



CITY OF DELRAY BEACH

DEPARTMENT OF PUBLIC WORKS

434 S Swinton AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7295



TO: Amy Alvarez, Principal Planner

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

ISSUE DATE: November 2, 2022

RE: Abandonment of Alleys to the North and East of 213 SE 2nd Avenue
TAC ID-1069

Pursuant to Land Development Regulation (LDR) Section 2.4.6 (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 deny the request for abandonment associated with the alleyway north and east of 213 SE 2nd Avenue based on the following analysis:

1. Per LDR Section 4.4.13 (J) (1) (c): *Streets and alleys may not be abandoned, vacated or closed to accommodate new development.* This application is not associated with an application for development. However, the applicant would be able to propose using said property, if abandoned, to contribute to development being more intense through FAR, Density, or other intensity metrics as well as the combination of lots which otherwise would have been separated by the alley. This LDR was waived by action of the City Commission on August 9, 2022, to enable this application to be processed.
2. Per LDR Section 4.4.13 (J) (1) (d): *Alleys provide an important tertiary support system. Alleys may be relocated provided access and service is maintained to all properties and the reconfigured alley maintains public access and has at least two separate access points for entry and exit within the same block. Alleys that are identified routes in the City's adopted bicycle and pedestrian master plan may not be relocated.* If the abandonment is approved, the remainder of alleyway would NOT be able to maintain public access at the north end. Alleyway users could access through the CRA owned parking lot immediately south and west of the alley segment for which abandonment is requested, however this is not an alleyway, it is a parking lot and not intended to serve as the ultimate northern terminus of the alley. The referenced alleyway is also located on the interim bicycle pedestrian master plan and thus should not be relocated.
3. Per the City's Comprehensive Plan, Always Delray, in the Mobility Element Policy MBL 2.6.1: *The City shall not abandon alley rights-of-way, and recognizes the important functions alleys provide by dispersing traffic, diversifying access points to properties, providing for multimodal access, and facilitating local trips.* Abandonment would be in conflict with this Policy.
4. Per the City's Comprehensive Plan, Always Delray, in the Mobility Element Policy MBL 2.6.2: *The City shall maintain the existing network of alleys in the downtown, which provide multiple benefits that enhance the quality of the area:*

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- *providing access for sanitation collection*
- *providing locations for utilities*
- *minimizing commercial deliveries from occurring in the primary street network*
- *reducing pedestrian-vehicular conflict points on the sidewalks*

Abandonment would be in conflict with this Policy.

5. 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 abandonment is not consistent with the LDRs and Policies as laid out in Items 1-4 above, and it is the City's plan to eventually pave the alley in question along with the other downtown alleys. However, the ultimate decision lies with the Commission as to the future public purpose of the alley right-of-way.
 - *That the abandonment does not, nor will not, prevent access to a lot of record;* The abandonment would not prevent access to a lot of record as all of the affected properties are adjacent to public road rights-of-way.
 - *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 creation of utility easements over the abandonment area can satisfy this requirement.
6. If the City Commission makes the three positive findings that are required to grant the abandonment request, conditions may be imposed upon the abandonment. Per LDR Section 2.4.6 (M) (4) (d): *Require replacement easements and/or relocation of existing utilities, as may be appropriate.* The City shall require the creation of Utility Easements over the abandoned area. Since the abandonment is adjacent to 3 separate properties there would be area that would be added to the 3 respective properties. Easements will be needed over all 3. The most flexible and secure manner of creating these easements would be a plat prepared by the applicant for the dedication of the easement by all adjacent properties which would require the signatures and approval of the 3 adjacent property owners who will be receiving property.