

RESOLUTION 34-04-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ABANDONING AN EASEMENT FOR INGRESS/EGRESS AND FOR PUBLIC UTILITIES ACCESS EASEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has approved the Nautilus 220 development project (the Project) by adopting Resolution 97-12-19 (the Development Order); and

WHEREAS, the Town Commission has amended the Development Order by adopting Resolutions 42-06-20 and 47-08-22; and

WHEREAS, the previous owner of Lots 15 and 32, Leasing Of South Florida, INC, granted the Town the easement which was recorded in Official Record Book 24397 Page 1082 for purposes of providing the public with access to a parking lot serving the Lake Park Harbor Marina; and

WHEREAS, in order for the Project to proceed as approved and subsequently amended, the 0.06 acre ingress/egress and public utilities access easement (the Easement) granted to the Town must be abandoned; and

WHEREAS, the Easement (depicted in the survey attached hereto and incorporated herein as Exhibit A) is located at the southernmost portion of parcel 36434220011140130 across Lot 15 and Lot 32 and consists of 0.06 acres; and

WHEREAS, the Easement to be abandoned consists of the south 23.5 feet of Lot 15, LESS the North 6.5 feet at the East 62.0 feet thereof and also LESS County Road right of way; and the south 17 feet of the West 70 feet of Lot 32, all in Block 114 Kelsey City (now known as Lake Park), according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, Page 15 and 23; and

WHEREAS, the Easement currently provides the public with access to the Marina boat trailer parking lot; and

WHEREAS, the Town's Community Development Department has reviewed an application to abandon the Easement submitted by Insite Studios on behalf of the property owner Forest Development LLC and determined that the Easement is no longer necessary and that its abandonment would not be contrary to the public purposes for which it was granted.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION
OF THE TOWN OF LAKE PARK, FLORIDA:**

Section 1. The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. The Easement described in Official Records Book 24397 Page 1082 is hereby abandoned.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date.

This Resolution shall take effect immediately upon execution.

Exhibit A:



Prepared By and Return To: WC-53
 Curtis Shenkman, Esq.
 DeSantis, Gaskill, Smith & Shenkman, P.A.
 11891 US Hwy 1, Suite 100
 North Palm Beach, FL 33408

CFN 20110079618
 OR BK 24397 PG 1082
 RECORDED 03/08/2011 14:58:26
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 1082 - 1086; (5pgs)

EASEMENT

THIS EASEMENT, made this 22 day of February, 2011, between LEASING OF SOUTH FLORIDA, INC., a Florida corporation, hereinafter called the "Grantor", and the TOWN OF LAKE PARK, a municipal corporation of the State of Florida, at the address of 535 Park Avenue, Lake Park, Florida 33403, its successors and assigns, herein called the "Grantee".

WITNESSETH

That the Grantor, and all other persons claiming by, through or under Grantor, or either of them, their predecessors in title, or their heirs, assigns or legal representatives by virtue of any deeds of conveyances to the land described herein, for and in consideration of the sum of TEN DOLLARS (\$10.00), to it in hand paid by the said Grantee, together with all other covenants made by the Grantee and contained herein, has granted, bargained and sold to the Grantee, its successors and assigns, a permanent Easement, on the parcel of property described in Exhibit "A" attached hereto and made a part hereof for purposes of additional ingress, egress, and public utilities access (herein referred to as the "Easement" and "Easement Area). Grantor shall not make any improvements to the Easement Area that would hinder Grantee's use of the Easement.

This Easement and the agreements contained herein are binding upon Grantor, its heirs, administrators, personal representatives, successors and/or assigns.

Grantor is seized in fee simple and in possession of Easement Area described herein.

IN WITNESS WHEREOF, Grantor has executed this instrument the date and year first above written:

Signed, sealed and delivered
 in the presence of:

Angelo Pharo
 Witness Signature

Angelo Pharo
 Printed Name

Brittini Loebelenz
 Witness Signature

Brittini Loebelenz
 Printed Name

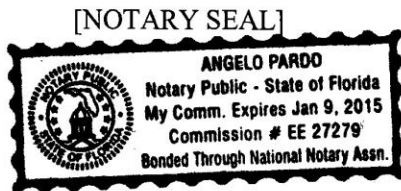
GRANTOR: LEASING OF SOUTH
 FLORIDA, INC.

By: Raymond Mancuso
 Raymond Mancuso, President

STATE OF FLORIDA
COUNTY OF PALM BEACH

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared RAYMOND MANCUSO known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, that the above named person is personally known to me or who produced _____ as identification.

Witness my hand and official seal this 22 day of February, 2011.



Angelo Pardo

NOTARY SIGNATURE

Angelo Pardo

PRINTED NOTARY SIGNATURE

CONSENT OF MORTGAGEE

IBERIABANK, a Louisiana corporation, ("Mortgagee"), owner and holder of the Mortgage and Security Agreement encumbering the Easement Area described in the Easement between LEASING OF SOUTH FLORIDA, INC., a Florida corporation (as "Mortgagor" and "Grantor" of the Easement), to the TOWN OF LAKE PARK, a municipal corporation of the State of Florida, hereby joins into and consents to the Easement.

IN WITNESS WHEREOF, Mortgagee has executed this instrument the date and year first above written:

Signed, sealed and delivered
in the presence of:

[Signature]
Witness Signature

Anielle Yoh
Printed Name

[Signature]
Witness Signature

BONNIE NEALON
Printed Name

Mortgagee: IBERIABANK, a Louisiana
corporation

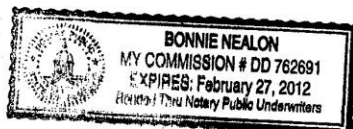
By: *[Signature]*
Print Name: ROBIN J. SANFORD ELLER
Print Title: SE. Vice President

STATE OF FLORIDA
COUNTY OF PALM BEACH

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared ROBIN J. SANFORD ELLER as SVP of IBERIA BANK, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, that the above named person is personally known to me or who produced _____ as identification.

Witness my hand and official seal this 1st day of MARCH, 2011.

[NOTARY SEAL]



[Signature]
NOTARY SIGNATURE
BONNIE NEALON
PRINTED NOTARY SIGNATURE

DESCRIPTION SKETCH FOR: TOWN OF LAKE PARK

DESCRIPTION:

The South 23.5 feet of Lot 15, **LESS** the North 6.5 feet at the East 62.0 feet thereof and also **LESS** County Road right of way; and the South 17 feet of the West 70 feet of Lot 32, all in Block 114, **KELSEY CITY** (now known as Lake Park), according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, Page 15 and 23.

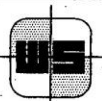
NOTES:

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation**.
4. This is not a survey!

CERTIFICATION:

I HEREBY ATTEST that the description sketch shown hereon meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers pursuant to sections 472.027, Florida Statutes, and adopted in Rule 5J-17, Florida Administrative Code, effective September 1, 1981.

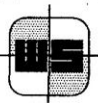
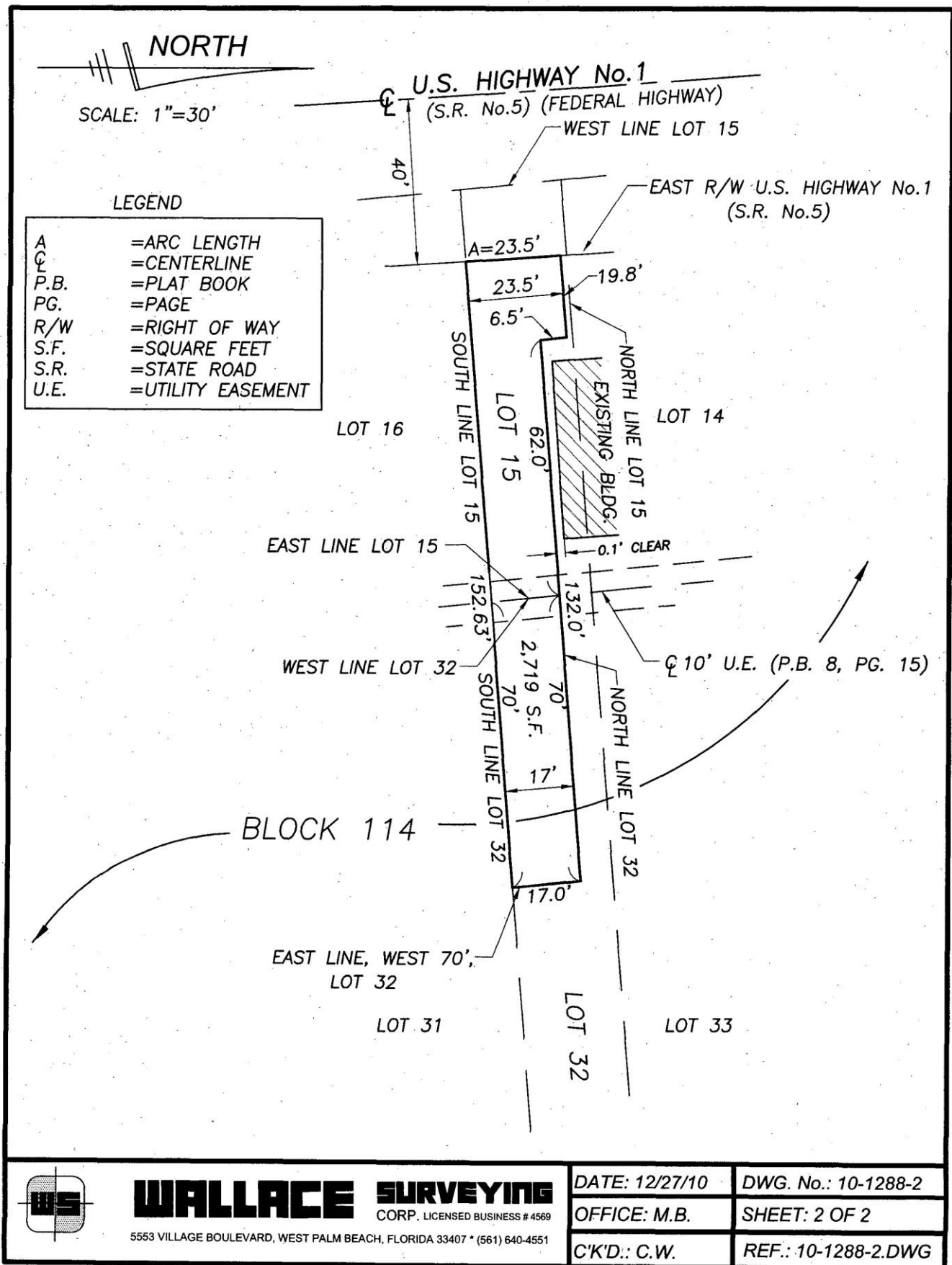

 Craig L. Wallace
 Professional Surveyor and Mapper
 Florida Certificate No. 3357



WALLACE SURVEYING
 CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 12/27/10	DWG. No.: 10-1288-2
OFFICE: M.B.	SHEET: 1 OF 2
C'K'D.: C.W.	REF.: 10-1288-2.DWG



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