



CITY OF DELRAY BEACH

DEPARTMENT OF PUBLIC WORKS

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TO: Rolland Bogacz, Planner

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

ISSUE DATE: October 30, 2023

RE: Abandonment of road right-of-way between 1043 and 1103 Wallace Drive
TAC ID-1210

Pursuant to Land Development Regulation (LDR) Section 2.4.9 (B) (4) (d) 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 of roadway right-of-way between Royal Palm Drive and SW 11th Street between 1043 Wallace Drive and 1103 Wallace Drive based on the following analysis:

1. The City Commission is required per LDR Section 2.4.9 (B) (6) 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 Wallace Drive Redevelopment Plan which calls for the abandonment of the subject right-of-way.
 - *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 the affected property is adjacent to public road rights-of-way on two sides.
 - *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.
2. 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 2.4.9 (B) (5) (d): *Require replacement easements and/or relocation of existing utilities, as may be appropriate.* The City shall require the creation of Utility Easement over the abandoned area. The easement agreements should be prepared and reviewed prior to the abandonment. The easements must be recorded after the abandonment.

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