Cover Memorandum/Staff Report

File #: 19-643 **Agenda Date:** 7/2/2019 **Item #:** 6.E.

TO: **Mayor and Commissioners**
FROM: **Timothy Stillings, Development Services Department**
THROUGH: **Neal de Jesus, Interim City Manager**
DATE: **July 2, 2019**

RESOLUTION NO. 121-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ABANDONMENT OF A GENERAL UTILITY EASEMENT CONTAINING 1,184 SQUARE FEET, AND A SEWER EASEMENT CONTAINING 453 SQUARE FEET, WHICH WERE DEDICATED TO THE CITY OF DELRAY BEACH AS RECORDED IN THE METROPOLITAN AT DELRAY REPLAT, PLAT BOOK 123, PAGES 52 AND 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, RUNNING PARALLEL TO THE ALLEY EAST OF SE 3RD AVENUE, NORTH OF SE 1ST STREET, AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Recommended Action:
Review and consider Resolution 121-19, as presented.

Background:
The General Utility Easement (GUE) and the Sewer Easement (SE) are requested to be abandoned for Parcel A of Metropolitan at Delray, according to the plat thereof as recorded in Plat Book 123, Page 52, of the records of Palm Beach County, Florida, containing 0.86 acres. Parcel A has a Future Land Use Map (FLUM) designation of Central Core (CC) and is zoned Central Business District (CBD). The previously approved site plan that required the easements was superseded on October 24, 2018, when the Site Plan Review and Appearance Board approved a Class V Site Plan for Delray City Market (2018-180). The approved site plan requires a GUE in a different location and does not require an SE.

On May 17, 2019, the Development Services Department received an Abandonment of Easement application to abandon the referenced GUE and SE. Abandonments of the existing easements are specifically shown in Exhibits A and B of Resolution No. 121-19. A new GUE, specific to the approved site plan, will be brought before the City Commission for acceptance when the location has been determined.

The abandonment application was reviewed in accordance with LDR Section 2.4.6(N), Abandonment of Public Easements. Per Section 2.4.6(N)(1), a GUE dedicated to the City or to the Public may be abandoned. Per Section 2.4.6(N)(5), prior to granting an abandonment, the City Commission must make the following finding:

a) That the abandonment will not result in the detriment for the provision of utility services to adjacent properties or the general area.

As no utilities were constructed in the GUE or the SE, the abandonment of the easements would not be a detriment to adjacent properties or the general area, therefore, a positive finding can be made in regard to these abandonment requests.

City Attorney Review:
Approved as to legal form and sufficiency.

Funding Source/Financial Impact:
N/A

Timing of Request:
Building permit cannot be issued until abandonment request is approved.