

Prepared by: RETURN:

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

PCN **12-43-46-21-01-007-0240**

Address: **612 SE 3rd Ave, Delray Beach FL 33483**

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

THIS INDENTURE made this \_\_ day of \_\_\_\_, 202\_\_, between **Garrett Bender**

with a mailing address of **506 Andrews Ave, Delray Beach FL 33483**,  
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.

WITNESSES:

[Signature]  
Signature Mike Gwin

Print Name

[Signature]  
Signature Tori Gwin

Print Name

GRANTOR

By: [Signature]

Name: Garrett Bender

Its: owner

Date: 11-17-23

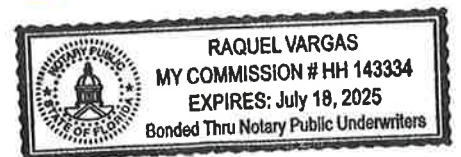
STATE OF FLORIDA \_\_\_\_\_

COUNTY OF PALM BEACH \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17<sup>th</sup> day of November, 2023, by Garrett Bender (name of person acknowledging).

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

[Signature]  
Notary Public – State of Florida



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ATTEST:

**GRANTEE/ CITY OF DELRAY BEACH,  
FLORIDA**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to Form:

By: \_\_\_\_\_  
City Attorney

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## EXHIBIT “A”



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) 2' ALLEY RIGHT-OF-WAY DEDICATION

### LEGAL DESCRIPTION

THE WEST 2.00 FEET OF LOT 24 BLOCK 7, "OSCEOLA PARK", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 2, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24; THENCE NORTH 00°04'12" WEST, ALONG THE WEST LINE OF SAID LOT 24, A DISTANCE OF 50.50 FEET; THENCE NORTH 89°30'31" EAST, ALONG THE NORTH LINE OF SAID LOT 24, A DISTANCE OF 2.00 FEET; THENCE SOUTH 00°04'12" EAST, ALONG A LINE 2.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 24, A DISTANCE OF 50.50 FEET; THENCE SOUTH 89°30'31" WEST, ALONG THE SOUTH LINE OF SAID LOT 24, A DISTANCE OF 2.00 FEET TO THE POINT OF BEGINNING.

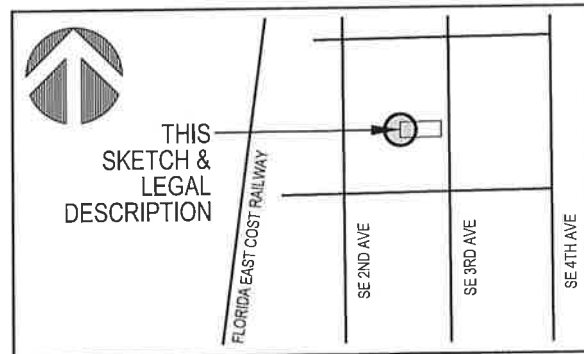
SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 101 SQUARE FEET, MORE OR LESS.

### NOTES

1. THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED OR REFERENCED IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF SE 3 AVENUE AN ASSUMED BEARING OF NORTH 00°04'12" WEST.

### ABBREVIATIONS

Δ	=	DELTA (CENTRAL ANGLE)
D.E.	=	DRAINAGE EASEMENT
L	=	ARC LENGTH
L.M.E.	=	LAKE MAINTENANCE EASEMENT
MON.	=	MONUMENT
N/D	=	NAIL AND DISC
P.B.	=	PLAT BOOK
P.B.C.R.	=	PALM BEACH COUNTY RECORDS
PG.	=	PAGE
PROP.	=	PROPOSED
R	=	RADIUS
R/W	=	RIGHT-OF-WAY
U.E.	=	UTILITY EASEMENT



LOCATION MAP  
NOT TO SCALE

### SURVEYOR'S 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

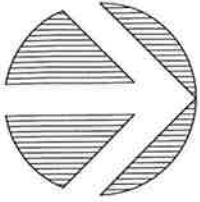
PROJECT NAME: 612 SE 3RD AVE	DATE: 11/10/2023
JOB NO. 23111	DWG BY: AJR
CK'D BY: JSH	SHEET 1 OF 2



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LOT 30

LOT 31

LOT 32

LOT 33

P.O.B.  
SW CORNER  
LOT 24 BLOCK 7

N00°04'12"W 50.50'

S89°30'31"W  
2.00'

S00°04'12"E 50.50'

N89°30'31"E  
2.00'

BLOCK 7  
"OSCEOLA PARK"  
(P.B. 3, PG. 2, P.B.C.R.)

16' ALLEY  
(P.B. 3, PG. 2, P.B.C.R.)

LOT 25

LOT 24

LOT 23

LOT 22

LOT 26

S89°30'31"W 130.50'

S89°30'31"W 130.50'

N00°04'12"W 50.50'

25.00'

25.00'

SE 3RD AVENUE

50' RIGHT-OF-WAY  
(P.B. 3, PG. 2, P.B.C.R.)

JOB NO. 23111

PROJECT NAME: 612 SE 3RD AVE

DWG BY: AJR

SCALE: 1" = 30'

CK'D BY: JSH

DATE: 11/10/2023

SHEET 2 OF 2