

RESOLUTION NO. 51-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ABANDONING A PORTION OF A WATER DISTRIBUTION EASEMENT LOCATED AT 4575 WEST LINTON BOULEVARD, TOTALING APPROXIMATELY FIVE THOUSAND TWO HUNDRED FIFTY-FOUR SQUARE FEET (5,254 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“City”) received an application (2023-007-ABE-CCA) for the abandonment of a water distribution easement (“Easement”) totaling approximately five thousand two hundred fifty-four square feet (5,254 sq. ft.), located at 4575 West Linton Boulevard, as more particularly described in Exhibit “A”, and

WHEREAS, the Easement was dedicated in perpetuity for water distribution purposes as recorded in Plat Book 99, Pages 197 thru 201, now being a portion of Delray Medical Parcel, according to the Plat thereof, as recorded in Plat Book 124, Pages 187 thru 191, both in the Public Records of Palm Beach County, Florida; and

WHEREAS, there are no existing or proposed public utilities located within the easement area, 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; 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 of the provision of utility services to adjacent properties or the general area; and

WHEREAS, on March 6, 2023, the City Commission considered the request for abandonment and the respective findings as set forth in the Land Development Regulations.

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.

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 portion of 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 Caron of Florida at 7789 NW Beacon Square Boulevard, Suite 101; Boca Raton, Florida 33487.

Section 5. This Resolution shall become effective immediately upon recordation.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2023.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney