



City Of Delray Beach

Department of Environmental Services

M E M O R A N D U M

TO: Sherry Dungey, Finance Department
FROM: Ralph Lugo, ESD, Engineering, Plan Reviewer
DATE: July 29, 2015
SUBJECT: Paid Receipt Request for Sidewalk In-Lieu Fee

RECEIVED

JUL 29 2015

FINANCE

Please generate a paid Miscellaneous Receipt (MR) for the following:

Item	Description
Owner's Contact Information	Barry Chodash
Billing Address	295 Fountain Rd. Englewood, NJ 07631
Purpose	Contribution in-lieu of sidewalk installation
Location	1031 White Dr.
Total Cost	\$3,024.00 (Check #8706 enclosed)
Authority Level	City Commission 8/11/15 Item 8.D. and LDR Section 6.1.3 (D)(3).
Developer's Share of Costs	\$3,024.00
Sidewalk Fee Calculation	$\$8/\text{ft}^2 \times 5' \text{ wide} \times 75.6' \text{ length} = \$3,024.00$
Timeframe	No timeframe established
Retain Developer Contribution Payment	Until used
Refund Clause	None, funds will be kept until used
Deposit Account	General Construction Revenues Collected in Advance Account # 334-0000-223-00.00

Please also email a copy of receipt to my attention. Should you require any additional information, please don't hesitate to email or call. Thanks.

Attachments

Cc Randal Krejcarek, P.E. ESD Dir.; Isaac Kovner, P.E. City Engineer; Tracie Lutchmansingh Asst. City Engineer; Ralph Lugo Engineering Plan Reviewer; Sidewalk In-Lieu Contributions



INVOICE

40260

City of Delray Beach, Florida
100 N.W. First Avenue
Delray Beach, Florida, 33444

(561) 243-7000

TO: BARRY CHODASH
295 FOUNTAIN RD
ENGLEWOOD, NJ 07631

CUSTOMER NUMBER	DATE
14047	7/29/15
CUSTOMER TYPE:	
MS - MISCELLANEOUS BILLINGS	

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	IN-LIEU SIDEWALK FEE - CONTRIBUTION IN-LIEU OF SIDEWALK INSTALLATION LOCATED AT 1031 WHITE DR.	3,024.00	3,024.00

BARRY M CHODASH
ANN R CHODASH
295 FOUNTAIN RD.
ENGLEWOOD, NJ 07631

8706
55-704/2212
15

15 July 15
Date

Pay to the
Order of City of Delray Beach

Three thousand twenty four and \$ 3024 ⁰⁰/₁₀₀

100 Dollars

NVE
BANK
70 Engle Street
Englewood, NJ 07631
www.nvebank.com

For In lieu of sidewalk fee

Barry Chodash

8706

\$3,024.00

PLEASE DETACH AND SEND TO: REMITTANCE

DATE: 7/29/15 DUE DATE: 7/29/15

CHODASH, BARRY
MS - MISCELLANEOUS BILLINGS

REMIT AND MAKE CHECK PAYABLE TO:

CITY OF DELRAY BEACH
ATTN: FINANCE DEPARTMENT
100 NW 1ST AVENUE
DELRAY BEACH FL 33444
(561) 243-7115

INVOICE NUMBER	40260
CUSTOMER NUMBER	14047
TOTAL DUE	\$3,024.00

FILE COPY

FROM:

Environmental Services Division

THROUGH:

Donald B. Cooper, City Manager

BACKGROUND:

Consider acceptance of Sidewalk In-Lieu Fee payment of \$3024.00 for 1031 White Dr.

In May 2015, the applicant and owner (Barry Chodash) renewed building permit #14-152456 to construct a single family residence at 1031 White Dr.

This property is located west of highway A1A on White Dr. On June 22nd, 2015, the owner provided an email accepting to pay the Sidewalk In-Lieu Fee of \$3024.00 for 75.6' of sidewalk at 1031 White Dr.

As per LDR Section 6.1.3 a 5' sidewalk is required adjacent to the Right of Way Line. In the ESD database there are several properties with sidewalk deferrals in the South Ocean Blvd of Seagate Subdivision.

DISCUSSION:

Consider acceptance of Sidewalk In-Lieu Fee payment of \$3024.00 for 1031 White Dr.

TIMING OF REQUEST:

Timing of this request is of high importance in order to process the building permit.

RECOMMENDATION:

By motion, approve Sidewalk In-Lieu Fee of \$3024.00 for 1031 White Dr.

CONSENT AGENDA ACKNOWLEDGEMENT

IN-LIEU SIDEWALK INSTALLATION FEE 1031 WHITE DRIVE

1. The in-lieu sidewalk installation fee is scheduled to go before the City Commission for review and approval on 08/11/15.
2. The City staff presented documentary evidence and testimony to the Development Services Management Group (DSMG) on 06/18/15 pertaining to the relief from the sidewalk installation requirements. All of the evidence is a part of the record in this case.

THE FOLLOWING SECTIONS MUST BE COMPLETED BY THE APPLICANT

PLEASE PICK THE FOLLOWING OPTIONS BELOW:

- ☒ The applicant agrees with the determination and/or recommendation made by the Development Services Management Group (DSMG) on _____
- ☒ The applicant agrees to furnish payment of \$3,024.00 for 75.6 feet of in-lieu sidewalk (\$8.00 x 5' x length of proposed sidewalk).
- ☐ The Applicant **disagrees** with the determination and/or recommendation made by the Development Services Management Group (DSMG) on _____.

PICK ONLY ONE (1) OF THE FOLLOWING OPTIONS BELOW:

- ☒ The Applicant agrees with this item being approved on the **consent agenda** for the 8/11/15 City Commission meeting and concurs with the City's position.
- ☐ The Applicant opposes the City's position and requests placement on the **regular agenda** as a quasi-judicial public hearing on _____.

SIGNATURE:

Raymond Chodas
Assigned Representative (applicant/agent/owner)

DATE:

30 June 15
(Month/Day/Year)



MEMORANDUM

TO: Mayor and City Commissioners

FROM: Environmental Services Department

THROUGH: Donald B. Cooper, City Manager

DATE: July 9, 2015

SUBJECT: **AGENDA ITEM 8.B. - Regular Commission Meeting OF August 11, 2015**
Request for Sidewalk Relief in the Form of In-Lieu Fee/1031 White Drive

Background

Consider acceptance of sidewalk In-Lieu fee of \$3,024.00 for 1031 White Drive.

In May 2015, the applicant and owner (Barry Chodash) renewed Building Permit #14-152456 to construct a single family residence at 1031 White Drive.

This property is located west of Highway A1A on White Drive. On June 22, 2015, the owner provided an email accepting to pay the Sidewalk In-Lieu Fee of \$3024.00 for 75.6' of sidewalk at 1031 White Drive. As per Land Development Regulations (LDR) Section 6.1.3, a 5' sidewalk is required adjacent to the Right of Way Line. In the ESD database there are several properties with sidewalk deferrals in the South Ocean Boulevard of Seagate Subdivision.

Financial Department Review

The Finance Department recommends approval.

Discussion

The City Commission is asked to consider acceptance of sidewalk In-Lieu fee of \$3,024.00 for 1031 White Drive.

Timing of the Request

Timing of this request is of high importance in order to process the building permit.

Recommendation

By motion, accept sidewalk In-Lieu fee of \$3,024.00 for 1031 White Dr.

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA

REQUEST FOR RELIEF FROM SIDEWALK CONSTRUCTION REQUIREMENTS
FOR 1031 WHITE DRIVE

1. This request for relief from sidewalk construction requirements came before the City Commission on 08/11/15.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the request for relief from the sidewalk construction requirements for **1031 White Dr.** All of the evidence is a part of the record in this case.

I. RELIEF

Pursuant to LDR Section 6.1.3(C), sidewalks shall be constructed prior to the issuance of a certificate of occupancy for the property upon which they abut. In situations where it is inappropriate to install a sidewalk concurrent with development, the applicant may obtain relief from sidewalk construction requirements.

Should the relief from the sidewalk construction requirements of 6.1.3(C) for 1031 White Drive be granted?

Yes ☒ No ☐

If relief is not granted, no further action is required by the City Commission and the applicant is hereby required to construct a sidewalk in conformity with the requirements of the L.D.R. 6.1.3(C).

If the City Commission grants relief to the sidewalk construction requirements, relief may be granted by only **one** of the following forms:

a) Sidewalk deferral

Pursuant to LDR 6.1.3(C)(4), installation of the sidewalk within a residential subdivision may be deferred pursuant to an agreement which provides for the installation of the sidewalk at a given time.

Should a sidewalk deferral be granted?

Yes ☒ No ☐

b) Waiver

Pursuant to LDR 6.1.3(D)(1)(b), where it is clear that the installation of the sidewalk system will not serve its intended purpose, a waiver to the sidewalk requirements may be granted.

Should a complete waiver to the sidewalk requirements be granted?

Yes _____ No _____

Should a partial wavier to the sidewalk requirements be granted?

Yes _____ No _____

c) Payment in lieu of installation

Pursuant to LDR Section 6.1.3(D)(3), in situations were it is inappropriate to install a sidewalk concurrent with development, the sidewalk requirements may be met by payment of funds in lieu of installation.

*A fee of \$3,024.00 may be paid in lieu of installing 75.6 linear feet of sidewalk in the right of way adjacent to **1031 White Drive**. The fee shall be due upon issuance of a building permit*

Should an in-lieu sidewalk installation fee of \$3,024.00 for 1031 White Drive be charged to the applicant?

Yes _____ No _____

3. *The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the original application was submitted and finds that its determinations set forth in this Order are consistent with the Comprehensive Plan.*

4. *The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained*

in the record including but not limited to the staff reports, testimony of experts and other competent witnesses which supports the findings set forth in this Order.

5. Based on the entire record before it, the City Commission approves ☒ denies ☐ the request for relief from the sidewalk construction requirements for **1031 White Dr.** and hereby adopts this Order this 11 day of August, 2015, by a vote of 5 in favor and 0 opposed.

ATTEST:

Cary D. Glickstein, Mayor

Chevelle Nubin, City Clerk

Approved as to legal form
And sufficiency:

City Attorney

Department Head:

Randall Krejcarek
Randall Krejcarek

Lugo, Ralph

From: Barry Chodash <bchodash@yahoo.com>
Sent: Monday, June 22, 2015 10:33 AM
To: Lugo, Ralph
Subject: Permit #14-152456

Gentlemen:

In accordance with our conversation on Friday, we will accept the "Sidewalk In-Lieu Fee option and pay the \$3024.00.

This will allow you to start processing the permit without a decision on the Right of Way. Please advise at your earliest convenience when the permit will be available. Our contractor, Mr E. Paez will be picking it up.

Very truly yours

Barry & Ann Chodash

12-4-19

EMAIL

CITY OF DELRAY BEACH



100 N W 1st AVENUE • DELRAY BEACH FLORIDA 33444 • 561/243-7000

November 16, 2015

Ann & Barry Chodash
1668 E Classical Blvd
Delray Beach, FL 33445

Dear Mr. & Mrs. Chodash,

On July 29, 2015 a sidewalk in-lieu fee was submitted by you to the City for 1031 White Drive in the amount of \$3,024.00 in accordance with Section 6.1.3 of the Land Development Regulations (LDRs). Recently, the City Commission issued a directive to offer property owners who have previously paid in-lieu fees the option to receive a refund of the respective in-lieu payment in exchange for an executed signed sidewalk deferral agreement. Refunds will be issued upon receipt and final execution of the enclosed form agreement. The deferral requires the property owner to agree to pay for the cost of sidewalk construction in the event the City elects to program and fund sidewalk installation on the respective property described above;

Please complete the attached deferral form, sign and send back in the stamped, addressed envelope provided. If a response is not sent to the City, the funds will continue to be held until such time that sidewalk construction may occur at your property.

If you should have any questions regarding this matter, please contact me at your convenience.

Sincerely,


Tim Stillings, AICP
Planning & Zoning Director

ANN & BARRY CHODASH

1031 WHITE DRIVE
DB, 33483

(201) 281-0431

(201) 694-5320

Prepared By: RETURN TO:

City Attorney's Office
200 N.W. 1st Avenue
Delray Beach, Florida 33444

**AGREEMENT FOR
SIDEWALK IMPROVEMENTS WITHIN AN EASEMENT**

THIS AGREEMENT entered into this 2nd day of date to be filled in by City
Aug, 2019, between the City of Delray Beach (hereinafter the City) and Owner's
Name BARRY CHODASH (hereinafter the Owners), for the purpose of waiving the
requirement of the installation of a sidewalk along Provide address 1031 White Dr until
such time as the City requests the construction of the sidewalk by the Owner.

WHEREAS, Land Development Regulation Section 6.1.3(C) requires the installation of a
sidewalk, within the Provide Street name WHITE DR easement immediately abutting the
subject property, by the Owner prior to the issuance of a certificate of occupancy; and,

WHEREAS, the Owners have requested a waiver from the requirement of the installation
of a sidewalk pursuant to Land Development Regulation Section 6.1.3(D)(1)(b); and,

WHEREAS, in order to provide conformity along the street the City Commission voted
to waive the requirement for the installation of a sidewalk until such time as the City requests the
Owner construct the sidewalk.

WITNESSETH

NOW, THEREFORE, in witness of the above and in consideration of the City agreeing to waive the requirement for the installation of a sidewalk, at this time, for the property located at:

Give property address here

1031 WHITE DR

Give property legal here

18-43-46-21-15-000-0380

1. The Owner agrees to construct a sidewalk, at its sole cost and expense, within the _____ Provide Street name WHITE DR _____ easement abutting the subject property, within a time period that is acceptable to the City, after being requested to do so by the City. The sidewalk, when constructed, shall meet all of the current ordinances of the City of Delray Beach.

2. It is the intent of the parties that this Agreement shall run with the land. This Agreement shall be recorded in the public records of Palm Beach County, Florida and shall be binding on the parties legal representatives, heirs, successors and assigns.

IN WITNESS WHEREOF, the parties to this agreement set their hands and seals this _____ day of _____, 20____.

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

City Clerk

By: _____

Mayor

Approved as to form and sufficiency:

City Attorney

WITNESSES:

(Please type or print name)

(Please type or print name)

OWNER:

By: Barry M. Chodash

STATE OF Florida

COUNTY OF Palm Beach

BEFORE ME personally appeared Barry M. Chodash who [is] [are]
personally known to me or [has] [have] produced F.I.D. [and
_____, respectively] as identification, and who executed the foregoing
instrument, and acknowledged before me that [he] [she] [they] executed said instrument for the
purposes expressed therein.

WITNESS my hand and official seal this 2 day of August, 2019.

My commission expires:

Marianne Rodriguez
(signature)

Notary Public



(Seal)