

RESOLUTION NO. 51-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DECLARING THE ABANDONMENT OF THE NORTH 20- FEET OF THE 9TH AVENUE SOUTH PUBLIC RIGHT-OF-WAY LOCATED BETWEEN THE PROPERTIES AT 821 S DIXIE HIGHWAY, 901 S DIXIE HIGHWAY AND 832 SOUTH H STREET AND ABANDONMENT OF THE 10-FOOT ALLEY RIGHT-OF-WAY LOCATED BETWEEN THE PROPERTIES AT 821 S DIXIE HIGHWAY AND 808, 818, 824, 826 AND 832 SOUTH H STREET; SUBJECT TO CONDITIONS; AND PROVIDING FOR RECORDING AND AN AFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach (“City”) owns a forty (40) foot wide strip of right-of way running between and adjacent to the south side of the property located at 821 S Dixie Highway and 832 South H Street in the City of Lake Worth Beach, as depicted on the sketch in Exhibit “A,” and more fully described in Exhibit “C” attached hereto and incorporated herein by reference (“the right-of-way”); and

WHEREAS, the City of Lake Worth Beach (“City”) owns a ten (10) foot wide strip of alley right-of way running between and adjacent to the east side of the properties located at 808, 818, 824, 826, and 832 South H Street and the west side of the property located at 821 South Dixie Highway in the City of Lake Worth Beach, as depicted on the sketch in Exhibit “B,” and more fully described in Exhibit “D” attached hereto and incorporated herein by reference (“the alley right-of-way”); and

WHEREAS, Madison Terrace LLC on behalf of BUYERS CHOICE AUTO SALES, has requested abandonment of the right-of-way and the alley right-of-way to allow for the construction of a 176-unit multi-family project proposed on the north side of 9th Avenue South utilizing the parcels located at 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street (PCN: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010). This project is commonly referred to as “Madison Terrace”; and

WHEREAS, this abandonment does not include the south 20 feet of the right-of-way adjacent to the north side of 902 South H Street and 901 South Dixie Highway as the City will continue to utilize this portion of the right-of-way to access utilities in the alley to the south; and

WHEREAS, the City has not utilized the remainder of the right-of-way or the alley right-of-way for right-of-way purposes or for any other public purpose except for utilities; and

WHEREAS, the property owners of 821 S Dixie Highway and 808, 818, 824, 826

and 832 South H Street have agreed to grant easements to the City for utility purposes in the area of the right-of-way and alley right-of-way to be abandoned; and

WHEREAS, the City Commission adopted a resolution on September 5, 2023 to declare the City's intention to abandon said right-of-way and alley right-of-way; and

WHEREAS, the City Commission finds that the right-of-way and alley 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;

WHEREAS, the abandoned right-of-way will be divided along the shared property line between the current owners of the two adjoining properties at 821 S Dixie Highway and 832 South H Street; and

WHEREAS, the abandoned alley right-of-way will be divided along its center line between the current owners of the adjoining properties at 821 S Dixie Highway and 808, 818, 824, 826, and 832 South H Street; and

WHEREAS, the City has determined that abandoning the right-of-way serves a valid public purpose.

NOW, THEREFORE, 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, hereby declares the right-of-way described in Exhibits "C" as abandoned for all legal purposes, and the same shall revert back to the current property owners of the adjoining properties at 821 S Dixie Highway and 832 South H Street in the City of Lake Worth Beach.

Section 3. The City Commission of the City of Lake Worth Beach, Florida, hereby declares the alley right-of-way described in Exhibit "D" as abandoned for all legal purposes, and the same shall revert back to the current property owners of the adjoining properties at 821 S Dixie Highway and 808, 818, 824, 826, and 832 South H Street in the City of Lake Worth Beach.

Section 4. The City Commission has approved the abandonment subject to the condition that the utility easements along the right-of-way and alley right-of-way being abandoned shall be recorded by property owners, at no cost to the City, within one (1) year of the passage of this resolution.

Section 5. The City Clerk is hereby directed to cause this Resolution to be recorded upon its passage in the Official Records in and for the County of Palm Beach,

Florida, to evidence this abandonment.

Section 6. This resolution shall become effective immediately upon recordation of the required easements described in Section 4.

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 Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted this _____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT "A"

Sketch of 9th Avenue South Abandonment

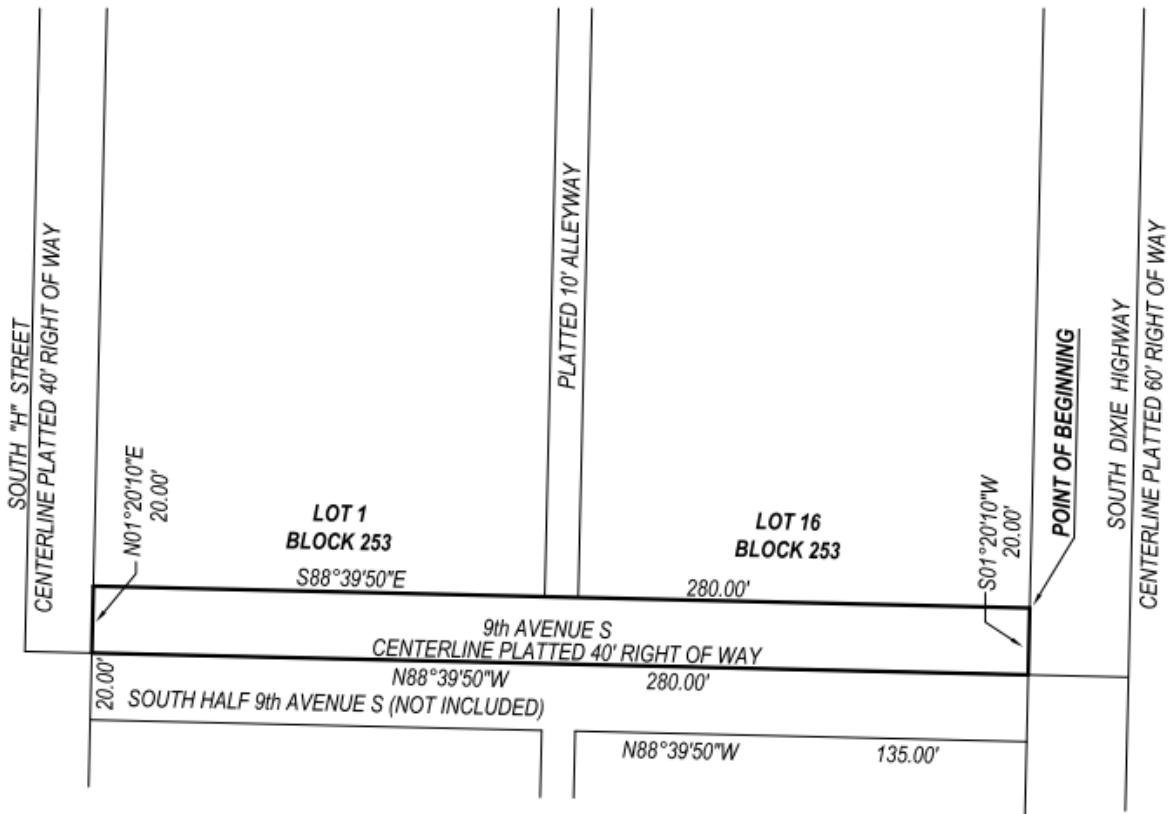


EXHIBIT "B"

Sketch of Alley Abandonment

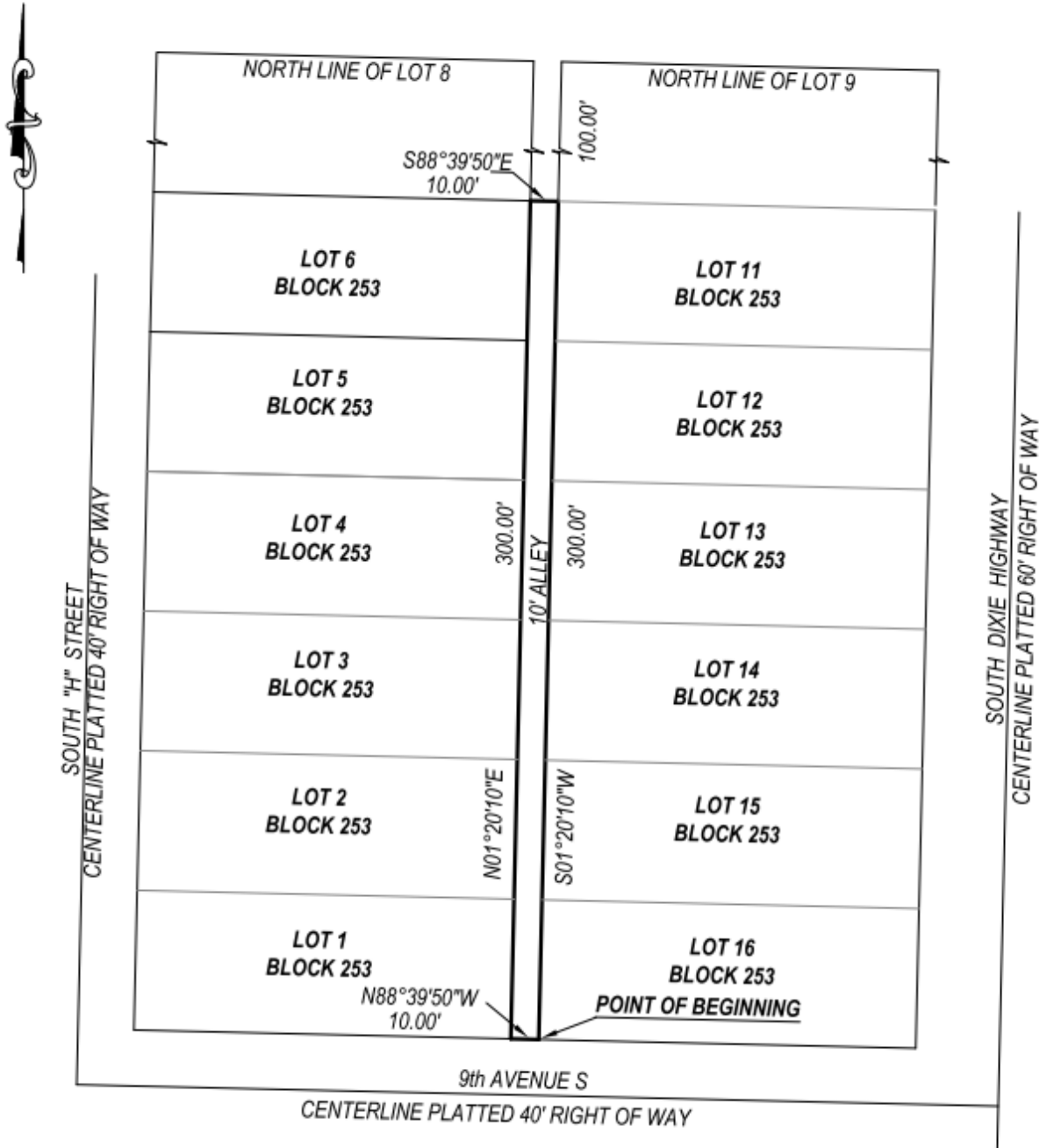


EXHIBIT "C"

Legal Description of 9th Avenue South Abandonment

THE NORTH HALF OF THE 40 FOOT WIDE RIGHT OF WAY FOR 9TH AVENUE SOUTH AS SHOWN LYING SOUTH OF AND IMMEDIATELY ADJACENT TO LOTS 1 AND 16, BLOCK 253, PALM BEACH FARMS CO., PLAT NO. 2, TOWNS/TE OF LUCERNE (NIKIA LAKE WORTH), ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 29 TO 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF 9TH AVENUE SOUTH; THENCE DEPARTING SAID RIGHT OF WAY LINE, PROCEED S01°20'10"W ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT OF WAY OF S DIXIE HIGHWAY (ALSO BEING THE EAST BOUNDARY LINE OF SAID LOT 16) A DISTANCE OF 20.00 FEET TO A POINT ON THE CENTERLINE OF SAID 9TH AVENUE; THENCE PROCEED N88°39'50"W ALONG SAID CENTERLINE LINE A DISTANCE OF 280.00 FEET TO THE INTERSECT/ON POINT WITH THE SOUTHERLY EXTENSION OF THE EAST RIGHT WAY LINE OF SOUTH 'H' STREET; THENCE PROCEED N01°20'10"E A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID 9TH AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK 253; THENCE PROCEED S88°39'50"W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 5600.0 SQUARE FEET±

EXHIBIT "D"

Legal Description of Alley Abandonment

A PORTION OF THE 10' ALLEYWAY LYING IN BLOCK 253, PALM BEACH FARMS CO., PLAT NO. 2, TOWNS/TE OF LUCERNE (NIKIA LAKE WORTH), ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 29 TO 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 16, SAID BLOCK 253; THENCE PROCEED N88°39'50"W A DISTANCE OF 10 FEET TO THE SOUTHEAST CORNER OF LOT 1, ALSO BEING THE WEST LINE OF SAID 10 FOOT WIDE ALLEYWAY; THENCE PROCEED N01°20'10"E ALONG SAID WEST LINE A DISTANCE OF 300.00 FEET TO THE NORTHWEST CORNER OF LOT 6, BLOCK 253; THENCE DEPARTING SAID WEST LINE PROCEED S88°39'50"E A DISTANCE OF 10.00 FEET TO A POINT ON THE EAST LINE OF SAID ALLEYWAY, ALSO BEING THE NORTHWEST CORNER OF LOT 11, BLOCK 253; THENCE PROCEED S01°20'10"W ALONG SAID EAST LINE A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 3000.0 SQUARE FEET±