



## Legislation Details (With Text)

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<b>Type:</b>	Request	<b>Status:</b>		Passed	
<b>File created:</b>	3/30/2018	<b>In control:</b>		City Commission	
<b>On agenda:</b>	4/17/2018	<b>Final action:</b>		4/17/2018	
<b>Title:</b>	ACCEPTANCE OF A RIGHT OF WAY DEED FOR 810 N. SWINTON AVE.				
<b>Sponsors:</b>	Public Works Department - Programs & Project Manag				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Agenda Cover Report, 2. 810 N. Swinton Ave. Deed and Sketch_Exhibit A, 3. 810 N. Swinton Ave. Survey, 4. PAPA Map Location 810 N. Swinton Ave., 5. PAPA Page 810 N. Swinton Ave., 6. Sun Biz Page 810 N. Swinton Ave., 7. 810 N. Swinton Ave. Operating Agreement, 8. DSMG Agenda and Minutes 11.21.17				

Date	Ver.	Action By	Action	Result
4/17/2018	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Patrick Figurella, City Engineer - Program and Project Management  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** April 17, 2018

ACCEPTANCE OF A RIGHT OF WAY DEED FOR 810 N. SWINTON AVE.

### Recommended Action:

Motion to Approve and accept 10' of Right of Way Dedication on NW 9<sup>th</sup> St. and 5' of Right of Way Dedication on N. Swinton Ave. located at 810 N. Swinton Ave.

### Background:

Consider acceptance of Right of Way Dedications:

- 10' on NW 9<sup>th</sup> St.
- 5' on N. Swinton Ave.

On February 2<sup>nd</sup>, 2018, the property owner (810 N. Swinton LLC.) submitted Building Permit #18-174034 to construct a new single family residence located at 810 N. Swinton Ave. This property is located in the south west corner of N. Swinton Ave. on NW 9<sup>th</sup> St.

The roadway, NW 9<sup>th</sup> St. associated with this project is a local street without 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 30 feet on NW 9<sup>th</sup> St., per the survey, 15 feet would be required from this property. On November 21<sup>st</sup>, 2017, the City of Delray Beach's (City) DSMG determined that a 10' right of way dedication is acceptable.

The roadway, N. Swinton Ave. associated with this project is a local street without 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 N. Swinton Ave., per the survey, 20 feet would be required from this property. On November 21<sup>st</sup>, 2017, the City's DSMG determined that a 5' right of way dedication is acceptable.

Attachments provided:

- 1) Right of Way Deed and Sketch Description "Exhibit A"
- 2) Survey 810 N. Swinton Ave.
- 3) PAPA Map Location 810 N. Swinton Ave.
- 4) PAPA Page 810 N. Swinton Ave.
- 5) Sun Biz Page 810 N. Swinton Ave.
- 6) 810 N. Swinton Ave. LLC. Operating Agreement
- 7) 11/21/17 DSMG Agenda and Minutes

**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.