



## Cover Memorandum/Staff Report

**File #:** 23-1098

**Agenda Date:** 9/5/2023

**Item #:** 6.E.

**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Public Works Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** September 5, 2023

ITEM(S) A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 509 PALM TRAIL; A RIGHT-OF-WAY DEDICATION BY 234 PALM TRAIL; A RIGHT-OF-WAY DEDICATION BY 125 SW 13<sup>TH</sup> AVE.; A RIGHT-OF-WAY DEDICATION BY 904 SE 4<sup>TH</sup> ST.; A RIGHT-OF-WAY DEDICATION BY 102 BASIN DR.; A RIGHT-OF-WAY DEDICATION BY 303 SE 7<sup>TH</sup> AVE.; A RIGHT-OF-WAY DEDICATION BY 102 NE 13<sup>TH</sup> AVE.; A RIGHT-OF-WAY DEDICATION BY 318 SE 5<sup>TH</sup> ST.; A RIGHT-OF-WAY DEDICATION BY 317 SW 7<sup>TH</sup> AVE.; A RIGHT-OF-WAY DEDICATION BY PCN 12-43-46-17-16-006-0060; AND A RIGHT-OF-WAY DEDICATION BY PCN 12-43-46-17-22-002-0100 AND A RIGHT-OF-WAY DEDICATION BY 324 NW 3<sup>RD</sup> AVE. AND A RIGHT-OF-WAY DEDICATION BY 805 W ATLANTIC AVE.

ITEM(S) B1- ACCEPTANCE OF A GENERAL UTILITY EASEMENT AGREEMENT BY 1158 LOWRY ST.

### **Recommended Action:**

#### **Consideration of the following items:**

Item A1 - Motion to approve and accept a Right-of-Way Dedication by the owners of 509 Palm Trail.

Item A2 - Motion to approve and accept a Right-of-Way Dedication by the owners of 234 Palm Trail.

Item A3 - Motion to approve and accept a Right-of-Way Dedication by the owners of 125 SW 13<sup>th</sup> Ave.

Item A4 - Motion to approve and accept a Right-of-Way Dedication by the owners of 904 SE 4<sup>th</sup> St.

Item A5 - Motion to approve and accept a Right-of-Way Dedication by the owners of 102 Basin Dr.

Item A6 - Motion to approve and accept a Right-of-Way Dedication by the owners of 303 SE 7<sup>th</sup> Ave.

Item A7 - Motion to approve and accept a Right-of-Way Dedication by the owners of 102 NE 13<sup>th</sup> Ave.

Item A8 - Motion to approve and accept a Right-of-Way Dedication by the owners of 318 SE 5<sup>th</sup> St.

Item A9 - Motion to approve and accept a Right-of-Way Dedication by the owners of 317 SW 7<sup>th</sup> Ave.

Item A10 - Motion to approve and accept a Right of Way Dedication by the owners of the parcel identified by PCN 12-43-46-17-16-006-0060.

Item A11 - Motion to approve and accept a Right of Way Dedication by the owners of the parcel identified by PCN 12-43-46-17-22-002-0100.

Item A12 - Motion to approve and accept a Right of Way Dedication by the owners of the parcel identified by 324 NW 3<sup>rd</sup> Ave.

Item A13 - Motion to approve and accept a Right of Way Dedication by the owners of 805 W Atlantic Ave.

Item B1 - Motion to approve and accept a General Utility Easement Agreement by the owners of 1158 Lowry St.

**Background:**

**Item A1**

Consider acceptance of a Right-of-Way Dedication located at 509 Palm Trail.

The owner(s), Justin and Jennifer Dye submitted building permit application #20-192457 on 09/24/20, for the subject property. During the application process it was determined that in accordance with LDR 5.3.1 (A) Palm Trail has an ultimate right-of-way of 50ft. The current Right-of-Way width is an irregular shape and less than 50 ft. As a result, a right-of-way dedication of varying width was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A2**

Consider acceptance of a Right-of-Way Dedication located at 234 Palm Trail.

The owner(s), Stephen MacDonald and Nicolette McDougall submitted building permit application #23-211693 on 05/22/23, for the subject property. During the application process it was determined that in accordance with LDR 5.3.1 (A) Palm Trail has an ultimate Right-of-Way of 50 ft. That corresponds to a half-width of 25 ft. The current Right-of-Way half-width is 20 ft. As a result, a 5 ft. Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A3**

Consider acceptance of a Right-of-Way Dedication located at 125 SW 13<sup>th</sup> Ave.

The owner(s), Strong Island Real Estate Holdings submitted building permit application #22-206373 on 08/25//22, for the subject property. During the application process it was determined that in

accordance with LDR 5.3.1 (A) the alley in the rear of the property has an ultimate Right-of-Way of 20 ft. That corresponds to a half-width of 10 ft. The current Right-of-Way half-width is 8 ft. As a result, a 2 ft. Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

#### **Item A4**

Consider acceptance of a Right-of-Way Dedication located at 904 SE 4<sup>th</sup> St.

The owner(s), William and Annmarie Cimosky submitted building permit application #22-207242 on 10/14/23, for the subject property. During the application process it was determined that in accordance with LDR 5.3.1 (A) Palm Trail has an ultimate Right-of-Way of 50 ft. That corresponds to a half-width of 25 ft. The current Right-of-Way half-width is 20 ft. As a result, a 5 ft. Right-of-Way dedication was requested to satisfy the requirement. It was also determined that in accordance with LDR Section 6.1.2(C)(2)(e) for the intersection of Palm Trail and NE 4th St. a 25' radius Right-of-Way is required and was also requested.

There is no City cost now or in the future for these items.

#### **Item A5**

Consider acceptance of a Right-of-Way Dedication located at 102 Basin Dr.

The owner(s), Revocable Trust of Robert S. Fishel submitted building permit application #23-211529 on 05/17/23, for the subject property. During the application process it was determined that in accordance with LDR 5.3.1 (A) Basin Dr. has an ultimate Right-of-Way of 40 ft. That corresponds to a half-width of 20 ft. The current Right-of-Way half-width is 12.5 ft. As a result, a 7.5 ft. Right-of-Way dedication was requested to satisfy the requirement. It was also determined that in accordance with LDR Section 6.1.2(C)(2)(e) for the intersection of Basin Dr. and Lowry St. a 25' radius Right-of-Way is required and was also requested.

There is no City cost now or in the future for these items.

#### **Item A6**

Consider acceptance of a Right-of-Way Dedication located at 303 SE 7<sup>th</sup> Ave.

The owner(s), Bianca and Donald Pucci Trust submitted building permit application #23-212072 on 6/14/23, for the subject property. During the application process it was determined that in accordance with LDR 5.3.1 (A) SE 7<sup>th</sup> Ave has an ultimate Right-of-Way of 50 ft. That corresponds to a half-width of 25 ft. The current Right-of-Way half-width is 20 ft. As a result, a 5 ft. Right-of-Way dedication was requested to satisfy the requirement. It was also determined that in accordance with LDR Section 6.1.2(C)(2)(e) for the intersection of SE 7<sup>th</sup> Ave. and SE 3<sup>rd</sup> St. a 25' radius Right-of-Way is required and was also requested.

There is no City cost now or in the future for these items.

**Item A7**

Consider acceptance of a Right-of-Way Dedication located at 102 NE 13th Ave.

The owner(s), Delray Beach Community Land Trust submitted building permit application #23-211743 on 5/24/23, for the subject property. During the application process it was determined that in accordance with LDR 5.3.1 (A) NW 13<sup>th</sup> Ave. has an ultimate Right-of-Way of 50 ft. That corresponds to a half-width of 25 ft. The current Right-of-Way half-width is 20 ft. As a result, a 5 ft. Right-of-Way dedication was requested to satisfy the requirement. It was also determined that in accordance with LDR Section 6.1.2(C)(2)(e) for the intersection of NW 13<sup>th</sup> Ave. and NW 1st St. a 25' radius Right-of-Way is required and was also requested. It was also determined that in accordance with LDR 5.3.1 (A) the alley in the rear of the property has an ultimate Right-of-Way of 20 ft. That corresponds to a half-width of 10 ft. The current Right-of-Way half-width is 8 ft. As a result, a 2 ft. Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A8**

Consider acceptance of a Right-of-Way Dedication located at 318 SE 5<sup>th</sup> St.

The owner(s), PJB Real Estate LLC submitted building permit application #23-211943 on 6/6/23, for the subject property. During the application process it was determined that in accordance with LDR 5.3.1 (A) the alley in the rear of the property has an ultimate Right-of-Way of 20 ft. That corresponds to a half-width of 10 ft. The current Right-of-Way half-width is 8 ft. As a result, a 2 ft. Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A9**

Consider acceptance of a Right-of-Way Dedication located at 317 SW 7<sup>th</sup> Ave.

The owner(s), Jessica Straghn submitted building permit application #21-200622 on 11/5/21, for the subject property. During the application process it was determined that in accordance with LDR 5.3.1 (A) the alley in the rear of the property has an ultimate Right-of-Way of 20 ft. That corresponds to a half-width of 10 ft. The current Right-of-Way half-width is 8 ft. As a result, a 2 ft. Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A10**

Consider acceptance of a Right of Way Dedication by the owners of parcel identified as PCN 12-43-46-17-16-006-0060.

The owner(s), Delray Beach Community Redevelopment Agency during the due-diligence phase of a proposed City project were requested to provide a dedication of the right-of-way for the subject property. As a result, a 10' dedication along NW 11<sup>th</sup> Avenue is required per LDR Section 5.3.1(A). As a result, a right of way dedication was requested to satisfy the requirement.

**Item A11**

Consider acceptance of a Right of Way Dedication by the owners of parcel identified as PCN 12-43-46-17-22-002-0100.

The owner(s), Delray Beach Community Redevelopment Agency during the due-diligence phase of a proposed City project were requested to provide a variable width dedication of the right-of-way for the subject property.

**Item A12**

Consider acceptance of a Right of Way Dedication by the owners of 324 NW 3<sup>rd</sup> Ave.

The owner(s), Mercedes and Manuel Ramirez during the due-diligence phase of a proposed City project were requested to provide a 13' dedication of the right-of-way for the subject property.

**Item A13**

Consider acceptance of a Right of Way Dedication by the owners of 805 W Atlantic Ave.

The owner(s), Delray Beach Community Redevelopment Agency during the due-diligence phase of a proposed City project were requested to provide a 13' dedication of the right-of-way for the subject property.

**Item B1**

Consider acceptance of a General Utility Easement Agreement located at 1158 Lowry St.

The owner(s), Sean Thomas Walsh, submitted building permit application #21-198827 on 8/09/21, for the subject property. During the application process it was determined that an easement would be needed to allow access to utilities on this property. As a result, an easement agreement was created.

There is no City cost now or in the future for these items.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:** The timing of these requests is of high importance in order to allow projects to continue construction.

