

Prepared by: RETURN:

Lynn Gelin, Esq.  
City Attorney's Office  
200 N.W. 1st Avenue  
Delray Beach, FL 33444

PCN: 12-43-46-16-R4-000-0011, 12-43-46-16-R4-000-0012, 12-43-46-16-R4-000-0013  
12-43-46-16-R4-000-0014, 12-43-46-16-R4-000-0022, 12-43-46-16-R4-000-0040  
12-43-46-16-R4-000-0031, 12-43-46-16-R4-000-0032, 12-43-46-16-R4-000-0021  
Property Address: 246 NE 6<sup>th</sup> Ave Delray Beach, FL 33483

### **EASEMENT AGREEMENT FOR PEDESTRIAN CLEAR ZONE**

**THIS INDENTURE**, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **246 DELRAY MANAGEMENT, LLC**, a Florida limited liability company, with a mailing address of 125 Pembroke Drive, Palm Beach Gardens, FL 33418 ("Grantor"), 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 above, 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 Grantor agrees to provide for the release or subordination of any and all mortgages which are superior to this easement. The Grantor also agrees 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 Grantor 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 Grantor to the required standards, the Grantor shall maintain the sidewalk in conformance with the City's practices of maintaining public sidewalks throughout the City.

Grantor does hereby fully warrant the title to said land 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 successors or assigns of the parties.

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

WITNESSES:

Aya Benarie  
Signature

Aya Benarie  
Name

6111 Broken Sound Pkwy #200  
Address Boca Raton, FL 33487

Robert Seiden  
Signature

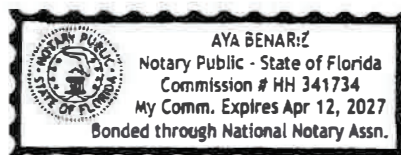
Robert Seiden  
Name

6111 Broken Sound Pkwy #200  
Address Boca Raton, FL 33487

STATE OF Florida  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8<sup>th</sup> day of April 2025, by Ronen O. Gershon, as Manager for 246 Delray Management, LLC.

Personally known ☒ OR Produced Identification ☐  
Type of Identification Produced \_\_\_\_\_



**GRANTOR**  
**246 DELRAY MANAGEMENT, LLC**

By: Ronen O. Gershon

Name: Ronen O. Gershon

Title: Manager  
for

Company Name: 246 Delray Management, LLC

Date: April 8, 2025

Aya Benarie  
Notary Public – State of Florida

**Aya Benarie**

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

### CONSENT AND JOINDER OF MORTGAGEE

ATHENE ANNUITY AND LIFE COMPANY, an Iowa Corporation (Mortgagee), is the current holder of that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of 23<sup>rd</sup> day of September, 2023, recorded in the Official Records Book 34599 at page 1903 (Instrument No. 20230343589, of the Public Records of Palm Beach County, Florida ("Mortgage")), which encumbers a portion of the following described property, in Palm Beach County, Florida, to wit:

**LOT 16, BLOCK 106, TOWN OF LINTON (NOW KNOWN AS DELRAY BEACH), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

The undersigned, Mortgagee, hereby consents to the foregoing Easement Agreement for Pedestrian Clear Zone ("Easement Agreement") from 246 DELRAY MANAGEMENT, LLC, a Florida limited liability company ("Grantor") to the **City of Delray Beach**, a municipal entity ("Grantee") and hereby subordinates the lien of its Mortgage to the Easement Agreement.

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

#### MORTGAGEE:

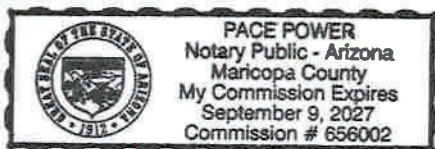
**SOUND CAPITAL, LLC, as Servicing Agent  
for ATHENE ANNUITY AND LIFE  
COMPANY, an Iowa Corporation**

By: [Signature]  
Name: Robert W. Kenyon  
Title: Pres. dent  
for  
Company Name: Sound Capital  
Date: 2/6/25

STATE OF Arizona  
COUNTY OF Maricopa

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 6 day of Feb day of February, 2025, by Robert Kenyon, as Pres. dent for SOUND CAPITAL, LLC, as Servicing Agent for ATHENE ANNUITY AND LIFE COMPANY, an Iowa Corporation.

Personally known ☒ OR Produced Identification ☒  
Type of Identification Produced WA Driver License



[Signature]  
Notary Public – State of Arizona

**EXHIBIT A**

**SKETCH AND LEGAL DESCRIPTION FOR PEDESTRIAN CLEAR ZONE EASEMENT**



947 Clint Moore Road  
Boca Raton, Florida 33487

SURVEYING & MAPPING  
Certificate of Authorization No. LB7264

Tel: (561) 241-9988  
Fax: (561) 241-5182

## SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

### PEDESTRIAN CLEAR ZONE EASEMENT

#### LEGAL DESCRIPTION

A PORTION OF LOT 16 BLOCK 106, "TOWN OF LINTON", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 16; THENCE SOUTH  $89^{\circ}15'13''$  WEST, ALONG THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH  $89^{\circ}15'13''$  WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 2.34 FEET; THENCE NORTH  $00^{\circ}46'31''$  WEST, A DISTANCE OF 61.19 FEET; THENCE NORTH  $89^{\circ}15'13''$  EAST, ALONG THE NORTH LINE OF SAID LOT 16, A DISTANCE OF 1.52 FEET; THENCE SOUTH  $01^{\circ}32'26''$  EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF NE 6TH AVENUE, AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 9301-206, A DISTANCE OF 61.20 FEET TO THE POINT OF BEGINNING.

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

#### 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 A GRID BEARING OF  $N01^{\circ}32'26''W$ , ALONG THE CENTERLINE OF NE 6TH AVENUE. GRID BEARINGS SHOWN ARE DETERMINED FROM STATE PLANE COORDINATES ESTABLISHED BY THE PALM BEACH COUNTY ENGINEERING DIVISION BASED ON THE FLORIDA COORDINATE SYSTEM, EAST ZONE, GRID NORTH, 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION, 1990 ADJUSTMENT.

#### ABBREVIATIONS

L.B.	=	LICENSED BUSINESS
L.S.	=	LICENSED SURVEYOR
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 & MAPPER



LOCATION MAP  
NOT TO SCALE

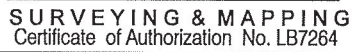
#### CERTIFICATION

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.

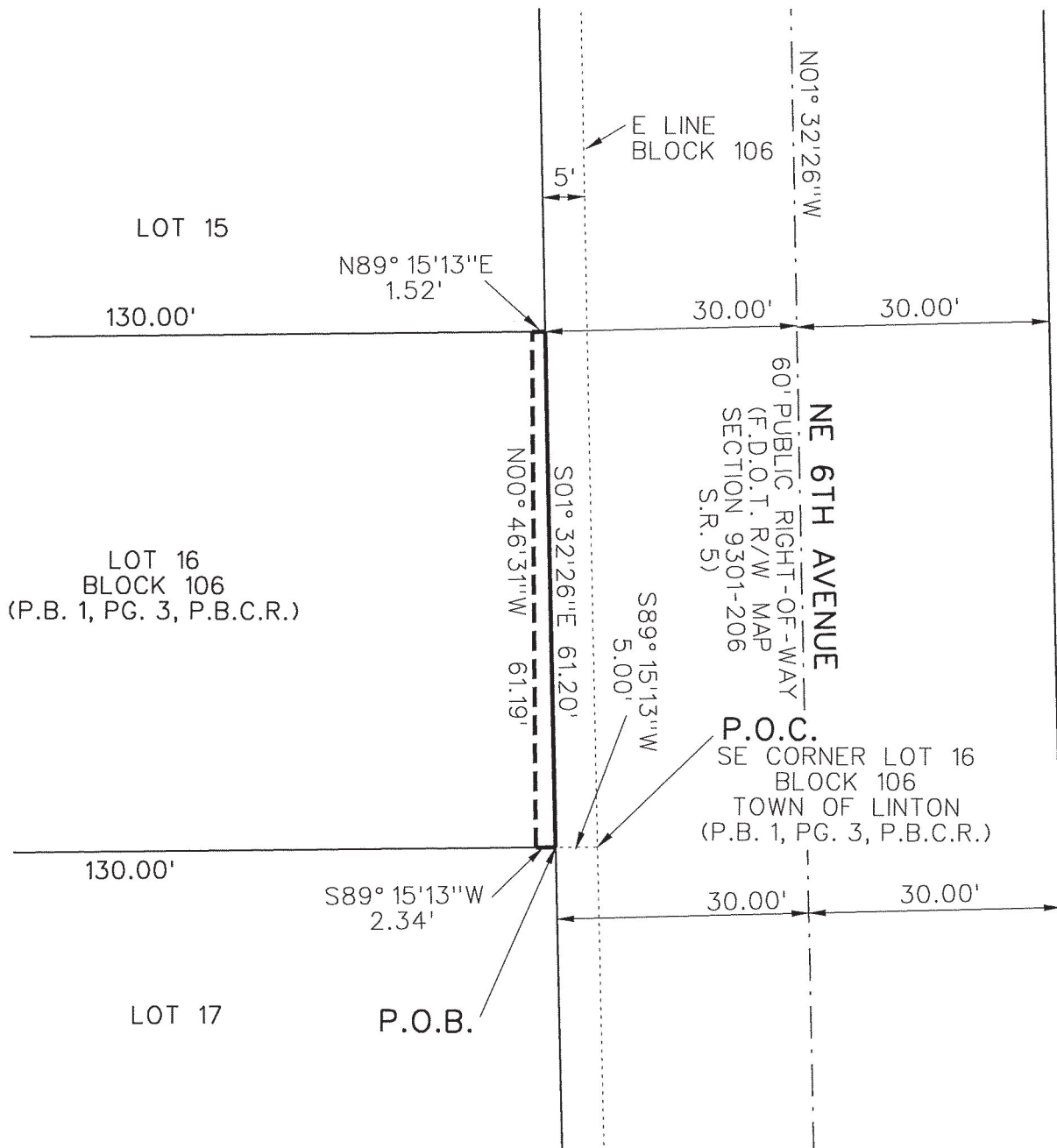
JEFF S. HODAPP  
SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. LS5111

Project Name:	246 NE 6 AVE	DATE:	3/20/2025
JOB NO.	25119	DWG BY:	JSH
		CK'D By:	AJR
			SHEET 1 OF 2





Tel: (561) 241-9988  
Fax: (561) 241-5182



JOB NO.	25119	Project Name:	246 NE 6 AVE	DWG BY:	JSH	SCALE:	1"=20'	
				CK'D By:	AJR	DATE:	3/20/2025	SHEET 2 OF 2