

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: February 13, 2018

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TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Authorization to Vacate and Abandon an Existing Public Utility Easement  
Located at 89 Middle Road  
**Resolution No. 15-2018**

DATE: January 22, 2018

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 15-2018 authorizing the abandonment of an existing public utility easement located at 89 Middle Road. If Town Council approves the abandonment of the utility easement, said approval should be with the condition that the owner shall pay all fees related to implementing the vacating and abandonment, including but not limited to recording fees.

## **GENERAL INFORMATION**

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made application to abandon the public utility easement on 89 Middle Road. The easement to be abandoned is shown as Exhibit A, Sketch and Legal Description of the proposed Resolution. An application fee of \$1,000 was received with the application for abandonment to cover direct costs and processing by the Town.

The applicant recently subdivided the single property at 89 Middle Road into five (5) separate, legally platted properties. New public utility easements have been provided in place of the public utility easement to be abandoned. All existing utilities within portions of the easements proposed to be abandoned have been rerouted. The abandonment of the existing utility easement is being made to unencumber the newly formed individual properties.

All utilities have been contacted and have agreed to the abandonment as described.

Information packages were sent to the 26 neighboring property owners within 300 feet of the easement to be abandoned via certified mail on January 23, 2018. To date, no responses have been received from the neighboring property owners. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

This is an abandonment of an existing utility easement and no property is being gained by owner. Therefore, a privilege fee is not applicable.

### **FUNDING/FISCAL IMPACT**

There is no fiscal impact to the Town.

### **TOWN ATTORNEY REVIEW**

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

### **Attachments**

cc: Eric B. Brown, P.E., Assistant Director of Public Works  
Patricia Strayer, P.E., Town Engineer  
Craig Hauschild, P.E., Civil Engineer