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RESOLUTION NO. AC2023-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT APPROVING EASEMENT AGREEMENT BETWEEN ACME IMPROVEMENT DISTRICT AND FAR NIENTE STABLES I, LLC AND WELLINGTON CYPRESS GOLF, LLC TO GRANT A NON-EXCLUSIVE, PERPETUAL EASEMENT ON, AND OVER, THAT CERTAIN PORTION OF C-6 CANAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Far Niente Stables I, LLC is the owner of the certain parcel of real estate more particularly described on Exhibit A-1 of the Easement Agreement and Wellington Cypress Golf LLC is the owner of certain parcels of real estate more particularly described on Exhibit A-2 of the Easement Agreement (collectively, "Grantee Lands"); and

WHEREAS, ACME Improvement District ("Grantor") is fee simple owner of that certain canal commonly known as the C-6 Canal (Exhibit A – Location Map); and

WHEREAS, the Grantor has agreed to grant to Far Niente Stables I, LLC and Wellington Cypress Golf, LLC (collectively, "Grantees") an easement on, and over, that certain portion of the Canal, as legally described in Exhibit B – Canal Access Easement).

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

SECTION 1. Grantor hereby grants to Grantee and all subsequent owners of the Grantee Lands a non-exclusive, perpetual easement over the Canal Access Easement, appurtenant to and for the benefit of the Grantee Lands, for the purpose of permitting Grantee to install, construct and maintain a multi modal path (including bicycle, pedestrian, golf carts and maintenance equipment) and permitting Grantee and all subsequent owners of the Grantee Lands to use the Canal Access Easement for multi modal access for the Grantee Lands, which may now or hereafter be developed on the Grantee Lands.

SECTION 2. Grantee hereby acknowledges that the Canal Access Easement granted herein is non-exclusive and Grantee's use of the Canal Access Easement shall be in common with Grantor's continuing operation and use of the Canal.

SECTION 3. Grantee shall be entitled to construct a multi modal path, including installation of related drainage facilities, landscaping and utilities and certain improvements over the Canal Access Easement. Grantee shall repair and maintain in perpetuity, at its sole cost and expense, any such improvements within the Canal Access Easement.

SECTION 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of June, 2023.

ATTEST:

ACME IMPROVEMENT DISTRICT

By: _____
Chevelle D. Addie, Clerk

By: _____
Anne Gerwig, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Laurie S. Cohen, Board Attorney