

RESOLUTION NO. 85-11-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING A PORTION OF A PLATTED FIVE (5) FOOT UTILITY EASEMENT LOCATED ON A PORTION OF 812 SECOND STREET WITHIN THE TOWN OF LAKE PARK, FLORIDA, AND WHICH IS MORE PARTICULARLY DESCRIBED AS A PORTION OF A FIVE FOOT UTILITY EASEMENT LOCATED ON THE NORTH SIDE OF LOT G, BLOCK 32-A AS DEPICTED ON THE PLAT RECORDED IN PLAT BOOK 20, PAGE 14 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park (“Town”), dedicated a utility easement on a portion of Lots F, G, and H, Block 32-A as depicted on the Plat recorded in Plat Book 20, Page 14 of the public records of Palm Beach County, Florida (the “Platted Utility Easement”); and

WHEREAS, Billy G. Philpot, Jr., and Allison C. Young are the record owners (“Owners”) of the real property located at 812 Second Street, Town of Lake Park, FL 33403, on which a portion of the five foot platted utility easement is located; and

WHEREAS, Richard Sapir, as the agent and attorney for the Owners, submitted an application (“Application”) to the Town of Lake Park, Florida (“Town”) requesting that the Town abandon a portion of the five foot utility easement; and

WHEREAS, the Owners have provided the Town with the legal description and sketch of the portion of the easement to be abandoned together with a boundary survey, a copy of which are attached hereto as **Composite Exhibit “A** attached hereto and made a part hereof; and

WHEREAS, there are currently no utilities located within said portion of the easement; and

WHEREAS, the Owners' agent has provided "Letters of No Objection" from all existing utility providers, including Bell South, Florida Power & Light, Comcast Cable, Florida Public Utilities, and Seacoast Utility Authority; and

WHEREAS, the Town Commission has heard this matter in public session after published notice at least two weeks prior to such hearing, and has considered the presentation and other evidence; has received and considered the recommendations of the Town Staff, the Owners' agent and attorney, the Owners, and other interest parties and members of the public; and has otherwise been fully informed regarding this matter; and

WHEREAS, the Town Commission held a public hearing on this matter on November 28, 2007, and determined that the abandonment described herein shall not materially interfere with the provision of utilities within the Town, and shall not materially deprive any person of access to utilities or otherwise adversely affect other property owners within the Town; and

WHEREAS, the Town Commission has considered whether the proposed abandonment meets the Town's regulations for the abandonment of utility easements and other public rights-of-way at a duly noticed public hearing on the Application; and

WHEREAS, the Town Commission has determined that the portion of the subject five foot utility easement is no longer necessary or needed by the public; and

WHEREAS, the Town Commission deems it in the best interest of the public to abandon the portion of the subject five foot utility easement as herein described; and

WHEREAS, the Town Commission has no objection to the abandonment of the portion of the five foot platted utility easement on the north side of Lot G, Block 32-A, Plat Book 20, Page 14, as shown on **Composite Exhibit "A"** with certain conditions as set forth herein.

**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 approves the abandonment the Application, and abandons a portion of the five-foot platted utility easement on the north side of Lot G, Block 32-A, Plat Book 20, Page 14, as more specifically depicted in **Composite Exhibit “A”**.

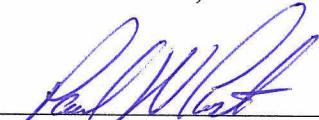
Section 3. This Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner Balius, who moved its adoption. The motion was seconded by Vice-Mayor Daly, 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. 85-11-07 duly passed and adopted this 28 day of November, 2007.

TOWN OF LAKE PARK, FLORIDA

BY: 
PAUL W. CASTRO
MAYOR

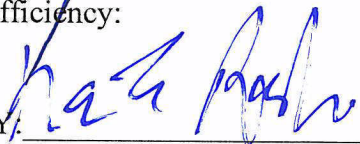
ATTEST:


VIVIAN MENDEZ
TOWN CLERK



FLORIDA

Approved as to form and legal sufficiency:

BY: 
for THOMAS J. BAIRD
TOWN ATTORNEY

COHEN. NORRIS. SCHERER
WEINBERGER & WOLMER

ATTORNEYS AT LAW

JONATHAN A. BERKOWITZ
GARY J. COHAN*
FRED C. COHEN, P.A.**
GREGORY R. COHEN, P.A.
BERNARD A. CONKO[*]**
RYAN S. COPPLE
DOMINIC S. LIBERI*
RICHARD J. MEEHAN*
ALFRED G. MORICI*
DAVID B. NORRIS, P.A.
PETER R. RAY, P.A.
M. RICHARD SAPIR, P.A.*
KENNETH J. SCHERER, P.A.
ADAM R. SELIGMAN
KYLE A. SILVERMAN*
ROGER C. STANTON
JAMES S. TELEPMAN***
ROBERT M. WEINBERGER, P.A.
BRENT G. WOLMER, P.A.

October 24, 2007

*Of Counsel
**Board Certified Real Estate
***Board Certified Business Litigation

VIA HAND DELIVERY

Mr. Patrick Sullivan, Director
Lake Park Community Development
535 Park Avenue
Lake Park, FL 33403

RE: Philpot Abandonment of Portion of Platted Utility Easement
at 812 Second Street, Lake Park, FL

Dear Mr. Sullivan:

Pursuant to our communications relative to the captioned, enclosed herewith please find the following relative thereto:

1. Completed Town of Lake Park Community Development Department Application for Abandonment of Easement;
2. Attached Exhibit "A" consisting of the legal description and sketch of the portion of the easement to be abandoned along with a boundary survey;
3. Copies of letters from utility providers indicating "no objection" including:
 - A. Florida Power & Light – July 5, 2007
 - B. Florida Public Utilities – May 30, 2007
 - C. Seacoast Utility Authority – June 1, 2007

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

712 U.S. HIGHWAY ONE • SUITE 400 • P.O. BOX 13146 • NORTH PALM BEACH, FLORIDA 33408-7146
TELEPHONE: (561) 844-3600 • FACSIMILE: (561) 842-4104

Mr. Patrick Sullivan, Director
October 24, 2007
Page two

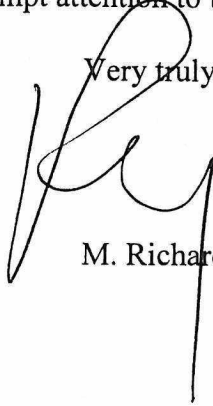
D. BellSouth – May 24, 2007

E. Comcast Cable – May 24, 2007

Please review the enclosures and contact me should you require anything further to schedule this matter for consideration by the Town Commission.

Thanking you for your anticipated prompt attention to this matter, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Richard Sapir', written over the closing text.

M. Richard Sapir

MRS/sdh
Enclosures

cc: Greg Cohen, Esq. (via email)
Mr. Billy G. Philpot and Ms. Alison C. Young (w/enclosures)
Thomas J. Baird, Esq., Town Attorney (via email w/out enclosures)

**TOWN OF LAKE PARK COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR ABANDONMENT OF EASEMENT**

Project Name: Philpot Abandonment

Address or General Location: 812 Second Street, Lake Park, FL 33403

Description of Easement A portion of the 5 foot platted utility easement
on lots F, G and H, Block 32-A, as shown in Plat Book 20, Page 14,
Public Records of Palm Beach County.

PART ONE - APPLICATION INFORMATION:

APPLICANT

Name: M. Richard Sapir, Esq.

Address: 712 US Highway One, Suite 400

North Palm Beach, FL 33408

Telephone Number: 561-844-3600

Owner (if other than applicant)

Name: Billy G. Philpot, Jr. and Alison C. Young

Address: 812 Second Street

Lake Park, FL 33403

Telephone Number: _____

PART TWO – PROPERTY INFORMATION

Property Control Number 36-43-42-02-032-0061

Legal Description of the Area to be abandoned (attached separate sheet, if necessary):

See attached Exhibit "A"

Existing Use of Property: Residential

Proposed Use of the Property: Residential / Unchanged

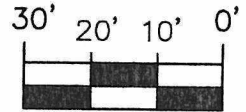
LEGAL DESCRIPTION

A PORTION OF LOTS "G" AND "H", BLOCK 32"A", PLAT OF BLOCKS 32"A", 53"A", 87, 101, 101"A", 107 AND 107"A", LAKE PARK, (FORMERLY KELSEY CITY), FLORIDA, P.B. 20, PG. 14, IN SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

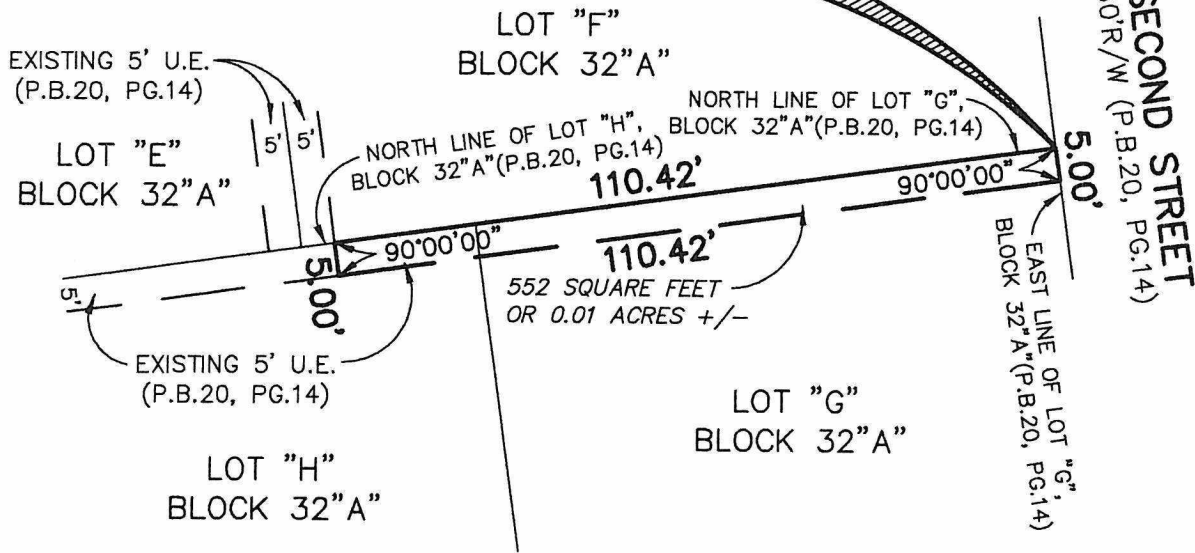
BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT "G", BLOCK 32"A"; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT "G", BLOCK 32"A", A DISTANCE OF 5.00 FEET; THENCE WESTERLY, MAKING AN ANGLE OF 90°00'00", AS MEASURED FROM NORTH TO WEST, ALONG A LINE 5.00 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOTS "G" AND "H", BLOCK 32"A", A DISTANCE OF 110.42 FEET; THENCE NORTHERLY, MAKING AN ANGLE OF 90°00'00", AS MEASURED FROM EAST TO NORTH, A DISTANCE OF 5.00 FEET TO THE INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT "H", BLOCK 32"A", THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOTS "G" AND "H", BLOCK 32"A", MAKING AN ANGLE OF 90°00'00", AS MEASURED FROM SOUTH TO EAST, A DISTANCE OF 110.42 FEET OT THE POINT OF BEGINNING.

CONTAINING IN ALL 552 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

P.O.B.
NORTHEAST CORNER OF LOT "G",
BLOCK 32"A", PLAT OF BLOCKS 32"A",
53"A", 87, 101, 101"A", 107 AND 107"A",
LAKE PARK, (FORMERLY KELSEY CITY),
FLORIDA, P.B. 20, PG. 14, SECTION
20/42S/43E (PALM BEACH COUNTY)



SCALE: 1"=30'



SKETCH AND LEGAL DESCRIPTION

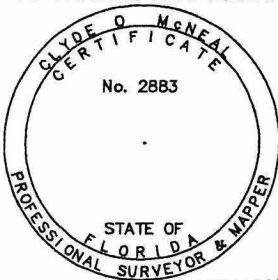
THIS SKETCH OF LEGAL DESCRIPTION IS NOT A SURVEY, TO ACCOMPANY LEGAL DESCRIPTION ONLY.

SURVEYORS CERTIFICATION:

THIS IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

ABBREVIATION/LEGEND:

P.O.B. = POINT OF BEGINNING	S.F. = SQUARE FEET
S.F. = SQUARE FEET	S.F. = SQUARE FEET
U.E. = UTILITY EASEMENT	P.B. = PLAT BOOK
+/- = MORE OR LESS	PG. = PAGE
R/W = RIGHT-OF-WAY	



Clyde McNeal

Digitally signed by Clyde McNeal
DN: cn = Clyde McNeal, c = US, o = Target Surveying, Inc.
Date: 2007.07.27 14:02:21 -0400

(SIGNED):

CLYDE O. McNEAL, PROFESSIONAL SURVEYOR AND MAPPER 2883

INVOICE: 128259-LD

PAGE 1 OF 1

**SERVING
MOST FLORIDA COUNTIES**

TARGET SURVEYING, INC.

LB 6135

5601 CORPORATE WAY - SUITE 210 WEST PALM BEACH, FL 33407 PHONE (561) 640-4800 FACSIMILE (561) 640-0576	STATEWIDE NUMBERS: PHONE (800) 226-4807 FACSIMILE (800) 741-0576
---	--

CREATED BY TARGET SURVEYING ON 7/23/2007



July 5, 2007

Bill Philpot
812 2nd Street
Lake Park, FL, 33403

Dear Mr. Philpot,

This letter is in response to your request for the release of a platted utility easement.

In meeting with your request, FPL has no objection to releasing our rights in the platted utility easement known as "Lot G, Block 32-A" in Plat Book Plat Book 20, Page Page 14 of the Public records of Palm Beach County .

The release is restricted to the following description: 5 foot utility easement on the North side of Lot G, Block 32-A, Plat Book 20, Page 14.

Should you have any questions or concerns, please do not hesitate to contact Jeff Kindred at 561-575-6312.

Sincerely,

Jeff Kindred
Area Manager



FPUC Ref.: #002
May 30, 2007

Bill Philpot
812 2nd Street
Lake Park, FL 33403


RE: Petition to abandon/vacate a 5' utility easement located at 812 2nd St, Lake Park, FL

Dear Bill Philpot:

Please be advised that Florida Public Utilities Company has no objection to the abandonment of the existing or easements or right-of-ways as described in your letter.

At the present time, we have no underground gas distribution facilities located within the limits of the proposed abandonment. If you have any additional questions or concerns please feel free to call me at 561-838-1771.

Sincerely,



Patty McLeod
Engineering Technician



EXECUTIVE OFFICE

Seacoast Utility Authority

Mailing Address:
P.O. Box 109602
Palm Beach Gardens,
Florida 33410-9602

June 1, 2007

Bill Philpot
812 2nd Street
Lake Park, Florida 33403

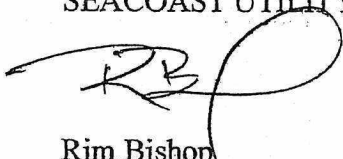
RE: Letter of No Objection

Dear Mr. Philpot:

This letter will confirm that Seacoast Utility Authority has no objection to the proposed abandonment of the platted public utility easement located on Lot G, Block 32-A as recorded in Plat Book 20 Page 14 public records of Palm Beach County, Florida more particularly shown on the attached Exhibit.

Sincerely,

SEACOAST UTILITY AUTHORITY


Rim Bishop
Executive Director

dp
Encl.

cc: Bruce Gregg



BellSouth Telecommunications, Inc.
Engineering Department
2021 So. Military Trail
West Palm Beach, FL 33415

Office: 561-439-9118
Fax: 561-964-3499

May 24, 2007

Mr. Bill Philpot
812 2nd Street
Lake Park, Florida 33403

Re: Utility Response for the Petition to Abandon/Vacate a Five Foot Utility Easement on the North Side of the Property at 812 2nd Street, Lake Park, Florida 33403

Dear Mr. Philpot,

Bellsouth Telecommunications, Inc. has completed a records investigation of the above-mentioned property and based on the Survey information provided by Target Surveying, Inc. in your May 22, 2007 correspondence to this office. We have no objection to the abandonment as highlighted on the attached sketch.

Please contact my office if you require additional information concerning this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert C. Lowen".

Robert C. Lowen
Project Manager

Attachment



May 24, 2007

Bill Philpot
812 2nd Street
Lake Park, FL 33403

RE: North side of Lot G, Block 32-A, Plat 20, Page 14

Dear Philpot :

Comcast Cable Communications has **NO OBJECTION** to the above referenced abandonment.

If you have any questions please call me at 561-227-3439

Sincerely,

A handwritten signature in cursive script that reads "Archie Griggs".

Archie Griggs
Field Coordinator

COHEN, NORRIS, SCHERER
WEINBERGER & WOLMER

A T T O R N E Y S A T L A W

JONATHAN A. BERKOWITZ
GARY J. COHAN*
FRED C. COHEN, P.A.**
GREGORY R. COHEN, P.A.
BERNARD A. CONKO[*][**]
RYAN S. COPPLE
DOMINIC S. LIBERI*
RICHARD J. MEEHAN*
ALFRED G. MORICI*
DAVID B. NORRIS, P.A.
PETER R. RAY, P.A.
M. RICHARD SAPIR, P.A.*
KENNETH J. SCHERER, P.A.
ADAM R. SELIGMAN
KYLE A. SILVERMAN*
ROGER C. STANTON
JAMES S. TELEPMAN***
ROBERT M. WEINBERGER, P.A.
BRENT G. WOLMER, P.A.

*Of Counsel
**Board Certified Real Estate
***Board Certified Business Litigation

December 13, 2007

Ms. Vivian Mendez
Town Clerk
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

RE: Resolution No. 85-11-07
Philpot Abandonment

Dear Ms. Mendez:

Pursuant to your request, enclosed herewith please find a recorded copy of the captioned Resolution which was recorded on December 6, 2007 in Official Records Book 22303, at Page 936 of the Public Records of Palm Beach County, Florida.

I expect that this will be our final correspondence relative to the captioned, however should you require anything further, please contact me. We will be closing this file in the next several weeks should we not hear from you.

Very truly yours,



M. Richard Sapir

MRS/sdh
Enclosure

cc: Mr. Bill Philpot (w/enclosure)
Karen Roselli, Esq. (w/out enclosure - via email)



CFN 20070549972
OR BK 22303 PG 0936
RECORDED 12/06/2007 13:40:36
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0936 - 941; (6pgs)

RESOLUTION NO. 85-11-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING A PORTION OF A PLATTED FIVE (5) FOOT UTILITY EASEMENT LOCATED ON A PORTION OF 812 SECOND STREET WITHIN THE TOWN OF LAKE PARK, FLORIDA, AND WHICH IS MORE PARTICULARLY DESCRIBED AS A PORTION OF A FIVE FOOT UTILITY EASEMENT LOCATED ON THE NORTH SIDE OF LOT G, BLOCK 32-A AS DEPICTED ON THE PLAT RECORDED IN PLAT BOOK 20, PAGE 14 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town"), dedicated a utility easement on a portion of Lots F, G, and H, Block 32-A as depicted on the Plat recorded in Plat Book 20, Page 14 of the public records of Palm Beach County, Florida (the "Platted Utility Easement"); and

WHEREAS, Billy G. Philpot, Jr., and Allison C. Young are the record owners ("Owners") of the real property located at 812 Second Street, Town of Lake Park, FL 33403, on which a portion of the five foot platted utility easement is located; and

Certification
I, Sharon R. Bock, Clerk of the Town of Lake Park Florida, do hereby certify that the foregoing is a true and correct copy of the original instrument as contained in the official records of the Town. Witness my hand and the Official Seal of the Town of Lake Park This 12th day of November, 2007
TOWN OF LAKE PARK, FLORIDA
Sharon R. Bock
Town Clerk

WHEREAS, the Owners' agent has provided "Letters of No Objection" from all existing utility providers, including Bell South, Florida Power & Light, Comcast Cable, Florida Public Utilities, and Seacoast Utility Authority; and

WHEREAS, the Town Commission has heard this matter in public session after published notice at least two weeks prior to such hearing, and has considered the presentation and other evidence; has received and considered the recommendations of the Town Staff, the Owners' agent and attorney, the Owners, and other interest parties and members of the public; and has otherwise been fully informed regarding this matter; and

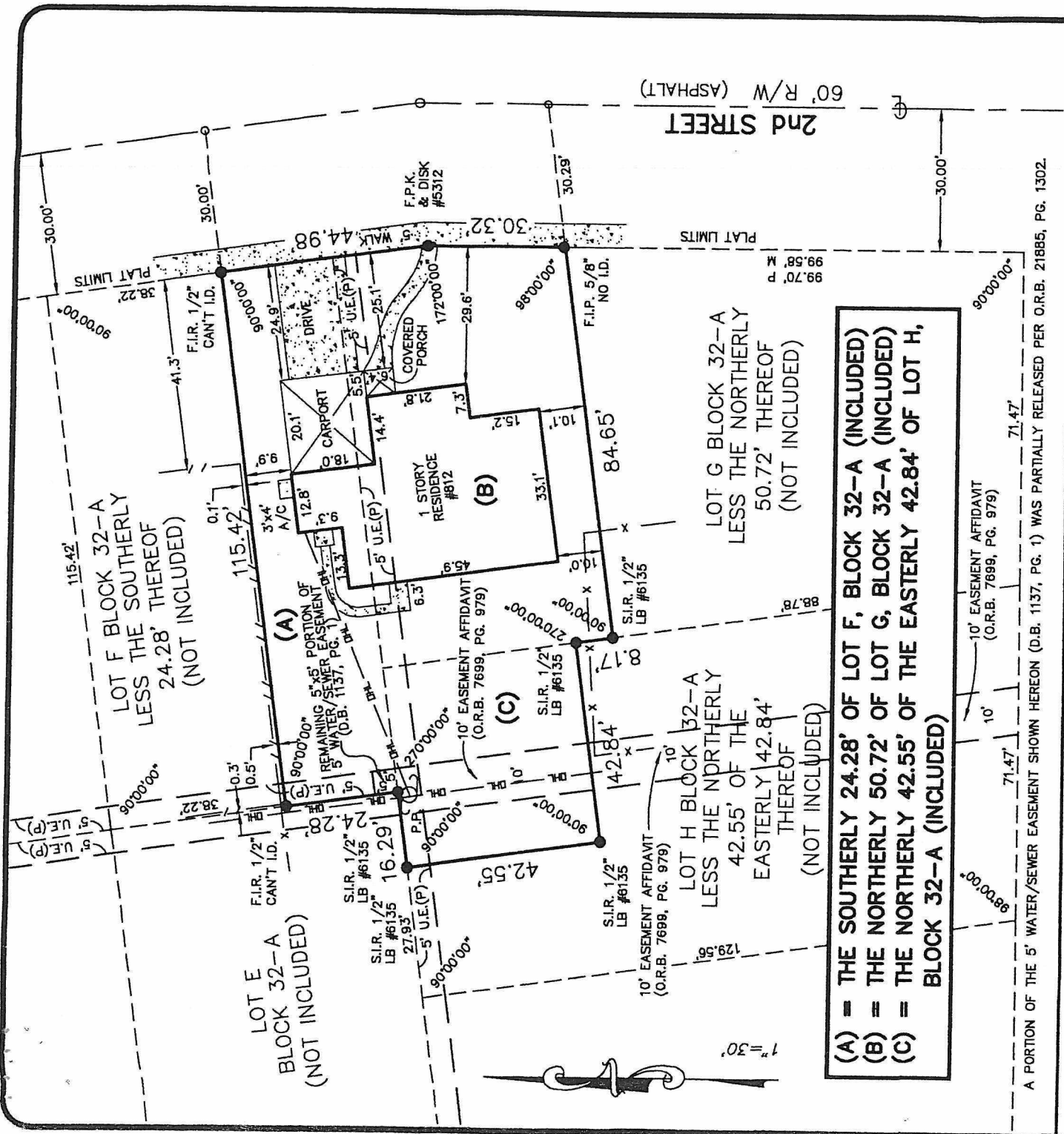
WHEREAS, the Town Commission held a public hearing on this matter on November 28, 2007, and determined that the abandonment described herein shall not materially interfere with the provision of utilities within the Town, and shall not materially deprive any person of access to utilities or otherwise adversely affect other property owners within the Town; and

WHEREAS, the Town Commission has considered whether the proposed abandonment meets the Town's regulations for the abandonment of utility easements and other public rights-of-way at a duly noticed public hearing on the Application; and

WHEREAS, the Town Commission has determined that the portion of the subject five foot utility easement is no longer necessary or needed by the public; and

WHEREAS, the Town Commissions deems it in the best interest of the public to abandon the portion of the subject five foot utility easement as herein described; and

WHEREAS, the Town Commission has no objection to the abandonment of the portion



LOT F BLOCK 32-A
 LESS THE SOUTHERLY
 24.28' THEREOF
 (NOT INCLUDED)

LOT G BLOCK 32-A
 LESS THE NORTHERLY
 50.72' THEREOF
 (NOT INCLUDED)

LOT H BLOCK 32-A
 LESS THE NORTHERLY
 42.55' OF THE
 EASTERLY 42.84'
 THEREOF
 (NOT INCLUDED)

- (A) = THE SOUTHERLY 24.28' OF LOT F, BLOCK 32-A (INCLUDED)
- (B) = THE NORTHERLY 50.72' OF LOT G, BLOCK 32-A (INCLUDED)
- (C) = THE NORTHERLY 42.55' OF THE EASTERLY 42.84' OF LOT H, BLOCK 32-A (INCLUDED)

A PORTION OF THE 5' WATER/SEWER EASEMENT SHOWN HEREON (D.B. 1137, PG. 1) WAS PARTIALLY RELEASED PER O.R.B. 21885, PG. 1302.

BOUNDARY SURVEY