Prepared by: RETURN:

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

PCN <u>12-43-46-16-01-001-0040</u> Address <u>330 NW 7TH AVENUE</u>

### **RIGHT-OF-WAY DEED**

THIS INDENTURE made this \_\_ day of \_\_\_\_\_, 202\_, between <u>NEW GENERATION MONTESSORI OF DELRAY BEACH, LLC</u>, with a mailing address of <u>330 NW 7TH AVENUE</u>, <u>DELRAY BEACH</u>, <u>FL 33444-2749</u>, GRANTOR, and **CITY OF DELRAY BEACH**, **FLORIDA**, a Florida municipal corporation, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, GRANTEE.

(Whenever used herein the term "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporation, whenever the context so admits or requires.)

#### WITNESSETH:

That GRANTOR, for and in consideration of the mutual promises herein contained and other good and valuable consideration, does hereby grant, remise, release, quit claim and convey unto GRANTEE, its successors and assigns, all right, title, interest, claim and demand which GRANTOR has in and to the following-described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

See Exhibit "A" attached hereto.

This Deed is made for the purpose of giving and granting to GRANTEE, its successors and assigns, a right-of-way and easement in and to said lands for public highway, street, and public utility purposes; and is made, executed and delivered with the express understanding and condition that should the same ever be discontinued or abandoned as a public highway or street, the title to same shall thereupon revert to and revest in GRANTOR or assigns.

That this right-of-way shall be subject only to those easements, restrictions, and reservation of record. GRANTOR agrees to provide for the release of any and all mortgages or liens encumbering this right-of-way. GRANTOR also agrees to erect no building or effect any other kind of construction or improvements upon the above-described property.

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 right-of-way and that the same is unencumbered. Where the context of this Right-of-Way Deed allows or permits, the same shall include the successors or assigns of the parties.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, and all the estate, right, title, interest, and claim whatsoever of the said GRANTOR, in law or in equity to the only proper use, benefit, and behalf of the said GRANTEE, its successors and assigns.

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

| WITNESS #1                                       | GRANTOR   |
|--|---|
| Du n G M   | By:   |
| Signature  | Tous on Disco 1000                                |
| Dora Vela Mora                                   | Name: Tania Diuz-Cean                             |
| Printed or Typed Name                            | Mco   |
|  | Title: MGR  |
| 330 NW 7th Are Delray Beach FI                   | for   |
| Address 33444                                    | Company: New Generation Montessori                |
| ,  | of Delray Beach                                   |
|  | Date: 9/18/2025                                   |
| WITNESS#2. IC / ///                              | Dute.   |
| Zillia le lelle                                  |   |
| Signature  |   |
| Signature De la War                              |   |
| Printed or Typed Name                            |   |
| rimed of Typed Name                              |   |
| 330 NW FLAVE De Day Beac                         | L.  |
| Delvan Beach, 42. 33444                          |   |
| Address  |   |
| Address  |   |
|  |   |
| STATE OF FLORIDA                                 |   |
| COUNTY OF PALM BEACH                             |   |
|  |   |
| The foregoing instrument was acknowledged        | owledged before me by means of physical presence  |
| or □ online notarization this 12 day of          | September, 20%, by Tania Diazleon                 |
| of El offine flotalization, this [3] day of _    | (name of person), as MGR (type of                 |
| authority) for New Generation Montessori         |   |
| authority) for <u>New Generation Montessorre</u> | of Berray Beach, EEC.                             |
| Personally known OR Produced Identif             | ication   |
| Type of Identification Produced                  | BEATRIZ HERNANDEZ Notary Public-State of Floridal |
| Type of Identification Froduced                  | Commission # HH 220867                            |
|  | My Commission Expires January 25, 2026            |
|  | Notary Public – State of Florida                  |
|  | Notary Public - State of Florida                  |

| ATTEST:              | GRANTEE/ CITY OF DELRAY<br>FLORIDA | BEACH |
|----------------------|------------------------------------|-------|
| By:City Clerk        | By:<br>City Mayor                  | _     |
| Approved as to Form: |                                    |       |
| By:City Attorney     | _                                  |       |

[Remainder of Page Intentionally Left Blank]

# EXHIBIT "A"

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. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17.050 THROUGH 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

## **EXHIBIT A**



Bower

David A Digitally signed by David A Bower Date: 2022.09.22 15:44:20 -04'00'

DAVID A. BOWER PROFESSIONAL SURVEYOR & MAPPER STATE OF FLORIDA CERTIFICATE NO. LS 5888

### **DESCRIPTION:**

A 25.00 foot wide strip of land being a portion of those lands as described in that certain Warranty Deed, as described in Official Record Book 33267, Page 766, of the Public Records of Palm Beach County. Being more particularly described as follows.

The East 25.00 feet of said lands being parallel with (as measured at right angles) the East line of Block 1, Town of Linton (now known as Delray Beach), according to the map or plat therof as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida,

Said lands situate, lying and being in Section 17, Township 46 South, Range 43 East, City of Delray Beach, Palm Beach County Florida.

Containing 1,250 Square feet more or less.

#### 330 NW 7TH AVENUE

| 1   | 09/13/22 | ADD EXHIBIT A TO SHEET 1 | DB |
|-----|----------|--------------------------|----|
| NO. | DATE     | REVISIONS                | BY |

Dennis J. Leavy & Associates, Inc. Land Surveyors \* Mappers 460 Business Park Way \* Suite B Royal Palm Beach, Florida 33411 Phone: (561) 753-0650 Email: survey@djlasurvey.net

SKETCH & DESCRIPTION FOR: CITY OF DELRAY BEACH, FLORIDA

| DRAWN: MM |     | SCALE: N/A      | <b>DATE:</b> 07/28/22 |
|-----------|-----|-----------------|-----------------------|
| снк:      | DAB | JOB# 21-058-001 | SHEET:1 OF 4          |

## **SURVEYOR'S NOTES:**

- 1. The undersigned makes no representations or guarantees as to the information reflected hereon pertaining to easements, rights of way, setback lines, agreements and other matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for rights of way and/or easements of record.
- 2. The licensed business number for Dennis J. Leavy & Associates Inc. is LB #6599, the certifying surveyors (David A. Bower) license number is LS #5888.
- 3. This is NOT a survey.

### LEGEND:

| (D)      | DESCRIBED IN WARRANTY DEED, O.R.B 33267, PG. 766, P.B.C.R. |  |
|----------|--|--|
| O.R.B.   | OFFICIAL RECORD BOOK                                       |  |
| (P1)     | ) MAP OF THE TOWN OF LINTON, FLORIDA                       |  |
|          | (P.B. 1, PG. 3, P.B.C.R.)                                  |  |
| (P2)     | PLAT OF PARADISE HEIGHTS                                   |  |
|          | (P.B. 24, PG. 113 P.B.C.R.)                                |  |
| P.B.     | PLAT BOOK  |  |
| P.B.C.R. | PALM BEACH COUNTY RECORDS                                  |  |
| PCN      | PROPERTY CONTROL NUMBER                                    |  |

PG. PAGE

#### 330 NW 7TH AVENUE

Dennis J. Leavy & Associates, Inc.
Land Surveyors \* Mappers
460 Business Park Way \* Suite B
Royal Palm Beach, Florida 33411
Phone: (561) 753-0650 Email: survey@djlasurvey.net

SKETCH & DESCRIPTION FOR: CITY OF DELRAY BEACH, FLORIDA

| DRAWN: MM |     | SCALE: N/A             | <b>DATE:</b> 07/28/22 |
|-----------|-----|------------------------|-----------------------|
| CHK:      | DAB | <b>JOB#</b> 21-058-001 | SHEET: 2 OF 4         |



#### 330 NW 7TH AVENUE

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Royal Palm Beach, Florida 33411
Phone: (561) 753-0650 Email: survey@djlasurvey.net

SKETCH & DESCRIPTION FOR: CITY OF DELRAY BEACH, FLORIDA

| DRAWN: MM |     | SCALE: N/A      | <b>DATE:</b> 07/28/22 |  |
|-----------|-----|-----------------|-----------------------|--|
| снк:      | DAB | JOB# 21-058-001 | SHEET: 3 OF 4         |  |

