



Cover Memorandum/Staff Report

File #: 25-474

Agenda Date: 5/20/2025

Item #: 6.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services
THROUGH: Terrence R. Moore, ICMA-CM
DATE: May 20, 2025

ACCEPTANCE OF A LIMITED ACCESS EASEMENT AGREEMENT OVER THE SIDE OF NE 5TH TERRACE ADJACENT TO NE 2ND AVENUE AS FURTHER DESCRIBED IN EXHIBIT "A".

Recommended Action:

Motion to review and consider acceptance of a limited access easement agreement over the side of NE 5th Terrace adjacent to NE 2nd Avenue.

Background:

The subject property located at 202 NE 5th Terrace consists of lots 1 & 2 (less east 25'), Block 9, Del Ida Park Lots as described in Exhibit "A". The property currently has one frontage along NE 5th Terrace. The property owner is requesting a limited access easement agreement over the side of the lot adjacent to NE 2nd Avenue pursuant to LDR Section 6.1.2(B)(7) which states that *reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under approved conditions. Such reserve strips shall be required, as limited access easements, along all arterial and collector streets except for approved points of ingress and egress.*

Granting the limited access easement agreement will prohibit vehicular access to the site from NE 2nd Avenue. Vehicular access from NE 2nd Avenue has been determined to be impractical due to the lot's development, which has the larger landscaped area of the property on the side along NE 2nd Avenue. If granted, the "historic" front of the property would remain on NE 5th Terrace. The configuration enforced by the agreement would also maintain the safety of pedestrians and bicyclists in the area, as well as those entering or exiting the property in a vehicle.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The building permit cannot be issued prior to the execution of the agreement.