



Cover Memorandum/Staff Report

File #: 25-310

Agenda Date: 3/11/2025

Item #: 6.L

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: March 11, 2025

APPROVAL OF HOLD HARMLESS AGREEMENT FOR 1616 N. SWINTON AVENUE

Recommended Action:

Motion to approve and accept Hold Harmless Agreement.

Background:

Charles and Kim Simmons (collectively, "Owners") are the owners of certain real property located at 1616 N. Swinton Avenue in Delray Beach ("Property"). Owners' property abuts N. Swinton Avenue. Owners or their predecessors installed a weeping fig tree and 4 decorative, concrete pillars within the right-of way (the "Improvements").

The City has commenced the North Swinton Avenue Roadway and Underground Utility Improvements Project. As part of this project, the City is making improvements to the portion of N. Swinton Avenue abutting the Property where the Improvements are located.

This Hold Harmless and Maintenance Agreement permits Owners to keep their Improvements within the City ROW and requires Owners to maintain same. As part of the Agreement, Owners will indemnify and hold harmless the City for any acts or claims related to the Improvements.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The North Swinton Avenue Roadway and Underground Utility Improvements is currently in progress and nearing the portion of Swinton Avenue abutting the Property.