



## Cover Memorandum/Staff Report

**File #:** 19-779

**Agenda Date:** 8/20/2019

**Item #:** 6.O.

**TO:** Mayor and Commissioners  
**FROM:** Caryn Gardner Young-Acting Public Works Director  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** August 20, 2019

ITEMS (A-J) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENTS, UTILITY EASEMENT AND RIGHT OF WAY DEEDS FOR MULTIPLE PROPERTIES

**Recommended Action:**

**Item A**

(A) Motion to approve and accept 5' sidewalk easement located on Lot A located at 100 Gleason St., #204, Lot A.

**Item B**

(B) Motion to approve and accept 5' and a 2' of right of way dedication on 237 NW 5<sup>th</sup> Ave.

**Item D**

(D) Motion to approve and accept 5' sidewalk easement located on Lot B, located at 100 Gleason St., #204, Lot B.

**Item F**

(F) Motion to approve and accept a 25' radial right of way dedication located on Lot A, located at the corner of Gleason St. and Miramar Dr.

**Item G**

(G) Motion to approve and accept a 20' and a 1.80' right of way deed located on 309 SW 5<sup>th</sup> Ave. lot #34.

**Item H**

(H) Motion to approve and accept variable width Right of Way dedication on SE 7<sup>th</sup> Ave. and 618 SE 4<sup>th</sup> St.

**Item I**

(I) Motion to approve and accept a 2' of alley right of way dedication on 233 SW 14th Ave.

**Item J**

(J) Motion to approve and accept a 2' of alley right of way dedication on 229 SW 14th Ave.

**Background:****Item A**

Consider acceptance of sidewalk easement on lot A, #204, located at 100 Gleason Street.

The owners John G. Deleonibus and Sally Deleonibus, submitted building permit # 19-00181089 on 1/15/19 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 B**

Consider acceptance of a 5' right of way and a 2' alley dedication at 237 NW 5<sup>th</sup> Ave. The owner, Delray Beach Community Land Trust submitted building permit # 19-00182159 on 3/12/19.

The roadway, NW 5<sup>h</sup> Ave. associated with this project is a local street without a 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 45 feet on NW 5<sup>th</sup> Ave. per the survey; 5' feet would be required from this property. As a result, a 5' right of way dedication was requested to satisfy this requirement.

In addition, the alleyway pursuant to LDR Section 5.1.3 (D) (2), the required minimum width of an alleyway is 20 feet. The current dedicated alley right of way is 16 feet therefore; a dedication equivalent to one-half the additional right of way (2') would be required to satisfy the requirement.

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

**Items D**

Consider acceptance of sidewalk easement on lot B, #204, located at 100 Gleason Street.

The owner 1250 Crain Highway, A Maryland limited liability company, submitted building permit # 19-00182244 on 3/16/19 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 25' radial right of way deed located at Lot A #204, located at the corner of Gleason St. and Miramar Dr. The owners of 100 Gleason St Lot A, John G. Deleonibus and Sally Deleonibus submitted building permit # 19-181089 on 1/15/19.

The intersection of Gleason St. and Miramar Dr. requires a 25' radial right of way dedication per LDR 6.1.2(C) (2) (e) As a result the 25' radius was requested to satisfy the requirement

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

**Item G**

Consider acceptance of a 20' right of way and a 1.80' alley dedication located at 309 SW 5<sup>th</sup> Ave. lot #34. The owner, Delray Beach Community Land Trust, submitted permit #19-00182158 on 3/12/19.

The roadway, SW 5<sup>th</sup> Ave. associated with this project is a local street without a 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 non-existent on SW 5<sup>th</sup> Ave. per the survey; 25' feet would be required from this property. As a result, a 25' right of way dedication was requested to satisfy this requirement.

In addition, according to LDR Section 5.1.3 (D) (2), the required minimum width of an alleyway is 20 feet. The current dedicated alley right of way is 16.4' feet therefore; a dedication equivalent to one-half the additional right of way (1.80') would be required to satisfy the requirement.

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

**Item H**

Consider acceptance of a variable width Right of Way dedication along SE 7<sup>th</sup> Ave. and SE 4<sup>th</sup> St. The owner of 618 SE 4<sup>th</sup> Ave, Avi Stern, submitted permit 19-00182211 on 3/14/19.

The roadway, SE 4<sup>th</sup> St. associated with this project is a local street without a 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 30 feet on SE 4<sup>th</sup> St. per the survey; 10' feet would be required from this property. As a result, a 10' right of way dedication was requested to satisfy this requirement

The roadway, SE 7<sup>th</sup> Ave. associated with this project is a local street without a 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 40 feet on SE 7<sup>th</sup> Ave. per the survey; 5' feet would be required from this property. As a result, a 5' right of way dedication was requested to satisfy this requirement

The intersection of SE 4<sup>th</sup> St and SE 7<sup>th</sup> Ave requires a 25' radial right of way dedication per LDR 6.1.2(C) (2) (e) As a result the 25' radius 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 2' alley right of way dedication at 233 SW 14<sup>th</sup> Ave. The owner, Delray Beach Community Land Trust, submitted permit # 19-183685 on 6/03/19.

The alleyway; pursuant to LDR Section 5.1.3 (D) (2), requires a minimum width of the alleyway to be 20 feet. The current dedicated alley right of way is 16 feet therefore; a dedication equivalent to one-half the additional right of way (2') would be required to satisfy the requirement.

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

**Item J**

Consider acceptance of a 2' of right of way deed dedication at 229 SW 14<sup>th</sup> Ave. The owner, Delray Beach Community Land Trust, submitted permit # 19-00183686 on 6/03/19.

The alleyway; pursuant to LDR Section 5.1.3 (D) (2), requires a minimum width of the alleyway to be 20 feet. The current dedicated alley right of way is 16 feet therefore; a dedication equivalent to one-half the additional right of way (2') would be required to satisfy the requirement.

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

**Attachments provided:**

- 1) Legal Checklist
- 2) Item (A) Perpetual Sidewalk Easement Agreement, SW Lot A, 100 Gleason St.
- 3) Item (A) Exhibit (A) Sketch and Description SW Lot A
- 4) Item (A) PAPA Map - 100 Gleason St.- Lot A
- 5) Item (A) PAPA Page - 100 Gleason St. - Lot A
- 6) Item (B) PAPA Map Location - 237 NW 5<sup>th</sup> Ave.
- 7) Item (B) PAPA Page - 237 NW 5<sup>th</sup> Ave.
- 8) Item (B) Right of Way Deed
- 9) Item (B) Exhibit A Sketch
- 10) Item (D) Exhibit A Sketch
- 11) Item (D) PAPA Map 100 Gleason St. #204 - Lot B
- 12) Item (D) PAPA Page 100 Gleason St. #204 - Lot B
- 13) Item (D) Perpetual Sidewalk Easement Agreement
- 14) Item (F) Exhibit A Sketch - Lot A (100 Gleason St.)
- 15) Item (F) PAPA Map 100 Gleason St. Lot A
- 16) Item (F) PAPA Page 100 Gleason St. Lot A
- 17) Item (F) Right of Way Deed
- 18) Item (G) Exhibit A Sketch

- 19) Item (G) PAPA Map 309 SW 5<sup>th</sup> Ave.
- 20) Item (G) PAPA Page 309 SW 5<sup>th</sup> Ave.
- 21) Item (G) Right of Way Deed
- 22) Item (H) Exhibit A Sketch
- 23) Item (H) PAPA Map 618 SE 4<sup>th</sup> St.
- 24) Item (H) PAPA Page 618 SE 4<sup>th</sup> St.
- 25) Item (H) Right of Way Deed
- 26) Item (H) Sunbiz Page 618 SE 4<sup>th</sup> St.
- 27) Item (I) Exhibit A Sketch
- 28) Item (I) PAPA Map 233 SW 14<sup>th</sup> Ave.
- 29) Item (I) PAPA Page 233 SW 14<sup>th</sup> Ave.
- 30) Item (I) Right of Way Deed
- 32) Item (I) Sunbiz 145 SW 12<sup>th</sup> Ave.
- 33) Item (J) Exhibit A Sketch
- 34) Item (J) PAPA Page 229 SW 14<sup>th</sup> Ave.
- 35) Item (J) PAPA Map 229 SW 14<sup>th</sup> Ave.
- 36) Item (J) Right of Way Deed
- 37) Item (J) Sunbiz 145 SW 12<sup>th</sup> Ave.

**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.