



CITY OF DELRAY BEACH

DEPARTMENT OF PUBLIC WORKS

434 S Swinton AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7295



1993 • 2001 • 2017

April 7, 2023

DELRAY BEACH CRA
20 N SWINTON AVENUE
DELRAY BEACH FL 33444 2632

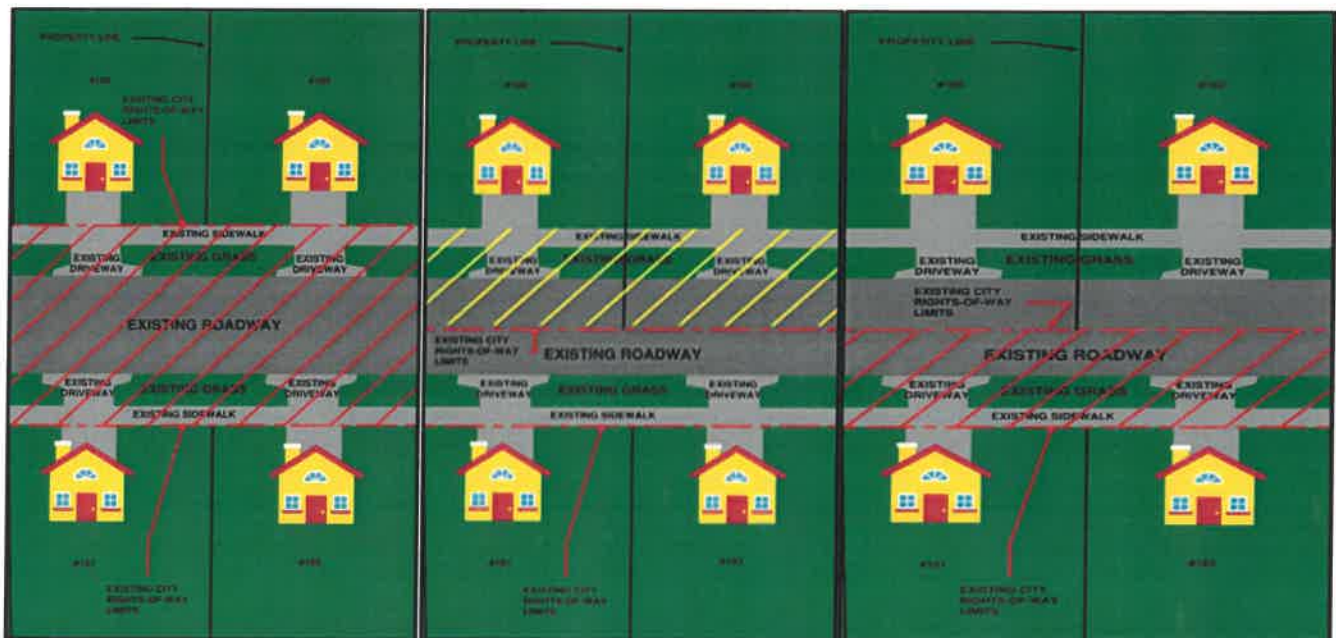
Note that we kindly request that the property Owner send any correspondence to the following address (NOT the City Attorney's office):

Baxter & Woodman, Inc.
1601 Forum Place, Suite 400
West Palm Beach, FL 33401
Attn: Rebecca Travis

Subject: NW Neighborhood Project Right of Way Deed, Project No.17-020
Property Located at PCN 12-43-46-17-22-001-0090,
805 W Atlantic Avenue, Delray Beach, FL

Dear Property Owner,

This letter is to inform you that the City of Delray Beach Public Works Department is designing the Northwest Neighborhood Improvements project which includes rebuilding the roadway, new curbing, new sidewalks, street lighting, new water main, replacing the sewer main, drainage improvements, and landscaping within the City's right-of-way. Some areas of the Northwest Neighborhood have missing sections of continuous right-of-way ownership that need to be addressed prior to constructing these improvements. The property address above falls within these anomalies and the City would like to discuss right-of-way agreements on your property. The project is expected to begin construction in 2024. To construct or repair any City owned infrastructure such as roadway, sidewalk or swales located on your property, the City of Delray Beach needs a formal agreement. Without your formal agreement, the missing or defective improvement cannot be addressed and could ultimately be excluded from the project and your responsibility.



Enclosed is a Right of Way Deed Agreement for the area on your property. This Right of Way Deed Agreement is for the purpose of constructing, installing, and maintaining the infrastructure and the agreement shall continue and exist in perpetuity even after the completion of construction activities.

The City is looking forward to your support of the project and is providing two options to property owners to sign the agreements:

1. The City of Delray Beach can provide notary services, and would like to schedule a meeting with you, at the Swinton Operations Center (SOC) building located at 434 S Swinton Avenue. If desired, please contact the City of Delray Beach at the number below and coordinate a date and time. On the day of the meeting bring the documents and two witnesses to Swinton Operations Center (SOC) building located at South 434 Swinton Avenue.
2. You can fill in all required information in the highlighted areas, except the date on the top page of the Easement Agreement, sign, notarize, and return it to us for processing. If you have any questions, please feel free to contact us.

Enclosed are the Sketches and legal descriptions of your property and the area included in the proposed right-of-way agreement. The City of Delray Beach appreciates your collaboration on this matter and does not compensate private property owners for Right-of-Way.

Note: "The Its" under Grantor is the position or title of the person who signed the form, like Owner, President etc.

We appreciate your support of the Neighborhood Improvement project. If you have any questions, please do not hesitate to contact Begona Krane at 561-243-7299 / Krane@mydelraybeach.com or Rebecca Travis (Baxter & Woodman) at 561-425-7715 / rtravis@baxterwoodman.com.

Sincerely,

Begoña Krane
Project Manager

CC: P:\DELBC\210336-NW Neigh Design\00-Misc\Maintenance Agreement Assistance\0 ROW Requests\To Be Sent Mailings\2023-01-09 Mailings\355 NW 5TH AVENUE\ROW Deed Letter NW Neighborhood.Docx

SERVICE · **P**ERFORMANCE · **I**NTEGRITY · **R**ESPONSIBLE · **I**NNOVATIVE · **T**EAMWORK

Prepared by: RETURN:

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

PCN 12434617220010090
ADDRESS 805 W ATLANTIC AVE

RIGHT-OF-WAY DEED

THIS INDENTURE made this ___ day of _____, 202_, between _____

with a mailing address of _____,
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:

GRANTOR

Signature

Print Name

Signature

Print Name

By: _____

Name: _____

Its: _____

Date: _____

STATE OF FLORIDA _____

COUNTY OF PALM BEACH _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 20___, by _____ (name of person), as _____ (type of authority) for _____ (name of party on behalf of whom instrument was executed).

Personally known ___ OR Produced Identification ___
Type of Identification Produced _____

Notary Public – State of Florida

[Remainder of Page Intentionally Left Blank]

[Remainder of Page Intentionally Left Blank]

ATTEST:

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

By: _____
City Clerk

By: _____
Mayor

Approved as to Form:

By: _____
City Attorney

[Remainder of Page Intentionally Left Blank]

EXHIBIT "A"

EXHIBIT A

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. 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.



David A Bower
 Digitally signed
 by David A Bower
 Date: 2022.12.02
 09:13:50 -05'00'

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

DESCRIPTION:

A 13.00 foot wide strip of land being a portion of those lands as described in that certain Warranty Deed, as described in Official Record Book 20389, Page 878, of the Public Records of Palm Beach County. Being more particularly described as follows.

The West 13.00 feet of the East 25.00 feet of Lots 9 and 14, Block 1 being parallel with (as measured at right angles) to the East line of Block 1, per the plat of J.G. FENNO SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 2, Page 89 of the Public Records of Palm Beach County, Florida. Less and except that portion granted to the State of Florida, by that certain Warranty Deed, as recorded in Official Record Book 1029, Page 46, of the Public Records of Palm Beach County.

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

Containing 1390 Square feet more or less.

805 W. ATLANTIC AVENUE

1	12/01/22	REVISED PER COMMENT	MT
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) 753-0550 Email: survey@djl survey.net

SKETCH & DESCRIPTION
 FOR: CITY OF DELRAY BEACH, FLORIDA

DRAWN: MM	SCALE: N/A	DATE: 08/17/22
CHK: 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:

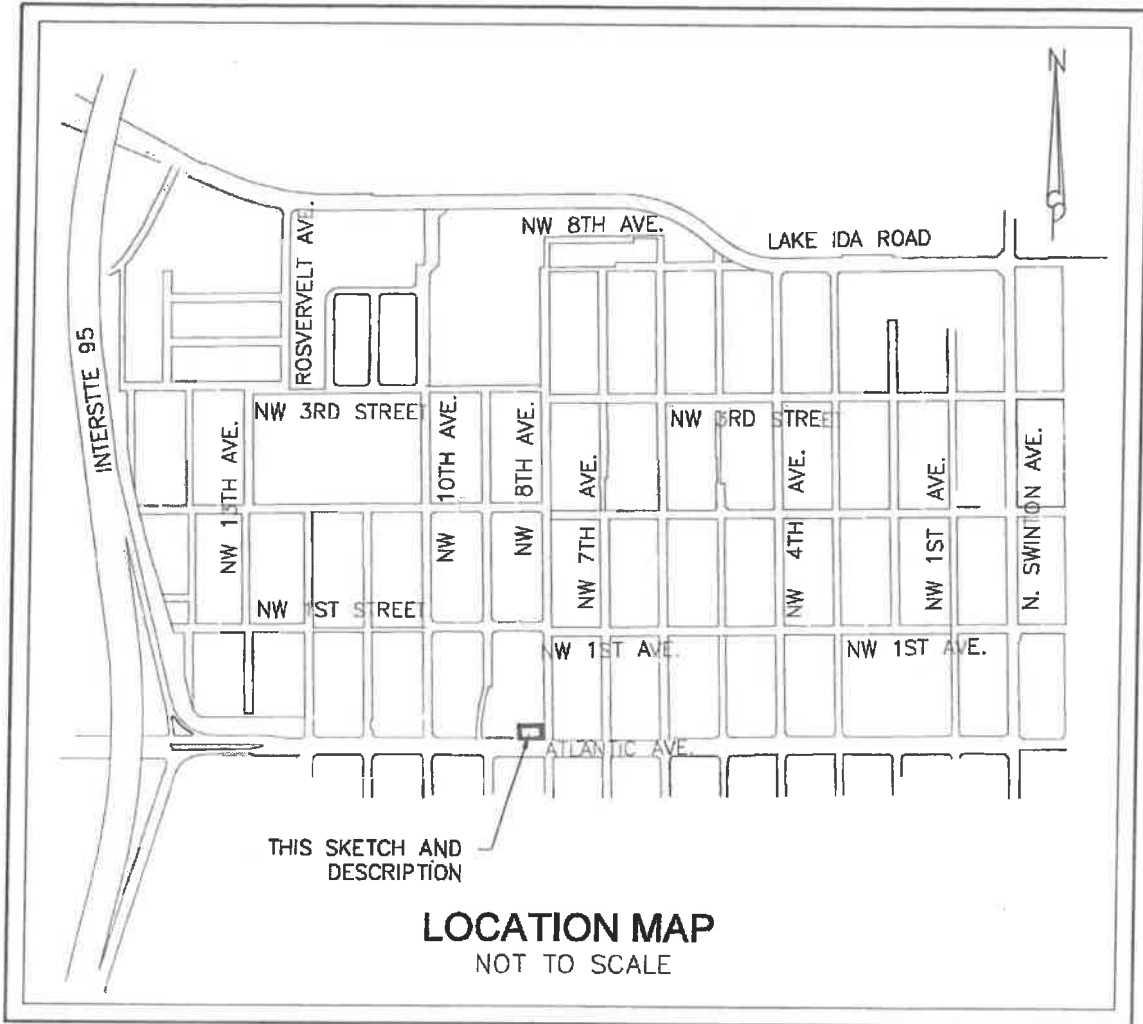
- O.R.B. OFFICIAL RECORD BOOK
- (P1) J.G. FENNO SUBDIVISION
(P.B. 2, PG. 89, P.B.C.R.)
- P.B. PLAT BOOK
- P.B.C.R. PALM BEACH COUNTY RECORDS
- PCN PROPERTY CONTROL NUMBER
- PG. PAGE

805 W. ATLANTIC 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@djl survey.net

SKETCH & DESCRIPTION
FOR: CITY OF DELRAY BEACH, FLORIDA

DRAWN: MM	SCALE: N/A	DATE: 08/17/22
CHK: DAB	JOB# 21-058-001	SHEET: 2 OF 4

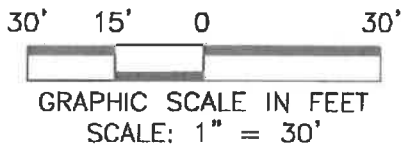
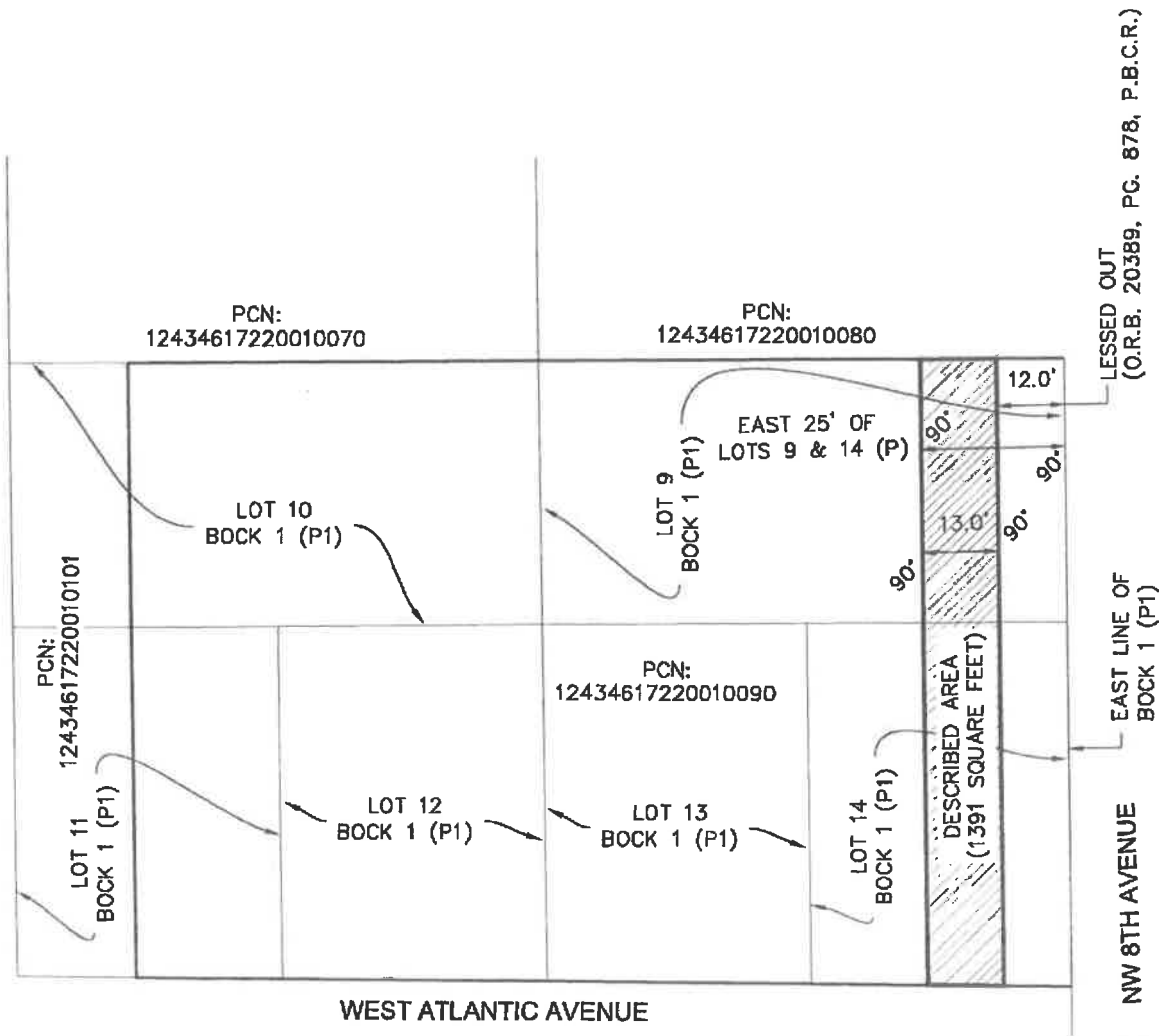


805 W. ATLANTIC AVENUE

Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers
 460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: (561) 763-0650 Email: survey@djlisurvey.net

SKETCH & DESCRIPTION
 FOR: CITY OF DELRAY BEACH, FLORIDA

DRAWN: MM	SCALE: N/A	DATE: 08/17/22
CHK: DAB	JOB# 21-058-001	SHEET: 3 OF 4



805 W. ATLANTIC AVENUE

Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers
 460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: (561) 763-0650 Email: survey@djosurvey.net

SKETCH & DESCRIPTION
 FOR: CITY OF DELRAY BEACH, FLORIDA

DRAWN: MM	SCALE: 1" = 30'	DATE: 08/17/22
CHK: DAB	JOB# 21-058-001	SHEET: 4 OF 4



CITY OF DELRAY BEACH

DEPARTMENT OF PUBLIC WORKS

434 S Swinton AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7295



1993 • 2001 • 2017

April 7, 2023

DELRAY BEACH CRA
20 N SWINTON AVENUE
DELRAY BEACH FL 33444 2632

Note that we kindly request that the property Owner send any correspondence to the following address (NOT the City Attorney's office):

Baxter & Woodman, Inc.
1601 Forum Place, Suite 400
West Palm Beach, FL 33401
Attn: Rebecca Travis

Subject: NW Neighborhood Project Right of Way Deed, Project No.17-020
Property Located at PCN 12-43-46-17-22-002-0100, Delray Beach, FL

Dear Property Owner,

This letter is to inform you that the City of Delray Beach Public Works Department is designing the Northwest Neighborhood Improvements project which includes rebuilding the roadway, new curbing, new sidewalks, street lighting, new water main, replacing the sewer main, drainage improvements, and landscaping within the City's right-of-way. Some areas of the Northwest Neighborhood have missing sections of continuous right-of-way ownership that need to be addressed prior to constructing these improvements. The property address above falls within these anomalies and the City would like to discuss right-of-way agreements on your property. The project is expected to begin construction in 2024. To construct or repair any City owned infrastructure such as roadway, sidewalk or swales located on your property, the City of Delray Beach needs a formal agreement. Without your formal agreement, the missing or defective improvement cannot be addressed and could ultimately be excluded from the project and your responsibility.



Enclosed is a Right of Way Deed Agreement for the area on your property. This Right of Way Deed Agreement is for the purpose of constructing, installing, and maintaining the infrastructure and the agreement shall continue and exist in perpetuity even after the completion of construction activities.

The City is looking forward to your support of the project and is providing two options to property owners to sign the agreements:

1. The City of Delray Beach can provide notary services, and would like to schedule a meeting with you, at the Swinton Operations Center (SOC) building located at 434 S Swinton Avenue. If desired, please contact the City of Delray Beach at the number below and coordinate a date and time. On the day of the meeting bring the documents and two witnesses to Swinton Operations Center (SOC) building located at South 434 Swinton Avenue.
2. You can fill in all required information in the highlighted areas, except the date on the top page of the Easement Agreement, sign, notarize, and return it to us for processing. If you have any questions, please feel free to contact us.

Enclosed are the Sketches and legal descriptions of your property and the area included in the proposed right-of-way agreement. The City of Delray Beach appreciates your collaboration on this matter and does not compensate private property owners for Right-of-Way.

Note: "The Its" under Grantor is the position or title of the person who signed the form, like Owner, President etc.

We appreciate your support of the Neighborhood Improvement project. If you have any questions, please do not hesitate to contact Begona Krane at 561-243-7299 / Krane@mydelraybeach.com or Rebecca Travis (Baxter & Woodman) at 561-425-7715 / rtravis@baxterwoodman.com.

Sincerely,

Begoña Krane
Project Manager

cc: P:\DELBC\210336-NW Neigh Design\00-Misc\Maintenance Agreement Assistance\0 ROW Requests\To Be Sent Mailings\2023-01-09 Mailings\355 NW 5TH AVENUE\ROW Deed Letter NW Neighborhood.Docx

SERVICE · **P**ERFORMANCE · **I**NTEGRITY · **R**ESPONSIBLE · **I**NNOVATIVE · **T**EAMWORK

Prepared by: RETURN:

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

PCN 12434617220020100
ADDRESS NW 9th Avenue

RIGHT-OF-WAY DEED

THIS INDENTURE made this ___ day of _____, 202_, between _____

with a mailing address of _____,

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:

GRANTOR

Signature

Print Name

Signature

Print Name

By: _____

Name: _____

Its: _____

Date: _____

STATE OF FLORIDA _____

COUNTY OF PALM BEACH _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 20___, by _____ (name of person), as _____ (type of authority) for _____ (name of party on behalf of whom instrument was executed).

Personally known ___ OR Produced Identification ___
Type of Identification Produced _____

Notary Public – State of Florida

[Remainder of Page Intentionally Left Blank]

[Remainder of Page Intentionally Left Blank]

ATTEST:

GRANTEE/ CITY OF DELRAY BEACH,
FLORIDA

By: _____
City Clerk

By: _____
Mayor

Approved as to Form:

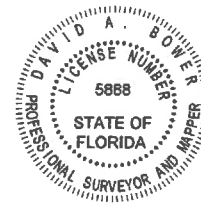
By: _____
City Attorney

[Remainder of Page Intentionally Left Blank]

EXHIBIT "A"

EXHIBIT A

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. 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.



David A Bower Digitally signed
by David A Bower
Date: 2023.04.07
09:48:28 -04'00'

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

DESCRIPTION:

A variable wide strip of land being a portion of Lot 10 and Lot 11, Block 2, J.G. FENNO'S according to the plat thereof, as recorded in Plat Book 2, Page 89 of the Public Records of Palm Beach County, Florida. Being more particularly described as follows.

COMMENCING at the Northeast corner of Lot 11, Block 2 of said plat;

thence South 89°34'09" West along the North line of Lot 11, Block 2 of said plat (as a basis of bearings), a distance of 24.88 feet to the POINT OF BEGINNING;

thence South 01°21'07" East, a distance of 56.94 feet to a point being on the North Right-of-Way line of State Road 806 (aka Atlantic Avenue) as recorded in Road Plat Book 3, Page 24 of the Public Records of Palm Beach County, Florida

thence North 89°35'03" West along said North Right-of-Way line of State Road 806 (aka Atlantic Avenue), a distance of 20.01 feet to a point being on the West line of Block 2 of said plat;

thence North 01°28'15" West along the West line of Block 2 of said plat, a distance of 77.33 feet to a point being on the East limits of those lands described in Resolution NO. 10-85, as recorded in Official Records Book 4465, Page 1517 of the Public Records of Palm Beach County, Florida and point being on the arc of a circular curve to the right whose radius point bears South 85°00'17" East from said point;

PCN: 12-43-46-17-22-002-0100

DESCRIPTION CONTINUED ON SHEET 2

NO.	DATE	REVISIONS	BY
1	04/07/23	REMOVE ADDRESS/ADD PCN NUMBER	DB

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: MT	SCALE: N/A	DATE: 03/20/23
CHK: DAB	JOB# 21-058-001	SHEET: 1 OF 4

DESCRIPTION CONTINUED:

DESCRIPTION CONTINUED FROM SHEET 1

thence Northerly and Easterly continuing along the East limits of those lands described in said Resolution NO. 10-85 and the arc of said circular curve having a radius of 1119.22 feet, a central angle of 01°15'24", a distance of 24.55 feet to a point being on the North line of Lot 10, Block 2 of said plat;

thence North 89°35'25" East along the North line of Lot 10, Block 2 of said plat, a distance of 19.20 feet;

thence South 12°16'26" West, a distance of 8.58 feet;

thence South 01°21'07" East, a distance of 36.72 feet to the POINT OF BEGINNING; Said lands situate, lying and being in Section 17, Township 46 South, Range 43 East, City of Delray Beach, Florida.

Containing 2,021 square feet more or less.

SURVEYOR'S NOTES:

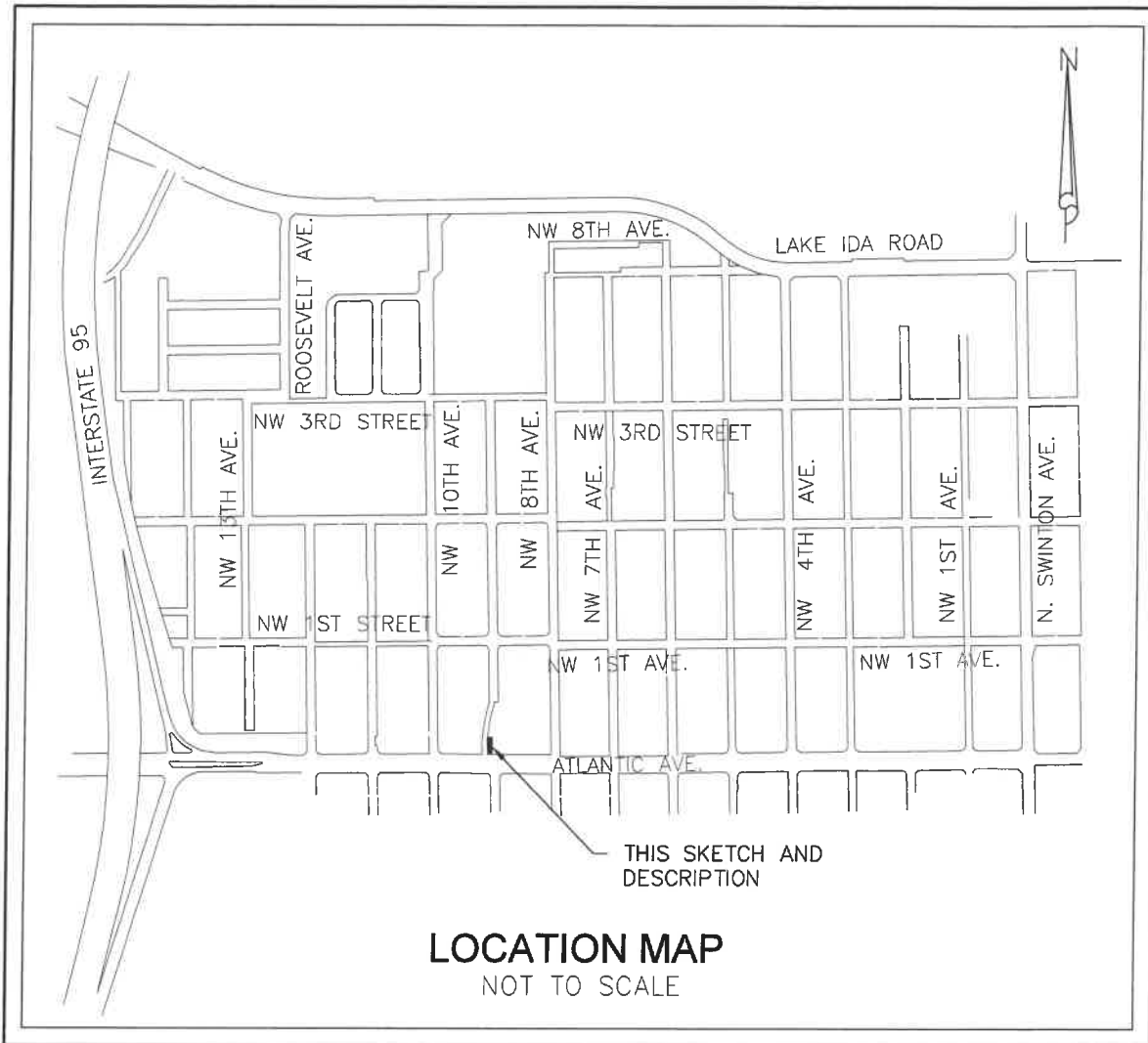
1. Bearings depicted hereon are based upon the North line of Lot 11, Block 2, J.G. FENNO'S, according to the plat thereof, as recorded in Plat Book 2, Page 89 of the Public Records of Palm Beach County, Florida. Said line having a bearing of South 89°34'09" West.
2. The undersigned makes no representations 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.
3. The licensed business number for Dennis J. Leavy & Associates Inc. is LB #6599, the certifying surveyors (David A. Bower) license number is LS #5888.
4. This is NOT a survey.

PCN: 12-43-46-17-22-002-0100

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@djl survey.net

SKETCH & DESCRIPTION
FOR: CITY OF DELRAY BEACH, FLORIDA

DRAWN: MT	SCALE: N/A	DATE: 03/20/23
CHK: DAB	JOB# 21-058-001	SHEET: 2 OF 4



LEGEND:

- (P) J.G. FENNO'S SUBDIVISION
(P.B. 2, PG. 89, P.B.C.R.)
- (RPB) ROAD PLAT BOOK 3, PG. 24, P.B.C.R.)
- AL ARC LENGTH
- CA CENTRAL ANGLE
- O.R.B. OFFICIAL RECORD BOOK
- P.B. PLAT BOOK
- P.B.C.R. PALM BEACH COUNTY RECORDS
- PCN PARCEL CONTROL NUMBER
- PG. PAGE
- R RADIUS
- R.P.B. ROAD PLAT BOOK

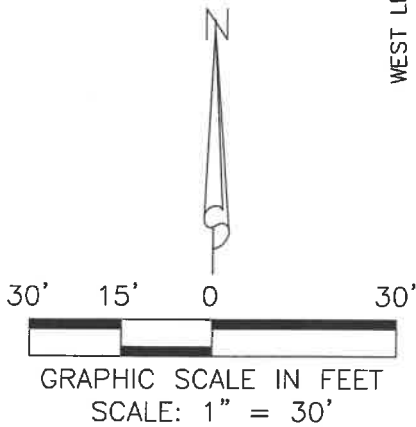
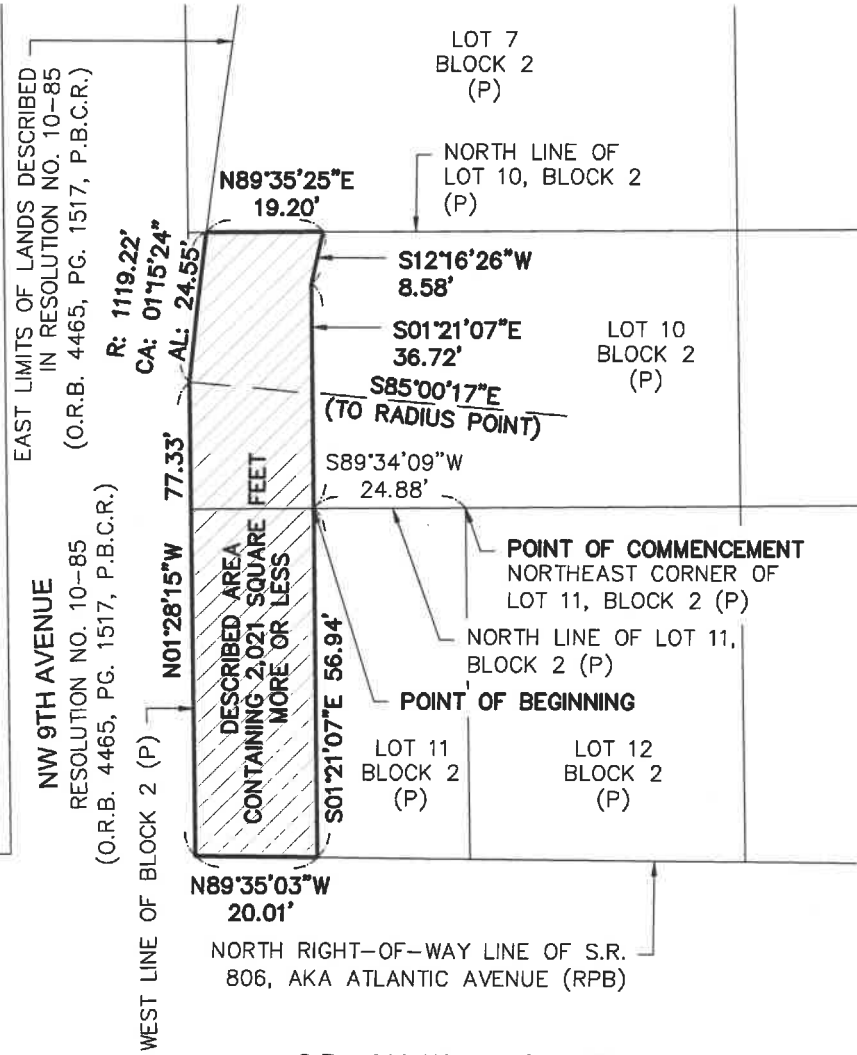
PCN: 12-43-46-17-22-002-0100

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 Phone: (561) 753-0650 Email: survey@djl survey.net

SKETCH & DESCRIPTION
FOR: CITY OF DELRAY BEACH, FLORIDA

DRAWN: MT	SCALE: N/A	DATE: 03/20/23
CHK: DAB	JOB# 21-058-001	SHEET: 3 OF 4

PCN: 12-43-46-17-42-010-0030
(O.R.B. 12267, PG. 1952, P.B.C.R.)



PCN: 12-43-46-17-22-002-0100

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: MT	SCALE: 1" = 30'	DATE: 03/20/23
CHK: DAB	JOB# 21-058-001	SHEET: 4 OF 4



CITY OF DELRAY BEACH

DEPARTMENT OF PUBLIC WORKS

434 S Swinton AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7295



1993 • 2001 • 2017

April 7, 2023

DELRAY BEACH CRA
20 N SWINTON AVENUE
DELRAY BEACH FL 33444 2632

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1601 Forum Place, Suite 400
West Palm Beach, FL 33401
Attn: Rebecca Travis

Subject: NW Neighborhood Project Right of Way Deed, Project No.17-020
Property Located at PCN 12-43-46-17-16-006-0060, Delray Beach, FL

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The City is looking forward to your support of the project and is providing two options to property owners to sign the agreements:

1. The City of Delray Beach can provide notary services, and would like to schedule a meeting with you, at the Swinton Operations Center (SOC) building located at 434 S Swinton Avenue. If desired, please contact the City of Delray Beach at the number below and coordinate a date and time. On the day of the meeting bring the documents and two witnesses to Swinton Operations Center (SOC) building located at South 434 Swinton Avenue.
2. You can fill in all required information in the highlighted areas, except the date on the top page of the Easement Agreement, sign, notarize, and return it to us for processing. If you have any questions, please feel free to contact us.

Enclosed are the Sketches and legal descriptions of your property and the area included in the proposed right-of-way agreement. The City of Delray Beach appreciates your collaboration on this matter and does not compensate private property owners for Right-of-Way.

Note: "The Its" under Grantor is the position or title of the person who signed the form, like Owner, President etc.

We appreciate your support of the Neighborhood Improvement project. If you have any questions, please do not hesitate to contact Begona Krane at 561-243-7299 / Krane@mydelraybeach.com or Rebecca Travis (Baxter & Woodman) at 561-425-7715 / rtravis@baxterwoodman.com.

Sincerely,

Begoña Krane
Project Manager

CC: P:\DELBC\210336-NW Neigh Design\00-Misc\Maintenance Agreement Assistance\0 ROW Requests\To Be Sent Mailings\2023-01-09 Mailings\355 NW 5TH AVENUE\ROW Deed Letter NW Neighborhood.Docx

SERVICE · **P**ERFORMANCE · **I**NTEGRITY · **R**ESPONSIBLE · **I**NNOVATIVE · **T**EAMWORK

Prepared by: RETURN:

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

PCN
ADDRESS

RIGHT-OF-WAY DEED

THIS INDENTURE made this ___ day of _____, 202_, between _____
_____.

with a mailing address of _____,
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:

GRANTOR

Signature

By: _____

Print Name

Name: _____

Its: _____

Signature

Date: _____

Print Name

STATE OF FLORIDA _____

COUNTY OF PALM BEACH _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 20__, by _____ (name of person), as _____ (type of authority) for _____ (name of party on behalf of whom instrument was executed).

Personally known ____ OR Produced Identification ____

Type of Identification Produced _____

Notary Public – State of Florida

[Remainder of Page Intentionally Left Blank]

[Remainder of Page Intentionally Left Blank]

ATTEST:

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

By: _____
City Clerk

By: _____
Mayor

Approved as to Form:

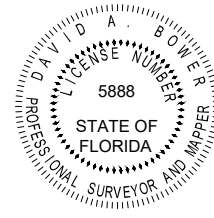
By: _____
City Attorney

[Remainder of Page Intentionally Left Blank]

EXHIBIT "A"

EXHIBIT A

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. 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.



DAVID A. BOWER
PROFESSIONAL SURVEYOR & MAPPERS
STATE OF FLORIDA
CERTIFICATE NO. LSD 5888

DESCRIPTION:

A 10.00 foot wide strip of land being a portion of those lands as described in that certain Warranty Deed, as described in Official Record Book 29986, Page 397, of the Public Records of Palm Beach County. Being more particularly described as follows.

BEGINNING at the Northwest corner of said Warranty Deed; thence North 89°32'46" East (as a basis of bearings) along the North line of said Warranty Deed, a distance of 10.00 feet to a point being on a line lying 10.00 East of and parallel with (as measured at right angles) the West line of said Warranty Deed; thence South 01°15'11" East along said parallel line, a distance of 11.00 feet to the North line of Lot 6, Block 6, WHIDDEN'S SUBDIVISION, according to the plat thereof as recorded as recorded in Plat Book 2, page 58, of the Public Records of Palm Beach County, Florida; thence continue South 01°15'11" East along said parallel line, a distance of 52.00 feet to the Northerly line of said Warranty Deed; thence South 89°32'46" West along said Northerly line, a distance of 10.00 feet to the West line of said Warranty Deed, said line being coincident with the West Line of said Lot 6; thence North 01°15'11" West along said West line, a distance of 52.00 feet to the Northwest corner of said Lot 6; thence continue North 01°15'11" West along the West line of said Warranty Deed, a distance of 11.00 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Section 17, Township 46 South, Range 43 East, Delay Beach, Florida.

Containing 630 Square feet more or less.

PCN: 12-43-46-17-16-006-0060

1	04/07/23	REMOVE ADDRESS/ADD PCN NUMBER	DB
NO.	DATE	REVISIONS	BY

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

SKETCH & DESCRIPTION FOR: CITY OF DELAY BEACH, FLORIDA

DRAWN: MM	SCALE: N/A	DATE: 08/30/22
CK: 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. Levy & Associates Inc. is LB #6599, the certifying surveyors (David A. Bower) license number is LSD #5888.
3. This is NOT a survey.

LEGEND:

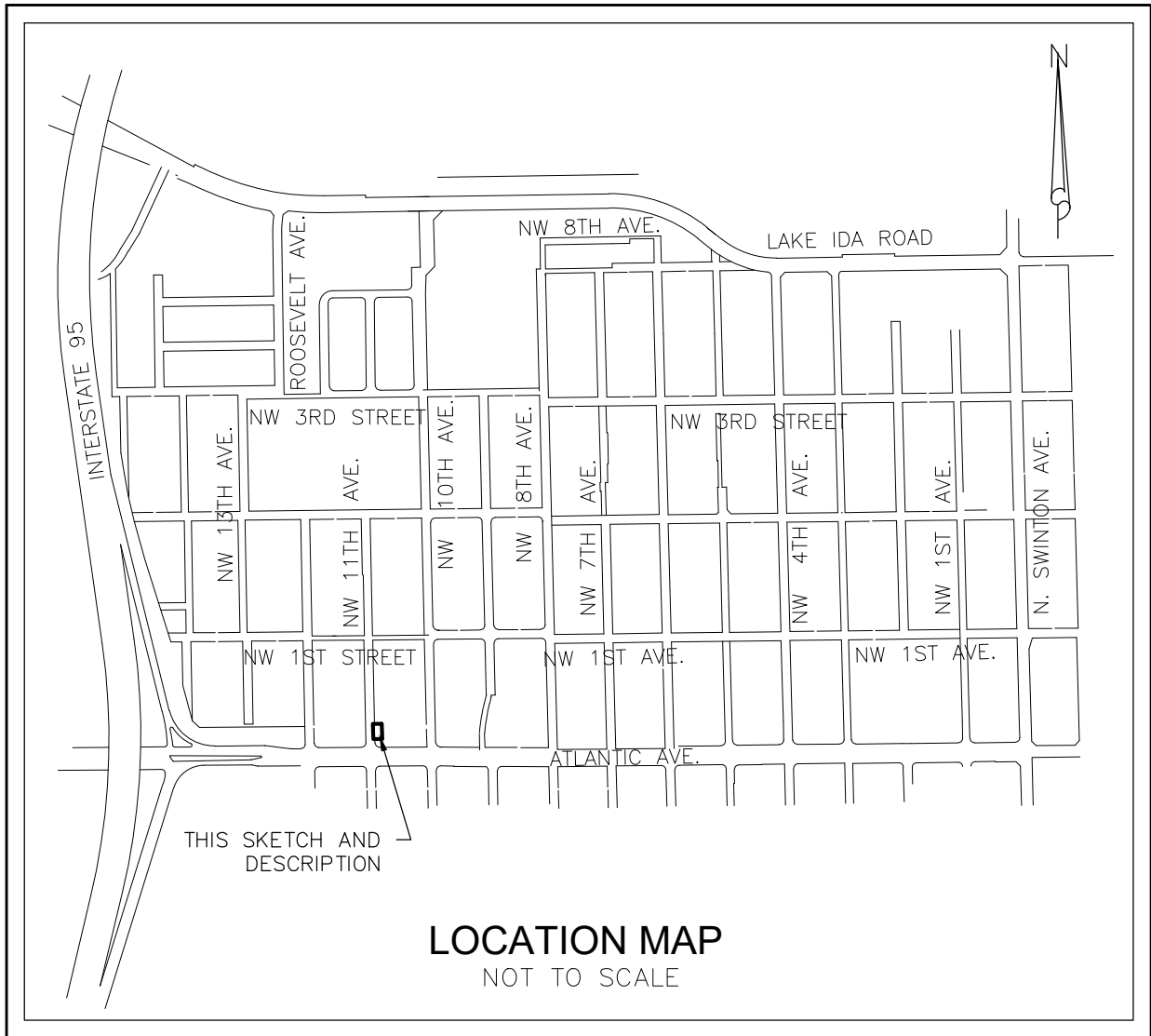
O.R.B.	OFFICIAL RECORD BOOK
(P1)	WHIDDEN'S SUBDIVISION (P.B. 2, PG. 58, P.B.C.R.)
P.B.	PLAT BOOK
P.B.C.R.	PALM BEACH COUNTY RECORDS
PC	PROPERTY CONTROL NUMBER
PG.	PAGE

PCN: 12-43-46-17-16-006-0060

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

SKETCH & DESCRIPTION
FOR: CITY OF DELAY BEACH, FLORIDA

DRAWN: MM	SCALE: N/A	DATE: 08/30/22
CK: DAB	JOB# 21-058-001	SHEET: 2 OF 4

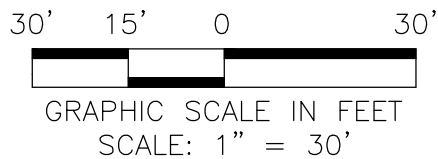
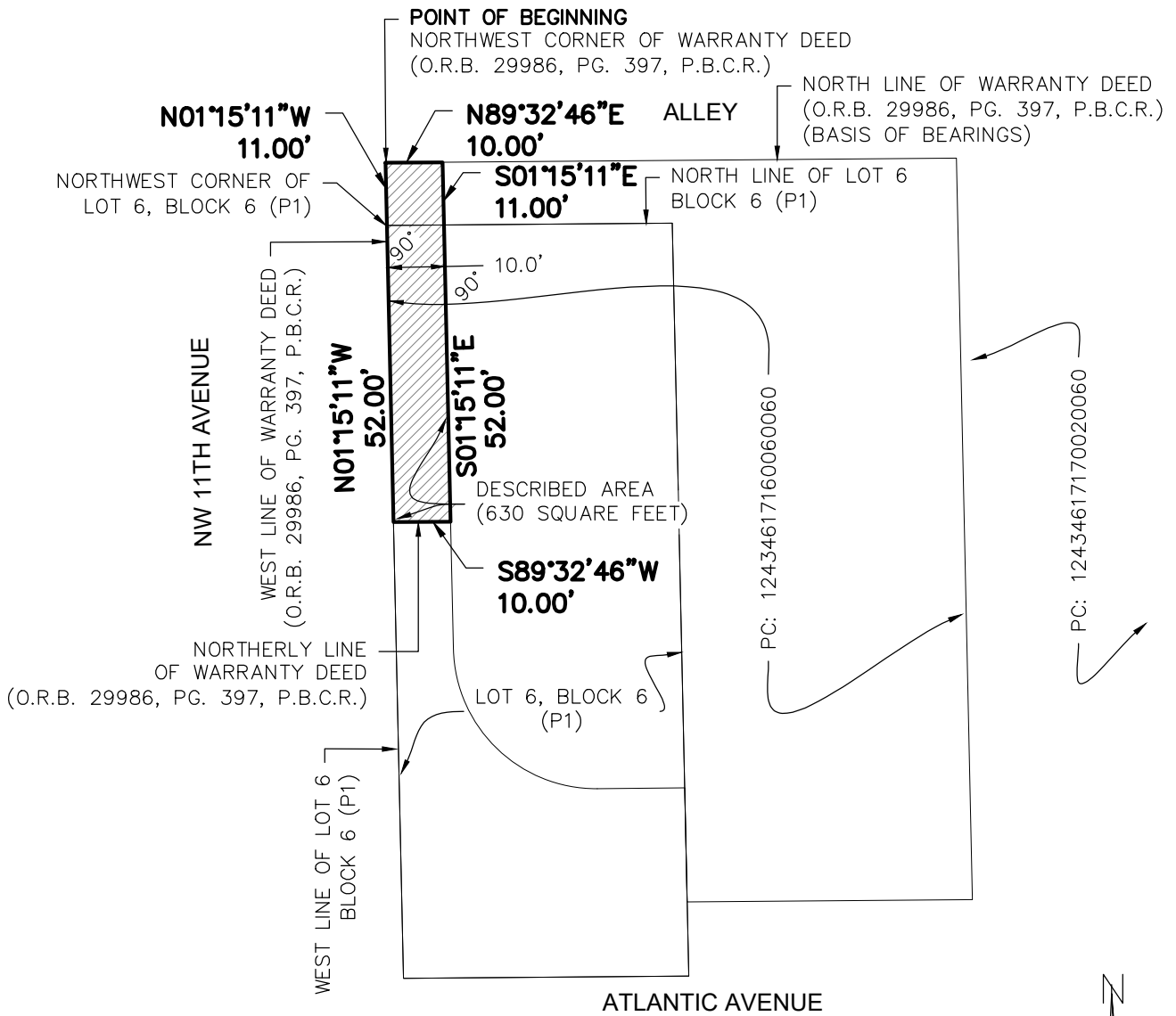


PCN: 12-43-46-17-16-006-0060

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

SKETCH & DESCRIPTION
 FOR: CITY OF DELAY BEACH, FLORIDA

DRAWN: MM	SCALE: N/A	DATE: 08/30/22
CK: DAB	JOB# 21-058-001	SHEET: 3 OF 4



PCN: 12-43-46-17-16-006-0060

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

**SKETCH & DESCRIPTION
 FOR: CITY OF DELAY BEACH, FLORIDA**

DRAWN: MM	SCALE: 1" = 30'	DATE: 08/30/22
CK: DAB	JOB# 21-058-001	SHEET: 4 OF 4