



## Legislation Details (With Text)

**File #:** 17-283      **Version:** 1      **Name:**  
**Type:** Request      **Status:** Agenda Ready  
**File created:** 3/10/2017      **In control:** City Commission  
**On agenda:** 3/30/2017      **Final action:**  
**Title:** ACCEPTANCE OF UTILITY EASEMENT AND AGREEMENT / TKC CLXXVIII, LLC./ DELRAY SQUARE REDEVELOPMENT  
**Sponsors:** Environmental Services Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Delray Square Blanket Utility Easement partially executed, 2. location map

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** John Morgan, Environmental Services Director  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** March 30, 2017

ACCEPTANCE OF UTILITY EASEMENT AND AGREEMENT / TKC CLXXVIII, LLC./ DELRAY SQUARE REDEVELOPMENT

### **Recommended Action:**

Motion to Accept Utility Easement and Agreement with TKC CLXXVII, LLC for Delray Square Redevelopment.

### **Background:**

The Delray Square Redevelopment project is located at the southern portion of the Delray Square shopping center which is at the northeast corner of Atlantic Avenue and Military Trail. This project includes the relocation and demolition of the existing Publix grocery store and adjacent retail and cinema; construction of a new Publix within a new retail center and two new outparcels; and improvements to on-site parking, drive aisles, landscape areas, and underground utilities. The project received SPRAB approval on June 24, 2015 and Site Plan Certification on August 22, 2016.

In order to keep the existing Publix in operation while the new Publix is being constructed, the project requires meticulous sequencing of when utilities can be constructed, demolished, and placed into service. The existing utility easements located under the new Publix has to be abandoned prior to installation of new and relocated utilities. As a result, this Utility Easement and Agreement (the "Temporary Easement") gives the City non-exclusive temporary easement and right-of-way to install, construct, operate, maintain, repair, replace and remove City owned and operated utilities. This Temporary Easement allows the City access to the entire Delray Square property to operate and maintain city utilities throughout construction as new utilities come online and old utilities are removed. Recorded Water, Sewer, and Drainage Easement Deeds are required prior to final

issuance of Certificate of Occupancy for the new and relocated Publix.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

Finance recommends approval.

**Funding Source:**

Not applicable.

**Timing of Request:**

High importance. Site permit issuance is pending acceptance of Temporary Easement.