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BY THE FLORIDA BAR

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June 27, 2019

VIA CERTIFIED MAIL

Ms. Katerri Johnson
City Clerk
City of Delray Beach
100 NW First Avenue
Delray Beach, Florida 33444

Re: Kevin Keane v. City of Delray Beach

Dear Ms. Johnson:

Our firm represents Mr. and Mrs. Kevin Keane in regard to the above-referenced matter.

Mr. and Mrs. Keane own a parcel of real property located at 920 Greensward Lane in Delray Beach, Florida. Mr. and Mrs. Keane hired a pool company to build a pool on their property. Prior to hiring the pool contractor, Mr. Keane contacted the City of Delray Beach regarding the use of the easement. Mr. Keane confirmed the easement was not being utilized. During the construction of the pool, the pool contractor also contacted the City of Delray Beach and confirmed that the easement was not being utilized.

Accordingly, Mr. Keane and the Seagate Country Club recorded an abandonment agreement for this easement. However, the City of Delray Beach later discovered that it had negligently provided mistaken information regarding the easement. By this time, the pool was already being constructed. While the pool was being constructed, the City issued a stop work order. The pool contractor informed Mr. Keane that he could not stop the work on the pool so the pool was finished. This all occurred in the year 2017. Recently, the lines at that particular juncture were located and the sewer line runs near or close to the foundation of Mr. Keane's house and the water line runs near but not under Mr. Keane's pool. Importantly, they are not located in the Seagate easement that was later abandoned.

The City of Delray Beach was negligent in carrying out its public

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function. Accordingly, this letter constitutes a formal claim of negligence against the City, pursuant to Section 768.28 of the Florida Statutes, and a formal claim for the damages suffered by Mr. and Mrs. Keane regarding this matter.

Very truly yours,

SACHS SAX CAPLAN


Joel D. Kenwood

JDK/mv

cc: City Attorney's Office
200 NW 1st Avenue
Delray Beach, Florida 33444

City Manager's Office
100 NW 1st Avenue
Delray Beach, Florida 33444