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RESOLUTION 2024-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, VACATING AND ABANDONING AN UNCONSTRUCTED PORTION OF THE COCOANUT AVENUE RIGHT-OF-WAY SOUTH OF DONALD ROSS ROAD AND NORTH OF FLORAL STREET WITHIN THE PLAT OF NEW PALM BEACH HEIGHTS AND AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A REPEALER.

WHEREAS, Pulte Home Company, LLC, the contract purchaser of a 4.32 acre parcel of real property located at 13951 U.S. Highway One on the south side of Donald Ross Road west of U.S. Highway One (Blocks 7, 11 and 12 of New Palm Beach Heights PCN: 28-43-41-28-10-007-0111) ("Property") currently owned by Juno Square LLP, has filed an application with the Town to abandon the public interest in an unconstructed portion of the fifty-foot wide Cocoanut Avenue right-of-way, as more particularly described in Exhibit "A" attached hereto and incorporated herein ("Right-of-Way"); and

WHEREAS, upon abandonment by the Town, the entire Right-of-Way would become part of the Property by operation of law; and

WHEREAS; the Town Council determines that there is no Town, public utility or public need for the Right-of-Way, which was never improved, and a portion of which was previously abandoned by the Town through the adoption of Resolution 2002-1, recorded in Official Record Book 13604, Page 1893 of the public records of Palm Beach County, Florida; and

WHEREAS, the Town Council determines that the adoption of this Resolution benefits the health, safety, and welfare of the residents of the Town of Juno Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, as follows:

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. The Town Council vacates and abandons the Town's and the public's interest in the unconstructed portion of the Cocoanut Avenue right-of-way south of Donald Ross Road and north of Floral Street, as more particularly described herein. The abandonment is expressly conditioned upon the applicant providing two maintenance access gates for Palm Beach County Department of Environmental Resource Management to access the Palm Beach County Natural Area, as well as a stabilized staging area.

Section 3. As an additional public benefit and as volunteered by the Applicant, the Applicant shall, prior to the issuance of any building permit relating the Property, pay

1 to the Town the value of the vacated portion of the Cocoanut Avenue right-of-way. The
2 value shall be determined by the average of two appraisals paid for and provided by the
3 Applicant, but in no event shall the payment be less than \$300,000.00.
4

5 **Section 4.** All resolutions or parts of resolutions in conflict with this Resolution
6 are hereby repealed to the extent of such conflict.
7

8 **Section 5.** This Resolution shall be effective immediately upon adoption;
9 provided, however, that in the event the Town Council does not approve the Future Land
10 Use Amendment, Rezoning and Site Plan/PUD Special Exception for the Property, this
11 Resolution shall be automatically repealed.
12

13 RESOLVED AND ADOPTED this _____ day of _____, 2024.
14
15

16 _____
17 Peggy Wheeler, Mayor

18 ATTEST:
19

20 _____
21 Caitlin E. Copeland-Rodriguez, MMC
22 Town Clerk
23

24 APPROVED AS TO FORM AND
25 LEGAL SUFFICIENCY:
26

27 _____
28 Leonard G. Rubin, Town Attorney