



# CITY OF DELRAY BEACH

## DEPARTMENT OF PUBLIC WORKS

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TO: Alexis Rosenberg, Senior Planner

FROM: Patrick A. Figurella, P.E., City Engineer

ISSUE DATE: February 14, 2023

RE: Abandonment of Alley to the North of 907 -909 Witherspoon Lane  
TAC ID-1057

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Pursuant to Land Development Regulation (LDR) Section 2.4.6 (M) (3) (f) a recommendation of the City Engineer to the Planning and Zoning Board is required for abandonments of rights-of-way. The recommendation of the City Engineer is to approve the request for abandonment associated with the alleyway north of 907-909 Witherspoon Lane based on the following analysis:

1. Per LDR Section 4.4.13 (J) (1) (d): *Alleys provide an important tertiary support system. Alleys may be relocated provided access and service is maintained to all properties and the reconfigured alley maintains public access and has at least two separate access points for entry and exit within the same block. Alleys that are identified routes in the City's adopted bicycle and pedestrian master plan may not be relocated.* Because the western portion of this alley had been previously abandoned prior to the annexation into the city, if the abandonment of this section is approved, there will be no change in access to the properties to the east as there was no western access before.
2. Per the City's Comprehensive Plan, Always Delray, in the Mobility Element Policy MBL 2.6.1: *The City shall not abandon alley rights-of-way, and recognizes the important functions alleys provide by dispersing traffic, diversifying access points to properties, providing for multimodal access, and facilitating local trips.* Because the western portion of this alley had been previously abandoned prior to the annexation into the city, if the abandonment of this section is approved, there will be no change in access to the properties to the east as there was no western access before.
3. The City Commission is required per LDR Section 2.4.6 (M) (5) to make 3 positive findings to grant an abandonment. They are:
  - *That there is not, nor will there be, a need for the use of the right-of-way for any public purpose;* The proposed abandonment is consistent with the prior abandonment.
  - *That the abandonment does not, nor will not, prevent access to a lot of record;* The abandonment would not prevent access to a lot of record as all of the affected properties are adjacent to public road rights-of-way.
  - *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.* The provision of access for utility services will be required to be maintained in perpetuity in this area. The creation of utility easements over the abandonment area can satisfy this requirement.

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4. If the City Commission makes the three positive findings that are required to grant the abandonment request, conditions may be imposed upon the abandonment. Per LDR Section 2.4.6 (M) (4) (d): *Require replacement easements and/or relocation of existing utilities, as may be appropriate.* The City shall require the creation of Utility Easements over the abandoned area. Since the abandonment is adjacent to 3 separate properties easements will need to be created over all 3 properties by each individual property owner. The easement agreements should be prepared and reviewed prior to the abandonment. The easements must be recorded after the abandonment.

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