

RESOLUTION NO. 171-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A PORTION OF A SIDEWALK EASEMENT, A PUBLIC INGRESS-EGRESS EASEMENT, AND A GENERAL UTILITY EASEMENT FOR A DEVELOPMENT KNOWN AS ATLANTIC CROSSING LOCATED AT THE NORTHEAST CORNER OF ATLANTIC AVENUE AND NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“the City”) approved the Class V site plan for Atlantic Crossing on January 21, 2014, for a mixed-use project located generally at the northeast corner of Atlantic Avenue and NE 6th Avenue; and

WHEREAS, the Property is zoned Central Business District (“the CBD”); and

WHEREAS, the approved site plan required the owner to provide the City with a sidewalk easement, public ingress-egress easement, and general utility easement on the corner of Atlantic Avenue and NE 6th Avenue; and

WHEREAS, Section 2.4.6(N) of the City’s Land Development Regulations (“the LDR”) sets forth the standards for abandonment of public easements for the sidewalk and public ingress-egress; and

WHEREAS, the Florida Department of Transportation is requiring dedications of right-of-way for portions of the easements; and

WHEREAS, the applicant has requested abandonment of portions of the sidewalk easement, public ingress-egress easement, and general utility easement, for the Property as described in Exhibit “A” in accordance with the finding listed in LDR Sections 2.4.6(N)(5).

NOW, THEREFORE, BE IT RESOLVED 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 and are approved and adopted.

Section 2. The City Commission approves the abandonment of a portion of the sidewalk easement, public ingress-egress easement, and general utility easement.

Section 3. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Weiss, Handler & Cornwell, P.A.

Section 4. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 5. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney



947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

ATLANTIC CROSSING - RIGHT OF WAY PARCEL - EAST

LEGAL DESCRIPTION

A PORTION OF TRACT "A", "ATLANTIC CROSSING", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 125, AT PAGES 80 THROUGH 85 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE NORTH 00°00'00" WEST ALONG THE SOUTH LINE OF TRACT "A", A DISTANCE OF 265.60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 40.50 FEET; THENCE NORTH 00°51'58" WEST, A DISTANCE OF 15.50 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 16.51 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 10.62 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 24.22 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 4.88 FEET TO THE POINT OF BEGINNING;

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA. AND CONTAINING 372 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. SEE SHEET 2 FOR TITLE INFORMATION.
3. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N 90°00'00" W ALONG THE SOUTH LINE OF TRACT "A" OF "ATLANTIC CROSSING", P.B 125, PGS. 80-85, P.B.C.R.

ABBREVIATIONS

A	=	ARC LENGTH
D	=	DELTA (CENTRAL ANGLE)
G.U.E.	=	GENERAL UTILITY EASEMENT
L.B.	=	LICENSED BUSINESS
L.S.	=	LICENSED SURVEYOR
O.R.B.	=	OFFICIAL RECORDS BOOK
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
P.B.	=	PLAT BOOK
P.B.,R.	=	PALM BEACH COUNTY RECORDS
R/W	=	RIGHT-OF-WAY
U.E.	=	UTILITY EASEMENT

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE 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



Project Name:	ATLANTIC CROSSING	DATE:	09/27/2019
JOB NO.	14167	DWG BY:	GY
		CHK'D BY:	JSH
			SHEET 1 OF 3



947 Clint Moore Road
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SURVEYING & MAPPING
Certificate of Authorization No. LB7264

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TITLE INFORMATION

OWNER AND ENCUMBRANCE PROPERTY INFORMATION REPORT
FILE # 19096887
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
DATE SEARCHED: 1-1-1978-8-12-2019 AT 11:00 PM

#	BOOK, PAGE	DESCRIPTION	APPLIES?	SHOWN?
1	ORB 28372, PG. 461	DEED	YES	NO
2	ORB 30371, PG. 390	MORTGAGE	NO	NO
3	ORB 30371, PG. 421	ASSIGNMENT	NO	NO
4	ORB 30371, PG. 433	FINANCING STMT	NO	NO
5	ORB 30371, PG. 438	NOTICE	NO	NO
6	P.B. 125, PGS. 80-85	ATLANTIC CROSSING PLAT	YES	YES
7	ORB 23166, PG. 1366	RESOLUTION	NO	YES
8	ORB 23166, PG 1533	ESMT AGREEMENT	YES	YES
9	ORB 24662, PG. 1944	LNDSKP MAINT. AGREEMENT	YES	NO
10	ORB 26347, PG. 1633	HOLD HARMLESS	YES	NO
10	ORB 26347, PG. 1642	HOLD HARMLESS	YES	NO
10	ORB 26347, PG. 1747	HOLD HARMLESS	YES	NO
10	ORB 30178, PG. 1771	HOLD HARMLESS	YES	NO
11	ORB 27581, PG. 1544	WORKFORCE HOUSING AG	YES	NO
12	ORB 27726, PG. 1894	FPL EASEMENT	YES	YES
13	ORB 27726, PG. 1904	FPL EASEMENT	YES	YES
14	ORB 29455, PG. 1923	FPL EASEMENT	YES	YES
15	ORB 296621, PG. 393	ACCESS EASEMENT	NO	NO
16	ORB 30178, PG. 1736	LANDSCAPE AG.	YES	YES
16	ORB 30178, PG. 1759	LANDSCAPE AG.	YES	NO

JOB NO.	14167	Project Name:	ATLANTIC CROSSING	DWG BY:	GY	SCALE:	N/A
				CHK'D BY:	JSH	DATE:	09/27/2019
						SHEET 2 OF 3	

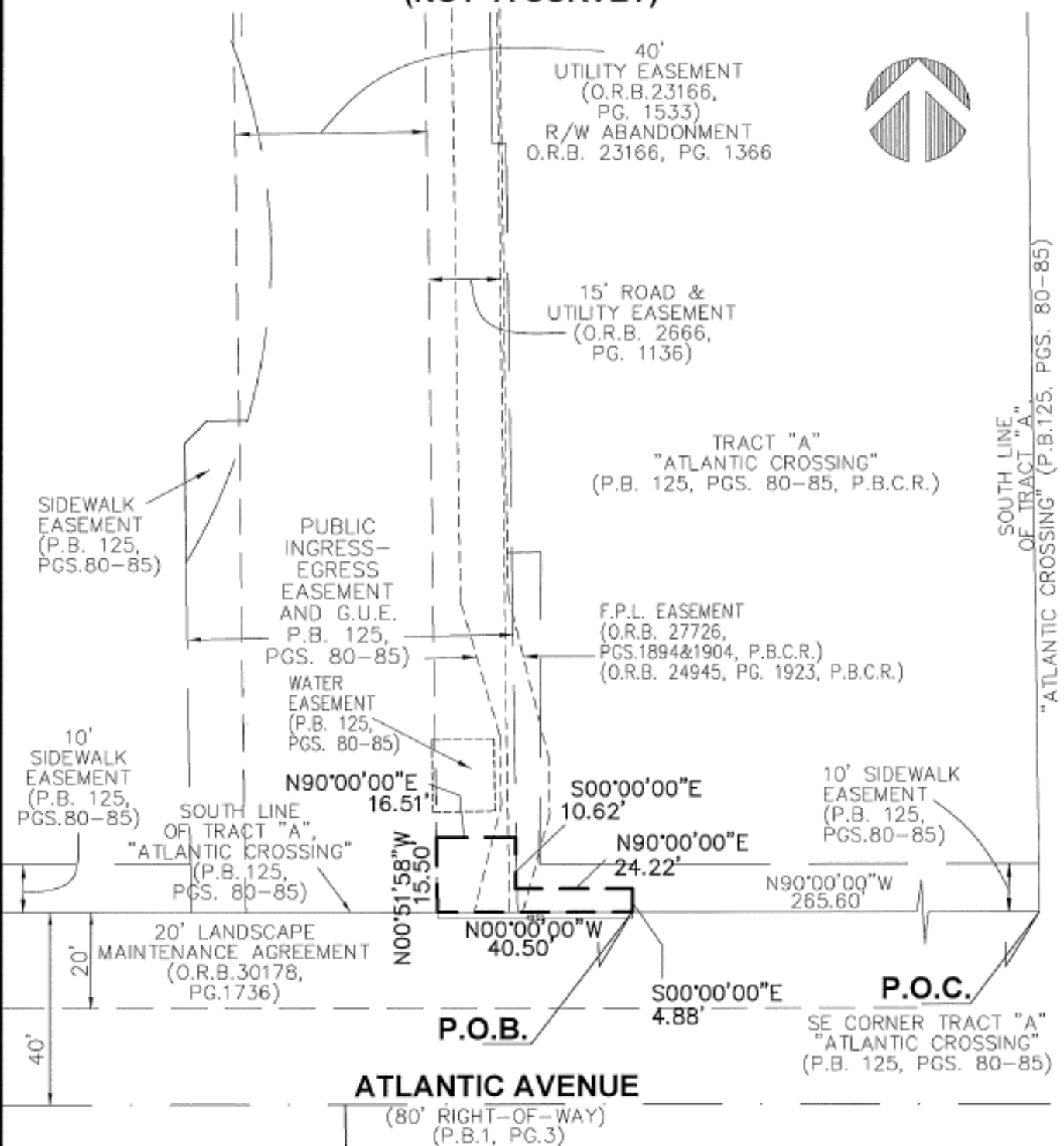
PERIMETER

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SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)



JOB NO. 14167	Project Name: ATLANTIC CROSSING	DWG BY: GY	SCALE: 1"=30'
		CHK'D BY: JSH	DATE: 09/27/2019

SHEET 3 OF 3



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VICINITY MAP - ATLANTIC COMMONS



JOB NO.	14167	Project Name:	ATLANTIC COMMONS	DWG BY:	JSH	SCALE:	NOT TO SCALE
		CHK'D BY:	GY	DATE:	5/20/2020		SHEET 1 OF 1

EXHIBIT A SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY) ATLANTIC CROSSING - RIGHT-OF-WAY PARCELS

LEGAL DESCRIPTION

A PORTION OF TRACT "A", "ATLANTIC CROSSING", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 125, AT PAGES 80 THROUGH 85 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF TRACT "A", A DISTANCE OF 306.10 FEET TO THE POINT OF BEGINNING 1; THENCE NORTH 90°00'00" WEST, ALONG THE SAID SOUTH LINE OF TRACT "A", DISTANCE OF 70.96 FEET TO A POINT TO BE KNOWN HEREINAFTER AS REFERENCE POINT A; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 1.30 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 15.58 FEET; THENCE NORTH 44°21'41" EAST, A DISTANCE OF 19.86 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 41.26 FEET; THENCE SOUTH 00°51'58" EAST, A DISTANCE OF 15.50 FEET TO THE POINT OF BEGINNING 1;

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. SEE SHEET 3 FOR TITLE INFORMATION.
3. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N 90°00'00" W ALONG THE SOUTH LINE OF TRACT "A" OF "ATLANTIC CROSSING", P.B. 125, PGS. 80-85, P.B.C.R.

ABBREVIATIONS

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P.B.	=	PLAT BOOK
P.B.C.R.	=	PALM BEACH COUNTY RECORDS
REF.PT.	=	REFERENCE POINT
R/W	=	RIGHT-OF-WAY
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CERTIFICATION

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[Signature]
JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

Project Name:	ATLANTIC CROSSING	DATE:	01/29/2020
JOB NO.	14167	DWG BY:	GY
		CHK'D BY:	JSH
			SHEET 1 OF 6



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SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

TOGETHER WITH THE FOLLOWING PORTION OF TRACT "A", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE AFOREMENTIONED REFERENCE POINT A; THENCE NORTH 90°00'00" WEST, ALONG SAID SOUTH LINE OF TRACT "A", A DISTANCE OF 229.82 FEET TO THE POINT OF BEGINNING 2; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 5.57 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTHWESTERLY BOUNDARY OF SAID TRACT "A", HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 89°07'44", A DISTANCE OF 23.33 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°52'16" WEST, ALONG THE WEST LINE OF SAID TRACT "A", A DISTANCE OF 5.12 FEET TO A POINT TO BE KNOWN HEREINAFTER AS REFERENCE POINT B; THENCE SOUTH 46°03'58" EAST, A DISTANCE OF 5.75 FEET; THENCE SOUTH 00°15'16" EAST, A DISTANCE OF 7.84 FEET; THENCE NORTH 89°44'44" EAST, A DISTANCE OF 8.06 FEET; THENCE SOUTH 46°03'58" EAST, A DISTANCE OF 11.67 FEET TO THE POINT OF BEGINNING 2;

TOGETHER WITH THE FOLLOWING PORTION OF TRACT "A", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE AFOREMENTIONED REFERENCE POINT B; THENCE NORTH 00°52'16" WEST ALONG THE WEST LINE OF SAID TRACT "A", A DISTANCE OF 556.50 FEET TO THE POINT OF BEGINNING 3; THENCE NORTH 00°52'16" WEST, A DISTANCE OF 5.68 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE NORTHWESTERLY BOUNDARY OF SAID TRACT "A", HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90°51'03", A DISTANCE OF 23.79 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°58'47" EAST ALONG THE NORTH LINE OF SAID TRACT "A", A DISTANCE OF 9.45 FEET; THENCE SOUTH 00°01'13" EAST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 89°58'47" WEST, A DISTANCE OF 20.10 FEET; THENCE SOUTH 00°52'16" EAST, A DISTANCE OF 8.42 FEET; THENCE SOUTH 44°19'39" WEST, A DISTANCE OF 6.28 FEET TO THE POINT OF BEGINNING 3;

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND ALL CONTAINING 1097 SQUARE FEET, MORE OR LESS.

JOB NO.	14167	Project Name:	ATLANTIC CROSSING	DWG BY:	GY	SCALE:	N/A	
				CK'D BY:	JSH	DATE:	01/29/2020	SHEET 2 OF 6



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12	ORB 27726, PG. 1894	FPL EASEMENT	YES	YES
13	ORB 27726, PG. 1904	FPL EASEMENT	YES	YES
14	ORB 29455, PG. 1923	FPL EASEMENT	YES	YES
15	ORB 29621, PG. 393	ACCESS EASEMENT	NO	NO
16	ORB 30178, PG. 1736	LANDSCAPE AG.	YES	YES
16	ORB 30178, PG. 1759	LANDSCAPE AG.	YES	YES

JOB NO.	14167	Project Name:	ATLANTIC CROSSING	DWG BY:	GY	SCALE:	N/A
				CK'D BY:	JSH	DATE:	01/29/2020
						SHEET 3 OF 6	

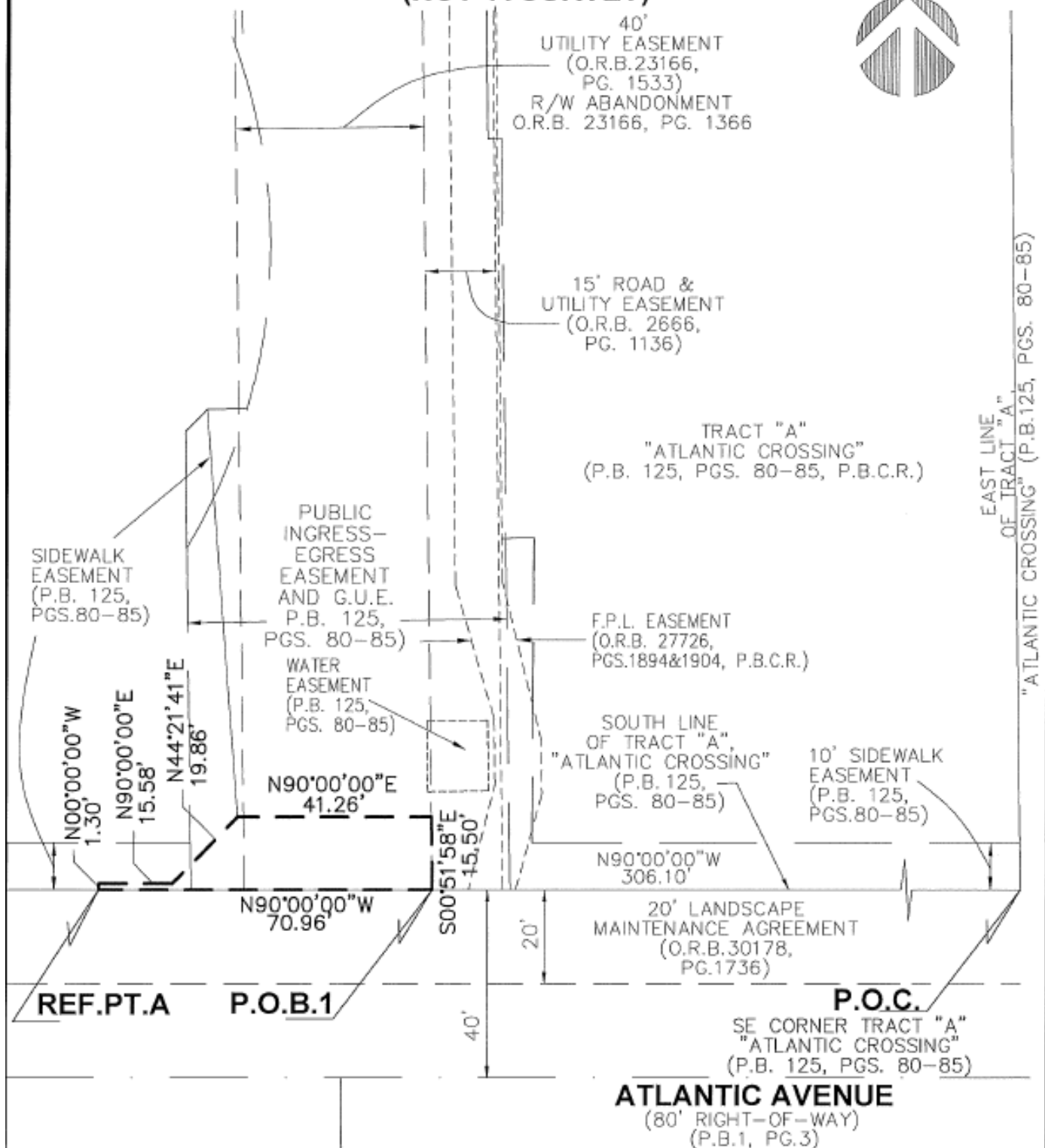
PERIMETER

947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7284

Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)



JOB NO. 14157	Project Name: ATLANTIC CROSSING	DWG BY: GY	SCALE: 1"=30'
		CHK'D BY: JSH	DATE: 01/29/2020
			SHEET 4 OF 6



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SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

US HIGHWAY NO.1 (NORTHBOUND)
N.E.6TH AVENUE

60' PUBLIC RIGHT-OF-WAY
(P.B.1, PG. 3)
(R.P.B. 2, PG. 210)

30'

20' LANDSCAPE
MAINTENANCE AGREEMENT
(O.R.B.30178,
PG.1759)

NON-VEHICULAR
ACCESS LINE

WEST LINE
OF TRACT "A",
"ATLANTIC CROSSING"
(P.B. 125,
PGS. 80-85)



20'

TRACT "A"
"ATLANTIC CROSSING"
(P.B. 125, PGS. 80-85, P.B.C.R.)

SOUTH LINE
OF TRACT "A",
"ATLANTIC CROSSING"
(P.B. 125,
PGS. 80-85)

9' SIDEWALK
EASEMENT
(P.B. 125,
PGS.80-85)

REF.PT.B

S46°03'58"E
5.75'

S00°15'16"E
7.84'

N89°44'44"E
8.06'

S46°03'58"E
11.67'

N00°52'16"W
5.12'

R=15.00'
L=23.33'
D=89°07'44"

N90°00'00"W
5.57'

P.O.B.2

20' LANDSCAPE
MAINTENANCE AGREEMENT
(O.R.B.30178,
PG.1736)

N90°00'00"W
229.82'

REF.PT.A

ATLANTIC AVENUE

(80' RIGHT-OF-WAY)
(P.B.1, PG.3)

JOB NO.	14167	Project Name:	ATLANTIC CROSSING	DWG BY:	GY	SCALE:	1"=30'
		OK'D By:	JSH	DATE:	01/29/2020		SHEET 5 OF 6

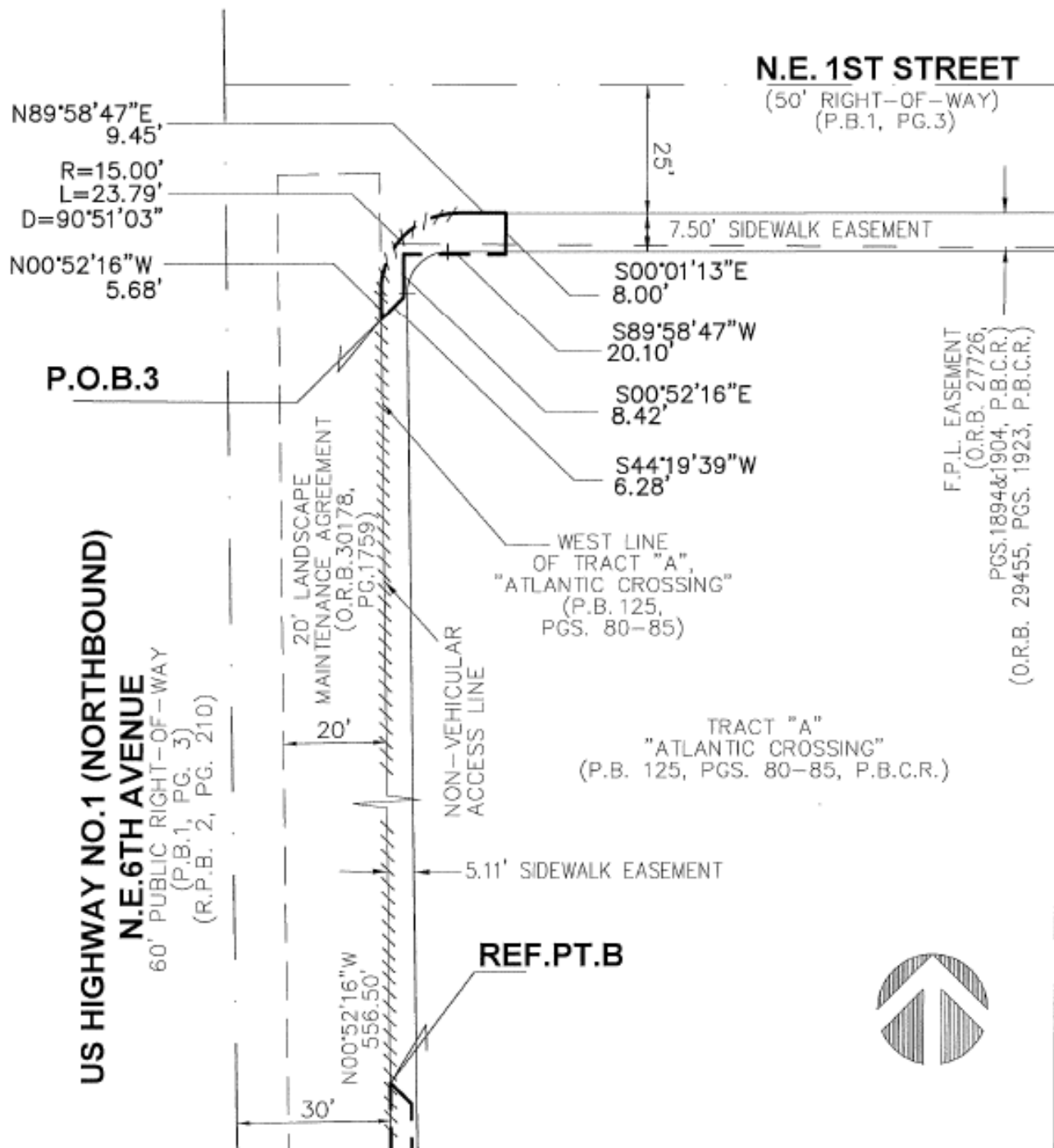


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						SHEET 6 OF 6	