

RESOLUTION NO. 25-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY TO SELL TO BUYER CERTAIN REAL PROPERTY IN PALM BEACH COUNTY, FLORIDA, AS DESCRIBED HEREIN, IN EXCHANGE FOR AN EXCLUSIVE EASEMENT OVER THE PROPERTY; AND HEREBY EXECUTING A QUIT CLAIM DEED AND AN EASEMENT DEED STATING THE TERMS AND CONDITIONS THEREOF.

WHEREAS, the City of Delray Beach, Florida ("City") is willing to convey certain property located at the northern fifteen (15) feet of the lot located at 606 SE 4th Street, Delray Beach, Florida ("Property") to Delray Cottages LLC, ("Buyer"). Buyer currently owns the remainder of the lot at 606 SE 4th Street; and

WHEREAS, according to two Special Warranty Deeds dated May 23, 1963, attached as Exhibit "A", the Property was conveyed to the City for the purpose of "installing and maintaining a public roadway and any utilities thereon"; and

WHEREAS, the City has no file with respect to the Property and has no record of requesting or accepting the Special Warranty Deeds attached hereto; and

WHEREAS, Buyer has requested the City quit claim its interest in the Property to Buyer. In exchange, Buyer will give to the City an exclusive easement over this Property for the purpose of constructing and maintaining City-owned public utilities; and

WHEREAS, the City has no plan to expand the right-of-way of this section of SE 4th Street to include the Property; and

WHEREAS, it is in the best interest of the City of Delray Beach, Florida, to convey the Property to Buyer in exchange for an exclusive easement over same; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the City Commission of the City of Delray Beach, Florida, as Seller, hereby agrees to sell Property to Delray Cottages, LLC, as Buyer, for a purchase price of ten dollars (\$10) and other good and valuable consideration; said Property being described as follows:

See Exhibit "B" attached hereto.

Section 2. That the terms and conditions contained in Quit Claim deed between the City of Delray Beach, Florida, and Delay Cottages, LLC are incorporated herein as Exhibit "C".

Section 3. That the City accept an exclusive easement over the property, the terms of conditions of which are contained in the Easement deed between the City of Delray Beach, Florida, and Delay Cottages, LLC, and are incorporated herein as Exhibit "D"

PASSED AND ADOPTED in regular session on the ____ day of _____, 2016.

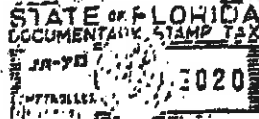
ATTEST:

MAYOR

City Clerk

EXHIBIT "A"

PALM BEACH COUNTY



FILE 894 PAGE 903

JUN 3 12 41 PM '63

114

SPECIAL WARRANTY DEED

THIS INDENTURE, made this the 23rd day of May 1963, between HELIO C. TRINDADE and AUDREY D. TRINDADE, (his wife), of the County of Palm Beach and State of Florida, parties of the first part, and the CITY OF DELRAY BEACH, a municipal corporation in Palm Beach County, Florida, party of the second part,

WITNESSETH:

That the said parties of the first part for and in consideration of the sum of One Dollar and other valuable considerations to them in hand paid, the receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part and its assigns forever the following described real property, situate, lying and being in the City of Delray Beach, County of Palm Beach, State of Florida, to wit:

The North 13 feet of the East 40 feet of the West 127.6 feet less the South 73 feet of Lot 9, Block 1, Osceola Park S/d in Delray Beach, and as appears in Pl. Bk. 3-2, Public Records of Palm Beach County, Florida.

for the purpose of installing and maintaining a public roadway and any public utilities thereon as may be desired by the party of the second part.

This conveyance is made upon the express understanding that the parties of the first part, their heirs and assigns, shall not be assessed, charged or taxed for any street improvements made upon the above described property during the year 1963.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

R. E. Smith (SEAL) ✓
Robert Smith (SEAL) ✓
Audrey D. Trindade (Seal) ✓

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Notarized in Official Record Book
of Palm Beach County, Florida
J. ALEX ARNETTE
CLERK OF CIRCUIT COURT

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared HELIO C. TRINDADE and AUDREY D. TRINDADE, (his wife), to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

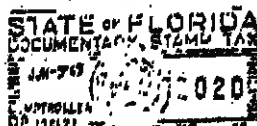
WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of May, 1963.



Helio C. Trindade
Notary Public
9-12-66

NOTARY PUBLIC STATE OF FLORIDA IN 1963
BY COMMISSION EXPIRES SEP. 22, 1966
POWERED THROUGH PAGE 10, RECORDED

PALM BEACH
COUNTY



ELK 894 PAGE 902

JUN 3 12 41 PM '63

113

SPECIAL WARRANTY DEED

THIS INDENTURE, made this the 23rd day of May, 1963, between HELIO C. TRINDADE and AUDREY D. TRINDADE, (his wife), of the County of Palm Beach and State of Florida, parties of the first part, and the CITY OF DELRAY BEACH, a municipal corporation in Palm Beach County, Florida, party of the second part,

WITNESSETH:

That the said parties of the first part for and in consideration of the sum of One Dollar and other valuable considerations to them in hand paid, the receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part and its assigns forever the following described real property, situate, lying and being in the City of Delray Beach, County of Palm Beach, State of Florida, to wit:

The North 15 feet of a part of Lot 9, Block 1, Osceola Park, Delray Beach, Fl. Bk. 3-2 more particularly described as: Begin at a point on North line of Lot 9, 20 feet West of Southerly extension of center line of S. E. 7th Avenue; thence Southerly parallel to West line of Lot 9, 152.45 feet to South line of Lot 9; thence Westerly along South line of Lot 9, 160 feet which distance is measured along South line of Lot 9; thence Northerly parallel to West line of Lot 9, 152.45 feet to North line of Lot 9; thence Easterly along North line of Lot 9, 160 feet m/l to P.O.B., less E 100 feet.

for the purpose of installing and maintaining a public roadway and any public utilities thereon as may be desired by the party of the second part.

This conveyance is made upon the express understanding that the parties of the first part, their heirs and assigns, shall not be assessed, charged or taxed for any street improvements made upon the above described property during the year 1963.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in our presence:

R. F. G. [Signature]
[Signature]

[Signature] (SEAL) ✓
[Signature] (SEAL) ✓
(Audrey D.)

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Subscribed in Official Record Room
of Palm Beach County, Florida
J. ALEX ARNETTE
CLERK OF CIRCUIT COURT

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared HELIO C. TRINDADE and AUDREY D. TRINDADE, (his wife), to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of May, 1963

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES SEP. 15, 1964

Helio C. Trindade
Notary Public

EXHIBIT "B"

A PART OF LOT 9, BLOCK 1 OF OSCEOLA PARK, DELRAY BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 3, PAGE 2 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID LOT 9, 20 FEET WEST OF THE SOUTHERLY EXTENSION OF THE CENTER LINE OF SE 7TH AVENUE AS SHOWN ON PLAT OF BLANK NICHOLS SUBDIVISION, RECORDED IN PLAT BOOK 13, PAGE 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°09'49" WEST (BASIS OF BEARING), ALONG THE NORTH LINE OF THE AFOREMENTIONED LOT 9, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°09'49" WEST ALONG THE AFOREMENTIONED NORTH LINE OF LOT 9, A DISTANCE OF 100.00 FEET; THENCE SOUTH 01°19'06" WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 89°09'49" EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 01°19'06" EAST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

This instrument was prepared by
and return to:

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

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this _____ day of _____, 2016 by the **CITY OF DELRAY BEACH**, and having its principal place of business at 100 NW 1st Avenue, Delray Beach, FL 33444, First Party, to **DELRAY COTTAGES, LLC**, a Florida limited liability company, with a mailing address of 597 Westport Avenue, Unit B541, Norwalk, CT, 06851, Second Party:

(Whenever used herein the term "First Party" and "Second Party" 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 the said First Party, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the said Second Party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Second Party forever, all the right, title, interest, claim and demand which the said First Party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

See Exhibit "A"

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said First party, either in law or equity, to the only proper use, benefit and behoof of the said Second Party forever.

IN WITNESS WHEREOF the said First Party has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, the day and year first above written.

[Signatures follow on next page]

EXHIBIT "C"

IN WITNESS WHEREOF, First Party has signed these presents the day and year first above written.

FIRST PARTY:

Witness 1:

CITY OF DELRAY BEACH, FLORIDA

Print Name: _____

By: _____
Cary D. Glickstein, Mayor

Witness 2:

Print Name: _____

ATTEST:
By: _____
City Clerk
Approved as to Form:
By: _____
City Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Cary D. Glickstein, Mayor for the City of Delray Beach, a Florida corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

Signature of Notary Public - State
of Florida

EXHIBIT "A"

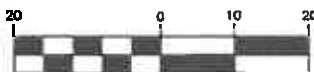
A PART OF LOT 9, BLOCK 1 OF OSCEOLA PARK, DELRAY BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 3, PAGE 2 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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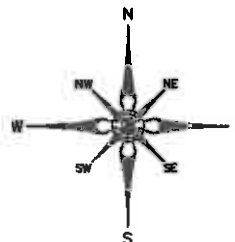
LEGEND OF ABBREVIATIONS:

N	=	NORTH
S	=	SOUTH
E	=	EAST
W	=	WEST
P.B.C.R.	=	PALM BEACH COUNTY RECORDS
P	=	PLAT
P.B.	=	PLAT BOOK
O.R.R.	=	OFFICIAL RECORDS BOOK
C/L	=	CENTERLINE

SKETCH AND DESCRIPTION

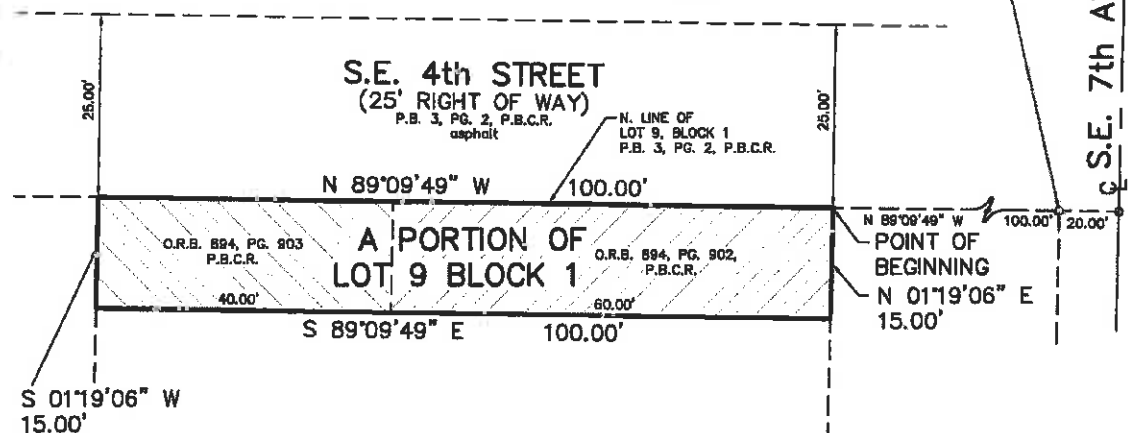


GRAPHIC SCALE
1"=20'



BLANK NICHOLS SUBDIVISION
P.B. 13, PG. 28, P.B.C.R.

POINT OF COMMENCEMENT
POINT ON THE N. LINE OF LOT 9
BLOCK 1 OSCEOLA PARK, P.B. 3,
PAGE 2, P.B.C.R.
20' W. OF THE SOUTHERLY EXTENSION
OF THE CENTERLINE OF S.E. 7TH
AVENUE



STREET ADDRESS:

606 S.E. 4th Street, Delray Beach, Florida 33483

LEGAL DESCRIPTION:

A PART OF LOT 9, BLOCK 1 OF OSCEOLA PARK, DELRAY BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 3, PAGE 2 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MOIRE PARTICULARLY DESCRIBED AS FOLLOWS:

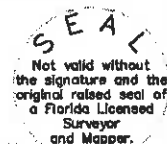
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CERTIFY TO:

Anthony Casey

CERTIFICATION:

We hereby certify that the attached sketch of the hereon described property is true and correct to the best of our knowledge and belief as delineated under our direction and does not constitute a field survey as such. I further certify that this sketch meets the minimum technical standards under Rule 5J-17.052 adopted by the Florida Board of Land Surveyors, January 11th, 2010.



REVISIONS	DATE	BY
SHOW RECORDING INFORMATION	05-10-15	MLW
DATE OF SURVEY 05-05-16	DRAWN BY MLW	CHECKED BY MLW
		FIELD BOOK ALS-SU-16-1573
		SCALE 1"= 20'
		SKETCH NUMBER SU-16-1573

ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No.3869 - STATE OF FLORIDA

Prepared by: RETURN:

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

EASEMENT DEED

THIS INDENTURE, made this 12TH day of MAY, 2016, by and between DELRAY COTTAGES, LLC, a Florida limited liability company, with a mailing address of 597 Westport Avenue, Unit B541, Norwalk, CT, 06851, party of the first part, and the CITY OF DELRAY BEACH ("CITY"), with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, a municipal corporation in Palm Beach County, State of Florida, party of the second part:

WITNESSETH: That the party of the first part, 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 party of the second part, its successors and assigns, a right of way and perpetual exclusive easement for the purpose of construction, installation, repair, and maintenance of City-owned public utilities with full and free right, liberty, and authority to enter upon and to install, operate, repair, and maintain such utilities well under, across, through and upon, over, under or within the following described property located in Palm Beach County, Florida, to-wit:

DESCRIPTION

See Exhibit "A"

Concomitant and coextensive with this right is the further right in the party of the second part, its successors and assigns, of ingress and egress over and on that portion of land described above, to affect the purposes of the easement, as expressed hereinafter.

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

It is understood that upon completion of such construction, all lands disturbed thereby as a result of such construction performed thereon, will be restored to its original or like condition without expense to the property owner.

EXHIBIT "D"

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 easement and that the same is unencumbered except as provided above. Where the context of this Easement Deed allows or permits, the same shall include the successors or assigns of the parties.

IN WITNESS WHEREOF, the parties to this Easement Deed set their hands and seals the day and year first above written.

WITNESS #1:

Tobiana Reyes
(name printed or typed)

PARTY OF THE FIRST PART

By: Anthony J. Casey
Print Name: Anthony J. Casey

WITNESS #2:

Eve Ferguson
(name printed or typed)

STATE OF CT
COUNTY OF Fairfield

The foregoing instrument was acknowledged before me this 13 day of MAY, 2016 by Anthony J. Casey (name of officer or agent), of DeVos Cottages LLC (name of corporation), a FL (State or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced CT Drivers Lic. #2/11/19 (type of identification) as identification and did/did not take an oath.

Thomas Legow
Signature of Notary Public -
State of CT

(SEAL)



Exhibit A

A PART OF LOT 9, BLOCK 1 OF OSCEOLA PARK, DELRAY BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 3, PAGE 2 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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