



Exhibit E

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: December 17, 2025

Originating Department: Community Development Department

Resolution 109-12-25 Authorizing and Directing the Mayor to Sign a Right-Of-Way Improvement and Maintenance Agreement on Behalf of the Town of Lake Park with Forest Development LLC.

Agenda Category (i.e., Consent, New Business, etc.): Consent

Approved by Town Manager: _____ **Date:** _____

Cost of Item: Legal Review **Funding Source:** Nautilus Escrow

Account Number: 5286 **Finance Signature:** Barbara Gould

Advertised: _____

Date: N/A **Newspaper:** _____ **N/A** _____

Attachments: Resolution, Maintenance Agreement, Exhibit A, Exhibit B, Exhibit C
(Included within Maintenance Agreement) _____

Please initial one: _____

Yes I have notified everyone

AV _____ Not applicable in this case _____

Summary Explanation/Background:

The Community Development Department recommends approval of the right-of-way agreement with Forest Development LLC for the landscape and hardscape maintenance of the property known as Nautilus 220 and transferring maintenance responsibilities of the adjacent rights-of-way from the Town to the developer pursuant to Exhibit A. This item is a housekeeping item required prior to the issuance of the CO for the project.

The maintenance area would include the entirety of improvements on Cypress Drive, Lake Shore Drive, and new Bayberry Drive extension rights-of-way. This includes all landscaping, street trees, ground cover and sod; irrigation for all landscaping within the rights-of-way; storm-drain structures; concrete sidewalks, roadways, asphalt, concrete curbs, concrete pavers along sidewalks and crosswalks, and streetscape

furniture, including but not limited to, decorative street lighting, accent lighting, benches, bicycle racks, and trash receptacles.

By executing the agreement, the Town will not have any maintenance responsibilities for these rights-of-way in perpetuity.

The Right-of-Way Improvement and Maintenance Agreement has been prepared by the Town Planner, and reviewed by the Finance Director, Town Attorney, Public Works Director, Community Development Director, Town Manager, and signed by Forest Development LLC.

It is important to note that while the Town Attorney has reviewed the agreement and confirmed the Town is fully safeguarded in the event of default, the Town Manager did express concerns as it relates to the *cure* process provided in the agreement. Per the proposed agreement, in the event there is default that the property owner does not remedy, the Town can enforce using the *cure* procedures in the agreement and also utilize the Town's code compliance procedures to request an emergency hearing per the Statute, if warranted, in order to abate a potential nuisance and all assess costs back to the property in the form of an assessment lien (but the Town would need to have the funds available to do so and there would be a time delay). A bond was suggested by the Town Manager, but Forest Development's attorney explained that a perpetual bond where the amount is to be "determined and periodically updated by the Town", as suggested, is simply not feasible and cost prohibitive. With this being said, the Town Attorney is comfortable with the agreement as enclosed and therefore, Staff is recommending approval,

Recommended Motion:

I move to approve Resolution 109-12-25 Authorizing and Directing the Mayor to Sign a Right-Of-Way Improvement and Maintenance Agreement on Behalf of the Town of Lake Park with Forest Development LLC.