



# City of Delray Beach

100 N.W. 1st Avenue  
Delray Beach, FL 33444

## Cover Memorandum/Staff Report

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File #: 19-1119

Agenda Date: 12/3/2019

Item #: 6.C.

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**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Assistant Public Works Director  
**THROUGH:** Suzanne Fisher, Assistant City Manager  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** December 3, 2019

### ITEMS (C-I) - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT DEDICATIONS FOR MULTIPLE PROPERTIES

#### **Recommended Action:**

#### **PERPETUAL SIDEWALK EASEMENTS**

#### **Item C**

**(C)** Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 408 SW 4<sup>th</sup> St., to the City of Delray Beach.

#### **Item D**

**(D)** Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 238 SE 4<sup>TH</sup> Ave. to the City of Delray Beach.

#### **Item E**

**(E)** Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 106 SW 14<sup>th</sup> Ave. to the City of Delray Beach.

#### **Item F**

**(F)** Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 760 Lake Trail, lot #20 to the City of Delray Beach.

#### **Item G**

**(G)** Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 768 Lake Trail, lot #18 to the City of Delray Beach.

#### **Item H**

**(H)** Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 764 Lake Trail, lot #19 to the City of Delray Beach.

#### **Item I**

**(I)** Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 1011 Beach Drive to the City of Delray Beach.

#### **Background:**

**PERPETUAL SIDEWALK EASEMENTS****Item C**

Consider acceptance of a 5' of sidewalk easement located at 408 SW 4<sup>th</sup> St. The owner, Marcia Riley Guest, submitted building permit # 19-00183151 on 5/06/19 to construct a new single-family residence. The roadway which has an ultimate right of way width of 60 feet. In accordance with LDR 5.31 (D), per the survey; 5' would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the requirement.

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

**Item D**

Consider acceptance of a 5' of sidewalk easement located at 238 SE 4<sup>th</sup> Ave.

The owner, Mizner Development SE 4<sup>th</sup> Ave. LLC, submitted building permit #19-00184261 on 7/02/19 to construct a new single-family residence. The roadway which has an ultimate right of way width of 60 feet. In accordance with LDR 5.31 (D), per the survey; 5' would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the requirement.

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

**Item E**

Consider acceptance of a 5' of sidewalk easement located at 106 SW 14<sup>th</sup> Ave.

The owner, Delray Beach Community Land Trust, submitted building permit # 19-00181304 on 1/25/19 to construct a new single-family residence. The roadway which has an ultimate right of way width of 60 feet. In accordance with LDR 5.31 (D), per the survey; 5' would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the requirement.

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

**Item F**

Consider acceptance of a 5' of sidewalk easement located at 760 Lake Trail, lot #20.

The owner's residence encroaches a City Right of Way. Since the City will be paving this roadway, owner is holding the City harmless for activity in the Right of Way.

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

**Item G**

Consider acceptance of a 5' of sidewalk easement located at 768 Lake Trail, lot #18

The owner, Delray Beach Luxury Homes, LLC, submitted building permit #18-00176754 on 6/01/18 to construct a new single-family residence. The roadway which has an ultimate right of way width of 60 feet. In accordance with LDR 5.31 (D), per the survey; 5' would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the requirement.

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

**Item H**

Consider acceptance of a 5' of sidewalk easement located at 764 Lake Trail, lot #19.

The owner, Delray Beach Luxury Homes, LLC, submitted building permit #18-00176753 on 6/01/18 to construct a new single-family residence. The roadway which has an ultimate right of way width of 60 feet. In accordance with LDR 5.31 (D), per the survey; 5' would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the requirement.

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

**Item I**

Consider acceptance of a 5' of sidewalk easement located at 1011 Beach Drive.

The owners, Andy L Nemeth and Elizabeth J. Nemeth, submitted building permit #19-00184015 on 6/19/19 to construct a new single-family residence. The roadway which has an ultimate right of way width of 60 feet. In accordance with LDR 5.31 (D), per the survey; 5' would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the requirement.

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

**Attachments provided:**

Legal Checklist

Item (C) Exhibit A - 408 SW 4<sup>th</sup> St.

Item (C) PSE Agreement - 408 SW 4<sup>th</sup> St.

Item (D) Exhibit A - 607 Allen Ave.

Item (D) ROW Deed - 607 Allen Ave.

Item (E) Exhibit A Sketch - 106 SW 14<sup>th</sup> Ave.

Item (E) Legal Description - 106 SW 14<sup>th</sup> Ave.

Item (E) PSE Agreement - 106 SW 14<sup>th</sup> Ave.

Item (F) Exhibit A - 760 Lake Trail

Item (F) PSE Agreement - 760 Lake Trail

Item (G) Exhibit A - 768 Lake Trail

Item (G) PSE Agreement - 768 Lake Trail

Item (H) Exhibit A Sketch - 764 Lake Trail

Item (H) PSE Agreement - 764 Lake Trail

Item (I) Exhibit A Sketch-1011 Beach Dr.

Item (I) PSE Agreement - 1011 Beach Dr.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Timing of Request:**

The timing of this request is of high importance in order to process the residence C/O when completed.