

RESOLUTION NO. 17-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF THE SW 2ND AVENUE ROAD RIGHT-OF-WAY, AS MORE PARTICULARLY DESCRIBED HEREIN, BUT RESERVING AND RETAINING TO THE CITY A GENERAL UTILITY EASEMENT FOR PUBLIC AND PRIVATE UTILITIES OVER A PORTION OF THE ABANDONMENT AREA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A REVERTER CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Delray Beach, Florida received an application for the abandonment of a portion of the existing 50' road right-of-way for SW 2nd Avenue as set forth on the plats for Nichols First Addition to Delray Beach, Florida (PB 21, Page 69) and Nichols Second Addition to Delray Beach, Florida (PB 21, Page 70), being more fully described in the sketch and legal description attached hereto as Exhibit "A"; and

WHEREAS, the application for abandonment of said road right-of-way was processed pursuant to Section 2.4.6(M), "Abandonment of Rights-of-Way", of the Land Development Regulations of the City of Delray Beach, Florida; and

WHEREAS, pursuant to LDR Section 2.4.6(M)(3)(e), the Planning and Zoning Board, as Local Planning Agency, formally reviewed the matter at a public hearing on May 19, 2014, and voted 6 to 1 to recommend approval of the abandonment, based upon positive findings with respect to LDR Section 2.4.6(M)(5), subject to the condition that a general utility easement be retained over the southern 5 feet of the abandonment area; and a 12' wide water easement be dedicated by separate instrument over an existing water line located on the western side of the road right-of-way.

WHEREAS, pursuant to LDR Section 2.4.6(M), the application was forwarded to the City Commission with the recommendation that the abandonment be approved, based upon positive findings; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, finds that it to be in the best interest of the City of Delray Beach to vacate and abandon said road right of way, based upon positive findings pursuant to LDR Section 2.4.6(M)(5), but does not abandon and retains and reserves unto itself a general utility easement over the southern 5 feet of the abandonment area for the purpose of emergency access and constructing and/or maintaining, either over or under the surface, poles, wires, pipes, sewers, drainage facilities, or any other facilities used for various public utilities whether owned by the City or private corporations.

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

Section 1. That the foregoing recitals are hereby incorporated herein by this reference.

Section 2. That pursuant to Chapter 177.101(5) and Chapter 166 of the Florida Statutes, it is hereby determined by the City of Delray Beach Commission to vacate and abandon all rights and interests it holds to the real property described in Exhibit "A" except as provided for in Section 3 of this Resolution.

Section 3. The City of Delray Beach Commission does not abandon and retains and reserves unto itself a general utility easement for the purpose of emergency access and constructing and/or maintaining, either over or under the surface, poles, wires, pipes, sewers, drainage facilities, or any other facilities used for various public utilities whether owned by the City or private corporations, over the southern 5 feet of the abandonment area, more particularly described in Exhibit "B".

Section 4. The abandonment shall not be effective until both this Resolution and a Water Easement Deed over the existing water line have been recorded in the Public Records of Palm Beach County, Florida.

PASSED AND ADOPTED in regular session on this the _____ day of _____, 2014.

M A Y O R

ATTEST:

CITY CLERK

EXHIBIT "A"

SPECIFIC PURPOSE SURVEY

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com • CERTIFICATE OF AUTHORIZATION #LB387

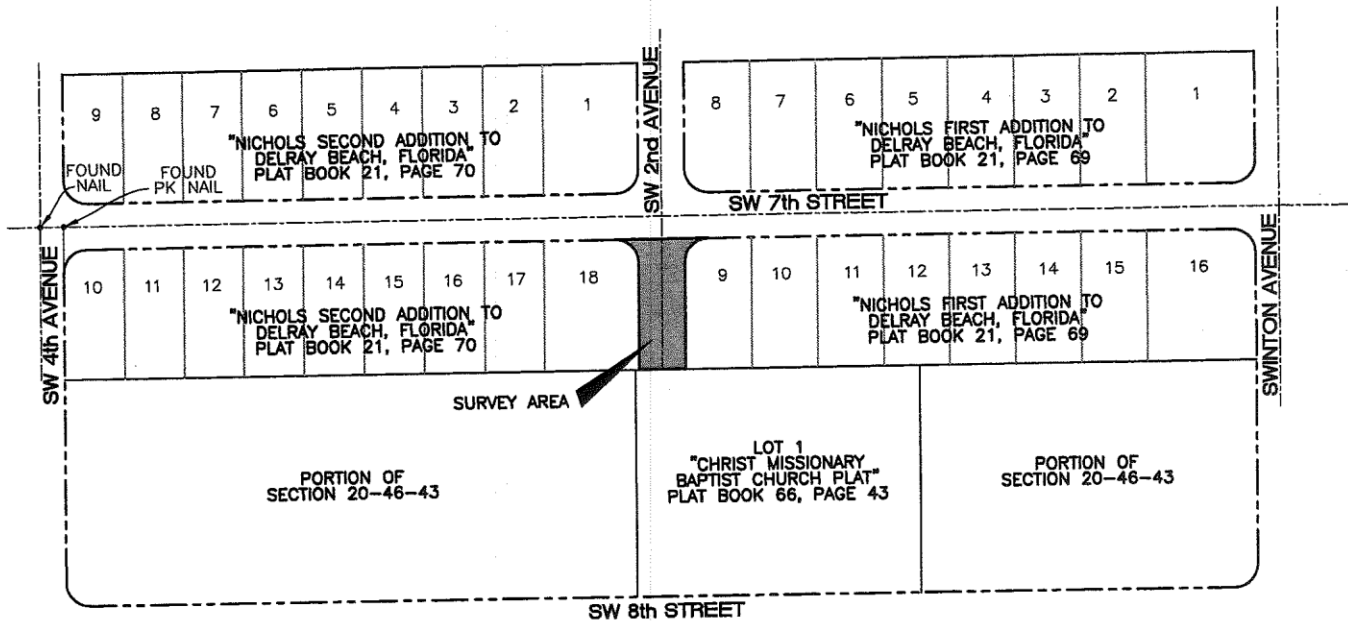


LEGAL DESCRIPTION:

A PORTION OF THE RIGHT-OF-WAY FOR S.W. 2ND AVENUE AS DEDICATED BY "NICHOLS FIRST ADDITION TO DELRAY BEACH, FLORIDA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND "NICHOLS SECOND ADDITION TO DELRAY BEACH, FLORIDA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 70, OF SAID PUBLIC RECORDS BOUND AS FOLLOWS:

ON THE EAST BY THE WESTERLY BOUNDARY OF LOT 9 OF SAID "NICHOLS FIRST ADDITION TO DELRAY BEACH, FLORIDA"; ON THE SOUTH BY THE SOUTHERLY PLAT LIMITS OF SAID OF "NICHOLS FIRST ADDITION TO DELRAY BEACH, FLORIDA" AND CONTINUING ON THE SOUTHERLY PLAT LIMITS OF "NICHOLS SECOND ADDITION TO DELRAY BEACH, FLORIDA", SAID LINE ALSO BEING THE NORTH LINE OF LOT 1 OF "CHRIST MISSIONARY BAPTIST CHURCH PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 66, PAGE 43, OF SAID PUBLIC RECORDS; ON THE WEST BY THE EASTERLY BOUNDARY OF LOT 18 OF SAID "NICHOLS SECOND ADDITION TO DELRAY BEACH, FLORIDA", AND BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 18, "NICHOLS SECOND ADDITION TO DELRAY BEACH, FLORIDA" AND THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 9, "NICHOLS FIRST ADDITION TO DELRAY BEACH, FLORIDA", SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF S.W. 7TH STREET AS DEPICTED ON SAID PLATS.

SAID LANDS SITUATE, LYING AND BEING IN DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 7,294 SQUARE FEET, 0.1674 ACRES.



LOCATION SKETCH
NOT TO SCALE

NOTES:

- 1) THIS SITE LIES IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.
- 2) THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: CARL JAMES
- 3) THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS $\pm 0.2'$.
- 4) THE PURPOSE OF THIS SURVEY IS TO SHOW IMPROVEMENTS IN THE RIGHT-OF-WAY TO BE VACATED.
- 5) BEARINGS ARE BASED ON THE CENTERLINE OF SW 2nd AVENUE, BEING $N00^{\circ}04'17''W$.

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

FILE: JAMES, CARL

SCALE: 1"=30'

DRAWN: L.S.

ORDER NO.: 57504A

SURVEY DATE: 4/17/14

SW 2nd AVENUE

DELRAY BEACH, FLORIDA

FOR: CARL JAMES

CERTIFICATION

I hereby certify: That this sketch of survey meets the minimum technical standards set forth by the Florida Department of Agriculture and Consumer Services ("DOACS") Number 5J-17, Florida administrative code, pursuant to Chapter 472.027, Florida statutes. Not valid without the signature and the original raised seal of a florida licensed surveyor and mapper.

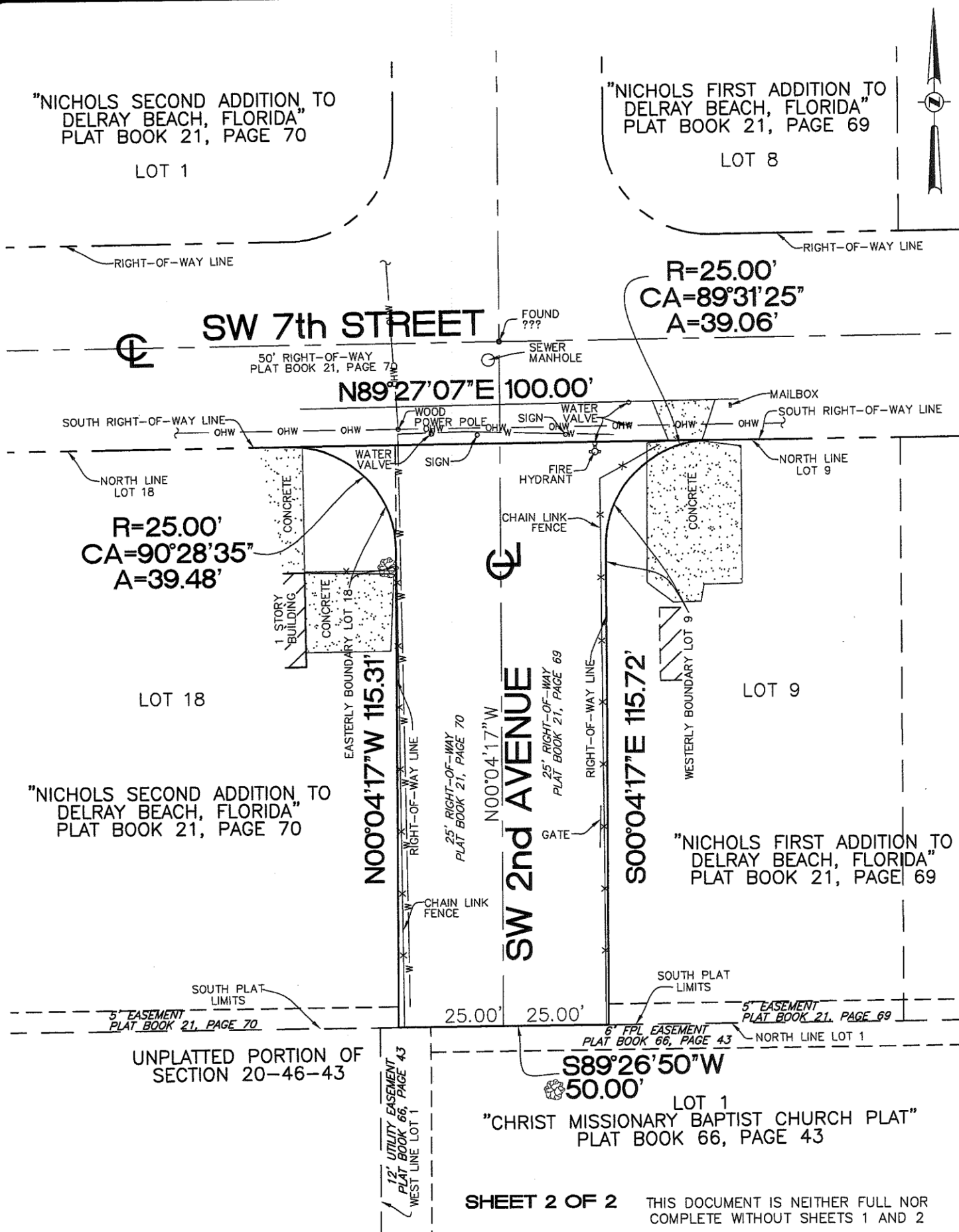
Beth Burns

- ☒ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☒ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA



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SHEET 2 OF 2

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FILE: JAMES, CARL

SCALE: 1"=30'

DRAWN: L.S.

ORDER NO.: 57504A

SURVEY DATE: 4/17/14

SW 2nd AVENUE

DELRAY BEACH, FLORIDA

FOR: CARL JAMES

LEGEND:



CONCRETE
ASPHALT PAVEMENT
ELEVATION
CENTERLINE

EXHIBIT "B"



SKETCH AND LEGAL DESCRIPTION BY **PULICE LAND SURVEYORS, INC.** 5381 NOB HILL ROAD SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

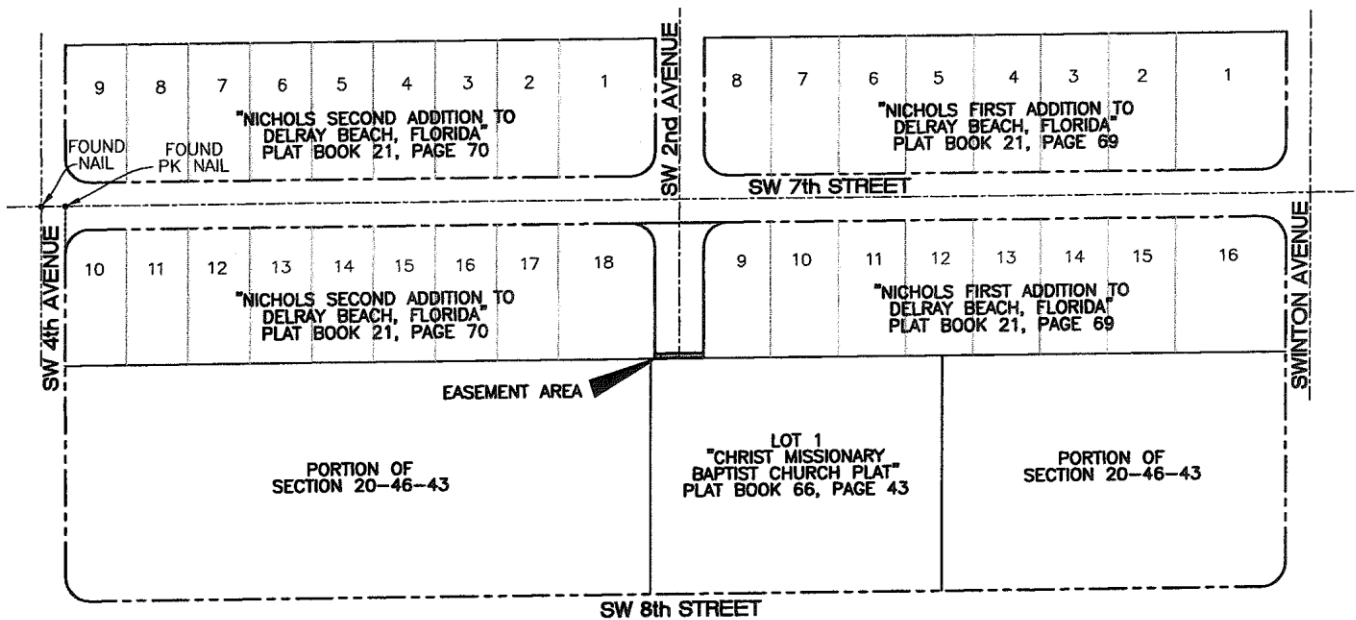


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BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF SAID "NICHOLS SECOND ADDITION TO DELRAY BEACH, FLORIDA", THENCE NORTH 00°04'17" WEST ALONG THE EAST LINE OF SAID LOT 18, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF SW 2nd AVENUE FOR 5.00 FEET; THENCE NORTH 89°26'50" EAST 50.00 FEET TO A POINT ON THE WEST LINE OF LOT 9 OF SAID "NICHOLS FIRST ADDITION TO DELRAY BEACH, FLORIDA"; THENCE SOUTH 00°04'17" EAST ALONG SAID WEST LINE, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF SW 2nd AVENUE FOR 5.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89°26'50" WEST ALONG THE NORTH LINE OF LOT 1 OF "CHRIST MISSIONARY BAPTIST CHURCH PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 66, PAGE 43, OF SAID PUBLIC RECORDS FOR 50.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 250 SQUARE FEET.



LOCATION MAP
1"=200'

NOTES:

- 1) BEARINGS ARE BASED ON THE CENTERLINE OF SW 2ND AVENUE BEING N00°04'17"W.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FILE: JAMES, CARL

SCALE: 1"=200'

DRAWN: L.S.

ORDER NO.: 57504B

DATE: 4/18/14

5' UTILITY EASEMENT

DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

FOR: CARL JAMES

SHEET 1 OF 2

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COMPLETE WITHOUT SHEETS 1 AND 2

☒ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA

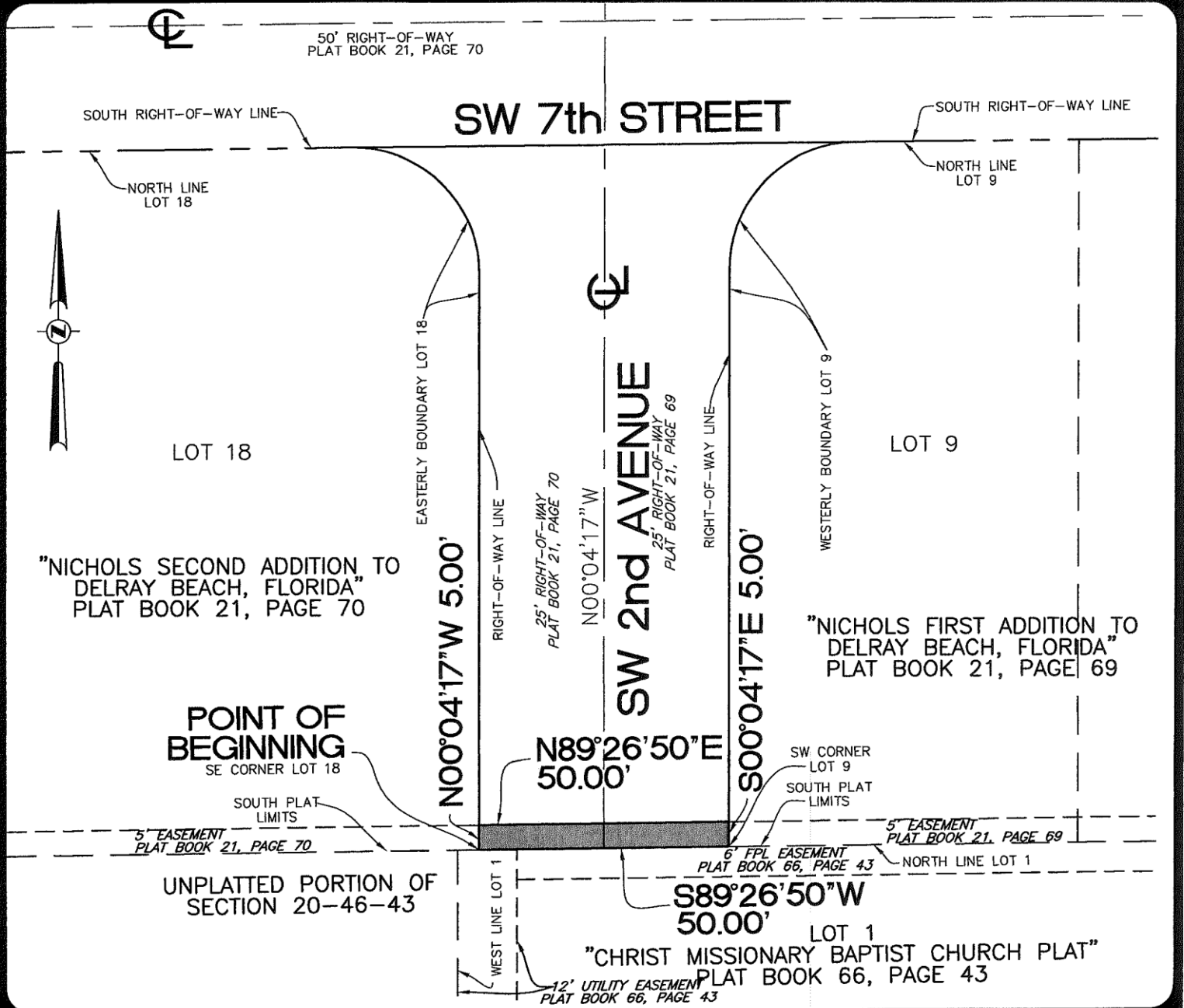


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FILE: JAMES, CARL

SCALE: 1"=50'

DRAWN: L.S.

ORDER NO.: 57504B

DATE: 4/18/14

5' UTILITY EASEMENT

DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

FOR: CARL JAMES

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
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LEGEND:



CENTERLINE

O.R.B.

OFFICIAL RECORDS BOOK