



Legislation Details (With Text)

File #: 19-1119 **Version:** 1 **Name:**
Type: Request **Status:** Passed
File created: 11/7/2019 **In control:** City Commission
On agenda: 12/3/2019 **Final action:** 12/3/2019
Title: ITEMS (C-I) - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT DEDICATIONS FOR MULTIPLE PROPERTIES
Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Simple Legal Review Approval- pse agreements (002), 3. (Item C) Exhibit A - 408 SW 4th St., 4. (Item C) PSE Agreement - 408 SW 4th St. _Redacted, 5. (Item D) Exhibit A - 238 SE 4th Ave., 6. (Item D) PSE Agreement - 238 SE 4th Ave., 7. (Item E) PSE Agreement - 106 SW 14th Ave., 8. (Item E) Exhibit A Sketch -106 SW 14th Ave., 9. (Item E) Legal Description - 106 SW 14th Ave., 10. (Item F) PSE Agreement - 760 Lake Trail, 11. (Item F) Exhibit A -760 Lake Trail, 12. (Item G) PSE Agreement - 768 Lake Trail, 13. (Item G) Exhibit A -768 Lake Trl, 14. (Item H) PSE Agreement - 764 Lake Trail, 15. (Item H) Exhibit A Sketch - 764 Lake Trail, 16. (Item I) PSE Agreement - 1011 Beach Dr., 17. (Item I) Exhibit A Sketch - 1011 Beach Dr.

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Commission	approved	

TO: Mayor and Commissioners
FROM: Missie Barletto, Assistant Public Works Director
THROUGH: Suzanne Fisher, Assistant City Manager
THROUGH: Neal de Jesus, Interim City Manager
DATE: December 3, 2019

ITEMS (C-I) - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT DEDICATIONS FOR MULTIPLE PROPERTIES

Recommended Action:
PERPETUAL SIDEWALK EASEMENTS

Item C

(C) Motion to approve and accept dedication of a 5’ sidewalk easement by the owner(s) of 408 SW 4th St., to the City of Delray Beach.

Item D

(D) Motion to approve and accept dedication of a 5’ sidewalk easement by the owner(s) of 238 SE 4TH Ave. to the City of Delray Beach.

Item E

(E) Motion to approve and accept dedication of a 5’ sidewalk easement by the owner(s) of 106 SW 14th Ave. to the City of Delray Beach.

Item F

(F) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 760 Lake Trail, lot #20 to the City of Delray Beach.

Item G

(G) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 768 Lake Trail, lot #18 to the City of Delray Beach.

Item H

(H) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 764 Lake Trail, lot #19 to the City of Delray Beach.

Item I

(I) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 1011 Beach Drive to the City of Delray Beach.

Background:

PERPETUAL SIDEWALK EASEMENTS

Item C

Consider acceptance of a 5' of sidewalk easement located at 408 SW 4th St. The owner, Marcia Riley Guest, submitted building permit # 19-00183151 on 5/06/19 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 D

Consider acceptance of a 5' of sidewalk easement located at 238 SE 4th Ave.

The owner, Mizner Development SE 4th Ave. LLC, submitted building permit #19-00184261 on 7/02/19 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 E

Consider acceptance of a 5' of sidewalk easement located at 106 SW 14th Ave.

The owner, Delray Beach Community Land Trust, submitted building permit # 19-00181304 on 1/25/19 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 5' of sidewalk easement located at 760 Lake Trail, lot #20.

The owner's residence encroaches a City Right of Way. Since the City will be paving this roadway, owner is holding the City harmless for activity in the Right of Way.

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

Item G

Consider acceptance of a 5' of sidewalk easement located at 768 Lake Trail, lot #18

The owner, Delray Beach Luxury Homes, LLC, submitted building permit #18-00176754 on 6/01/18 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 H

Consider acceptance of a 5' of sidewalk easement located at 764 Lake Trail, lot #19.

The owner, Delray Beach Luxury Homes, LLC, submitted building permit #18-00176753 on 6/01/18 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 I

Consider acceptance of a 5' of sidewalk easement located at 1011 Beach Drive.

The owners, Andy L Nemeth and Elizabeth J. Nemeth, submitted building permit #19-00184015 on 6/19/19 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.

Attachments provided:

Legal Checklist

Item (C) Exhibit A - 408 SW 4th St.

Item (C) PSE Agreement - 408 SW 4th St.

Item (D) Exhibit A - 607 Allen Ave.

Item (D) ROW Deed - 607 Allen Ave.

Item (E) Exhibit A Sketch - 106 SW 14th Ave.

Item (E) Legal Description - 106 SW 14th Ave.

Item (E) PSE Agreement - 106 SW 14th Ave.

Item (F) Exhibit A - 760 Lake Trail

Item (F) PSE Agreement - 760 Lake Trail

Item (G) Exhibit A - 768 Lake Trail

Item (G) PSE Agreement - 768 Lake Trail

Item (H) Exhibit A Sketch - 764 Lake Trail

Item (H) PSE Agreement - 764 Lake Trail

Item (I) Exhibit A Sketch-1011 Beach Dr.

Item (I) PSE Agreement - 1011 Beach Dr.

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.