

RESOLUTION NO. 01-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF AN APPROXIMATELY FORTY-FIVE (45') FOOT WIDE PORTION OF NW 1ST STREET RIGHT-OF-WAY ADJACENT TO THE PALM-TRAN SATELLITE FACILITY, AS DEEDED TO CITY OF DELRAY BEACH BY RIGHT-OF-WAY COUNTY DEED AT OFFICIAL RECORDS BOOK ("ORB") 10044, PAGE 585 AND CORRECTIVE QUITCLAIM DEED RECORDED AT ORB 8891, PAGE 570, BOTH DEEDS BEING RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR CONFORMANCE WITH ABANDONMENT PROCEDURES SET FORTH IN THE CITY OF DELRAY BEACH CODE OF ORDINANCES; FURTHER PROVIDING FOR APPROVAL OF THE EXECUTION BY THE MAYOR OF A QUIT CLAIM DEED FOR PURPOSES OF CONVEYING TO PALM BEACH COUNTY THE PORTION OF ABANDONED RIGHT-OF-WAY IN ORDER TO INCLUDE THE ABANDONED RIGHT-OF-WAY AREA WITHIN A PROPOSED PLAT FOR THE EXPANSION AND REDEVELOPMENT OF THE PALM-TRAN SITE; PROVIDING DIRECTIONS TO THE CLERK; PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida received an application for abandonment of a portion of right-of-way reservation lying with the proposed plat of the redeveloped Palm-Tran facility (the "Plat") and as more particularly described in Exhibit "A"; and

WHEREAS, certain portions of right-of-way requested for abandonment are owned by City of Delray Beach by way of a *County Deed* recorded at ORB 10044, Page 585 along with a Corrective Quitclaim Deed recorded at 8891, page 570, both in the Public Records of Palm Beach County; and the City of Delray Beach has determined that there is not now, nor will be in the future, any use of this right-of-way for public purposes, with such finding being required by the City's Comprehensive Plan at Policy A-6.3 of the Transportation Element and Sec. 2.4.6(M) of the Land Development Regulations of the City of Delray Beach; and

WHEREAS, the subject portion of right-of-way will be included within the area platted for the redeveloped Palm-Tran facility which proposes to incorporate a northern and southern parcel into one platted area such that a right-of-way will no longer separate the two parcels after approval of the abandonment of the City's interest in this portion of right-of-way; and

WHEREAS, the City Commission of the City of Delray Beach supports the abandonment of right-of-way by the City, thus enabling the return of these lands entirely to Palm Beach County for public purposes,

other than for a use as a right-of-way, in order that this portion of right-of-way may be incorporated into their Palm-Tran facility site.

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

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. That pursuant to Policy A-6.3 of the Transportation Element and Sec. 2.4.6(M) of the Land Development Regulations of the City of Delray Beach, the City hereby determines that said lands are not being used now, nor will be used in the future, for Public Purposes of the City and thus agrees to vacate and abandon such rights and interests it might hold, if any, to the following portion of right-of way lying adjacent to the Palm Beach County Palm-Tran Satellite Facility, as more particularly described as follows:

See Exhibit "A" attached hereto

Section 3. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Ben Williamson , Project Manager, Facilities Development & Operations Dept., Property & Real Estate Management Division, 2633 Vista Parkway, WPB, FL 33411-5605; and to ensure that a certified copy of this Resolution is recorded in the Public Records for Palm Beach County, Florida.

Section 4. The City Commission also approves the conveyance of this abandonment area to Palm Beach County via a Quit Claim deed; and hereby authorizes the Mayor to execute the Quit Claim deed, a copy of which is attached to this resolution as Exhibit "B", and directs the City Clerk to effectuate this conveyance as is deemed necessary in order to accomplish this purpose.

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

PASSED AND ADOPTED in regular session on the ____ day of _____, 2018.

Cary D. Glickstein, Mayor

ATTEST:

City Clerk

Approved as to form and legality:

R. Max Lohman, City Attorney

EXHIBIT “A”

EXHIBIT "A"

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17.050 THROUGH 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND THE PALM BEACH COUNTY STATE PLANE COORDINATE SYSTEM REQUIREMENTS AS SET FORTH IN PALM BEACH COUNTY BPM# CW-0-058.

David A. Bower
 DAVID A. BOWER
 PROFESSIONAL SURVEYOR & MAPPER
 STATE OF FLORIDA
 CERTIFICATE NO. S 5888

DESCRIPTION:

A PARCEL OF LAND LYING WITHIN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A, PALM-TRAN SATELLITE FACILITY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 81, PAGES 187 AND 188 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°14'38" EAST, A DISTANCE OF 80.33 FEET TO A POINT BEING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS SOUTH 58°14'38" EAST FROM SAID POINT; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 120°00'00", FOR A DISTANCE OF 104.72 FEET; THENCE SOUTH 88°14'38" EAST, A DISTANCE OF 53.62 FEET TO A POINT BEING ON THE ARC OF A CIRCULAR CURVE TO THE LEFT WHOSE RADIUS POINT BEARS SOUTH 01°45'22" WEST FROM SAID POINT, THE PRECEDING THREE COURSES AND DISTANCES BEING COINCIDENT WITH THE SOUTH LINE OF SAID TRACT A; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 50.75 FEET, A CENTRAL ANGLE OF 89°09'12", FOR A DISTANCE OF 78.97 FEET; THENCE NORTH 88°14'38" WEST, A DISTANCE OF 2.45 FEET TO A POINT BEING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS NORTH 58°14'24" WEST FROM SAID POINT; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 119°59'32", FOR A DISTANCE OF 104.71 FEET; THENCE NORTH 88°14'38" WEST, A DISTANCE OF 90.57 FEET; THENCE NORTH 12°51'01" EAST, A DISTANCE OF 50.95 FEET TO THE POINT OF BEGINNING.

IN ALL CONTAINING 452,604.37 SQUARE FEET MORE OR LESS.

1	10/05/17	REVISE CERTIFICATION	DAB
NO.	DATE	REVISIONS	BY

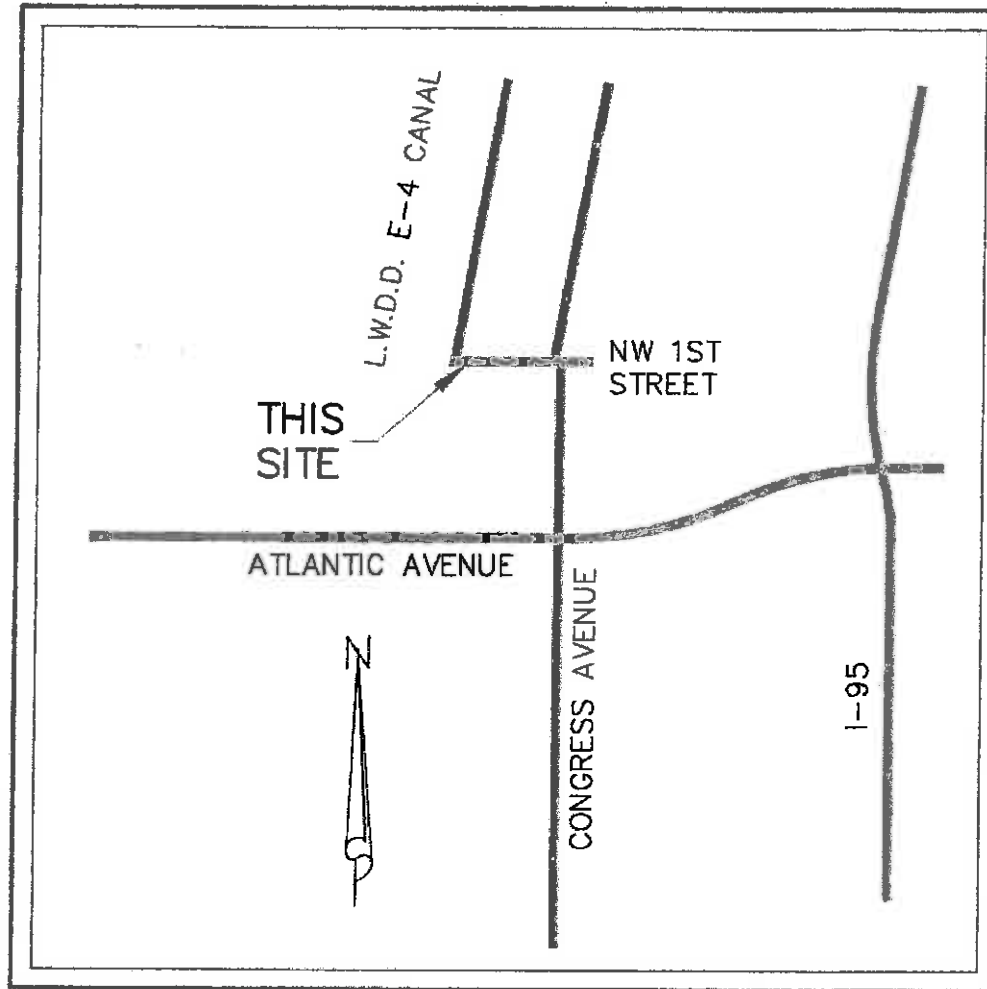
Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers

460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
 For: BOARD OF COUNTY COMMISSIONERS
 PALM BEACH COUNTY, FLORIDA

DRAWN: DB	SCALE: N/A	DATE: 09/15/17
CHK: AV	JOB# 15-024 SD	SHEET: 1 OF 5

EXHIBIT "A"



LOCATION MAP
NOT TO SCALE

LEGEND:

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PCN	= PARCEL CONTROL NUMBER		(P.B. 81, PG. 187, P.B.C.R.)
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SURVEYOR'S NOTES:

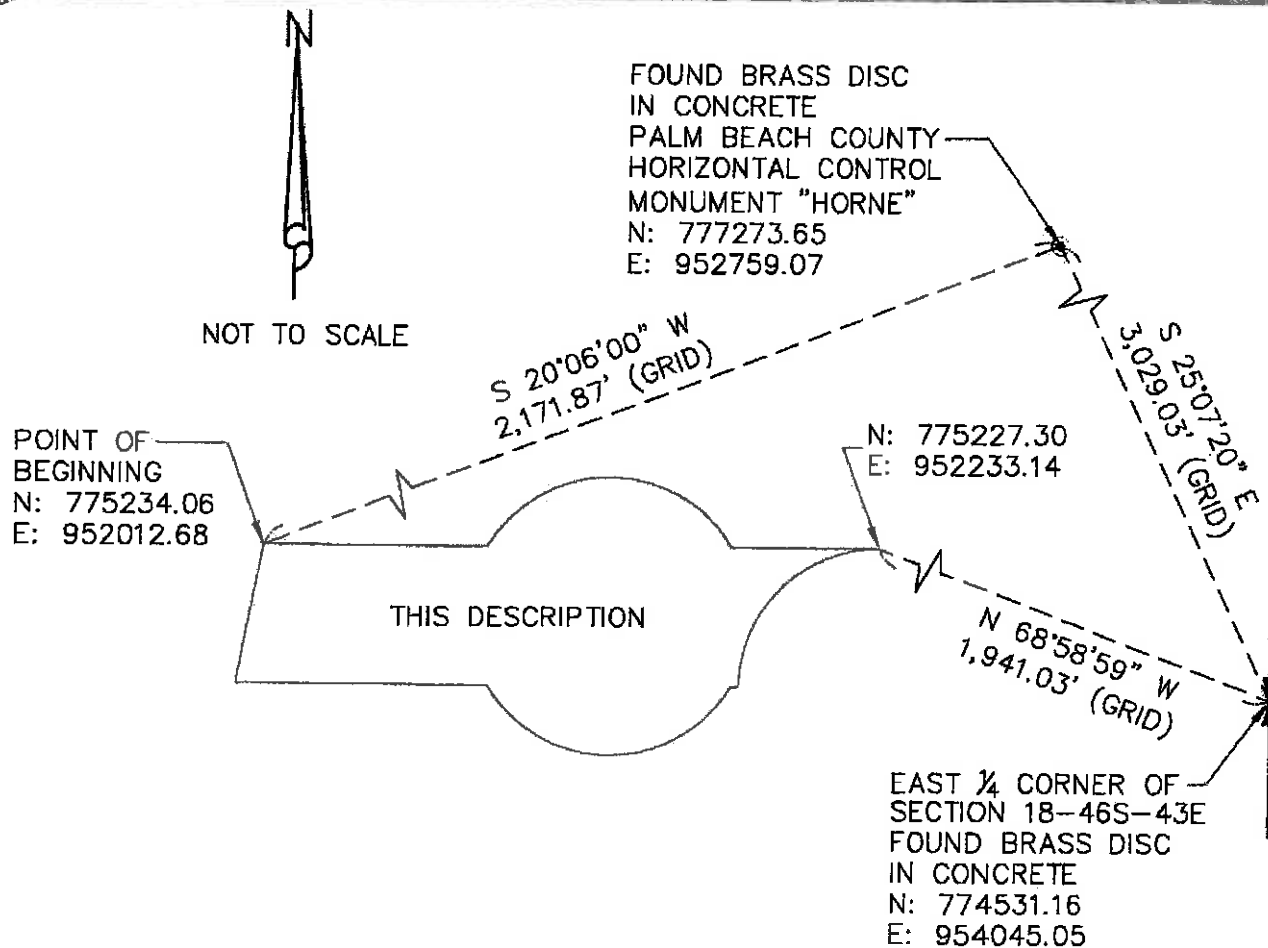
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2. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THE UNDERSIGNED MAKES NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF RECORD.
4. THE LICENSED BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB #6599, THE CERTIFYING SURVEYORS LICENSE NUMBER IS LS #5888.
5. THIS IS NOT A SURVEY.

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COORDINATE TRANSLATION DATA

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- LINEAR UNIT = US SURVEY FEET
- COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
- GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
- ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED
- SCALE FACTOR = 1.0000410

S 89°21'29" E (PLAT) = 01°06'51" CLOCKWISE
S 88°14'38" E (GRID) = BEARING ROTATION
(PLAT TO GRID)

NORTH RIGHT-OF-WAY
LINE OF NW 1st STREET

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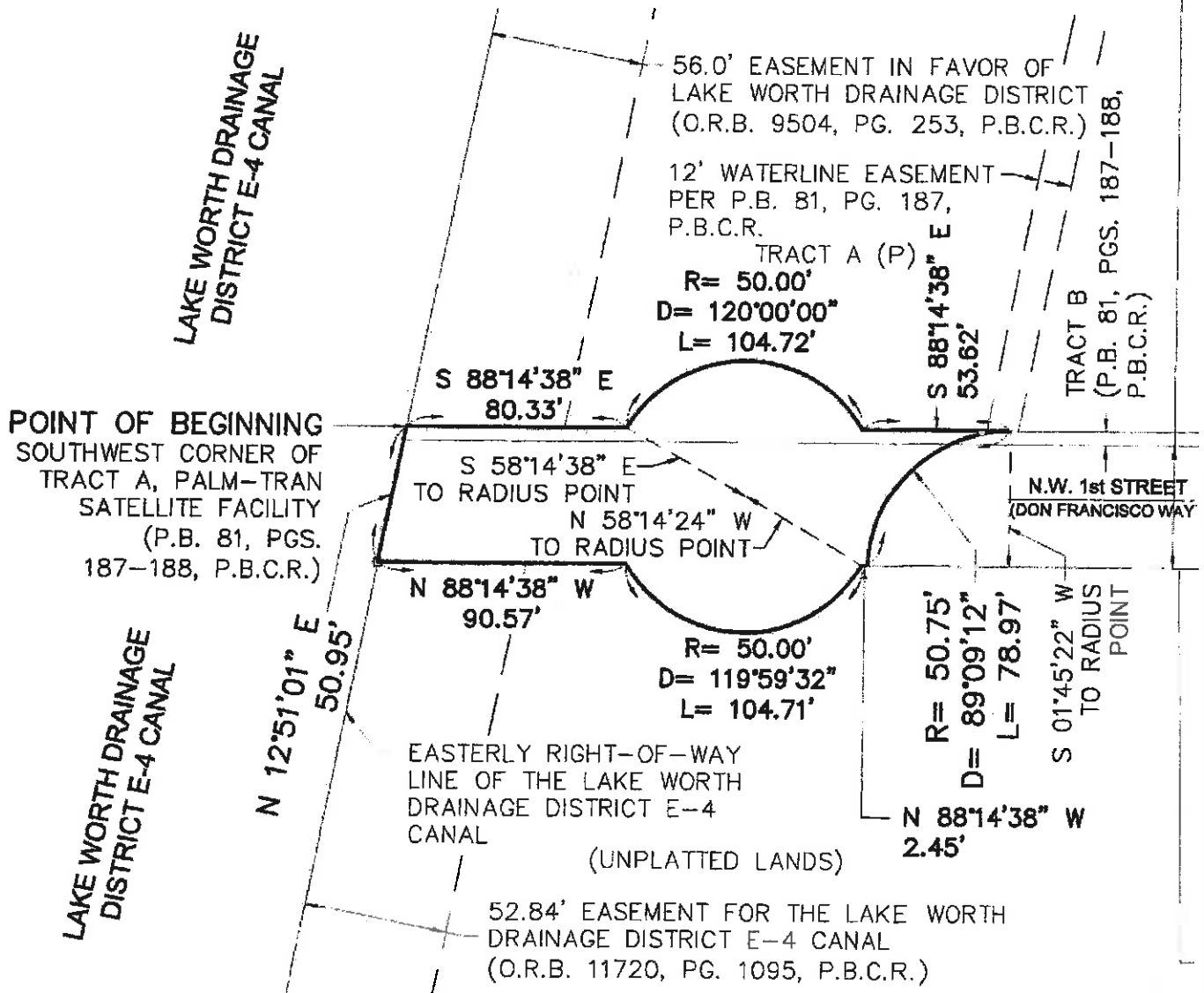
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EXHIBIT "A"



GRAPHIC SCALE IN FEET
SCALE: 1" = 60'

(O.R.B. 2321, PG. 1894, P.B.C.R.)
(O.R.B. 8891, PG. 570, P.B.C.R.)
(O.R.B. 1846, PG. 963, P.B.C.R.)
(O.R.B. 8883, PG. 5, P.B.C.R.)



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EXHIBIT “B”

Prepared by: RETURN:
City Attorney's Office
200 N.W. 1st Avenue
Delray Beach, FL 33444

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this _____ day of _____, 2018, by the **CITY OF DELRAY BEACH**, and having its principal place of business at 100 NW 1st Avenue, Delray Beach, FL 33444, First Party, to: **PALM BEACH COUNTY, FLORIDA**, a Political Subdivision of the State of Florida, having its principal place of business at 301 North Olive, West Palm Beach, Florida 33401-4791, Second Party:

(Whenever used herein the term "First Party" and "Second Party" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporation, whenever the context so admits or requires.)

WITNESSETH, That the said First Party, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the said Second Party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Second Party forever, all the right, title, interest, claim and demand which the said First Party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

See Exhibit "A"

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or anyway appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said First party, either in law or equity, to the only proper use, benefit and behoof of the said Second Party forever.

IN WITNESS WHEREOF the said First Party has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, the day and year first above written.

WITNESS #1:

(Please Print or Type Name)

CITY OF DELRAY BEACH, FLORIDA

By: _____

Name: _____

Title: _____

WITNESS #2:

(Please Print or Type Name)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by _____ (name of person acknowledging), who is personally known to me or who has produced _____ as identification.

Signature of Notary Public - State of Florida

EXHIBIT “A”

EXHIBIT "A"

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17.050 THROUGH 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND THE PALM BEACH COUNTY STATE PLANE COORDINATE SYSTEM REQUIREMENTS AS SET FORTH IN PALM BEACH COUNTY RPM# CW-0-058.

David A. Bower
10/5/17

DAVID A. BOWER
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
CERTIFICATE NO. 155888

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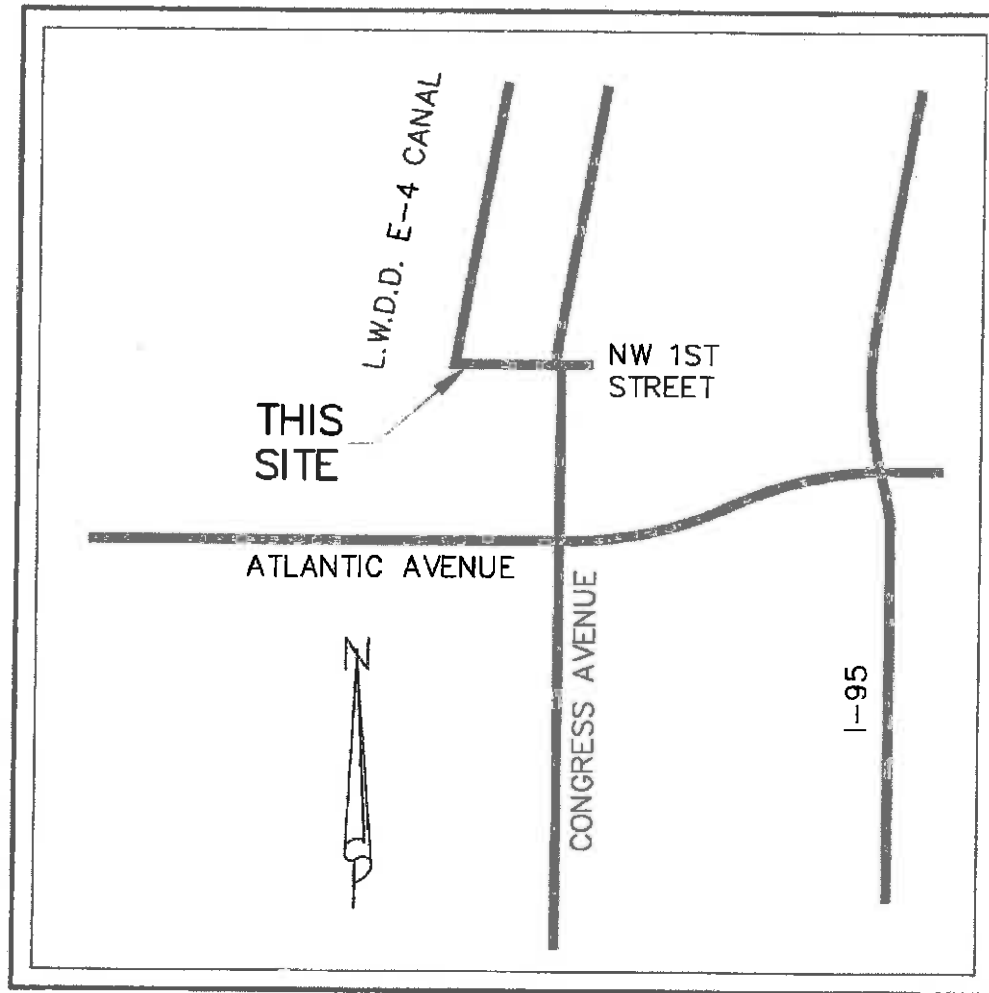
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EXHIBIT "A"



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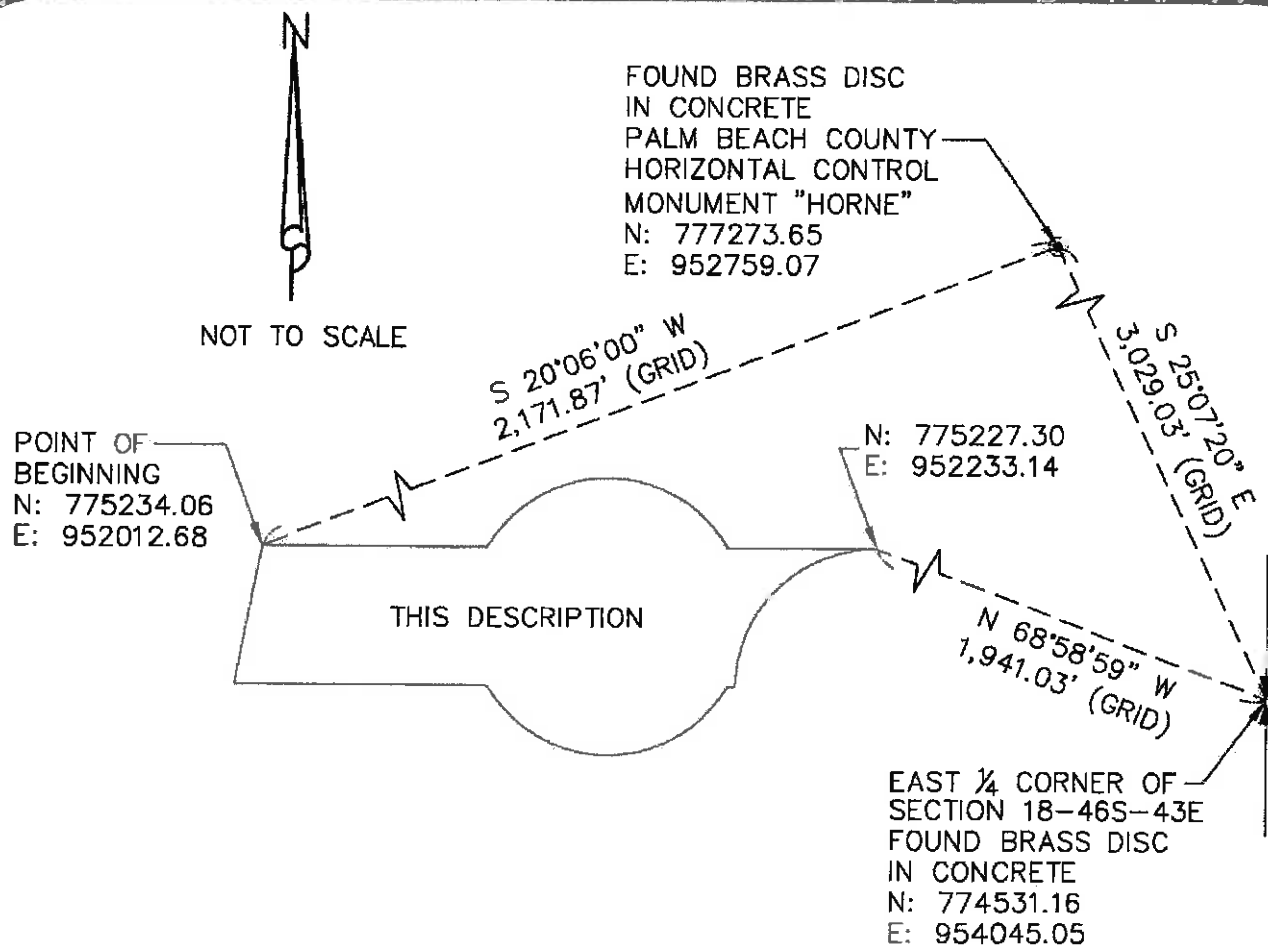
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EXHIBIT "A"



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LINE OF NW 1st STREET

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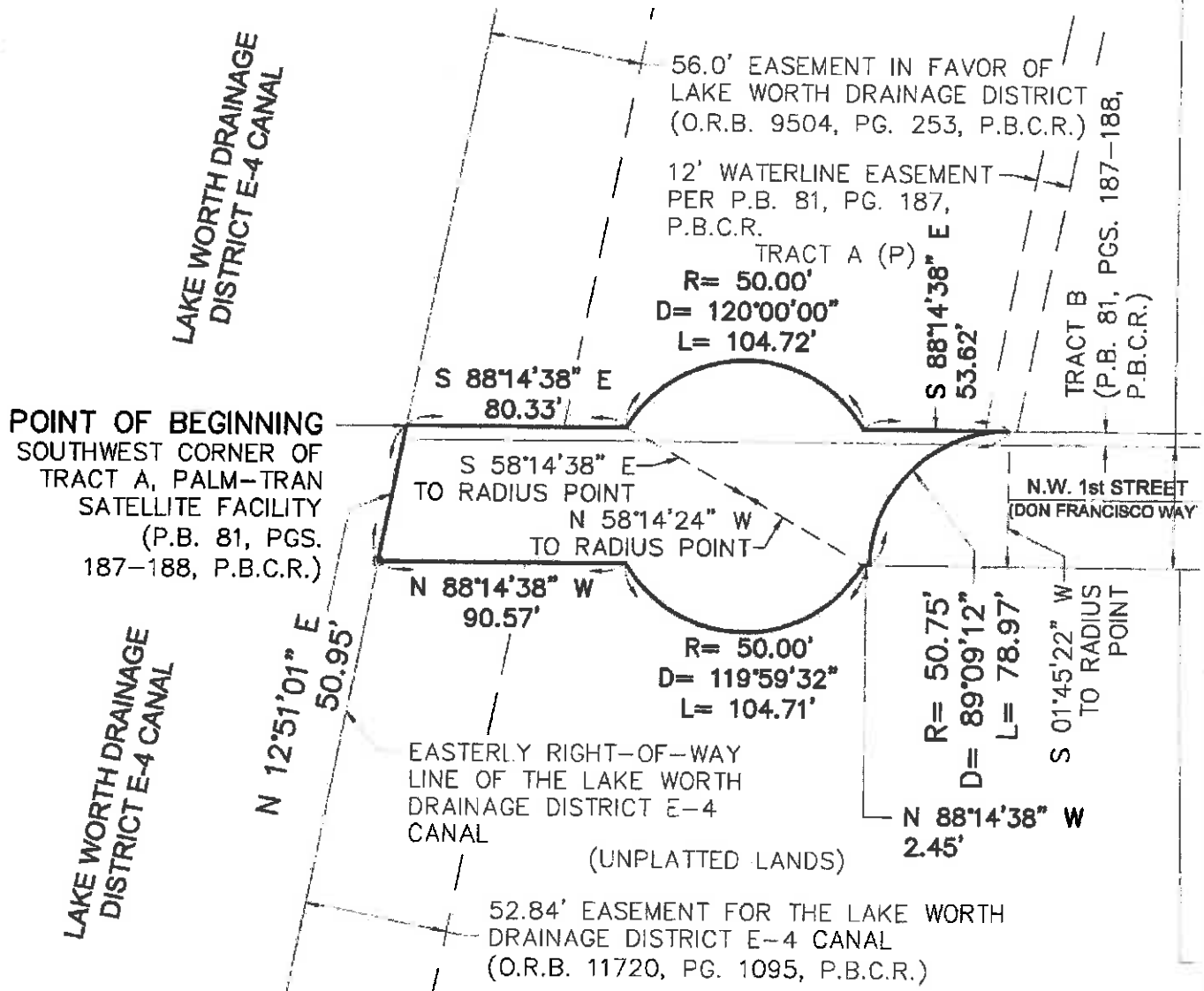
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EXHIBIT "A"



GRAPHIC SCALE IN FEET
SCALE: 1" = 60'

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