



Town of Lake Park Town Commission

Item 7.

Agenda Request Form

Meeting Date: October 19, 2022

Agenda Item No.

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT WITH THE SEACOAST UTILITY AUTHORITY GRANTING AN EASMENT FOR A LIFT STATION FOR USE BY NAUTILUS; AND PROVIDING FOR AN EFFECTIVE DATE.

- [] SPECIAL PRESENTATION/REPORTS [X] **CONSENT AGENDA (Resolution)**
 [] BOARD APPOINTMENT [] OLD BUSINESS
 [] ORDINANCE
 [] NEW BUSINESS – DISCUSSION ITEM
 [] OTHER: RESOLUTION

Approved by Town Manager

Date:

10/12/22

Nadia Di Tommaso / Community Development Director

Name/Title

Originating Department: Community Development	Costs: \$ Legal Review Funding Source: Town Attorney Acct. #108 [] Finance _____	Attachments: ➔ Resolution ➔ Easement
Advertised: Date: Paper: [X] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case ND Please initial one.

Summary Explanation/Background:

Provided by Rim Bishop – Seacoast Utility Authority (summarized):

In June of this year, Seacoast explained why it could not process sanitary sewer plans without knowing, within some very close tolerance, where the lift station serving the Nautilus-220 project would be located. We all know that it will be located on the P3 (Marina) property, but since the P3 is not yet formalized, Seacoast worked with the Nautilus development team on a location that could work. Seacoast would create an easement over that site, and the Town would approve the easement (via this agenda item), execute it, and send it back to Seacoast for recording. The Nautilus developer will design their sewer system to this location, but if subsequent P3 plans require a minor shift before the lift station and the Nautilus 220 system are complete, Seacoast will do its best to accommodate the supporting redesign.

Enclosed is the lift station easement document and supporting Resolution for Town Commission approval.

General Location (see enclosed Easement for location accuracy):



Recommended Motion: I move to **"APPROVE"** Resolution 74 -10-22.

RESOLUTION NO. 74-10-22

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT WITH THE SEACOAST UTILITY AUTHORITY GRANTING AN EASMENT FOR A LIFT STATION FOR USE BY NAUTILUS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("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 owns certain land which is legally described in the attached Exhibit "A" (the Property); and

WHEREAS, the Seacoast Utility Authority (Seacoast) has sought a utility easement from the Town which permits Seacoast to enter upon the Property to install, operate, maintain, and service a sewer lift station and appurtenant facilities in, on, over, under and across the Property; and

WHEREAS, the Town Manager has recommended to the Town Commission that it is in the best interest of the Town to execute the Easement for the benefit of Seacoast as it pertains to the Property.

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

Section 1. The foregoing recitals are incorporated herein.

Section 2. The Mayor is hereby authorized and directed to execute the Easement a copy of which is attached hereto and incorporated herein by reference as Exhibit A.

Section 3. This Resolution shall take effect immediately upon adoption.

Exhibit 'A'**LEGAL DESCRIPTION**

A LIFT STATION EASEMENT IN FAVOR OF SEACOAST UTILITY AUTHORITY LYING OVER AND ACROSS A PORTION OF LOTS 24, 25, 28, AND 29 OF BLOCK 114 ACCORDING TO THE PLAT KELSEY CITY, FLORIDA AS RECORDED IN PLAT BOOK 8, PAGE 23 OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 28 OF SAID BLOCK 114; THENCE NORTH 85°19'00" EAST ALONG THE SOUTH LOT LINE OF LOT 28, A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 04°41'00" WEST A DISTANCE OF 35.00 FEET; THENCE NORTH 85°19'00" EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 40.00 FEET; THENCE SOUTH 04°41'00" EAST A DISTANCE OF 40.00 FEET; THENCE SOUTH 85°19'00" WEST, PARALLEL WITH THE SOUTH LINE OF LOT 28, A DISTANCE OF 40.00 FEET; THENCE NORTH 04°41'00" WEST A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 1600 SQUARE FEET OF LAND, MORE OR LESS.

Return To:
 Seacoast Utility Authority
 4200 Hood Road
 Palm Beach Gardens, FL 33410

EASEMENT

THIS EASEMENT made and entered into this ____ day of _____ 2022, between the **Town of Lake Park**, a Florida municipal corporation, (hereinafter referred to as "Grantor") whose address is 535 Park Avenue, Lake Park, Florida 333403 and **Seacoast Utility Authority** (hereinafter referred to as "Grantee") whose address is 4200 Hood Road, Palm Beach Gardens, Florida, 33410.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit the Grantee to enter upon the property herein described at any time to install, operate, maintain and service a sewer lift station and appurtenant facilities in, on, over, under and across the easement premises together with rights of light and air above the easement premises. The easement hereby granted covers a parcel of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

TOWN OF LAKE PARK

Signed, sealed and delivered
 in the presence of:

 Witness Signature

 Print Name

 Witness Signature

 Print Name

By: _____
 Michael O'Rourke, Mayor

Attest: _____
 Vivian Mendez, CMC

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____ 2022, by Michael O'Rourke and Vivian Mendez, CMC, as Mayor and Clerk of the Town of Lake Park, who are personally known to me and who have not taken an oath.

Notary Signature

Print Name
Notary Public – State
Commission No:
My Commission Expires:

Approved as to form and legal sufficiency

By: _____
Thomas J. Baird

**DESCRIPTION & SKETCH
PREPARED FOR:
SEACOAST UTILITY AUTHORITY**

**Exhibit "A"
Sheet 1 of 2**

**LIFT STATION EASEMENT
LAKE PARK MARINA**

LEGAL DESCRIPTION

A LIFT STATION EASEMENT IN FAVOR OF SEACOAST UTILITY AUTHORITY LYING OVER AND ACROSS A PORTION OF LOTS 24, 25, 28, AND 29 OF BLOCK 114 ACCORDING TO THE PLAT KELSEY CITY, FLORIDA AS RECORDED IN PLAT BOOK 8, PAGE 23 OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING A TOTAL OF 1600 SQUARE FEET OF LAND, MORE OR LESS.

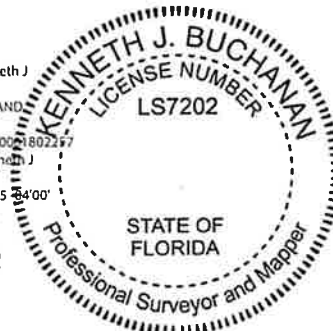
SURVEYOR'S NOTES:

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 28, BLOCK 114 BEARING N 85°19'00" E AS DESCRIBED IN THE WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 24276 AT PAGES 228 THROUGH 230 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
6. DATE OF LEGAL DESCRIPTION: SEPTEMBER 9, 2022.

LIDBERG LAND SURVEYING, INC.

**Kenneth J
Buchanan**

Digitally signed by Kenneth J
Buchanan
DN: c=US, o=LIDBERG LAND
SURVEYING,
dnQualifier=A01410C000021802257
87770003F8DB, cn=Kenneth J
Buchanan
Date: 2022.09.16 09:40:15 -04'00'



BY: KENNETH J. BUCHANAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 7202

ABBREVIATIONS:
ORB = OFFICIAL RECORD BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT

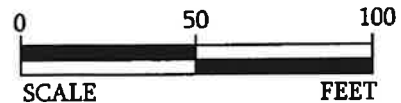
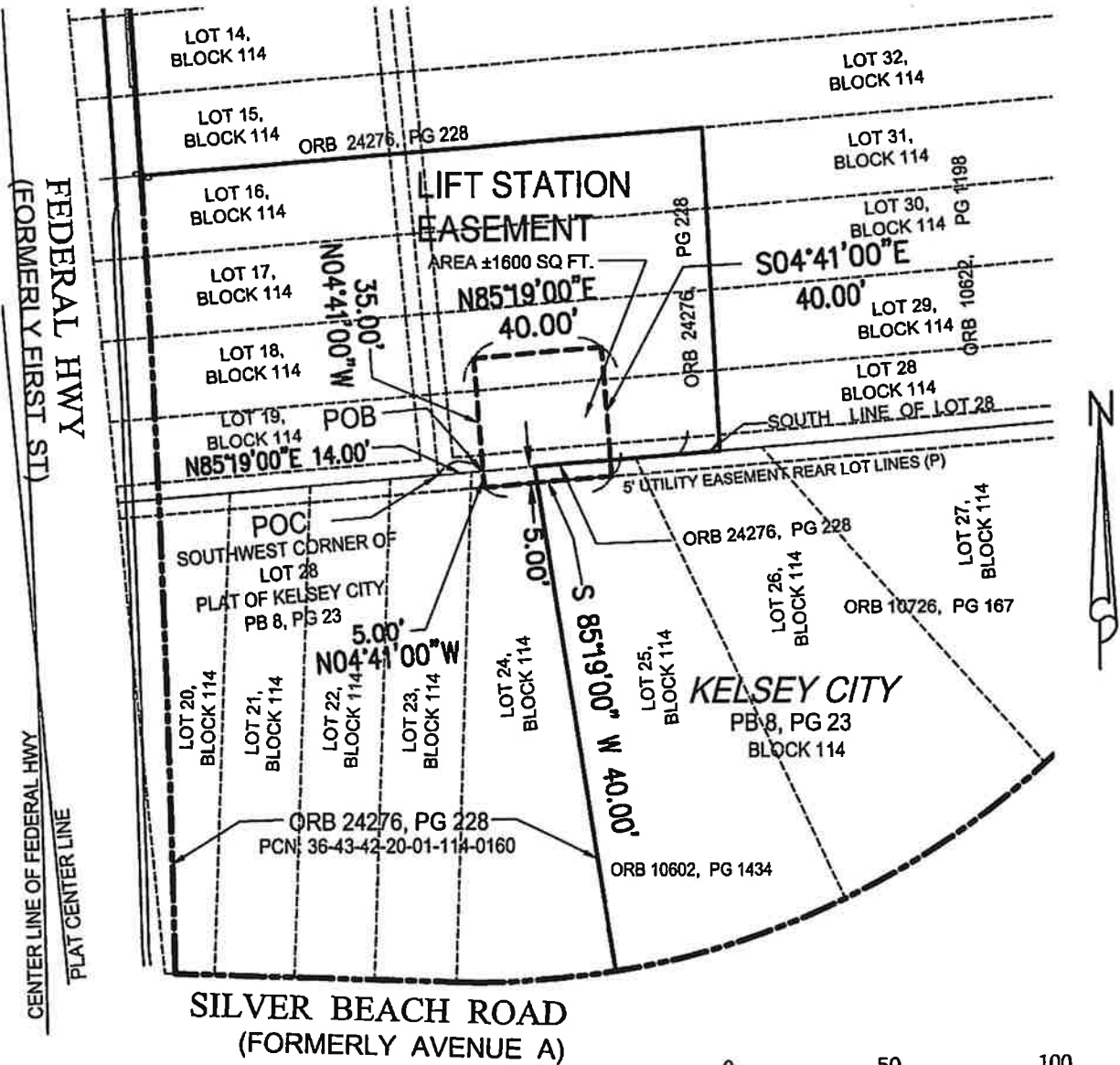


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OFF. M.B.S.			DATE 9-07-2022
CKD. K.J.B.	SHEET 1	OF 2	DWG. A22-108

**DESCRIPTION & SKETCH
PREPARED FOR:
SEACOAST UTILITY AUTHORITY**

**Exhibit "A"
Sheet 2 of 2**

**LIFT STATION EASEMENT
LAKE PARK MARINA**



GRAPHIC SCALE IN FEET
SCALE: 1" = 50'

**LIDBERG LAND
SURVEYING, INC.**

LB4431

675 West Indiantown Road, Suite 200,
Jupiter, Florida 33458 TEL. 561-746-8454

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SHEET

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OF

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DATE 9-07-2022

DWG. A22-108