

RESOLUTION NO. 48-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT REQUEST FOR A MAJOR SUBDIVISION WITH WAIVERS FOR A TWO LOT SUBDIVISION KNOWN AS “LAKE IDA GARDENS”, WHICH CONSISTS OF ONE EXISTING LOT OF RECORD DESCRIBED AS THE NORTH 101.3 FEET OF THE SOUTH 200 FEET OF THE NORTH 248.85 FEET OF LOT 37, SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE 33 FOOT RIGHT OF WAY LINE OF N.E. 2ND AVENUE, LESS THE WEST 468 FEET THEREOF, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LOCATED ON THE SOUTHWEST CORNER OF NE 2ND AVENUE AND NE 17TH STREET WITHIN THE R-1-A ZONING DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Seaside Builders LLC (“Agent”) on behalf of AAGAA LLC (“Applicant”) submitted a Final Plat application (2020-018) to replat an existing legal lot of record located at 126 NE 17th Street, as more particularly described in Exhibit “A”, into two lots with frontage on NE 17th Street more particularly described in Exhibit “B”; and

WHEREAS, the applicant has requested waivers from the requirements in the Land Development Regulations (LDRs) Section 4.3.4(K), “Development standards matrix”, for minimum lot size or minimum lot depth or both; and

WHEREAS, the LDRs of the City of Delray Beach (City) Section 2.4.5(J)(1), establishes that the City Commission is the final authority in the subdivision review process subsequent to action on the preliminary plat by the Planning and Zoning Board; and

WHEREAS, the Planning and Zoning Board at a public hearing on February 24, 2020, voted ___ to ___ to approve the preliminary plat; and

WHEREAS, pursuant to LDR Section 2.4.5(J)(5), the City Commission shall make a finding that the final plat is consistent with the findings associated with the preliminary plat pursuant to Chapter 3; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, pursuant to LDR Chapter 3 and Sections 2.4.5(K) and 2.4.7(B), approves the major subdivision plat and declares that it is necessary and appropriate to approve it along with the requested waivers based on positive findings; and

WHEREAS, upon approval by the City Commission, the plat shall be recorded pursuant to procedures as set forth by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby incorporated herein by this reference.

Section 2. The plat attached hereto as Exhibit "B" is approved.

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on this __ day of _____ 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

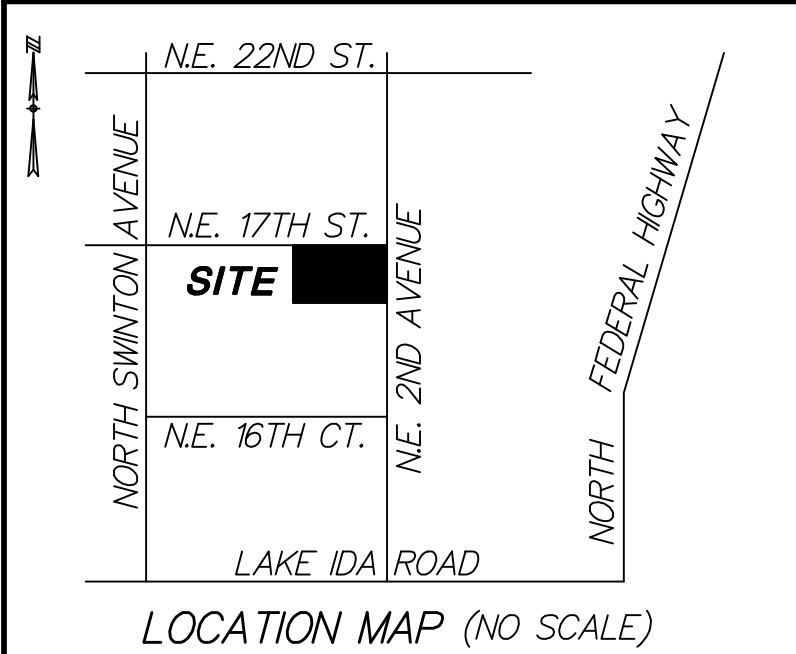
Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT A | EXISTING LEGAL LOT OF RECORD
126 NE 17TH STREET
PCN 12-43-46-09-39-000-0371

EXHIBIT B | PROPOSED PLAT
126 NE 17TH STREET
PCN 12-43-46-09-39-000-0371

EXHIBIT B | PROPOSED PLAT
126 NE 17TH STREET
PCN 12-43-46-09-09-000-0371



LAKE IDA GARDENS

BEING A REPLAT OF A PORTION OF LOT 37, SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 4 (P.R.P.B.CO.), BEING IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

SHEET 1 OF 2

COUNTY OF PALM BEACH
STATE OF FLORIDA

THIS PLAT WAS FILED FOR RECORD AT _____

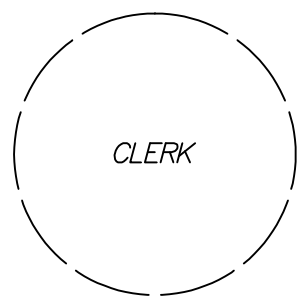
THIS _____ DAY OF _____

2020, AND DULY RECORDED IN PLAT BOOK NO. _____

ON PAGE _____

SHARON R. BOCK, CLERK AND COMPTROLLER

BY _____, DC.



DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT AAGAA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN HEREON BEING A REPLAT OF A PORTION OF LOT 37, SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 4 (P.R.P.B.CO.), BEING IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, SHOWN HEREON AS "LAKE IDA GARDENS", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 101.3 FEET OF THE SOUTH 200 FEET OF THE NORTH 248.85 FEET OF LOT 37, SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE 33 FOOT RIGHT OF WAY LINE OF NE. 2ND AVENUE, LESS THE WEST 468 FEET THEREOF, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 4, PALM BEACH COUNTY PUBLIC RECORDS.

CONTAINING 19,891 SQUARE FEET OR 0.4566 ACRE MORE OR LESS.

HAVE CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS LAKE IDA GARDENS AND FURTHER DEDICATES AS FOLLOWS:

LOTS 1 AND 2 ARE HEREBY PLATTED FOR PRIVATE PURPOSES AS ALLOWED PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH.

TRACT A IS HEREBY DEDICATED TO THE CITY OF DELRAY BEACH AS PUBLIC RIGHT-OF-WAY FOR STREET AND UTILITY PURPOSES.

ALL GENERAL UTILITY (G.U.) EASEMENTS ARE MADE TO ANY PUBLIC OR PRIVATE UTILITY, SUCH AS BUT NOT LIMITED TO SANITARY SEWER SERVICE, WATER SERVICE, STORM DRAINAGE, ELECTRIC POWER, GAS SERVICE, TELEPHONE LINES AND CABLE TELEVISION; PROVIDED HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITY AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

THE LIMITED ACCESS EASEMENT IS MADE TO THE CITY OF DELRAY BEACH FOR THE PURPOSE OF PROHIBITING ACCESS BETWEEN ADJUTING LOTS AND THE ADJACENT RIGHT OF WAY.

IN WITNESS WHEREOF, THE ABOVE NAMED LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER AND ITS CORPORATE SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS _____ DAY OF _____, 2020.

AAGAA, LLC A FLORIDA LIMITED
LIABILITY COMPANY

WITNESS: _____ BY: _____
PRINT NAME: CAROLYN SAUNDERS
MANAGER

WITNESS: _____
PRINT NAME:

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED CAROLYN SAUNDERS WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS MANAGER OF AAGAA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT SHE EXECUTED SUCH INSTRUMENT AS MANAGER OF SAID COMPANY, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID COMPANY AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2020.

MY COMMISSION EXPIRES:

NOTARY PUBLIC
NAME: _____
COMMISSION NO.: _____

CITY APPROVAL:

THIS PLAT OF "LAKE IDA GARDENS" AS APPROVED ON THE _____ DAY OF _____, A.D. 2020 BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH.

MAYOR: _____ ATTEST: _____
CITY CLERK:

AND REVIEWED, ACCEPTED, AND CERTIFIED BY:

DEVELOPMENT SERVICES DIRECTOR _____ CITY ENGINEER _____

FIRE MARSHAL _____

TITLE CERTIFICATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, CRISTOFER A. BENNARDO, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED TO AAGAA, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT THERE ARE NO MORTGAGES; AND THAT THERE ARE NO ENCUMBRANCES OF RECORD.

DATE: _____
CRISTOFER A. BENNARDO, ESQUIRE
ATTORNEY STATE OF FLORIDA
FLA. BAR NO.

REVIEWING SURVEYOR'S STATEMENT:

THIS IS TO CERTIFY THAT THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER, UNDER CONTRACT WITH THE CITY OF DELRAY BEACH, FLORIDA, HAS REVIEWED THIS PLAT OF "LAKE IDA GARDENS", AS REQUIRED BY CHAPTER 177.081 (1), FLORIDA STATUTES, AND FINDS THAT IT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES.

DATE: _____
DAVID P. LINDLEY, P.L.S.
FLORIDA REGISTRATION NO. 5005
CAULFIELD WHEELER, INC.
LICENSE BUSINESS NO. L.B. 3591

SURVEYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S) AND MONUMENTS HAVE BEEN PLACED AS REQUIRED BY LAW; AND FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE CITY OF DELRAY BEACH.

DATE: _____
PAUL D. ENGLE
SURVEYOR AND MAPPER NO. 5708
O'BRIEN, SUTER & O'BRIEN, INC.
955 N.W. 17TH AVENUE, SUITE K-1
DELRAY BEACH, FLORIDA 33445
CERTIFICATE OF AUTHORIZATION NO. 353

NOTES:

ALL BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST LINE OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 43 EAST HAVING AN ASSUMED BEARING OF S.0°33'05"E.

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

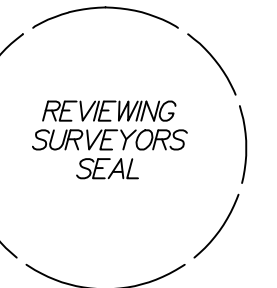
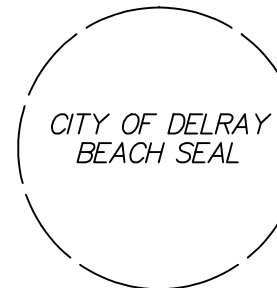
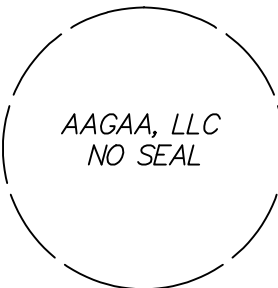
THE CITY OF DELRAY BEACH IS HEREBY GRANTED THE RIGHT OF ACCESS FOR EMERGENCY AND MAINTENANCE PURPOSES.

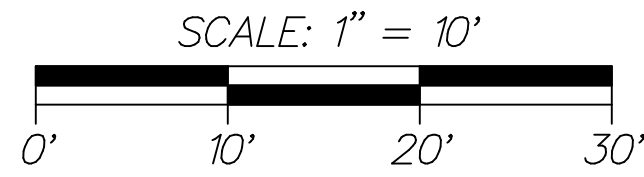
THIS INSTRUMENT WAS PREPARED BY PAUL D. ENGLE, IN THE OFFICE OF O'BRIEN, SUTER & O'BRIEN, INC., 955 N.W. 17TH AVENUE, SUITE K-1, DELRAY BEACH, FLORIDA 33445 (561) 276-4501

PERMANENT REFERENCE MONUMENTS ARE SHOWN THUS: ○

THERE SHALL BE NO BUILDINGS OR ANY KIND OF CONSTRUCTION PLACED ON WATER, SEWER OR DRAINAGE EASEMENTS. NO STRUCTURES SHALL BE PLACED WITHIN A HORIZONTAL DISTANCE OF 10 FEET FROM ANY EXISTING OR PROPOSED CITY OF DELRAY BEACH MAINTAINED WATER, SEWER OR DRAINAGE FACILITIES. CONSTRUCTION OR LANDSCAPING UPON MAINTENANCE OR MAINTENANCE ACCESS EASEMENTS MUST BE IN CONFORMANCE WITH ALL BUILDING AND ZONING CODES AND/OR ORDINANCES OF THE CITY OF DELRAY BEACH.

THERE SHALL BE NO TREES OR SHRUBS PLACED ON UTILITY EASEMENTS WHICH ARE PROVIDED FOR WATER AND SEWER USE OR UPON DRAINAGE EASEMENTS. LANDSCAPING ON ANY OTHER UTILITY EASEMENTS SHALL BE ALLOWED ONLY AFTER CONSENT OF ALL UTILITY COMPANIES OCCUPYING SAME.





LEGEND:

CL = CENTERLINE

P.R.M. = PERMANENT REFERENCE
MONUMENT (4"x4" CONCRETE
MONUMENT STAMPED "PRM LB353")
UNLESS STATED OTHERWISE

P.R.P.B.CO. = PUBLIC RECORDS OF
PALM BEACH COUNTY

SECTION 9/46/43 = SECTION 9,
TOWNSHIP 46 SOUTH, RANGE 43 EAST

LAKE IDA GARDENS

BEING A REPLAT OF A PORTION OF LOT 37, SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43
EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 4
(P.R.P.B.CO.), BEING IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF
DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

SHEET 2 OF 2

THIS INSTRUMENT WAS PREPARED BY PAUL D.
ENGLE, IN THE OFFICE OF O'BRIEN, SUTER &
O'BRIEN, INC., 955 N.W. 17TH AVENUE, SUITE
K-1, DELRAY BEACH, FLORIDA 33445 (561)
276-4501

SWINTON HEIGHTS (PLAT BOOK 24, PAGE 120)

