



MEMORANDUM

TO: Mayor and City Commissioners

FROM: Environmental Services Department

THROUGH: Donald B. Cooper, City Manager

DATE: May 14, 2015

SUBJECT: AGENDA ITEM 7.C. - REGULAR COMMISSION MEETING OF AUGUST 11, 2015
ACCEPTANCE OF SIDEWALK EASEMENT DEED FOR 73 PALM SQUARE

BACKGROUND

City Commission to consider acceptance of a Sidewalk Easement Deed for 1.5 feet of Right of Way dedication for 73 Palm Square.

The subject property 73 Palm Square is located South of Atlantic Avenue on Palm Square in the SE corner of SE 1st Street.

In 2014, Patton Investment, LLC. (PILLC) submitted a Site Plan application through the Planning and Zoning Department to construct a single family residence at 73 Palm Square. On October 17, 2014, the Development Services Management Group (DSMG) supported the existing 40' Right of Way widths for Palm Square and SE 1st Street to be retained.

In February 2015, PILLC submitted a building permit application (Permit #15-155505) to construct a single family residence at 73 Palm Square. On April 23, 2015, DSMG supported installation of a 5' sidewalk in accordance with Land Development Regulations (LDR) Section 6.1.3. Applicant agreed to install sidewalk, however 1.5' of the sidewalk and a triangular portion at the corner would be on private property. Since DSMG previously approved the Right of Way to remain at 40', the applicant agreed to dedicate a sidewalk easement for the portion on private property.

Attachments include:

- Map Location 73 Palm Square
- Letter 73 Palm Square
- Sidewalk Easement Deed 73 Palm Square

LEGAL DEPARTMENT REVIEW

Approved as to form and legal sufficiency.

Prepared by: RETURN:

Noel Pfeffer, Esq.
City Attorney's Office
200 N.W. 1st Avenue
Delray Beach, Florida 33444

EASEMENT DEED

THIS INDENTURE, made this 2 day of JULY, 2015 by and between PATTON INVESTMENT LLC, with a mailing address of 1020 TAMARIND RD, DELRAY, party of the first part, and the **CITY OF DELRAY BEACH**, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, a municipal corporation in Palm Beach County, State of Florida, party of the second part:

WITNESSETH: That the party of the first part, for and in consideration of the mutual promises herein contained and other good and valuable considerations, does hereby grant, bargain, sell and release unto the party of the second part, its successors and assigns, a right of way and perpetual easement for public pedestrian access and for the purpose of the maintenance of a public sidewalk with full and free right, liberty, and authority to enter upon and to maintain such sidewalk across, through and upon or within the following described property located in Palm Beach County, Florida, to-wit:

DESCRIPTION

See Exhibit "A"

Concomitant and coextensive with this right is the further right in the party of the second party, its successors and assigns, of ingress and egress over and on that portion of land described above, to effect the purposes of the easement, as expressed hereinafter.

That this easement shall be subject only to those easements, restrictions, conditions and reservations of record. That the party of the first part agrees to provide for the release or subordination of any and all mortgages or liens encumbering this easement. The party of the first part also agrees to erect no building or affect any other kind of construction or improvements upon the above-described property, other than the aforementioned sidewalk.

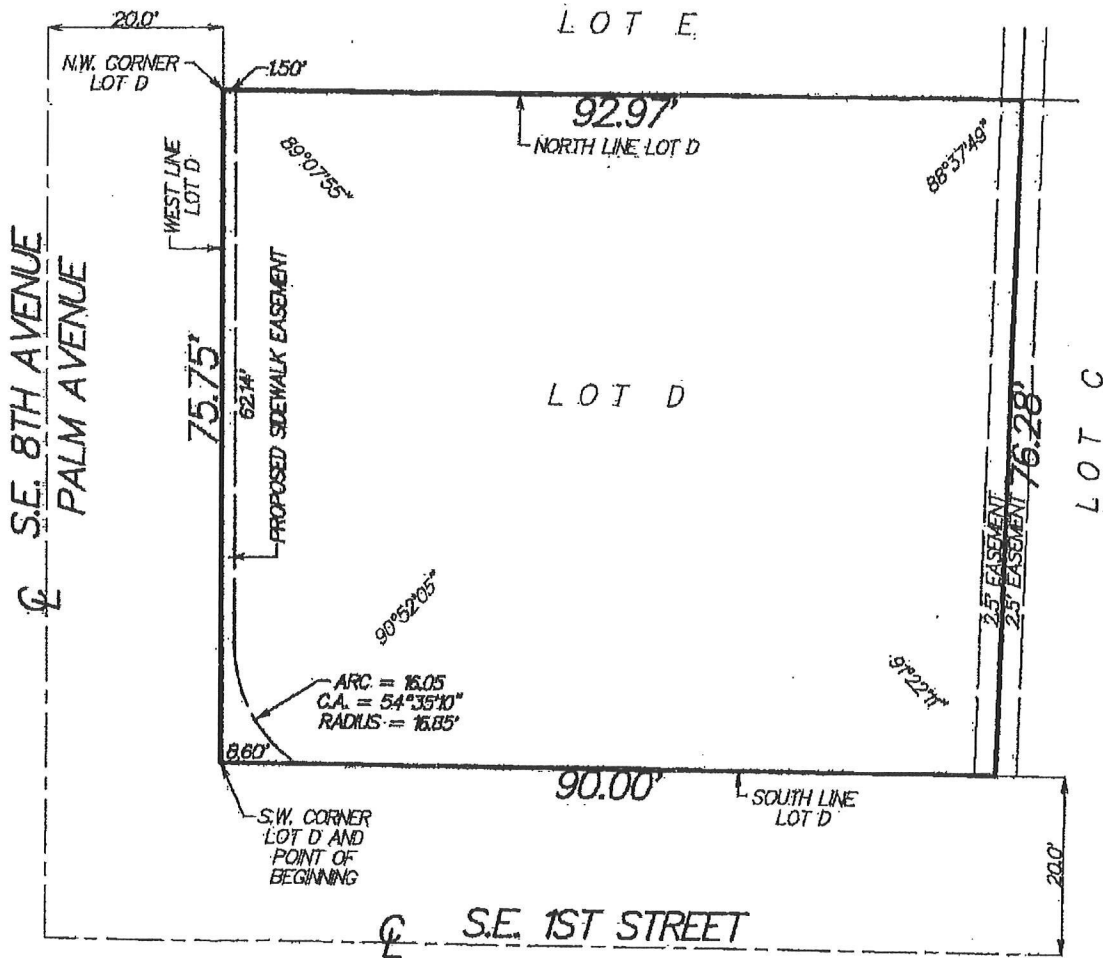
It is understood that upon completion of sidewalk construction by the party of the first part to the required standards, the party of the second part shall repair and maintain the sidewalk in conformance with its practices of maintaining public sidewalks throughout the City.

SKETCH OF DESCRIPTION

EXHIBIT "A"
SHEET 1 OF 1



SCALE: 1" = 20'



DESCRIPTION:

THAT PORTION OF LOT D, RIKERS SQUARE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT D; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT D, A DISTANCE OF 75.75 FEET TO THE NORTHWEST CORNER OF SAID LOT D; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID LOT D, A DISTANCE OF 150 FEET; THENCE SOUTHERLY, PARALLEL TO THE WEST LINE OF SAID LOT D, A DISTANCE OF 62.14 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 54° 35' 10" AND A RADIUS OF 16.85 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 16.05 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT D; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID LOT D, A DISTANCE OF 8.60 FEET TO THE POINT OF BEGINNING.

ORDER NO. 11-36"EA"

NOTES:

THIS IS NOT A SURVEY

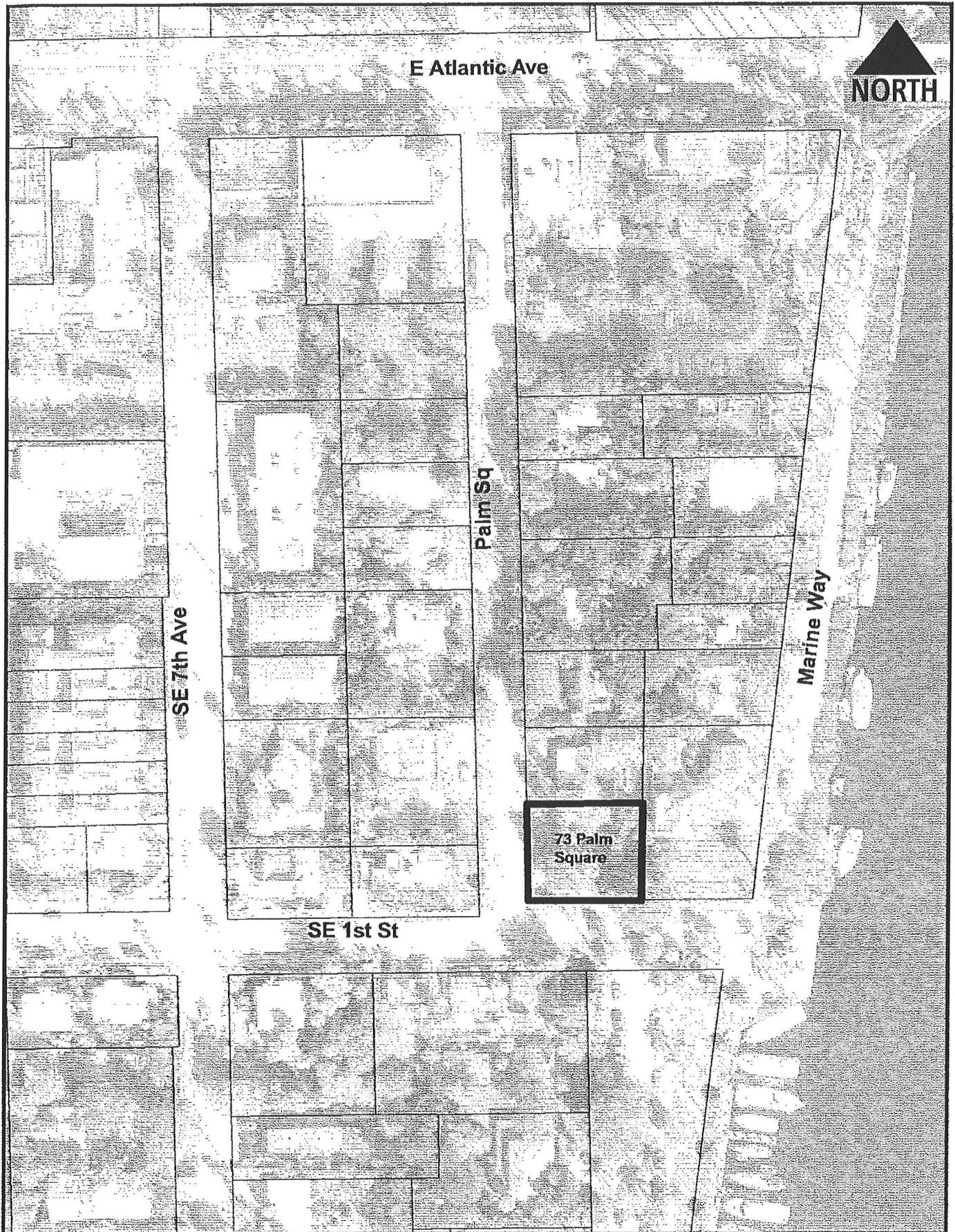
☉ = CENTERLINE

CA = CENTRAL ANGLE

PAUL D. ENGLE
SURVEYOR & MAPPER NO. 5708

DATE: MAY 1, 2015

O'BRIEN, SUTER & O'BRIEN, INC.
CERTIFICATE OF AUTHORIZATION #LB353
SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE: PAUL D. ENGLE
955 N.W. 17TH AVENUE, SUITE K-1
DELRAY BEACH FLORIDA 33445
(561) 276-4501 (561) 732-3279



73 Palm Square Location Map



Price A. Patton
1020 Tamarind Road
Delray Beach, Florida 33483

May 1, 2015

Mr. Isaac Kovner
City Engineer
City of Delray Beach
434 S. Swinton Avenue
Delray Beach, Florida 33444

Dear Mr. Kovner:

Thank you for your help. We think the DSMG came up with a good solution. Per our discussion, this letter is to confirm that I will build a paver sidewalk along Palm Square and a concrete sidewalk with paver borders along SE 1st St. in front of the single family home we are building at 73 Palm Square.

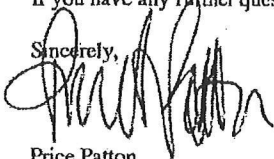
I also will grant the city an easement for the strip of land along Palm Square and at the southeast corner of the lot (See attachment A).

The sidewalk also will be completed prior to calling for final inspection.

We trust that you can release the permit when you receive this exhibit and letter and we can begin construction.

If you have any further questions, please don't hesitate to call me (573-2598 (cell) or email me).

Sincerely,



Price Patton