

RETURN TO:

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

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GRANT OF EASEMENT FOR PEDESTRIAN CLEAR ZONE

**THIS INDENTURE**, made this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between EXPONENTIAL PROPERTIES, INC., a Florida corporation, with a mailing address of 125 NE 7<sup>th</sup> Avenue, Delray Beach, FL 33483, Grantor, and the **CITY OF DELRAY BEACH**, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, a municipal corporation in Palm Beach County, State of Florida, Grantee:

**WITNESSETH:** That the Grantor, for and in consideration of the mutual promises herein contained and other good and valuable considerations, does hereby grant unto the Grantee, its successors and assigns, a perpetual easement to be used for a pedestrian clear zone pursuant to §4.4.13(E)(2)(a)2. of the City's Land Development Regulations ("LDRs) for the purpose of public pedestrian access with full and free right, liberty, and authority to enter upon and to provide such pedestrian clear zone across, through and upon 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 of the Grantee, 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, conditions and reservations of record. The Grantor also agrees to erect no building or affect any other kind of construction or improvements upon the above-described property, other than the aforementioned sidewalk.

It is understood that the Grantor shall ensure that the pedestrian clear zone shall remain improved so as to be an extension of the public sidewalk and shall continue to match the public sidewalk in design and material. The pedestrian clear zone shall be in conformance to the required standards of the LDRs, and the Grantor shall continue to maintain the sidewalk and any

improvements made by the Grantor in conformance with the City's practices of maintaining public sidewalks throughout the City.

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

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

WITNESS #1:

*Keith D. Kern*  
KEITH D. KERN

(name printed or typed)

WITNESS #2:

*Janis Zitter*  
Janis Zitter

(name printed or typed)

STATE OF FLORIDA  
COUNTY OF PALM BEACH

EXPONENTIAL PROPERTIES, INC.

By: *Elie Boueri*  
ELIE BOUERI, President

The foregoing instrument was acknowledged before me this 19 day of DECEMBER, 2017 by ELIE BOUERI, as President of Exponential Properties, Inc., a Florida corporation on behalf of the corporation. He is personally known to me.

*Keith D. Kern*  
Signature of Notary Public – State of Florida  
Keith D. Kern  
My commission expires 04/26/20



(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

GRANTEE:  
CITY OF DELRAY BEACH, FLORIDA

By: \_\_\_\_\_  
Cary D. Glickstein, Mayor

# MAP OF SKETCH & LEGAL DESCRIPTION

CERTIFICATE OF AUTHORIZATION # LB-8023  
**Survey Pros, Inc.**

8306 MILLS DRIVE SUITE 148, MIAMI, FL. 33183  
Tel: 305.767.6802  
www.survey-pros.com

181 NE 2ND AVENUE DELRAY BEACH, FL. 33344  
SECTION 16 AND 17, TOWNSHIP 46 SOUTH, RANGE 43 EAST  
SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA.

SHEET 1 OF 2 (DESCRIPTION)  
SEE SHEET 2 FOR THE SKETCH OF THE  
LEGAL DESCRIPTION SHOWN HEREON.  
THIS SHEET IS NOT COMPLETE WITHOUT THE OTHER

THE WEST 5 FEET OF THE NORTH 18.8 FEET OF THE SOUTH 38 FEET OF LOT 2, BLOCK 83, TOWN OF LINTON, A/K/A TOWN OF DELRAY, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING WITHIN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, CONTAINING 94 SQUARE FEET, MORE OR LESS.

## SURVEYOR'S NOTES:

1. THE LANDS SHOWN HEREON HAVE NOT BEEN ABSTRACTED IN REGARDS TO MATTERS OF INTEREST BY OTHER PARTIES, SUCH AS EASEMENTS, RIGHTS OF WAYS, RESERVATIONS, ETC. ONLY PLATTED EASEMENTS ARE SHOWN.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE PROFESSIONAL SURVEYOR AND MAPPER.
3. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY. THIS IS NOT A BOUNDARY SURVEY.
4. THIS SKETCH AND DESCRIPTION WAS PREPARED BY THIS FIRM DOCUMENTS PROVIDED BY THE CLIENT.
5. THIS SKETCH AND DESCRIPTION IS NOT TRANSFERABLE WITHOUT THE EXPRESSED AND WRITTEN AUTHORIZATION OF THIS FIRM.

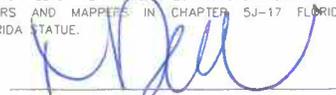
## CERTIFICATIONS:

EXPONENTIAL PROPERTIES, INC.

## SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTE.

AUTHENTIC COPIES OF THIS SURVEY SHALL BEAR THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE ATTESTING REGISTERED SURVEYOR AND MAPPER

  
NICOLAS DEL VENTO  
PROFESSIONAL SURVEYOR & MAPPER  
STATE OF FLORIDA LIC. # 6945

SEAL

DATE: 12/18/17

JOB#: 17122735

DRAWN BY: NICK

CAD FILE: EXPONENTIAL

# MAP OF SKETCH & LEGAL DESCRIPTION

**Survey Pros, Inc.**

8306 MILLS DRIVE SUITE 148, MIAMI, FL. 33183

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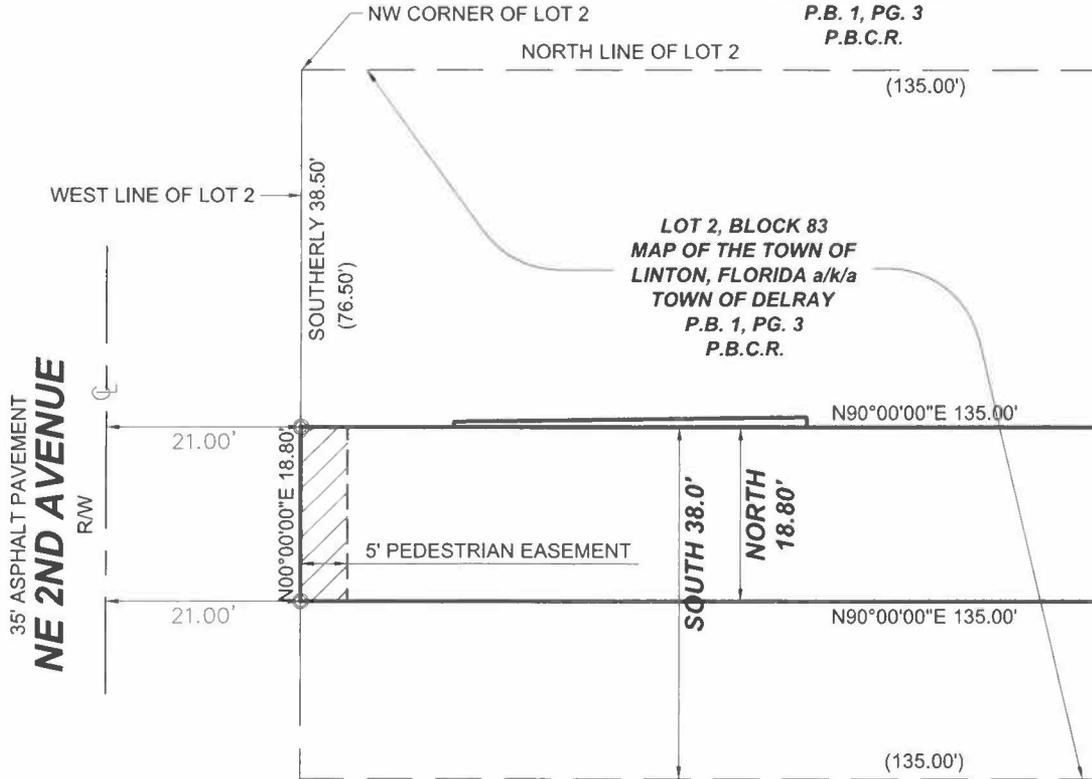


**NORTH**  
SCALE: 1"=20'

181 NE 2ND AVENUE DELRAY BEACH, FL. 33344  
SECTION 16 AND 17, TOWNSHIP 46 SOUTH, RANGE 43 EAST  
SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA.

SHEET 2 OF 2 (SKETCH)  
SEE SHEET 1 FOR THE LEGAL DESCRIPTION OF THE SKETCH GRAPHICALLY SHOWN HEREON.  
THIS SHEET IS NOT COMPLETE WITHOUT THE OTHER

**LOT 1, BLOCK 83**  
**MAP OF THE TOWN OF**  
**LINTON, FLORIDA a/k/a**  
**TOWN OF DELRAY**  
**P.B. 1, PG. 3**  
**P.B.C.R.**



**LOT 3, BLOCK 83**  
**MAP OF THE TOWN OF**  
**LINTON, FLORIDA a/k/a**  
**TOWN OF DELRAY**  
**P.B. 1, PG. 3**  
**P.B.C.R.**

**LOCATION MAP:**  
NOT TO SCALE



**LEGEND**

**ABBREVIATIONS:**

- A = ARC DISTANCE
- AC = AIR CONDITIONER PAD
- BCR = BROWARD COUNTY RECORDS
- BLDG = BUILDING
- BM = BENCH MARK
- BOB = BASIS OF BEARINGS
- CBS = CONCRETE BLOCK & STUCCO
- (C) = CALCULATED
- C&G = CURB & GUTTER
- CLF = CHAIN LINK FENCE
- COL = COLUMN
- D.E. = DRAINAGE EASEMENT
- D.M.E. = DRAINAGE & MAINTENANCE EASEMENT
- D/W = DRIVEWAY
- EB = ELECTRIC BOX
- ENC. = ENCROACHMENT
- EP = EDGE OF PAVEMENT
- EW = EDGE OF WATER

- FDH = FOUND DRILL HOLE
- FF = FINISHED FLOOR ELEVATION
- FIP = FOUND IRON PIPE (NO ID)
- FIR = FOUND IRON ROD (NO ID)
- FN = FOUND NAIL (NO ID)
- FPL = FLORIDA POWER & LIGHT TRANSFORMER PAD
- L.E. = LANDSCAPE EASEMENT
- L.M.E. = LAKE MAINTENANCE EASEMENT
- (M) = MEASURED
- MDCR = MIAMI-DADE COUNTY RECORDS
- MH = MAN HOLE
- ML = MONUMENT LINE
- (P) = PLAT
- PB = PLAT BOOK
- PC = POINT OF CURVATURE
- PCP = PERMANENT CONTROL POINT
- PE = POOL EQUIPMENT PAD
- PG = PAGE
- PI = POINT OF INTERSECTION
- PL = PLANTER
- POB = POINT OF BEGINNING

- POC = POINT OF COMMENCEMENT
- PRC = POINT OF REVERSE CURVATURE
- PRM = PERMANENT REFERENCE MONUMENT
- PT = POINT OF TANGENCY
- R = RADIUS DISTANCE
- (R) = RECORD
- R/W = RIGHT-OF-WAY
- RES = RESIDENCE
- SIP = SIP LB#8023
- SND = SET NAIL & DISK LB#8023
- STL = SURVEY TIE LINE
- SWK = SIDEWALK
- (TYP) = TYPICAL
- UB = UTILITY BOX
- U.E. = UTILITY EASEMENT
- W/F = WOOD FENCE
- (00') = ORIGINAL LOT DISTANCE
- ⊕ = CENTER LINE

DATE: 12/18/17

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