

Prepared by: RETURN:

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

PCN# 12-43-46-09-29-011-0020

RIGHT-OF-WAY DEED

THIS INDENTURE made this ____ day of _____, 20__, between **S&E HOLDINGS, INC.**, with a mailing address of **230 GEORGE BUSH BOULEVARD, DELRAY BEACH, FLORIDA 33444**, as party of the first part and **CITY OF DELRAY BEACH, FLORIDA**, a Florida municipal corporation with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, as party of the second part.

W I T N E S S E T H :

That said party of the first part, 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 the party of the second part, its successors and assigns, all right, title, interest, claim and demand which the party of the first part has in and to the following-described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

(Legal Description)

See Exhibit "A" attached hereto.

This Deed is made for the purpose of giving and granting to the party of the second part, its successors and assigns, a right-of-way and easement in and to said lands for public highway, street, and public utility purposes and the maintenance thereof; 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 the party of the first part or assigns, except that the easement for public utility purposes shall remain until released.

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

Party of the first part 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 party of the first part, in law or in equity to the only proper use, benefit, and behalf of the said party of the second part, its successors and assigns.

IN WITNESS WHEREOF, said party of the first part has hereunto set their hand and seal the date first above written.

Signed, sealed and delivered
in the presence of:

Michael Donoghue
MICHAEL DONOGHUE
(Name printed or typed)

Linda L. Hamilton
LINDA L. HAMILTON
(Name printed or typed)

PARTY OF THE FIRST PART

By: *Steven M. Hacker*

Steven M Hacker, President S & E Holdings Inc
(Name printed or typed)
230 George Bush Blvd
Delray Beach, FL 33444
(Address)

STATE OF FLORIDA

COUNTY OF PALM BEACH

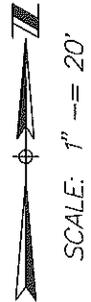
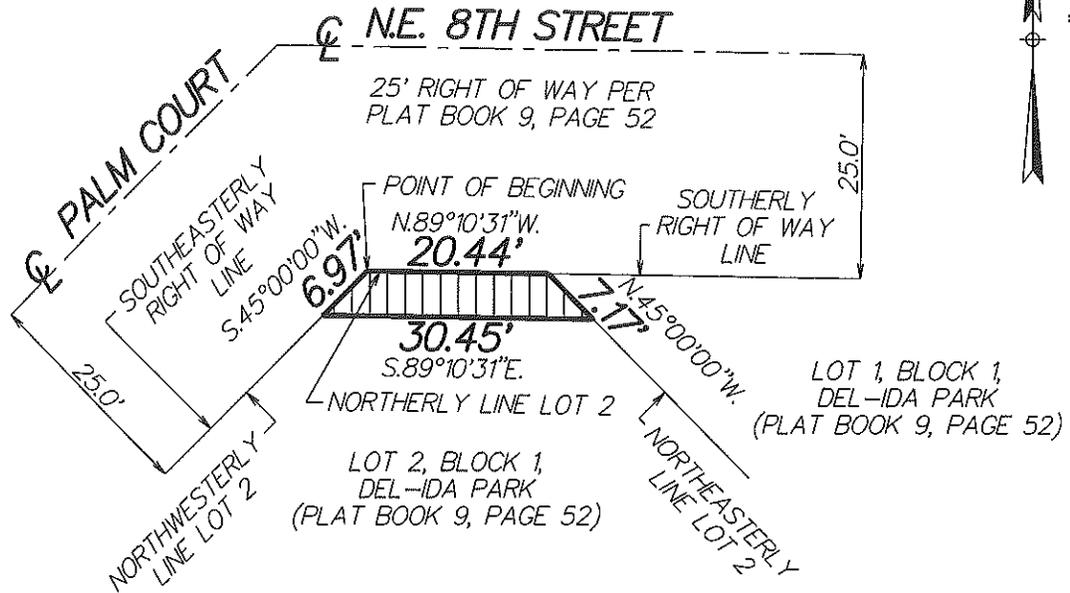
The foregoing instrument was acknowledged before me this 27th day of April, 2017, by STEVEN M. HACKER who is personally known to me or has produced _____ as identification.

Gary P. Eliopoulos

Signature of Notary Public
State of Florida
GARY P. ELIOPOULOS
MY COMMISSION # GG 013410
EXPIRES: July 23, 2020
Bonded Thru Notary Public Underwriters

SKETCH OF DESCRIPTION

EXHIBIT "A"
SHEET 1 OF 1



DESCRIPTION:

THAT PORTION OF LOT 2, BLOCK 1, DEL-IDA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 52, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF N.E. 8TH STREET AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF PALM COURT AS SHOWN ON SAID PLAT OF DEL-IDA PARK AND A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE S.45° 00'00"W., ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID PALM COURT AND ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, A DISTANCE OF 6.97 FEET; THENCE S.89°10'31"E., ALONG A LINE 5.0 FEET SOUTHERLY AND PARALLEL TO THE NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 30.45 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 2; THENCE N.45°00'00"W., ALONG SAID NORTHEASTERLY LINE OF LOT 2, A DISTANCE OF 7.17 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 2 AND A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID N.E. 8TH STREET; THENCE N.89°10'31"W., ALONG SAID NORTHERLY LINE AND SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 128 SQUARE FEET MORE OR LESS.

ORDER NO. 08-80"RIGHT OF WAY"

NOTES:

THIS IS NOT A SURVEY

THE SOUTH LINE OF LOT 13 IS ASSUMED TO BEAR N.90°00'00"E.

⊕ = CENTERLINE

Paul D. Engle

PAUL D. ENGLE
SURVEYOR & MAPPER NO. 5708

DATE: APRIL 19, 2017

O'BRIEN, SUITER & O'BRIEN, INC.
CERTIFICATE OF AUTHORIZATION #LB353
SURVEYOR AND MAPPER IN RESPONSIBLE
CHARGE: PAUL D. ENGLE
955 N.W. 17TH AVENUE, SUITE K-1
DELRAY BEACH FLORIDA 33445
(561) 276-4501 (561) 732-3279