

Prepared by: RETURN:

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

PCN: 12-43-46-16-01-102-0150

12-43-46-16-01-102-0160

Property Address: 142 and 152 SE 5th Avenue

EASEMENT AGREEMENT FOR PEDESTRIAN CLEAR ZONE

THIS INDENTURE, made this ____ day of _____, 20__, by and between **FIFTH AVENUE DELRAY, LLC**, a New York limited liability company registered to do business in the State of Florida, with a mailing address of 5554 Main Street, Williamsville, New York 14221("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:

Mary Beland
Signature

Mary Beland
Name

5554 Main Street, Williamsville,
Address NY 14221

Michele Mesi
Signature

MICHELE MESI
Name

5554 Main Street, Williamsville,
Address NY 14221

STATE OF New York
COUNTY OF Erie

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of March, 2025, by Michael C. Huntress (name of person), as Member (type of authority) for Fifth Avenue 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: Michael C. Huntress

Title: Member
for

Company Name: Fifth Avenue Delray, LLC

Date: March 25, 2025

Sarah K Hyman
Notary Public – State of New York

Sarah Hyman
Notary Public, State of New York
Qualified in Niagara County
Reg No. 02HY6285993
My Commission Exp. 07/22/ 25

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

DESCRIPTION:

BEING A OF PORTION OF LOT 15 AND LOT 16, BLOCK 102, MAP OF THE TOWN OF LINTON, FLORIDA (NOW KNOWN AS THE CITY OF DELRAY BEACH, FLORIDA), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHWEST CORNER OF SAID LOT 16, BLOCK 102; THENCE ALONG THE SOUTH LINE OF SAID LOT 16, BLOCK 102, N89°20'28"E, A DISTANCE OF 123.27 FEET TO THE POINT OF BEGINNING; THENCE N01°31'36"W, A DISTANCE OF 122.46 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 15, BLOCK 102; THENCE ALONG SAID NORTH LINE, N89°20'28"E, A DISTANCE OF 1.75 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SOUTH FEDERAL HIGHWAY (U.S. HIGHWAY 1), AS RECORDED IN STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP, STATE ROAD NO. 5, SECTION NO. 9301-206; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S01°31'36"E, A DISTANCE OF 122.46 FEET TO A POINT OF INTERSECTION WITH SAID SOUTH LINE OF LOT 16, BLOCK 102; THENCE ALONG SAID SOUTH LINE, S89°20'28"W, A DISTANCE OF 1.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 214 SQUARE FEET OR 0.0049 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. SKETCH OF DESCRIPTIONS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SKETCH OF DESCRIPTIONS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF N89°20'28"E, ALONG THE SOUTH LINE OF LOT 16, BLOCK 102, MAP OF THE TOWN OF LINTON, FLORIDA (NOW KNOWN AS THE CITY OF DELRAY BEACH, FLORIDA), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT).
5. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
7. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION FEBRUARY 05, 2025. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

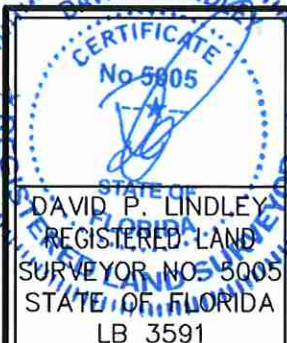
THIS IS NOT A SURVEY



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

LOT 15 AND LOT 16, BLOCK 102,
MAP OF THE TOWN OF LINTON, FLORIDA
PEDESTRIAN CLEAR ZONE EASEMENT
SKETCH AND DESCRIPTION



SHEET 1 OF 3

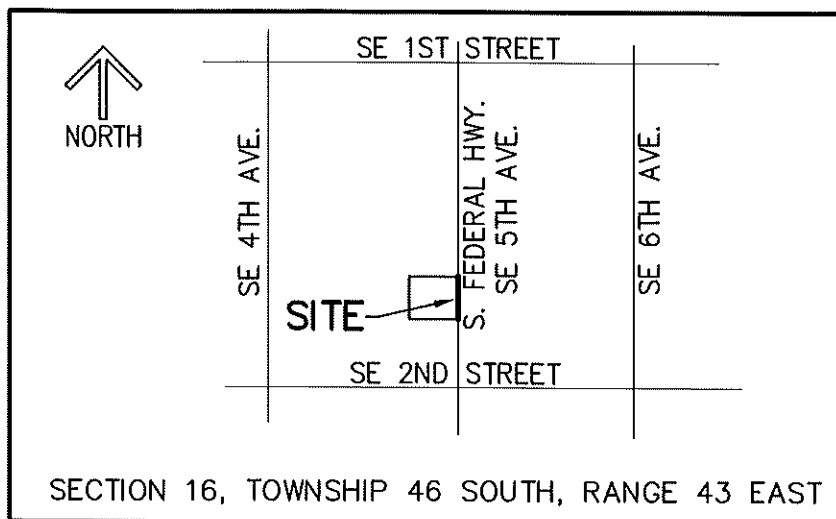
DATE 2-05-2025

DRAWN BY SAS

F.B./ PG. N/A

SCALE NONE

JOB NO.10577-Pedes ESMT



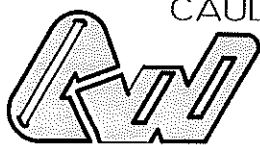
LOCATION MAP
(NOT TO SCALE)

LEGEND/ABBREVIATIONS:

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.B. - PLAT BOOK
- PG(S). - PAGE(S)
- LB - LICENSED BUSINESS
- R/W - RIGHT-OF-WAY
- AVE. - AVENUE
- HWY. - HIGHWAY

THIS IS NOT A SURVEY

SHEET 2 OF 3



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**LOT 15 AND LOT 16, BLOCK 102,
MAP OF THE TOWN OF LINTON, FLORIDA
PEDESTRIAN CLEAR ZONE EASEMENT
SKETCH AND DESCRIPTION**

DATE 2-05-2025

DRAWN BY SAS

F.B./ PG. N/A

SCALE NONE

JOB NO.10577-Pedes ESMT

**LOT 14, BLOCK 102
MAP OF THE TOWN
OF LINTON, FLORIDA**
(P.B. 1, PAGE 3)

NORTHWEST CORNER
OF LOT 15, BLOCK 102,
MAP OF THE TOWN
OF LINTON, FLORIDA
(P.B. 1, PAGE 3)

NORTH LINE OF
LOT 15, BLOCK 102,
MAP OF THE TOWN
OF LINTON, FLORIDA
(P.B. 1, PAGE 3)

**LOT 15, BLOCK 102
MAP OF THE TOWN
OF LINTON, FLORIDA**
(P.B. 1, PAGE 3)

WEST R/W LINE

**LOT 16, BLOCK 102
MAP OF THE TOWN
OF LINTON, FLORIDA**
(P.B. 1, PAGE 3)

WEST LINE OF
BLOCK 102
(P.B. 3, PG. 1)

SOUTH LINE OF
LOT 16, BLOCK 102,
MAP OF THE TOWN
OF LINTON, FLORIDA
(P.B. 1, PAGE 3)
(BASIS OF BEARINGS)

N89°20'28"E
123.27'

P.O.C.
SOUTHWEST CORNER OF
LOT 16, BLOCK 102,
MAP OF THE TOWN
OF LINTON, FLORIDA
(P.B. 1, PAGE 3)

**TRACT A
UPTOWN DELRAY**
(P.B. 118, PG. 175)

N89°20'28"E
1.75'

**SOUTH FEDERAL HIGHWAY
(U.S. HIGHWAY 1)**
(SOUTHBOUND)(S.E. 5TH AVENUE)

STATE OF FLORIDA STATE ROAD DEPARTMENT R/W MAP
STATE ROAD NO. 5, SECTION NO. 9301-206

N01°31'36"W
122.46'

S01°31'36"E
122.46'

EAST 10' OF
BLOCK 102
(P.B. 3, PG. 1)

EAST LINE OF
BLOCK 102
(P.B. 3, PG. 1)

P.O.B.

S89°20'28"W
1.75'

4' SIDEWALK
EASEMENT
(P.B. 118,
PAGE 175)

18' ALLEY
(P.B. 1, PG. 3)(P.B. 118, PG. 175)

THIS IS NOT A SURVEY

SHEET 3 OF 3



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**LOT 15 AND LOT 16, BLOCK 102,
MAP OF THE TOWN OF LINTON, FLORIDA
PEDESTRIAN CLEAR ZONE EASEMENT
SKETCH AND DESCRIPTION**



NORTH



1 INCH = 20 FEET

DATE 2-05-2025

DRAWN BY SAS

F.B./ PG. N/A

SCALE 1"=20'

JOB NO.10577-Pedes ESMT