

RESOLUTION NO. 02-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION APPLICATION FOR A FINAL PLAT FOR A SUBDIVISION KNOWN AS “BLACKSTAR 318 SE 5TH AVENUE” TO REPLAT A PORTION OF LOTS 1 THROUGH 6, BLOCK 104, OSCEOLA PARK, RECORDED IN PLAT BOOK 3, PAGE 2, AS, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 318 SE 5th LLC (“Owner”), is the owner of four parcels of land measuring approximately 0.88 acres located at 302, 318, 338, and 346 SE 5th Avenue (“Property”) as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned Central Business District – Commercial Core (CBD) and currently includes three vacant lots and one lot located at 346 SE 5th Avenue with an existing structure; and

WHEREAS, the Owners designated Yexsy Schomberg of Urbana, LLC (“Applicant”) to act as its agent; and

WHEREAS, the City of Delray Beach, Florida (the “City”), received an application for a major subdivision (File No. 2023-200) from the Applicant seeking to combine the Property into a one lot subdivision known as “Blackstar 318 SE 5th Ave,” as more particularly described in Exhibit “B”; and

WHEREAS, Section 5.1.3 of the City of Delray Beach Land Development Regulations (the “LDR”) requires a plat for the subdivision of any lot, tract, or parcel of land; and

WHEREAS, Section 5.1.6(A) of the LDR states that all subdivisions shall conform with, at least, the minimum zoning regulations applicable to the property being subdivided or combined and a nonconforming situation cannot be created through the act of the subdivision or combination of lots; and

WHEREAS, LDR Section 2.4.8(B)(1), requires the major subdivision process to be first considered by the Planning and Zoning Board with final consideration by the City Commission; and

WHEREAS, pursuant to LDR Section 2.4.8(B)(3)(d), the Planning and Zoning Board considered the request at a public hearing on November 27, 2023 and voted ___ to ___ to recommend approval to the City Commission for the final plat; and,

WHEREAS, the City Commission considered the final plat request on _____, and has considered the respective findings as set forth in the Land Development Regulations.

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

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

Section 2. The City Commission approves the Final Plat Application for a major subdivision for the four-parcel subdivision known as “Blackstar 318 SE 5th Ave”, as more particularly described in Exhibit “B,” subject to the condition that the Applicant obtain a demolition permit and a certificate of completion for the Property prior to recordation of the plat.

Section 3. Upon issuance of a certificate of completion, the Mayor shall execute the plat on behalf of the City.

Section 4. The plat shall be recorded pursuant to procedures as set forth by the City Clerk. In accordance with LDR Section 2.2.4(C)(2), upon approval of the final plat for a subdivision, a signed and sealed reproducible mylar of the plat shall be executed by the Mayor and other appropriate officials. Upon release by Development Services, the City Clerk shall cause the final plat to be recorded in the public records. Building permits shall not be issued for structures until such time as the plat has been recorded.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

DESCRIPTION

LOTS 1 AND 2, BLOCK 104, OSCEOLA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 2, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED LAND:

EAST 10 FEET OF LOTS 1 AND 2, BLOCK 104, OSCEOLA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 2, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS

A PARCEL OF LAND IN LOT 1, BLOCK 104, OSCEOLA PARK, AS RECORDED IN PLAT BOOK 3, PAGE 2, PALM BEACH COUNTY PUBLIC RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM A POINT ON THE NORTH LINE OF SAID LOT 1, LOCATED 10 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 1, RUN WESTERLY ALONG SAID NORTH LINE FOR 14.78 FEET; THENCE RUN SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 15 FEET FOR 23.34 FEET THROUGH A CENTRAL ANGLE OF 89° 09' 00" TO A POINT ON A LINE PARALLEL TO AND 10 FEET WESTERLY FROM THE EAST LINE OF SAID LOT 1; THENCE RUN NORTH 1° 08' 35" WEST ALONG SAID PARALLEL LINE FOR 14.78 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

LOTS 3 AND 4, LESS AND EXCEPT THE EAST TEN FEET THEREOF, BLOCK 104, OF OSCEOLA PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 2, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

LOTS 5 AND 6, BLOCK 104, OF OSCEOLA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 2, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE EAST 10 FEET OF SAID LOTS FOR ROAD RIGHT OF WAY PURPOSES.

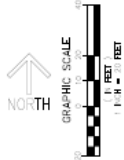
SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 38,323 SQUARE FEET, OR 0.880 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

BLACKSTAR 318 SE 5TH AVE

THE INSTRUMENT WAS PREPARED BY
DAVID E. WHEELER, P.L.C.
OF
CAULFIELD & WHEELER, INC.
ENGINEERS AND SURVEYORS
2850 GLADE ROAD, SUITE 100
BOCA RATON, FLORIDA 33434 - (561)392-1991

NOTE: THE LOT LINE BEING RECORDED IN THIS PLAT IS THE FINAL LINE OF THE LOT. THE LOT LINE BEING RECORDED IN THIS PLAT IS THE FINAL LINE OF THE LOT. THE LOT LINE BEING RECORDED IN THIS PLAT IS THE FINAL LINE OF THE LOT.



TABULAR DATA

LINE	BEARING	DISTANCE	AREA
1	N 89°15'10" E	125.00'	15,625.00
2	S 89°15'10" W	125.00'	15,625.00
3	S 89°15'10" W	125.00'	15,625.00
4	N 89°15'10" E	125.00'	15,625.00
TOTAL			62,500.00

SHEET 2 OF 2

COORDINATE, BEARING AND DISTANCE
N 89°15'10" E 125.00' = 125.00' X 0.9999999999999999 = 124.99999999999999
S 89°15'10" W 125.00' = 125.00' X 0.9999999999999999 = 124.99999999999999
S 89°15'10" W 125.00' = 125.00' X 0.9999999999999999 = 124.99999999999999
N 89°15'10" E 125.00' = 125.00' X 0.9999999999999999 = 124.99999999999999

SURVEY NOTES:
1. THE SURVEY WAS MADE BY DAVID E. WHEELER, P.L.C. ON 08/15/2018.
2. THE SURVEY WAS MADE BY DAVID E. WHEELER, P.L.C. ON 08/15/2018.
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LEGEND / ASSUMPTIONS
- LINE = BOUNDARY LINE
- POINT = SURVEY POINT
- AREA = SURVEYED AREA
- DISTANCE = SURVEYED DISTANCE
- BEARING = SURVEYED BEARING
- TOTAL AREA = 62,500.00

