

# CARNEY STANTON P.L.

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January 11, 2021

Mr. Patrick Figurella,  
City Engineer,  
City of Delray Beach,  
Delray Beach, FL 33444

**In Re: Alley dedication**

Dear Patrick:

I have recently submitted a waiver request for ten lots located at 816, Palm Trail. Pursuant to this request, it is my client's intention to create eleven single family lots for the construction of eleven single family, non-detached, homes. A copy of the survey indicating the eleven lots is attached hereto as Exhibit A.

I am aware that under the current regulations, in order to create a 20' alley, it appears that a partial dedication of lot number 9 of 2.5 feet may be required. I believe in this case, the 2.5 feet dedication should not be required nor should it apply to this lot (as explained below).

As you are probably aware, there have been newly constructed homes on the eastern end of the platted alley. This platted alley is 15 feet in width and, I believe, is the correct width for any alley to be located in this area and that this is the standard which should apply. The newly constructed homes have recognized this 15 feet width and have preserved it (that is the spacing between the two respective lot boundaries). Any dedication on the western portion of that alley is meaningless and, in fact, can never be constructed to create a 20 feet alley in that the eastern portion of the alley already is dedicated at 15 feet. In other words, the taking of any dedication of the lot to further enhance the 15 feet width of the alley is unjustified. This is an established neighborhood with established lot sizes.

Accordingly, therefore, the alley width of 15 feet is justified and any dedication by the city of additional properties to expand (widen) this 15 feet alley (which cannot be any wider than 15 feet due to the NEW construction at the eastern portion of the alley) is NOT appropriate in this circumstance. Of course, the new construction at the eastern end of the alley were NOT required to make this 2.5 feet dedication either.

Therefore, I am respectfully requesting that no dedication be required of this lot. Of course, as you know, a dedication of any portion of this lot will cause this lot to be in a non-conforming position with respect to its lot size (which currently has a 50 feet wide frontage) and this reduction would now make that lot less than 50 feet and subject to other waiver requirements which should not be necessary since the alley should not be expanded beyond its current platted 15 feet width.

Thank you very much.

Sincerely,

CARNEY STANTON P.L.

By:   
Thomas F. Carney, Jr.

cc: Jennifer Buce, City of Delray Beach

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**LEGAL DESCRIPTION**

LOTS 4 THROUGH 9, INCLUSIVE, AND LOTS 13 THROUGH 17, INCLUSIVE, BLOCK 6, TOGETHER WITH ADJACENT ALLEY INCLUDING, BETWEEN LOTS 4 THROUGH 9 AND LOTS 13 THROUGH 17, INCLUSIVE, AND THE WEST HALF OF SAID ALLEY LYING ADJACENT TO LOT 9, SOPHIA TRAY SUBDIVISION, ACCORDING TO THE PLAN THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 37, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,

**SURVEYOR'S NOTES**  
EXISTING IMPROVEMENTS NOT LOCATED EXCEPT AS SHOWN.  
FOR DESCRIPTION, PROVIDE IT, CLIENT.

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**CERTIFICATION**  
I HEREBY CERTIFY THAT I MADE THIS SURVEY AND THAT IT IS  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND

DATE OF FIELD SURVEY: 07/24/20

DATE OF FIELD SURVEY  
DWG # 0705220

NEW LOT CONFIG - 10/12/20  
ADDED EASEMENT INFO - 9/9/20

Bob Buggee, Inc.

**the SURVEYOR**  
P.O. BOX 243887  
BOYNTON BEACH, FLORIDA, 33424  
SURVEY & MAPPING BUSINESS #7890  
561-732-7877