

RESOLUTION NO. 59-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY LOCATED AT THE NORTHERN TERMINUS OF DAVIS ROAD, TOTALING APPROXIMATELY SEVENTEEN THOUSAND AND FIFTY-NINE SQUARE FEET (17,059 SQ. FT.), RESERVING AN ACCESS EASEMENT TO THE LAKE WORTH DRAINAGE DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“City”) received an application (2021-128-ABR-CCA) for the abandonment of a portion of right-of-way totaling seventeen thousand fifty-nine square feet (17,059 sq. ft.), located at the northern terminus of Davis Road, and as more particularly described in Exhibit “A”,

WHEREAS, the portion of the right-of-way requested for abandonment was dedicated in perpetuity for a right-of-way to Palm Beach County, Florida as recorded in Official Records Book (“ORB”) 370 page 391 and ORB 370 page 593 in the Public Records of Palm Beach County, Florida;

WHEREAS, the City annexed the portion of right-of-way into the municipal area through Ordinance No. 35-72 and Ordinance No. 73-88;

WHEREAS, pursuant to Land Development Regulations (“LDR”) Section 2.4.6(M)(3)(c), the City Engineer has certified the application is complete and accurate, distributed the application materials to appropriate city departments and interested external stakeholders, having received comments, has provided the application and recommendation to the Planning and Zoning Board that the abandonment be approved; and

WHEREAS, the Lake Worth Drainage District, being notified of said request for abandonment of right-of-way has requested an exclusive access easement be created for its sole use in maintaining the Lateral-30 Canal, as further described in “Exhibit B”; and

WHEREAS, the City Engineer, has determined, there is not now, nor will there be, any need for the use of this portion of the right-of-way for public purposes, 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 as required by the City’s Comprehensive Plan at MBL 2.7.7 of the Mobility Element and Sec. 2.4.6(M) of the Land Development Regulations; and

WHEREAS, at its meeting of May 16, 2022, the Planning and Zoning Board voted __ to __ to recommend approval to the City Commission of the requested abandonment of right-of-way, pursuant to LDR 2.4.6 (M); and

WHEREAS, the City Commission of the City of Delray Beach, Florida, finds that its interest in the described property is no longer needed for the public good and deems it to be in the best interest of the City to abandon said right-of-way, based upon positive findings pursuant to LDR Section 2.4.6(M)(5).

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 now, nor will there be, any need for the use of this portion of the right-of-way for public purposes, 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 result in the detriment for the provision of utility services to adjacent properties or the general area.

Section 3. That the City of Delray Beach hereby reserves an ingress-egress easement in favor of Lake Worth Drainage District providing unencumbered access over the east 40 feet, more particularly described in "Exhibit B".

Section 4. The City Commission, pursuant to Chapter 177 and Chapter 166 of the Florida Statutes, and LDR Section 2.4.6(M), hereby vacates and abandons all rights and interest the City in the right-of-way, as more particularly described in Exhibit "A".

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Chad Shoemaker, at 3523 Lone Pine Road, Delray Beach, Florida 33445.

Section 6. 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

LEGEND

CB CATCH BASIN
 DRNP DRAIN PIPE
 EO ELECTRIC OUTLET
 FND FOUND
 LB LICENSED BUSINESS
 LS LICENSED SURVEYOR
 ORB OFFICIAL RECORD BOOK
 PB PLAT BOOK
 PCN PARCEL CONTROL NUMBER

PG PAGE
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 PSM PROFESSIONAL SURVEYOR
 & MAPPER
 RNG RANGE
 SEC SECTION
 SQFT SQUARE FEET
 TWP TOWNSHIP

—— BPWR(B) ——— BURIED POWER QUALITY LEVEL B
 —— UNK(B) —— UNKNOWN UTILITY QUALITY LEVEL B

Clyde R Mason

II

Digitally signed by: Clyde
R Mason II

DN: CN = Clyde R Mason
 II email = clyde@ritzel-
 mason.com C = US O =
 Ritzel-Mason, Inc OU =
 Survey

Date: 2022.04.29 16:31:52
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Sheet 1 of 3

DESN BY: CM
 DRWN BY: CM
 RVWD BY: DR
 FLD BK: _____
 BK PG: _____
 DATE: 8/30/21

CERTIFIED TO:
 CHAD & MAY SHOEMAKER

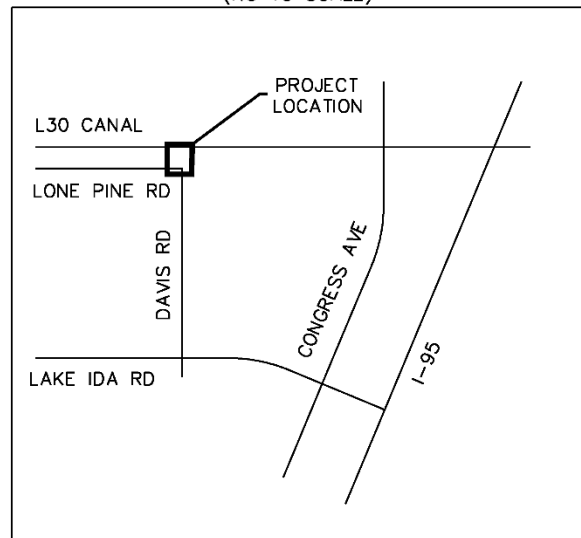
LWDD RECORD RI-21-0060

DAVIS ROAD ABANDONMENT
 21-039
 CHAD & MAY SHOEMAKER
 DAVIS RD - NORTH TERMINUS DELRAY BEACH
 PALM BEACH COUNTY, FLORIDA
 LOCATED IN SEC 7, TWP 46S, RNG 43E



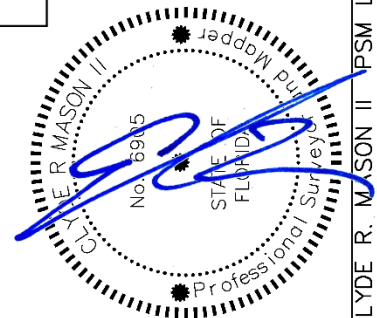
LB-8265
 SUPPLYING SURVEY SOLUTIONS
 5119 BEECHWOOD RD,
 DELRAY BEACH, FL 33484
 PH: 561-634-6701
 www.ritzel-mason.com

VICINITY MAP
 (NO TO SCALE)



4/29/2022

DATE



CLYDE R. MASON II PSM LS 6905

EXHIBIT A

LAND DESCRIPTION:

THAT PART OF DAVIS ROAD RIGHT-OF-WAY AS RECORDED IN ORB 370 PAGE 591 AND ORB 370 PAGE 593 IN SECTION SEVEN (7), TOWNSHIP FORTY-SIX (46) SOUTH, RANGE FORTY-THREE (43) EAST, OF PALM BEACH COUNTY, FLORIDA, SPANNING FORTY (40) EACH SIDE OF THE QUARTER (1/4) SECTION LINE; SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF THE AFOREMENTIONED SECTION AS DESCRIBED IN THE PALM BEACH COUNTY SECTION CORNER HISTORY (MAY 2018) DOCUMENTS FILED WITH THE DEPARTMENT OF ENGINEERING AND PUBLIC WORKS; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION SEVEN (7) S 01° 00' 40" E, A DISTANCE OF 112.53 FEET TO THE POINT OF BEGINNING; THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE NE 1/4 OF SAID SECTION SEVEN (7) N 89° 03' 10" E, A DISTANCE OF 40.00 FEET TO A POINT ON THE WESTERLY LINE OF A 25 FOOT BUFFER ZONE (TRACT "M") AS RECORDED IN PLAT BOOK 39, PAGE 108; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION SEVEN (7) AND ALONG THE WESTERLY LINE OF SAID BUFFER ZONE S 01° 00' 40" E, A DISTANCE OF 213.24 FEET; THENCE WESTERLY AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION SEVEN (7) S 89° 02' 49" W, A DISTANCE OF 80.00 FEET; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION SEVEN (7) N 01° 00' 40" W, A DISTANCE OF 213.24 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SAID SECTION SEVEN (7) N 89° 02' 49" E, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 17,059.21 SQUARE FEET (0.3916 ACRES), MORE OR LESS. PROVIDED, HOWEVER, THIS ABANDONMENT IS SUBJECT TO RESERVING AN INGRESS-EGRESS EASEMENT IN FAVOR OF LAKE WORTH DRAINAGE DISTRICT PROVIDING UNENCUMBERED ACCESS OVER THE EAST 40 FEET THEROF.

NOTES:

THIS IS NOT A BOUNDARY SURVEY.

ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 43 EAST, HAVING A BEARING OF N 01° 00' 40" W, AS BEING COMPUTED FROM COORDINATES OBTAINED FROM THE PALM BEACH COUNTY, FLORIDA, ENGINEERING AND PUBLIC WORKS DEPARTMENT DOCUMENT ENTITLED SECTION CORNER HISTORY (MAY 2018).

ALL DISTANCES SHOWN HERE ON ARE IN U.S. SURVEY FEET.

4/29/2022

ALL DIMENSIONS SHOWN HEREON ARE CALCULATED UNLESS OTHERWISE NOTED

NO ELEVATIONS ARE SHOWN HEREON.

UTILITY LINES SHOWN HAVE BEEN DESIGNATED BY RITZEL-MASON INC. UTILITIES WERE DESIGNATED BY ELECTRONIC METHODS. DESIGNATES CONFORM TO ASCE-38 STANDARDS FOR QUALITY LEVEL B.

Sheet 2 of 3

REPRODUCTIONS, ADDITIONS, OR DELETIONS ARE NOT VALID WITHOUT ORIGINAL SIGNATURE & RAISED SEAL OF THE FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECTION AND THAT SAID SKETCH AND LEGAL DESCRIPTION IS IN COMPLIANCE WITH THE STANDARDS AND PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 53-17.05, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

THIS SKETCH AND LEGAL DESCRIPTION WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE OPINION OR ABSTRACT BY THIS SURVEYOR OR ANY FORM. THE CLIENT IS HEREBY ADVISED THAT SUCH MATTERS OF RECORD MAY BE RECORDED IN THE PUBLIC RECORDS IN WHICH THE SUBJECT PARCEL IS SITUATE.

DATE OF FIELD WORK: APRIL 29TH, 2021

CERTIFIED TO:
CHAD & MAY SHOEMAKER

DESN BY: CM
DRWN BY: CM
RVWD BY: DR
FLD BK:
BK PG:
DATE: 8/30/21

LWDD RECORD RI-21-0060

DAVIS ROAD ABANDONMENT

21-039

CHAD & MAY SHOEMAKER

DAVIS RD - NORTH TERMINUS DELRAY BEACH

PALM BEACH COUNTY, FLORIDA

LOCATED IN SEC 7, TWP 46S, RNG 43E



LB-8265
SUPPLYING SURVEY SOLUTIONS
5119 BEECHWOOD RD,
DELRAY BEACH, FL 33484
PH: 561-634-6701
www.ritzel-mason.com

DATE
CLYDE R. MASON II PSM LS 6905

LEGEND

CB CATCH BASIN
 DRNP DRAIN PIPE
 EO ELECTRIC OUTLET
 FND FOUND
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 & MAPPER
 RNG RANGE
 SEC SECTION
 SQFT SQUARE FEET
 TWP TOWNSHIP

—— BPWR(B) ——— BURIED POWER QUALITY LEVEL B
 —— UNK(B) ——— UNKNOWN UTILITY QUALITY LEVEL B

EXHIBIT B

Clyde R Mason

II

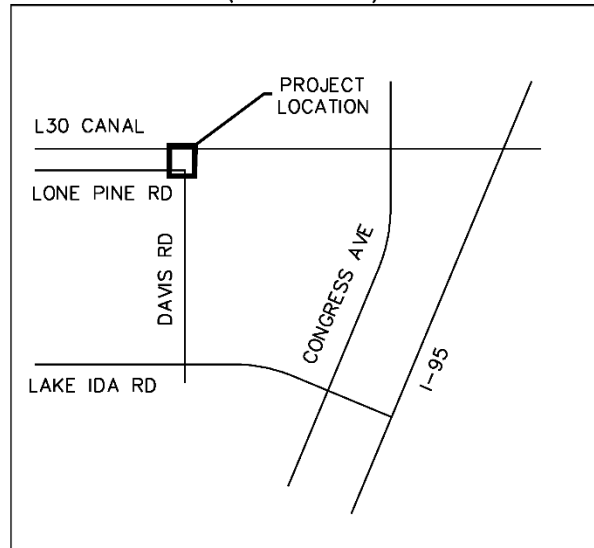
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 R Mason II
 DN: CN = CLyde R Mason
 II email = clyde@ritzel-
 mason.com C = US O =
 Ritzel-Mason, Inc OU =
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Sheet 1 of 3

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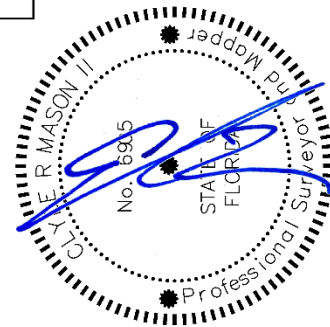
CERTIFIED TO:
 CHAD & MAY SHOEMAKER

VICINITY MAP
 (NO TO SCALE)



4/29/2022

DATE



CLYDE R. MASON II PSM LS 6905

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**RITZEL
-MASON**
 A SURVEYING & MAPPING FIRM

LB-8265

SUPPLYING SURVEY SOLUTIONS

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EXHIBIT B

LAND DESCRIPTION:

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Sheet 2 of 3

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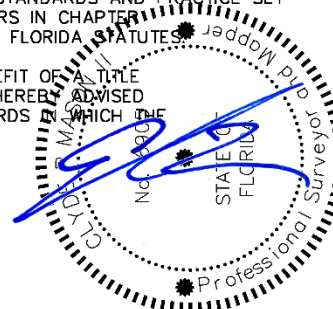
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CERTIFIED TO:
CHAD & MAY SHOEMAKER

LWDD RECORD RI-21-0060



CLYDE R. MASON II PSM LS 6905 DATE

DAVIS ROAD ABANDONMENT
21-039

CHAD & MAY SHOEMAKER
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DELRAY BEACH, FL 33484
PH: 561-634-6701
www.ritzel-mason.com

EXHIBIT B

SEC 6, TWP 46S, RNG 43E

SEC 7, TWP 46S, RNG 43E



POC
N = 782555.435
E = 951188.508
(NOT FOUND)

L-30
L.W.D. RIGHT-OF-WAY
WIDTH VARIES

FND BRASS DISK
PALM BEACH COUNTY

S. R/W LINE
LWDD L-30 CANAL
ORB 6495, PG. 761

3523 LONE PINE RD
PCN
12-43-46-07-00-000-3030

S. LINE OF N. 325.77'
OF NW 1/4, SECTION 7

LONE PINE ACRE ESTATES
UNRECORDED PLAT
30' EASEMENT

LONE PINE ROAD
LONE PINE ACRE ESTATES
UNRECORDED PLAT
30' EASEMENT

FND NAIL & DISK
"DO NOT DISTURB"

DAVIS ROAD
80' RIGHT-OF-WAY
ORB 370, PG 593
ORB 370, PG 591

TRACT N
20' LWDD R/W

RAINBERRY LAKE
PHASE IV-B
P.B. 39, PG. 108

4/29/2022

DATE

Clyde R. Mason II PSM LS 6905

Sheet 3 of 3

DESN BY: CM
DRWN BY: CM
RVWD BY: DR
FLD BK: _____
BK PG: _____
DATE: 8/30/21

0' 25' 50' 100'

SCALE: 1"=50'

DAVIS ROAD ABANDONMENT

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