



## Legislation Text

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**File #:** 18-480, **Version:** 1

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**TO:** Mayor and Commissioners  
**FROM:** Patrick Figurella, City Engineer - Development Services Engineering  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** August 21, 2018

ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 1011 NW 3<sup>RD</sup> AVE.

**Recommended Action:**

Motion to Approve and accept a five-foot sidewalk easement on NW 3<sup>rd</sup> Ave. located at 1011 NW 3<sup>rd</sup> Ave.

**Background:**

Consider acceptance of a sidewalk easement located at 1011 NW 3<sup>rd</sup> Ave.

On September 28<sup>th</sup>, 2017, the owner Mahendra-Rajah Family Land Trust submitted building permit #17-171885 to construct a new single family residence located at 1011 NW 3<sup>rd</sup> Ave. This property is located west of N. Swinton Ave. on NW 11<sup>th</sup> St. and south on NW 3<sup>rd</sup> Ave on the east side of the roadway.

The roadway, NW 3<sup>rd</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 NW 3<sup>rd</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 1011 NW 3<sup>rd</sup> Ave.
- 4) PAPA Map Location 1011 NW 3<sup>rd</sup> Ave.
- 5) PAPA Page 1011 NW 3<sup>rd</sup> Ave.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

There is no financial impact to the City of Delray Beach 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.