



## Legislation Details (With Text)

**File #:** 19-020      **Version:** 1      **Name:**

**Type:** Request      **Status:** Passed

**File created:** 12/26/2018      **In control:** City Commission

**On agenda:** 1/15/2019      **Final action:** 1/15/2019

**Title:** ACCEPTANCE OF A COMBINED 1,070 SQUARE FOOT PERPETUAL SIDEWALK PEDESTRIAN CLEAR ZONE EASEMENT LOCATED ON A PORTION OF LOTS 6, 7, 8, 9, 10, 11, AND 12, BLOCK 82, OF SUBDIVISION OF BLOCK 82, AND A COMBINED 250 SQUARE FOOT CORNER CLIP EASEMENT LOCATED ON A PORTION OF LOT 12 OF BLOCK 82, OF SUBDIVISION OF BLOCK 82, AS RECORDED IN PLAT BOOK 12, PAGE 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FROM GROVE ROSEBUD TWO LLC, "THE GRANTOR", AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE SUBJECT PROPERTY LOCATED AT 233-279 NE 2ND AVENUE (PROJECT APPROVED AS "THE RAY").

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Location Map - The Ray, 3. Signed - Easement-CornerClip-TheRay-Final-2018, 4. Signed - LandscapeMaintenanceAgt-TheRay-2018, 5. Signed - Easement-PedestrianClearZone-Final-TheRay-2018

Date	Ver.	Action By	Action	Result
1/15/2019	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Development Services Department  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** January 15, 2019

ACCEPTANCE OF A COMBINED 1,070 SQUARE FOOT PERPETUAL SIDEWALK PEDESTRIAN CLEAR ZONE EASEMENT LOCATED ON A PORTION OF LOTS 6, 7, 8, 9, 10, 11, AND 12, BLOCK 82, OF SUBDIVISION OF BLOCK 82, AND A COMBINED 250 SQUARE FOOT CORNER CLIP EASEMENT LOCATED ON A PORTION OF LOT 12 OF BLOCK 82, OF SUBDIVISION OF BLOCK 82, AS RECORDED IN PLAT BOOK 12, PAGE 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FROM GROVE ROSEBUD TWO LLC, "THE GRANTOR", AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE SUBJECT PROPERTY LOCATED AT 233-279 NE 2<sup>ND</sup> AVENUE (PROJECT APPROVED AS "THE RAY").

### **Recommended Action:**

Motion to approve the acceptance of a combined 1,070-sf perpetual sidewalk easement located at a portion of Lots 6, 7, 8, 9, 10, 11 and 12, Block 82, of Subdivision of Block 82, and a combined 250 square foot Corner Clip easement located at a portion of Lot 12, Block 82, of Subdivision of Block 82, to provide for adequate pedestrian movement in the Right-of-Way from the "Grantor", Grove Rosebud Two LLC., for the subject property located at 233 NE 2nd Avenue (The Ray).

### **Background:**

At its meeting on February 14, 2018, the Site Plan Review and Appearance Board (SPRAB)

approved a Class IV Site Plan modification (2017-197) to demolish an approximate 15,381-sf portion of a one-story shopping center and construct a four-story 143 room hotel with retail and restaurant uses in the first story, and rooftop amenities. As a condition of approval, the applicant is required to dedicate easements within the front setbacks along NE 2<sup>nd</sup> Avenue and NE 2<sup>nd</sup> Street to contribute to a 6-ft wide Pedestrian Clear Zone for public pedestrian access pursuant to LDR Section 4.4.13 (E)(2) (a)2. Additionally, the applicant was required to provide Corner Clip easements at the intersections of NE 2<sup>nd</sup> Avenue and NE 2<sup>nd</sup> Street and NE 2<sup>nd</sup> Street and the alley to provide for adequate movement of pedestrians in the Right-Of-Way (ROW) at intersections within the Central Business District (CBD), pursuant to LDR Section 5.3.1(D)(3), and to enter into a Landscape Maintenance Agreement to maintain the lighting, tree grates, irrigation, and landscaping installed by the property owner in the public ROW.

The proposal is for the acceptance of a Pedestrian Clear Zone easement and a Corner Clip easement. The Grantor is proposing to dedicate a combined 1,070 SF perpetual sidewalk easement located at Lots 6, 7, 8, 9, 10, 11, and 12 of Block 82 to contribute to a 6-ft wide Pedestrian Clear Zone along NE 2nd Avenue and NE 2nd Street. In addition, the Grantor is proposing to dedicate a combined 250 SF Corner Clip easement located at Lot 12 of Block 82 along the intersections of NE 2nd Avenue and NE 2nd Street and NE 2nd Street and the alley. Lastly, the Grantor has proposed a Landscape Maintenance Agreement acceptable to the City to maintain the lighting, tree grates, irrigation, and landscaping installed by the property owner in the public ROW.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Approval of the building permit is dependent on acceptance of easements and agreement.