



CITY OF DELRAY BEACH

DEPARTMENT OF PUBLIC WORKS

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TO: Susana Rodrigues, Planner

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

ISSUE DATE: May 9, 2024

RE: Abandonment of east-west alley right-of-way at 2001 S Federal Highway between S Federal Highway and the north-south alley
TAC ID-1135

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 abandonment of rights-of-way. The subject property owner is requesting the abandonment of the east-west alley right-of-way between S Federal Highway and the north-south alley at 2001 S Federal Highway. The current and previous two deeds to the property are written as if the alley right-of-way was abandoned between 1980 and 1989. The existing property is developed as if the alley right-of-way was already abandoned to the point that there is a structure occupying the east end of the alley in question. The recommendation of the City Engineer is to approve the request for abandonment of the east-west alley right-of-way between S Federal Highway and the north-south alley at 2001 S Federal Highway 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 current pattern of development with a building cutting off the alley right-of-way. The right-of-way cannot currently be used for access purposes as it is interrupted.
 - *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 a Drainage 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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