

RESOLUTION NO. 09-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF THE ALLEYWAY WITHIN BLOCK 69 ASSOCIATED WITH THE SWINTON COMMONS DEVELOPMENT PROJECT DESCRIBED AS A PORTION OF THE 18.00 FOOT WIDE ALLEY SUBDIVISION OF BLOCK 69, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 43 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AND CONTAINING 2,234 SQUARE FEET, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Delray Beach, Florida received an application for abandonment of an alleyway that measures 18.00 feet wide as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida, and as more particularly described in Exhibit "A"; and

WHEREAS, the application for abandonment of a portion of said right-of-way was processed pursuant to Section 2.4.6(M), "Abandonment of Rights-of-Way", of the Land Development Regulations of the City of Delray Beach, Florida; and

WHEREAS, the abandonment is subject to the submission of a recorded Unity of Title for Block 61 and a certified copy be submitted to the Planning, Zoning, and Building Director within 60 days of this action; and

WHEREAS, the abandonment is subject to a Pedestrian Easement for the north/south portion of the alley right-of-way within Block 61 and that it be accepted by the City Commission prior to site plan certification; and

WHEREAS, the abandonment is subject to a Vehicular Easement for the east/west portion of the alley right-of-way within Block 61 and that it be accepted by the City Commission prior to site plan certification; and

WHEREAS, the abandonment is subject to alley abandonment shall not be recorded until an associated site plan for the entire block is approved and certified, the unity of title is recorded, and the referenced easements are recorded; and

WHEREAS, this Resolution accepts replacement of any current and impacted easements since the replatting of Block 69 has not been submitted; and,

WHEREAS, pursuant to LDR Section 2.4.6(N)(3)(c), the application was forwarded to the City Commission with the recommendation that the abandonment be approved on a vote of 5-0 (Patrick, Pike absent), based upon positive findings by the Planning and Zoning Board at its meeting of July 17, 2017; and,

WHEREAS, the City Commission of the City of Delray Beach, Florida, pursuant to LDR Section 2.4.6(M)(5), finds that there is not, nor will there be, a need for the use of the right-of-way for any public purpose (Policy A-6.3 of the Transportation Element); that the abandonment does not, nor will not, prevent access to a lot of record; that the abandonment will not result in detriment for the provision of access and/ or utility services to adjacent properties or the general area; and deems it to be in the best interest of the City of Delray Beach to vacate and abandon a portion of said alleys, as more particularly described in Exhibit "A."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the forgoing recitals are hereby incorporated herein by this reference.

Section 2. That pursuant to Chapter 177 and Chapter 166 of the Florida Statutes, it is hereby determined to vacate and abandon all rights and interests it holds to the following alley rights-of way, more particularly described as follows:

See Exhibit "A" attached hereto

PASSED AND ADOPTED in regular session on the 6th day of March, 2018.

Cary D. Glickstein, Mayor

ATTEST:

City Clerk