



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PUBLIC NOTICE

### RE: Abandonment of Right-of-Way – Resolution No. 95-20

Pursuant to Section 2.4.2(B)(1)(i) of the Land Development Regulations of the City of Delray Beach, you are hereby notified that the **Planning and Zoning Board**, acting as the Local Planning Agency, will conduct a **VIRTUAL PUBLIC HEARING** on **Monday, June 15, 2020 at 6:00 pm**, (or as soon thereafter as may be heard), to consider Resolution No. 95-20 regarding a request for an abandonment of a portion of Canal Street right-of-way. The request is to abandon the portion of Canal Street lying east of and adjacent to the property located at 828 NE 1<sup>st</sup> Court (east of Lot 28 and 29, Seested-Stevens Subdivision, as recorded in Plat Book 18, Page 3 of the Public Records of Palm Beach County). The legal description and sketch of the area under consideration for abandonment is included with this notice.



Pursuant to Executive Order 20-69, during the COVID-19 State of Emergency, Planning and Zoning Board meetings may be held virtually. Members of the public wishing to view Planning and Zoning Board meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public. The meeting agenda will be made available online prior to the meeting at: <https://delraybeach.legistar.com/Calendar.aspx>.

Due to the closure of City Hall, members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing 561.243.7556 and leaving a voicemail message that will be played during the Board meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

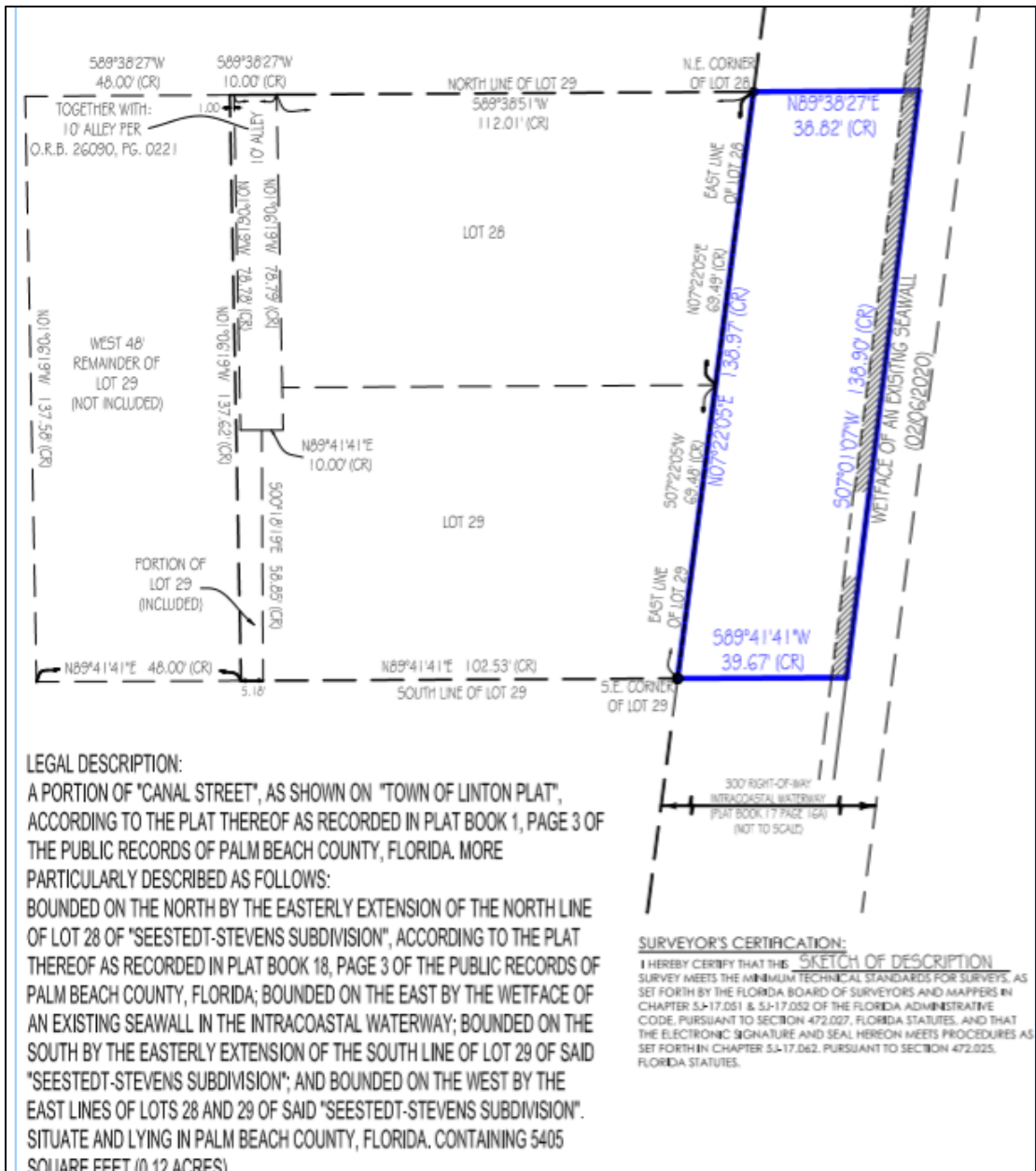
Public comment on items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Board has heard from both the applicant and the City, the Board will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Board's consideration.

The resolution will be made available online prior to the meeting at: <https://www.delraybeachfl.gov/government/city-departments/city-clerk/public-notice>. If you would like further information as to how the subject request may affect your property, please contact Debora Slaski,

Senior Planner, at 561.243.7348, or via email at [SlaskiD@mydelraybeach.com](mailto:SlaskiD@mydelraybeach.com), at the Development Services Department, City Hall, 100 NW 1<sup>st</sup> Avenue, Delray Beach, Florida 33444.

All interested parties are invited to attend the public hearing and comment upon the proposed action or submit their comments in writing on or before the date of the hearing to the Development Services Department. Please be advised that if the action taken on this request is appealed, the appellant may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. The City does not provide nor prepare such record pursuant to F.S. 286.0105.

City of Delray Beach  
Development Services Department  
Date Posted: June 5, 2020



RESOLUTION NO. 95-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO LOTS 28 AND 29 (828 NE 1<sup>ST</sup> COURT) SEESTEDT-STEVEN'S SUBDIVISION, AS RECORDED IN THE PLAT BOOK 18, PAGES 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOTALING APPROXIMATELY FIVE THOUSAND FOUR HUNDRED AND FIVE SQUARE FEET (5,405 SQ. FT.) AS MORE PARTICULARLY DESCRIBED HEREIN; RETAINING A PERPETUAL EXCLUSIVE EASEMENT OVER A PORTION OF THE SUBJECT AREA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida ("the City") received an application (2020-109) for the abandonment of a portion of unimproved Canal Street ("the right-of-way") totaling approximately five thousand four hundred and five square feet (5,405 sq. ft.), located east of the Intracoastal Waterway and west of Lots 28 and Lot 29, as recorded in the Seestedt-Stevens Subdivision Plat Book 18, Page 3, Public Records of Palm Beach County, Florida, and as more particularly described in Exhibit "A"; and

WHEREAS, the portion of right-of-way requested for abandonment was dedicated to the City for the perpetual use of the public the streets and highways as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida; and

WHEREAS, in addition to the City right-of-way described above, the United States of America has an easement over the right-of-way as part of the 300-foot wide Intracoastal Waterway as recorded in Plat Book 17, Page 16A of the Public Records of Palm Beach County, Florida; and

WHEREAS, the City determined, except for a perpetual exclusive easement, there is not now, nor will there be, any need for the use of this portion of the right-of-way for public purposes, as required by the City's Comprehensive Plan and Section 2.4.6(M) of the Land Development Regulations ("LDR"); and

WHEREAS, pursuant to LDR Section 2.4.6(M)(3)(e), the Planning and Zoning Board, as the Local Planning Agency, formally reviewed the request at a public hearing on June 15, 2020, and voted \_\_\_ to \_\_\_ to recommend \_\_\_\_\_ of the abandonment, based upon \_\_\_\_\_ findings with respect to LDR Section 2.4.6(M)(5) and the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, finds that its interest in the described property is no longer needed for the public good and deems it to be in the best interest of the City to abandon said right-of-way, based upon positive findings pursuant to LDR Section 2.4.6(M)(5).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby incorporated herein by this reference.

Section 2. That pursuant to Comprehensive Plan and Section 2.4.6(M) of the Land Development Regulations of the City of Delray Beach, the City hereby determines that there is not, nor will there be, a need for the use of the right-of-way for any public purpose, that the abandonment does not, nor will not, prevent access to a lot of record, that the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area and thus vacate and abandon a portion of unimproved Canal Street, totaling approximately five thousand four hundred and five square feet (5,405 sq. ft.), located east of the Intracoastal Waterway and west of Lots 28 and Lot 29, as recorded in the Seestedt-Stevens Subdivision Plat Book 18, Page 3, Public Records of Palm Beach County, Florida, and as more particularly described in **Exhibit "A"** attached hereto and incorporated herein.

Section 3. That the City of Delray Beach hereby retains and reserves until itself a perpetual exclusive easement for the purpose of the construction and maintenance of public utilities facilities with full and free right, liberty, and authority to enter upon and to install, operate, and maintain such facilities under, across, through and upon, over, under, or within the following described property located in Palm Beach County, Florida, more particularly described in **Exhibit "A"** attached hereto, concomitant and coextensive with this right is the further right in the Grantee, its successors and assigns, of ingress and egress over and on that portion of land described above, to affect the purposes of the easement.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to the Authorized Agent, Jeff Costello at 981 Delray Lakes Drive, Delray Beach, FL 33444, for attachment to petition to Palm Beach County for right-of-way abandonment.

Section 5. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_day of \_\_\_\_\_, 2020.

ATTEST:

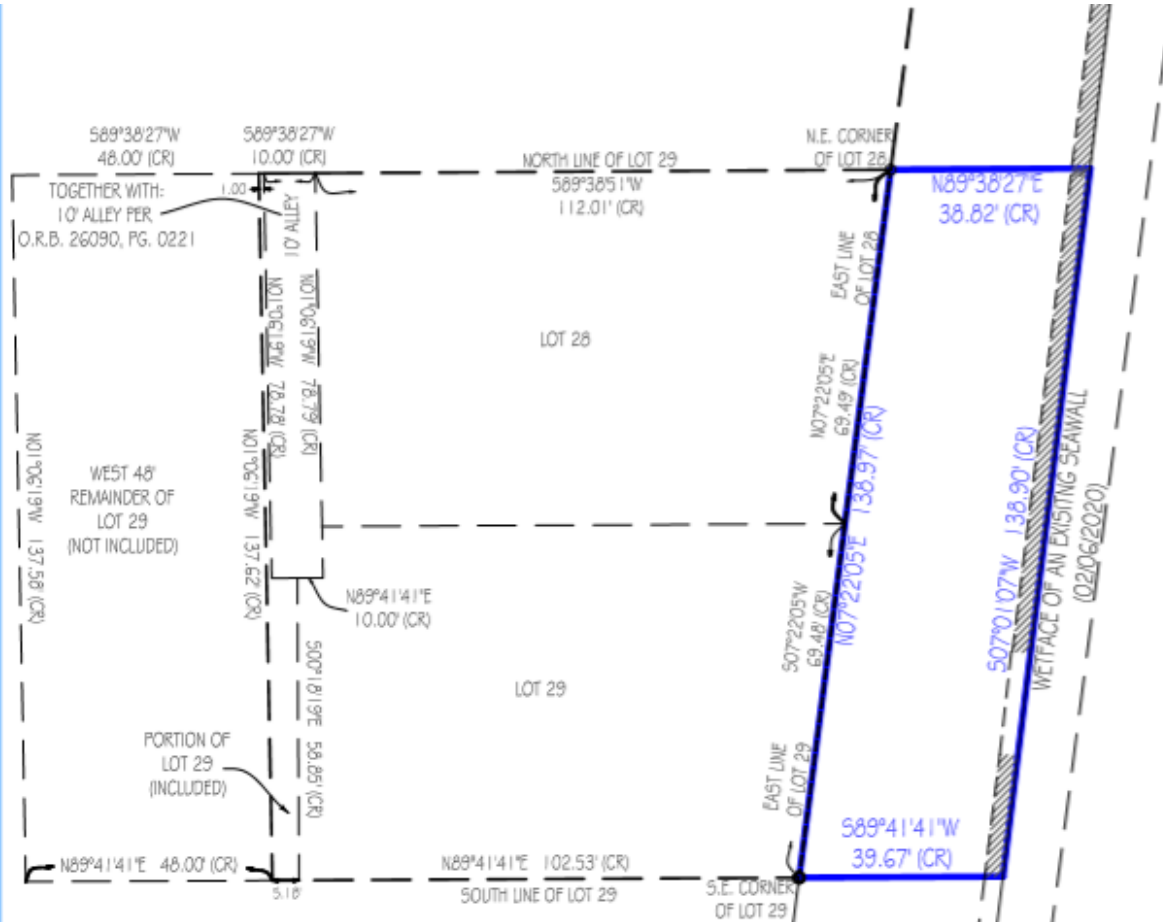
\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

Exhibit "A"



**LEGAL DESCRIPTION:**

A PORTION OF "CANAL STREET", AS SHOWN ON "TOWN OF LINTON PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 28 OF "SEESTEDT-STEVENSON SUBDIVISION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE WETFACE OF AN EXISTING SEAWALL IN THE INTRACOASTAL WATERWAY; BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 29 OF SAID "SEESTEDT-STEVENSON SUBDIVISION"; AND BOUNDED ON THE WEST BY THE EAST LINES OF LOTS 28 AND 29 OF SAID "SEESTEDT-STEVENSON SUBDIVISION".  
 SITUATE AND LYING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 5405 SQUARE FEET (0.12 ACRES).

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5A-17.051 & 5A-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5A-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.