



Cover Memorandum/Staff Report

File #: 23-1680

Agenda Date: 2/6/2024

Item #: 7.A.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: February 6, 2024

RESOLUTION NO. 03-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF UNIMPROVED RIGHT-OF-WAY LYING BETWEEN 1043 AND 1103 WALLACE DRIVE, TOTALING APPROXIMATELY EIGHT THOUSAND EIGHT HUNDRED AND NINETY-EIGHT SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommended Action:

Review and consider the abandonment of interest in a portion of unimproved right-of-way lying between 1043 and 1103 Wallace Drive, totaling approximately 8,898 square feet, to be included in the assemblage of the abutting properties to the north (1043 Wallace Drive) and south (1103 Wallace Drive). The north half of the right-of-way is to be returned to 1043 Wallace Drive, and the south half is to be returned to 1103 Wallace Drive.

Background:

The subject area is an unimproved right-of-way segment of SW 11th Street located between 1043 and 1103 Wallace Drive. The property has a Commerce (CMR) land use and is within the Light Industrial (LI) zoning district. The area is located within the Wallace Drive Redevelopment Area/Overlay District. If approved, the applicant intends to develop both adjacent properties inclusive of the designated abandonment area, as a unified whole. A development application has not yet been submitted.

The Wallace Drive Redevelopment Plan recommends aggregation of properties for development throughout the redevelopment area, including the properties east of Wallace Drive. Per the Guidelines for Redevelopment of the Area, Aggregation of Property: "...*Unimproved and under-improved rights-of-way shall be abandoned when it facilitates the aggregation of parcels and larger scale development, provided that the right-of-way is not essential for traffic flow purposes*" (Page 19).

Pursuant to **LDR Section 2.4.9(B)(6), Abandonment of right-of-way: Findings, prior to granting an abandonment the City Commission must make the following findings:**

- (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.*
- (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.*

Pursuant to **LDR Section 2.4.9(B)(5), Abandonment of right-of-way: Conditions**, *conditions may be imposed upon an abandonment*. Utility lines are located in the abandonment area; therefore, the applicant is required to provide a General Utility Easement (GUE) in the abandonment area. The easement will be reviewed by City Commission concurrent with the abandonment request, and the easement will be recorded by the Palm Beach County Office of Public Records concurrent with the recordation of the right-of-way abandonment. The City Engineer has recommended approval of the request, provided the GUE is approved.

The request was considered at a public hearing held by the Planning and Zoning Board on December 18, 2023. The Board provided a recommendation to approve with a vote of 5 to 0. A full analysis of the request is provided in the attached Planning and Zoning Board staff report.

City Attorney Review:

Resolution No. 03-24 has been approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Resolution No. 03-24 will be effective upon recordation, which must be concurrent with the recordation of both general utility easement proposals.