

Prepared by: RETURN:

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

Address: 118 Swinton Circle  
PCN: 12-43-46-04-20-003-0010

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### LIMITED ACCESS EASEMENT AGREEMENT

This Limited Access Easement Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between **LUZ GUZMAN**, a married woman, and **MICHAEL FAJARDO**, a single man with a mailing address of 118 South Swinton Circle, Delray Beach, Florida 33444, (collectively referred to as "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 2nd Avenue from the property located at 118 Swinton Circle, further described in Exhibit "A", is impracticable in this case due it being the rear of the lot; and

WHEREAS, the property owner wishes to have a limited access easement agreement over the side of the lot adjacent to NE 2nd Avenue pursuant to Section 6.1.2(B)(7) as cited 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 2nd Avenue.
3. The Limited Access Easement covers the area described in Exhibit "B." Property Owners hereby grants and imposes 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 Owner 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]

Signature

Kesia M. Laing

Print Name

[Signature]

Signature

Kesira Kongreva

Print Name

LUZ GUZMAN

By: [Signature]

STATE OF Florida  
COUNTY OF Palm Beach

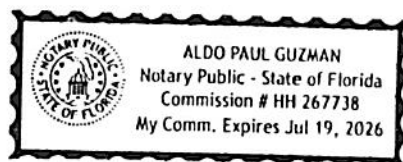
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18<sup>th</sup> day of July, 2022, by LUZ Guzman (name of person acknowledging)

Personally known      OR Produced Identification

Type of Identification Produced NOT

(SEAL)

[Signature]  
Notary Public – State of Florida



WITNESSES:

Kesia M. Laing  
Signature

Kesia M. Laing  
Print Name

Ksenia Kovereva  
Signature  
Ksenia Kovereva  
Print Name

MICHAEL FAJARDO

By: [Signature]

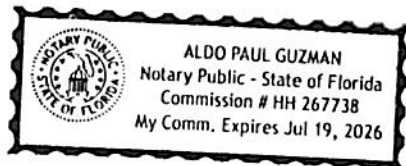
STATE OF Florida  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18<sup>th</sup> day of July, 2022, by Michael Fajardo (name of person acknowledging)

Personally known      OR Produced Identification  
Type of Identification Produced NIDL

(SEAL)

Aldo Paul Guzman  
Notary Public – State of Florida



ATTEST:

CITY OF DELRAY BEACH, FLORIDA

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

By: \_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to Form:

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

**Exhibit "A" Legal Description**

**118 Swinton Circle**

Lot 1, Block 3, Northridge According to the Plat thereof recorded in Plat Book 23, Page 168, of  
The Public Records of Palm Beach Florida.

# SKETCH ACCOMPANY LEGAL DESCRIPTION

## 5 FOOT LIMITED ACCESS EASEMENT

### EXHIBIT "B" / LEGAL DESCRIPTION AND SKETCH OF LIMITED ACCESS EASEMENT:

A 5.00 foot wide Limited Access Easement across a portion of Lot 1, Block 3 of "NORTHRIDGE", according to the Plat thereof, as recorded in Plat Book 23, Page 168, of the Public Records of Palm Beach County, Florida, said easement being more particularly described as follows:

Beginning at the Southeast corner of said Lot 1, Block 3; Thence North 01°03'30" West on the East property line of said Lot 1, a distance of 55.12 feet to the point of curvature of a circular curve to the left; Thence Northwesterly on the East line of said Lot 1 and the arc of said curve, having a radius of 20.00 feet and a central angle of 89°39'10", a distance of 31.29 feet to a point of non-tangency; Thence South 00°42'40" East, a distance of 5.00 feet to a point of non-tangency and a circular curve to the right, at which the radius point bears South 00°42'41" East; Thence Southeasterly on the arc of said curve, having a radius of 15.00 feet and a central angle of 89°39'10", a distance of 23.47 feet to the point of tangency; Thence South 01°03'30" East, a distance 55.12 feet to the South property line of said Lot 1; Thence North 89°17'17" East on said South line, a distance 5.00 feet to the Point of Beginning.

Said lands lying in the City of Delray Beach, Palm Beach County, Florida and containing 413 square feet, more or less.

#### **SURVEYOR'S NOTES:**

All distances as shown are based on the US Survey foot.

Subject lands is located within the City of Delray Beach, Palm Beach County, Florida and is located in the recorded Plat of "NORTHRIDGE", according to the Plat thereof as recorded in Plat Book 23 at Page 168 of the Public Records of Palm Beach County, Florida.

Bearings are based/referred to an assumed meridian where the South right of way of SWINTON CIRCLE bears N 89° 17' 19" E.

This is not a Boundary Survey, but only a graphic depiction of the description shown hereon.

This instrument was conducted for the purpose of a "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" only and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other entity. This document does not reflect or determine ownership.

This survey is intended for the use of the parties to whom this survey is certified to and for. Any reproduction is not an original. This surveyor retains an original to verify these dated contents for validity. Not valid without the signature and raised seal of the Florida Surveyor and Mapper.

## THIS IS NOT A BOUNDARY SURVEY

SHEET NO. 1 of 2

#### **CERTIFICATION:**

THIS SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.



Date: 08/01/2022

JOHN E. KUHAN, PSM, State of Florida  
Professional Surveyor & Mapper No. 6711

NOT VALID, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SCALE: AS SHOWN

CHECKED BY: JEK

DRAWN BY: ELF



BASELINE LAND SURVEY LLC  
1400 N.W. 1st COURT  
BOCA RATON, FLORIDA 33432  
(561) 417-0700

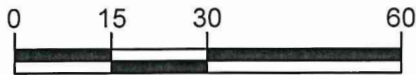
LB 8229

JOB: 20-12-044-SK.LG.D.

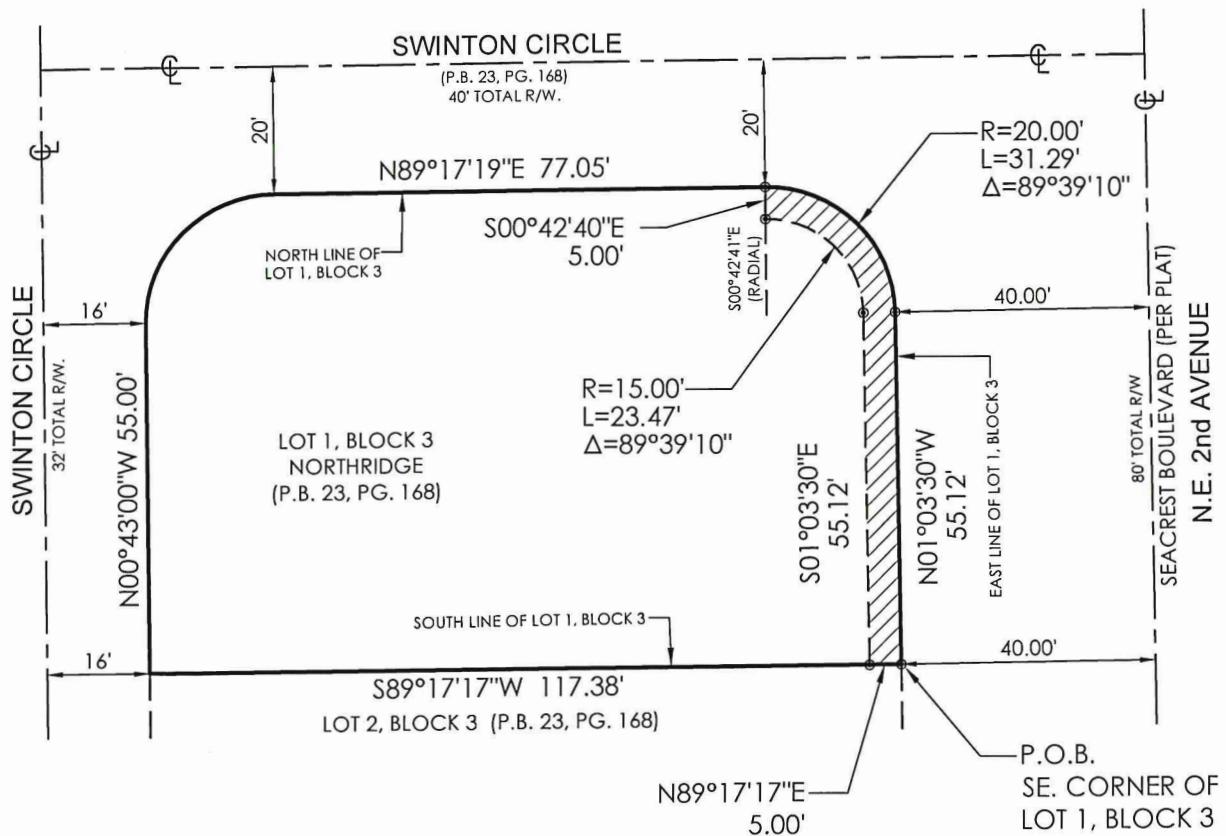


# SKETCH ACCOMPANY LEGAL DESCRIPTION

## 5 FOOT LIMITED ACCESS EASEMENT



Scale: 1 inch = 30ft.



P.B. = PLAT BOOK

PG. = PAGE

P.O.B. = POINT OF BEGINNING

R/W = RIGHT OF WAY

### THIS IS NOT A BOUNDARY SURVEY

SHEET NO. 2 of 2

#### CERTIFICATION:

THIS SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.

Date: 08/01/2022

JOHN E. KUHAR, PSM, State of Florida  
Professional Surveyor & Mapper No. 6711

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SCALE: 1" = 30'

CHECKED BY: JEK

DRAWN BY: ELF



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