



CITY OF DELRAY BEACH

DEPARTMENT OF PUBLIC WORKS

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TO: Julian Gdaniec, Senior Planner

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

ISSUE DATE: October 4, 2022

RE: Partial Abandonment of Davis Road North of Lone Pine Road
TAC ID-1045

Pursuant to Land Development Regulation (LDR) Section 2.4.7 (M) (3) (f) a recommendation of the City Engineer to the Planning and Zoning Board is required for abandonments of rights-of-way. **The recommendation of the City Engineer is to approve the request for abandonment of a portion of Davis Road north of Lone Pine Road** based on the following analysis:

1. Per the City's Comprehensive Plan, Always Delray, in the Mobility Element Policy MBL 2.7.7: *Do not grant abandonment of right-of-way unless conclusively demonstrated that there is not, nor will there be, a need for the use of the right-of-way for any public purpose.* This roadway Right-of-Way is currently not paved and only serves the public as an access point for Lake Worth Drainage District (LWDD) Lateral-30 Canal (L-30) access and there will be 25' of right-of-way remaining in order to facilitate LWDD's maintenance of the L-30.
2. The City Commission is required per LDR Section 2.4.6 (M) (5) 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 partial abandonment is consistent with the LDRs and Policies as laid out in Items 1 above, as the Right-of-Way is currently unpaved and the portion that will remain will function as an access for LWDD to maintain their canal.
 - *That the abandonment does not, nor will not, prevent access to a lot of record;* The abandonment will not prevent access to lots of record as the adjacent affected property already has access via the adjacent to the road right-of-way of Lone Pine Road.
 - *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 and utility services will be required to be maintained in perpetuity in this area. The remaining right-of-way will satisfy this requirement.
3. If the City Commission makes the three positive findings that are required to grant the abandonment request, conditions may be imposed upon the abandonment. Since the abandonment is only partial, conditions are not necessary.

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