



Legislation Details (With Text)

**File #:** 23-261      **Version:** 1      **Name:**

**Type:** Request      **Status:** Passed

**File created:** 2/14/2023      **In control:** City Commission

**On agenda:** 3/6/2023      **Final action:** 3/6/2023

**Title:** ACCEPTING A GENERAL UTILITY EASEMENT AGREEMENT AT 909 WITHERSPOON LANE, TOTALING APPROXIMATELY TWO HUNDRED AND TEN SQUARE FEET (270 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN.

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. General Utility Easement Agreement - 909 Witherspoon - GDS Love LLC, 3. Legal Review General Utility Easement Agreement - 909 Witherspoon Lane - GDS Love LLC

Date	Ver.	Action By	Action	Result
3/6/2023	1	City Commission	approved as amended	Pass

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Department  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** March 6, 2023

ACCEPTING A GENERAL UTILITY EASEMENT AGREEMENT AT 909 WITHERSPOON LANE, TOTALING APPROXIMATELY TWO HUNDRED AND TEN SQUARE FEET (270 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN.

**Recommended Action:**

Consider acceptance of a General Utility Easement Agreement between the owner of 909 Witherspoon Lane and the City of Delray Beach.

**Background:**

The owners have requested the abandonment of a portion of right-of-way (presented for simultaneous consideration as Res. No. 47-23) at 905, 907, and 909 Witherspoon Lane. The abandonment request has been reviewed by Engineering, and it has been determined that the abandonment will not result in the detriment for the provision of utility services, provided that a General Utility Easement is recorded to a 6-foot by 125-foot area of land at the north of the properties. As the abandonment is adjacent to three separate properties, an easement shall be created over each of the three properties by each individual property owner. This is the easement for 909 Witherspoon Lane.

**City Attorney Review:**

The General Utility Easement Agreement has been reviewed as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The General Utility Easement Agreement shall be recorded after the right-of-way abandonment.