



## Legislation Details (With Text)

**File #:** 19-152      **Version:** 1      **Name:**  
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**File created:** 1/30/2019      **In control:** City Commission  
**On agenda:** 3/12/2019      **Final action:** 3/12/2019  
**Title:** ITEM (A)-(B) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 309 SE 4TH AVE.

ITEM (C) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 229 NE 9TH ST.

ITEM (D) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 1007 N. VISTA DEL MAR DR.

ITEM (E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 940 MCCLEARY ST.

ITEM (F) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 955 PALM TRAIL.

ITEM (G) - ACCEPTANCE OF DRAINAGE EASEMENT FOR 711 SE 8TH CT.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Item (A) PSE 309 SE 4th Ave.pdf, 3. Item (B) ROWD 309 SE 4th Ave.pdf, 4. Item (A-B) Exhibit (A) Sketch and Description 309 SE 4th Ave.pdf, 5. Item (A-B) Survey 309 SE 4th Ave.pdf, 6. Item (A-B) PAPA Page 309 SE 4th Ave.pdf, 7. Item (A-B) PAPA Map 309 SE 4th Ave.pdf, 8. Item (C) PSE 229 NE 9th St.pdf, 9. Item (C) Exhibit (A) Sketch and Description 229 NE 9th St.pdf, 10. Item (C) Survey 229 NE 9th St.pdf, 11. Item (C) PAPA Page 229 NE 9th St.pdf, 12. Item (C) PAPA Map 229 NE 9th St.pdf, 13. Item (D) PSE 1007 N. Vista Del Mar.pdf, 14. Item (D) Exhibit (A) Sketch and Description 1007 N. Vista Del Mar.pdf, 15. Item (D) Survey 1007 N. Vista Del Mar Dr.pdf, 16. Item (D) PAPA Page 1007 N. Vista Del Mar.pdf, 17. Item (D) PAPA Map 1007 N. Vista Del Mar.pdf, 18. Item (E) PSE 940 McCleary St.pdf, 19. Item (E) Exhibit (A) Sketch and Description 940 McCleary St..pdf, 20. Item (E) Survey 940 McCleary St..pdf, 21. Item (E) PAPA Page 940 McCleary St.pdf, 22. Item (E) PAPA Map 940 McCleary St.pdf, 23. Item (F) PSE 955 Palm Trail.pdf, 24. Item (F) Exhibit (A) Sketch and Description 955 Plam Trail.pdf, 25. Item (F) Survey 955 Palm Trail.PDF, 26. Item (F) PAPA Page 955 PalmTrail.pdf, 27. Item (F) PAPA Map 955 Palm Trail.pdf, 28. Item (G) DEA 711 SE 8th Ct.pdf, 29. Item (G) Exhibit (A) Sketch and Description 711 SE 8th Ct.pdf, 30. Item (G) Survey 711 SE 8th Ct.PDF, 31. Item (G) PAPA Page 711 SE 8th Ct.pdf, 32. Item (G) PAPA Map 711 SE 8th Ct.pdf

Date	Ver.	Action By	Action	Result
3/12/2019	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Patrick Figurella, City Engineer - Development Services Engineering  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** March 12, 2019

ITEM (A)-(B) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 309 SE 4<sup>TH</sup> AVE.

ITEM (C) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 229 NE 9<sup>TH</sup> ST.

ITEM (D) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 1007 N. VISTA DEL MAR DR.

ITEM (E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 940 MCCLEARY ST.

ITEM (F) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 955 PALM TRAIL.

ITEM (G) - ACCEPTANCE OF DRAINAGE EASEMENT FOR 711 SE 8<sup>TH</sup> CT.

**Recommended Action:**

**Item A-B**

(A) Motion to approve and accept 5' of sidewalk easement on SE 4<sup>th</sup> Ave. located at 309 SE 4<sup>th</sup> Ave.

(B) Motion to approve and accept 2' of alleyway dedication on SE 4<sup>th</sup> Ave. located at 309 SE 4<sup>th</sup> Ave.

**Item C**

Motion to approve and accept 5' of sidewalk easement on NE 9<sup>th</sup> St. located at 229 NE 9<sup>th</sup> St.

**Item D**

Motion to approve and accept 5' of sidewalk easement on N. Vista Del Mar Dr. located at 1007 N. Vista Del Mar Dr.

**Item E**

Motion to approve and accept 5' of sidewalk easement on McCleary St. located at 940 McCleary St.

**Item F**

Motion to approve and accept 5' of sidewalk easement on Palm Trail located at 955 Palm Trail.

**Item (G)**

Motion to Approve and accept a drainage easement agreement on SE 8<sup>th</sup> Ct. located at 711 SE 8<sup>th</sup> Ct.

**Background:**

**Item A-B**

Consider acceptance of sidewalk easement (A) and 2' of alleyway dedication (B) located at 309 SE 4<sup>th</sup> Ave.

On September 27<sup>th</sup>, 2018, the owner, Lurie Glenn M. Trust submitted building permit #18-179285 to construct a new single family residence located at 309 SE 4<sup>th</sup> Ave.

This property resides west of S. Federal Hwy. on SE 3<sup>rd</sup> St., south on SE 4<sup>th</sup> Ave., and is located on the east side of the roadway.

The roadway, SE 4<sup>th</sup> 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 4<sup>th</sup> 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.

There is no City cost now or in the future for this item.

### **Item C**

Consider acceptance of sidewalk easement on NE 9<sup>th</sup> St. located at 229 NE 9<sup>th</sup> St.

On November 6<sup>th</sup>, 2018, the owner Lindsey A. Gasparini, submitted building permit #18-180006 to construct a new single family residence located at 229 NE 9<sup>th</sup> St.

This property resides east of N. Swinton Ave. on NE 9<sup>th</sup> St., located on the north side of the roadway.

The roadway, NE 9<sup>th</sup> St. 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 NE 9<sup>th</sup> St. 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

There is no City cost now or in the future for this item.

### **Item D**

Consider acceptance of sidewalk easement on N. Vista Del Mar Dr. located at 1007 N. Vista Del Mar Dr.

On November 8<sup>th</sup>, 2018, the owner Daniel M. Dilella, submitted building permit #18-180052 to construct a new single family residence located at 1007 N. Vista Del Mar Dr.

This property resides west of S. Ocean Blvd. on N. Vista Del Mar Dr., west on N. Vista Del Mar Dr., located on the northwest side of the roadway.

The roadway, N. Vista Del Mar Dr. 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 30 feet on N. Vista Del Mar Dr. per the survey; 15' feet would be required from this property. Per City Engineers determination for this one way roadway, a 5' perpetual sidewalk easement would be required to satisfy the requirement.

There is no City cost now or in the future for this item.

### **Item E**

Consider acceptance of sidewalk easement on McCleary St. located at 940 McCleary St.

On September 11<sup>th</sup>, 2018, the owner Ariel Dahan and Patricia M. Dahan, submitted building permit #18-178951 to construct a new single family residence located at 940 McCleary St.

This property resides east of N. Federal Hwy. on Eve St., North on Spanish Trail, East on McCleary St., and located on the north side of the roadway.

The roadway, McCleary St. 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 McCleary St. 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

There is no City cost now or in the future for this item.

#### **Item F**

Consider acceptance of sidewalk easement on Palm Trail located at 955 Palm Trail.

On September 24<sup>th</sup>, 2018, the owners Lori Stofft and Randall E. Stofft, submitted building permit #18-179213 to construct a new single family residence located at 955 Palm Trail.

This property resides east of N. Federal Hwy. on Bond Way, south on Palm Trail, and is located on the east side of the roadway.

The roadway, Palm Trail 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 Palm Trail 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

There is no City cost now or in the future for this item.

#### **Item (G)**

Consider acceptance of drainage easement located at 711 SE 8<sup>th</sup> Ct.

On April 30<sup>th</sup>, 2018, the owners Joceyln Hockman Reisner and Gary Reisner submitted building permit # 18-176042 to construct a new single family residence located at 711 SE 8<sup>th</sup> Ct.

This property is located east of NE 6<sup>th</sup> Ave. on SE 8<sup>th</sup> St., south on SE 7<sup>th</sup> Ave., and located at the eastern end of the cul-de-sac on SE 8<sup>th</sup> Ct.

The roadway, SE 8<sup>th</sup> Ct. associated with this project is a local city street which has no means of drainage or outfall to the intra-coastal waterway. To improve this condition the city requested a 10-foot drainage easement. As a result, 5 feet is being obtained from this property. The other 5 feet is being addressed with the adjacent property which is in for development as a new single family residence located at 714 SE 8<sup>th</sup> Ct. building permit # 18-174775.

There is no City cost now or in the future for this item.

#### **Attachments provided:**

- 1) Item (A) PSE 309 SE 4<sup>th</sup> Ave.
- 2) Item (B) ROWD 309 SE 4<sup>th</sup> Ave.
- 3) Item (A-B) Exhibit (A) Sketch and Description 309 SE 4<sup>th</sup> Ave.

- 4) Item (A-B) Survey 309 SE 4<sup>th</sup> Ave.
- 5) Item (A-B) PAPA Page 309 SE 4<sup>th</sup> Ave.
- 6) Item (A-B) PAPA Map Location 309 SE 4<sup>th</sup> Ave.
- 7) Item (C) PSE 229 NE 9<sup>th</sup> St.
- 8) Item (C) Exhibit (A) Sketch and Description 229 NE 9<sup>th</sup> St.
- 9) Item (C) Survey 229 NE 9<sup>th</sup> St.
- 10)Item (C) PAPA Page 229 NE 9<sup>th</sup> St.
- 11)Item (C) PAPA Map Location 229 NE 9<sup>th</sup> St.
- 12)Item (D) PSE 1007 N. Vista Del Mar Dr.
- 13)Item (D) Exhibit (A) Sketch and Description 1007 N. Vista Del Mar Dr.
- 14)Item (D) Survey 1007 N. Vista Del Mar Dr.
- 15)Item (D) PAPA Page 1007 N. Vista Del Mar Dr.
- 16)Item (D) PAPA Map Location 1007 N. Vista Del Mar Dr.
- 17)Item (E) PSE 940 McCleary St.
- 18)Item (E) Exhibit (A) Sketch and Description 940 McCleary St.
- 19)Item (E) Survey 940 McCleary St.
- 20)Item (E) PAPA Page 940 McCleary St.
- 21)Item (E) PAPA Map Location 940 McCleary St.
- 22)Item (F) PSE 955 Palm Trail
- 23)Item (F) Exhibit (A) Sketch and Description 955 Palm Trail
- 24)Item (F) Survey 955 Palm Trail
- 25)Item (F) PAPA Page 955 Palm Trail
- 26)Item (F) PAPA Map Location 955 Palm Trail
- 27)Item (G) DEA 711 SE 8<sup>th</sup> Ct.
- 28)Item (G) Exhibit (A) Sketch and Description 711 SE 8<sup>th</sup> Ct.
- 29)Item (G) Survey 711 SE 8<sup>th</sup> Ct.

30)Item (G) PAPA Page 711 SE 8<sup>th</sup> Ct.

31)Item (G) PAPA Map Location 711 SE 8<sup>th</sup> Ct.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

These items have no fiscal impact on the City.

**Timing of Request:**

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