

Prepared by and return to:

Gary S. Dunay, Esq.
Dunay, Miskel and Backman, LLP
14 SE 4th Street, #36
Boca Raton, FL 33432

LIFT STATION EASEMENT

THIS INDENTURE, made this ____ day of _____, 2017, by and between **DELRAY BEACH 4th & 5th AVENUE LLC**, a Delaware limited liability company, with a mailing address of 433 Plaza Real, Suite 335, Boca Raton, FL 33432, party of the first part, 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, party of the second part:

WITNESSETH: That the party of the first part, for and in consideration of the mutual promises herein contained and other good and valuable considerations, does hereby grant, bargain, sell and release unto the party of the second part, its successors and assigns, a right of way and perpetual easement for the purpose of the construction and maintenance of a lift station with full and free right, liberty, and authority to enter upon and to install, operate, and maintain such lift station under, across, through and upon, under 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 in the party of the second part, 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, and reservations of record. That the party of the first part agrees to provide for the release or subordination of any and all mortgages or liens encumbering this easement. The party of the first part also agrees to erect no building or affect any other kind of construction or improvements upon the above-described property.

It is understood that upon completion of such construction, all lands disturbed thereby as a result of such construction performed thereon, will be restored to its original or like condition without expense to the property owner.

Party of the first part 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 Easement Deed allows or permits, the same shall include the successors or assigns of the parties.

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

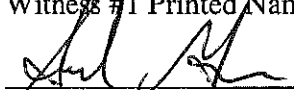
{signatures appear on next page}



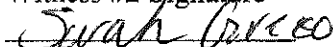
Witness #1 Signature



Witness #1 Printed Name



Witness #2 Signature



Witness #2 Printed Name

DELRAY BEACH 4TH & 5TH AVENUE LLC, a
Delaware limited liability company

By: Delray Beach 4th & 5th Avenue Holdings LLC,
Delaware limited liability company, its sole member

By: Delray Beach 4th & 5th Avenue Developer LLC,
a Delaware limited liability company, its managing
member

By: S&A Delray Beach 4th & 5th Avenue
LLC, a Delaware limited liability company,
its manager

Witness #1 Signature

Witness #1 Printed Name

Witness #2 Signature

Witness #2 Printed Name

By S&A GP LLC, a Massachusetts
limited liability company, its
manager

By: 

Name: Joel Sklar
Its: Manager

By: IPIC-DELRAY INVESTMENT, LLC, a
Delaware limited liability company, its
manager

By: _____
Name: Hamid Hashemi
Its: CEO

Witness #1 Signature

DELRAY BEACH 4TH & 5TH AVENUE LLC, a
Delaware limited liability company

Witness #1 Printed Name

By: Delray Beach 4th & 5th Avenue Holdings LLC,
Delaware limited liability company, its sole member

Witness #2 Signature

By: Delray Beach 4th & 5th Avenue Developer LLC,
a Delaware limited liability company, its managing
member

Witness #2 Printed Name

By: S&A Delray Beach 4th & 5th Avenue
LLC, a Delaware limited liability company,
its manager

Witness #1 Signature

By S&A GP LLC, a Massachusetts
limited liability company, its
manager

Maria Bolivar

Witness #1 Printed Name

By: _____
Name:
Its: Manager

Witness #2 Signature

Roberta L. Ryznar

Witness #2 Printed Name

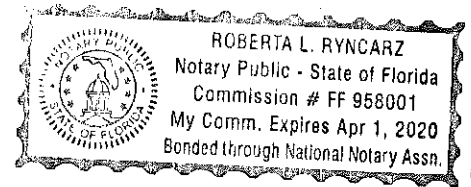
By: IPIC-DELRAY INVESTMENT, LLC, a
Delaware limited liability company, its
manager

By: _____
Name: Hamid Hashemi
Its: CEO

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 15th day of ~~April~~ ^{May}, 2017 by Hamid Hashemi, the CEO of Ipic-Delray Investment, LLC, a Delaware limited liability company, the Co-Manager of Delray Beach 4th & 5th Avenue Developer LLC, a Delaware limited liability company, the Managing Member of Delray Beach 4th & 5th Avenue Holdings LLC, a Delaware limited liability company, the Sole Member of Delray Beach 4th & 5th Avenue LLC, a Delaware limited liability company.

Roberta L. Ryncarz
Notary Public



STATE OF FLORIDA COMMONWEALTH OF MASSACHUSETTS
COUNTY OF PALM BEACH SUFFOLK

The foregoing instrument was acknowledged before me this 15th day of May, 2017 by Joel Sklar, as manager of S&A GP, LLC, a Massachusetts limited liability company, the Manager of S&A Delray Beach 4th & 5th Avenue, LLC, a Delaware limited liability company, the Co-Manager of Delray Beach 4th & 5th Avenue Developer LLC, a Delaware limited liability company, the Managing Member of Delray Beach 4th & 5th Avenue Holdings LLC, a Delaware limited liability company, the Sole Member of Delray Beach 4th & 5th Avenue, LLC, a Delaware limited liability company.

Notary Public

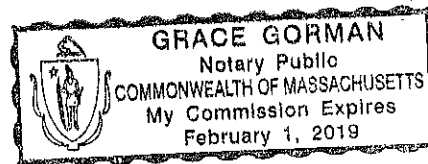


Exhibit "A"

**SKETCH AND DESCRIPTION
LIFT STATION EASEMENT**

PORTION OF LOT 10, BLOCK 101, TOWN OF LINTON (NOW DELRAY BEACH)
(P.B. 1, PG. 3, P.B.C.R.)
CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of Lot 10, Block 101, TOWN OF LINTON (now Delray Beach) as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida, described as follows:

COMMENCE at a point of intersection 8.17 feet east of the west line of said Lot 10 and the south line of the north 20 feet of said Lot 10, point also being the southwest corner of proposed plat of "FOURTH & FIFTH DELRAY"; thence S01°32'09"E, 5.21 feet to the POINT OF BEGINNING; thence N88°27'51"E, 30.00 feet; thence S01°32'09"E, 25.00 feet; thence S88°27'51"W, 30.00 feet; thence N01°32'09"W, 25.00 feet to the POINT OF BEGINNING.

Said lands situate and being in the City of Delray Beach, Palm Beach County, Florida and containing 750 square feet, more or less.

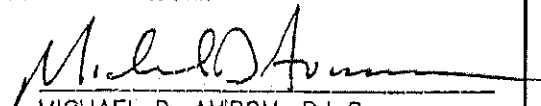
SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are assumed based on the west line of Block 101 having a bearing of N01°32'09"W.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: \odot = Centerline; L.B. = Licensed Business; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement; R/W = Right-of-Way.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 1/30/17



MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300
EMAIL: mike@aviromsurvey.com

REVISIONS

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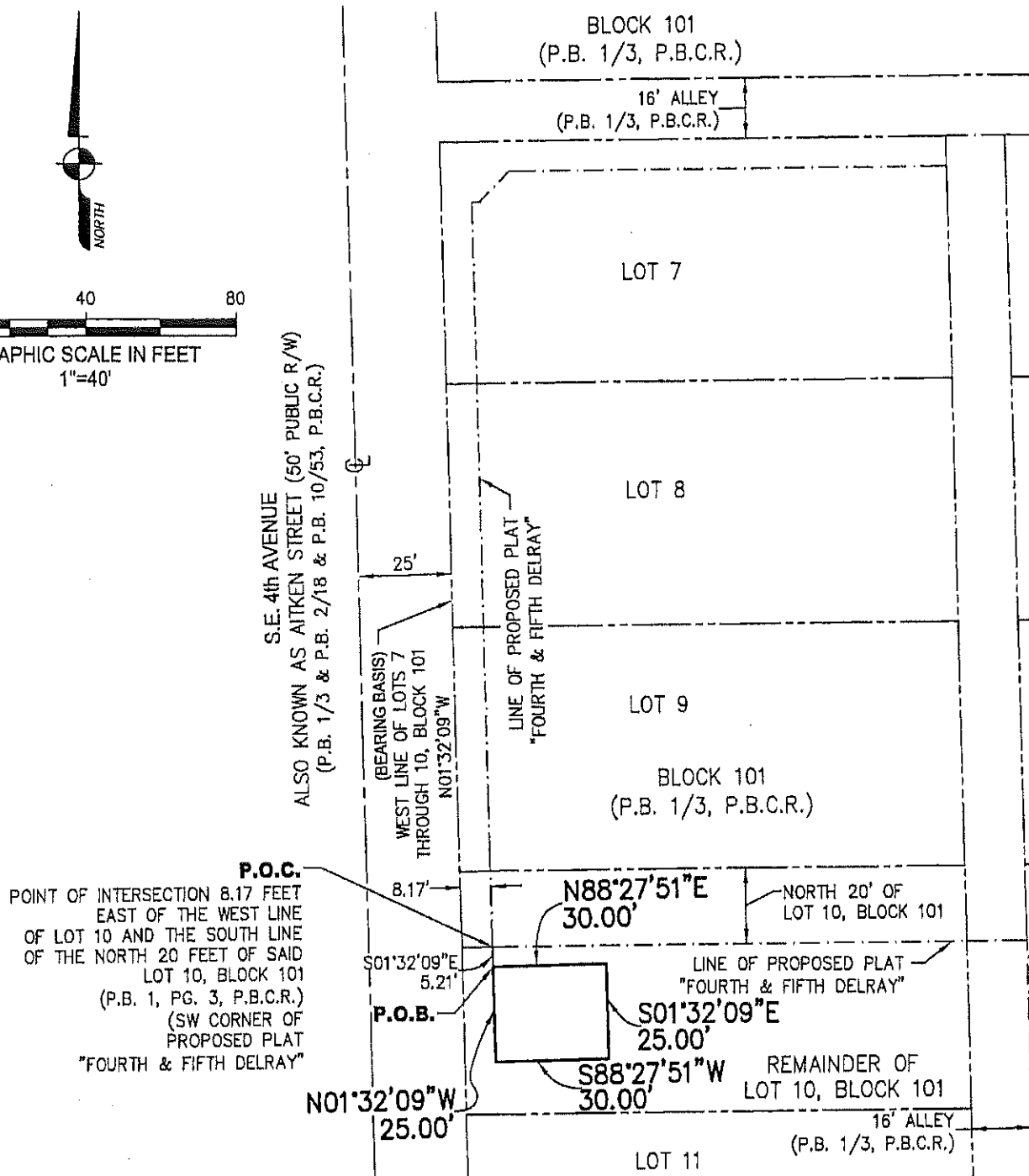
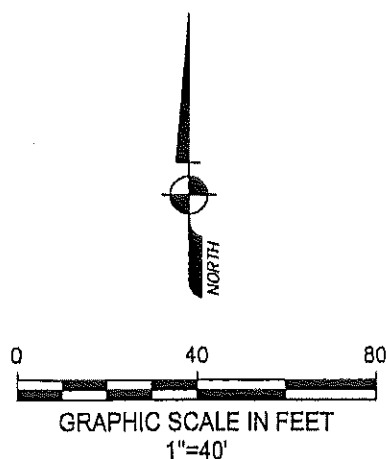


AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
50 S.W. 2nd AVENUE, SUITE 102
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| JOB #: | 7753-11_LS |
| SCALE: | 1" = 40' |
| DATE: | 01/30/2017 |
| BY: | KSB |
| CHECKED: | M.D.A. |
| F.B. | PG. - |
| SHEET: | 1 of 2 |

PORTION OF LOT 10, BLOCK 101, TOWN OF LINTON (NOW DELRAY BEACH)
(P.B. 1, PG. 3, P.B.C.R.)
CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA



REVISIONS



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SHEET: 2 of 2