

RESOLUTION NO. 94-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF A UTILITY EASEMENT LOCATED AT 16000 SOUTH MILITARY TRAIL, TOTALING APPROXIMATELY ONE HUNDRED THIRTEEN SQUARE FEET (113 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 (2019-189-ABR-CCA) for the abandonment of a portion of a utility easement (“the Easement”) totaling approximately one hundred and thirteen (113) square feet, located at 16000 South Military Trail, and as more particularly described in Exhibit “A”, and

WHEREAS, the portion of the Easement requested for abandonment was dedicated for proper purposes for the perpetual use of the public as recorded in Plat Book 51 Page 118, Public Records of Palm Beach County, Florida; and

WHEREAS, City Land Development Regulations (“the LDR”) Section 2.4.6(N)(5), require, prior to granting an abandonment of public easements, the City Commission find the abandonment will not result in the detriment for the provision of utility services to adjacent properties or the general area;

WHEREAS, pursuant to LDR Section 2.4.6(N)(3)(c), the application was forwarded to the City Commission with a recommendation by the City Engineer that the abandonment be approved; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, considered the request for abandonment on June 1, 2021 and finds that the abandonment of the easement will not result in a detriment for the provision of utility services to adjacent properties or the general area, based upon positive findings pursuant to LDR Section 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. The foregoing recitals are hereby incorporated herein by this reference.

Section 2. The City Commission makes positive findings that the requested abandonment will not result in the detriment for the provision of utility services to adjacent properties or the general area.

Section 3. The City Commission, pursuant to Chapter 177 and Chapter 166 of the Florida Statutes, and LDR Section 2.4.6(N), hereby vacates and abandons all rights and interest the City holds in a portion of the Easement, as more particularly described in Exhibit “A”.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to 7-Eleven, Inc. at 1722 Routh Street, Dallas, TX 75201.

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

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