

RESOLUTION NO. 26-08-11

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A FLOWAGE EASEMENT WITH CONGRESS AVENUE PROPERTIES, LTD. AND THE NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Lake Park (Town) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has agreed to grant The Northern Palm Beach County Improvement District (ANPBCID) and Congress Avenue Properties, Ltd. (CAP, LTD) a perpetual non-exclusive flowage easement (Flowage Easement) for the purpose of allowing an uninterrupted passage of water from NPBCID's upstream surface water system in, on, over, through and across that certain parcel of real property owned by the Town which is described in Exhibit "A" (Easement Property) attached hereto; and

WHEREAS, the NPBCID shall have the right, but not the obligation, to repair any deterioration, damage and/or washouts to and/or removal of debris from the Easement Property to the extent reasonably necessary in order to allow the free flowage and uninterrupted passage of water in, on, over, through and across the Easement Property; and

WHEREAS, NPBCID shall have the right, but not the obligation, to repair any deterioration, damage and/or washouts to and/or removal of debris from the Easement Property to the extent reasonably necessary in order to allow the free flowage and uninterrupted passage of water in, on, over, through and across the Easement Property; and

WHEREAS, The Town represents and warrants to the NPBCID that the Town is in

exclusive possession of the Easement Property and that it has good and lawful right to grant this easement; and

WHEREAS, the Town grants this Flowage Easement subject only to comprehensive land use plans, zoning, and any restrictions, prohibitions or other requirements imposed by governmental authority which are of record; and

WHEREAS, the Town Commission has determined that it is in the best interest of the Town to enter into the Flowage Easement.

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

SECTION 1.

The whereas clauses are hereby incorporated herein and are true and correct.

SECTION 2.

The Mayor is hereby directed and authorized to execute the Flowage Easement between the Town, CAB, LTD, and NPBCID, a copy of which is attached hereto and incorporated herein.

SECTION 3.

This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Vice-Mayor Rumsey, who moved its adoption. The motion was seconded by Commissioner Stevens and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	___
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	___
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	___
COMMISSIONER JEANINE LONGTIN	<u>/</u>	___
COMMISSIONER TIM STEVENS	<u>/</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 26-08-11 duly passed and adopted this 3 day of August, 2011.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
JAMES DUBOIS
MAYOR

ATTEST:

[Signature]
VIVIAN LEMLEY
TOWN CLERK
TOWN OF LAKE PARK
(TO SEAL)
FLORIDA

Approved as to form and legal sufficiency:

BY: [Signature]
THOMAS J. BAIRD
TOWN ATTORNEY