



Legislation Details (With Text)

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File created: 3/10/2020 **In control:** City Commission

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Title: ACCEPTANCE OF A TOTAL OF A 74 SQUARE FOOT EASEMENT DEED FOR A PEDESTRIAN CLEAR ZONE, 116 SQUARE FOOT RIGHT OF WAY DEDICATION TO THE ALLEY AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE TREES LOCATED ON SE 2ND AVENUE OF THE PROPERTY LOCATED AT LOT 14, BLOCK 78, MAP OF THE TOWN OF LINTON (KNOWN AS DELRAY BEACH), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FROM BROSEN 1 DELRAY LLC "THE GRANTOR" FOR THE SUBJECT PROPERTY LOCATED AT 166 SE 2ND AVE.

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Landscape Maintenance Agreement, 3. Legal Review Landscape Maintenance Agreement Brosen 1 Delray, 4. Pedestrian Clear Zone Easement Deed, 5. Legal Review Pedestrian Clear Zone Easment Brosen 1 Delray, 6. Right of Way Deed, 7. Legal Review Right of Way Deed Bronsen I Delray ROW

Date	Ver.	Action By	Action	Result
5/5/2020	1	City Commission	approved	

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: George Gretsas, City Manager
DATE: May 5, 2020

ACCEPTANCE OF A TOTAL OF A 74 SQUARE FOOT EASEMENT DEED FOR A PEDESTRIAN CLEAR ZONE, 116 SQUARE FOOT RIGHT OF WAY DEDICATION TO THE ALLEY AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE TREES LOCATED ON SE 2ND AVENUE OF THE PROPERTY LOCATED AT LOT 14, BLOCK 78, MAP OF THE TOWN OF LINTON (KNOWN AS DELRAY BEACH), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FROM BROSEN 1 DELRAY LLC "THE GRANTOR" FOR THE SUBJECT PROPERTY LOCATED AT 166 SE 2ND AVE.

Recommended Action:

Acceptance of an Easement Deed for a Pedestrian Clear Zone, Right-of-Way Dedication, and Landscape Maintenance Agreement for 166 SE 2nd Avenue.

Background:

At its meeting on March 11, 2020, the Site Plan Review and Appearance Board (SPRAB) approved a Class III Site Plan Modification (2020-024) for a project known as Taquiza for a change of use from a standalone bar (The O.G.) to a restaurant. The code requires a pedestrian clear zone at least six feet wide be provided on all streetscapes. Pursuant to 4.4.13(E)(2)(a) a sidewalk easement in a

form acceptable to the City Attorney, over any portion of the pedestrian clear zone located within the front setback shall be granted to the City. The easement for the pedestrian clear zone for 166 SE 2nd Avenue is three feet wide and totals 74 square feet. The code requires that a portion of the pedestrian clear zone located within the front setback area must be designed as an extension of the public sidewalk and shall match the public sidewalk in design and material, providing a seamless physical transition. Frontage along SE 2nd Avenue will contain the required streetscape elements of the Central Business District, including a curb zone with street trees. The street trees provided in the public right-of-way on SE 2nd Avenue necessitate the Landscape Maintenance Agreement.

Pursuant to 5.3.1(D)(2) Streets; rights-of-way dimensions; the minimum width for an alley is 20 feet, a 16 foot alley exists, therefore a two foot alley dedication from this property.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The Easement Deed for the Pedestrian Clear Zone, Right-of-Way Dedication, and Landscape Maintenance Agreement are required prior to issuance of a building permit.