



Cover Memorandum/Staff Report

File #: 26-0348

Agenda Date: 4/7/2026

Item #: 6.C.

TO: Mayor and Commissioners
FROM: Jeri Pryor, Neighborhood and Community Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: April 7, 2026

REQUEST TO APPROVE HOLD HARMLESS AGREEMENT

Recommended Action:

Motion to Approve Hold Harmless Agreement for Improvements Constructed in an Easement Area located between the properties at 1230 S. Ocean Boulevard, and 1260 S. Ocean Boulevard, Delray Beach, FL, 33483.

Background:

The City of Delray Beach (CITY) was contacted by counsel for the Banyan House Condominium Association, Inc. regarding improvements placed within a 5-foot easement between the property line of the parcels located at 1230 S Ocean Boulevard and 1260 S. Ocean Boulevard, Delray Beach, Florida 33483. The Association applied to renew its licensing with the Florida Department of Environmental Protection (FDEP), which informed the Association that, due to the improvements, the easement area was inaccessible. FDEP issued a Warning Letter to the Association.

Code Enforcement inspected the easement, and it was observed that both property owners were in violation of City Ordinance, Sections 100.01 (A)(1) and 100.01 (C). - Existence of Weeds, Trash and Vegetation Upon Lands Prohibited. Subsequently notices of violation were issued to both property owners.

FDEP originally directed the Association to have the improvements removed but has since agreed to allow the improvements within the easement to remain if the property owners executed an agreement with the City and the Association confirming both are entitled to access the easement area.

Upon approval of the easement agreement, the violations of City Ordinance, Sections 100.01 (A)(1) and 100.01 issued to both properties by Code Enforcement will be resolved and closed.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

Finance recommends approval.

Funding Source:

No funding is necessary.

Timing of Request:

N/A