



## Legislation Details (With Text)

**File #:** 23-258      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Passed  
**File created:** 2/13/2023      **In control:** City Commission  
**On agenda:** 3/6/2023      **Final action:** 3/6/2023  
**Title:** RESOLUTION NO. 51-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ABANDONING A PORTION OF A WATER EASEMENT LOCATED AT 4575 W. LINTON BOULEVARD, TOTALING APPROXIMATELY FIVE THOUSAND TWO HUNDRED FIFTY FOUR SQUARE FEET (5,254.27 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. 51-23, 3. Resolution No. 51-23, Exhibit A, 4. Abandonment Recommendation: Engineering, 5. Abandonment Recommendation: Utilities, 6. Legal Review

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

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

RESOLUTION NO. 51-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ABANDONING A PORTION OF A WATER EASEMENT LOCATED AT 4575 W. LINTON BOULEVARD, TOTALING APPROXIMATELY FIVE THOUSAND TWO HUNDRED FIFTY FOUR SQUARE FEET (5,254.27 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

**Recommended Action:**

Consider Resolution No. 51-23, abandoning a portion of a water easement at 4575 W. Linton Boulevard totaling approximately 5,254.27 square feet.

**Background:**

The applicant has requested abandonment of the existing water easement, consistent with the Class II site plan under review (2022-216), which will add pedestrian amenities and a gazebo to the lake area on the property. All water infrastructure has been relocated consistent with building permits. Pursuant to Land Development Regulations ("LDR") Section 2.4.6(N)(3)(c), the application was forwarded to the City Commission with a recommendation by the City Engineer. The City of Delray Beach Utilities department has also reviewed and recommended approval of the request.

Pursuant to LDR Section 2.4.6(N)(5), prior to granting an abandonment of public easements, the City Commission must find the abandonment will not result in the detriment of the provision of utility

services to adjacent properties or the general area.

**City Attorney Review:**

Resolution No. 51-23 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Resolution No. 51-23 will be effective immediately upon recordation.