



Legislation Text

File #: 17-317, Version: 1

TO: Mayor and Commissioners
FROM: Timothy R. Stillings, Director of Planning, Zoning and Building
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: April 4, 2017

(RE)CERTIFICATION OF THE FINAL PLAT FOR BEACON PLAT DUE TO MINOR CHANGES IN THE DEDICATION DESCRIPTIONS

Recommended Action:

Motion to certify the Final Plat for the **Beacon Plat**, due to minor changes in the dedication description by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings)

Background:

On January 10, 2017, the Beacon Plat was approved by the City Commission (4-0). Upon review of the mylar submitted for signature, it was discovered that the language in the dedication descriptions was slightly altered. The change does not materially change the plat with exception to the dedications, but the change in the dedication language was more than could be approved administratively.

The plat approved by the City Commission contained a dedication description which referred to the water sewer easements as:

"All water and sewer main easements shown hereon are dedicated exclusively to the City of Delray Beach for the purpose of access, construction, maintenance and operation activities of water and sewer mains."

The dedication has been revised to read:

"The private utility easement as shown herein is hereby dedicated to the owners of lots 3 and 4, their successors and assigns, for the purposes of access, construction, maintenance and operation activities for but not limited to sewer, electric power, gas service, telephone lines and cable television services; provided however that no such construction shall interfere with the facility and services of any other public facility and shall be the perpetual maintenance obligation of the owners of said lots 3 and 4, their successors and assigns, without recourse to the City of Delray Beach."

In addition, the proposed street is now dedicated to the City and therefore, a Homeowners Association will not be established for dedication and maintenance of this street. The dedication of the drainage easement to the "Beacon Lane Homeowners Association" has been changed to reflect individual lots and respective owners.

For the Commission's information, the issue regarding the street connection and the saving of the

Sausage Tree has been resolved. A preliminary plan was reviewed by the City Engineer and the Acting Fire Chief that illustrates the connection around the tree. The final plans will be reviewed and approved as a part of the first building permit.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

N/A

Funding Source:

N/A

Timing of Request:

The plat is required to be recorded prior to issuance of building permits.