



## Cover Memorandum/Staff Report

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**File #:** 25-1039

**Agenda Date:** 9/15/2025

**Item #:** 7.B.

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** September 15, 2025

**RESOLUTION NO. 152-25:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A PORTION OF RIGHT-OF-WAY ADJACENT TO 300 GROVE PLACE, TOTALING APPROXIMATELY 1,354 SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

**Recommended Action:**

Review and consider Resolution No. 152-25, a privately-initiated request to abandon a portion of a City-owned right-of-way (NW 2nd Avenue) totaling approximately 1,354 square feet and located adjacent to 300 Grove Place.

**Background:**

The subject right-of-way was originally platted as part of Bowers Street in the Town of Delray (previously Town of Linton) Plat, recorded in 1910 in Plat Book 1, Page 3. Following this, the block was subdivided further as part of the Hofman Adolf Plat, recorded in 1914 in Plat Book 5, Page 65. The subject right-of-way area remained part of Bowers Street, eventually renamed NW 2<sup>nd</sup> Avenue. The right-of-way is now a dead-end portion of NW 2<sup>nd</sup> Avenue, terminating at Grove Place, a private road within the Grove Estates community, and does not connect to any other roadway.

The basis of this request is to incorporate 300 Grove Place into the eight-lot single-family community to the north, Grove Estates. The property cannot connect to water utilities from NW 2<sup>nd</sup> Avenue, and therefore, will connect to existing water utilities within Grove Estates. While the property is addressed along Grove Place, the private road within Grove Estates, there is minimal frontage (13.42 feet) and no vehicular access to the property from Grove Place. This results in inconsistency with the City's addressing policy and further concern with fire safety, as the National Fire Protection Association (NFPA), Section 101, allows a maximum distance of 50 feet from the road to the nearest exterior door for buildings that are not sprinkled.

The property 300 Grove Place is zoned Single-family Residential (R-1-A) with a land use designation of Low Density Residential (RL). The property is currently vacant; however, on February 19, 2025, a building permit (Permit No. 25-223349) was submitted to the City for a six-foot high privacy wall along the perimeter of 300 Grove Place. Following this, on March 5, 2025, a building permit (Permit No. 25-223655) was submitted for the construction of a single-family residence.

As water and sewer utility connections are required within the right-of-way abandonment area, the City Engineer has determined that if the City Commission approves the request to abandon the

subject right-of-way, the abandonment should be approved concurrent with a water and sewer easement agreement to provide City utilities.

Pursuant to **LDR Section 2.4.9(B)(1), Abandonment of right-of-way: General**, *public right-of-way may be abandoned (returned) to the fee description of 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 shall be divided at the center line and returned equally to abutting parcels. Abandonment of right-of-way may be granted by a formal resolution enacted by the City Commission.* The right-of-way area was created through a plat; therefore, if approved, the abandoned area will be deeded to 300 Grove Place and Tract C of the Grove Estates. It is the intent of the applicant, who owns both 300 Grove Place and Tract C of Grove Estates, to deed the portion of right-of-way that would be given to Tract C to 300 Grove Place, thereby deeding the entire abandonment area to 300 Grove Place.

As required by Land Development Regulations (LDR) Section 2.4.9(B)(4)(d), Abandonment of right-of-way: Procedure, ... *the application with the recommendation of the City Engineer shall be forwarded for review at an advertised public hearing before the Planning and Zoning Board. The recommendation of the Planning and Zoning Board shall be forwarded to the City Commission.*

The City Engineer has provided a review of the request and recommends approval of the abandonment contingent upon the recording of a water and sewer easement agreement to maintain the provision of City utilities. The easement agreement shall be recorded after the abandonment. The Planning and Zoning Board considered the request at its meeting of August 25, 2025. A recommendation to approve the request was made on a vote of 6 to 0.

## Findings

Pursuant to **LDR Section 2.4.9(C)(6), Abandonment of right-of-way: Findings**, *prior to granting an abandonment the City Commission must make the following findings:*

- (a) That there is not, nor will there be, a need for the use of the right-of-way for any public purpose;*
- (b) That the abandonment does not, nor will not, prevent access to a lot of record; and*
- (c) 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.*

Further, pursuant to Policy MBL 2.7.7 of the Mobility Element of the Always Delray Comprehensive Plan, right-of-way abandonment's shall not be granted unless conclusively demonstrated that there is not, nor will there be, a need for the use of the right-of-way for any public purposes.

The right-of-way is surrounded by Single-Family Residential (R-1-A) zoning on all sides. Abandonment of the right-of-way is generally consistent with the established development pattern of the area. The abandonment area is currently a dead-end portion of NW 2<sup>nd</sup> Avenue and is not being used as a means of access to a property, nor is it being used as a connection to the Grove Estates community to the north. The specific area is not outlined in City improvement plans for proposed work or future use; therefore, Staff anticipates the granting of the abandonment would not impede the use of the right-of-way.

A full analysis of the request is provided in the attached Planning and Zoning Board Staff Report.

The LDR allows for the imposition of conditions to meet the required findings. Abandoning the ROW

redesignates the current 50 feet of lot frontage on NW 2nd Avenue to Grove Place. If the abandoned area is split along the centerline, the lot frontage of Lot 7 on Grove Place will increase from 13.42 feet to 38.42 feet, which is less than the minimum of 60 feet required by the LDR for R-1 districts. The "new" lots along Grove Place are generally 60 or 80 feet in width and frontage. While the applicant's initial narrative suggested the abandoned area would provide a continuity of green space, in order to establish Lot 7 as a conforming lot facing Grove Place, the applicant indicated in the June 24, 2025, TAC response letter that the full abandonment area would be deeded to Lot 7. Deeding the full area to Lot 7 to establish a lot frontage that meets the minimum requirement of 60 feet is included as a condition of approval in the resolution.

On August 25, 2025 the Planning and Zoning Board, as the Local Planning Agency, formally reviewed the request at a public hearing and voted 6 to 0 to recommend approval of the abandonment.

**City Attorney Review:**

Approved as to legal form and sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The Resolution will become effective upon adoption.