



## Legislation Text

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File #: 21-1033, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** October 5, 2021

### ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION 712 NE 8TH AVENUE

#### **Recommended Action:**

Review and consider the acceptance of a right-of-way dedication located at 712 NE 8th Avenue.

#### **Background:**

A Class V Site Plan Application is under review for the demolition of the existing structures and the construction of three fee simple townhomes. The project will require a minor plat pursuant to Land Development Regulation (LDR) Section 5.1.3(A): a plat is required for the subdivision of any lot, tract or parcel of land; and for the dedication, layout, opening or construction of any street, storm sewer, sanitary sewer, water main, or other facility for public use or for the common use of building occupants. The provisions of this section shall apply to all lands within the incorporated area of the City except as specifically exempted.

The application also requires a five-foot right-of-way dedication as the ultimate right-of-way width for NE 8th Avenue is 50 feet. Pursuant to LDR Section 5.3.1(A)(3) when development is adjacent to an existing or planned street, the development shall be responsible for providing one-half of the ultimate right-of-way or such portion of the ultimate right-of-way which is yet undedicated and which is on that development's side of the ultimate right-of-way center line. The current survey indicates that only 20 feet of right-of-way is provided on the development side, thus requiring a right-of-way dedication of five feet. In addition, pursuant to LDR Section 6.1.2(C)(2)(e); property line radii shall be 25 feet along local street at intersections; this dedication is also provided.

#### **City Attorney Review:**

Approved to form and legal sufficiency.

#### **Funding Source/Financial Impact:**

N/A

#### **Timing of Request:**

The timing of the request is important in order to allow the project to move forward with the Plat and Class V Site Plan Modification.