



Legislation Details (With Text)

File #: 21-629 **Version:** 1 **Name:**
Type: Request **Status:** Agenda Ready
File created: 6/3/2021 **In control:** City Commission
On agenda: 7/6/2021 **Final action:**
Title: ITEM(S) A1, A2, A3, AND A4 - ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 248 NE 8TH AVE., ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 340 SW 4TH AVE., ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 704 SW 4TH ST., AND ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 25 NW 8TH ST.
Sponsors: Public Works Department
Indexes:
Code sections:
Attachments: 1. Agenda Cover Report, 2. Item (1) Legal Reviews, 3. Item (A1a) 248 NE 8th Ave. - ROW, 4. Item (A1b) 248 NE 8th Ave. -Exhibit A & Sketch, 5. Item (A2a) 340 SW 4th Ave - ROW, 6. Item (A2b) 340 SW 4th Ave - Exhibit A & Sketch, 7. Item (A3a) 704 SW 4th St. - ROW, 8. Item (A3b) 704 SW 4th St. - Exhibit A & Sketch, 9. Item (A4a) 25 NW 8th St. - ROW, 10. Item (A4b) 25 NW 8th St. - Exhibit A & Sketch

Date	Ver.	Action By	Action	Result
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TO: Mayor and Commissioners
FROM: Missie Barletto, Public Works Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: July 6, 2021

ITEM(S) A1, A2, A3, AND A4 - ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 248 NE 8TH AVE., ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 340 SW 4TH AVE., ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 704 SW 4TH ST., AND ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 25 NW 8TH ST.

Recommended Action:
Consideration of the following items:

RIGHT OF WAY DEED(S) **Items A**

Item A1 - Motion to approve and accept a Right of Way Dedication by the owner(s) of 248 NE 8th Ave. to the City of Delray Beach.

Item A2 - Motion to approve and accept a Right of Way Dedication by the owner(s) of 340 SW 4th Ave. to the City of Delray Beach.

Item A3 - Motion to approve and accept a Right of Way Dedication by the owner(s) of 704 SW 4th St. to the City of Delray Beach.

Item A4 - Motion to approve and accept a Right of Way Dedication by the owner(s) of 25 NW 8th St. to the City of Delray Beach.

Background:

**RIGHT OF WAY DEED(S) -
Item A1**

Consider acceptance of a Right-of-Way Dedication located at 248 N.E. 8th Ave.

The owner(s), Stuart Brenner, submitted building permit #19-183938 on 6/14/19 for the subject property. During the application process it was determined that the property is on the corner of two roadways. In accordance with LDR 6.1.2 (C)(2)(b) a 25' radius between the intersections of NE 3rd Street and NE 8th Avenue would be required. As a result, a 25-foot radius right-of-way dedication was requested to satisfy the requirement.

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

Item A2

Consider acceptance of a Right-of-Way Dedication located at 340 SW 4th Ave.

The owner(s), CH76 Investment, LLC, submitted building permit #21-194621 on 1/22/21 for the subject property. The adjacent alley has an ultimate right-of-way width of 20 feet. In accordance with LDR 5.3.1 (D), 2 feet would be required from the property. As a result, a 1.8-foot right-of-way dedication was requested to satisfy the requirement.

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

Item A3

Consider acceptance of a Right-of-Way Dedication located at 704 SW 4th St.

The owner(s), the Delray Beach Community Redevelopment Agency, during the pre-application process prior to submitting building permits for the property requested a review of the subject property. During the pre-application process it was determined that the property is on the corner of two roadways. In accordance with LDR 6.1.2 (C)(2)(b) a 25-foot radius between the intersections of SW 4th Street and SW 7th Avenue would be required. As a result, a 25-foot radius right-of-way dedication for both sides of the intersection were requested to satisfy the requirement.

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

Item A4

Consider acceptance of a Right-of-Way Dedication located at 25 NW 8th St.

The owner(s), 254 NE 3rd Ct., LLC, submitted building permit #20-191981 on 9/17/2020 for the subject property. In accordance with LDR 6.1.2 (C)(2)(b) a 25-foot radius between the intersections of SW 4th Street and SW 7th Avenue would be required. As a result, a 25-foot radius right-of-way dedication for both sides of the intersection were requested to satisfy the requirement. Additionally,

the adjacent streets have an ultimate right-of-way width of 50 feet. In accordance with LDR 5.3.1 (D), 6.5 feet would be required from the property for NW 1st Avenue and 7.0 feet would be required for NW 8th Street. As a result, a 6.5-foot and a 7-foot right-of-way dedication, respectively, was requested to satisfy the requirement.

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

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 allow the project to continue construction.