



Legislation Details (With Text)

**File #:** 19-989      **Version:** 1      **Name:**

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

**File created:** 10/3/2019      **In control:** City Commission

**On agenda:** 11/5/2019      **Final action:** 11/5/2019

**Title:** RESOLUTION NO. 173-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF PORTIONS OF TWO GENERAL UTILITY EASEMENTS EACH CONTAINING 700 SQUARE FEET WHICH WERE DEDICATED TO THE CITY OF DELRAY BEACH AND ANY OTHER UTILITY OR SIMILAR FACILITY AS RECORDED IN DEED BOOK 847, PAGE 467 AND DEED BOOK 878, PAGE 273 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, RUNNING PARALLEL, FIVE FEET EAST AND FIVE FEET WEST, TO THE COMMON LOT LINE BETWEEN LOT 6 AND LOT 7, BLOCK H, PLAT BOOK 21, PAGE 95 OF THE JOHN B. RIED'S VILLAGE PLAT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES, AND ASSOCIATED FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 6 AND 7, BLOCK H, JOHN B. REID'S VILLAGE, PLAT BOOK 21, PAGE 95, ALSO KNOWN AS CASUARINA ROAD REPLAT

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Casuarina Road Replat Location Map, 3. Casuarina Easement GUE Abn Res. No.173-19, 4. Casuarina Road Replat, 5. Casuarina Road Replat Survey, 6. Casuarina Road Replat PZ Staff Report, 7. Casuarina Delray Townhomes Site Plan

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** Novemember 5, 2019

RESOLUTION NO. 173-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF PORTIONS OF TWO GENERAL UTILITY EASEMENTS EACH CONTAINING 700 SQUARE FEET WHICH WERE DEDICATED TO THE CITY OF DELRAY BEACH AND ANY OTHER UTILITY OR SIMILAR FACILITY AS RECORDED IN DEED BOOK 847, PAGE 467 AND DEED BOOK 878, PAGE 273 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, RUNNING PARALLEL, FIVE FEET EAST AND FIVE FEET WEST, TO THE COMMON LOT LINE BETWEEN LOT 6 AND LOT 7, BLOCK H, PLAT BOOK 21, PAGE 95 OF THE JOHN B. RIED'S VILLAGE PLAT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES, AND ASSOCIATED FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 6 AND 7, BLOCK H, JOHN B. REID'S VILLAGE, PLAT BOOK 21, PAGE 95, ALSO KNOWN AS CASUARINA ROAD REPLAT

**Recommended Action:**

Review and consider Resolution No.173-19, as presented, with consideration of the Final (Major) Plat for Casuarina Road Replat, located at 1009-1023 Casuarina Road, by adopting that the request and

approval thereof is consistent with the criteria set forth in the Land Development Regulations Section 2.4.5(J)(Major Subdivisions).

**Background:**

The subject property is located on the north side of Casuarina Road, midblock to Gleason Street to the east and Venetian Drive to the west. The property is made up of 2 parcels consisting of Lot 6 and Lot 7, Block H, John B. Reid's Village, as recorded in Plat Book 21, Page 95, of the Public Records of Palm Beach County and is approximately 0.66 acres. The parcels are in the Multiple Family Residential (RM) zoning district with a Future Land Use Map (FLUM) designation of Medium Density (MD).

On June 12, 2019, a site plan for Casuarina Delray Townhomes was approved by the Site Plan Review and Appearance Board (SPRAB) with a 5-0 vote. The resulting site plan is required to be platted. On November 19, 2018, the Development Services Department received an application (2019-055-FSP-CCA) for the replat of two existing lots into six fee-simple townhome lots in association with Casuarina Delray Townhomes that requires an abandonment of portions of two general utility easements (GUE) as recorded in Deed Book 847, Page 467 and Deed Book 878, Page 273 of the public records of Palm Beach County. No utilities have been constructed within the deeded easement areas to be abandoned. Abandonment area of the existing easements are specifically shown in Exhibit A of Resolution No. 173-19.

On October 21, 2019, the Planning and Zoning Board voted 7-0 to approve the Preliminary Plat and certify the Final Plat.

The Plat request is to subdivide two existing lots into six lots by a Major Plat. Lots 1-6 are proposed residential lots reserved for the owner of the development, its successors or assigns, for private purposes as allowed in accordance with the zoning regulations of City.

The plat has an existing 5-foot wide general utility easement along the western, northern and eastern property lines of the development per Deed Book 847, Page 467. The plat proposes a 10-foot general utility easement along Casuarina Road for any private or public utility. There are two 5-foot wide access easements proposed. The access easement parallel to the western property line of Lot 1 and the northern property lines of Lot 1 and 2 provide rear yard maintenance access for Lots 2 and 3. The access easement parallel to the eastern property line of Lot 6 and the northern property lines of Lots 5 and 6 provide rear yard maintenance access for Lots 4 and 5.

The plat can be considered consistent with respect to the Land Development Regulations Section 2.4.5(J)(Major Subdivisions).

The abandonment component of the plat application was reviewed in accordance with LDR Section 2.4.6(N), Abandonment of Public Easements. Per Section 2.4.6(N)(1), a GUE dedicated to the City or to the Public may be abandoned. Per Section 2.4.6(N)(5), prior to granting an abandonment, the City Commission must make the following finding:

- a) That the abandonment will not result in the detriment for the provision of utility services to adjacent properties or the general area.

As no utilities were constructed in the GUE or the SE, the abandonment of the easements would not be a detriment to adjacent properties or the general area, therefore, per the requirements set forth in

2.4.6(N)(3)(c), the application was forwarded to the City Commission for action.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Building Permit cannot be issued until abandonment is approved and plat is recorded.