

RESOLUTION NO. 24-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY LYING WEST OF THE INTRACOASTAL WATERWAY AND ADJACENT TO THE PROPERTY LOCATED AT 823 NE 1ST COURT, DELRAY BEACH, FLORIDA, TOTALING APPROXIMATELY FIVE THOUSAND FIVE HUNDRED AND TWENTY-THREE SQUARE FEET (5,523 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“the City”) received an application (2021-034) for the abandonment of a portion of unimproved Canal Street (“the right-of-way”) totaling approximately five thousand five hundred and twenty-three (5,523) square feet, located west of the Intracoastal Waterway and east of the property located at 823 NE 1st Court, and as more particularly described in Exhibit “A”; and

WHEREAS, the portion of right-of-way requested for abandonment was dedicated to the City for the perpetual use of the public the streets and highways as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida; and

WHEREAS, in addition to the City right-of-way described above, the United States of America has an easement over the right-of-way as part of the 300-foot wide Intracoastal Waterway as recorded in Plat Book 17, Page 16A of the Public Records of Palm Beach County, Florida; and

WHEREAS, the City determined, except for a perpetual exclusive easement, there is not now, nor will there be, any need for the use of this portion of the right-of-way for public purposes, as required by the City’s Comprehensive Plan and Section 2.4.6(M) of the Land Development Regulations (“LDR”); and

WHEREAS, pursuant to LDR Section 2.4.6(M)(3)(e), the Planning and Zoning Board, as the Local Planning Agency, formally reviewed the request at a public hearing on January 25, 2021, and voted _ to _ to recommend _____ of the abandonment, by finding that the request _____ [is or is not] consistent with respect to LDR Section 2.4.6(M)(5) and the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, finds that its interest in the described property is no longer needed for the public good and deems it to be in the best interest of the City to abandon said right-of-way, based upon positive findings pursuant to LDR Section 2.4.6(M)(5).

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. Pursuant to the Comprehensive Plan and Section 2.4.6(M) of the Land Development Regulations of the City of Delray Beach, the City hereby determines that there is not, nor will there be, a need for the use of the right-of-way for any public purpose, that the abandonment does not, nor will not, prevent access to a lot of record, and that the abandonment will not result in a detriment to the provision of access and/or of utility services to adjacent properties or the general area and thus vacate and abandon a portion of unimproved Canal Street, totaling approximately five thousand five hundred and twenty-three (5,523) square feet, located west of the Intracoastal Waterway and east of the property located at 823 NE 1st Court, and as more particularly described in Exhibit “A” attached hereto and incorporated herein.

Section 3. The City Clerk, or designee, is directed to send a certified copy of this Resolution to the Authorized Agent, Jeff Costello at 981 Delray Lakes Drive, Delray Beach, FL 33444.

Section 4. This Resolution shall not be effective until a Consent to Easement Agreement between the applicant and the United States of America, Department of the Army, granting applicant permission to use and maintain the property particularly described in Exhibit “A”, is recorded.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit "A" Page 1 of 1

LEGAL DESCRIPTION:

A PORTION OF "CANAL STREET", AS SHOWN ON "TOWN OF LINTON PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF "N.E. 1ST COURT" AND THE WEST R/W LINE OF THE INTRA-COASTAL CANAL OF "SEESTEDT-STEVENS SUBDIVISION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.07°22'05"E. ALONG THE WEST R/W LINE OF SAID INTRA-COASTAL CANAL, A DISTANCE OF 137.42 FEET; THENCE N.89°40'44"E, A DISTANCE OF 39.26 FEET, THENCE S.06°17'30"W., A DISTANCE OF 137.07 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF SAID "N.E. 1ST COURT"; THENCE S.89°38'27"W. ALONG SAID EXTENSION, A DISTANCE OF 41.86 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATED AND LYING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 5523 SQUARE FEET (0.13 ACRES)

