

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:

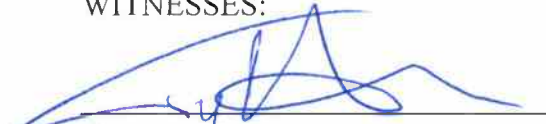
1. That the recitals heretofore set forth are true and accurate and incorporated herein by reference.
2. That the Limited Access Easement is needed so that vehicle access to the property described in Exhibit "A" shall be denied and prohibited as to NE 2<sup>nd</sup> Avenue.
3. The Limited Access Easement 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

TYLER HOUSER  
Print Name

  
Signature

Jesse Robinson  
Print Name

PROPERTY OWNERS

  
Signature

Marc A. Schliesman  
Print Name

  
Signature

Amy L. Davidson  
Print Name

STATE OF FL  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30 day of APRIL, 2023 by MARC SCHLIESMAN (name of person acknowledging).

AMY DAVIDSON

Personally known ☒ OR Produced Identification ☐  
Type of Identification Produced I.D.

(SEAL)



  
Notary Public - State of FL

[Remainder of Page Intentionally Blank, City Signature Page Below]

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

By: \_\_\_\_\_  
Alexis Givings, City Clerk

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

Approved as to Form and Legal Sufficiency:

By: \_\_\_\_\_  
Lynn Gelin, 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.



## Property Survey Page 2:

