

PREPARED BY AND RETURN TO:
Public Works Department
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

**WAIVER OF DRIVEWAY SIGHT VISIBILITY TRIANGLE REQUIREMENTS
AND HOLD HARMLESS AND INDEMNITY AGREEMENT**

THIS HOLD HARMLESS AND INDEMNITY AGREEMENT (the "**Agreement**"), is made and entered into this ____ day of _____, 2019, by and between IRIMAR OCEAN PROPERTIES, LLC, a Florida limited liability company (the "**Owner**") his successors and/or assigns, and the TOWN OF PALM BEACH, Palm Beach County, Florida (the "**Town**").

WITNESSETH:

WHEREAS, Owner is the owner of the following-described property ("**Property**") situated, lying and being in the Town of Palm Beach, Palm Beach, County, Florida, more fully described as follows:

Address: 726 Hi Mount Road, Palm Beach, FL 33480

Property Control No.: 50-43-43-10-04-000-1271

Legal Description: The South 50 feet of Lot 127, and all of Lot 128, of MARK RAFALSKY TRACT, according to the Plat thereof recorded in Plat Book 11, Page 51 of the Public Records of Palm Beach County, Florida.

WHEREAS, Owner has requested a waiver ("**Waiver**") from the Driveway Sight Visibility Triangle Requirements as established in the Public Works Rights-Of-Way Manual adopted by the Town of Palm Beach, Town Council on July 12, 1994, which states that all driveways shall have (i) minimum sight visibility triangles established measuring eight (8) feet by fifteen (15) feet on each side of the driveway, and (ii) be a minimum distance of six feet (6') from the property line.

WHEREAS, the Town is willing to grant the Waiver and allow the Property to remain with its existing conditions in accordance with the following:

1. The Recitals set forth above are true and correct and are hereby incorporated by this reference and made a part hereof.
2. The Parties herein acknowledge that the existing conditions of the Property include the following non-conforming uses to the Town of Palm Beach's Zoning Ordinance, in accordance with the 1990 Approved Amended Zoning Variance #21-90, (hereinafter the "**Existing Conditions**"): Gates at three (3) driveway entrances at the front yard property line with a distance of 6 feet from the property line in lieu of a 15ft setback as required, and at a height of 9ft instead of the 6ft height allowed.
3. By grant of this Waiver, Owner's Property is permitted to remain with the same setbacks, landscaping, configuration and aesthetic profile as presently exists, in accordance with the Existing Conditions.

4. In consideration of this waiver, Owner hereby saves, defends, and holds harmless the Town of Palm Beach, its officers, employees, agents, representatives, and assigns from any and all claims, suits, demands, damages, or actions at law occurring as a result of the granting of this Waiver relating to the sight visibility triangle requirements of the Town.

5. This Agreement shall be recorded and the covenants shall run with the land and subsequent purchasers of the Property shall be bound by the terms, conditions and agreements herein.

IN WITNESS WHEREOF, Owner has hereunto set its hand and seal, and Town has caused these presents to be executed by its duly authorized officers, all on the day and year first above written. Signed, Sealed, and Delivered in the presence of:

OWNER:

IRIMAR OCEAN PROPERTIES, LLC,
a Florida limited liability company

By: _____
Irina Liner, Manager

Witness #1:

(name printed or typed)

Witness #2:

(name printed or typed)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Irina Liner, as Manager of IRIMAR OCEAN PROPERTIES, LLC, a Florida limited liability company, on behalf of the Company. She is personally known to me or has produced _____ as identification.

NOTARY STAMP:

Signature of Notary Public

Printed Name of Notary Public

Commission Number

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of November 2019.

Kirk W. Blouin, Town Manager

Witness: _____

Witness: _____

Print Name: _____

Print Name: _____

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____ who is personally known to me or
produced _____ as identification.

NOTARY STAMP:

Signature of Notary Public

Printed Name of Notary Public

Commission Number

RECOMMEND APPROVAL:

H. Paul Brazil, P.E., Director of Public Works

Date

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

John C. Randolph, Town Attorney

Date

ATTEST:

Kathleen Dominguez, CMC, Town Clerk