

RESOLUTION NO. 143-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ABANDONING A PORTION OF A DRAINAGE EASEMENT LOCATED AT 810 ANDREWS AVENUE, TOTALING APPROXIMATELY ONE THOUSAND THREE HUNDRED THIRTY SQUARE FEET (1,330 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, UPON THE CONDITION A REPLACEMENT EASEMENT BE PROVIDED, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, Allan Hendricks of Caufield & Wheeler, Inc. (“Agent”) on behalf of TCG SDG Andrews, LLC. (“Owner”), submitted an application (2022-205-ABE-CCA) for the abandonment of a drainage easement (“Easement”) totaling approximately one thousand three hundred thirty square feet (1,330 sq. ft.), located at 810 Andrews Avenue, and as more particularly described in Exhibit “A”, and

WHEREAS, the Easement was dedicated in perpetuity for drainage purposes as recorded in Plat Book 42, Page 72, Public Records of Palm Beach County, Florida; and

WHEREAS, pursuant to Land Development Regulations (“LDR”) Section 2.4.6(N)(3)(c), the application was forwarded to the City Commission with a recommendation by the City Engineer the abandonment be approved; and

WHEREAS, pursuant to LDR Section 2.4.6(N)(5), prior to granting an abandonment of public easements, the City Commission must find the abandonment will not result in the detriment for the provision of utility services to adjacent properties or the general area; and

WHEREAS, pursuant to LDR 2.4.6(N)(4), the City can require a replacement easement as a condition of the abandonment; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, considered the request for abandonment of Easement on September 19, 2022.

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 the requested abandonment will not result in the detriment for the provision of utility services to adjacent properties or the general area, if a replacement general utility easement is provided to the City.

Section 3. The City Commission, pursuant to Chapter 177 and Chapter 166 of the Florida Statutes, and LDR Section 2.4.6(N), hereby vacates and abandons all rights and interest the City holds in the Easement, as more particularly described in Exhibit “A”.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Allan Hendricks, Caulfield & Wheeler, Inc. at 7900 Glades Road, Suite 100, Boca Raton, Florida 33434.

Section 5. This Resolution shall become effective immediately upon the recording of a replacement general utilities easement, attached hereto as Exhibit “B” and incorporated herein.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney