



## Legislation Text

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**File #:** 180327., **Version:** 1

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### **Agree that The Standard may dedicate its property for Public Right-Of-Way by Easement rather than Deed. (B)**

On May 15, 2015, the Community Redevelopment Agency entered into an Agreement for Development of Property and Restrictive Covenants for a mixed use development now known as The Standard. The parties contemplated that the developer make improvements in the public right-of-way. The developer also planned to improve a portion of its property and dedicate it to the public as right-of-way. According to the terms of the agreement, the developer would transfer title to the right-of-way by special warranty deed, after construction was completed. The construction project is now complete and in use. While the developer's property is open to the public for use, there are developer owned structures in the right-of-way that are better left as developer responsibility. The CRA attorney and the CRA's outside consultant have determined that it would be advisable for the City to accept an easement over the developer's property, rather than a special warranty deed. By accepting an easement, the developer remains responsible for the maintenance of the rights-of-way and all developer-owned property located in the right-of-way.

The Development Agreement is between the developer and the CRA. However, the terms of the Development Agreement require the developer to transfer title to the City. Therefore, the City Commission must accept the easement on behalf of the City. There will be an agenda item on an upcoming City Commission meeting to accept the easement.

There is no fiscal impact.

CRA Attorney recommends that the Community Redevelopment Agency Board: 1) agree that the Standard may dedicate its property for public right-of-way by easement instead of the previously agreed to warranty deed; and 2) request the City Commission accept the easement and authorize the City Manager to execute the easement, subject to City Attorney review as to form and legality.