

RESOLUTION NO. 10-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, VACATING AND ABANDONING THE ALLEYWAY WITHIN BLOCK 61 ASSOCIATED WITH THE SWINTON COMMONS DEVELOPMENT PROJECT DESCRIBED AS A PORTION OF THE 16.00 FOOT WIDE ALLEY AND A PORTION OF LOT 5, IN BLOCK 61, "TOWN OF LINTON", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AND CONTAINING 9,199 SQUARE FEET, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Delray Beach, Florida received an application for abandonment of an alleyway that measures 16.00 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 relocation of existing utilities, subject to approval by the appropriate jurisdiction and County or State agencies; and,

WHEREAS, this Resolution accepts replacement of any current and impacted easements since the replatting of Block 61 has not been submitted; and,

WHEREAS, the abandonment is subject to the acceptance of a 20' wide pedestrian easement spanning from the south property line of the alleyway to the north; and,

WHEREAS, the abandonment is subject to the acceptance of a 20' wide vehicular easement spanning from the west property line of the alleyway to the east; and,

WHEREAS, the abandonment is subject to the recordation of a Unity of Title for all properties within Block 61; 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 4-1, based upon positive findings by the Planning and Zoning Board at its meeting of October 17, 2016; 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

R. Max Lohman, Esq.
City Attorney