



## Legislation Details (With Text)

**File #:** 21-516      **Version:** 1      **Name:**

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

**File created:** 5/12/2021      **In control:** City Commission

**On agenda:** 6/1/2021      **Final action:** 6/1/2021

**Title:** 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 (QUASI JUDICIAL).

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Res. No. 94-21 - Utility Easement Abandonment 16000 Military Trail, 3. Res. No. 94-21 Exhibit A Sketch and Legal of Vacated Utility Easement, 4. Utility Easement Exhibit, 5. Legal Review Res 94-21

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** June 1, 2021

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 (QUASI JUDICIAL).

### **Recommended Action:**

Review and consider Resolution No. 94-21, for the abandonment of a portion of a ten-foot utility easement.

### **Background:**

The subject 0.93 acre property is developed with a gas station convenience mart and associated fuel pumps and is located at the southeast corner of Linton Boulevard and South Military Trail at 16000 South Military Trail. The property is zoned Planned Commercial (PC) with a compatible future land use designation of General Commercial (GC).

On February 27, 2019, the applicant received approval of a Class V Site Plan from the Site Plan Review and Appearance Board for the demolition of the existing gas station convenience mart and

construction of a new gas station convenience mart (gasoline station with food sales) and eight (8) associated fueling stations. To develop the site plan, a portion of the existing 10-foot utility easement, which was dedicated in 1985 via a Plat (Plat Book 51 Page 118), conflicts with the new building location. An existing fire hydrant located within the area is proposed to be relocated elsewhere on site. The applicant is requesting to remove only the portion of the easement where the fire hydrant was located and that conflicts with the new building; the remainder of the easement will remain as previously platted. The proposed easement abandonment is 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 has 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.