



## Legislation Details (With Text)

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<b>Type:</b>	Request	<b>Status:</b>		Passed	
<b>File created:</b>	4/9/2021	<b>In control:</b>		City Commission	
<b>On agenda:</b>	5/4/2021	<b>Final action:</b>		5/4/2021	
<b>Title:</b>	ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR WORK TO BE PERFORMED WITHIN THE STATE OF FLORIDA RIGHT-OF-WAY ASSOCIATED WITH THE RELOCATION OF A WATER MAIN FOR THE PHG HOTEL LOCATED AT THE NORTHWEST CORNER OF NE 5TH AVENUE AND NE 2ND STREET.				
<b>Sponsors:</b>	Development Services Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Agenda Cover Report, 2. PHG Hold Harmless w. Exhibits, 3. PHG - FDOT MOT Plan, 4. PHG - Simple Legal Review				

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** May 4, 2021

ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR WORK TO BE PERFORMED WITHIN THE STATE OF FLORIDA RIGHT-OF-WAY ASSOCIATED WITH THE RELOCATION OF A WATER MAIN FOR THE PHG HOTEL LOCATED AT THE NORTHWEST CORNER OF NE 5TH AVENUE AND NE 2ND STREET.

### **Recommended Action:**

Review and consider the acceptance of the Hold Harmless agreement.

### **Background:**

The project is located at northwest corner of NE 5th Avenue and NE 2nd Street. At its meeting on February 26, 2020, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan application (2019-233) for a 143-room, four-story hotel ("PHG Hotel") with surface and subterranean parking. On May 13, 2020, a building permit was issued for the construction of the PHG Hotel. The hold harmless agreement is necessary for work to be performed within a State right-of-way. The work to be performed is the relocation of a water main and other related improvements within the public right-of-way on NE 5th Avenue (US-1). This agreement requires the owner of the property and project to hold the City harmless for any work performed in the State right-of-way.

### **City Attorney Review:**

Approved as to form and legal sufficiency.

### **Funding Source/Financial Impact:**

N/A

**Timing of Request:**

This agreement is required for the State to issue a permit to allow the construction of improvements in the state right-of-way.