

Prepared by: RETURN:

City Attorney's Office
200 N.W. 1st Avenue
Delray Beach, Florida 33444

EASEMENT AGREEMENT FOR PEDESTRIAN CLEAR ZONE

THIS INDENTURE, made this ____ day of _____, 2021, by and between **GROVE ROSEBUD TWO LLC**, a Florida Limited Liability Company, with a mailing address of 101 SE 4th Avenue, Delray Beach, Florida 33483 (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 ("Sidewalk Easement") to be used for a pedestrian sidewalk 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 following described property 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 effect the purposes of the easement, as expressed hereinafter. Notwithstanding the foregoing, this easement shall not encumber any portion of the property in which there is no Sidewalk Easement, and shall not provide the Grantee or the public any rights of ingress or egress, or other easement rights not specified herein, over or on any other portion of the property upon which the Sidewalk Easement is not located.

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 encumbering this easement. The Grantor also agrees to erect no building or affect any other kind of construction or improvements upon the property as described in Exhibit "A".

It is understood that the Grantor shall improve the pedestrian sidewalk 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.

It is understood by the Grantee, that the Grantor may, from time to time, restrict or limit the Grantee and any pedestrians from accessing the sidewalk or any portions thereof, for the sole purpose of completing construction and making any improvements or repairs necessary to fulfill its obligation hereunder to build and maintain the sidewalk in conformance with the City's practices of maintaining public sidewalks.

It is understood by the Grantee that the Grantor may, from time to time, restrict or limit the Grantee and any vehicles or pedestrians from accessing the alleyway, or any portions thereof, for the sole purpose of completing construction and making any improvements or repairs necessary to fulfill its obligation hereunder to build and maintain the paved surface in conformance with the City's practices of maintaining public rights-of-way.

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 Access Easement Agreement allows or permits, the same shall include the successors or assigns of the parties.

IN WITNESS WHEREOF, the parties to this Access Easement Agreement set their hands and seals the day and year first above written.

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

Katerri Johnson, City Clerk

By: _____
Shelly Petrolia, Mayor

Approved as to Form:

City Attorney, Lynn Gelin

WITNESS #1:

GRANTOR: **GROVE ROSEBUD TWO LLC**, a
Florida Limited Liability Company

Melissa Apolinario
MELISSA APOLINARIO
(name printed or typed)

By: _____
Craig Menin, Manager

WITNESS #2:

Tara Lubin
Tara Lubin
(name printed or typed)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 9th day of June, 2021, by Craig I. Menin (name of person), as manager (type of authority) for Grove Rosebud Two, LLC (name of party on behalf of whom instrument was executed).

Personally known OR Produced Identification _____
Type of Identification Produced _____



Lori Lucas
Notary Public – State of Florida

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION FOR SIDEWALK EASEMENT

SKETCH AND LEGAL DESCRIPTION

A PORTION OF LOTS 6 THROUGH 12, BLOCK 82,
SUBDIVISION OF BLOCK 82 DELRAY, FLORIDA (PLAT BOOK 12, PAGE 30)

SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE REFERENCED TO AN ASSUMED BEARING OF N89°09'26"W ALONG THE NORTH RIGHT OF WAY LINE NORTHEAST 2ND STREET, AS SHOWN ON THE CORNER CLIP EASEMENT RECORDED IN OR 30426, PG 790.
2. NO FIELDWORK WAS PERFORMED DURING THE PREPARATION OF THIS EXHIBIT: THIS IS NOT A SURVEY
3. ALL DIMENSIONS ARE U.S. SURVEY FEET (12 METERS = 39.37 FEET)
4. ALL DOCUMENT RECORDING INFORMATION CONTAINED HEREIN IS IN REFERENCE TO THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
5. THIS EXHIBIT CONSISTS OF 4 PAGES, AND IS NOT VALID WITHOUT ALL PAGES.
6. IF THIS EXHIBIT IS IN PAPER FORMAT, IT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR.
7. IF THIS EXHIBIT IS IN AN ELECTRONIC FORMAT, IT IS ONLY VALID IF IT CONTAINS AN ELECTRONIC SIGNATURE AS SPECIFIED IN CHAPTER 5J-17.062(3) OF THE FLORIDA ADMINISTRATIVE CODE.

ABBREVIATIONS LEGEND

POC=POINT OF COMMENCEMENT
POB=POINT OF BEGINNING
PC =POINT OF CURVATURE
PT =POINT OF TANGENCY
PCC=POINT OF COMPOUND CURVATURE
L =ARC LENGTH
R =RADIUS

Δ =INTERIOR ANGLE
CB =CHORD BEARING
CHD=CHORD LENGTH
R/W=RIGHT OF WAY
℄ =CENTERLINE
PB =PLAT BOOK
OR =OFFICIAL RECORDS BOOK
PG =PAGE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS EXHIBIT OF THE HEREON DESCRIBED PROPERTY HAS BEEN MADE UNDER MY DIRECTION, AND COMPLIES WITH STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, AND THAT SAID EXHIBIT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



WILLIAM J WRIGHT, P.S.M.

LICENSE NO. 6868, STATE OF FLORIDA
ELECTRONIC VERSION OF THIS EXHIBIT SIGNED AND SEALED BY WILLIAM J WRIGHT, P.S.M., ON DATE SHOWN, USING AN SHA-1 AUTHENTICATION CODE. AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

05/29/2021

PAPER COPIES OF THIS EXHIBIT NOT VALID WITHOUT ORIGINAL INK SIGNATURE AND RAISED SEAL.

WrightPSM, LLC

PROFESSIONAL SURVEYING AND MAPPING
1248 SE 12TH AVE DEERFIELD BEACH, FL 33441
(772) 538-1858 www.wrightpsm.com
CERTIFICATE OF AUTHORIZATION NO. L.B.8186

SCALE: 1"=30'

DATE: 05/26/2021

JOB NO. 20-0902

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SKETCH AND LEGAL DESCRIPTION

A PORTION OF LOTS 6 THROUGH 12, BLOCK 82,
SUBDIVISION OF BLOCK 82 DELRAY, FLORIDA (PLAT BOOK 12, PAGE 30)

LEGAL DESCRIPTION:

A PORTION OF LOTS 6 THROUGH LOT 12, BLOCK 82, OF SUBDIVISION OF BLOCK 82 DELRAY, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 12; THENCE RUN N89°09'26"W ALONG THE NORTH RIGHT OF WAY LINE OF NORTHEAST 2ND STREET FOR A DISTANCE OF 17.15' TO THE **POINT OF BEGINNING**; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE N89°09'26"W FOR A DISTANCE OF 107.16' TO A POINT; THENCE RUN N57°37'53"W FOR A DISTANCE OF 12.90' TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTHEAST 2ND AVENUE; THENCE RUN ALONG SAID EAST RIGHT OF WAY LINE N00°00'36"E FOR A DISTANCE OF 110.14' TO A POINT; THENCE RUN NORTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 64.39' FOR A DISTANCE OF 13.87' ALONG AN ARC SUBTENDED BY AN INTERIOR ANGLE OF 12°20'26", SAID CURVE HAVING A CHORD BEARING N33°04'05"E AND DISTANCE OF 13.84' TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 68.79' FOR A DISTANCE OF 28.01' ALONG AN ARC SUBTENDED BY AN INTERIOR ANGLE OF 23°19'35", SAID CURVE HAVING A CHORD BEARING N15°56'37"E AND DISTANCE OF 27.81' TO A POINT OF TANGENCY; THENCE RUN N00°00'00"E FOR A DISTANCE OF 23.28' TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 68.79' FOR A DISTANCE OF 28.01' ALONG AN ARC SUBTENDED BY AN INTERIOR ANGLE OF 23°19'35", SAID CURVE HAVING A CHORD BEARING N15°56'36"W AND DISTANCE OF 27.81' TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 64.81' FOR A DISTANCE OF 13.85' ALONG AN ARC SUBTENDED BY AN INTERIOR ANGLE OF 12°14'30", SAID CURVE HAVING A CHORD BEARING N33°02'18"W AND DISTANCE OF 13.82' TO A POINT ON SAID EAST RIGHT OF WAY LINE OF NORTHEAST 2ND AVENUE; THENCE RUN ALONG SAID EAST RIGHT OF WAY LINE N00°00'36"E FOR A DISTANCE OF 102.20' TO A POINT; THENCE RUN S89°59'24"E FOR A DISTANCE OF 0.31' TO A POINT; THENCE RUN S00°00'36"W ALONG A LINE PARALLEL TO AND 0.31' EAST OF SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 6.38' TO A POINT; THENCE RUN S42°43'07"E FOR A DISTANCE OF 6.65' TO A POINT; THENCE RUN S00°07'53"E FOR A DISTANCE OF 29.35' TO A POINT; THENCE RUN S38°36'02"W FOR A DISTANCE OF 7.34' TO A POINT; THENCE RUN S00°00'36"W ALONG A LINE PARALLEL TO AND 0.31' EAST OF SAID EAST RIGHT OF WAY LINE OF NORTHEAST 2ND AVENUE FOR A DISTANCE OF 47.21' TO A POINT; THENCE RUN SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 70.81' FOR A DISTANCE OF 21.61' ALONG AN ARC SUBTENDED BY AN INTERIOR ANGLE OF 17°29'06", SAID CURVE HAVING A CHORD BEARING S35°41'21"E AND DISTANCE OF 21.53' TO A POINT OF COMPOUND CURVATURE; THENCE RUN SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 74.79' FOR A DISTANCE OF 30.64' ALONG AN ARC SUBTENDED BY AN INTERIOR ANGLE OF 23°28'27", SAID CURVE HAVING A CHORD BEARING S15°50'31"E AND DISTANCE OF 30.43' TO A POINT OF TANGENCY; THENCE RUN S00°00'00"W FOR A DISTANCE OF 23.72' TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 74.79' FOR A DISTANCE OF 30.64' ALONG AN ARC SUBTENDED BY AN INTERIOR ANGLE OF 23°28'24", SAID CURVE HAVING A CHORD BEARING S15°50'30"W AND DISTANCE OF 30.43' TO A POINT OF COMPOUND CURVATURE; THENCE RUN SOUTHWESTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.39' FOR A DISTANCE OF 17.21' ALONG AN ARC SUBTENDED BY AN INTERIOR ANGLE OF 14°00'43", SAID CURVE HAVING A CHORD BEARING S33°56'03"W AND DISTANCE OF 17.17' TO A POINT; THENCE RUN S00°00'04"E FOR A DISTANCE OF 82.41' TO A POINT; THENCE RUN S45°10'06"W FOR A DISTANCE OF 4.24' TO A POINT; THENCE RUN S00°00'36"W ALONG A LINE PARALLEL TO AND 0.31' EAST OF SAID EAST RIGHT OF WAY LINE OF NORTHEAST 2ND AVENUE FOR A DISTANCE OF 12.45' TO A POINT; THENCE RUN S57°40'08"E FOR A DISTANCE OF 17.31' TO A POINT; THENCE RUN N89°59'57"E FOR A DISTANCE OF 103.10' TO A POINT; THENCE RUN S00°00'00"W FOR A DISTANCE OF 6.13 FEET TO THE **POINT OF BEGINNING**

CONTAINING AN AREA OF 1,826 SQUARE FEET, MORE OR LESS.

WrightPSM, LLC

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(772) 538-1858 www.wrightpsm.com
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SCALE: 1"=30'

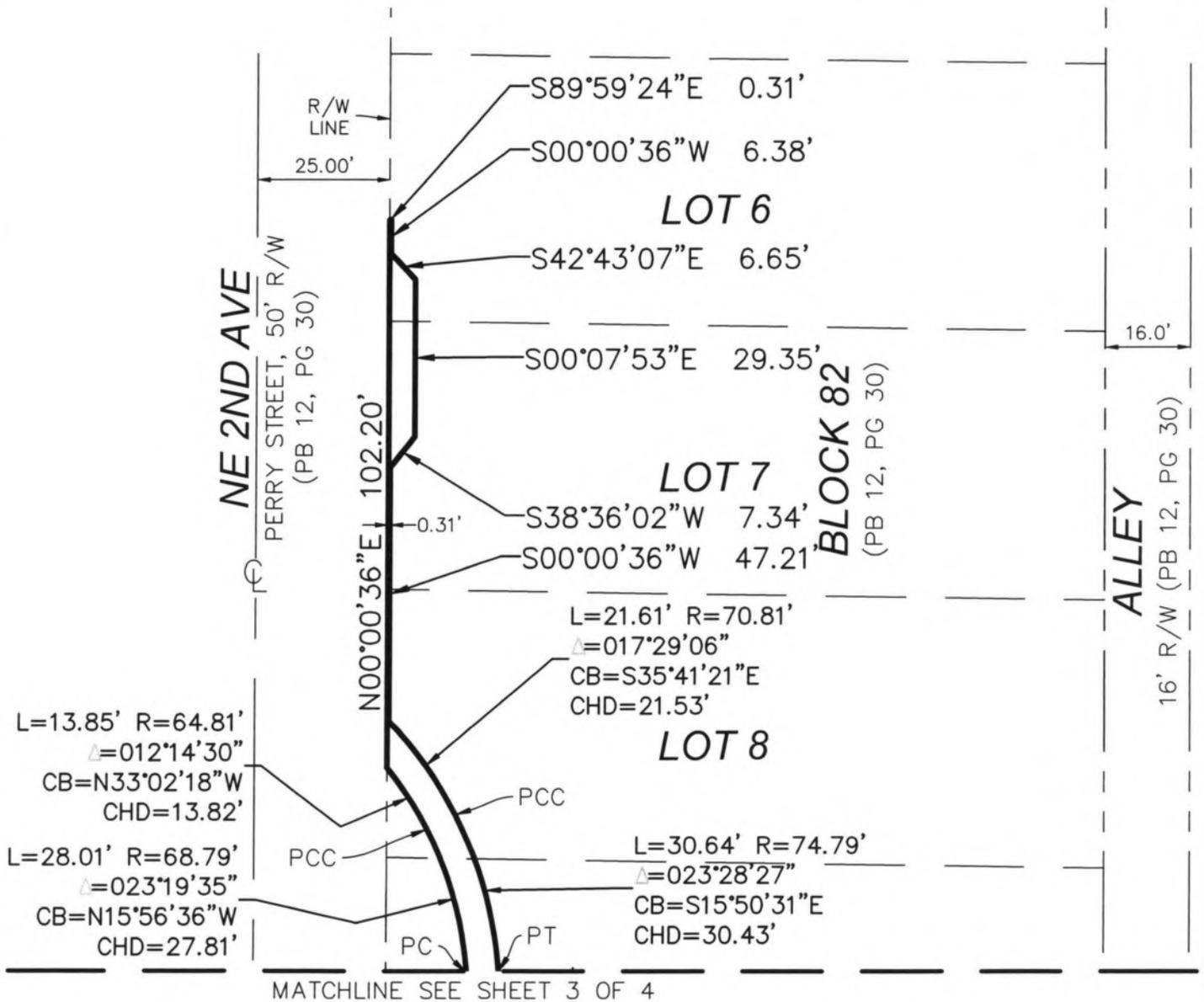
DATE: 05/26/2021

JOB NO. 20-0902

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SKETCH AND LEGAL DESCRIPTION

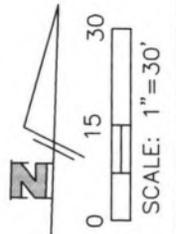
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CONSENT AND JOINDER OF MORTGAGEE

NE 2nd Ave Delray 1 LLC (Mortgagee), is the holder of that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of June 4, 2019, recorded in the Official Records Book 30607, at page 1308 (Instrument No. 20190208424), 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:

Lots 1 through 12, Block 82, SUBDIVISION OF BLOCK 82, DELRAY BEACH, FLORIDA, according to the plat thereof, recorded in Plat Book 12, Page 30, of the Public Records of Palm Beach County, Florida.

The undersigned, Mortgagee, hereby consents to the foregoing Easement Agreement from **Grove Rosebud Two, 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, this Consent and Joinder is executed by the undersigned this 10 day of June, 2021.

WITNESS #1:

[Signature]
Paige Bactram
(Printed Name)

MORTGAGEE: NE 2nd Ave Delray 1 LLC

By: [Signature]
(Printed Name & Title)
David Speiser
Authorized Signatory

WITNESS #2:

[Signature]
Brad Harris

Acknowledgement

STATE OF New York
COUNTY OF New York

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 10 day of June, 2021, by David Speiser (name of person), as Authorized Signatory (type of authority) for NE 2nd Ave Delray 1 LLC (name of party on behalf of whom instrument was executed).

Personally known OR Produced Identification _____
Type of Identification Produced _____

[Signature]
Signature of Notary Public
State of _____

JIGANASA PARIKH-SILO
Notary Public, State of New York
No. 01PA6179443
Qualified in Richmond County
Certificate on file in New York County
Commission Expires 03.26.24