



## Cover Memorandum/Staff Report

---

**File #:** 24-078 CRA

**Agenda Date:** 8/29/2024

**Item #:** 71.

---

**TO:** CRA Board of Commissioners  
**FROM:** Ivan J. Cabrera, AICP, Redevelopment Manager  
**THROUGH:** Renée A. Jadusingh, Esq., CRA Executive Director  
**DATE:** August 29, 2024

### **HOLD HARMLESS AGREEMENT WITH THE CITY OF DELRAY BEACH FOR AWNING AT 95 SW 5<sup>th</sup> AVENUE**

#### **Recommended Action:**

1. Approve the attached revised Hold Harmless Agreement with the City of Delray Beach for the CRA-owned commercial property located at 95 SW 5<sup>th</sup> Avenue, in substantially the same form as attached in Exhibit C;

AND

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

#### **Background:**

On January 24, 2023, the CRA Board awarded Ahrens Invitation to Bid CRA No. 2022-01 to construct a commercial building at 95 SW 5<sup>th</sup> 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 being constructed, there are decorative awnings along the south (along SW 1<sup>st</sup> Street) and west (along SW 5<sup>th</sup> 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 5<sup>th</sup> Avenue and SW 1<sup>st</sup> 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.

On July 23rd, 2024, the CRA Board approved a Hold Harmless Agreement with the City of Delray Beach for the CRA-owned commercial property located at 95 SW 5<sup>th</sup> Avenue. However, the City of Delray Beach has since requested changes to Exhibit B of the Hold Harmless Agreement to remove the original approved overhang and instead show the as-built height of each encroachment from the ground level. The changes to Exhibit B were deemed substantial enough to require the approval of a new, revised Hold Harmless Agreement (see Exhibit C.)

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 5<sup>th</sup> Avenue, in substantially the same form as attached in Exhibit C, as it relates to the decorative awnings that are above street level along the public right of ways located along SW 5<sup>th</sup> Avenue and SW 1<sup>st</sup> 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