



## Legislation Text

---

File #: 20-413, Version: 1

---

**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 7<sup>TH</sup> AVE, RIGHT OF WAY DEDICATION FOR 920 NE 8<sup>TH</sup>, RIGHT OF WAY DEDICATION FOR 617 S.E. 5<sup>TH</sup> AVE., RIGHT OF WAY DEDICATION FOR 170 MARINE WAY AND RIGHT OF WAY DEDICATION FOR 9 NW 17<sup>TH</sup> 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 7<sup>th</sup> 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. 8<sup>th</sup> 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. 5<sup>th</sup> 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 17<sup>th</sup> 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 7<sup>th</sup> 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 8<sup>th</sup> 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 7<sup>th</sup> Ave. & 25' Radial Right of Way Dedication on 617 S.E. 5<sup>th</sup> St. located at the corner of SE 5<sup>th</sup> St. and SE 7<sup>th</sup> 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 5<sup>th</sup> St. and SE 7<sup>th</sup> 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 2<sup>nd</sup> 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 17<sup>th</sup> 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.