



## Legislation Text

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File #: 17-633, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** February 6, 2018

RESOLUTION NO. 09-18: ABANDONMENT OF AN IMPROVED PUBLIC ALLEY WITHIN BLOCK 69 ASSOCIATED WITH MIDTOWN DELRAY (fka SWINTON COMMONS)

**Recommended Action:**

Motion to Approve Resolution No. 09-18 for the abandonment of the east-west portion of the alley right-of-way located within Block 69, associated with the Midtown Delray development, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.6(M)(5) of the Land Development Regulations, subject to the following conditions:

1. That the abandonment is not effective until:
  - a. The 20' right-of-way dedication to extend the north/south alley to SE 1<sup>st</sup> Street is recorded; and,
  - b. That the replacement alley (condition #1) is paved to SE 1st Street.
2. That an associated site plan is approved and certified within one year of the approval of the alley abandonment. If the associated site plan is not approved, then the abandonment, if recorded, shall revert to the City, and if not yet recorded, then the abandonment approval shall be void.

**Background:**

Block 69 is located south of East Atlantic Avenue, between South Swinton Avenue and SE 1<sup>st</sup> Avenue, and is zoned Old School Square Historic Arts District (OSSHAD). The alley right-of-way was dedicated by the "Subdivision of Block 69", which was recorded in Plat Book 2, Page 43. The area to be abandoned is 18 feet wide by approximately 124.12 feet long and consists of the east/west alley located to the south of Lot 19.

The abandonment is to accommodate the new construction of a hotel associated with the proposed Midtown Delray development. With the plat of the entire multi-block project area, the existing north/south alley will be extended to SE 1<sup>st</sup> Street.

Pursuant to LDR Section 2.4.6(M)(5), prior to any right-of-way abandonment being approved, the following findings must be made:

- A) That there is not, nor will there be a need for the use of the right-of-way for any public purpose.

The development proposal includes the dedication of a 20-foot wide replacement right-of-way that will extend the alley to SE 1<sup>st</sup> Street, which maintains the connectivity with the remaining existing alley to the north. This alley "relocation" will provide improved traffic access since the existing 90-degree connection to SE 1<sup>st</sup> Avenue is problematic for larger vehicles to maneuver.

B) That the abandonment does not, nor will not, prevent access to a lot of record.

The alley will be relocated by extending the existing north/south alley to SE 1<sup>st</sup> Street. Therefore, access to the properties within Block 69 will not be prevented.

C) That the abandonment will not result in a detriment to the provision of access and/or of utility services to adjacent properties or the general area.

Due to the provision of the replacement alley to SE 1<sup>st</sup> Street, the abandonment of the east/west portion of the alley will not be detrimental to the adjacent properties or public services. The relocation of the alley will improve vehicular access to the north/south alley since it will remove the existing 90-degree turn to SE 1<sup>st</sup> Avenue.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

None