

RESOLUTION NO. 173-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF PORTIONS OF TWO GENERAL UTILITY EASEMENTS EACH CONTAINING 700 SQUARE FEET WHICH WERE DEDICATED TO THE CITY OF DELRAY BEACH AND ANY OTHER UTILITY OR SIMILAR FACILITY AS RECORDED IN DEED BOOK 847, PAGE 467 AND DEED BOOK 878, PAGE 273 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, RUNNING PARALLEL, FIVE FEET EAST AND FIVE FEET WEST, TO THE COMMON LOT LINE BETWEEN LOT 6 AND LOT 7, BLOCK H, PLAT BOOK 21, PAGE 95 OF THE JOHN B. RIED'S VILLAGE PLAT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida, received an application (2019-055-FSP-CCA) for a replat that requires an abandonment of portions of two general utility easements (GUE), each being 5 feet wide and 140 feet long and containing 700 square feet, as recorded in Deed Book 847, Page 467 and Deed Book 878, Page 273 of the public records of Palm Beach County, and as more particularly described in Exhibit "A"; and

WHEREAS, a site plan for the Casuarina Delray Townhomes was approved on June 12, 2019, that requires a replat and an abandonment of portions of the General Utility Easements; and

WHEREAS, no utilities have been constructed within the deeded easement areas to be abandoned; and

WHEREAS, the remaining portions of the existing GUE and the proposed GUE are shown on the approved site plan and the Casuarina Road Replat; and

WHEREAS, the easement abandonment component of the replat application was processed pursuant to Section 2.4.6 (N), "Abandonment of Public Easement," of the Land Development Regulations of the City of Delray Beach, Florida; and

WHEREAS, pursuant to LDR Section 2.4.6(N)(3)(c), the application was forwarded to the City Commission; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, pursuant to LDR Section 2.4.6(N)(5), finds that the abandonments will not result in detriment for the provision of utility services to adjacent properties or the general area; and

WHEREAS, upon approval by the City Commission, the resolution be recorded with Exhibit "A".

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

Section 1. That the foregoing 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 right and interest it holds to the following real property, more particularly described as follows:

EXHIBIT "A"

PASSED AND ADOPTED in regular session on the __ day of _____.

Katerri Johnson, City Clerk

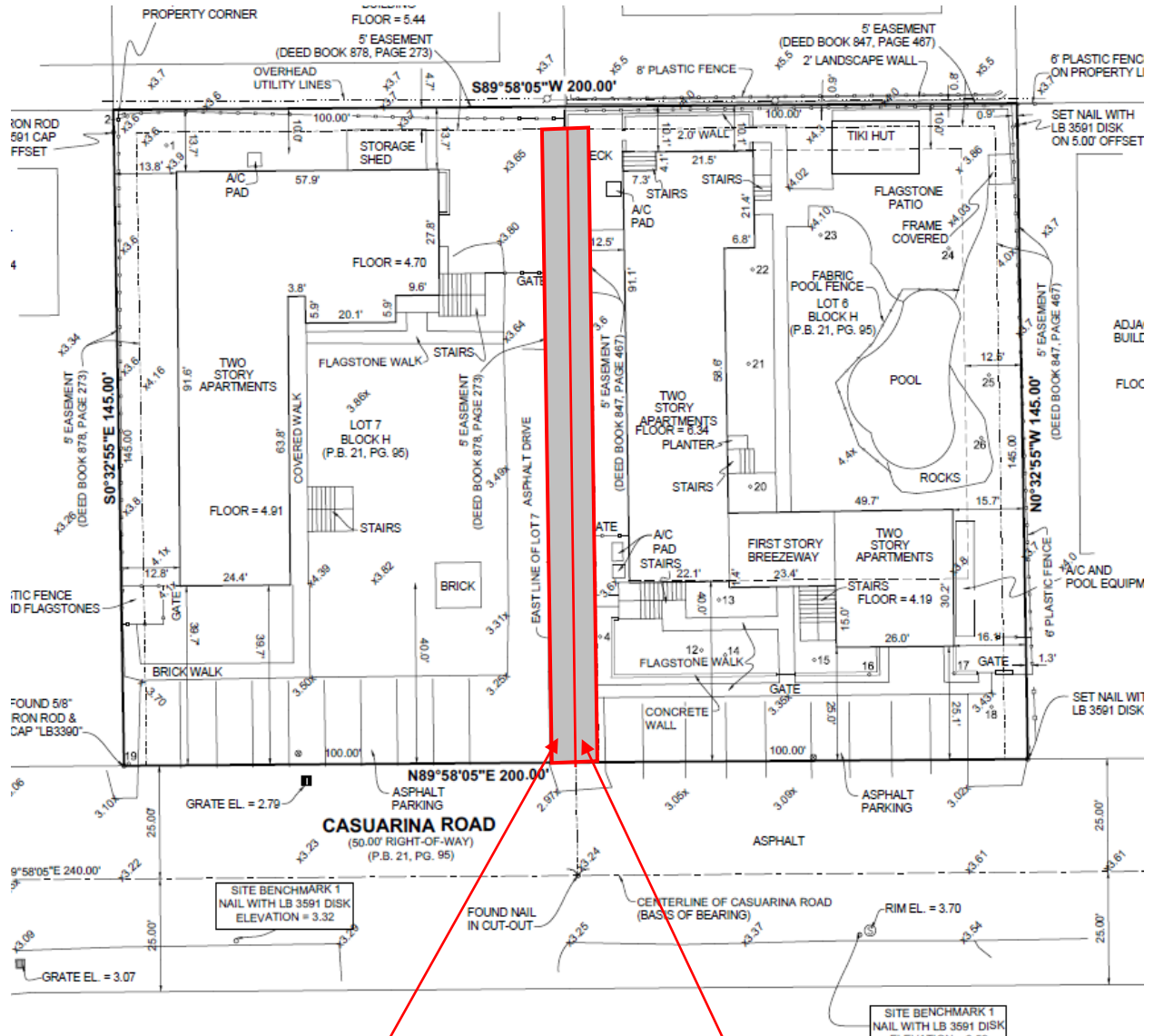
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

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EXHIBIT A



AREA TO BE ABANDONED

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