

RESOLUTION NO. 182-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ABANDONMENT OF A COMBINED PRIVATE RIGHT-OF-WAY AND PERPETUAL EASEMENT, CONTAINING APPROXIMATELY 2,500 SQUARE FEET, THAT WAS DEDICATED TO THE CITY OF DELRAY BEACH AS RECORDED IN THE ORIGINAL RECORDS BOOK 9937, PAGE 1474, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND AS SHOWN ON THE WALLACE FORD REPLAT, AS RECORDED IN PLAT BOOK 124, PAGE 151, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, 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 (2019-207-ABE-CCA) for abandonment of a 12-foot wide combined private right-of-way and perpetual easement containing 2,500 square feet, as recorded in the Original Records Book 9937, Page 1474, and as shown on the Wallace Ford Replat as recorded in Plat Book 124, Page 151, of the public records of Palm Beach County, and as more particularly described in Exhibit "A"; and

WHEREAS, the application of easement abandonment 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, the site plan for AutoNation BMW (2016-268) was approved on February 22, 2017, with the proposed building footprint encroaching into the existing perpetual easement area which would require an abandonment and a location for the proposed waterline to replace the waterline to be abandoned; and

WHEREAS, the Wallace Ford Replat which included an exclusive water easement dedicated to the City of Delray Beach for the installation and maintenance of the proposed water line was recorded; and

WHEREAS, a new waterline was installed within the platted easement negating the need for the existing water line to remain active; and

WHEREAS, pursuant to LDR Section 2.4.6(N)(3)(c), the application was forwarded to the City Commission with the recommendation by the City Engineer that the abandonment can approved; 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" (sketch and legal description) and noted on the Wallace Ford Replat, Plat Book 124, Page 151 of the Official Records of Palm Beach County.

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"

Section 3 This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

## EXHIBIT "A"

**EXHIBIT A****SKETCH & DESCRIPTION  
A PORTION OF WALLACE FORD-REPLAT**(P.B. 124, PG. 151, P.B.C.R.)  
CITY OF DELRAY BEACH**EASEMENT  
TO BE VACATED****LAND DESCRIPTION:**

A parcel of land lying within the plat of "WALLACE FORD-REPLAT, according to the plat thereof, as recorded in Plat Book 124, Page 151 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

**COMMENCING** at the Easternmost Northeast corner of said plat; thence S89°49'49"W, along the north line thereof, a distance of 284.00 feet; thence S01°21'19"W, a distance of 186.68 feet to the **POINT OF BEGINNING**; thence continue S01°21'19"W, a distance of 6.75 feet; thence S24°34'16"W, a distance of 63.82 feet; thence S65°25'44"E, a distance of 78.23 feet; thence N24°30'21"E, a distance of 41.21 feet; thence S65°25'44"E, a distance of 12.00 feet; thence S24°30'21"W, a distance of 53.21 feet; thence N65°25'44"W, a distance of 102.24 feet; thence N24°34'16"E, a distance of 73.35 feet; thence N71°41'07"E, a distance of 12.74 feet to the **POINT OF BEGINNING**.

Said lands situate in the City of Delray Beach, Palm Beach County, Florida.

**SURVEYOR'S NOTES:**

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon is in accord with the Easement recorded in Official Records Book 9937, Page 1474 of the Public Records Palm Beach County, Florida.
4. Bearings shown hereon are relative to the plat, WALLACE FORD-REPLAT, based on the north line of said plat having a bearing of S89°49'49"W.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend; L.B. = Licensed Business; O.R.B. = Official Records Book; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement.

**CERTIFICATION:**

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/22/2018**NOT VALID WITHOUT  
SHEETS 1 & 2**

  
JOHN T. DOOGAN, P.L.S.  
Florida Registration No. 4409  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3300

REVISIONS		<b>AVIROM &amp; ASSOCIATES, INC.</b>	JOB #:	9955-6
		<b>SURVEYING &amp; MAPPING</b>	SCALE:	_____
		50 S.W. 2nd AVENUE, SUITE 102	DATE:	02/19/2018
		BOCA RATON, FLORIDA 33432	BY:	J.S.B.
		(561) 392-2594 / <a href="http://www.AVIROMSURVEY.com">www.AVIROMSURVEY.com</a>	CHECKED:	J.T.D.
		©2018 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.	F.B.	PG. _____
			SHEET:	1 OF 2

# SKETCH & DESCRIPTION A PORTION OF WALLACE FORD-REPLAT

(P.B. 124, PG. 151, P.B.C.R.)  
CITY OF DELRAY BEACH

EASEMENT  
TO BE VACATED

NORTH LINE OF  
PLAT LIMITS  
(BEARING BASIS)

PLATT'S ACRES  
(P.B. 21, PG. 47, P.B.C.R.)

**P.O.C.**  
EASTERN MOST NORTHEAST  
CORNER OF PLAT, "WALLACE FORD"  
(P.B. 60, PGS. 174-175, P.B.C.R.)

**MILFRED STREET**

S89°49'49"W  
284.00'

N71°41'07"E  
12.74'

S01°21'19"W  
186.68'

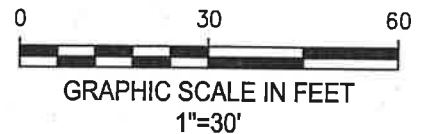
**P.O.B.**

S01°21'19"W  
6.75'

**WALLACE FORD-REPLAT**

(P.B. 124, PG. 151, P.B.C.R.)  
ALSO KNOWN AS WALLACE FORD  
(P.B. 60, PG. 174, P.B.C.R.)

**WALLACE DRIVE  
(GERMANTOWN ROAD)**



**NOT VALID WITHOUT  
SHEETS 1 & 2**

N24°34'16"E  
73.35'  
12'  
S24°34'16"W  
63.82'  
S65°25'44"E  
78.23'  
12'  
N65°25'44"W  
102.24'  
R/W & PERPETUAL  
EASEMENT  
O.R.B. 9937,  
PG. 1474, P.B.C.R.

N24°30'21"E  
41.21'  
12'

S65°25'44"E  
12.00'  
S24°30'21"W  
53.21'

## REVISIONS



**AVIROM & ASSOCIATES, INC.**  
SURVEYING & MAPPING

50 S.W. 2nd AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
(561) 392-2594 / [www.AVIROMSURVEY.com](http://www.AVIROMSURVEY.com)

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JOB #: 9955-6  
SCALE: 1" = 30'  
DATE: 02/19/2018  
BY: J.S.B.  
CHECKED: J.T.D.  
F.B. --- PG. ---  
SHEET: 2 OF 2