



Cover Memorandum/Staff Report

File #: 24-1663

Agenda Date: 12/10/2024

Item #: 5.A.4.

TO: Mayor and Commissioners
FROM: Missie Barletto, Public Works Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: December 10, 2024

DISCUSSION CONCERNING CLOSURE OF NE 7TH AVENUE

Recommended Action:

Discussion concerning closure of NE 7th Avenue.

Background:

On March 3, 2017, a Settlement Agreement (the "Agreement"). was entered into by the City of Delray Beach (the "City") and Edwards Atlantic and Edward Intracoastal (collectively, "Edwards") to resolve the litigation concerning the mixed-use development project known as Atlantic Crossing. As part of the Agreement, the parties agreed to clarify and satisfy, *inter alia*, site plan requirements for offsite improvements and signalization. The closure NE NE 1st Street/NE 7th Avenue was Item 4.c.(2) of the Settlement Agreement between the City and Edwards CDS, LLC dated March 3, 2017. The developer was required to temporarily close the intersection and deposit with the City the cost to design, permit and construct a permanent closure. The developer has temporarily closed the road and provided a check \$209,436 for the permanent closure design/permit/construction cost. Specifically, the parties agreed to the following concerning the closure of NE 7th Avenue:

N.E. 7th Avenue - Closure. Upon issuance of the first building permit (above or below-ground) for the Project, Sequence 4 at N.E. 7th Avenue (North of N.E. 1st Street) will be completed, and N.E. 7th Avenue will be temporarily closed. Prior to issuance of the certificate of occupancy for the first vertical, above-ground building permit, developer shall deposit with the City the full cost to design, permit and construct the permanent closure and landscaping of N.E. 7th Avenue at N.E. 1st Street as provided in the Site Plan. The City shall evaluate area traffic patterns to determine, in the City's sole discretion, whether N.E. 7th Avenue is to be permanently closed, partially closed or left open with the installation of traffic calming. Traffic calming considerations shall include without limitation options such as curbing, roundabouts, semi-diverter, mid-block islands, splitter islands, roadway narrowing, forced tum islands chicanes, neighborhood signs, speed humps, speed tables, raised intersections, bollards, one-way streets, sidewalks, bike lanes, no-truck traffic limitations, through-traffic restrictions, parking restrictions and landscaping to achieve the aesthetic and functional equivalent of the Marina Historic District traffic calming improvements. The funds deposited by Developer for the closure shall be used to implement the closure, partial closure or traffic calming as determined by the City Commission with input from staff and the neighborhood. Costs of implementing this provision above those provided by the developer shall be borne by the City. Excess funds, if any, shall be retained by the City. See Section (4)(c) of the Agreement.

The City is required to evaluate the traffic patterns to determine, at the City's sole discretion, whether NE 7th Avenue is to be permanently closed, as well as determining whether traffic lights will be required on Federal

Highway as a result of the changes in traffic pattern resulting from the Atlantic Crossing project. An accurate evaluation of traffic patterns will not be possible until the project is completed and fully occupied because any study that the City would undertake. Prior Commission direction has been to complete this study following completion of the project.

Additionally, the approved Site Plan (attached) shows that should the City choose the permanent closure of the connection between NE 7th Avenue and NE 1st Street, a cul-de-sac would be constructed on NE 7th Avenue that is partially on what is currently private property owned by the developer, Edwards Intracoastal, LLC. The construction of the cul-de-sac will require a dedication of sufficient Right-of-Way or perpetual access and drainage easement to the City to allow construction. Currently, the site is used for construction staging of the Atlantic Crossing Project and will not become available for use as a cul-de-sac until construction is complete.

At the City Commission meeting on November 19, 2024, consensus to discuss the closure of NE 7th Avenue was given.

City Attorney Review:

N/A

Funding Source/Financial Impact:

Funds have been deposited and are being held in City account pending Commission direction.

Timing of Request:

This matter is not time sensitive.