

RESOLUTION NO. 142-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ABANDONING A UTILITY EASEMENT LOCATED AT 170 SHERWOOD BOULEVARD, TOTALING APPROXIMATELY THREE THOUSAND SEVEN HUNDRED AND TWENTY-TWO SQUARE FEET (3,722 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Sherwood Park Golf Club, Inc. (“Owner”) and Aimee Carlson of Pulte Home Company, LLC (collectively as “Applicant”) submitted an application (File No. 2022-093-ABE-CCA) for the abandonment of a utility easement (“Easement”) totaling approximately three thousand seven hundred and twenty-two square feet (3,722 sq. ft.), as more particularly described in Exhibit “A”, located at 170 Sherwood Forest Drive (“Property”), and

WHEREAS, the Easement was dedicated in perpetuity for the construction and maintenance of utilities as recorded in Plat Book 62, Pages 163 through 168, Public Records of Palm Beach County, Florida; and

WHEREAS, there are no existing or proposed public utilities located within the easement area, and

WHEREAS, pursuant to Land Development Regulations (“LDR”) Section 2.4.6(N)(3)(c), the application was forwarded to the City Commission with a recommendation by the City Engineer the abandonment be approved; and

WHEREAS, pursuant to LDR Section 2.4.6(N)(5), prior to granting an abandonment of public easements, the City Commission must find the abandonment will not result in the detriment for the provision of utility services to adjacent properties or the general area; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, considered the request for abandonment of the Easement on September 19, 2022.

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

Section 1. The foregoing recitals are hereby incorporated herein by this reference.

Section 2. The City Commission makes positive findings that the requested abandonment will not result in the detriment for the provision of utility services to adjacent properties or the general area.

Section 3. The City Commission, pursuant to Chapter 177 and Chapter 166 of the Florida Statutes, and LDR Section 2.4.6(N), hereby vacates and abandons all rights and interest the City holds in the Easement, as more particularly described in Exhibit "A".

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Aimee Carlson, Pulte Homes, LLC, at 1475 Centrepark Blvd., Suite 140, West Palm Beach FL 33401.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney