



## Cover Memorandum/Staff Report

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**File #:** 19-1015

**Agenda Date:** 11/5/2019

**Item #:** 6.D.

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** November 5, 2019

ACCEPTANCE OF 5,587.70 SQUARE FEET OF PERPETUAL GREENWAY EASEMENT AGREEMENT LOCATED ON A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY FLORIDA, FROM ARCHEAN CAPITAL LLC, "THE GRANTOR", FOR THE SUBJECT PROPERTY LOCATED AT 777 S. CONGRESS AVENUE (PROJECT APPROVED AS COLLIER CAR CLUB).

**Recommended Action:**

Review and Consider a Perpetual Easement Agreement located at Section 19, Township 46 South, Range 43 East, Palm Beach County Florida to provide certain public improvements, including but not limited to, sidewalk, pathways, lighting, curbing, drainage facilities, street furniture, handicap access, utilities and landscaping from "The Grantee", The City of Delray Beach, for the subject property located at 777 S. Congress Avenue.

**Background:**

At its meeting of February 25, 2019, the Planning and Zoning Board reviewed a request and voted 7 to 0 to recommend approval to City Commission for a rezoning from Mixed Residential, Office and Commercial (MROC) to Special Activities District (SAD). At its meeting of March 27, 2019, the Site Plan Review and Appearance Board (SPRAB) approved a Class III Site Plan, Architectural Elevations and Landscape Plan, which included minor facade changes, the addition of a car lift, interior renovation, and landscape improvements. As a condition of approval, the applicant is required to dedicate a 10-foot wide Perpetual Greenway Easement Agreement for public improvements along the CSX Railway. The City Commission adopted Ordinance No. 14-19 on April 16, 2019 approving the rezoning of the property to Special Activities District (SAD).

The current action is the acceptance of a Perpetual Greenway Easement Agreement. The Grantor is proposing to dedicate 5,587.70 square feet perpetual greenway easement located at a parcel of land lying in Section 19, Township 46, South, Range 43 East, Palm Beach County Florida. The easement will contribute to a future bike-ped trail along the CSX Railway.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A.

**Timing of Request:**

Approval of the CO on the building permit is dependent on acceptance of this agreement.