



Legislation Details (With Text)

File #: 20-256 **Version:** 1 **Name:**

Type: Request **Status:** Passed

File created: 3/13/2020 **In control:** City Commission

On agenda: 5/5/2020 **Final action:** 5/5/2020

Title: ITEMS A1, B1,C1, D1,- ACCEPTANCE OF RIGHT OF WAY DEDICATIONS FOR 1021 NW 5TH AVE AND 166 SE 2ND AVE, AGREEMENT FOR SIDEWALK IMPROVEMENT AND REFUND RELEASE FOR 1031 WHITE DRIVE, STREETLIGHT MAINTENANCE AGREEMENT FOR 202 SE 5TH AVE, AND A HOLD HARMLESS AGREEMENT FOR 901 SE 4TH AVE.

Sponsors: Public Works Department - Programs & Project Manag

Indexes:

Code sections:

Attachments: 1. Item (1)1 Legal Review Forms Attached, 2. Item (A1a) ROW Deed - 1021 NW 5th Ave., 3. Item (A1b) Exhibit A Sketch - 1021 NW 5th Ave., 4. Item (B1a) 2020 Notarized Sidewalk Agreement, 5. Item (B1b) Sufficient to Proceed - City Att- 1031 White Dr., 6. Item (B1c) Refund Account Number - 1031 White Dr., 7. Item (B1d) Sidewalk Refund Doc Backup. - 1031 White Dr., 8. Item (C1a) SE 5th Ave,2nd St, SE 3rd St. SMAgreement, 9. Item (C1b) Legal Review Form for StreetMaint.Agreement, 10. Item (C1c) Exhibit A Sketch StreetLight Maint. Agreement, 11. Item (D1a)Hold Harmless Agreement - 901 SE 4th Ave., 12. Item (D1b) Simple Legal Review Approval- 901 SE 4th Ave., 13. Item (D1c) Exhibit A Sketch - 901 SE 4th Ave., 14. Agenda Cover Report

Date	Ver.	Action By	Action	Result
5/5/2020	1	City Commission	approved	

TO: Mayor and Commissioners
FROM: Missie Barletto, Assistant Public Works Director
THROUGH: Suzanne Fisher, Assistant City Manager
THROUGH: George Gretsas, City Manager
DATE: May 5, 2020

ITEMS A1, B1,C1, D1,- ACCEPTANCE OF RIGHT OF WAY DEDICATIONS FOR 1021 NW 5TH AVE AND 166 SE 2ND AVE, AGREEMENT FOR SIDEWALK IMPROVEMENT AND REFUND RELEASE FOR 1031 WHITE DRIVE, STREETLIGHT MAINTENANCE AGREEMENT FOR 202 SE 5TH AVE, AND A HOLD HARMLESS AGREEMENT FOR 901 SE 4TH AVE.

Recommended Action:
Consideration of the following items:

RIGHT OF WAY DEED(S)
Items A

(A1) Motion to approve and accept a 25' Radial Right of Way dedication by the owner(s) of 1021 NW 5th Ave. to the City of Delray Beach.

AGREEMENT FOR SIDEWALK IMPROVEMENT, IN LIEU FEE RELEASE, AND REFUND TO

BARRY AND ANN CHODASH

Items B

- (B1) Motion to approve and accept an Agreement for sidewalk improvements and the refund of a Sidewalk in lieu fee of \$3,024.00, to the owner(s) of 1031 White Drive to the City of Delray Beach.

STREETLIGHT MAINTENANCE AGREEMENT

Items C

- (C1) Motion to approve and accept a Streetlight Maintenance Agreement with owner(s), Samar 202 LLC, to install, operate and maintain streetlights bordering the property located at 202 SE 5TH Ave. within the rights-of-way of SE 5th Avenue, SE 2nd St. and SE 3rd St.

HOLD HARMLESS AGREEMENT

Items D

- (D1) Motion to approve and accept a Hold Harmless Agreement between the owner, Albert D. Thorp, Jr. and the City of Delray Beach, for the encroachment of an existing structure located at 901 SE 4th Ave into the City's right-of-way.

Background:

RIGHT OF WAY DEDICATION(S)

Item A1

Consider acceptance of a 25' Radial Right of Way Dedication on 1021 NW 5th Ave. located at the corner of NW 5th Ave and NW 11th St.

The owner(s), Gary Peter Eliopoulos and Alison Toni Eliopoulos, submitted building permit #19-00185904 on 10/03/19 to construct an addition to single-family residence.

The intersection of NW 5th Ave and NW 11th St. 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.

AGREEMENT FOR SIDEWALK IMPROVEMENT, IN LIEU FEE RELEASE, AND REFUND TO BARRY AND ANN CHODASH

Item B1

Consider acceptance of an agreement for sidewalk improvement, an in lieu fee release, and a refund of the Sidewalk in lieu fee to the owner(s) of 1031 White Drive to the City of Delray Beach.

The owner(s), Barry M. Chodash and Ann R. Chodash submitted a sidewalk deferral fee for 1031 White Drive on 7/9/15 in the amount of \$3,024.00. This was in accordance with Section 6.1.3 of the Land Development Regulations (LDRs). On August 11, 2015 the City Commission issued a directive to offer property owners, who had previously paid deferral fees, the option to receive a refund of the respective deferral payment in exchange for an executed signed sidewalk deferral agreement. The

deferral requires the property owner(s) 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.

On 2/14/20, the owner(s) signed the notarized deferral release form (Agreement for Sidewalk Improvements). This form will satisfy the requirements to release and refund the funds back to the owner(s) once approved by the City Commission.

STREETLIGHT MAINTENANCE AGREEMENT

Item C1

Consider acceptance of a Streetlight Maintenance Agreement with Owner(s), Samar 202 LLC, to install and maintain streetlights along 202 SE 5TH Ave within the right-of-way of SE 5th Avenue, SE 2nd St. and SE 3rd St. This agreement was made in order to comply with the City's streetlight ordinance in order to provide adequate lighting in the city. Legal review form (approved as to form and legal sufficiency) dated 1/28/20 is included in the documents provided by City Attorney's office.

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

HOLD HARMLESS AGREEMENT

Item D1

Consider acceptance a Hold Harmless Agreement with Owner Albert D. Thorp, Jr. and the City of Delray Beach. There currently exists a structure located on the owner's property that also encroaches on the city's right-of-way. The owner agrees to the terms of the Hold Harmless Agreement.

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

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

334-223-100 - Item (C1) - Deferred Revenue Def Rev/GC Payable/Def Public - Refund of In-lieu fee to Barry and Ann Chodash

Timing of Request:

The timing of these requests are of high importance in order to process the project C/Os when completed.