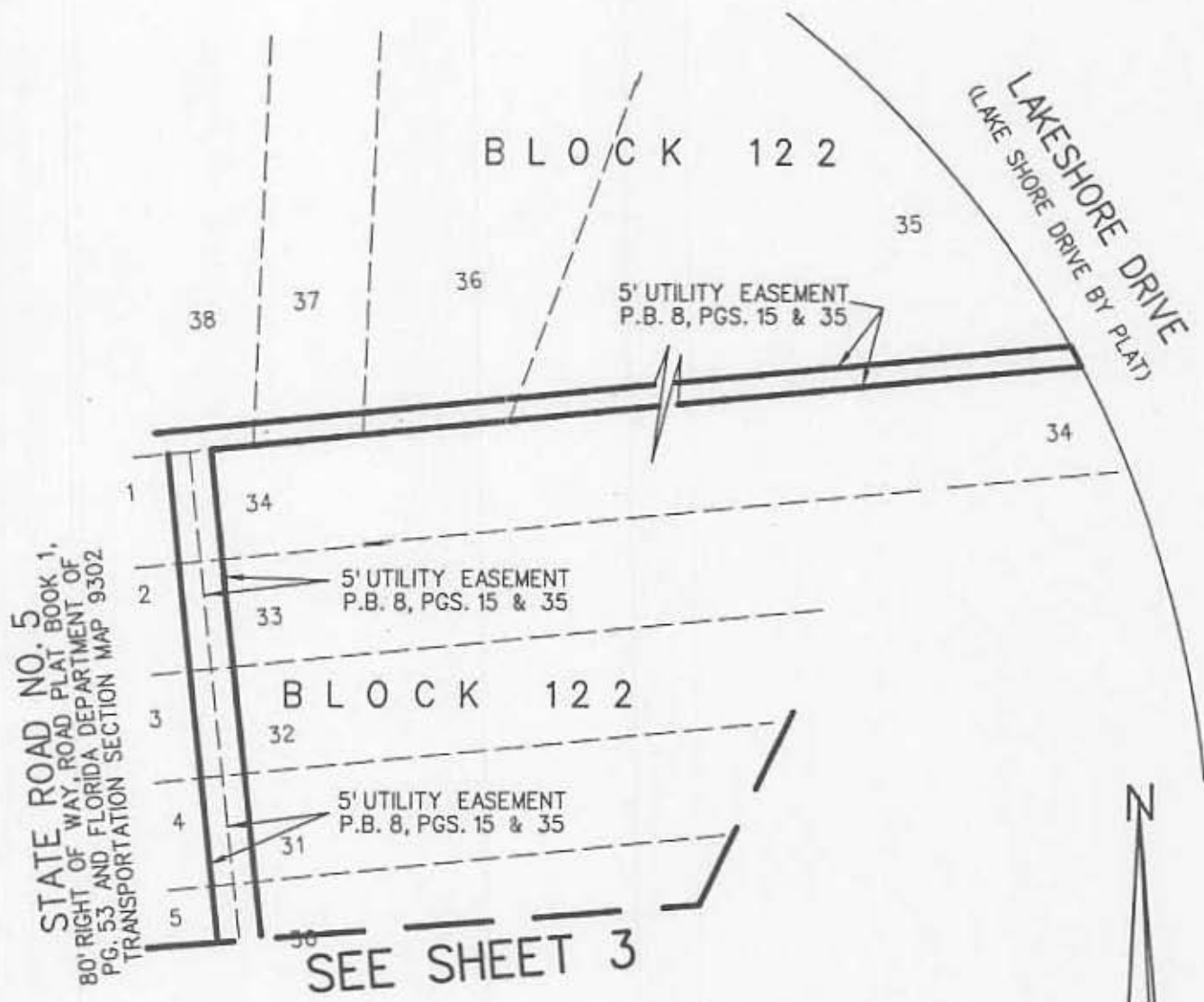
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DESCRIPTION & SKETCH
 PREPARED FOR:
 STEWART TOYOTA OF
 NORTH PALM BEACH

10' PUBLIC UTILITY EASEMENT
 (TO BE ABANDONED)
 STEWART TOYOTA



LEGAL DESCRIPTION

A PORTION OF A 10 FOOT PUBLIC UTILITY EASEMENT, AS DESCRIBED IN OFFICIAL RECORD BOOK 1836, PAGE 1634, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN A PORTION OF LOT 9 AND LOT 26, BLOCK 122, AS SHOWN ON THE PLAT OF KELSEY CITY, RECORDED IN PLAT BOOK 8, PAGES 15 AND 35, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS, THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 17, BLOCK 122, OF SAID PLAT OF KELSEY CITY; THENCE NORTH 05°29'05" WEST ALONG THE WEST LINE OF SAID BLOCK 122, A DISTANCE OF 205.00 FEET TO A LINE 5.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOTS 9 AND 26; THENCE DEPARTING SAID WEST LINE, ALONG SAID PARALLEL LINE, NORTH 84°30'25" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED CENTERLINE; THENCE, CONTINUE, NORTH 84°30'25" EAST, A DISTANCE OF 356.70 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 122 AND THE TERMINUS OF THIS EASEMENT.

SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
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4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.
5. DATE OF LEGAL DESCRIPTION: OCTOBER 21, 2003.

LIDBERG LAND SURVEYING, INC.

Wray D. Jordan
 WRAY D. JORDAN
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 4244

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 STEWART TOYOTA OF
 NORTH PALM BEACH

10' PUBLIC UTILITY EASEMENT
 (TO BE ABANDONED)
 STEWART TOYOTA

5' PALM BEACH UTILITIES EASEMENT
 (O.R.B. 864, PG. 167) ASSIGNED TO
 SEA COAST UTILITIES
 (O.R.B. 6463, PG. 1183)

10' PUBLIC UTILITIES
 EASEMENT
 (O.R.B. 1836, PG. 1634)

12' FLORIDA POWER & LIGHT
 COMPANY EASEMENT
 (O.R.B. 861, PG. 410)



P.O.B.
 $N84^{\circ}30'25''E$
 20.00'

$N84^{\circ}30'25''E$
 356.70'

CENTERLINE OF DESCRIPTION

SOUTH LINE, LOT 9

STATE ROAD NO. 5

80' RIGHT OF WAY, ROAD PLAT BOOK 1, PG. 53 AND
 FLORIDA DEPARTMENT OF TRANSPORTATION SECTION MAP 9302

WEST LINE, BLOCK 122
 (BEARING BASE)
 $N05^{\circ}29'05''W$
 205.00'

4' FLORIDA POWER & LIGHT
 COMPANY EASEMENT
 (O.R.B. 1249, PG. 526)

12' SOUTHERN BELL EASEMENT
 (O.R.B. 276, PG. 178)

B L O C K 1 2 2

10' UTILITY EASEMENT
 P.B. 8, PGS. 15 & 35

EAST LOT LINE

P.O.C.
 SOUTHWEST CORNER,
 LOT 17, BLOCK 122

JASMINE DRIVE
 (AVENUE J BY PLAT)

40 20 0 40

GRAPHIC SCALE IN FEET
 SCALE: 1" = 40'

SEE SHEET 3

THIS IS NOT A BOUNDARY SURVEY!



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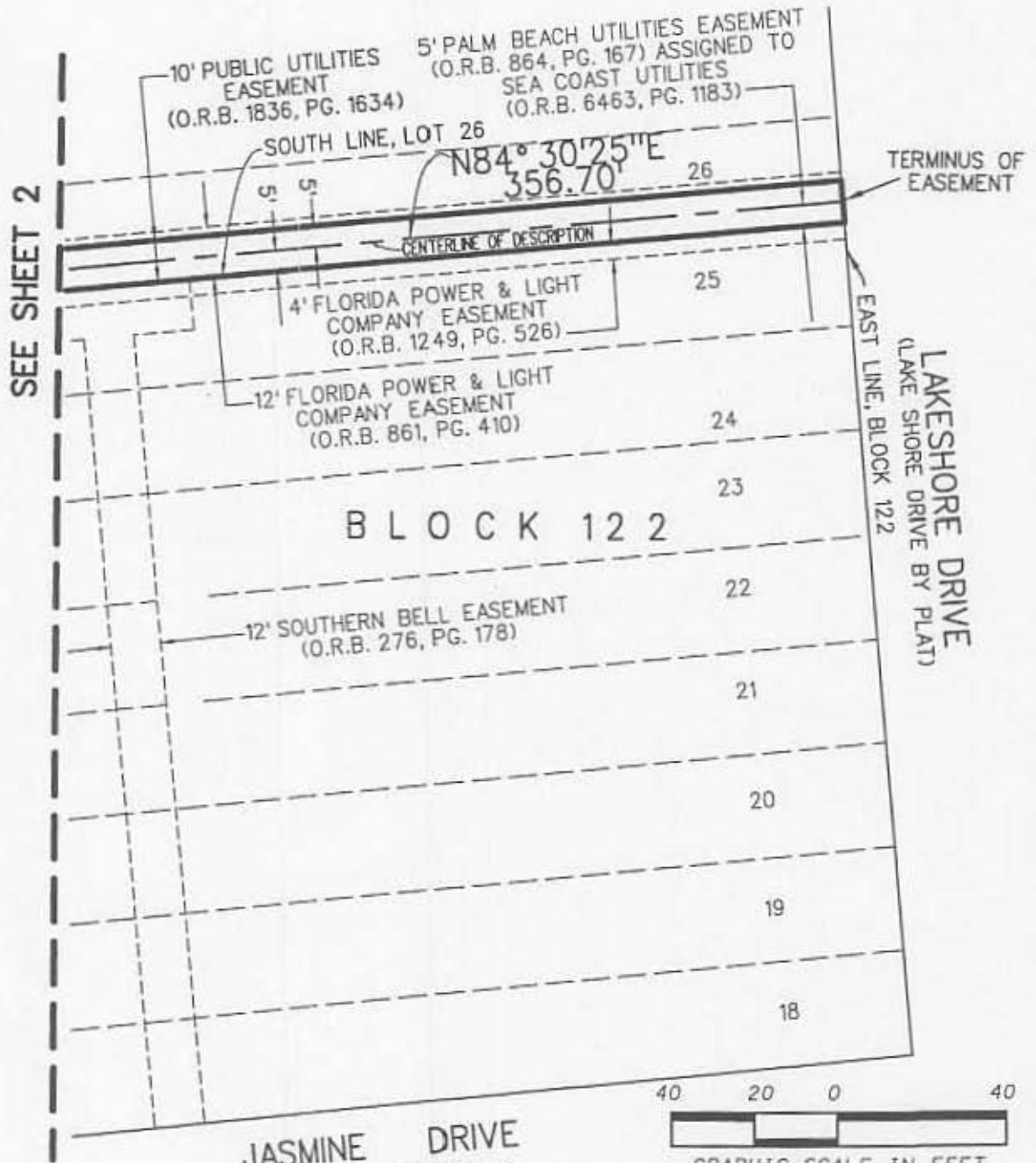
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10' PUBLIC UTILITY EASEMENT
 (TO BE ABANDONED)
 STEWART TOYOTA



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SHEET

OF

DWG.

A02-174E