



Legislation Details (With Text)

File #: 19-991 **Version:** 1 **Name:**

Type: Request **Status:** Passed

File created: 10/3/2019 **In control:** City Commission

On agenda: 11/5/2019 **Final action:** 11/5/2019

Title: EASEMENT AGREEMENTS FOR LANDSCAPE MAINTENANCE, PEDESTRIAN CLEAR ZONE, GENERAL UTILITIES AND WATER MAIN FOR THE PROJECT "DELRAY CITY MARKET" LOCATED AT THE NORTHEAST CORNER OF SE 1ST STREET AND SE 3RD AVENUE

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Delray City Market Location Map, 3. Delray City Market General Utility Easement Agreement, 4. Delray City Market Landscape Maintenance Agreement, 5. Delray City Market Pedestrian Clear Zone Easement Agreement, 6. Delray City Market Water Main Easement Agreement, 7. Legal Review Delray City Market (Water, Utility and Pedestrian Clear Zone), 8. Legal Review Delray City Market Landscape Maintenance Agreement, 9. Delray City Market Approved Site Plan

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Commission	approved	

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Neal de Jesus, Interim City Manager
DATE: November 5, 2019

EASEMENT AGREEMENTS FOR LANDSCAPE MAINTENANCE, PEDESTRIAN CLEAR ZONE, GENERAL UTILITIES AND WATER MAIN FOR THE PROJECT "DELRAY CITY MARKET" LOCATED AT THE NORTHEAST CORNER OF SE 1ST STREET AND SE 3RD AVENUE

Recommended Action:

Review and consider easement agreements for Landscape Maintenance, Pedestrian Clear Zone, General Utilities and Water Main, as presented, for the project known as "Delray City Market".

Background:

The project is located at the northeast corner of SE 1st Street and SE 3rd Avenue and consists of Parcel A of Metropolitan at Delray, according to the plat thereof as recorded in Plat Book 123, Page 52 of the records of Palm Beach County, Florida containing 0.86 acres. The parcel has a Future Land Use Map (FLUM) designation of Central Core (CC) and is zoned Central Business District (CBD).

On October 24, 2018, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan, Architectural Elevations and a Landscape Plan associated with a 156,818 sf, four story mixed-use establishment that consists of restaurant, retail, business uses and a parking garage.

Frontage along the SE 3rd Avenue and SE 1st Street will contain the required streetscape elements

of the CBD such as curb zone, including street trees, and a pedestrian clear zone. To comply with CBD requirements, street trees are proposed within the public right-of-way of SE 3rd Avenue and SE 1st Street, therefore, a Landscape Maintenance Agreement is required. In addition, a Pedestrian Clear Zone Easement Agreement is required as portions of the Pedestrian Clear Zone are within the front setback areas.

On July 2, 2019, by Resolution No. 121-19, the City Commission abandoned a General Utility Easement (GUE) and a Sanitary Sewer Easement and also terminated a Drainage Easement as shown within Parcel A of the Metropolitan of Delray, P.B 123, PG. 52. Delray City Market site plan requires a GUE within the subject property. In addition, the site will have a newly constructed water main, which will be turned over to the City within the subject property. As a result, a Water Main Easement is required for the location of the new water main. There is no City cost now or in the future for this item. The proposed drainage does not require a new easement and the sanitary sewer connection does not encroach into the subject property therefore negating the need for an easement.

City Attorney Review:

Approved to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

A Certificate of Occupancy cannot be issued until easement agreements are recorded.