

Prepared by: RETURN

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

PEDESTRIAN INGRESS AND EGRESS EASEMENT DEED

THIS INDENTURE, made this ____ day of _____, 20__, by ATLANTIC AVE DEVELOPMENT LLC, a Florida limited liability company, with a mailing address of 106 S. Swinton Avenue, Delray Beach, Florida 33444, Grantor, in favor of 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, Grantee:

WITNESSETH: That Grantor, for and in consideration of the mutual promises herein contained and other good and valuable considerations, does hereby grant, bargain, sell and release unto Grantee, its successors and assigns, a perpetual easement for the purpose of pedestrian access with full and free right, liberty, and authority to enter upon such access across, through and upon or within the following described property located in Palm Beach County, Florida, to-wit:

DESCRIPTION

See Exhibit "A"

That this easement shall be subject only to those easements, restrictions, conditions and reservations of record. That the Grantor agrees to provide for the release or subordination of any and all mortgages or liens encumbering this easement. The Grantor also agrees to erect no building or affect any other kind of construction or improvements upon the above-described property, other than the improvements reflected on the site plan attached as Exhibit "B" attached hereto and incorporated herein ("Plan").

It is understood that the Grantor shall maintain the public access and open space in perpetuity in accordance with the Plan and shall be solely responsible for the costs of such repair and maintenance of the pedestrian access.

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 easement and that the same is unencumbered except as provided above. Where the context of this Pedestrian Ingress and Egress Easement Deed allows or permits, the same shall include the successors or assigns of the parties.

IN WITNESS WHEREOF, the Grantor has set its hand and seal the day and hear first above written.

WITNESS #1

(name printed or typed)

ATLANTIC AVE DEVELOPMENT LLC, a Florida
limited liability company, by its Manager,
MGM DELRAY LLC, a Florida limited liability
company, by its Manager, HUDSON DELRAY
LLC, a Florida limited liability company

WITNESS #2

(name printed or typed)

By: _____
Steven Michael, Member

STATE FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by STEVEN MICHAEL, Member of HUDSON DELRAY LLC, a Florida limited liability company, Manager of MGM DELRAY LLC, a Florida limited liability company, Manager of ATLANTIC AVE DEVELOPMENT LLC, a Florida limited liability company, on behalf of said limited liability companies, who is personally known or who has produced _____ (type of identification) and did/did not take an oath.

Signature of Notary Public
State of Florida

(SEAL)

EXHIBIT "B"

