



Legislation Text

File #: 19-579, Version: 1

TO: Mayor and Commissioners
FROM: Caryn Gardner-Young, Acting Public Works Director
THROUGH: Neal de Jesus, Interim City Manager
DATE: June 4, 2019

ITEM (A)- ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR MULTIPLE CRA PROPERTIES ALONG SW 4TH STREET AND SW 7TH AVENUE

ITEM (B)-(C) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 110 SW 12TH AVE.

ITEM (D)-(E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 125 SW 5TH AVE.

ITEM (F)-(G) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 233 NE 7th Ave.

ITEM (H) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 412 SE 4th Ave.

Recommended Action:

Item A

(A) Motion to approve and accept a variable width sidewalk easement on SW4th Street and SW 7th Avenue located on Lots 26-37.

Item B-C

(B) Motion to approve and accept 5' of sidewalk easement on SW 12th Ave. located at 110 SW 12th Ave.

(C) Motion to approve and accept 2' of alleyway dedication on SW 12th Ave. located at 110 SW 12th Ave.

Item D-E

(D) Motion to approve and accept 5' of sidewalk easement on SW 5th Ave. located at 125 SW 5th Ave.

(E) Motion to approve and accept 2' of alleyway dedication on SW 5th Ave. located at 125 SW 5th Ave.

Item F-G

(F) Motion to approve and accept 5' of sidewalk easement on NE 7th Ave. located at 233 NE 7th Ave.

(G) Motion to approve and accept 5' of right of way dedication on NE 7th Ave. located at 233 NE 7th Ave.

Item H

Motion to approve and accept 5' of sidewalk easement on SE 4th Ave. located at 412 SE 4th Ave.

Background:

Item A

Consider acceptance of variable width sidewalk easement serving Lots 26-37 along SW4th Street and SW 7th Ave.

The City of Delray Beach CRA in order to develop properties on these properties has prepared the easements for the Perpetual Sidewalk Easement.

The roadway, SW 7th Ave. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 50 feet, due to variation in the roadway the Right of Way is being shifted and a variable width easement is being dedicated along with 3.10' on SW 4th St. per the exhibit. As a result, a variable width perpetual sidewalk easement was requested to satisfy the requirement.

Item B-C

Consider acceptance of sidewalk easement **(B)** and 2' of alleyway dedication **(C)** located at 110 SW 12th Ave.

On December 7th, 2018, the owner, Habitat for Humanity of South Palm Beach County, Inc. submitted building permit #18-180508 to construct a new single family residence located at 110 SW 12th Ave.

This property resides west of S. Swinton Ave. on SW 1st St. and south on SW 12th Ave. located on the west side of the roadway.

The roadway, SW 12th Ave. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on SW 12th Ave. per the survey; 5' feet would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

In addition, the alleyway pursuant to LDR Section 5.1.3 (D) (2), the required minimum width of an alleyway is 20 feet. The current dedicated alley right of way is 16 feet therefore; a dedication equivalent to one-half the additional right of way (2') would be required to satisfy the requirement.

Item D-E

Consider acceptance of sidewalk easement **(D)** and 2' of alleyway dedication **(E)** located at 125 SW 5th Ave.

On December 19th, 2018, the owner, Habitat for Humanity of South Palm Beach County, Inc. submitted building permit #18-180665 to construct a new single family residence located at 125 SW 5th Ave.

This property resides west of S. Swinton Ave. on SW 1st St. and south on SW 5th Ave. located on the east side of the roadway.

The roadway, SW 5th Ave. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on SW 5th Ave. per the survey; 5' feet would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

In addition, the alleyway pursuant to LDR Section 5.1.3 (D) (2), the required minimum width of an alleyway is 20 feet. The current dedicated alley right of way is 16 feet therefore; a dedication equivalent to one-half the additional right of way (2') would be required to satisfy the requirement.

Item F-G

Consider acceptance of sidewalk easement **(F)** and 5' right of way dedication **(G)** located at 233 NE 7th Ave.

On January 9th, 2019, the owner, Azure 233 NE 7th Ave., LLC submitted building permit #18-181004-181005 to construct a new multi-family residence located at 233 NE 7th Ave.

This property resides east of N. Federal Hwy. on NE 3rd St. and south on NE 7th Ave. located on the east side of the roadway.

The roadway, NE 7th Ave. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 40 feet on NE 7th Ave. per the survey; 10' feet would be required from this property. As a result, a 5' right of way dedication and a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

Item H

Consider acceptance of sidewalk easement on SE 4th Ave. located at 412 SE 4th Ave.

On September 14th, 2018, the owners Patricia Lager and Miguel DaCosta submitted building permit #18-179027 to construct a new single family residence located at 412 SE 4th Ave.

This property resides west of S. Federal Hwy on SE 4th Ave., located on the west side of the roadway.

The roadway, SE 4th Ave. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on SE 4th Ave. per the survey; 5' feet would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

Attachments provided:

- 1) Legal Review Checklist
- 2) Item (A) PSE CRA SW Lots 26-37
- 3) Item (A) Exhibit (A) Sketch and Description CRA SW Lots 26-37
- 4) Item (A) PAPA Map Location Lots 26, 29, & 30
- 5) Item (A) PAPA Map Location Lot 27-28
- 6) Item (A) PAPA Map Location Lot 31
- 7) Item (A) PAPA Map Location Lot 32
- 8) Item (A) PAPA Map Location Lot 33
- 9) Item (A) PAPA Map Location Lot 34
- 10) Item (A) PAPA Map Location Lots 35-36
- 11) Item (A) PAPA Map Location Lot 37
- 12) Item (B) PSE 110 SW 12th Ave.
- 13) Item (C) ROWD 110 SW 12th Ave.
- 14) Item (B-C) Exhibit (A) Sketch and Description 110 SW 12th Ave.
- 15) Item (B-C) Survey 110 SW 12th Ave.
- 16) Item (B-C) PAPA Page 110 SW 12th Ave.
- 17) Item (B-C) PAPA Map Location 110 SW 12th Ave.
- 18) Item (B-C) Sun Biz Page 110 SW 12th Ave.
- 19) Item (D) PSE 125 SW 5th Ave.
- 20) Item (E) ROWD 125 SW 5th Ave.
- 21) Item (D-E) Exhibit (A) Sketch and Description 125 SW 5th Ave.
- 22) Item (D-E) Survey 125 SW 5th Ave.
- 23) Item (D-E) PAPA Page 125 SW 5th Ave.
- 24) Item (D-E) PAPA Map Location 125 SW 5th Ave.

- 25) Item (D-E) Sun Biz Page 125 SW 5th Ave.
- 26) Item (F) PSE 233 NE 7th Ave.
- 27) Item (G) ROWD 233 NE 7th Ave.
- 28) Item (F-G) Exhibit (A) Sketch and Description 233 NE 7th Ave.
- 29) Item (F-G) Survey 233 NE 7th Ave.
- 30) Item (F-G) PAPA Page 233 NE 7th Ave.
- 31) Item (F-G) PAPA Map Location 233 NE 7th Ave.
- 32) Item (F-G) Sun Biz Page 233 NE 7th Ave.
- 33) Item (H) PSE 412 SE 4th Ave.
- 34) Item (H) Exhibit (A) Sketch and Description
- 35) Item (H) Survey 412 SE 4th Ave.
- 36) Item (H) PAPA Page 412 SE 4th Ave.
- 37) Item (H) PAPA Map Location 412 SE 4th Ave.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

There is no City cost now or in the future as a result of these actions.

Timing of Request:

The timing of this request is of high importance in order to process the residence Certificate of Occupancy (C/O) when completed.