

RESOLUTION 109-12-25

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRERCTING THE MAYOR TO SIGN A RIGHT-OF-WAY IMPROVEMENT AND MAINTENANCE AGREEMENT ON BEHALF OF THE TOWN OF LAKE PARK WITH FOREST DEVELOPMENT LLC.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission is the governing body of the Town of Lake Park (Town) and has authority over the roads, alleys and rights-of-way within the Town which have been dedicated to the Town; and

WHEREAS, the Town generally maintains the Town roads, alleys, and rights-of-way dedicated to it for public use; and

WHEREAS, Forest Development LLC (the “**Developer**”) is developing a mixed-use condominium project known as “Nautilus 220”, located at 220 Lake Shore Drive, Lake Park, Florida 33403 (the “**Project**”); and

WHEREAS, the Developer planned its Project and received an approval for a design that includes certain improvements such as specialized landscaping, hardscape, lighting, and streetscape furniture, some of which, once constructed, will encroach upon the Town’s public right-of-way as set forth in the plans which were approved and incorporated into the Project’s Development Order by the Town Commission (the “**Approved Plans**”); and

WHEREAS, the Developer is constructing the Project, including all of the specialized landscaping, lighting, streetscape furniture and hardscape improvements, some of which is to be placed in the public right-of-way as set forth in the Approved Plans; and

WHEREAS, Developer, and **not** the Town, shall have the sole responsibility for constructing the of maintaining any and all landscape improvements within the Maintenance Area (as defined herein as **Exhibit ‘A’**); and

WHEREAS, the Town and the Developer are entering into this Agreement to set forth the responsibilities of each party with respect to the construction and maintenance of the improvements in the public right of way, as defined below and more fully described herein.

**NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWN OF LAKE PARK
HEREBY APPROVES THE RIGHT-OF-WAY IMPROVEMENT AND MAINTENANCE
AGREEMENT PURSUANT TO EXHIBIT ‘A’.**