

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

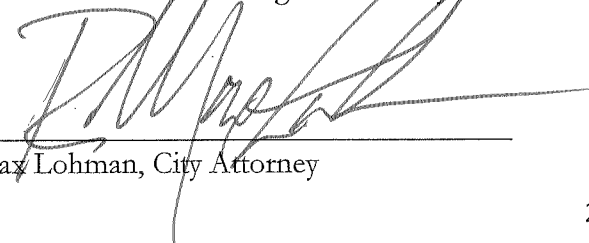
PASSED AND ADOPTED in regular session on the 6th day of March, 2018.

  
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Cary D. Glickstein, Mayor

ATTEST:

  
\_\_\_\_\_  
Katerine Johnson  
City Clerk

Approved as to form and legal sufficiency.

  
\_\_\_\_\_  
R. Max Lohman, City Attorney



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SURVEYING & MAPPING  
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## SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

### SWINTON COMMONS - ALLEY ABANDONMENT

#### LEGAL DESCRIPTION

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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 61; THENCE SOUTH  $89^{\circ}06'00''$  EAST, ALONG THE SOUTH LINE OF LOTS 1 AND 2 OF SAID BLOCK 61, A DISTANCE OF 139.44 FEET; THENCE SOUTH  $31^{\circ}23'56''$  EAST, ALONG THE WEST LINE OF LOT 1, "RECTORY PARK PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 95 AT PAGE 152 OF SAID PUBLIC RECORDS, A DISTANCE OF 15.36 FEET; THENCE SOUTH  $00^{\circ}02'00''$  WEST, ALONG THE WEST LINE OF SAID LOT 1, "RECTORY PARK PLAT", AND THE WEST LINE OF LOTS 12 THROUGH 16 OF SAID BLOCK 61, A DISTANCE OF 451.46 FEET; THENCE NORTH  $89^{\circ}06'10''$  WEST, ALONG THE SOUTH LINE OF SAID BLOCK 61, A DISTANCE OF 16.00 FEET; THENCE NORTH  $00^{\circ}02'00''$  EAST, ALONG THE EAST LINE OF LOTS 5 THROUGH 10 OF SAID BLOCK 61, A DISTANCE OF 432.21 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTHWEST BOUNDARY OF A RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 10998 AT PAGE 640 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 16.50 FEET AND A CENTRAL ANGLE OF  $89^{\circ}08'00''$ , A DISTANCE OF 25.67 FEET TO THE POINT OF TANGENCY; THENCE NORTH  $89^{\circ}06'00''$  WEST, ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 115.19 FEET; THENCE NORTH  $00^{\circ}02'00''$  EAST, ALONG THE WEST LINE OF SAID BLOCK 61, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.


SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 9539 SQUARE FEET, MORE OR LESS.

#### NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SWINTON AVENUE HAVING AN ASSUMED BEARING OF SOUTH  $00^{\circ}02'00''$  WEST.

#### CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

  
JEFF S. HODAPP  
SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. LS5111

#### ABBREVIATIONS

L	=	ARCLength
D	=	DELTA (CENTRAL ANGLE)
L.B.	=	LICENSED BUSINESS
L.S.	=	LICENSED SURVEYOR
MON.	=	MONUMENT
O.R.B.	=	OFFICIAL RECORDS BOOK
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
P.B.	=	PLAT BOOK
P.B.C.R.	=	PALM BEACH COUNTY RECORDS
PG.	=	PAGE
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
R/W	=	RIGHT-OF-WAY

Project Name:	SWINTON COMMONS	DATE:	12/29/2015
JOB NO.	14104	DWG BY:	JSH
		CK'D By:	JEK
			SHEET 1 OF 2

