



## Legislation Text

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**TO:** Mayor and Commissioners  
**FROM:** Caryn Gardner-Young, Acting Public Works Director  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** June 4, 2019

ITEM (A)- ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR MULTIPLE CRA PROPERTIES ALONG SW 4TH STREET AND SW 7<sup>TH</sup> AVENUE

ITEM (B)-(C) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 110 SW 12<sup>TH</sup> AVE.

ITEM (D)-(E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 125 SW 5<sup>TH</sup> AVE.

ITEM (F)-(G) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 233 NE 7<sup>th</sup> Ave.

ITEM (H) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 412 SE 4<sup>th</sup> Ave.

### **Recommended Action:**

#### **Item A**

(A) Motion to approve and accept a variable width sidewalk easement on SW4th Street and SW 7<sup>th</sup> Avenue located on Lots 26-37.

#### **Item B-C**

(B) Motion to approve and accept 5' of sidewalk easement on SW 12<sup>th</sup> Ave. located at 110 SW 12<sup>th</sup> Ave.

(C) Motion to approve and accept 2' of alleyway dedication on SW 12<sup>th</sup> Ave. located at 110 SW 12<sup>th</sup> Ave.

#### **Item D-E**

**(D)** Motion to approve and accept 5' of sidewalk easement on SW 5<sup>th</sup> Ave. located at 125 SW 5<sup>th</sup> Ave.

**(E)** Motion to approve and accept 2' of alleyway dedication on SW 5<sup>th</sup> Ave. located at 125 SW 5<sup>th</sup> Ave.

**Item F-G**

**(F)** Motion to approve and accept 5' of sidewalk easement on NE 7<sup>th</sup> Ave. located at 233 NE 7<sup>th</sup> Ave.

**(G)** Motion to approve and accept 5' of right of way dedication on NE 7<sup>th</sup> Ave. located at 233 NE 7<sup>th</sup> Ave.

**Item H**

Motion to approve and accept 5' of sidewalk easement on SE 4<sup>th</sup> Ave. located at 412 SE 4<sup>th</sup> Ave.

**Background:**

**Item A**

Consider acceptance of variable width sidewalk easement serving Lots 26-37 along SW4th Street and SW 7<sup>th</sup> Ave.

The City of Delray Beach CRA in order to develop properties on these properties has prepared the easements for the Perpetual Sidewalk Easement.

The roadway, SW 7<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 50 feet, due to variation in the roadway the Right of Way is being shifted and a variable width easement is being dedicated along with 3.10' on SW 4<sup>th</sup> St. per the exhibit. As a result, a variable width perpetual sidewalk easement was requested to satisfy the requirement.

**Item B-C**

Consider acceptance of sidewalk easement **(B)** and 2' of alleyway dedication **(C)** located at 110 SW 12<sup>th</sup> Ave.

On December 7<sup>th</sup>, 2018, the owner, Habitat for Humanity of South Palm Beach County, Inc. submitted building permit #18-180508 to construct a new single family residence located at 110 SW 12<sup>th</sup> Ave.

This property resides west of S. Swinton Ave. on SW 1<sup>st</sup> St. and south on SW 12<sup>th</sup> Ave. located on the west side of the roadway.

The roadway, SW 12<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 50 feet on SW 12<sup>th</sup> Ave. 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.

### **Item D-E**

Consider acceptance of sidewalk easement **(D)** and 2' of alleyway dedication **(E)** located at 125 SW 5<sup>th</sup> Ave.

On December 19<sup>th</sup>, 2018, the owner, Habitat for Humanity of South Palm Beach County, Inc. submitted building permit #18-180665 to construct a new single family residence located at 125 SW 5<sup>th</sup> Ave.

This property resides west of S. Swinton Ave. on SW 1<sup>st</sup> St. and south on SW 5<sup>th</sup> Ave. located on the east side of the roadway.

The roadway, SW 5<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 50 feet on SW 5<sup>th</sup> Ave. 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.

### **Item F-G**

Consider acceptance of sidewalk easement **(F)** and 5' right of way dedication **(G)** located at 233 NE 7<sup>th</sup> Ave.

On January 9<sup>th</sup>, 2019, the owner, Azure 233 NE 7<sup>th</sup> Ave., LLC submitted building permit #18-181004-181005 to construct a new multi-family residence located at 233 NE 7<sup>th</sup> Ave.

This property resides east of N. Federal Hwy. on NE 3<sup>rd</sup> St. and south on NE 7<sup>th</sup> Ave. located on the east side of the roadway.

The roadway, NE 7<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 7<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.

### **Item H**

Consider acceptance of sidewalk easement on SE 4<sup>th</sup> Ave. located at 412 SE 4<sup>th</sup> Ave.

On September 14<sup>th</sup>, 2018, the owners Patricia Lager and Miguel DaCosta submitted building permit #18-179027 to construct a new single family residence located at 412 SE 4<sup>th</sup> Ave.

This property resides west of S. Federal Hwy on SE 4<sup>th</sup> Ave., located on the west side of the roadway.

The roadway, SE 4<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 50 feet on SE 4<sup>th</sup> Ave. 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.

**Attachments provided:**

- 1) Legal Review Checklist
- 2) Item (A) PSE CRA SW Lots 26-37
- 3) Item (A) Exhibit (A) Sketch and Description CRA SW Lots 26-37
- 4) Item (A) PAPA Map Location Lots 26, 29, & 30
- 5) Item (A) PAPA Map Location Lot 27-28
- 6) Item (A) PAPA Map Location Lot 31
- 7) Item (A) PAPA Map Location Lot 32
- 8) Item (A) PAPA Map Location Lot 33
- 9) Item (A) PAPA Map Location Lot 34
- 10) Item (A) PAPA Map Location Lots 35-36
- 11) Item (A) PAPA Map Location Lot 37
- 12) Item (B) PSE 110 SW 12<sup>th</sup> Ave.
- 13) Item (C) ROWD 110 SW 12<sup>th</sup> Ave.
- 14) Item (B-C) Exhibit (A) Sketch and Description 110 SW 12<sup>th</sup> Ave.
- 15) Item (B-C) Survey 110 SW 12<sup>th</sup> Ave.
- 16) Item (B-C) PAPA Page 110 SW 12<sup>th</sup> Ave.
- 17) Item (B-C) PAPA Map Location 110 SW 12<sup>th</sup> Ave.
- 18) Item (B-C) Sun Biz Page 110 SW 12<sup>th</sup> Ave.
- 19) Item (D) PSE 125 SW 5<sup>th</sup> Ave.
- 20) Item (E) ROWD 125 SW 5<sup>th</sup> Ave.
- 21) Item (D-E) Exhibit (A) Sketch and Description 125 SW 5<sup>th</sup> Ave.
- 22) Item (D-E) Survey 125 SW 5<sup>th</sup> Ave.
- 23) Item (D-E) PAPA Page 125 SW 5<sup>th</sup> Ave.
- 24) Item (D-E) PAPA Map Location 125 SW 5<sup>th</sup> Ave.

- 25) Item (D-E) Sun Biz Page 125 SW 5<sup>th</sup> Ave.
- 26) Item (F) PSE 233 NE 7<sup>th</sup> Ave.
- 27) Item (G) ROWD 233 NE 7<sup>th</sup> Ave.
- 28) Item (F-G) Exhibit (A) Sketch and Description 233 NE 7<sup>th</sup> Ave.
- 29) Item (F-G) Survey 233 NE 7<sup>th</sup> Ave.
- 30) Item (F-G) PAPA Page 233 NE 7<sup>th</sup> Ave.
- 31) Item (F-G) PAPA Map Location 233 NE 7<sup>th</sup> Ave.
- 32) Item (F-G) Sun Biz Page 233 NE 7<sup>th</sup> Ave.
- 33) Item (H) PSE 412 SE 4<sup>th</sup> Ave.
- 34) Item (H) Exhibit (A) Sketch and Description
- 35) Item (H) Survey 412 SE 4<sup>th</sup> Ave.
- 36) Item (H) PAPA Page 412 SE 4<sup>th</sup> Ave.
- 37) Item (H) PAPA Map Location 412 SE 4<sup>th</sup> Ave.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

There is no City cost now or in the future as a result of these actions.

**Timing of Request:**

The timing of this request is of high importance in order to process the residence Certificate of Occupancy (C/O) when completed.