

RESOLUTION NO. 103-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST OF A PORTION OF A PUBLIC EASEMENT LOCATED AT 5115 FOXPOINTE CIRCLE, DELRAY BEACH, FLORIDA, TOTALING APPROXIMATELY SIX HUNDRED AND SEVENTY-TWO SQUARE FEET (672 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 (2021-011-ABE-CCA) for the abandonment of a portion of a public easement (“the Easement”) totaling approximately six hundred and seventy-two (672) square feet, located at 5115 Foxpointe Circle, and as more particularly described in Exhibit “A”; and

WHEREAS, the portion of the Easement requested for abandonment was dedicated in perpetuity for the construction and maintenance of utilities and drainage and for the purposes of control and jurisdiction over access right of the public as recorded in Plat Book 32 Page 107 and 108, Public Records of Palm Beach County, Florida (“the Plat”); and

WHEREAS, the City previously passed and adopted Resolution No. 2-82, abandoning its rights to the public roads dedicated in the Plat with the condition that the Hamlet shall be responsible for the maintenance of any and all drainage facilities; and

WHEREAS, the Hamlet has drainage facilities within the easement area, but there are no existing or proposed public utilities located within the easement area, 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; and

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 the abandonment be approved; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, considered the request for abandonment on July 6, 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 Paul Goldberg, at 5115 Foxpointe Circle, Delray Beach, Florida 33445.

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

Exhibit "A"

SKETCH OF DESCRIPTION

SHEET 1 OF 3

DESCRIPTION:

A PORTION OF THAT UTILITY EASEMENT, LYING WITHIN LOT 1, BLOCK 1, FOXPOINTE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGES 107 AND 108, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF SAID LOT 1; THENCE S.30°41'22"W. ALONG THE SOUTHEASTERLY LINE OF LOT 1, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING; THENCE N.59°18'38"W., A DISTANCE OF 70.00 FEET; THENCE S.70°29'42"W., A DISTANCE OF 23.43 FEET; THENCE S.70°37'14"E ALONG THE SOUTHERLY LINE OF SAID EASEMENT, A DISTANCE OF 86.68 FEET; THENCE N.30°41'22"E. ALONG THE EASTERLY LINE OF LOT 1, A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 672.50 SQUARE FEET.

CERTIFICATE:

THIS IS TO CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

REVISIONS:

06/22/2021 remove "D.E. & L.A.E."

REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO.
MICHAEL J. MILLER #4034



SCALE: 1" = 20'	MILLER LAND SURVEYING 1121 LAKE AVENUE LAKE WORTH, FLORIDA 33460 PHONE: (561) 586-2669 - FAX: (561) 582-0151 www.millersurveying.com e-mail: office@millersurveying.com	REF: G46/50
DRAWN BY: PICARD		PREV. Y200657 JOB NO'S. Y200824
FIELD WK: M.M. / B.M.		JOB NO. Y210551
DATE: 05/07/2021		S - 48,938 - A

SKETCH OF
DESCRIPTION

SHEET 2 OF 3

SURVEY NOTES:

- 1.) LANDS SHOWN HEREON REFLECT ALL PERTINENT EASEMENTS AND/OR RIGHTS OF WAY CONTAINED IN FIRST AMERICAN TITLE INSURANCE COMPANY, OWNER'S POLICY FOR TITLE INSURANCE; POLICY NUMBER: 5011412-815230; DATE OF POLICY: APRIL 10, 2015 @ 10:47 AM
- 2.) NO UNDERGROUND IMPROVEMENTS LOCATED.
- 3.) ALL BEARINGS AND DISTANCES SHOWN HEREON ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED.
- 4.) THIS FIRMS "CERTIFICATE OF AUTHORIZATION" NUMBER IS "LB 6838".

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