

Prepared by: RETURN:

Lynn Gelin, Esq.

City Attorney's Office

200 N.W. 1st Avenue

Delray Beach, FL 33444

PCN: 12-43-46-16-01-079-0060, -0080, -0090,
-0100, -0110, -0120, -0130, -0141, -0142,
-0010, -0190, -0170, -0210, -0200

Property Address: 215-253 SE 1st Avenue,
118 SE 2nd Street,
240-280 SE 2nd Avenue

EASEMENT AGREEMENT FOR PEDESTRIAN CLEAR ZONE

THIS INDENTURE, made this ____ day of ____, 20__, by and between **DELRAY HMM, LLC; DELRAY RESIDENCES, LLC; SM-CDR ASSEMBLAGE DELRAY, LLC; and DELRAY SWAN HOLDINGS, LLC** with a mailing address of 2665 S. Bayshore Dr, Suite 605B, Miami, FL 33133 (collectively, "Grantors"), and the **CITY OF DELRAY BEACH**, a municipal entity, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, a municipal corporation in Palm Beach County, State of Florida ("Grantee"):

WITNESSETH: That the Grantor, for and in consideration of the mutual promises herein contained and other good and valuable considerations, does hereby grant, bargain, sell and release unto the Grantee, its successors and assigns, a perpetual easement ("Pedestrian Clear Zone") to be used for a pedestrian clear zone for the purpose of public pedestrian access with full and free right, liberty, and authority to enter upon and to maintain such pedestrian sidewalk clear zone across, through, and upon or within the Pedestrian Clear Zone as specifically identified on Exhibit "A" attached hereto.

DESCRIPTION

See Exhibit "A"

Concomitant and coextensive with this right is the further right in the Grantee, its successors and assigns, of ingress and egress over and on that portion of land described in Exhibit A, to effectuate the purposes of the easement, as expressed hereinafter.

That this easement shall be subject only to those easements, restrictions, conditions and reservations of record. That the Grantors agree to provide for the release or subordination of any and all mortgages which are superior to this easement. The Grantors also agree to erect no building or affect any other kind of construction or improvements upon the above-described property, other than the hereinafter described sidewalk.

It is understood that the Grantors shall improve the Pedestrian Clear Zone so as to be an extension of the adjacent public sidewalk and shall match the adjacent public sidewalk in design and material. Upon completion of construction of the sidewalk by the Grantors to the required standards, the Grantors or upon Grantors' conveyance of the real property described in Exhibit A, the Successors in title to Grantors ("Grantors' Successors") shall maintain the sidewalk in conformance with the City's practices of maintaining public sidewalks throughout the City.

Grantors hereby fully warrant the title to said land (described in Exhibit A) and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good right and lawful authority to grant the above-described easement and that the same is unencumbered except as provided above. Where the context of this Easement Agreement allows or permits, the same shall include the Grantors' Successors.

IN WITNESS WHEREOF, said Grantor have signed and sealed these presents the day and year first above written.

WITNESSES:

Juan M. Amago
Signature

Juan M. Amago
Name

2665 S. Bayshore Dr.
Address Suite 605B Miami FL 33133

Esther Castro
Signature

ESTHER CASTRO
Name

2665 S. Bayshore Dr #605B
Address MIAMI, FL 33133

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30th day of JUNE, 2026, by Clifford Rosen (name of person), as Manager (type of authority) for DELRAY HMH, LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification _____
Type of Identification Produced _____

GRANTOR

By: [Signature]

Name: Clifford Rosen

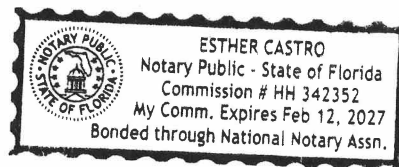
Title: Manager

for

Company Name: DELRAY HMH, LLC

Date: _____

Esther Castro
Notary Public – State of FLORIDA



IN WITNESS WHEREOF, said Grantor has signed and sealed these presents the day and year first above written.

WITNESSES:

Isabel M. Amago
Signature

Isabel M. Amago
Name

2665 S. Bayside Dr. Ste 605B
Address *Miami, FL 33133*

Isabel Castro
Signature

ESTHER CASTRO
Name

2665 S. BAYSHORE DR #605B
Address *MIAMI, FL 33133*

STATE OF *FLORIDA*
COUNTY OF *MIAMI-DADE*

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this *30th* day of *JUNE*, 20*26*, by *Clifford Rosen*
(name of person), as *Manager* (type of authority) for
DELRAY RESIDENCES, LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification _____
Type of Identification Produced _____

GRANTOR

By: *[Signature]*

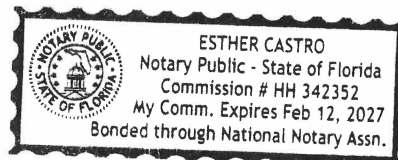
Name: *Clifford Rosen*

Title: *Manager*
for

Company Name: *DELRAY RESIDENCES, LLC*

Date: _____

Isabel Castro
Notary Public – State of *FLORIDA*



IN WITNESS WHEREOF, said Grantor has signed and sealed these presents the day and year first above written.

WITNESSES:

Juan M. Amago
Signature

Juan M. Amago
Name

2665 S. Bayshore Dr. #605B
Address Miami FL 33133

Esther Castro
Signature

ESTHER CASTRO
Name

2665 S. Bayshore Dr. #605B
Address MIAMI, FL 33133

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30th day of JUNE, 2026, by Clifford Rosen
(name of person), as Manager (type of authority) for
SM-CDR ASSEMBLAGE DELRAY, LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification _____
Type of Identification Produced _____

GRANTOR
By: [Signature]

Name: Clifford Rosen

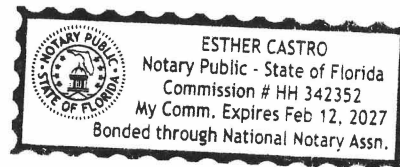
Title: Manager

for

Company Name: SM-CDR ASSEMBLAGE DELRAY, LLC

Date: _____

[Signature]
Notary Public – State of FLORIDA



IN WITNESS WHEREOF, said Grantor has signed and sealed these presents the day and year first above written.

WITNESSES:

Shane M. Amago
Signature

Shane M. Amago
Name

2665 S. Bayshore Dr. #605B
Address Miami FL 33133

Esther Castro
Signature

Esther CASTRO
Name

2665 S. Bayshore Dr #605B
Address MIAMI, FL 33133

STATE OF FLORIDA
COUNTY OF MIAMI-DADC

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30th day of June, 2026 by Clifford Rosen
(name of person), as Manager (type of authority) for
DELRAY SWAN HOLDINGS, LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification _____
Type of Identification Produced _____

GRANTOR

By: Clifford Rosen

Name: Clifford Rosen

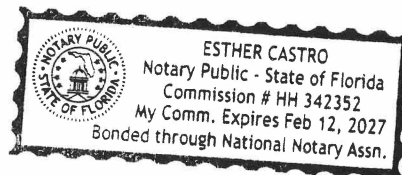
Title: Manager

for

Company Name: DELRAY SWAN HOLDINGS, LLC

Date: _____

Esther Castro
Notary Public – State of FLORIDA



ATTEST:

CITY OF DELRAY BEACH, FLORIDA

Alexis Givings, City Clerk

By: _____
Thomas F. Carney, Jr., Mayor

Approved as to Form:

Lynn Gelin, Esq., City Attorney

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION FOR PEDESTRIAN CLEAR ZONE

947 Clint Moore Road
Boca Raton, Florida 33487
Tel: (561) 241-9988



SURVEYING & MAPPING
Certificate of Authorization No. LB7264

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

DELRAY SWAN - PEDESTRIAN CLEAR ZONE EASEMENT

LEGAL DESCRIPTION

A PORTION OF LOTS 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22 AND 23 OF "SUBDIVISION OF BLOCK 79, TOWN OF LINTON (NOW DELRAY), FLORIDA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (1) AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH $89^{\circ}17'50''$ EAST, ALONG THE NORTH LINE OF SAID LOTS 1 AND 2, A DISTANCE OF 80.46 FEET; THENCE SOUTH $41^{\circ}27'59''$ EAST, A DISTANCE OF 26.12 FEET; THENCE SOUTH $07^{\circ}46'12''$ WEST, ALONG A LINE 10.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOTS 1, AND 17 THROUGH 23, A DISTANCE OF 463.55 FEET; THENCE NORTH $37^{\circ}13'48''$ WEST, A DISTANCE OF 11.31 FEET; THENCE NORTH $07^{\circ}46'12''$ EAST, ALONG A LINE 18.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOTS 1, AND 17 THROUGH 23, A DISTANCE OF 452.67 FEET; THENCE NORTH $41^{\circ}27'59''$ WEST, A DISTANCE OF 21.45 FEET; THENCE SOUTH $89^{\circ}17'50''$ WEST, ALONG A LINE 5.20 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOTS 1 AND 2, A DISTANCE OF 75.10 FEET; THENCE NORTH $01^{\circ}33'07''$ WEST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 5.20 FEET TO THE POINT OF BEGINNING (1).

TOGETHER WITH:

NOTES

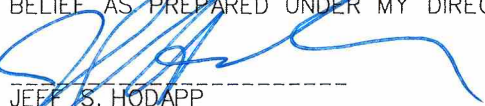
1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR THE ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SE 2ND STREET HAVING AN ASSUMED BEARING OF SOUTH $07^{\circ}46'12''$ WEST.

ABBREVIATIONS

L.B. = LICENSED BUSINESS
L.S. = LICENSED SURVEYOR
MON. = MONUMENT
O.R.B. = OFFICIAL RECORDS BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.B. = PLAT BOOK
P.B.C.R. = PALM BEACH COUNTY RECORDS
PG. = PAGE
P.S.M. = PROFESSIONAL SURVEYOR
8 MAPPER
R/W = RIGHT-OF-WAY
U.E. = UTILITY EASEMENT

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

Project Name:	DELRAY SWAN	DATE:	06/09/2026
JOB NO.	20202	DWG BY:	JSH
		CK'D By:	JSH2
			SHEET 1 OF 4

LEGAL DESCRIPTION (CONTINUED)

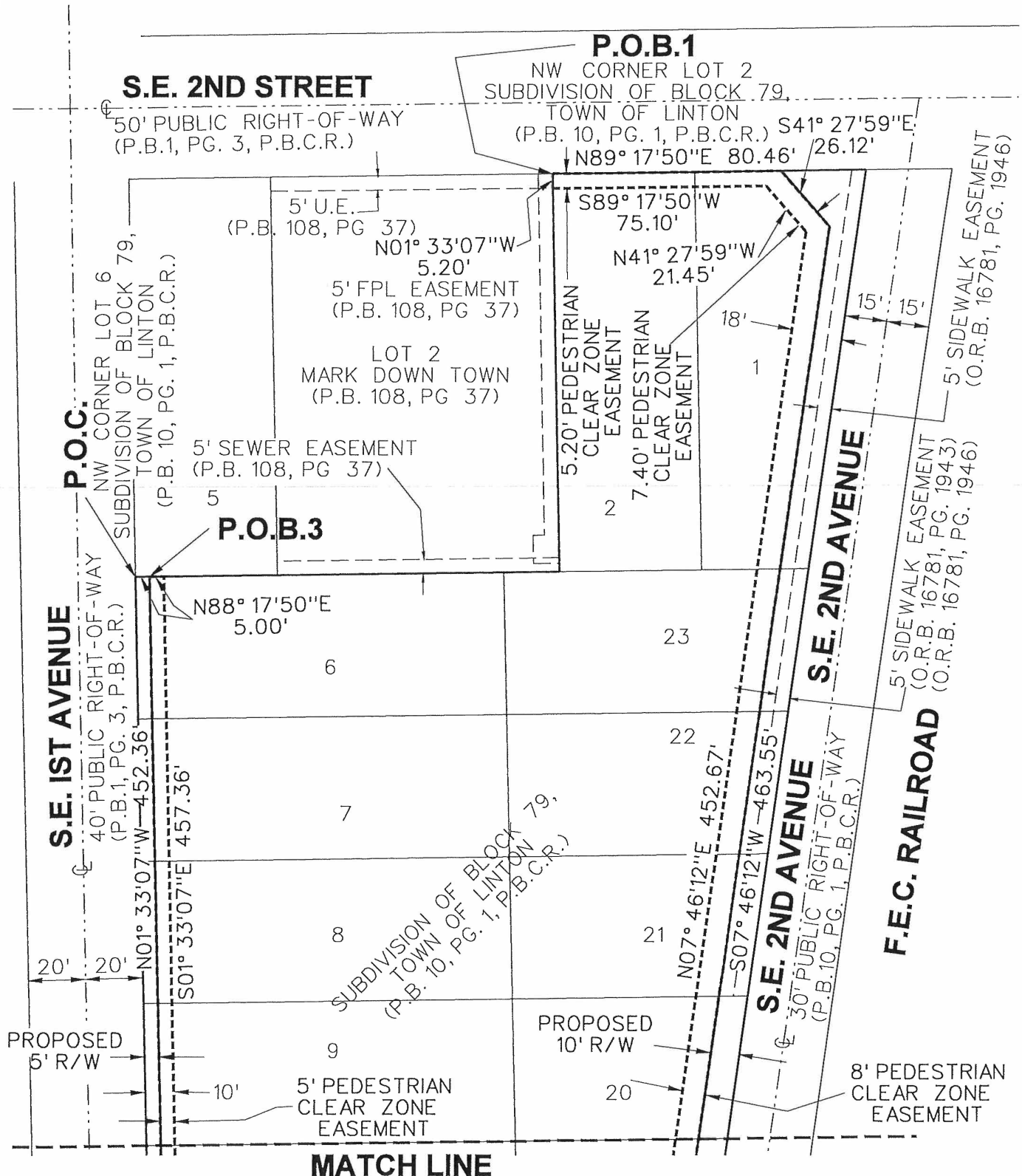
BEGINNING (2) AT THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 89°17'50" WEST, ALONG THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 105.01 FEET; THENCE NORTH 46°07'38" WEST, A DISTANCE OF 6.13 FEET; THENCE NORTH 89°17'50" EAST, ALONG A LINE 4.30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 109.30 FEET; THENCE SOUTH 01°41'25" EAST, ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 4.30 FEET TO THE POINT OF BEGINNING (2).

TOGETHER WITH:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6; THENCE NORTH 88°17'50" EAST, ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING (3); THENCE CONTINUE NORTH 88°17'50" EAST, ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 5.00 FEET; THENCE SOUTH 01°33'07" EAST, ALONG A LINE 10.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 6 THROUGH 14, A DISTANCE OF 457.36 FEET; THENCE NORTH 46°07'38" WEST, A DISTANCE OF 7.12 FEET; THENCE NORTH 01°33'07" WEST, ALONG A LINE 5.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 6 THROUGH 14, A DISTANCE OF 452.36 FEET TO THE POINT OF BEGINNING (3).

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

JOB NO.	20202	Project Name:	DELRAY SWAN	DWG BY:	JSH	SCALE:	1"=50'	
				CK'D By:	JSH2	DATE:	06/09/2026	SHEET 2 OF 4



JOB NO.	20202	Project Name:	DELRAY SWAN	DWG BY:	JSH	SCALE:	1"=50'
		CK'D By:	JSH2	DATE:	06/09/2026		SHEET 3 OF 4

