

# CITY OF DELRAY BEACH

## CITY ATTORNEY'S OFFICE



### POLICE LEGAL ADVISOR

February 14, 2006

Mr. Lloyd Adler, President  
Coral Trace Homeowners Association  
207 E. Coral Trace Circle  
Delray Beach, FL 33445

Re: Traffic Enforcement Agreement with  
City of Delray Beach

Dear Mr. Adler:

Enclosed please find a fully signed Traffic Enforcement Agreement with the City of Delray Beach which is on file with the City Clerk's Office. Your Association will be placed on a yearly, direct billing account from City Hall.

Sincerely yours,

Catherine M. Kozol,  
Police Legal Advisor,  
Asst. City Attorney

/ath  
Enc.

CORAL TRACE HOMEOWNERS ASSOCIATION  
TRAFFIC ENFORCEMENT AGREEMENT

WHEREAS, the CITY OF DELRAY BEACH, FLORIDA, (hereinafter referred to as "CITY") through its Police Department, wishes to make its Community Policing efforts in CORAL TRACE HOMEOWNERS ASSOCIATION as effective as possible; and

WHEREAS, the CORAL TRACE HOMEOWNER ASSOCIATION (hereinafter referred to as "ASSOCIATION") is desirous of the enforcement of state and municipal traffic laws on its property; and

WHEREAS, both the CITY and the ASSOCIATION feels that such enforcement will make the Community Policing effort a more positive influence on the community; and

WHEREAS, F.S. 316.006(2),(b),(1),(2) allows for such enforcement on private roads pursuant to a written agreement approved by the City Commission which provides for reimbursement for actual costs of traffic control and enforcement liability insurance and indemnification and other terms as are mutually agreeable by the parties.

Now, therefore, for the mutual consideration, covenants, and matters set forth herein, as of the date set forth below, the parties hereto do hereby agree as follows:

1. The CITY does hereby agree to enforce all state and municipal traffic laws on all private roads owned by the ASSOCIATION.
2. The enforcement of the traffic laws will occur 24 hours, 7 days a week.
3. The ASSOCIATION shall hereby pay to the CITY \$1.00 per month to cover the actual costs of the traffic control and enforcement incurred by the CITY.
4. The speed limit shall be that set by Florida Statute 316.183(2) and 316.189(1) of 30 mph.
5. Signs posting the speed limit must comply with Manual Uniform Traffic Control Devices used by the Department of Transportation and F.S. 316.189(3).
6. Stop signs must conform to the manual and specifications of the Department of Transportation as stated in Florida Statute 316.006(2)(b)(3).
7. The ASSOCIATION shall defend, indemnify and hold harmless the CITY, its agents, officers, officials and employees from any and all claims, suits, causes of actions or any claims whatsoever made arising from any and all acts of

traffic control and traffic enforcement that occur on the ASSOCIATION'S property following the date of this agreement. Nothing herein shall be deemed a waiver of the privileges and immunities granted to the CITY under F.S. 768.28. This indemnification shall survive the cancellation of this agreement.

8. The ASSOCIATION shall provide liability insurance to cover the indemnification in the amount of \$100,000 and name the CITY as an additional insured.

9. This agreement shall take effect upon execution and approval by the Delray Beach City Commission and the CORAL TRACE HOMEOWNER ASSOCIATION and shall continue in full force and effect until rescinded by either party. This Agreement shall automatically renew upon payment of the yearly fee.

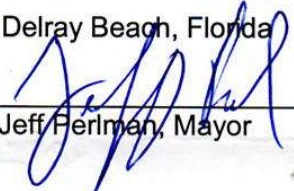
10. Either party may cancel their participation in this agreement upon delivery of 30 days written notice to the other party. Cancellation will be at the direction of the subscribing party.

11. In any action brought to enforce any provision of this agreement, the prevailing party shall be entitled to the relief sought plus all costs incurred and reasonable attorneys' fees.


12. The ASSOCIATION, by signing below, affirms that they have read and understand this agreement and that they have been given the opportunity to have the attorney of their choice review this agreement.

This agreement made and entered into on this \_\_\_\_\_ day of January, 2006.


City of Delray Beach, Florida

By:   
Jeff Perimen, Mayor

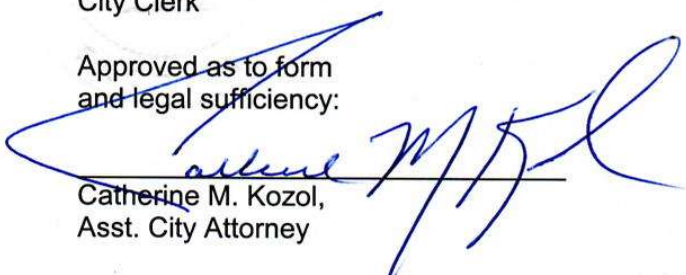
Coral Trace Homeowner Assn.

  
By: Lloyd Adler  
President of Association

ATTEST:

  
City Clerk

Approved as to form  
and legal sufficiency:

  
Catherine M. Kozol,  
Asst. City Attorney