



Legislation Details (With Text)

**File #:** 21-530      **Version:** 1      **Name:**

**Type:** Request      **Status:** Agenda Ready

**File created:** 5/14/2021      **In control:** City Commission

**On agenda:** 6/8/2021      **Final action:** 12/31/2023

**Title:** ACCEPTING A RIGHT-OF-WAY DEED, PEDESTRIAN CLEAR ZONE EASEMENT, HOLD HARMLESS AGREEMENT, AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE SPICE OFFICE BUILDING LOCATED AT 325-343 NE 5TH AVENUE

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Spice Office Bldg: Location Map, 3. Spice Office Bldg: ROW Deed, 4. Spice Office Bldg: Pedestrian Clear Zone Agmt, 5. Spice Office Bldg: Hold Harmless Agmt, 6. Spice Office Bldg: Landscape Maintenance Agmt, 7. Spice Office Bldg: Site Plan, 8. Spice Office Bldg: Staff Report, 9. Legal Review: ROW Deed, 10. Legal Review: Pedestrian Clear Zone Easement Agmt, 11. Legal Review: Hold Harmless for State ROW, 12. Legal Review: Landscape Maintenance Agreement

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Department  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** June 8, 2021

ACCEPTING A RIGHT-OF-WAY DEED, PEDESTRIAN CLEAR ZONE EASEMENT, HOLD HARMLESS AGREEMENT, AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE SPICE OFFICE BUILDING LOCATED AT 325-343 NE 5TH AVENUE

**Recommended Action:**

Review and consider the Right-Of-Way Deed, Pedestrian Clear Zone Easement, Hold Harmless Agreement, and Landscape Maintenance Agreement, all as presented, for the Spice Office Building, located at 325 - 343 NE 5th Avenue.

**Background:**

At its meeting of September 23, 2020, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan for the Spice Office Building, a 9,975 square foot, two-story office building located at 325 - 343 NE 5th Avenue. The site approval included the landscape plan and architectural elevations; the recordation of the subject agreements is required prior to the issuance of a building permit for the project.

The existing right-of-way width for the alley along the east side of the property is 16 feet; the required right-of-way width is 20 feet. A dedication of two feet, half the balance of the ultimate width, is required. The site plan design, which includes access from the alley, has accommodated the required dedication.

In accordance with the Central Business District (CBD) Streetscape Requirements of LDR Section 4.4.13(E)(2), new development is required to provide a 15 foot streetscape area that includes a Curb Zone (at least 4 feet wide) and Pedestrian Clear Zone (at least 6 feet wide). The minimum widths of four feet and six feet have been provided. A portion of the Pedestrian Clear Zone, which provides continuous public pedestrian access along NE 5th Avenue, encroaches four feet, five inches into the setback area of the private property. Therefore, a Pedestrian Clear Zone Agreement is required to both establish the perpetual public use of the sidewalk area and specify the installation requirements by the applicant.

The approved site plan includes required landscape and hardscape improvements within the NE 5th Avenue right-of-way, thereby requiring a Hold Harmless Agreement. The agreement requires the owner of the property and project to hold the City harmless for any work performed in NE 5th Avenue, which is owned by the State of Florida.

The approved landscape plan indicates that Montgomery Palms will be planted within the right-of-way of NE 5th Avenue, which requires a Landscape Maintenance Agreement. The agreement establishes the owner's responsibilities for the installation and maintenance of the landscaping in the ROW and alleviates the City of any liability.

**City Attorney Review:**

Approved as to legal form and sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Approval and recordation of the three agreements are required prior to the issuance of a building permit.