

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AERIAL PEDESTRIAN BRIDGE EASEMENT TO KJWPB1, LLC, ACROSS EUCALYPTUS STREET IN THE AREA BETWEEN 840 N. DIXIE HIGHWAY AND 740 N. DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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WHEREAS, the City Commission of the City of West Palm Beach, Florida, is the governing body of the City and has plenary jurisdiction over certain road right-of-ways, including Eucalyptus Street (the “City Right-of-Way”) over which the pedestrian bridge that will be constructed between 840 N. Dixie Hwy., and 740 N. Dixie Hwy., in West Palm Beach, Florida is located (the “City Property”); and

WHEREAS, KJWPBI, LLC, a Delaware limited liability company (“KJWPB1”, owns certain properties located at 840 N. Dixie Hwy., and 740 N. Dixie Hwy., in West Palm Beach Florida, which KJWPB1 is developing for residential use (the “Residential Buildings”); and

WHEREAS, KJWPB1 desires to construct an aerial pedestrian bridge over the City Right-of-Way to connect and provide pedestrian access between the Residential Buildings which are currently under construction (the “Aerial Pedestrian Bridge Facility”); and

WHEREAS, in order to facilitate KJWPB1’s construction of the Aerial Pedestrian Bridge Facility it is necessary for KJWPB1 to obtain from the City an easement over portions of the City’s Right-of-Way; and

WHEREAS, pursuant to Section 22-31(27) of the Code of Ordinances, the granting of an interest in City property shall be approved by ordinance and such ordinance shall be approved by a super majority (4/5) vote of the City Commission at either First or Second Reading.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:**

**SECTION 1:** The City Commission finds that the grant of an aerial easement across City Right-of Way for construction and installation of the Aerial Pedestrian Bridge Facility will reduce pedestrian traffic congestion in the area and is therefore in the best interest of the general public and serves a public purpose.

**SECTION 2:** The City Commission hereby approves the granting of an aerial easement over a 14.35 foot wide strip of land crossing the 45 foot wide Eucalyptus Street right-of-way (formerly known as 6<sup>th</sup> Street) for an aerial easement in the airspace above, with upper limits to be at elevation 50 feet more or less, and the lower limits to be at elevation of 31.17 feet, for the purpose of providing pedestrian access between the Residential Buildings.

**SECTION 3:** The City Commission hereby approves the Aerial Pedestrian Easement Agreement in form and substance similar to that attached as **Exhibit A** (the “Easement”).

**ORDINANCE NO. 5076-23**

**SECTION 4:** Upon execution of the Easement by KJWPB1, the Mayor is authorized to execute the Easement. The signed Easement shall be forwarded to Florence Harewood-Guerrier, Sr. Asst. City Attorney, for forwarding to KJWPB1. KJWPB1 shall be responsible for recording the Easement in the Public Records of Palm Beach County and providing the City will a copy of the recorded Easement.

**SECTION 5:** Section 22-31(27) of the City of West Palm Beach Code of Ordinances requires that this Ordinance be approved by 4/5ths of the Commission at either First or Second Reading.


**SECTION 6:** This Ordinance shall take effect 31 days after Second Reading and shall be subject to the initiative process set forth in the City Charter (the "Effective Date").

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**FIRST READING THIS 13TH DAY OF NOVEMBER, 2023.  
SECOND READING AND PASSAGE THIS 27TH DAY OF NOVEMBER, 2023.**




**ATTEST:**

X   
CITY CLERK  
Signed by: Shaquita Lasheae Edwards

**CITY OF WEST PALM BEACH BY  
ITS CITY COMMISSION:**

X   
PRESIDING OFFICER  
Signed by: Keith A. James

**APPROVED AS TO FORM AND  
LEGALITY:**

11/21/2023  
X   
CITY ATTORNEY  
Signed by: Florence Delorris Harewood-Guerrier

# AERIAL PEDESTRIAN BRIDGE EASEMENT FOR NORTH OLIVE PLACE

## EXHIBIT 'A'

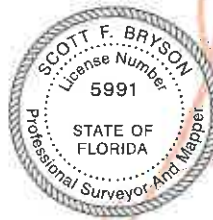
### SURVEYOR'S NOTES:

1. THIS SKETCH AND DESCRIPTION IS NOT A SURVEY.
2. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SKETCH THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY KESHAVARZ & ASSOCIATES, INC.
3. THE DESCRIPTION AND SKETCH OF DESCRIPTION WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PORTIONS OF CHAPTER 5J-17 MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
4. THE DESCRIPTION TEXT AND THE SKETCH OF DESCRIPTION COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. BEARINGS AND STATE PLANE COORDINATES SHOWN HEREON ARE REFERENCED TO GRID NORTH, BASED ON THE 1990 ADJUSTMENT OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83/90) OF THE FLORIDA STATE PLANE COORDINATE SYSTEM (TRAVERSE MERCATOR PROJECTION), EAST ZONE, WITH THE NORTH RIGHT-OF-WAY LINE OF EUCALYPTUS STREET HAVING A BEARING OF N 89°49'36" W AND ALL OTHER BEARINGS SHOWN HEREON ARE RELATED THERETO.
5. ELEVATIONS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29) AND ARE REFERENCED TO PALM BEACH COUNTY BENCHMARK 'NORMANDY' WITH AN ELEVATION OF 14.66 (NGVD29) AS PROVIDED BY THE CITY OF WEST PALM BEACH SURVEY DIVISION. THE ELEVATION WAS CONFIRMED BY RUNNING A CLOSED BENCHLOOP TO AND FROM A KESHAVARZ & ASSOCIATES BENCHMARK ESTABLISHED ON THE NORTH RIM OF THE NORTHERN MOST STORM MANHOLE AT THE INTERSECTION OF BANYAN & NARCISSUS. THE ELEVATION OF THE SAID STORM MANHOLE IS 9.86 (NGVD) AS ESTABLISHED FROM A CLOSED BENCH LOOP FROM A N.G.S. BRASS DISK STAMPED '2621 A' HAVING AN ELEVATION OF 4.74 (NGVD) AS PUBLISHED AT THE FOLLOWING LINK FOR NOAA: [http://tidesandcurrents.noaa.gov/data\\_menu.shtml?stn=87222607](http://tidesandcurrents.noaa.gov/data_menu.shtml?stn=87222607) PALM BEACH, FL&type=Bench Mark Data Sheets
5. THIS LEGAL DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY KESHAVARZ & ASSOCIATES, INC.
6. DATE OF LEGAL DESCRIPTION: NOVEMBER 01, 2021

KESHAVARZ & ASSOCIATES, INC.

*Scott F. Bryson*

SCOTT F. BRYSON  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE No.: 5991



Digitally signed by Scott F Bryson  
DN: c=US,  
o=KESHAVARZ AND ASSOCIATES,  
dnQualifier=A01410C00  
00017D765B3F1A00002  
11D, cn=Scott F Bryson  
Date: 2022.05.02  
09:06:34 -04'00'

### LEGEND OF ABBREVIATIONS AND SYMBOLS

C/L = CENTERLINE	R/W = RIGHT-OF-WAY	x00.00 T.C. = TOP OF CURB ELEVATION
LB = LICENSED BUSINESS	UE = UTILITY EASEMENT	
LS = LICENSED SURVEYOR	LAE = LIMITED ACCESS EASEMENT	
ORB = OFFICIAL RECORD BOOK	Δ = DELTA ANGLE	x00.00 C/L = CENTERLINE OF ROAD CROWN ELEVATION
PB = PLAT BOOK	R = RADIUS	
PG = PAGE	L = ARC LENGTH	
POB = POINT OF BEGINNING	C = CHORD LENGTH	
POC = POINT OF COMMENCEMENT	CB = CHORD BEARING	
POT = POINT OF TERMINUS		

**DESCRIPTION & SKETCH PREPARED FOR:**  
**WPB-RESLAND INTERESTS, LP**

**AERIAL PEDESTRIAN BRIDGE EASEMENT**

DRAWN: SFB	DATE: 11/01/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 18-1252	DWG No: A18-1252
APPROVED: SFB	18-1252	SHEET No: 1 OF 4



**KESHAVARZ & ASSOCIATES**

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

Tel: (561) 689-8000 Fax: (561) 689-7176

# AERIAL PEDESTRIAN BRIDGE EASEMENT FOR NORTH OLIVE PLACE

## EXHIBIT 'A'

**LEGAL DESCRIPTION:**

A PORTION OF AIR SPACE LYING ABOVE THE FOLLOWING DESCRIBED SURFACE PARCEL (ELEVATIONS SHOWN HEREON AND REFERENCED HEREIN ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29):

THE SAID SURFACE PARCEL BEING A 14.25 FOOT WIDE STRIP OF LAND LYING IN SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST AND ALSO BEING A PORTION OF THE 45.00 FOOT WIDE RIGHT-OF-WAY FOR EUCALYPTUS STREET (FORMERLY KNOWN AS SIXTH AVENUE) AS SHOWN ON THE AMENDED PLAT OF EUCALYPTUS PARK RECORDED IN PLAT BOOK 6, PAGE 44, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE POINT OF INTERSECTION FOR THE CENTERLINES OF OLIVE AVENUE AND EUCALYPTUS STREET AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP SECTION 93020-MAINT.(2), THE SAID POINT OF COMMENCEMENT HAVING A FLORIDA DEPARTMENT OF TRANSPORTATION BASELINE STATION OF 207+63.94 AND A STATE PLANE COORDINATE VALUE OF N: 868507.72, E: 965705.29; THENCE NORTH 01°26'10" EAST, ALONG THE CENTERLINE OF OLIVE AVENUE AS SHOWN ON THE SAID FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP, A DISTANCE OF 22.50 FEET TO A POINT ON THE EASTERLY PROJECTION OF THE NORTH RIGHT-OF-WAY LINE FOR THE SAID EUCALYPTUS STREET; THENCE NORTH 88°49'36" WEST, DEPARTING THE SAID CENTERLINE AND ALONG THE SAID EASTERLY PROJECTION OF THE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF LOT 19, BLOCK 1 OF THE SAID PLAT, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE FOR THE SAID OLIVE AVENUE AND THE NORTH RIGHT-OF-WAY LINE FOR THE SAID EUCALYPTUS STREET AND HAS A STATE PLANE COORDINATE VALUE OF N: 868537.02, E: 965373.58; THENCE CONTINUE NORTH 88°49'36" WEST, ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 374.10 FEET TO A POINT HAVING A STATE PLANE COORDINATE VALUE OF N: 868538.49, E: 965301.83, SAID POINT ALSO BEING THE POINT OF BEGINNING FOR THE AFOREMENTIONED 14.25 FOOT WIDE STRIP OF LAND;

THENCE CONTINUE NORTH 88°49'36" WEST, ALONG THE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 14.25 FEET TO A POINT HAVING A STATE PLANE COORDINATE VALUE OF N: 868538.78, E: 965287.59; THENCE SOUTH 01°10'24" WEST, DEPARTING THE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 45.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE FOR THE SAID EUCALYPTUS STREET, THE SAID POINT HAS A STATE PLANE COORDINATE VALUE OF N: 868493.79, E: 965286.67; THENCE SOUTH 88°49'36" EAST, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 14.25 FEET TO A POINT HAVING A STATE PLANE COORDINATE VALUE OF N: 868493.50, E: 965300.91; THENCE NORTH 01°10'24" EAST, DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING;

THE SAID AERIAL EASEMENT UPPER LIMITS TO BE AT ELEVATION 50.00 FEET (NGVD29), MORE OR LESS, AND THE LOWER LIMITS TO BE AT ELEVATION 31.17 FEET (NGVD29).

P:\18-1252 Lofin Place Phase 2\KA DWG\XSV-181252 Aeri Rights-Bridge Xing Ease\_Rev20211101.dwg Tuesday, November 02, 2021 12:34:23 PM



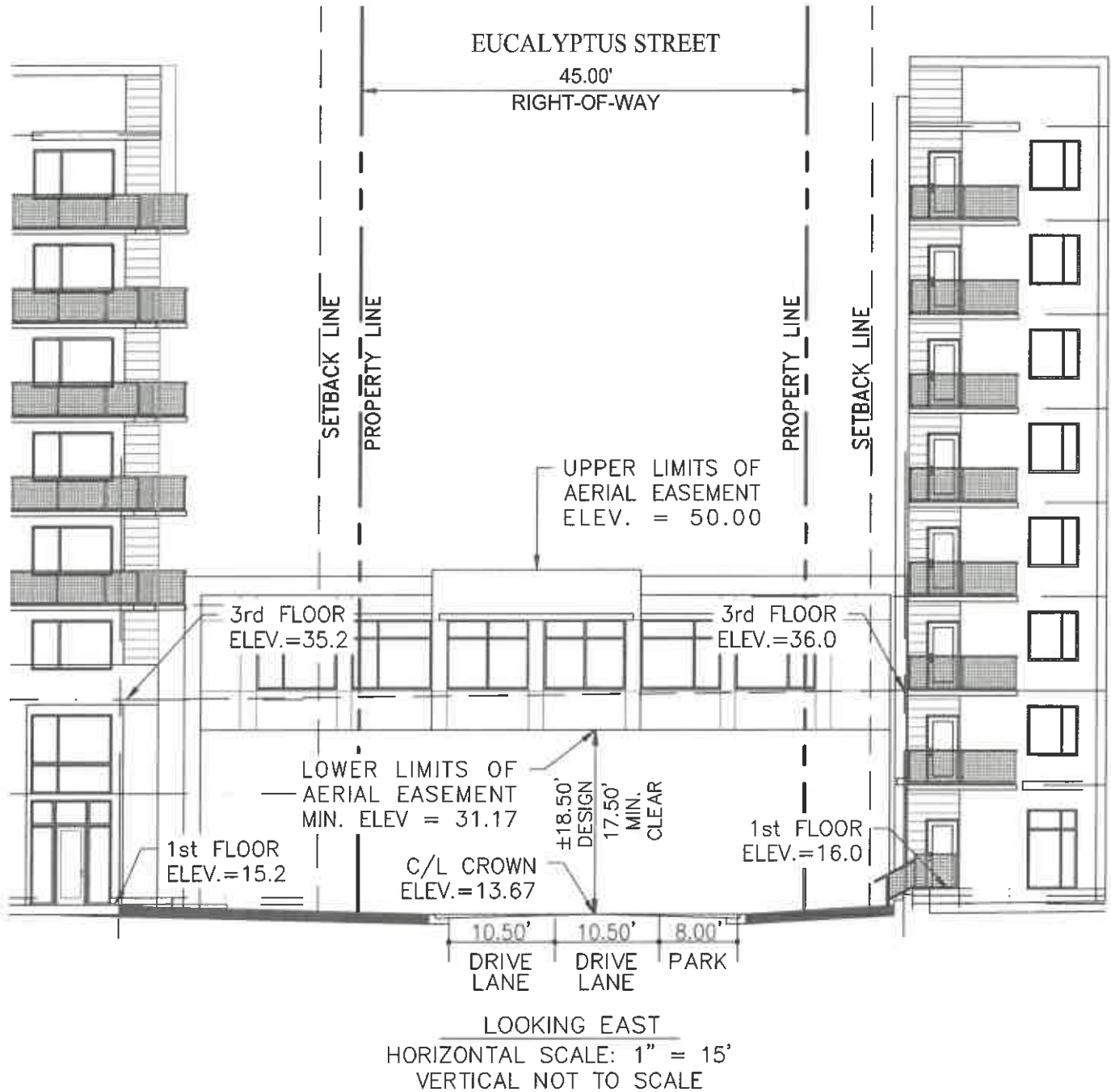
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<b>DESCRIPTION &amp; SKETCH PREPARED FOR:</b>		
<b>WPB-RESLAND INTERESTS, LP</b>		
<b>AERIAL PEDESTRIAN BRIDGE EASEMENT</b>		
<b>DRAWN:</b> SFB	<b>DATE:</b> 11/01/21	<b>SCALE:</b> N/A
<b>CHECKED:</b> SFB	<b>PROJECT No:</b> 18-1252	<b>DWG No:</b> A18-1252
<b>APPROVED:</b> SFB	<b>18-1252</b>	<b>SHEET No:</b> 2 OF 4



# AERIAL PEDESTRIAN BRIDGE EASEMENT FOR NORTH OLIVE PLACE

EXHIBIT 'A' - VERTICAL



P:\18-1252 Loftin Place Phase 2\KA DWG\SV-181252 Aeri Rights-Bridge Xing Ease\_Rev20211101.dwg Tuesday, November 02, 2021 12:34:36 PM



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<b>DESCRIPTION &amp; SKETCH PREPARED FOR:</b> WPB-RESLAND INTERESTS, LP		
<b>AERIAL PEDESTRIAN BRIDGE EASEMENT</b>		
<b>DRAWN:</b> SFB	<b>DATE:</b> 11/01/21	<b>SCALE:</b> 1" = 10'
<b>CHECKED:</b> SFB	<b>PROJECT No:</b> 18-1252	<b>DWG No:</b> A18-1252
<b>APPROVED:</b> SFB	<b>18-1252</b>	<b>SHEET No:</b> 4 OF 4