



Legislation Text

File #: 21-780, Version: 1

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: July 13, 2021

SETTLEMENT OF CLAIM MADE BY KEVIN AND MINDY KEANE

Recommended Action:

Motion to approve the settlement agreement between Kevin and Mindy Keane and the City of Delray Beach.

Background:

This agenda item requests the City Commission to approve an offer of settlement made by Kevin and Mindy Keane (collectively, "Keane"), to settle their pending claim against the City of Delray Beach for negligence. Mr. and Mrs. Keane are the owners of the real property located at 920 Greensward Lane. After commencing construction of a pool on the subject property, it was determined that the utility easements on subject property were incorrect and that the subject property was, in fact, partially built over a force main sewer line ("Force Main") requiring its relocation. A separate water utility line ("Water Line") was also located very close to the subject property and required relocation.

As part of this proposed settlement, Keane will be responsible for the administration, supervision, and construction management for the replacement of both the Force Main and the Water Line. Keane will also be responsible for all costs related to the relocation of the Water Line. At the conclusion of the relocation, both the Force Main and the Water Line will be dedicated to the City for maintenance and upkeep.

In exchange, the City will pay the sum of \$118,400.00 to Keane in full satisfaction of all claims against the City. The City will waive the costs of all permit fees associated with the relocation and Keane will be responsible for the payment of all administrative fees related to the pending Code Enforcement case. Keane has obtained easements from the Homeowner's Association of the Seagate Country Club with the new location of the Force Main and Water Line in anticipation of the Commission's approval of this settlement.

Staff recommends approval.