



## Legislation Text

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File #: 18-701, Version: 1

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**TO: Mayor and Commissioners**  
**FROM: Patrick Figurella, City Engineer - Development Services Engineering**  
**THROUGH: Mark R. Lauzier, City Manager**  
**DATE: November 6, 2018**

ITEM (A) - ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 1235 N. FEDERAL HWY.

ITEM (B) - ACCEPTANCE OF WATER EASEMENT FOR CHILI'S RESTAURANT LOCATED AT 14530 S. MILITARY TRAIL.

ITEM (C-D) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 602 NE 8<sup>th</sup> AVE.

ITEM (E-F) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND ALLEYWAY DEDICATION FOR 101 SW 13<sup>TH</sup> AVE.

ITEM (G-H) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND ALLEYWAY DEDICATION FOR 501 NE 7<sup>TH</sup> AVE.

ITEM (I) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 4932 JEFFERSON RD.

ITEM (J) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 4936 JEFFERSON RD.

ITEM (K) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 905 WITHERSPOON LANE.

ITEM (L) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 971 DOGWOOD DR.

### **Recommended Action:**

#### **Item A**

Motion to approve and accept Hold Harmless Agreement located at 1235 N. Federal Hwy.

#### **Item B**

Motion to approve and accept Water Easement Agreement for Chili's restaurant located at 14530 S. Military Trail.

#### **Items C-D**

**(C)** Motion to approve and accept 5' of sidewalk easement on NE 8<sup>th</sup> Ave. located at 602 NE 8<sup>th</sup> Ave.

**(D)** Motion to approve and accept 5' of right of way dedication on NE 8<sup>th</sup> Ave. located at 602 NE 8<sup>th</sup> Ave.

**Item E-F**

(E) Motion to approve and accept 5' of sidewalk easement on SW 13<sup>th</sup> Ave. and SW 1<sup>st</sup> St. located at 101 SW 13<sup>th</sup> Ave.

(F) Motion to approve and accept 2' of alleyway dedication located at 101 SW 13<sup>th</sup> Ave.

**Item G-H**

(G) Motion to approve and accept 5' of sidewalk easement on NE 5<sup>th</sup> St. located at 501 NE 7<sup>th</sup> Ave.

(H) Motion to approve and accept 2' of alleyway dedication located at 501 NE 7<sup>th</sup> Ave.

**Item I**

Motion to approve and accept 5' of sidewalk easement on Jefferson Rd. located at 4932 Jefferson Rd.

**Item J**

Motion to approve and accept 5' of sidewalk easement on Jefferson Rd. located at 4936 Jefferson Rd.

**Item K**

Motion to approve and accept 5' of sidewalk easement on Witherspoon Lane located at 905 Witherspoon Lane.

**Item L**

Motion to approve and accept 5' of sidewalk easement on Dogwood Dr. located at 971 Dogwood Dr.

**Background:**

**Item A**

Consider acceptance of a Hold Harmless Agreement at 1235 N. Federal Hwy.

In March 2018, the owner (Delray Oasis Business Park LLC.) submitted building permit #18-174794 to improve an existing commercial building.

As part of the improvements, a new 4" fire line needs to be installed for fire protection to the building. The City of Delray Beach 8" water main is located in N. Federal Highway and as a result, a utility permit from the Florida Department of Transportation (FDOT) is required. Since the City will be maintaining that part of the water main within the FDOT right-of-way, FDOT requires that the City sign the permit application. The Hold Harmless Agreement provides the City with a one year warranty for all work completed within FDOT right-of-way by Owner.

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

**Item B**

Consider acceptance of water easement for Chili's restaurant located at 14530 S. Military Trail.

The property owner TSLF Delray JV, LLC., submitted Building Permit #17-173305 to construct a Chili's restaurant.

The site design has newly constructed water mains which need to be turned over to the City within

the subject property. As a result, a utility easement is required for the new location of the new water main and valves.

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

### **Items C-D**

Consider acceptance of sidewalk easement **(C)** and right of way deed **(D)** located at 602 NE 8<sup>th</sup> Ave.

On May 14<sup>th</sup>, 2018, the owner, 602 NE 8 LLC., submitted building permit #18-176381 to construct a new single family residence located at 602 NE 8<sup>th</sup> Ave. This property is located east of NE 6<sup>th</sup> Ave. on NE 7<sup>th</sup> St., south on NE 8<sup>th</sup> Ave., and located on the west side of the roadway.

The roadway, NE 8<sup>th</sup> Ave. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 40 feet on NE 8<sup>th</sup> Ave. per the survey; 10' feet would be required from this property. As a result, a 5' right of way dedication and a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

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

### **Item E-F**

Consider acceptance of sidewalk easement **(E)** on SW 13<sup>th</sup> Ave., SW 1<sup>st</sup> St., and 2' of alleyway dedication **(F)** located at 101 SW 13<sup>th</sup> Ave.

On July 26<sup>th</sup>, 2018, the owner, Habitat for Humanity of South Palm Beach County, Inc., submitted building permit #18-177977 to construct a new single family residence located at 101 SW 13<sup>th</sup> Ave. This property is located west of N. Swinton Ave. on SW 1<sup>st</sup> St., and is located in the south east corner of SW 13<sup>th</sup> Ave.

The roadways, SW 13<sup>th</sup> Ave. and SW 1<sup>st</sup> St. associated with this project are local streets without a curb and gutter which have an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1 (D), the existing right of way width is 50 feet on SW 13<sup>th</sup> Ave. and SW 1<sup>st</sup> St. per the survey; 5' feet would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

In addition, the alleyway pursuant to LDR Section 5.1.3 (D) (2), the required minimum width of an alleyway is 20 feet. The current dedicated alley right of way is 16 feet therefore; a dedication equivalent to one-half the additional right of way (2') would be required to satisfy the requirement.

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

### **Item G-H**

Consider acceptance of sidewalk easement **(G)** on NE 5<sup>th</sup> St., NE 7<sup>th</sup> Ave., and 2' of alleyway dedication **(H)** located at 501 NE 7<sup>th</sup> Ave.

On June 26<sup>th</sup>, 2018, the owner M2D Seven LLC., submitted building permit #18-177310-11 to construct a (2) new single family residence located at 501 NE 7<sup>th</sup> Ave. This property is located east of NE 6<sup>th</sup> Ave. in the north east corner of NE 5<sup>th</sup> St. and NE 7<sup>th</sup> Ave.

The roadways, NE 7<sup>th</sup> Ave. and NE 5<sup>th</sup> St. associated with this project are local streets without a curb and gutter which have an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on NE 7<sup>th</sup> Ave. and NE 5<sup>th</sup> St. per the survey; 10' feet would be required from this property. As a result, a 5' right of way dedication and a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

In addition, the alleyway pursuant to LDR Section 5.1.3 (D) (2), the required minimum width of an alleyway is 20 feet. The current dedicated alley right of way is 16 feet therefore; a dedication equivalent to one-half the additional right of way (2') would be required to satisfy the requirement.

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

#### **Item I**

Consider acceptance of sidewalk easement on Jefferson Rd. located at 4932 Jefferson Rd.

On July 10<sup>th</sup>, 2018, the owner Andella 4932 Jefferson LLC., submitted building permit #18-177593 to construct a new single family residence located at 4932 Jefferson Rd. This property is located east of S. Military Trail south on Jefferson Rd., and located on the south side of the roadway.

The roadway, Jefferson Rd. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on Jefferson Rd. per the survey; 5' feet would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement. There is no City cost now or in the future for this item.

#### **Item J**

Consider acceptance of sidewalk easement on Jefferson Rd. located at 4936 Jefferson Rd.

On July 10<sup>th</sup>, 2018, the owner Andella 4936 Jefferson LLC., submitted building permit #18-177594 to construct a new single family residence located at 4936 Jefferson Rd. This property is located east of S. Military Trail south on Jefferson Rd., and located on the south side of the roadway.

The roadway, Jefferson Rd. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on Jefferson Rd. per the survey; 5' feet would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

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

#### **Item K**

Consider acceptance of sidewalk easement on Witherspoon Lane located at 905 Witherspoon Lane.

On June 5<sup>th</sup>, 2018, the owner M2D Witherspoon LLC., submitted building permits #18-176821-22 to construct a (2) new single family residence located at 905 Witherspoon Lane. This property is located east of N. Federal Hwy. on Bond Way, west on NE 9<sup>th</sup> St., and located on the north side of Witherspoon Lane.

The roadway, Witherspoon Lane associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on Witherspoon Lane per the survey; 5' feet would be required

from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

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

**Item L**

Consider acceptance of sidewalk easement on Dogwood Dr. located at 971 Dogwood Dr. On July 5<sup>th</sup>, 2018, the owner Roberto M. De Andrade submitted building permits #18-177487 to construct a new single family residence located at 971 Dogwood Dr. This property is located east of S. Federal Hwy., South on Spanish Trail, and located on the north side of Dogwood Dr.

The roadway, Dogwood Dr. associated with this project is a local street without a curb and gutter which has an ultimate right of way width of 60 feet. In accordance with LDR 5.3.1(D), the existing right of way width is 50 feet on Dogwood Dr. per the survey; 5' feet would be required from this property. As a result, a 5' perpetual sidewalk easement was requested to satisfy the 60' requirement.

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

**Attachments provided:**

- 1) Item (A) Hold Harmless Agreement 1235 N. Federal Hwy.
- 2) Item (A) 1235 N. Federal Hwy. Civil Drawings
- 3) Item (A) PAPA Page 1235 N. Federal Hwy.
- 4) Item (A) PAPA Map 1235 N. Federal Hwy.
- 5) Item (A) Sun Biz Page 1235 N. Federal Hwy.
- 6) Item (B) Easement Agreement 14530 S. Military Trail
- 7) Item (B) Exhibit (A) Sketch and Description 14530 S. Military Trail
- 8) Item (B) PAPA Page 14530 S. Military Trail
- 9) Item (B) Map Location 14530 S. Military Trail
- 10) Item (C) PSE 602 NE 8<sup>th</sup> Ave.
- 11) Item (C) Exhibit (A) Sketch and Description 602 NE 8<sup>th</sup> Ave.
- 12) Item (D) R.O.W Deed 602 NE 8<sup>th</sup> Ave.
- 13) Item (D1) Exhibit (A) Sketch and Description 602 NE 8<sup>th</sup> Ave.
- 14) Item (D2) Exhibit (A) Sketch and Description 602 NE 8<sup>th</sup> Ave.
- 15) Item (C-D) Survey 602 NE 8<sup>th</sup> Ave.

- 16)Item (C-D) PAPA Page 602 NE 8<sup>th</sup> Ave.
- 17)Item (C-D) PAPA Map Location 602 NE 8<sup>th</sup> Ave.
- 18)Item (C-D) Sun Biz Page 602 NE 8<sup>th</sup> Ave.
- 19)Item (E) PSE 101 SW 13<sup>th</sup> Ave.
- 20)Item (E) Exhibit (A) Sketch and Description
- 21)Item (F) R.O.W Deed 101 SW 13<sup>th</sup> Ave.
- 22)Item (F) Exhibit (A) Sketch and Description
- 23)Item (E-F) Survey 101 SW 13<sup>th</sup> Ave.
- 24)Item (E-F) PAPA Page 101 SW 13<sup>th</sup> Ave.
- 25)Item (E-F) PAPA Map Location 101 SW 13<sup>th</sup> Ave.
- 26)Item (E-F) Sun Biz Page 101 SW 13<sup>th</sup> Ave.
- 27)Item (G) PSE 501 NE 7<sup>th</sup> Ave.
- 28)Item (H) R.O.W Deed 501 NE 7<sup>th</sup> Ave.
- 29)Item (G-H) Exhibit (A) Sketch and Description 501 NE 7<sup>th</sup> Ave.
- 30)Item (G-H) PAPA Survey 501 NE 7<sup>th</sup> Ave.
- 31)Item (G-H) PAPA Page 501 NE 7<sup>th</sup> Ave.
- 32)Item (G-H) PAPA Map Location 501 NE 7<sup>th</sup> Ave.
- 33)Item (G-H) Sun Biz Page 501 NE 7<sup>th</sup> Ave.
- 34)Item (I) PSE 4932 Jefferson Rd.
- 35)Item (I) Exhibit (A) Sketch and Description 4932 Jefferson Rd.
- 36)Item (I) Survey 4932 Jefferson Rd.
- 37)Item (I) PAPA Page 4932 Jefferson Rd.
- 38)Item (I) PAPA Map Location 4932 Jefferson Rd.
- 39)Item (I) Sun Biz Page 4932 Jefferson Rd.
- 40)Item (J) PSE 4936 Jefferson Rd.

- 41)Item (J) Exhibit (A) Sketch and Description 4936 Jefferson Rd.
- 42)Item (J) Survey 4936 Jefferson Rd.
- 43)Item (J) PAPA Page 4936 Jefferson Rd.
- 44)Item (J) PAPA Map Location 4936 Jefferson Rd.
- 45)Item (J) Sun Biz Page 4936 Jefferson Rd.
- 46)Item (K) PSE 905 Witherspoon Lane
- 47)Item (K) Exhibit (A) Sketch and Description 905 Witherspoon Lane
- 48)Item (K) Survey 905 Witherspoon Lane
- 49)Item (K) PAPA Page 905 Witherspoon Lane
- 50)Item (K) PAPA Map Location 905 Witherspoon Lane
- 51)Item (L) PSE 971 Dogwood Dr.
- 52)Item (L) Exhibit (A) Sketch and Description 971 Dogwood Dr.
- 53)Item (L) Survey 971 Dogwood Dr.
- 54)Item (L) PAPA Page 971 Dogwood Dr.
- 55)Item (L) PAPA Map Location 971 Dogwood Dr.

**City Attorney Review:**

City Attorney approves as to form and legal sufficiency.

**Funding Source/Financial Impact:**

These items have no fiscal impact on the City.

**Timing of Request:**

The timing of this request is of high importance in order to process the C/O when completed.