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RESOLUTION NO. R2021-14

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, TO ABANDON THE ROAD RESERVATION AND ALL RIGHTS OF THE VILLAGE OF WELLINGTON FOR THE 25-FOOT WIDE ROAD RESERVATION EASEMENT LYING NORTH OF TRACTS 13, 14, AND 15 AND, AND LYING WEST OF TRACT 10 OF BLOCK 18, AS DEDICATED ON PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Council, as the governing body, pursuant to the authority vested in Chapter 54, Code of Ordinances, known as the Wellington Right-of-Way Abandonment Ordinance, has received a petition for the abandonment of the 25-foot wide road reservation easement as dedicated on the Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, Page 45, Public Records, Palm Beach County, Florida, described and depicted on the Sketch and Description attached as Exhibit A; and

WHEREAS, Palm Beach Farms Company, owner in fee simple of the lands situated in Palm Beach County, Florida, subdivided lands into 96 blocks and provided a 25-foot wide strips of land between blocks, tracts, or adjoining outer boundaries for public road and ditch purpose as dedicated on Palm Beach Farms Company Plat No. 3 recorded April 24, 1912; and

WHEREAS, the Lake Worth Drainage District (LWDD) retains, in fee simple ownership, a strip of land known as L-7W Canal right-of-way (ORB 10930 Page 1295), which is within a portion of the 25-foot wide road reservation easement, as dedicated on Palm Beach Farms Company Plat No. 3. LWDD provided authorization on September 15, 2020 to the applicant (Lotis Wellington LLC) to act on behalf of LWDD for the purpose of this abandonment request; and

WHEREAS, the abandonment petition was submitted by James S. Giolda, of JKM Developers, LLC, agent, on behalf of the property owners, Lotis Wellington LLC and LWDD; and

WHEREAS, said petition complies with the terms and conditions of the abandonment process set forth in Chapter 54, Code of Ordinances.

NOW THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL,
that:

SECTION 1: The foregoing recitals are hereby affirmed and ratified.

SECTION 2: The 25-foot wide road reservation easement for public purpose lying north of Tracts 13, 14, and 15, and lying west of Tract 10 of Block 18, as dedicated on Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, Page 45, Public Records, Palm Beach County, Florida, is hereby abandoned, and closed. Wellington's Council hereby renounces and disclaims any right or interest of Wellington and the public, in the easement, as illustrated on the Sketch and Description (Exhibit A).

49 **SECTION 3:** Notice of Intent to abandon the road reservation and any rights or
50 interests was published prior to the Council meeting and a Notice of the Adoption shall be
51 published in the Palm Beach Post within thirty days of the date of adoption of this resolution,
52 in accordance with Chapter 54, Code of Ordinances.
53

54 **SECTION 4:** A certified copy of this resolution shall be recorded in the public records,
55 in accordance with Chapter 54, Code of Ordinances.
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57 **SECTION 5:** The provisions of this resolution shall become effective immediately
58 upon adoption.
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60 **SECTION 6:** The Council's determination of whether to approve the petition, being a
61 legislative determination, is final and binding and is not subject to appeal or judicial review.
62

63 **PASSED AND ADOPTED THIS _____ day of _____, 2021**
64

65
66 **ATTEST:**

WELLINGTON, FLORIDA

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69 BY: _____ BY: _____
70 Chevelle D. Addie, Clerk Anne Gerwig, Mayor
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73 **APPROVED AS TO FORM AND**
74 **LEGAL SUFFICIENCY**
75

76
77 BY: _____
78 Laurie Cohen, Village Attorney