

RESOLUTION NO. 46-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT REQUEST FOR A MAJOR SUBDIVISION WITH WAIVERS FOR A FIVE-LOT SUBDIVISION KNOWN AS “ESTATES AT OCEAN DELRAY”, WHICH CONSISTS OF TWO EXISTING LOTS OF RECORD DESCRIBED AS LOTS 1 AND 2, DEL HARBOUR SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 148, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, LOCATED ON THE SOUTHWEST CORNER OF SOUTH OCEAN BOULEVARD AND DEL HARBOUR DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Carney Stanton P.L. (“Agent”) on behalf of Wright by the Sea 1901 (“Applicant”) submitted a Final Plat application (2020-079) to replat two existing legally nonconforming lots of record, described as 1060 Del Harbour Drive, as more particularly described in Exhibit “A”, into five lots with frontage on Del Harbour Drive more particularly described in Exhibit “B”; and

WHEREAS, the applicant has requested waivers from the requirements in the Land Development Regulations (LDRs) Section 4.3.4(K), “Development standards matrix”, seeking relief from minimum lot size, minimum lot width, and minimum lot frontage; and

WHEREAS, the LDRs of the City of Delray Beach (City) Section 2.4.5(J)(1), establishes that the City Commission is the final authority in the subdivision review process subsequent to action on the preliminary plat by the Planning and Zoning Board; and

WHEREAS, the Planning and Zoning Board at a public hearing on February 24, 2020, voted ___ to ___ to approve the preliminary plat; and

WHEREAS, pursuant to LDR Section 2.4.5(J)(5), the City Commission shall make a finding that the final plat is consistent with the findings associated with the preliminary plat pursuant to LRD Chapter 3; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, pursuant to LDR Chapter 3 and Sections 2.4.5(K) and 2.4.7(B), approves the major subdivision plat and declares that it is necessary and appropriate to approve it along with the requested waivers based on positive findings; and

WHEREAS, Lot 1, Del Harbour has a Future Land Use Map designation of MD - Medium Density and RM - Multiple Family Residential (Medium Density) zoning, and will be replatted as Lots 1, 2, and 3, Estates at Ocean Delray; and

WHEREAS, Lot 2, Del Harbour has a Future Land Use Map designation of LD - Low Density and RL - Multiple Family Residential (Low Density) zoning, and will be replatted as Lots 4 and 5, Estates at Ocean Delray; and

WHEREAS, upon approval by the City Commission, the plat shall be recorded pursuant to procedures as set forth by the City Clerk.

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. The plat attached hereto as Exhibit "B" is approved.

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on this ___ day of _____ 2020.

ATTEST:

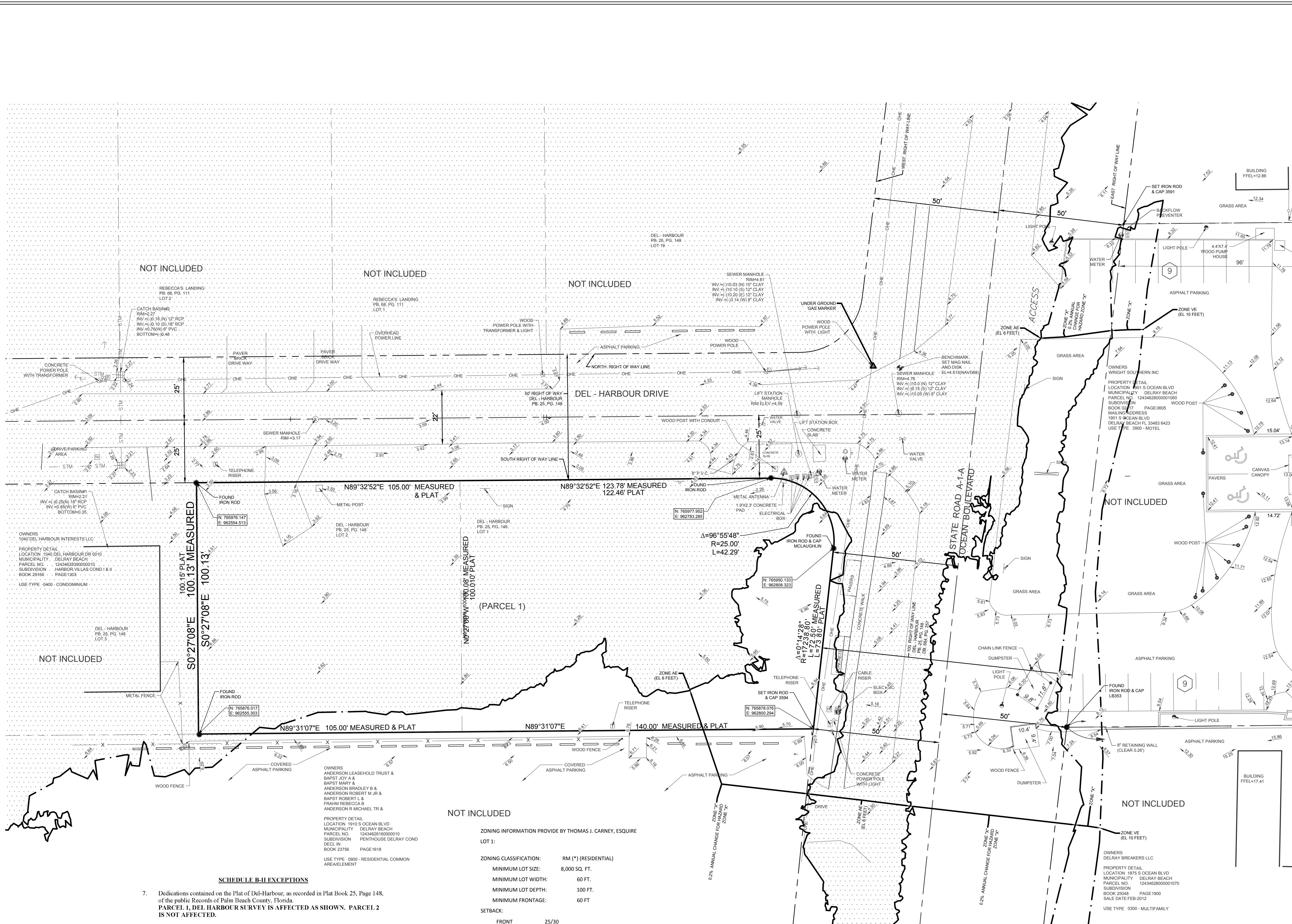
Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT A – EXISTING LOT OF RECORD
1060 DEL HARBOUR DRIVE
PCN 12-43-46-21-16-000-0010



- DESCRIPTION:
PARCEL 1
- LOTS 1 AND 2, DEL-HARBOR SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED PLAT BOOK 25, PAGE 148, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- CONTAINING: 0.5735 ACRES, 24.938 SQ. FT.
- CERTIFICATE:
- TO WRITING BY THE SEA 1901, L.L.A. FLORIDA LIMITED LIABILITY COMPANY, C/M REAL ESTATE CREDT, LLC; C/M COMMERCIAL TRUST CORPORATION AND C/M GROUP, LLC AND THEIR RESPECTIVE AFFILIATES AND SUBSIDIARIES (COLLECTIVELY "LENDER"), TOGETHER WITH ITS SUCCESSORS, ASSIGNS, PARTICIPANTS AND TRANSFERREES WITH RESPECT TO ITS INTERESTS IN THE SUBJECT FINANCING AND/OR ANY PARTY TO WHOM LENDER HAS PLEDGED INTEREST IN THE SUBJECT FINANCING MAY USE AND RELY UPON THIS SURVEY IN CONNECTION WITH THE MAXIMUM LOAN, AND AMERICAN LAND TITLE ASSOCIATION; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
- THIS IS CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(A), (6B), 7(A), 7(B)(1), 7(C), 8, 9, 11, 12, 13, 14, 15 AND 20 OF TABLE A THEROF
- THE FIELD WORK WAS COMPLETED ON JANUARY 9, 2019.

ALTA/NSPS LAND TITLE SURVEY
LOTS 1 AND 2, DEL-HARBOUR SUBDIVISION,
PLAT BOOK 25, PAGE 148

DATE	6/19/19
DRAWN BY	AMS
F.B./ PG.	ELEC
SCALE	SHOWN

DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

JOB # 8476
SHT.NO. 1
OF 1 SHEETS

EXHIBIT B – PROPOSED PLAT
1060 DEL HARBOUR DRIVE
PCN 12-43-46-21-16-000-0010

ESTATES AT OCEAN DELRAY

BEING A REPLAT LOTS 1 AND 2, DEL-HARBOUR SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 25, PAGE 148 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA
LYING IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

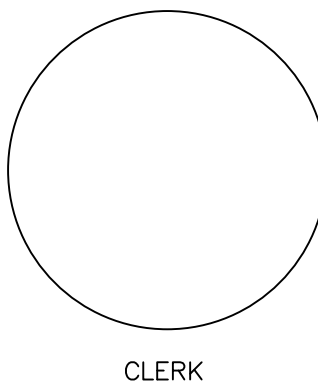
THIS INSTRUMENT WAS PREPARED BY
DAVID E. ROHAL, P.L.S.
OF
CAULFIELD and WHEELER, INC.
ENGINEERS – PLANNERS – SURVEYORS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434 – (561)392-1991

STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT WAS FILED FOR
RECORD AT _____ M.
THIS _____ DAY OF _____
A.D. 2020 AND DULY RECORDED
IN PLAT BOOK _____ ON
PAGES _____ THRU _____

SHARON R. BOCK
CLERK AND COMPTROLLER

BY: _____
DEPUTY CLERK

SHEET 1 OF 2



TABULAR DATA

NAME	SQUARE FEET	ACRES
PARCEL 1	24,938	0.573

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT WRIGHT BY THE SEA 1901, LLC, A FLORIDA LIMITED LIABILITY COMPANY, IS THE OWNER OF THE LAND SHOWN ON THIS PLAT OF ESTATES AT OCEAN DELRAY, BEING A REPLAT OF LOTS 1 AND 2, DEL-HARBOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 148 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 AND 2, DEL-HARBOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 148 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 24,938 SQUARE FEET, OR 0.5725 ACRE, MORE OR LESS.

SAID LANDS SITUATE IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

HAVE CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS ESTATES AT OCEAN DELRAY AND FURTHER DEDICATES AS FOLLOWS:

PARCEL

LOTS 1 THROUGH 5 ARE HEREBY RESERVED BY WRIGHT BY THE SEA 1901, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS FOR PRIVATE PURPOSES AS ALLOWED PURSUANT TO ZONING REGULATIONS OF THE CITY OF DELRAY BEACH.

ALONG WITH THE FOLLOWING EASEMENTS:

THE CITY OF DELRAY BEACH IS HEREBY GRANTED ACCESS FOR EMERGENCY AND MAINTENANCE PURPOSES.

GENERAL UTILITY (G.U.E.) EASEMENTS ARE MADE TO ANY PUBLIC OR PRIVATE UTILITY, SUCH AS BUT NOT LIMITED TO, STORM DRAINAGE, ELECTRIC POWER, GAS SERVICE, TELEPHONE LINES,, CABLE TELEVISION AND WATER AND SEWER SYSTEMS; PROVIDED HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITY AND SERVICES OF ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC FACILITY.

IN WITNESS WHEREOF, THE ABOVE-NAMED LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGING MANAGER AND ITS SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS LIMITED LIABILITY COMPANY, THIS _____ DAY OF _____, 2020.

WRIGHT BY THE SEA 1901, LLC,
A FLORIDA LIMITED LIABILITY COMPANY

WITNESS: _____ BY: _____
PRINT NAME REY GRABATO, MANAGING MEMBER

WITNESS: _____
PRINT NAME

ACKNOWLEDGEMENT:

STATE OF GEORGIA)
COUNTY OF FULTON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF ____ PHYSICAL PRESENCE OR ____ ONLINE NOTARIZATION, THIS _____ DAY OF _____, 2020, BY REY GRABATO AS THE MANAGING MEMBER OF WRIGHT BY THE SEA 1901, LLC, A FLORIDA LIMITED LIABILITY COMPANY ON BEHALF OF THE LIMITED LIABILITY COMPANY, WHO IS ____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2020.



NOTARY PUBLIC

PRINT NAME
MY COMMISSION EXPIRES: _____
COMMISSION NUMBER: _____

"NOTICE" THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.

MORTGAGEE'S CONSENT:

STATE OF _____)
COUNTY OF _____)

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORDS BOOK _____ AT PAGE _____ OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS _____ AND ITS CORPORATE SEAL TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS _____ DAY OF _____, 2020.

LENDER NAME: _____,

WITNESS: _____ BY: _____
PRINT NAME: _____ PRINT NAME: _____
WITNESS: _____ TITLE: _____
PRINT NAME: _____

ACKNOWLEDGEMENT:

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF ____ PHYSICAL PRESENCE OR ____ ONLINE NOTARIZATION, THIS _____ DAY OF _____, 2020, BY _____ AS _____ FOR _____ BANK, A _____ BANK, ON BEHALF OF THE BANK, WHO IS ____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2020.



NOTARY PUBLIC

PRINT NAME
MY COMMISSION EXPIRES: _____
COMMISSION NUMBER: _____

TITLE CERTIFICATION:

COUNTY OF PALM BEACH)
STATE OF FLORIDA)

I, _____, ESQ., A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED TO WRIGHT BY THE SEA 1901, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT THERE ARE MORTGAGES OF RECORD; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATED: _____

PRINT NAME:
ATTORNEY AT LAW
LICENSED IN FLORIDA

CITY APPROVALS:

THIS PLAT OF ESTATES AT OCEAN DELRAY WAS APPROVED ON THE _____ DAY OF _____, A.D. 2020 BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA.

ATTEST: _____
MAYOR CITY CLERK

AND REVIEWED, ACCEPTED, AND CERTIFIED BY:

CITY ENGINEER

DEVELOPMENT SERVICES DIRECTOR

FIRE MARSHAL

DATE: _____

JOHN T. DOOGAN, P.L.S.
PROFESSIONAL LAND SURVEYOR,
REG. #4409 STATE OF FLORIDA
AVIROM & ASSOCIATES, INC. LB #3300
50 SW 2ND AVENUE, SUITE 102
BOCA RATON, FL 33432

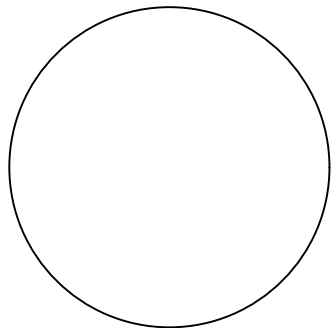
SURVEYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AS REQUIRED BY LAW, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA.

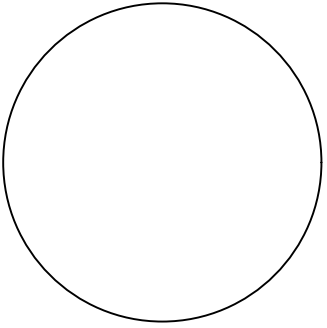
DATE: _____

DAVID E. ROHAL, P.L.S.
REG. LAND SURVEYOR #4315
STATE OF FLORIDA
LB #3591
CAULFIELD AND WHEELER, INC.
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434
CERTIFICATE OF AUTHORIZATION NUMBER LB3591
561-392-1991

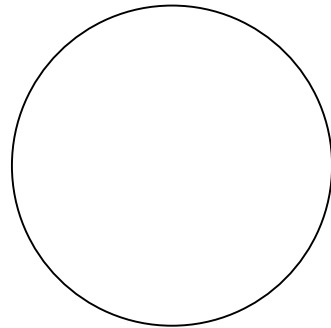
WRIGHT BY THE SEA 1901, LLC



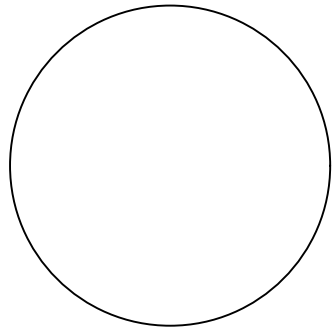
MORTGAGEE



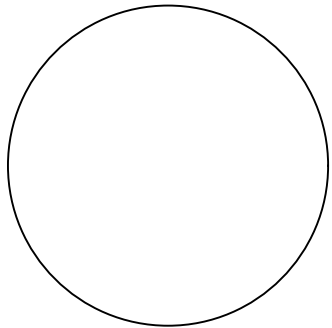
REVIEWING
SURVEYOR



CITY OF DELRAY BEACH



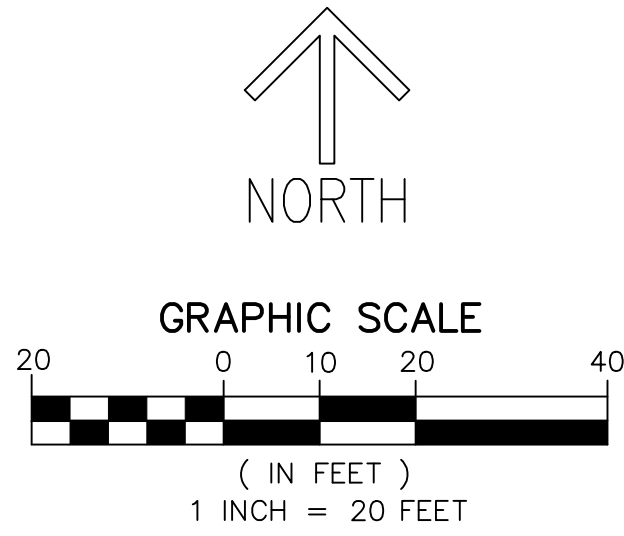
SURVEYOR



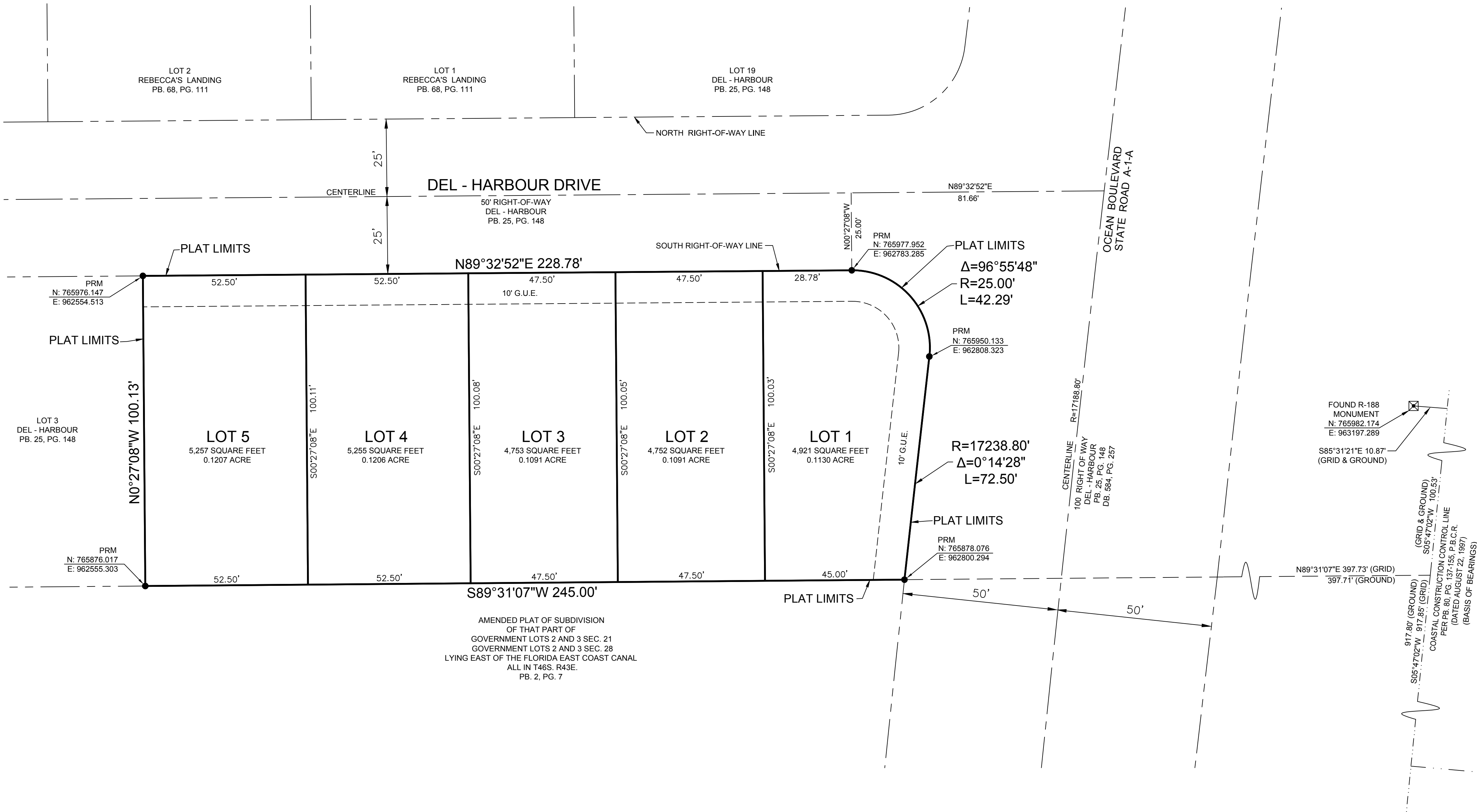
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LYING IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

THIS INSTRUMENT WAS PREPARED BY
DAVID E. ROHAL, P.L.S.
OF
CAULFIELD and WHEELER, INC.
ENGINEERS - PLANNERS - SURVEYORS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434 - (561)392-1991



SHEET 2 OF 2



NOTES
COORDINATES, BEARINGS AND DISTANCES

COORDINATES SHOWN ARE GRID
DATUM = NAD 83 WITH THE 2007 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNIT = US SURVEY FEET
COORDINATE SYSTEM 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.00004926
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

N: 765877.899 DENOTES STATE PLANE COORDINATES
E: 962800.585
COASTAL RANGE MONUMENT LOCATIONS

R-188
N: 765982.174
E: 963197.289
LATITUDE: 26.437929°
LONGITUDE: -80.061734°

R-189
N: 764960.111
E: 963197.148
LATITUDE: 26.435117°
LONGITUDE: -80.061757°

SURVEY NOTES:

- IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.
- BUILDING SETBACK LINES SHALL BE AS REQUIRED BY CURRENT DELRAY BEACH CITY ZONING REGULATIONS.
- THERE SHALL BE NO TREES OR SHRUBS PLACED ON UTILITY EASEMENTS WHICH ARE PROVIDED FOR WATER AND SEWER USE OR UPON DRAINAGE EASEMENTS. LANDSCAPING ON OTHER UTILITY EASEMENTS SHALL BE ALLOWED ONLY AFTER CONSENT OF ALL THE UTILITY COMPANIES OCCUPYING SAME.
- THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- THE CITY OF DELRAY BEACH IS HEREBY GRANTED THE RIGHT OF ACCESS FOR EMERGENCY AND MAINTENANCE PURPOSES.
- PRM - PERMANENT REFERENCE MONUMENT SET 5/8" IRON ROD AND CAP STAMPED PRM LB3591
- ALL RECORDING REFERENCES ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- BEARINGS AND COORDINATES SHOWN HEREON REFER TO THE COASTAL CONSTRUCTION CONTROL LINE PER MISC. MAP BOOK 80, PAGES 137-155, PALM BEACH COUNTY RECORDS (DATED: AUGUST 22, 1997).
- SET MAG NAIL AND DISK STAMPED PRM LB3591
- LOTS 1, 2, AND 3 ARE, AS OF THE DATE OF THIS PLAT, ZONED "RM (MEDIUM HIGH DENSITY RESIDENTIAL)" WITH A FUTURE LAND USE DESIGNATION OF "MD - MEDIUM DENSITY RESIDENTIAL" AND LOTS 4 AND 5 ARE, AS OF THE DATE OF THIS PLAT, ZONED "RL (MEDIUM DENSITY RESIDENTIAL)", WITH A FUTURE LAND USE DESIGNATION OF "LD - LOW DENSITY RESIDENTIAL"

LEGEND/ABBREVIATIONS:

R - RADIUS
Δ - DELTA (CENTRAL ANGLE)
L - ARC LENGTH
DB. - DEED BOOK
G.U.E. - GENERAL UTILITY EASEMENT
LB - LICENSED BUSINESS
NAD 83 - NORTH AMERICAN DATUM OF 1983
PB. - PLAT BOOK
PG. - PAGE