

Prepared by: RETURN:

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

Address: 202 NE 5<sup>th</sup> Terrace, Delray Beach, FL 33444  
PCN: 12-43-46-09-29-009-0012

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### LIMITED ACCESS EASEMENT AGREEMENT

This Limited Access Easement Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between Marc A. Schliesman and Amy L. Davidson, with a mailing address of 202 NE 5<sup>th</sup> Terrace, Delray Beach, Florida ("Property Owners") 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:

WHEREAS, Section 6.1.2(B)(7) of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach provides that reserve strips controlling access to streets shall be prohibited except where their control is agreed to by the City under approved conditions. Such reserve strips, when agreed to by City, shall be required, as limited access easements, along all arterial and collector streets except for approved points of ingress and egress; and

WHEREAS, vehicular access onto NE 2<sup>nd</sup> Avenue from the property located at 202 NE 5<sup>th</sup> Terrace, further described in Exhibit "A", is impracticable in this case due to it being a thoroughfare and being the side lot; and

WHEREAS, the property owners wish to have a limited access easement agreement over the historic front of the lot at 202 NE 5<sup>th</sup> Terrace pursuant to Section 6.1.(B)(7) above; and

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby covenant and agree as follows:

1. That the recitals heretofore set forth are true and accurate and incorporated herein by reference.
2. That the Limited Access Easement is needed so that vehicle access to the property described in Exhibit "A" shall be denied and prohibited as to NE 2<sup>nd</sup> Avenue.
3. The Limited Access Easement covers the area described in Exhibit "B". Property Owners hereby grant and impose over its property a Limited Access Easement for ingress and egress over the area described on Exhibit "B" for vehicular access and travel.
4. Property Owners and City agree that this Limited Access Easement Agreement shall be recorded in the Public Records of Palm Beach County, Florida and shall run with the land.

The Limited Access Easement granted herein shall not be transferred, assigned, sold or otherwise conveyed except in conjunction with the transfer or sale of the subject property.

5. This agreement may not be changed, altered or modified except in writing signed by both parties. This agreement shall be binding upon the parties hereto and their respective successors and assigns.

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

WITNESSES:

Signature

Jesse Robinson

Name

910 NW Treasure RD Stuart FL 34994  
Address

Signature

Tyler Hoover

Name

743 SW 17th Ave, Delray Beach  
33444  
Address

STATE OF FL  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of May, 2025 by Marc A. Schliesman (name of person acknowledging).

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



Notary Public - State of FL

WITNESSES:

Signature

Jesse Robinson

Name

910 NW Treasure RD Street FL 34994  
Address

Signature

Tyler Hoover

Name

743 SW 17th AVE, DEERAY Bch  
Address 33444

STATE OF FL

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of MAY, 2025 by Amy L. Davidson (name of person acknowledging).

Personally known ☒ OR Produced Identification

Type of Identification Produced \_\_\_\_\_



Notary Public - State of FL

[Remainder of Page Intentionally Left Blank]

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

\_\_\_\_\_  
Alexis Givings, City Clerk

By: \_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to Form:

\_\_\_\_\_  
Lynn Gelin, Esq., City Attorney

### **Exhibit A**

Lot(s) 1 and 2 Less the East 25 feet thereof, Block 9, Del Ida Park, according to the map or plat thereof, as recorded in Plat Book 9, Page(s) 52, of the Public Records of Palm Beach County, Florida.

# Exhibit B

## Property Survey Page 1:

# TOPOGRAPHIC SURVEY

### PROPERTY ADDRESS:

202 N.E. 5 TERRACE DELRAY BEACH, FLORIDA 33444

### LEGAL DESCRIPTION:

LOT 1 AND 2, LESS THE EAST 25 FEET THEREOF, OF BLOCK 9, OF DELVIA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

### CERTIFIED TO:

MARC SCHLESMAN

HIS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR

### GENERAL NOTES:

LEGAL DESCRIPTION USED TO PERFORM THIS SURVEY WAS SUPPLIED BY OTHERS. THIS SURVEY DOES NOT DETERMINE OR IS NOT TO IMPLY OWNERSHIP.  
-THIS SURVEY ONLY SHOWS ABOVE GROUND IMPROVEMENTS. UNDERGROUND UTILITIES, FOOTINGS, OR ENCROACHMENTS ARE NOT LOCATED ON THIS SURVEY MAP.  
-IF THERE IS A SEPTIC TANK, WELL OR DRAIN FIELD ON THIS SURVEY, THE LOCATION OF SUCH ITEMS WAS SHOWN TO US BY OTHERS AND THE INFORMATION WAS NOT VERIFIED.  
-EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECT THIS PROPERTY.  
-THE LANDS SHOWN HEREIN WERE NOT ABSTRACTED FOR EASEMENT OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.  
-WALL THICKNESS TO THE FACE OF THE WALL.  
-HENCE OWNERSHIP NOT DETERMINED.  
-HEARINGS REFERENCED TO LINE NOTED AS B.R.  
-DIMENSIONS SHOWN ARE PLATTED AND MEASURED UNLESS OTHERWISE SHOWN.  
-NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.  
-NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYOR'S EMBOSSED SEAL.  
-BOUNDARY SURVEY MEANS A DRAWING AND/OR GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, CAPABLE OF BEING DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE.  
-ELEVATIONS IF SHOWN ARE BASED UPON N.A.S.D. UNLESS OTHERWISE NOTED.  
-THIS IS A BOUNDARY SURVEY UNLESS OTHERWISE NOTED.  
-THIS BOUNDARY SURVEY IS EXCLUSIVE FOR THE USE PARTIES TO WHOM IT IS CERTIFIED. THE CERTIFICATIONS DO NOT EXTEND TO ANY UNNAMED PARTIES.  
-THIS SURVEY SHALL NOT BE USED FOR CONSTRUCTION PERMITTING PURPOSES WITHOUT WRITTEN CONSENT FROM THE LAND SURVEYOR WHO HAS SIGNED AND SEAL THIS SURVEY.

### ABBREVIATIONS AND LEGENDS:

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THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 62-17, FLORIDA BOARD OF LAND SURVEYORS, PLASANT TO BE IT ON 4/2/07 OF THE FLORIDA STATUTES

Digitally signed by Miguel Espinosa  
Date: 2024.12.20 16:34:18 -0500

SIGNED \_\_\_\_\_ FOR THE FIRM  
MIGUEL ESPINOSA P.S.M. 143101 STATE OF FLORIDA  
NOT VALID WITHOUT AN AUTHENTIC ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL AND/OR THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.

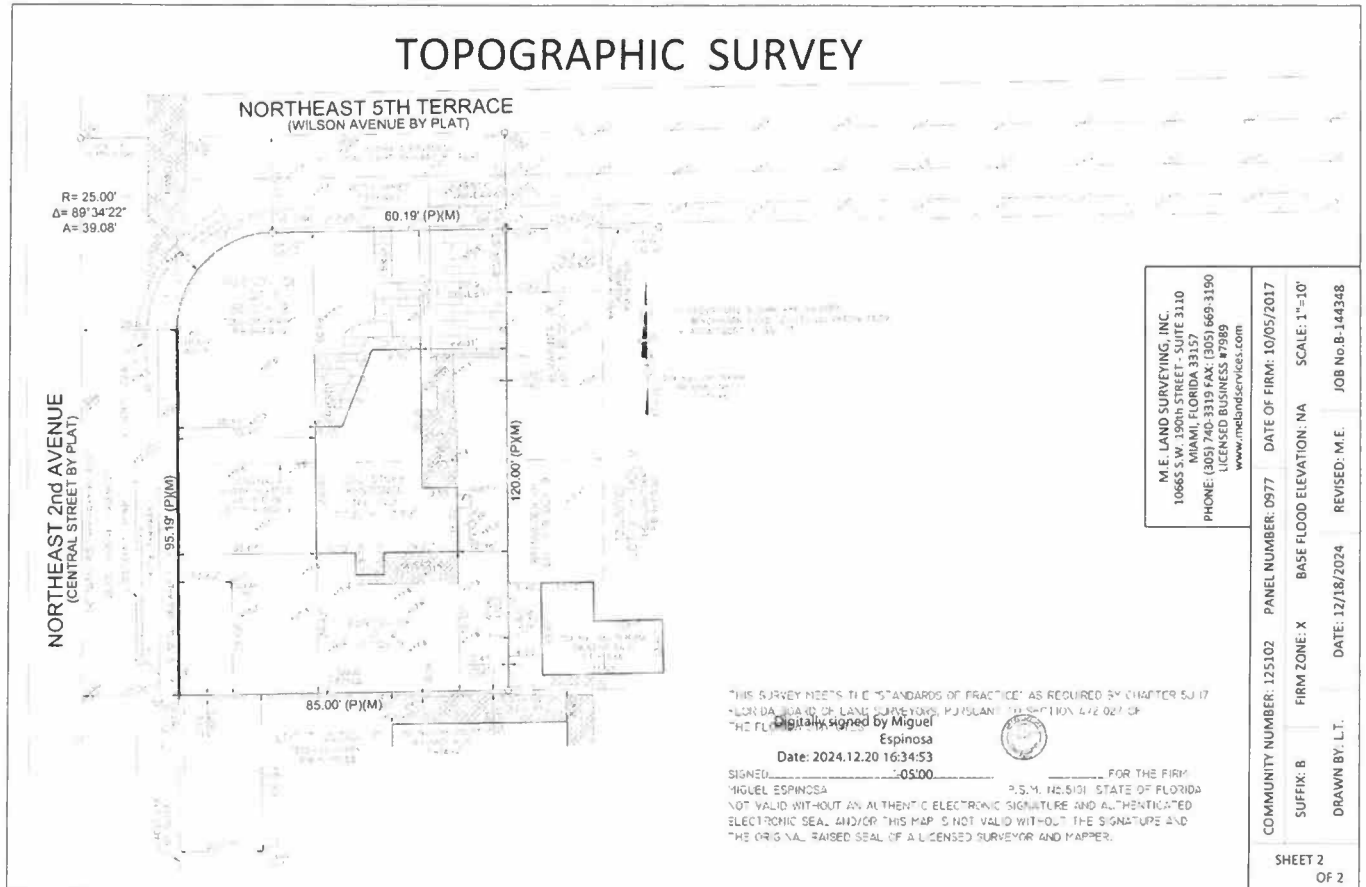
M.E. LAND SURVEYING, INC.  
10665 S.W. 190TH STREET - SUITE 3110  
MIAMI, FLORIDA 33157  
PHONE: (305) 555-1000  
FAX: (305) 555-1001  
WWW.MELANDSURVEYING.COM

DATE OF FIRM: 10/05/2017  
SCALE: 1"=10'  
JOB NO. B-144348  
DATE: 12/18/2024  
REVISED: M.E.  
DATE: 12/18/2024  
REVISED: M.E.

SHEET 1  
OF 2

## Exhibit B (Continued)

Property Survey Page 2:



There shall be no ingress and egress on NE 2<sup>nd</sup> Avenue to the subject property.