

# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** August 17, 2021

**DEPARTMENT:** Water Utilities

**TITLE:**

Utility Easement by and between Maria Moro along with Gustavo G. Moro and the City of Lake Worth Beach

**SUMMARY:**

Maria and Gustavo Moro, owners of 302 N. Lakeside Dr., will dedicate a Utility Easement to the City of Lake Worth Beach in accordance with the conditions of approval established in the site plan review and building permit.

**BACKGROUND AND JUSTIFICATION:**

The property 302 N Lakeside Dr. is building a new single-family home at the location which incorporates space from 3<sup>rd</sup> Ave N right of way that was previously abandoned. The City agreed to abandon 3<sup>rd</sup> Ave N right of way by Resolution 38-92 dated August 17, 1992. The north 20 feet of the right of way was quit claim deeded to this property. During a recent site plan review, it was discovered that the former public right of way has City utilities that cross east/west through the space. The City reviewed the property boundary survey and performed a title search and could not locate records of easements that would allow the City unrestricted access to these utilities.

This easement dedication grants the City a perpetual, unrestricted and nonexclusive easement over these utilities. In addition, the property owners have authorized a consent agreement with the City which recognizes that the City may need to remove some improvements such as fences and/or driveways to access the utilities for maintenance. In the event that the City needs to remove an improvement such as a fence or driveway in the easement, the City is not responsible for the replacement or the cost of doing so.

**MOTION:**

Move to approve/disapprove the Utility Easement between Maria and Gustavo Moro and the City of Lake Worth Beach

**ATTACHMENT(S):**

Fiscal Impact Analysis – N/A  
Utility Easement Dedication  
Easement Consent  
Map