

Prepared by and return to:

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

PCN 12-42-46-13-01-000-0080
Address: 4760 W Atlantic Ave, Delray Beach, FL

RIGHT-OF-WAY DEED

THIS INDENTURE made this _____ day of _____, 2023, between **WPG-ATLANTIC, LLC**, a Florida limited liability company, with a mailing address of 4211 W. Boy Scout Boulevard, Suite 620, Tampa, Florida 33607, GRANTOR, and **CITY OF DELRAY BEACH, FLORIDA**, a Florida municipal corporation with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, GRANTEE. (Whenever used herein the term "GRANTOR" and "GRANTEE" 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 GRANTOR, 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 GRANTEE, its successors and assigns, all right, title, interest, claim and demand which GRANTOR has in and to the following-described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

See Exhibit "A" attached hereto.

This Deed is made for the purpose of giving and granting to GRANTEE, its successors and assigns, a right-of-way and easement in and to said lands for public highway, street, and public utility purposes; and 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 GRANTOR or assigns.

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

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 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 GRANTOR, in law or in equity to the only proper use, benefit, and behalf of the said GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, said Grantor has signed and sealed these presents the day and year first above written.

WITNESSES:

GRANTOR

WPG-ATLANTIC, LLC, a Florida limited liability company

By: Wagner Property Group, LLC, a Florida limited liability company, as its Manager

By: Michael T. Wagner
Michael T. Wagner
Manager

SARAH M LIAKOS

Print Name

[Signature]

Signature

Kathleen Hupp

Print Name

[Signature]

Signature

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1ST day of SEPTEMBER, 2023, by Michael T. Wagner, as Manager of Wagner Property Group, LLC, a Florida limited liability company, the Manager of WPG-Atlantic, LLC, a Florida limited liability company, on behalf of each limited liability company.

Personally known [initials] OR Produced Identification _____
Type of Identification Produced _____



[Signature]
Notary Public – State of Florida

[Remainder of Page Intentionally Left Blank]

ATTEST:

**GRANTEE/ CITY OF DELRAY BEACH,
FLORIDA**

By: _____
City Clerk

By: _____
Shelly Petrolia, Mayor

Approved as to Form:

By: _____
City Attorney

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"EXHIBIT A1"

DESCRIPTION OF RIGHT-OF-WAY DEDICATION (NOT A SURVEY)

LEGAL DESCRIPTION

A PORTION OF LOT 8, COUNTRY CLUB ACRES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 8, THENCE SOUTH 89°15'24" WEST ALONG THE NORTH LINE OF SAID LOT, A DISTANCE OF 46.50 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE 39.39 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, CENTRAL ANGLE OF 090°16'00", AND A CHORD BEARING AND DISTANCE OF SOUTH 44°23'24" WEST, 35.44 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE NORTH 00°28'36" WEST ALONG THE WEST LINE OF SAID LOT, A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF LOT 8; THENCE NORTH 89°15'24" EAST ALONG THE NORTH LINE OF LOT 8, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 133 SQUARE FEET OR 0.003 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS "SKETCH AND DESCRIPTION" WAS MADE UNDER MY DIRECT SUPERVISION ON AUGUST 7, 2023 AND MEETS THE APPLICABLE CODES AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CERTIFIED TO PALM BEACH COUNTY.

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH 89°15'24" EAST ALONG THE NORTH LINE OF LOT 8, "COUNTRY CLUB ACRES", RECORDED IN PLAT BOOK 24, PAGE 10. THIS SURVEY HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS.
2. THE PURPOSE OF THIS DOCUMENT IS TO DESCRIBE AND REPRESENT A RIGHT-OF-WAY DEDICATION, AS SHOWN HEREON. (SEE SHEET 2 FOR SKETCH)
3. PROPERTY ADDRESS: 4760 WEST ATLANTIC AVENUE DELRAY BEACH, FLORIDA 33445
4. PROPERTY PARCEL CONTROL NUMBER: 12-42-46-13-01-000-0080



COLLIN WOODYARD "NOT VALID WITHOUT THE
LS NO. 7423 SIGNATURE AND THE ORIGINAL
SEPTEMBER 12 2023 RAISED SEAL OR DIGITAL
SIGNATURE OF THE FLORIDA
LICENSED SURVEYOR AND MAPPER"

SEE SHEET 2 OF 2 FOR SKETCH

SCALE: N.T.S.	DATE _ / _ / 202_	DRAWN PD	PROJECT FLB220003	SEC. 13 TWN. 46 S RNG. 42 E	1900 NW CORPORATE BLVD., SUITE 101E BOCA RATON, FL 33431 561.571.0280	BOHLER ™
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"EXHIBIT A1"



1"=30'

SKETCH OF RIGHT-OF-WAY DEDICATION (NOT A SURVEY)

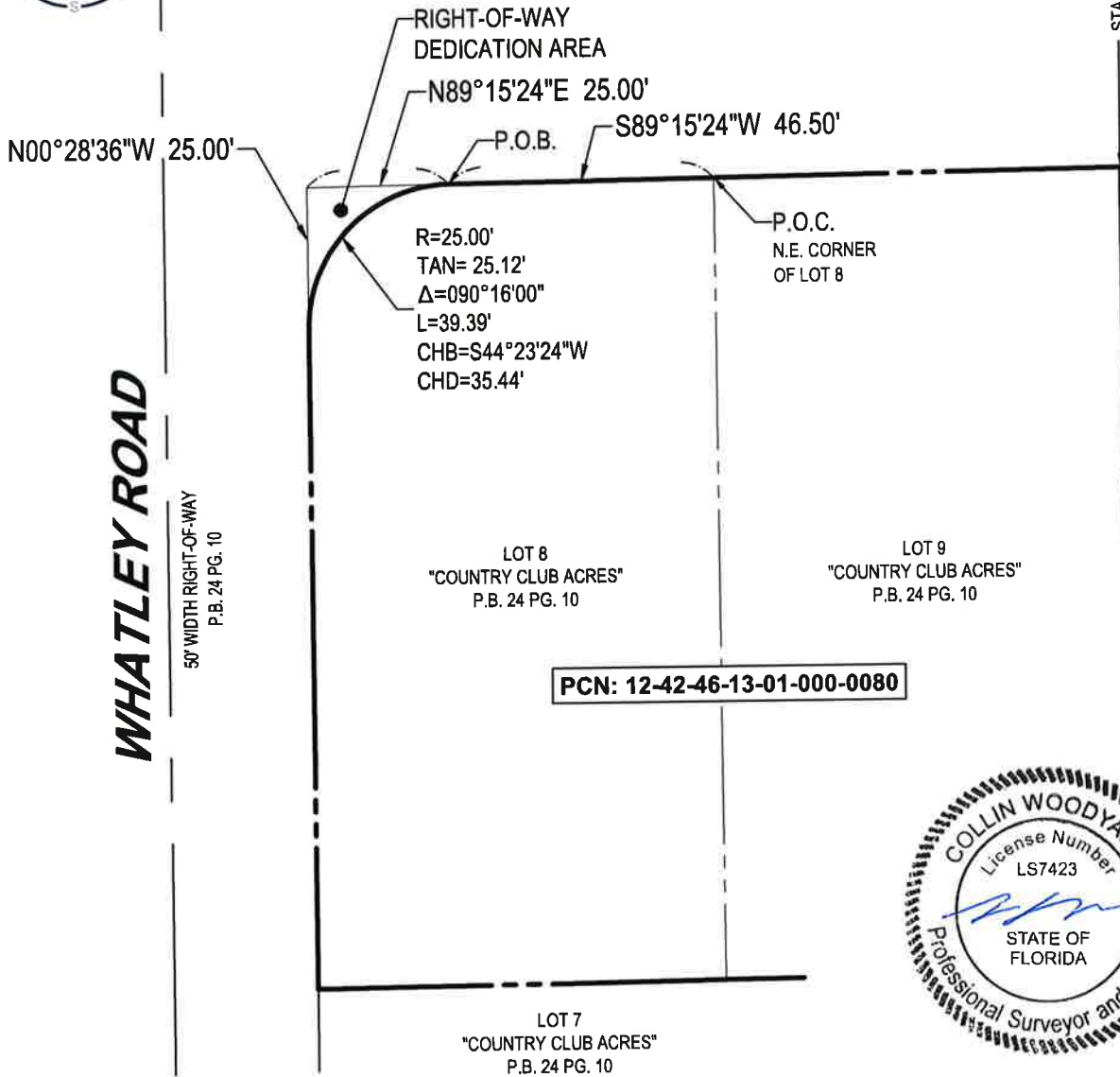
SURVEY BASELINE PER. F.D.O.T. PLAN 93030-2505



WEST ATLANTIC AVENUE

VARIABLE WIDTH RIGHT-OF-WAY
F.D.O.T. SECTION 93030-2505

STA 196+29.48
65.50' OFFSET



WHATLEY ROAD

50' WIDTH RIGHT-OF-WAY
P.B. 24 PG. 10

LOT 8
"COUNTRY CLUB ACRES"
P.B. 24 PG. 10

LOT 9
"COUNTRY CLUB ACRES"
P.B. 24 PG. 10

PCN: 12-42-46-13-01-000-0080

LOT 7
"COUNTRY CLUB ACRES"
P.B. 24 PG. 10



LEGEND

N NORTH
W WEST
S SOUTH
E EAST

SEC SECTION
TWN TOWNSHIP
RNG RANGE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

P.B. PLAT BOOK
PG. PAGE
STA STATION
PCN PARCEL CONTROL NUMBER
F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION

P.S.M. PROFESSIONAL SURVEYOR AND MAPPER

COLLIN WOODYARD
LS NO. 7423
SEPTEMBER 12, 2023

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER"

SEE SHEET 1 OF 2 FOR DESCRIPTION

SCALE: 1"=30'	DATE _ / _ / 202_	DRAWN PD	PROJECT FLB220003	SEC. 13 TWN. 46 S RNG. 42 E	1900 NW CORPORATE BLVD., SUITE 101E BOCA RATON, FL 33431 561.571.0280	BOHLER ™
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