

RESOLUTION NO. 01-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF THE RIGHT OF PUBLIC ACCESS TO ESTUARY WAY, OLD PALM LANE, EASTVIEW AVENUE, AND OPEN SPACE TRACTS OS 3, OS 4, OS 5, OS 10, OS 12, AND OS 13 AS RECORDED ON THE PLAT OF OLD PALM GROVE IN PLAT BOOK 99, PAGES 63 THROUGH 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Old Palm Grove Homeowners Association, Inc. (“Owner”), is the owner of several parcels of land located along Old Palm Lane, Eastview Avenue, and Estuary Way (“Property”); and

WHEREAS, Owner designated Andrea M. Keiser, Esq., Keiser Legal, PLLC (“Agent”), to act as its agent for the Property; and

WHEREAS, the plat of Old Palm Grove recorded in Plat Book 99, Pages 63 through 67 of the Public Records of Palm Beach County, Florida, dedicated in perpetuity the right of the public to access and utilize Estuary Way, Old Palm Lane, and Eastview Avenue for vehicular and pedestrian ingress and egress and dedicated in perpetuity Open Space Tracts OS 3, OS 4, OS 5, OS 10, OS 12, and OS 13 for pedestrian ingress and egress (collectively referred to as “Rights-of-Way”), as more particularly depicted in Exhibit “A”; and

WHEREAS, the City of Delray Beach, Florida (“City”) received an application (2023-168-ABE-CCA) from the Agent for the abandonment of the Rights-of-Way (the “Application”); and

WHEREAS, pursuant to Section 2.4.9(B)(4) of the Land Development Regulations (“LDR”), the application with the recommendation of the City Engineer shall be forwarded for review at an advertised public hearing before the Planning and Zoning Board and the recommendation of the Planning and Zoning Board shall be forwarded to the City Commission; and

WHEREAS, the City Engineer recommended denial of the abandonment request as inconsistent with the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Board reviewed the request at a public hearing on August 25, 2025, and, as a result of a tie vote, did not recommend either approval or denial of the request; and

WHEREAS, LDR Section 2.4.9(B)(6) requires the City Commission to make the following findings prior to granting an abandonment of right-of-way:

- (a) That there is not, nor will there be, a need for the use of the right-of-way for any public purpose.
- (b) That the abandonment does not, nor will not, prevent access to a lot of record.
- (c) That the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area; and

WHEREAS, the City Commission reviewed the Application to abandon the right of the public to access and utilize Estuary Way, Old Palm Lane, and Eastview Avenue for vehicular and pedestrian ingress and egress and the right of the public to access Open Space Tracts OS 3, OS 4, OS 5, OS 10, OS 12, and OS 13 for pedestrian ingress and egress and has considered the required findings set in the Land Development Regulations and the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes findings that there is not, nor will there be, a need for the use of the Rights-of-Way for any public purpose, that the abandonment does not, nor will not, prevent access to a lot of record, and that the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area.

Section 3. The City Commission hereby approves the abandonment of the right of the public to access and utilize Estuary Way, Old Palm Lane, and Eastview Avenue for vehicular and pedestrian ingress and egress, and the right of the public to access Open Space Tracts OS 3, OS 4, OS 5, OS 10, OS 12, and OS 13 for pedestrian ingress, as more particularly described in Exhibit "A".

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

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Andrea M. Keiser, Esq., Keiser Legal, PLLC, 55 SE 2nd Avenue, Suite 102, Delray Beach, Florida 33444.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"

