



CITY OF DELRAY BEACH

DEPARTMENT OF PUBLIC WORKS

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



TO: Brian Ruscher, AICP, Transportation Planner

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

ISSUE DATE: April 25, 2022

RE: 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 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 an access easement created 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 abandonment is consistent with the LDRs and Policies as laid out in Items 1 above, as the Right-of-Way is currently unpaved and functioning 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 creation of the access easement that LWDD may be able to use over a portion of the abandonment area can 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. Per LDR Section 2.4.6 (M) (4) (d): *Require replacement easements and/or relocation of existing utilities, as may be appropriate.* The City should require the creation of an Access Easement over a portion of the abandoned area.

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