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RESOLUTION NO. R2016-80

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, VACATING A PORTION OF THE FIVE (5) FOOT WIDE LIMITED ACCESS EASEMENT, APPROXIMATELY 400 SQUARE FEET, LOCATED ON THE NORTH BOUNDARY OF PARCEL "A" OF TONKAWA FARMS (4150 SOUTH ROAD); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington's 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 vacation / abandonment of a portion of the five (5) foot wide Limited Access Easement, approximately 400 square feet, located on the north boundary of Parcel "A" of Tonkawa Farms, hereinafter described as the "easement," and depicted on the Sketch of Description attached hereto as Exhibit 1; and

WHEREAS, the petition to vacate the said easement was submitted by Jon Schmidt, Jon E Schmidt & Associates, Inc., agent, on behalf of South Road Wellington, LLP, owners; and

WHEREAS, said petition substantially complies with the terms and conditions of the vacation as 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: A portion of the five (5) foot wide Limited Access Easement, approximately 400 square feet, on the north boundary of Parcel "A" of Tonkawa Farms as recorded in Plat Book 116 on Pages 69-70 of the Public Records of Palm Beach County, Florida, is hereby vacated and closed, and the Council does hereby renounce and disclaim any right or interest of Wellington and the Public, in the portion of the easement illustrated on the Sketch of Description attached hereto as Exhibit 1; and made part hereof.

Section 3: Notice of the adoption of this Resolution shall be published once in the Palm Beach Post within thirty (30) days of the date of adoption of this Resolution in accordance with Chapter 54, Code of Ordinances.

Section 4: A certified copy of this Resolution shall be recorded in the public records in accordance with Chapter 54, Code of Ordinances.

Section 5: The provisions of this Resolution shall become effective immediately upon adoption.

Section 6: The Council's determination of whether to approve the petition, being a legislative determination, is final and binding and is not subject to appeal or judicial review.

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PASSED AND ADOPTED THIS 13TH day of December, 2016.

ATTEST:

WELLINGTON, FLORIDA

BY: _____
Rachel Callovi, Clerk

BY: _____
Ann Gerwig, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney

Exhibit 1
Legal Description and Sketch of Easement to be Abandoned

1

**DESCRIPTION SKETCH FOR:
TONKAWA FARMS**

LEGAL DESCRIPTION:

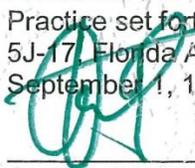
The North 5 feet of the West 80 feet of the East 130 feet of Parcel "A", according to the Plat of **TONKAWA FARMS**, as recorded in Plat Book 116, Page 69, Public Records of Palm Beach County, Florida.

NOTES:

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation**.
4. This is not a survey!

CERTIFICATION:

I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.



Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

11-1147.23



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 09/22/16

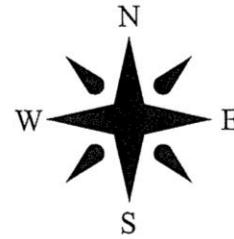
DWG. No.: 11-1147-8

OFFICE: M.B.

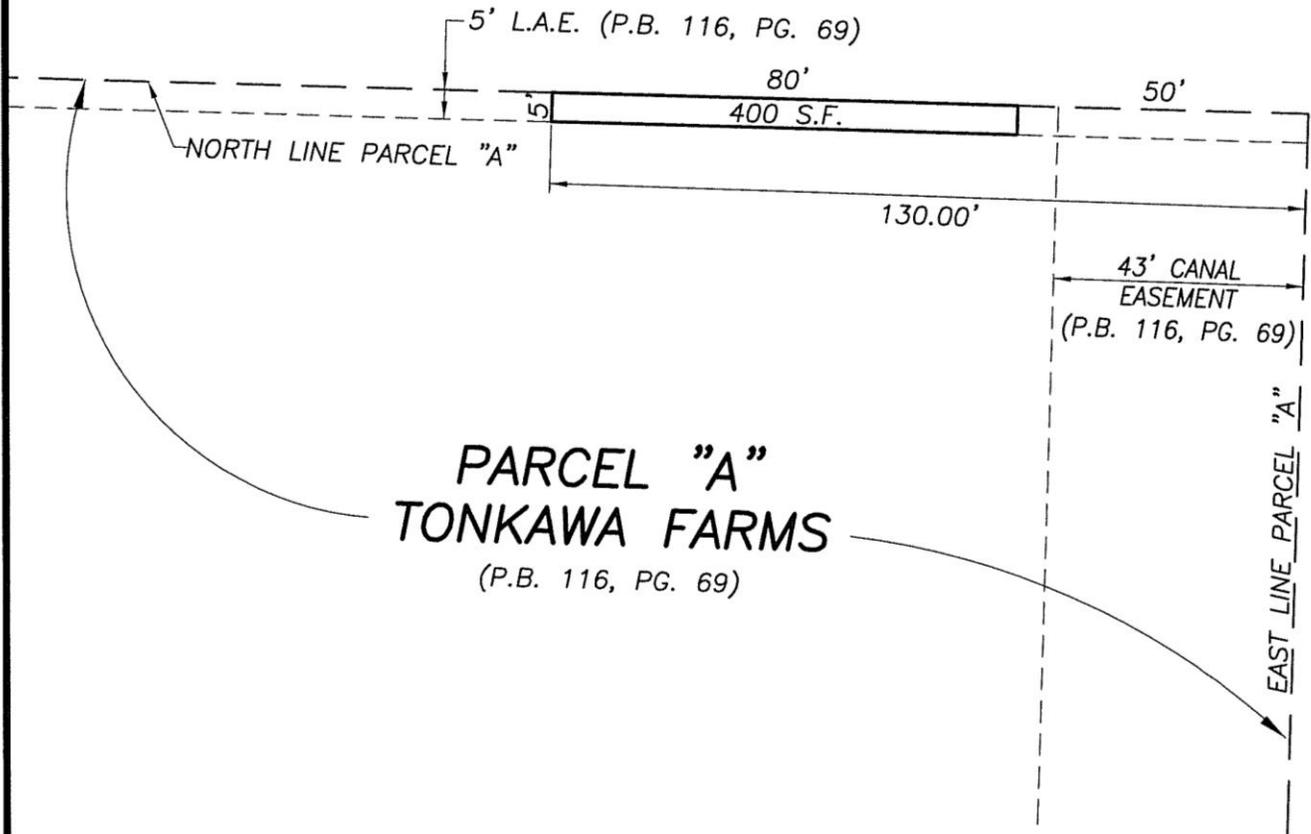
SHEET: 1 OF 2

C'K'D.: C.W.

REF.: 11-1147-8.DWG

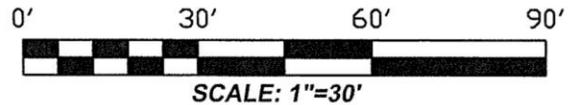


C-24 CANAL & 40th ST. SOUTH



LEGEND

- L.A.E. = LIMITED ACCESS EASEMENT
- P.B. = PLAT BOOK
- P.G. = PAGE
- S.F. = SQUARE FEET



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 09/22/16

DWG. No.: 11-1147-8

OFFICE: M.B.

SHEET: 2 OF 2

C'K'D.: C.W.

REF.: 11-1147-8.DWG