

Agenda Item # R - 8

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 20-87, AND APPROVAL OF RESOLUTION NO. 24-12 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING TWO EASEMENT ABANDONMENTS FOR PROPERTY LOCATED ON THE SOUTH SIDE OF SOUTHERN BOULEVARD AND WEST OF STATE ROAD 7. BY APPLICANT: BRIAN TUTTLE OF MAIN STREET AT TUTTLE ROYALE, LLC.

Issue:

The Applicant is requesting Village Council to abandon two access easements recorded for a property located on the south side of Southern Boulevard and west of State Road 7. The first access easement was recorded at Official Records Book 29095 Page 886 and provided access from Erica Boulevard north to Acme Road through Pod 6. An illustration of this access easement can be found in **Attachment A**. A replacement dedication of Erica Boulevard (Tract R-2) and Tuttle Boulevard (Tract R-1) as provided for as part of the Final Plat. The replacement access will be off of Lulfs Road. An illustration of the replacement access easement is illustrated in **Attachment B**.

The second temporary access easement was recorded at Official Records Book 31933 Page 1247 and re-recorded at Book 32107 Page 0109 and provided access through Pod 7 to the Tuttle Royale roundabout on Erica Boulevard. An illustration of this access easement can be found in **Attachment C**. A replacement dedication of Erica Boulevard (Tract R-2) as provided for as part of the Final Plat. The replacement access will be off of Erica Boulevard and Lulfs Road. An illustration of the replacement access easement is illustrated in **Attachment D**.

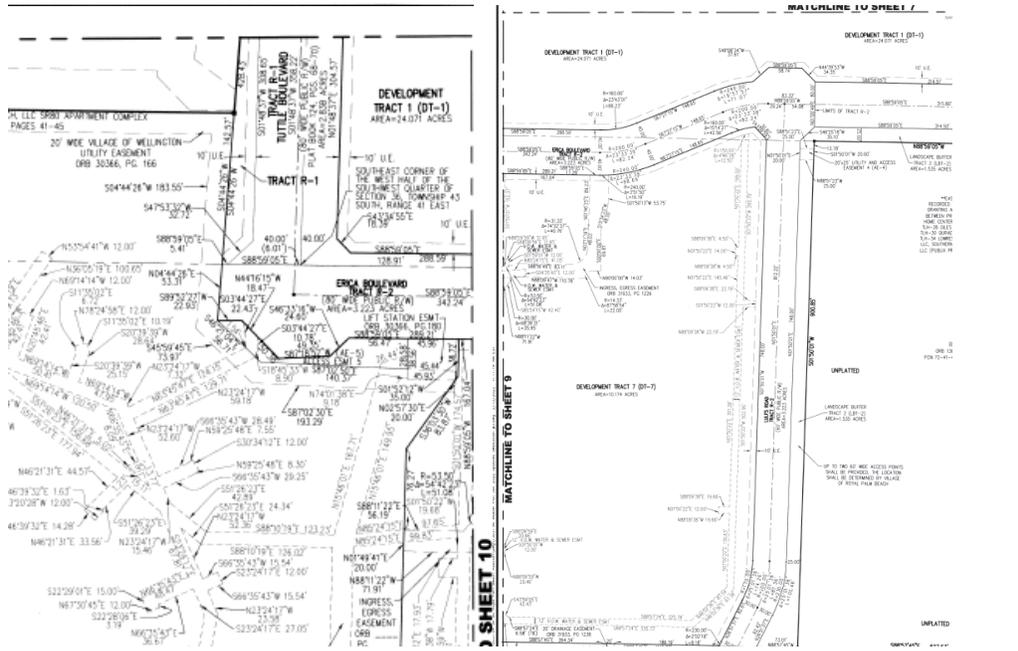
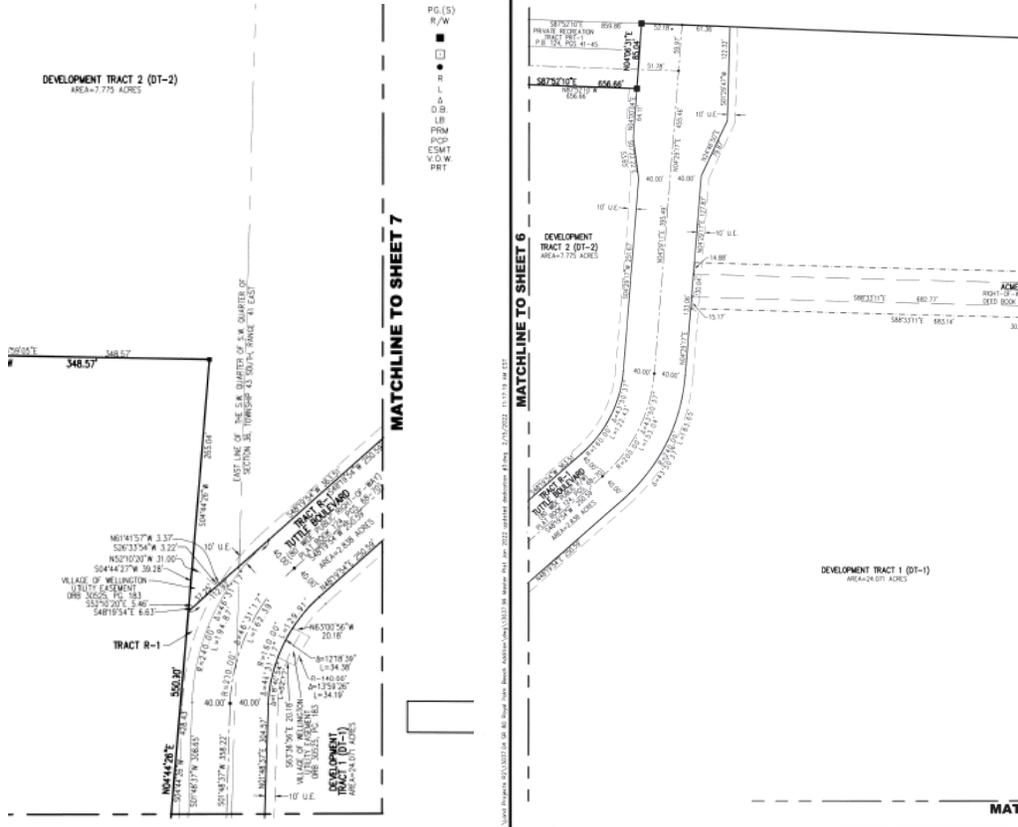
Recommended Action:

Staff is recommending approval of Application No. 20-87 and Resolution No. 24-12.

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Approval	6-20-2024	Action

Attachment B Replacement Access Easement Location

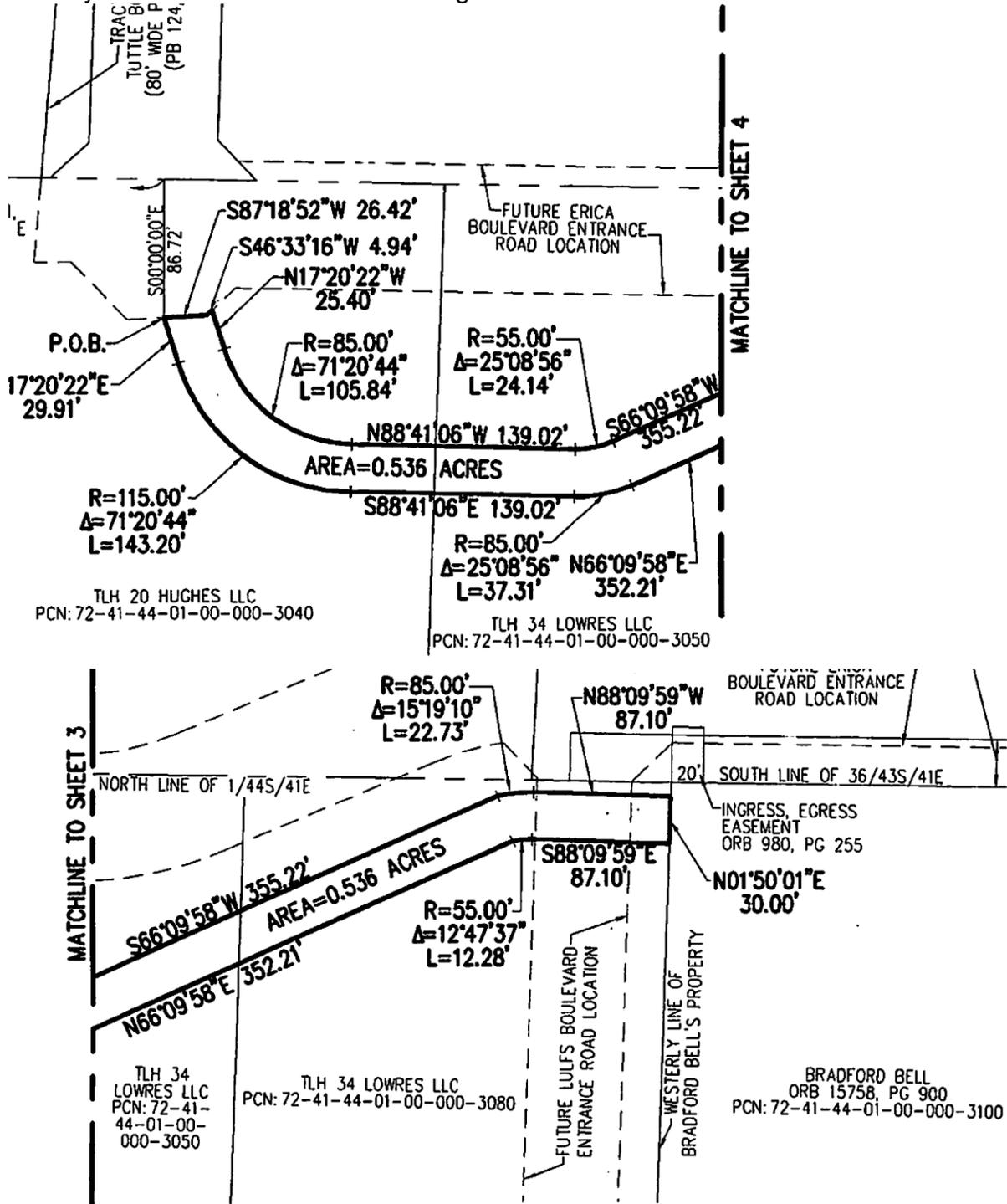
Please find below the replacement access approved as part of the Final Plat.



Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Approval	6-20-2024	Action

Attachment C Easement #2 to be Abandoned

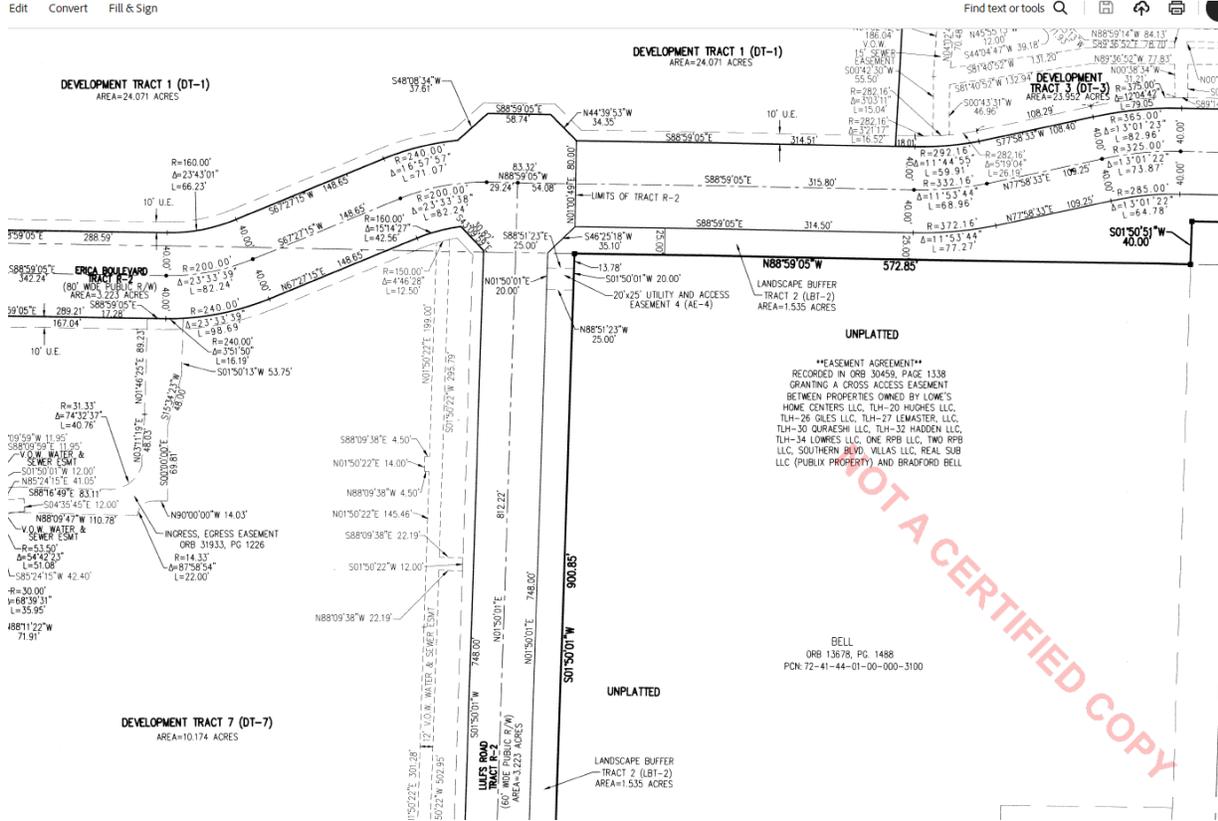
Directly below is an illustration showing the location of the easement to be abandoned.



Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Approval	6-20-2024	Action

Attachment D Replacement Access Easement Location

Please find below the replacement access approved as part of the Final Plat.



Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Approval	6-20-2024	Action

Prepared By, Record & Return To:
Amity Barnard, Esq.
Village of Royal Palm Beach
1050 Royal Palm Beach Boulevard
Royal Palm Beach, Florida 33411

RESOLUTION NO. 24-12

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, ABANDONING AND RELEASING THE ACCESS EASEMENT DEDICATED TO THE PUBLIC PURSUANT TO THAT CERTAIN ACCESS EASEMENT AGREEMENT RECORDED AT BOOK 29095 PAGE 886 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND THE ACCESS EASEMENT DEDICATED TO THE PUBLIC PURSUANT TO THAT CERTAIN TEMPORARY ACCESS EASEMENT AGREEMENT RECORDED AT BOOK 31933 PAGE 1247 AND RERECORDED AT PAGE 32107 PAGE 0109 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village of Royal Palm Beach has an interest in the access easement dedicated to the public pursuant to that certain Access Easement Agreement recorded at Book 29095, Page 886, in the Public Records of Palm Beach County, Florida; and

WHEREAS, the Village of Royal Palm Beach has an interest in the temporary access easement dedicated to the public pursuant to that certain Temporary Access Easement Agreement recorded at Book 31933, Page 1247 and rerecorded at Book 32107, Page 0109, in the Public Records of Palm Beach County, Florida; and

WHEREAS, Main Street at Tuttle Royale, LLC and EDX Royale Property, LLC, the Tuttle Royale Property Owners Association, Inc., and Tuttle Royale Apartments LLC (as successors in interest to TLH-20 Hughes, LLC) and the Village have requested to abandon and release its interests in the foregoing described easements, more fully described and depicted in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the Village Council hereby finds that the easements are no longer needed by the Village for its public purposes; and

WHEREAS, the Village Council hereby finds that the abandonment and release of the easements is in the best interests of the citizens of the Village of Royal Palm Beach, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The Village's and public's interest in the access easements is hereby abandoned and released.

Section 2: This Resolution shall be recorded in the Public Records of Palm Beach County, Florida.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 20th day of June, 2024.

VILLAGE OF ROYAL PALM BEACH

FRED PINTO, MAYOR

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

RESOLUTION NO. 24-12

**EXHIBIT A
EASEMENT #1 ABANDONMENT
LEGAL DESCRIPTION**

LEGAL DESCRIPTION

A 30 FOOT WIDE STRIP OF LAND, BEING A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE, ALONG THE SOUTHERLY LINE OF SAID SECTION 36, S88°59'05"E A DISTANCE OF 1834.48 FEET; THENCE LEAVING SAID SOUTHERLY LINE, N01°09'42"E A DISTANCE OF 35.00 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE, CONTINUING N01°09'42"E A DISTANCE OF 337.71 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 67°50'25" A DISTANCE OF 59.20 FEET TO THE POINT OF TANGENCY; THENCE N66°40'43"W A DISTANCE OF 32.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 68°03'54"W A DISTANCE OF 59.40 FEET TO THE POINT OF TANGENCY; THENCE N01°23'11"E A DISTANCE OF 400.85 FEET; THENCE S88°33'11"E A DISTANCE OF 30.00 FEET; THENCE S01°23'11"W A DISTANCE OF 400.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 20.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 68°03'54" A DISTANCE OF 23.76 FEET TO THE POINT OF TANGENCY; THENCE S66°40'43"E A DISTANCE OF 32.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 80.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 67°50'25" A DISTANCE OF 94.72 FEET TO THE POINT OF TANGENCY; THENCE S01°09'42"W A DISTANCE OF 337.63 FEET; THENCE N88°59'05"W A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**

SAID HEREIN DESCRIBED PARCEL CONTAINING 26,698 SQUARE FEET MORE OR LESS.

RESOLUTION NO. 24-12

**EXHIBIT A
EASEMENT #2 ABANDONMENT
LEGAL DESCRIPTION**

LEGAL DESCRIPTION

A 30 FOOT WIDE STRIP OF LAND, BEING A PORTION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION SECTION 1; THENCE, ALONG THE NORTHERLY LINE OF SAID SECTION 1, S88°59'05"E A DISTANCE OF 1320.87 FEET; THENCE LEAVING SAID NORTHERLY LINE, S00°00'00"E A DISTANCE OF 86.72 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE, S17°20'22"E A DISTANCE OF 29.91 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 115.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 71°20'44" A DISTANCE OF 143.50 FEET TO THE POINT OF TANGENCY; THENCE S88°41'06"E A DISTANCE OF 139.02 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 85.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°08'56" A DISTANCE OF 37.31 FEET TO A POINT OF TANGENCY; THENCE N66°09'58"E A DISTANCE OF 352.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 55.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°47'37" A DISTANCE OF 12.28 FEET TO A POINT OF TANGENCY; THENCE S88°09'59"E A DISTANCE OF 87.10 FEET TO A POINT ON THE WESTERLY PROPERTY LINE OF BRADFORD BELL'S PROPERTY, AS RECORDED IN OFFICIAL RECORD BOOK 15758, PAGE 900 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N01°50'01"E ALONG SAID WESTERLY LINE, A DISTANCE OF 30.00 FEET; THENCE LEAVING SAID WESTERLY LINE N88°09'59"W A DISTANCE OF 87.10 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 85.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°19'10" A DISTANCE OF 22.73 FEET TO A POINT OF TANGENCY; THENCE S66°09'58"W A DISTANCE OF 355.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 55.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°08'56" A DISTANCE OF 24.14 FEET TO A POINT OF TANGENCY; THENCE N88°41'06"W A DISTANCE OF 139.02 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 85.00 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 71°20'44" A DISTANCE OF 105.84 FEET TO THE POINT OF TANGENCY; THENCE N17°20'22"W A DISTANCE OF 25.40 FEET; THENCE S46°33'16"W A DISTANCE OF 4.94 FEET; THENCE S87°18'52"W A DISTANCE OF 26.42 FEET TO THE **POINT OF BEGINNING**.

SAID HEREIN DESCRIBED PARCEL CONTAINING 0.536 ACRES MORE OR LESS.

This instrument is prepared by or under the supervision of (and after recording should be returned to):

Steven E. Wallace, Esq.
The Wallace Law Group, PL
2240 W. Woolbright Road #403
Boynton Beach, Florida 33426

TERMINATION OF ACCESS EASEMENT AGREEMENT

THIS TERMINATION OF ACCESS EASEMENT AGREEMENT (this “Termination”) is made as of the ____ day of _____, 2024, by and among MAIN STREET AT TUTTLE ROYALE, LLC, a Delaware limited liability company (“Main Street”), and the VILLAGE OF ROYAL PALM BEACH, a Florida municipal corporation (the “Village”) (Main Street and the Village are collectively referred to as the “Parties”).

W I T N E S S E T H:

WHEREAS, an Access Easement Agreement dated April 30, 2017 (“Easement”) between the Parties was recorded in Official Records Book 29095, Page 886 of the Public Records of Palm Beach County, Florida which created a temporary access easement over Main Street’s property, as a successor in interest to TLH-30 Quraeshi, LLC, as further described in the easement.

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties do hereby agree as follows:

1. **Recitations.** The foregoing recitations are true and correct and are incorporated herein by this reference.
2. **Termination of Access Easement.** Pursuant to Section 3 of the Easement, the Parties hereby abandon, terminate, release and relinquish all easements and other rights created or reserved by virtue of the Easement.
3. **Binding Effect.** The covenants contained in this Termination are not personal but run with the land and shall be binding upon and inure to the benefit of the fee simple title holder of the properties owned by the Parties, and their respective heirs, personal representatives, transferees, successors or assigns. This Termination is hereby ratified and confirmed and shall remain in full force and effect.

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IN WITNESS WHEREOF, this Termination has been executed this ____ day of _____, 2024.

Signed in the presence of:

MAIN STREET AT TUTTLE ROYALE,
LLC
a Delaware limited liability company

Witness Print Name: _____
Witness Address: _____

By: NEM, LLC, a Florida limited liability
company, its Manager

Witness Print Name: _____
Witness Address: _____

By: _____
Michael Tuttle, Manager

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2024 by Michael Tuttle, Manager of NEM, LLC, a Florida limited liability company, Manager of MAIN STREET AT TUTTLE ROYALE, LLC, a limited liability company, who is personally known or have produced driver licenses as identification.

Notary Public Print Name: _____
My Commission Expires: _____

VILLAGE OF ROYAL PALM BEACH,
a Florida municipal corporation

Witness Print Name: _____

Witness Address: _____

By: _____
Raymond Liggins, Village Manager

Witness Print Name: _____

Witness Address: _____

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 2024 by Raymond Liggins, Village Manager, VILLAGE OF ROYAL PALM BEACH. a Florida municipal corporation, who is personally known or have produced driver licenses as identification.

Notary Public Print Name: _____
My Commission Expires: _____

This instrument is prepared by or under the supervision of (and after recording should be returned to):

Steven E. Wallace, Esq.
Steven E. Wallace, PL dba Wallace Law
2500 Quantum Lakes Drive #203
Boynton Beach, Florida 33426

TERMINATION OF TEMPORARY ACCESS EASEMENT AGREEMENT

THIS TERMINATION OF TEMPORARY ACCESS EASEMENT (this “Termination”) is made as of the ____ day of _____, 2024, by and among EDX ROYALE PROPERTY, LLC, a Florida limited liability company (“EDX”), TUTTLE ROYALE PROPERTY OWNERS ASSOCIATION, INC., a Florida Not for Profit corporation (“POA”), TUTTLE ROYALE APARTMENTS LLC, a Florida Limited liability company (“TRA”), and VILLAGE OF ROYAL PALM BEACH, a Florida Municipal Corporation (“Village”), (collectively referred to as the “Parties”).

W I T N E S S E T H:

WHEREAS, a Temporary Access Easement Agreement dated November 18, 2020 (“Easement”) between the Parties was recorded in Official Records Book 31933, Page 1247 and recorded at Book 32107, Page 0109 of the Public Records of Palm Beach County, Florida which created the Easement for pedestrian and vehicular access over EDX, POA, and TRA’s property, as successors in interest to TLH-20 Hughes, LLC, as further described in the Easement.

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties do hereby agree as follows:

1. Recitations. The foregoing recitations are true and correct and are incorporated herein by this reference.
2. Termination of Temporary Access Easement. Pursuant to Section 3 of the Easement, the Parties hereby abandon, terminate, release and relinquish all easements and other rights created or reserved by virtue of the Easement.
3. Binding Effect. The covenants contained in this Termination are not personal but run with the land and shall be binding upon and inure to the benefit of the fee simple title holder of the properties owned by the Entities, and their respective heirs, personal representatives, transferees, successors or assigns. This Termination is hereby ratified and confirmed and shall remain in full force and effect.

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IN WITNESS WHEREOF, this Termination has been executed this ____ day of _____, 2024.

Witness Print Name: _____
Witness Address: _____

TUTTLE ROYALE APARTMENTS LLC,
a Florida limited liability company

By: NEM, LLC, a Florida limited liability
company, its manager

Witness Print Name: _____
Witness Address: _____

By: _____
Michael Tuttle, Manager

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2024 by Michael Tuttle, Manager of NEM, LLC, a Florida limited liability company, Manager of TUTTLE ROYALE APARTMENTS LLC, a Florida limited liability company, who is personally known or have produced driver licenses as identification.

Notary Public Print Name: _____
My Commission Expires: _____

TUTTLE ROYALE PROPERTY OWNERS
ASSOCIATION, INC.,
a Florida not for profit company

Witness Print Name: _____
Witness Address: _____

By: Michael Tuttle,

By: _____
Michael Tuttle, President

Witness Print Name: _____
Witness Address: _____

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 2024 by _____, by Michael Tuttle, President of TUTTLE ROYALE PROPERTY OWNERS ASSOCIATION, INC., a Florida Not for profit corporation, who is personally known or have produced driver licenses as identification.

Notary Public Print Name: _____
My Commission Expires: _____

Witness Print Name: _____
Witness Address: _____

EDX ROYALE PROPERTY, LLC,
a Florida limited liability company

By: INDEX MANAGEMENT SERVICES,
LLC, a Florida limited liability company, its
manager

Witness Print Name: _____
Witness Address: _____

By: _____
Bjarne Borg, Manager

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2024 by Bjarne Borg, Manager of INDEX MANAGEMENT SERVICES, LLC, a Florida limited liability company, Manager of EDX ROYALE PROPERTY, LLC, a Florida limited liability company, who is personally known or have produced driver licenses as identification.

Notary Public Print Name: _____
My Commission Expires: _____

VILLAGE OF ROYAL PALM BEACH,
a Florida municipal corporation

Witness Print Name: _____
Witness Address: _____

By: _____
Raymond Liggins, Village Manager

Witness Print Name: _____
Witness Address: _____

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 2024 by Raymond Liggins, Village Manager of The Village of Royal Palm Beach, a Florida Municipal corporation, who is personally known or have produced driver licenses as identification.

Notary Public Print Name: _____
My Commission Expires: _____