

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 ABUTTING 3523 LONE PINE ROAD, TOTALING APPROXIMATELY ELEVEN THOUSAND SEVEN HUNDRED AND THIRTY SQUARE FEET (11,730 SQ. FT.), 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 unimproved right-of-way totaling approximately eleven thousand seven hundred and thirty square feet (11,730 sq. ft.) (“Right-of-Way”), located at the northern terminus of Davis Road abutting 3523 Lone Pine Road, as more particularly described in Exhibit “A”; and

WHEREAS, the Right-of-Way was dedicated in perpetuity to Palm Beach County, Florida as recorded in Official Records Book 370, Page 391 and Official Records Book 370, Page 593 in the Public Records of Palm Beach County, Florida; and

WHEREAS, the City annexed the Right-of-Way through Ordinance No. 35-72 and Ordinance No. 73-88; and

WHEREAS, the Lake Worth Drainage District (“LWDD”), having been notified of the abandonment application, requested an exclusive access easement be created for its sole use in order to maintain the Lateral-30 Canal; and

WHEREAS, pursuant to Section 2.4.6(M)(3)(e) of the Land Development Regulations (“LDR”), the Planning and Zoning Board, sitting as the Local Planning Agency, formally reviewed the request at a public hearing on May 16, 2022, and voted 6 to 1 to recommend denial of the abandonment, by finding the request is not consistent with respect to LDR 2.4.6(M) and the Comprehensive Plan; and

WHEREAS, the original application requested abandonment of the entire width of the 80-foot right-of-way totaling seventeen thousand fifty-nine square feet (17,059 sq. ft.) and subsequent to the Planning and Zoning Board recommendation for Denial, the application was modified to reduce the amount of right-of-way subject to the abandonment request to include only the west 55 feet of the Right-of-Way, rather than the entire 80 feet, wherein the east 25 feet will remain for access of the Public and LWDD; and

WHEREAS, pursuant to LDR Section 2.4.6(M)(3)(c), the City Engineer provided a recommendation to the Planning and Zoning Board that the abandonment be approved; and

WHEREAS, the LWDD has advised that they hold no objection to the proposed abandonment of right-of-way so long as at least 25 feet of the original right-of-way remains for access purposes; and

WHEREAS, the City 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 LDR Section 2.4.6(M) and at Mobility Element MBL 2.7.7 of the Comprehensive Plan; 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 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 result in the detriment for the provision of utility services to adjacent properties or the general area.

Section 3. The City Commission hereby vacates and abandons all rights and interest the City in the right-of-way, as more particularly described in Exhibit "A".

Section 4. 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 5. 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

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) FEET 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 15.00 FEET TO A POINT; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION SEVEN (7) 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 55.00 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 11,728.19 SQUARE FEET (0.2692 ACRES), MORE OR LESS.

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.

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.

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 5J-17.052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

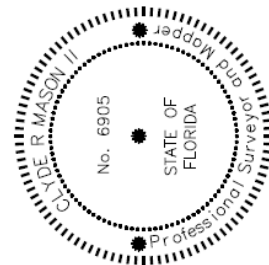
THIS SKETCH AND LEGAL DESCRIPTION WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE OPINION OR ABSTRACT BY THIS SURVEYOR OR ANY FORM. THE CLIENT IS HEREBY ADVISED THAT SUCH MATTERS OF RECORD MAY BE RECORDED IN THE PUBLIC RECORDS IN WHICH THE SUBJECT PARCEL IS SITUATE.

DATE OF FIELD WORK: APRIL 29TH, 2021

Sheet 2 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
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