

RESOLUTION NO. 152-25

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 ADJACENT TO 300 GROVE PLACE, TOTALING APPROXIMATELY ONE THOUSAND THREE HUNDRED FIFTY-FOUR SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (the “City”) received an application (2025-178-ABR-CCA) from Jeffery Costello, of JC Planning Solutions on behalf of Cason Court, LLC, for the abandonment of interest in a portion of right-of-way totaling approximately one thousand three hundred fifty-four square feet (1,354 sq. ft.) (“Right-of-Way”), located adjacent to 300 Grove Place, as more particularly described in Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, the Right-of-Way was dedicated in perpetuity to the public as public right-of-way in the Town of Delray (previously Town of Linton) Plat, recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida; and

WHEREAS, there are existing water and sewer utilities within the Right-of-Way; and

WHEREAS, Section 2.4.9(B)(6) of the Land Development Regulations (“LDR”) requires City Commission to make the following findings prior to granting an abandonment of right-of-way:

- (a) That there is not, nor will there be, a need for the use of the right-of-way for any public purpose;
- (b) That the abandonment does not, nor will not, prevent access to a lot of record; and
- (c) 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; and

WHEREAS, pursuant to LDR Section 2.4.9(B)(5)(b), the City can impose conditions to ensure compliance with required findings; and

WHEREAS, pursuant to LDR Section 2.4.9(B)(5)(d), as a condition of approval, the City can require replacement easements or the relocation of existing utilities; and

WHEREAS, pursuant to LDR Section 2.4.9(B)(4)(d), the application with the recommendation of the City Engineer shall be forwarded for review by the Planning and Zoning Board; and

WHEREAS, the City Engineer recommends that the abandonment request be approved, with the condition a Water and Sewer Utility Easement over a portion of the Right-of-Way be properly executed and recorded; and

WHEREAS, the Planning and Zoning Board reviewed the abandonment request at its meeting on August 25, 2025, and voted 6 to 0 to recommend approval; and

WHEREAS, the City Commission reviewed the application to abandon an interest in a portion of right-of-way totaling approximately one thousand three hundred fifty-four square feet (1,354 sq. ft.) adjacent to the property located at 300 Grove Place and has considered the respective findings in the Land Development Regulations and Comprehensive Plans.

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, nor will there be, a need for the use of this portion of the right-of-way for any 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.

Section 3. The City Commission hereby vacates and abandons all rights and interest the City holds in the Right-of-Way, as more particularly described in Exhibit “A,” subject to the following conditions:

- (1) A Water and Sewer Utility Easement over a portion of the abandoned area shall be properly executed and recorded; and
- (2) The abandoned area be deeded to Lot 7, Block 41 to meet minimum lot frontage requirements pursuant to the LDR.

Section 4. This Resolution shall not be effective until a Water and Sewer Utility Easement Agreement satisfactory to the City is executed by the owner of 300 Grove Place and recorded in the Public Records of Palm Beach County, Florida.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jeffery Costello, of JC Planning Solutions, 981 Delray Lakes Drive, Delray Beach, Florida 33444.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Alexis Givings, City Clerk

\_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney

**EXHIBIT "A"**  
**RIGHT-OF-WAY SKETCH AND LEGAL DESCRIPTION**

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