



## Legislation Text

---

**File #:** 18-481, **Version:** 1

---

**TO:** Mayor and Commissioners  
**FROM:** Susan Goebel-Canning, Public Works Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** August 21, 2018

ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 801 NE 5<sup>TH</sup> ST.

**Recommended Action:**

Motion to approve and accept a five-foot sidewalk easement located at 801 NE 5<sup>th</sup> St.

**Background:**

Consider acceptance of a sidewalk easement located at 801 NE 5<sup>th</sup> St.

On June 4, 2018, the owner Mia Real Holdings submitted building permit #18-176785 to construct a new single family residence located at 801 NE 5<sup>th</sup> St. This property is located east of N. Federal Hwy on NE 5<sup>th</sup> St. in the NE corner of NE 8<sup>th</sup> Ave.

The roadway, NE 5<sup>th</sup> St. associated with this project is a local street without curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on NE 5<sup>th</sup> St. per the survey, 5 feet would be required from this property.

The roadway, NE 8<sup>th</sup> Ave. associated with this project is a local street without curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on NE 8<sup>th</sup> Ave. per the survey, five feet would be required from this property.

There is no City cost now or in the future for this item.

Attachments provided:

- 1) Perpetual Sidewalk Easement Agreement
- 2) "Exhibit A" Sketch and Legal Description
- 3) Survey 801 NE 5<sup>th</sup> St.
- 4) PAPA Map Location 801 NE 5<sup>th</sup> St.
- 5) PAPA Page 801 NE 5<sup>th</sup> St.
- 6) Sun Biz Page

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

There is no fiscal impact to the City of Delray Beach (City) as a result of this easement acceptance.

**Timing of Request:**

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