

**RESOLUTION NO. 73-09-07**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, RATIFYING AND AFFIRMING THE ABANDONMENT OF THE REAL PROPERTY LOCATED AT 854 HAWTHORNE DRIVE IN THE TOWN OF LAKE PARK, FLORIDA AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS AND LAWS IN CONFLICT; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on or about October 10, 1973, the Town of Lake Park (“Town”), vacated, abandoned, and conveyed certain real property bearing a street address of 854 Hawthorne Drive in the Town of Lake Park, Florida (“subject property”) to J.H. Newman and Thelma C. Newman, his wife (“Former Owners”) by a Quit-Claim Deed recorded in Official Record Book 2224, Page 850 of the Public Records of Palm Beach County, Florida, and bearing a Property Control Number of 36-43-42-20-01-008-0231; and

**WHEREAS**, the legal description of the subject property as reflected in the Quit Claim Deed is as follows:

West 30 feet of Lot 23, Block 8, Plat of Kelsey City, as recorded in Public Records of Palm Beach County, Florida, in Plat Book 8, Page 34; together with Lot 47 of said Block 8, said Lot 47 being identified as such on the Town Map of Lake Park, Florida and being more particularly described as follows: Beginning at the North west corner of Lot 23, Block 8, LAKE PARK (formerly Kelsey City), according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, page 34, which is also a point on the South right of way line of Hawthorne Drive, proceed West along said South right of way line of Hawthorne Drive fifty-eight (58) feet to a point; Thence run Southeasterly along the line which is the Southerly projection of the Easterly right of way line of Ninth Street as shown on said Plat, a distance of 119.3 feet more or less to a point in the Westerly extension of the South line of said Lot 23, thence run East along said Westerly projection a distance of 12 feet to the Southwest corner of said Lot 23, Block 8, thence run North along the West line of said Lot 23, a distance of 110 feet to the Point of Beginning.

**WHEREAS**, a search of the Town’s records and the Public Records of Palm Beach County, reveals that there is no Resolution or Ordinance of the Town Commission reflecting the formal abandonment and vacation of the subject property in 1973; and

**WHEREAS**, since the initial conveyance to the Former Owners, the subject property has been sold, and the current owners are Donald J. Delaney and Isabella B. Delaney, his wife (“Current Owners”); and

**WHEREAS**, the Current Owners are in the process of selling the subject property, but in order to obtain title insurance for the subject property, the title company is requiring a Resolution from the Town Commission evidencing the Town’s abandonment and vacation of all of the Town’s rights, title, and interest in the subject property; and

**WHEREAS**, since the Town does not own the subject property, the Town cannot abandon the subject property at the present time, but can only memorialize the abandonment of the subject property which occurred in 1973; and

**WHEREAS**, at the time of the original conveyance of the subject property by the Town to the Former Owners in October 1973 and at the present time, there are no utilities located within the subject property; and

**WHEREAS**, in addition at the time of the original conveyance of the subject property by the Town to the Former Owners in October 1973, there were no objections to the conveyance and abandonment of the subject property by any of the then existing utility providers; and

**WHEREAS**, the Town Commission has heard this matter in public session after due notice of the public hearing, and has considered the presentation and other evidence; has received and considered the recommendations of the Town Staff and the request of the Current Owners; and has otherwise been fully informed regarding this matter.

**WHEREAS**, the Town Commission held a public hearing on this matter on September 12, 2007, and determined that it is in the public interest to ratify and affirm the 1973 abandonment of the subject property described herein, and

**WHEREAS**, the Town Commission has determined that the 1973 abandonment of the subject property, did not materially interfere with the provision of any public services and utilities within the Town, and did not materially deprive any person of access to utilities or other public services, nor did the abandonment otherwise adversely affect other property owners within the Town; and.

**WHEREAS**, since the former Town Commission determined in October of 1973 that the subject property was no longer necessary or needed by the public, and should be abandoned and conveyed, this current Town Commission hereby ratifies and affirms that determination and the abandonment and vacation of all rights, title and interest of the Town in the subject property; and,

**WHEREAS**, the Town Commission deems it in the best interest of the public to formally memorialize the abandonment of the subject property as herein described in this Resolution, and that this Resolution be recorded in the public records of Palm Beach County, Florida upon adoption; and

**NOW THEREFORE, BE IT RESOLVED 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 ratifies and affirms the abandonment of the subject property, (subject to the conditions set forth in Section 3 hereof), located at 854 Hawthorne Drive in the Town of Lake Park, Florida as legally described as follows:

West 30 feet of Lot 23, Block 8, Plat of Kelsey City, as recorded in Public Records of Palm Beach County, Florida, in Plat Book 8, Page 34; together with Lot 47 of said Block 8, said Lot 47 being identified as such on the Town Map of Lake Park, Florida and being more particularly described as follows: Beginning at the North west corner of Lot 23, Block 8, LAKE PARK (formerly Kelsey City), according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, page 34, which is also a point on the South right of way line of Hawthorne Drive, proceed West along said South right of way line of Hawthorne Drive fifty-eight (58) feet to a point; Thence run Southeasterly along the line which is the Southerly projection of the Easterly right of way line of Ninth Street as shown on said Plat, a distance of 119.3 feet more or less to a point in the Westerly extension of the South line of said Lot 23, thence run East along said Westerly projection a distance of 12 feet to the Southwest corner of said Lot 23, Block 8, thence run North along the West line of said Lot 23, a distance of 110 feet to the Point of Beginning.

**Section 3.** This abandonment is subject to the following conditions, which shall be binding on the Current Owners and their successors and assigns:

(1) Since the time of the abandonment as of October 10, 1973, all owners of the subject property (and their successors and assigns) shall be solely responsible for all costs and expenses for the use, repair, replacement, and maintenance of the abandoned subject property.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** Upon its complete execution by the parties, the Town Clerk shall record a certified copy of this Resolution with the Clerk of the Circuit Court.


**Section 6.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Vice-Mayor Daly, who moved its adoption. The motion was seconded by Commissioner Balius, 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 ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Town Commission thereupon declared the foregoing Resolution NO. 73-09-07 duly passed and adopted this 12 day of September, 2007.

TOWN OF LAKE PARK, FLORIDA

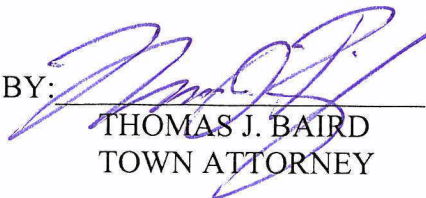
BY:   
PAUL W. CASTRO  
MAYOR

ATTEST:

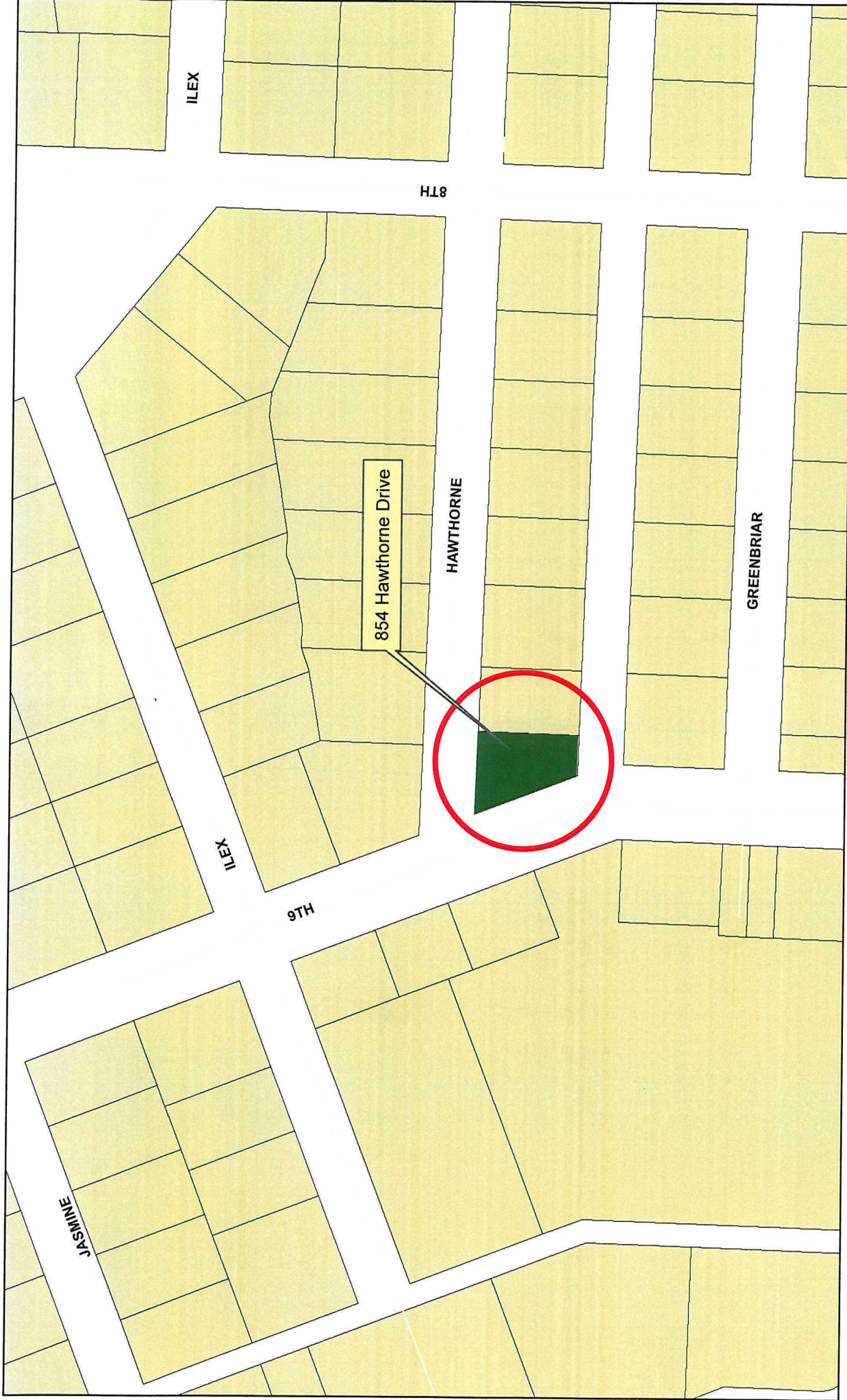
  
VIVIAN MENDEZ  
TOWN CLERK

TOWN OF LAKE PARK  
TOWN SEAL  
SEAL  
FLORIDA

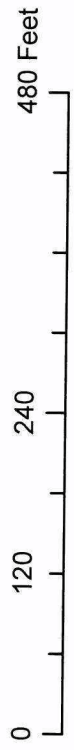
Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY





# 854 Hawthorne Drive Abandonment

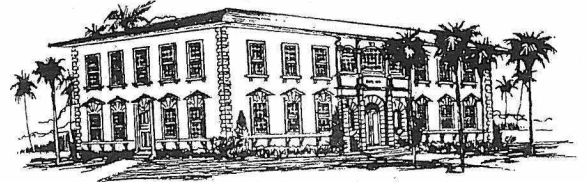


Patrick Sullivan, AICP - Director  
 Community Development Department  
 Town of Lake Park, Florida  
 535 Park Ave. Lake Park, FL 33403  
 561-881-3319 561-881-3323 (fax)  
 psullivan@lakeparkflorida.gov

August 27, 2007

# *The Town of Lake Park*

*Office of the Town Clerk*



LAKE PARK TOWN HALL

NATIONAL HISTORIC SITE

September 17, 2007

Palm Beach County Property Appraiser  
Palm Beach County Governmental Center  
301 N. Olive Ave 1<sup>st</sup> Floor  
West Palm Beach, Florida 33401

To whom it may concern,

Enclosed please find a certified copy of Resolution No. 73-09-07 for your records. This resolution was approved at the Town's Regular Commission Meeting of September 12, 2007. In 1973 the Town transferred ownership of a formerly Town owned lot located at 854 Hawthorne Dr. to J.H. Newman and Thelma G. Newman by a Quit-Claim Deed. However, the Town did not officially vacate the property through an abandonment resolution. The property has since been sold to a Donald J. and Isabella B. Delaney and they are in the process of reselling the Hawthorne Dr. property. The title company will not provide the insurance until the subject property has been properly vacated by the Town. Please accept this resolution as the Town's formalized abandonment of this property.

Should you have any questions or comments, please do not hesitate to contact our office.

Sincerely,

  
Vivian Mendez  
Town Clerk