

RESOLUTION NO. 77-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ABANDONING AN APPROXIMATELY 40 FOOT WIDE RIGHT-OF-WAY LOCATED BETWEEN 827 SOUTH FEDERAL HIGHWAY AND 901 SOUTH FEDERAL HIGHWAY AND REVERTING BACK TO THE PROPERTY OWNERS OF SAID ABUTTING PROPERTIES (PCN: 38-43-44-27-01-021-0160 AND 38-43-44-27-01-030-0090) AS DESCRIBED HEREIN; SUBJECT TO CONDITIONS; AND PROVIDING FOR RECORDING AND AN EFFECTIVE DATE

WHEREAS, the abutting property owners are The Lord's Place, Inc. (PCN: 38-43-44-27-01-021-0160) hereinafter referred to as "827 S Federal Highway") and Ghodratollah Mahmoudi Revocable Trust, Mahmoudi Ghodratollah Trustee (PCN: 38-43-44-27-01-030-0090) hereinafter referred to as "901 S Federal Highway"; and

WHEREAS, Cotleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. has requested the right-of-way abandonment in conjunction with the construction of a 7-unit multi-family project proposed on west side of South Federal Highway utilizing the parcel located at 827 South Federal Highway and the adjacent parcel to the north. This project is commonly referred to as "Burckle Place III"; and

WHEREAS, the abutting property owners have each stated their desire to accept the return of half (+/- 20 feet wide) of the approximately +/-137 feet in length by +/- 40 feet wide portion of the abandoned ROW adjacent to their property; and

WHEREAS, a utility easement dedication will be entered into for existing utilities; and

WHEREAS, The Lord's Place, Inc. has prepared the required sketches and legal descriptions for each portion of the right-of-way subject to the proposed abandonment prior to the final approval by the City Commission which are attached to this Resolution as a composite as Exhibit "A" and incorporated herein; and

WHEREAS, the City Commission adopted a resolution on October 5, 2021 to declare the City's intention abandoning said right of way; and

WHEREAS, the City Commission finds that the right-of-way under consideration is not needed by the public as right-of-way and the same should therefore be returned to private ownership; and

WHEREAS, the City Commission held a public hearing on November 2, 2021 to consider any comments, objections or protest to the same; and

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The foregoing recitals are incorporated into this Resolution as true statements.

Section 2. The City Commission of the City of Lake Worth Beach, Florida, approves the abandonment of the following described right-of-way which will revert back to the property owners as follows:

THE APPROXIMATELY 40-FOOT-WIDE RIGHT-OF-WAY LOCATED BETWEEN LOT 16, BLOCK 21 AND LOT 9, BLOCK 30, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 4 ADDITION 1 TO THE TOWN OF LAKE WORTH, RECORDED IN PLAT BOOK 5, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND REVERTING BACK TO THE PROPERTY OWNERS OF SAID ABUTTING PROPERTIES (PCNs: 38-43-44-27-01-021-0160 AND 38-43-44-27-01-030-0090) LOCATED ALONG THE NORTH AND SOUTH LINES OF THE RIGHT-OF-WAY.

Section 3. The City Commission has approved the abandonment subject to the conditions that both the fire hydrant line shall be relocated outside of the subject ROW at the cost of the applicant or property owner and that all necessary easements as required for utilities or public purposes by the City shall be recorded by or at the cost of the applicant or property owner prior to the issuance of a certificate of occupancy for the associated 7-unit multi-family project commonly referred to as "Burckle Place III."

Section 4. The City Clerk is hereby directed to cause this Resolution including Exhibit "A" to be recorded upon its passage in the Official Records in and for the County of Palm Beach, Florida, to evidence this abandonment.

Section 5. This resolution shall become effective immediately upon its passage.

The passage of this resolution was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Herman Robinson
- Commissioner Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Kimberly Stokes

The Mayor thereupon declared this resolution duly passed and adopted this _____ day of _____, 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk