



Cover Memorandum/Staff Report

File #: 19-524

Agenda Date: 5/21/2019

Item #: 7.D.

TO: Mayor and Commissioners
FROM: Timothy Stillings, Development Services Director
THROUGH: Neal de Jesus, Interim City Manager
DATE: May 21, 2019

RESOLUTION NO. 107-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE VACATION AND ABANDONMENT OF INTEREST OF PORTIONS OF FLADELL'S WAY (FORMERLY KNOWN AS AVENUE F), CONTAINING 0.283 ACRES, AND AVENUE G, CONTAINING 0.35 ACRES, ACCORDING TO THE DEL RATON PARK PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGES 9 AND 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING BETWEEN SOUTH FEDERAL HIGHWAY AND FREDERICK BOULEVARD.

Recommended Action:

Review and consider Resolution No. 107-19 vacating and abandoning the City's interest of portions of Avenue F, totaling 0.283 acres, and Avenue G, totaling 0.35 acres, Del Raton Park, Plat Book 14, Pages 9 and 10 of the public records of Palm Beach County, lying between South Federal Highway and Frederick Boulevard.

Background:

Avenues F and G were dedicated by the plat for Del Raton Park recorded in the Public Records of Palm Beach County in Plat Book 14, Pages 9 and 10. Avenue F lies between Blocks 23 and 24, and Avenue G lies between Block 24 and 25, of the Delray Raton Park subdivision. The requested abandonments are being sought to aggregate the abutting properties for the redevelopment of an automobile dealership (Greico Chevrolet).

On May 21, 2018, the Planning and Zoning Board recommended approval with 5-0 vote subject to conditions as shown in the attached staff report with one additional condition added. The condition stated that a temporary easement (for access) shall be provided over Avenue F until such time as the improvements to LaMat are completed

A Class V site plan was submitted concurrently with the abandonment request. On October 24, 2018, the Site Plan Review and Appearance Board approved the site plan, the landscape plan and the architectural elevations with a vote of 5-0. A Class III Site Plan modification was subsequently approved on April 10, 2019. Recommended conditions of approval from the Planning and Zoning Board were carried over to the Class V site plan to be implemented.

A final plat has been submitted. On April 15, 2019, the Planning and Zoning Board approved the Preliminary Plat and recommended approval for Final Certification of the Plat with a vote of 5-0. Should the Commission approve the abandonment application and, subsequently, the final plat, the

abandonment resolution will be recorded simultaneously with the plat.

The right-of-way abandonments for Avenue F and Avenue G are being processed pursuant to LDR Section 2.4.6(M), Abandonment of Rights-of-Way.

Pursuant to LDR Section 2.4.6(M)(1), public right-of-way may be abandoned (returned) to the fee description of the adjacent property to the same degree in which it was originally obtained (i.e. property dedicated exclusively from a single parcel shall be returned to that parcel; property dedicated through subdivision (plat) shall be divided at the center line and returned equally to the abutting parcels). The subject rights-of way were dedicated by the Del Raton Park Plat and will be returned equally to the abutting parcels. The abutting properties are owned by Grieco Motors, LLC, and if approved, are entitled to the abandoned area.

Pursuant to LDR Section 2.4.6(M)(5), prior to any right-of-way abandonment being approved, the following findings must be made:

- A) That there is not, nor will there be, a need for the use of the right-of-way for any public purpose (Policy A-6.3 of the Transportation Element).
- 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 utility services to adjacent properties or the general area.

As fully described in the attached staff report, a positive finding is made with respect to LDR Section 2.4.6(M)(5).

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Plat cannot be approved until abandonment request is approved.