



Cover Memorandum/Staff Report

File #: 24-050 CRA

Agenda Date: 7/23/2024

Item #: 7J.

TO: CRA Board of Commissioners
FROM: Ivan J. Cabrera, AICP
THROUGH: Renée A. Jadusingh, Esq., CRA Executive Director
DATE: July 23, 2024

HOLD HARMLESS AGREEMENT WITH THE CITY OF DELRAY BEACH FOR AWNING AT 95 SW 5th AVENUE

Recommended Action:

1. Approve the attached Hold Harmless Agreement with the City of Delray Beach for the CRA-owned commercial property located at 95 SW 5th Avenue, in substantially the attached form;

AND

2. Authorize the CRA Board Chair to execute the agreement, and any related documents, in a form acceptable to the CRA Legal Counsel.

Background:

On January 24, 2023, the CRA Board awarded Ahrens ITB CRA No. 2022-01 to construct a commercial building at 95 SW 5th Avenue (Project). The Agreement was executed by Ahrens and the Delray Beach Community Redevelopment Agency (CRA) on February 28, 2023.

As the Project is currently designed and will be constructed, there are decorative awnings along the south (along SW 1st Street) and west (along SW 5th Avenue) sides of the building at both the first and second stories of the building. Both sets of decorative awnings are located above street level, and both extend into the public right of ways - the sidewalks located on SW 5th Avenue and SW 1st Street - above street level. The decorative awnings do not restrict or impede public access to the right of ways. However, as they do extend into the public right of ways, even above street level, the City of Delray Beach (City) requires the CRA to enter into a Hold Harmless Agreement (attached as Exhibit B).

At this time, CRA staff recommends the CRA Board approve the Hold Harmless Agreement with the City for the CRA-owned property located at 95 SW 5th Avenue, in substantially the attached form, as it relates to the decorative awnings that are above street level along the public right of ways located along SW 5th Avenue and SW 1st Street.

Attachment(s): Exhibit A - Location Map; Exhibit B - Drawings Showing Awnings; Exhibit C - Hold Harmless Agreement with Exhibits

CRA Attorney Review:

The CRA Legal Counsel has reviewed Hold Harmless Agreement for legal sufficiency and form and determined them to be acceptable.

Finance Review:

N/A

Funding Source/Financial Impact:

N/A

Overall need within the Community Redevelopment Area from Delray Beach CRA

Redevelopment Plan:

Removal of Slum and Blight

Land Use

Economic Development

Affordable Housing

Downtown Housing

Infrastructure

Recreation and Cultural Facilities