



## Legislation Details (With Text)

**File #:** 16-013      **Version:** 1      **Name:**  
**Type:** Request      **Status:** Passed  
**File created:** 12/7/2015      **In control:** City Commission  
**On agenda:** 4/5/2016      **Final action:** 1/5/2016  
**Title:** ACCEPTANCE OF A SIDEWALK EASEMENT DEED AND A RIGHT OF WAY DEED FOR AN ALLEY DEDICATION LOCATED AT 227 N.W. 1ST AVENUE  
**Sponsors:** Planning & Zoning Department  
**Indexes:**  
**Code sections:**

**Attachments:** 1. First Federal Bank Subordination Agreement, 2. Location Map, 3. Easement Deed for 227 NW 1st Avenue, 4. Right of Way Deed for 227 NW 1st Avenue

Date	Ver.	Action By	Action	Result
1/5/2016	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Director of Planning and Zoning  
**THROUGH:** Donald B. Cooper, City Manager  
**DATE:** April 5, 2016

ACCEPTANCE OF A SIDEWALK EASEMENT DEED AND A RIGHT OF WAY DEED FOR AN ALLEY DEDICATION LOCATED AT 227 N.W. 1<sup>ST</sup> AVENUE

### Recommended Action:

Motion to Approve acceptance of a 5' Sidewalk Easement Deed and a Right-of-Way Deed for a 2'6" alley dedication for the property located at 227 N.W. 1<sup>st</sup> Avenue.

### Background:

The subject property is located within the Old School Square Historic District, and is zoned OSSHAD (Old School Square Historic Arts District). At its meeting of April 1, 2015, the Historic Preservation Board (HPB) approved a Certificate of Appropriateness (COA) for the construction of a single-family residence, presently under construction. As part of the review for both the COA and the building permit, a 5 feet wide sidewalk easement was required along NW 1st Avenue, and a 2 feet, 6 inch wide alley dedication was required at the rear of the property.

Pursuant to LDR Section 5.3.1(D)(2), and the Transportation Element of the City's Comprehensive Plan, the required right-of-way width for NW 1st Avenue is 60 feet, whereas 40 feet presently exists. However, the Development Services Management Group recommended that the 40 feet wide ROW be maintained, and that the property owner provide a 5 feet wide sidewalk easement in lieu of a right of way dedication. In addition, the required width of alleys is 20 feet, whereas 15 feet exists. Therefore, a 2 feet, 6 inch wide dedication is required.

The Right of Way and Easement Deeds are attached each with an "Exhibit A" to illustrate the area to either be designated as an easement or designated.

**City Attorney Review:**

Approved as to form and legal sufficiency.