

Agenda Item # R - 3

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 19-037, AND APPROVAL OF RESOLUTION 20-05 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING TO ABANDON A TWENTY-FIVE (25) FOOT MAINTENANCE EASEMENT LOCATED ON TRACT C-1 OF THE WATERWAY PLAZA PLAT NO. 2. BY: ANDRADE ASSOCIATES LIMITED PARTNERSHIP.

Issue:

The Applicant is requesting that the Village Council abandon a twenty-five (25) foot maintenance easement located on Tract C-1 of the Waterway Plaza Plat No. 2. The easement was used for canal and lake maintenance but there is no longer a public purpose for the full 25 foot easement.

The Village still will have access to the water body adjacent to Tract C-1 pursuant to an easement recorded by the property owner of Tract C-1 at Official Records Book 31227, Page 1285 of the Public Records of Palm Beach County, Florida.

It further should be noted that all other lake and canal maintenance easements depicted on the Waterway Plaza Plat No. 2 shall remain in full force and effect unless abandoned and released by the Village Council through separate recorded instrument.

Recommended Action:

Staff is recommending approval of Application 19-037 and Resolution 20-05.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-19-20	Action

Record & Return To:
Village Clerk Diane DiSanto
Village of Royal Palm Beach
1050 Royal Palm Beach Boulevard
Royal Palm Beach, Florida 33411

RESOLUTION NO. 20-05

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, ABANDONING AND RELEASING THE TWENTY-FIVE (25) FOOT MAINTENANCE EASEMENT LYING WITHIN TRACT C-1 OF THE WATERWAY PLAZA PLAT NO. 2 RECORDED AT PLAT BOOK 71, PAGE 82 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 twenty-five (25) maintenance easement that was dedicated to the general public as depicted on and lying within Tract C-1 of the “Waterway Plaza Plat No. 2,” recorded in Plat Book 81, Page 82 in the Public Records of Palm Beach County, Florida; and

WHEREAS, the fee simple owner of Tract C-1 has requested that the Village abandon and release its interests in said maintenance easement, as more fully described on Exhibit “A”, which is attached hereto and incorporated herein; and

WHEREAS, the Village Council hereby finds that the maintenance easement is no longer needed by the Village for its public purposes, and that the Village and the general public’s interest will instead be served by that Easement dated February 13, 2020, and recorded at Official Records Book 31227, Page 1285 of the Public Records in and for Palm Beach County, Florida; and

WHEREAS, the Village Council hereby finds that the abandonment and release of the maintenance easement 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 general public’s interest in the 25-foot maintenance easement lying within Tract C-1 is hereby abandoned and released. All other maintenance easements of record lying within the Waterway Plaza Plat No. 2 shall remain in full force and effect unless released and abandoned by the Village Council of the Village of Royal Palm Beach, Florida, through separate recorded instrument.

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 19th day of March, 2020.

VILLAGE OF ROYAL PALM BEACH

FRED PINTO, MAYOR

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

RESOLUTION NO. 20-05

**EXHIBIT A
EASEMENT ABANDONMENT
LEGAL DESCRIPTION**

ALL THAT PART OF THE PLATTED 25 FOOT MAINTENANCE EASEMENT LYING WITHIN TRACT "C-1", WATERWAY PLAZA PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 71, PAGE 82, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.