



Legislation Details (With Text)

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Title: ITEMS A1, A2, B1, B2, B3, AND B4 - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 640 E. ATLANTIC AVE, PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 126 AND 128 SE 7TH AVE, RIGHT OF WAY DEDICATION FOR 920 NE 8TH, RIGHT OF WAY DEDICATION FOR 617 S.E. 5TH AVE., RIGHT OF WAY DEDICATION FOR 170 MARINE WAY AND RIGHT OF WAY DEDICATION FOR 9 NW 17TH ST.

Sponsors: Public Works Department - Programs & Project Manag

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Item (1)1 - Legal Review Forms, 3. Item (A1a) - PSE Agreement - 640 E. Atlantic Ave., 4. Item (A1b) - Exhibit A Sketch - 640 E. Atlantic Ave., 5. Item (A2a) - PSE Agreement - 126 & 128 SE 7th Ave, 6. Item (A2b) - Exhibit A Sketch - 126 & 128 SE 7th Ave, 7. Item (B1a) - ROW Deed -920 NE 8th Ave., 8. Item (B1b) - Exhibit A Sketch - 920 NE 8th Ave., 9. Item (B2a) - ROW Deed - 617 SE 5th St., 10. Item (B2b) - Electronic Articles of Org.-617 SE 5th St., 11. Item (B2c) - Exhibit A Sketch - 617 SE 5th St., 12. Item (B3a) - ROW Deed - 170 Marine Way, 13. Item (B3b) - Exhibit A Sketch - 170 Marine Way, 14. Item (B4a) - ROW Deed - 9 NW 17th St., 15. Item (B4b) - Exhibit A Sketch - 9 NW 17th St.

Date	Ver.	Action By	Action	Result
7/7/2020	1	City Commission	approved	

TO: Mayor and Commissioners
FROM: Missie Barletto, Public Works Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: July 7, 2020

ITEMS A1, A2, B1, B2, B3, AND B4 - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 640 E. ATLANTIC AVE, PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 126 AND 128 SE 7TH AVE, RIGHT OF WAY DEDICATION FOR 920 NE 8TH, RIGHT OF WAY DEDICATION FOR 617 S.E. 5TH AVE., RIGHT OF WAY DEDICATION FOR 170 MARINE WAY AND RIGHT OF WAY DEDICATION FOR 9 NW 17TH ST.

Recommended Action:

Consideration of the following items:

PERPETUAL SIDEWALK EASEMENT AGREEMENT(S)

Items A

(A1) Motion to approve and accept a Perpetual Sidewalk Easement Agreement by the owner(s) of 640 E. Atlantic Ave. to the City of Delray Beach.

(A2) Motion to approve and accept a Perpetual Sidewalk Easement Agreement by the

owner(s) of 126 & 128 SE 7th Ave. to the City of Delray Beach.

RIGHT OF WAY DEED(S)

Items B

(B1) Motion to approve and accept a 2' Alley Right of Way Dedication by the owner(s) of 920 N.E. 8th Ave. to the City of Delray Beach.

(B2) Motion to approve and accept a Right of Way Dedication by the owner(s) of 617 E. 5th St.

(B3) Motion to approve and accept a 25' Radius Right of Way Dedication by the owner(s) of 170 Marine Way.

(B4) Motion to approve and accept a Right of Way Dedication by the owner(s) of 9 NW 17th St.

Background:

PERPETUAL SIDEWALK EASEMENT AGREEMENT(S)

Item A1

Consider acceptance of a Perpetual Sidewalk Easement Agreement on 640 E. Atlantic Ave.

The owner(s), PR RE I LLC, submitted permit #18-00178097 on 7/31/18 for interior and exterior alterations on a commercial property. They also submitted permit #19-00182744 on 4/12/19 for a demolition.

The roadway has an ultimate right of way width of 80 feet. In accordance with LDR 5.3.1 (D), per the survey; 5' would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

Item A2

Consider acceptance of a Perpetual Sidewalk Easement Agreement on 126 & 128 SE 7th Ave.

The owner(s), Hideway-By-The-Sea, LLC, submitted permit #18-00180300 on 11/26/18 for addition to a duplex.

The roadway has an ultimate right of way width of 25 feet. In accordance with LDR 5.3.1 (D), per the survey; 5' would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

RIGHT OF WAY DEDICATION(S)

Item B1

Consider acceptance of a 2' Alley Right of Way Dedication on 920 NE 8th Ave.

The owner(s), J.A.S. Builders, submitted building permit #19-00187198 on 12/23/19 to construct a single-family residence. The alley has an ultimate right of way width of 20 feet. In accordance with LDR 5.3.1 (D), per the survey; 2' would be required from this property. As a result, a 2' Alley Right of Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

Item B2

Consider acceptance of a 10' Right of Way Dedication on SE 7th Ave. & 25' Radial Right of Way Dedication on 617 S.E. 5th St. located at the corner of SE 5th St. and SE 7th Ave.

The owner(s), Mizner Development Beachway, LLC, submitted building permit #19-00185620 on 9/19/19 to construct a single-family residence.

The roadway has an ultimate right of way width of 25 feet. In accordance with LDR 5.31 (D), per the survey; 10' would be required from this property. As a result, a 10' Right of Way Dedication was requested to satisfy the requirement. Also, the intersection of SE 5th St. and SE 7th Ave. requires a 25' radial right of way dedication per LDR 6.1.2(C) (2) (e). As a result the 25' radius was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

ITEM B3

Consider acceptance of a 25' Radius Right of Way Dedication on 170 Marine Way.

The owner(s), William Duffy Jr., submitted building permit #18-000180765 on 3/30/20 to construct a single-family residence. The intersection of SE 2nd St. and Marine Way requires a 25' radial right of way dedication per LDR 6.1.2(C) (2) (e). As a result, the 25' radius was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

Item B4

Consider acceptant of a 5' Right of Way Dedication on 9 NW 17th St.

The owner(s) 9 NW 17 LLC., submitted building permit 19-00186363 to 10/29/19 to construct a single-family residence. The roadway has an ultimate right of way width of 25 feet. In accordance with LDR 5.31 (D), per the survey; 5' would be required from this property. As a result, a 5' Right of Way Dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

NA

Timing of Request:

The timing of these requests is of high importance in order to process the project C/Os when completed.