

RESOLUTION NO. 43-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ABANDONING AN APPROXIMATELY 10-FOOT-WIDE RIGHT-OF-WAY LOCATED BETWEEN LOTS 1, 2, 3, 14, 15, & 16 OF BLOCK 318 IN THE TOWNSITE OF LUCERNE, (N/K/A LAKE WORTH BEACH) AS RECORDED IN PLAT BOOK 2, PAGES 29 TO 40 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SUBJECT TO CONDITIONS; AND PROVIDING FOR RECORDING AND AN EFFECTIVE DATE

WHEREAS, the abutting property owners are 1212 Tenth Avenue North LLC (PCN: 38-43-44-21-15-318-0150 & 38-43-44-21-15-318-0140) identified as lots 14 & 15, block 318, Townsite Lucerne Plat Book 2, Pages 29-40 as recorded in the public records of Palm Beach County, Florida (hereinafter referred to as "1005 & 1009 North F Street"), Eric 1212 Tenth Avenue North LLC (PCN: 38-43-44-21-15-318-0010) identified as identified as lots 1, 2 & 3, block 318, Townsite Lucerne Plat Book 2, Pages 29-40 as recorded in the public records of Palm Beach County, Florida (hereinafter referred to as "1008 North E Street"), and the Lake Worth Beach Community Redevelopment Agency (PCN: 38-43-44-21-15-318-0160) identified as lot 16, block 318, Townsite of Lucerne Plat Book 2, Pages 29-40 as recorded in the public records of Palm Beach County, Florida (hereinafter referred to as "1003 North F Street"); and

WHEREAS, Mark Hunley of Charette International Architecture on behalf of 1212 Tenth Avenue North LLC has requested the right-of-way abandonment to allow for the construction of a 24-unit multi-family project proposed on the north side of 10th Avenue North between North E Street and North F Street. This project is commonly referred to as "Lake Worth Apartments;" and

WHEREAS, easement dedication/s will be entered into for utilities or public purposes prior to the issuance of a certificate of occupancy for the 24-unit multi-family project; and

WHEREAS, the City Commission adopted a resolution on June 15, 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 July 20, 2021 to consider any comments, objections or protest to the same; and

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, approves the abandonment of the following described right-of-way which will revert back to the property owners as follows:

THE APPROXIMATELY 10-FOOT-WIDE RIGHT-OF-WAY LOCATED BETWEEN LOTS 1, 2, 3, 14, 15, & 16 OF BLOCK 318 IN THE TOWNSITE OF LUCERNE, (N/K/A LAKE WORTH BEACH) AS RECORDED IN PLAT BOOK 2, PAGES 29 TO 40 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND REVERTING BACK TO THE PROPERTY OWNER OF SAID ABUTTING PROPERTIES (PCN: 38-43-44-21-15-318-0010, 38-43-44-21-15-318-0150, 38-43-44-21-15-318-0140, AND 38-43-44-21-15-318-0160) LOCATED ALONG THE EASTERN AND WESTERN BOUNDARY OF THE RIGHT-OF-WAY, AND AS GENERALLY DEPICTED IN EXHIBIT "A."

Section 3. The City Commission has approved the abandonment subject to the condition 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 24-unit multi-family project commonly referred to as "Lake Worth Apartments."

Section 4. 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 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:

Deborah M. Andrea, City Clerk

EXHIBIT "A"

General Location of Right-of-Way Abandonment

