



## Legislation Text

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File #: 18-844, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy R. Stillings, Development Services Department  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** January 15, 2019

RESOLUTION NO. 25-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, VACATING AND ABANDONING THE PUBLIC UTILITY EASEMENT LOCATED ON THE PROPERTY AT 1126 WATERWAY LANE, DELRAY BEACH, FLORIDA, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A".

**Recommended Action:**

Approve Resolution No. 25-19 to abandon a 5' x 100' public utility easement dedicated via Plat of 1126 Waterway Lane, as recorded in Plat Book 18, Page 100, of the Public Records of Palm Beach County, Florida, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in LDR Section 2.4.6(N)(5), Abandonment of Public Easements.

**Background:**

The subject property, located on the south side of Waterway Lane, contains a single family residence. The subject easement, located along the rear (south) lot line, was dedicated on the Plat for "Waterway Lane (plat Book 18, Page 100), recorded in October 1940. Since the easement is not needed to service the property, the property owner is pursuing its abandonment. Similar abandonment requests in this area have been approved previously.

Pursuant to LDR Section 2.4.6(N)(5), a finding must be made prior to City Commission granting an abandonment that the abandonment will not be detrimental to the provision of utility services to adjacent properties or the general area. A response has been received from Florida Public Utilities (FPU), AT&T Florida, Florida Power & Light (FP&L), and Comcast. All have responded that the abandonment of the easement will not affect existing utility service, hinder the ability to provide for the extension of existing utility service, or require the dedication of a replacement easement.

Therefore, a positive finding with respect to LDR Section 2.4.6(N)(5) is made for the abandonment of the public utility easement.

**City Attorney Review:**

Approved as to form and legal sufficiency.