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# ABANDONMENT OF RIGHT-OF-WAY APPLICATION

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## INSTRUCTIONS FOR COMPLETING AND FILING THE ABANDONMENT OF RIGHT-OF-WAY APPLICATION

Applications for abandonment of right-of-way may be submitted to the Planning and Zoning Department at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday thru Friday. The application must be accompanied by the \$830.00 filing fee (make checks payable to the City of Delray Beach). The Applicant shall be responsible for all advertising fees including newspaper publications. Please print or type all of the required information, and ensure that the application is complete and accurate. In order to be accepted for processing, the application must be accompanied by the Standard Application Items, as listed on Page 7.

Abandonment of rights-of-way is reviewed by the Planning and Zoning Board which holds its regular meeting on the third Monday of each month. Final action is taken by the City Commission, which meets on the first and third Tuesday of each month. Abandonment of rights-of-way is scheduled for City Commission action once all conditions associated with the request have been addressed. An application for abandonment of right-of-way shall be submitted by the first Friday of the month in order to be on the agenda of the following month's P&Z Board meeting. It takes approximately ten (10) weeks between submission of the application and action by the P&Z Board. This time may vary depending upon the number of comments made by staff, and the time required by the applicant to submit revisions.

Please refer to Section 2.4.6(M) of the City's Land Development Regulations for the processing and findings required for the abandonment application. A pre-application conference with a member of the Planning staff is strongly recommended, and can be scheduled at your convenience. We will be glad to assist you in any way possible.

**Note: Development presentations before all Boards and City Commission must be either on a LCD projector (power point) or an overhead projector. If you wish to use the City's equipment please notify staff ahead of time. Board-mounted displays should not be used as a part of a presentation.**

AROW No. \_\_\_\_\_

Date Received: \_\_\_\_\_

**CITY OF DELRAY BEACH PLANNING AND ZONING DEPARTMENT  
APPLICATION FOR ABANDONMENT OF RIGHT-OF-WAY**

Project Name: \_\_\_\_\_

Address or General Location: \_\_\_\_\_

Description of Right-of-way: \_\_\_\_\_

**PART ONE - APPLICANT INFORMATION:**

**APPLICANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ E-Mail/Fax: \_\_\_\_\_

**AGENT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ E-Mail/Fax: \_\_\_\_\_

**OWNER (if other than applicant)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ E-Mail/Fax: \_\_\_\_\_



**OWNER'S CONSENT**

(This form must be completed by **ALL** property owners)

I \_\_\_\_\_, the fee simple owner of the following (Owner's  
Name)

described property (give legal description): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

hereby petition to the City of Delray Beach for the abandonment of right-of-way for  
abandonment of right-of-way herein described and understand that in the event this  
abandonment request is granted, I shall receive and be responsible for, property obtained  
pursuant to the abandonment

\_\_\_\_\_  
(Project Name)

I certify that I have examined the application and that all statements and diagrams  
submitted are true and accurate to the best of my knowledge. I consent to inspection and  
photographing of the subject property by the Planning and Zoning Department Staff for  
purposes of consideration of this application and/or presentation to the approving body.  
Further, I understand that this application, attachments and fees become part of the Official  
Records of the City of Delray Beach, Florida, and are not returnable.

\_\_\_\_\_  
(Owner's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_\_, day of  
\_\_\_\_\_, 20 \_\_\_\_ by \_\_\_\_\_, who is personally  
known to me or has produced \_\_\_\_\_ (type of identification) as  
identification and who did (did not) take an oath.

\_\_\_\_\_  
(Printed Name of Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

Commission # \_\_\_\_\_, My Commission Expires \_\_\_\_\_

**(NOTARY'S SEAL)**

**OWNER'S DESIGNATION OF AGENCY**

(This form must be completed by **ALL** property owners if designating an Agent)

I \_\_\_\_\_, the fee simple owner of the following  
(Owner's Name)

described property (give legal description): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

hereby affirm that \_\_\_\_\_  
(Applicants/Agent's Name)

is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of the City of Delray Beach, Florida, and are not returnable.

\_\_\_\_\_  
(Owner's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_\_, day of \_\_\_\_\_, 20 \_\_\_\_\_ by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and who did (did not) take an oath.

\_\_\_\_\_  
(Printed Name of Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

Commission# \_\_\_\_\_, My Commission Expires \_\_\_\_\_

**(NOTARY'S SEAL)**

**AFFIDAVIT**

Before me, the undersigned authority, personally appeared \_\_\_\_\_, who being by me first duly sworn, deposes and says: (Applicant's Name)

1. That the accompanying property owners list is, to the best of my knowledge, a complete and accurate list of all property owners' names, mailing addresses, and legal descriptions of all property lying within five hundred feet (500') of the subject property as recorded on the latest official County tax rolls.
  
2. That the subject property is legally described as follows: (give legal description)

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\_\_\_\_\_  
(Applicant's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

\_\_\_\_\_  
(Printed Name of Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

Commission # \_\_\_\_\_, My Commission Expires \_\_\_\_\_

**(NOTARY'S SEAL)**

## **STANDARD APPLICATION ITEMS**

### LDR Section 2.4.3(A)

1. A copy of the latest recorded warranty deed, and a certificate from an attorney or title company (not title insurance) certifying who the current fee simple title holders of record of the subject property are, and the nature and extent of their interest therein. The title certificate must contain the legal description of the subject property exactly as it appears on the survey and list all existing easements, mortgages and other encumbrances (i.e. Unity of Title etc.).
2. The written consent of the property owner requesting the abandonment must be provided in a certified form (page 4). When an application is executed on behalf of a corporation or business entity, documentation must be provided which demonstrates that the corporation's representative is authorized to act on behalf of the corporation. These forms are available from the Planning and Zoning Department.
3. A vicinity map which clearly shows the subject property, adjacent properties, and their relationship to streets located at a minimum within one-half mile of the property. Vicinity map shall be at a scale that is readily readable and include sufficient landmarks to quickly identify location of proposed project.
4. Surveys (8 copies) signed and sealed by a surveyor registered in the state of Florida, which shows the property described pursuant to the legal description contained in the warranty deed. The survey shall be drawn at a scale of 1"=10'; or 1"=20' or 1"=30'. The survey must also show the area to be abandoned, its legal description, the total acreage in square feet, all improvements, encroachments and utility facilities. The survey must be certified as reflecting conditions as they existed within six (6) months prior to the filing of the application. Prior to conducting the survey, the surveyor shall notify UNCLE (1-800-432-4770) that a survey is being made and request field verification for any underground utilities. The surveyor will then note on the survey all underground utilities.
5. A list of the names and mailing addresses of the abutting property owners who will receive the abandoned property and a list of property owners within a 500' radius of the area to be abandoned, taken from the latest official County tax roll. In addition, a tax map showing all property lying within 500' of the subject property must be provided. **NOTE:** The applicant shall provide standard white (number 10) pre-addressed envelopes with the required postage for mailed notices. (Postage may either be in the form of stamps or metered postage. For metered postage please ensure that the mailing date is turned off). The mailing labels must be typed and shall state the property owner's name, mailing address and property control number (PCN#). (For duplicates i.e. owners name and addresses are the same, please provide postage for only one pre-addressed envelope and submit the remaining duplicate labels). Please note: The list of property owners, tax map and mailing labels can be obtained at: Palm Beach County Property Appraiser's Office, 14925 Cumberland Drive (northwest corner of West Atlantic Avenue and Cumberland Drive), Delray Beach, FL 33446 Ph: (561)276-1250.
6. Application filing fee, pursuant to LDR Section 2.4.3(K)(1). The applicant shall be responsible for all advertising fees including newspaper publications. If the required advertising fees are not paid at least four days (4) prior to the hearing, the presiding body, shall postpone action on the application until such fees are paid. In the event such postponement results in additional mailing or publication costs, the applicant shall be responsible for the additional fees.

## **PLAN EXHIBITS**

In addition to the surveys required above, a digital copy of the survey provided on CD is required. The digital copy must be in a PDF format and shall be prepared at a size of 8½" x 11" or 11"x 17", depending upon legibility.