



Legislation Details (With Text)

**File #:** 21-706      **Version:** 1      **Name:**

**Type:** Request      **Status:** Agenda Ready

**File created:** 6/23/2021      **In control:** City Commission

**On agenda:** 7/13/2021      **Final action:** 12/31/2023

**Title:** 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. (QUASI JUDICIAL)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Resolution No. 103-21: Abandonment of Easement at 5115 Foxpointe, 3. Resolution No. 103-21: Exhibits, 4. Resolution No. 103-21: Survey, 5. Resolution No. 103-21: Plat, 6. Resolution No. 103-21: Resolution No. 02-82, 7. Legal Review Res 103-21 Abandonment of Easements 5115 Foxpointe Circle

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Giannotes, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** July 13, 2021

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. (QUASI JUDICIAL)

**Recommended Action:**

Review and consider Resolution No. 103-21, for the abandonment of a portion of a utility easement located at 5115 Foxpointe Circle.

**Background:**

The subject 0.25-acre property consists of a one-story 3,017 square feet single-family residence located on the east corner of Hamlet Drive and Foxpointe Circle at 5115 Foxpointe Circle. The property has a legal description of Lot 1, Block Foxpointe, according to the plat recorded in Plat Book 32, Pages 107 and 108, of the Public Records of Palm Beach County, Florida. The property is located in the Single Family Residential (R-1-A) zoning district within the Hamlet Resident

Association.

The request is for abandonment of interest of a portion of a public utility easement located on north side of the lot, totaling 672 square feet. The easement was originally 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. As shown on the plat, a utility, drainage, and limited access easement is located within the same area, but the subject request only impacts the public utility easement. At its meeting of January 19, 1982, the City Commission passed and adopted Resolution No. 2-82 to abandon 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 within the subject area. The Hamlet has drainage facilities within the easement area, but there are no existing or proposed public utilities located within the easement area.

The proposed easement abandonment is being processed pursuant to Land Development Regulations (LDR) Section 2.4.6(N), "Abandonment of Public Easement." The request under review and consideration by the City Commission includes a recommendation of approval by the City Engineer. Per LDR Section 2.4.6(N)(5), prior to granting an abandonment, the City Commission must make the finding that the abandonment will not result in detriment for the provision of utility services to adjacent properties or the general area.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Action must be taken by the City Commission for the abandonment of easement.