

Prepared by: RETURN:

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

PCN#: 12-43-46-16-01-101-0102

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**RIGHT-OF-WAY DEED**

THIS INDENTURE made this \_\_\_\_ day of \_\_\_\_\_, 2018, between **DELRAY BEACH 4<sup>TH</sup> & 5<sup>TH</sup> AVENUE LLC**, a Delaware limited liability company, with a mailing address of 136 Brookline Avenue, Boston, MA 02215, as party of the first part and **CITY OF DELRAY BEACH, FLORIDA**, a Florida municipal corporation with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, as party of the second part.

**W I T N E S S E T H :**

That said party of the first part, 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 the party of the second part, its successors and assigns, all right, title, interest, claim and demand which the party of the first part has in and to the following-described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

(Legal Description)

See Exhibit "A" attached hereto.

This Deed is made for the purpose of giving and granting to the party of the second part, its successors and assigns, a right-of-way and easement in and to said lands for public highway, street, and public utility purposes and the maintenance thereof; 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 the party of the first part or assigns, except that the easement for public utility purposes shall remain until released.

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

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 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 party of the first part, in law or in equity to the only proper use, benefit, and behalf of the said party of the second part, its successors and assigns.

IN WITNESS WHEREOF, said party of the first part has hereunto set their hand and seal the date first above written.

Signed, sealed and delivered  
in the presence of:

PARTY OF THE FIRST PART

DELRAY BEACH 4<sup>TH</sup> & 5<sup>TH</sup> AVENUE LLC, a  
Delaware limited liability company

By: DELRAY BEACH 4<sup>TH</sup> & 5<sup>TH</sup> AVENUE HOLDINGS LLC,  
a Delaware limited liability company, its sole member

By: DELRAY BEACH 4<sup>TH</sup> & 5<sup>TH</sup> AVENUE  
DEVELOPER LLC, a Delaware limited liability  
company, its managing member


By: S&A DELRAY BEACH 4<sup>TH</sup> & 5<sup>TH</sup> AVENUE  
LLC, a Delaware limited liability company, its  
manager


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

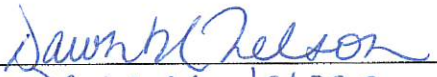
By: \_\_\_\_\_  
Name: Joel Sklar  
Its: Manager  
Address: 136 Brookline Avenue,  
Boston, MA 02215

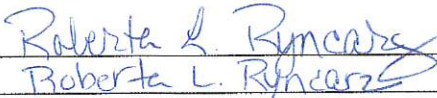
By: IPIC-DELRAY INVESTMENT, LLC, a  
Delaware limited liability company, its  
manager

By: \_\_\_\_\_  
Name: Hamid Hashemi  
Its: CEO  
Address: 433 Plaza Real Ste. 335  
Boca Raton, FL 33432

  
\_\_\_\_\_  
Samantha A. Chase  
(Name printed or typed)

  
\_\_\_\_\_  
MICHAEL FITZPATRICK  
(Name printed or typed)

  
\_\_\_\_\_  
Dawn M. Nelson  
(Name printed or typed)

  
\_\_\_\_\_  
Roberta L. Ryncarz  
(Name printed or typed)

[Notary on Following Page]

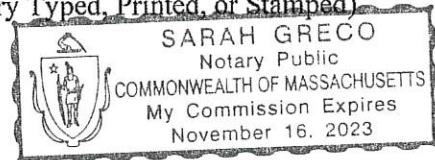
STATE OF Massachusetts )  
 ) ss:  
COUNTY OF Suffolk )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Joel Sklar, as Manager of S&A GP, LLC as Manager of S&A DELRAY BEACH 4<sup>TH</sup> & 5<sup>TH</sup> AVENUE LLC, who: ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_ 2018.

(NOTARY SEAL)

[Signature]  
NOTARY PUBLIC  
Sarah Greco  
(Name of Notary Typed, Printed, or Stamped)



STATE OF Florida )  
 ) ss:  
COUNTY OF Palm Beach )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Hamid Hashemi, as Managing Member of IPic Holdings, LLC as Manager of IPIC-DELRAY INVESTMENT, LLC, who: ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 14 day of February 2018

(NOTARY SEAL)



DAWN M. NELSON  
MY COMMISSION # GG 019097  
EXPIRES: December 5, 2020  
Bonded Thru Budget Notary Services

[Signature]  
NOTARY PUBLIC  
Dawn M. Nelson  
(Name of Notary Typed, Printed, or Stamped)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

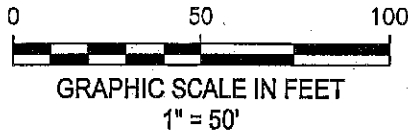
The west 8.17 feet of Lot 10, LESS the north 20.00 feet thereof, Block 101, TOWN OF LINTON (now Delray Beach) as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida.

Said Lands situate and being in the City of Delray Beach, Palm Beach County, Florida.

# EXHIBIT "A"

## SKETCH & DESCRIPTION FOR: RIGHT-OF-WAY DEDICATION

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



### LAND DESCRIPTION:

The west 8.17 feet of Lot 10, LESS the north 20 feet thereof, 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.

Said lands situate and being in the City of Delray Beach, Palm Beach County, Florida.

### SURVEYOR'S REPORT:

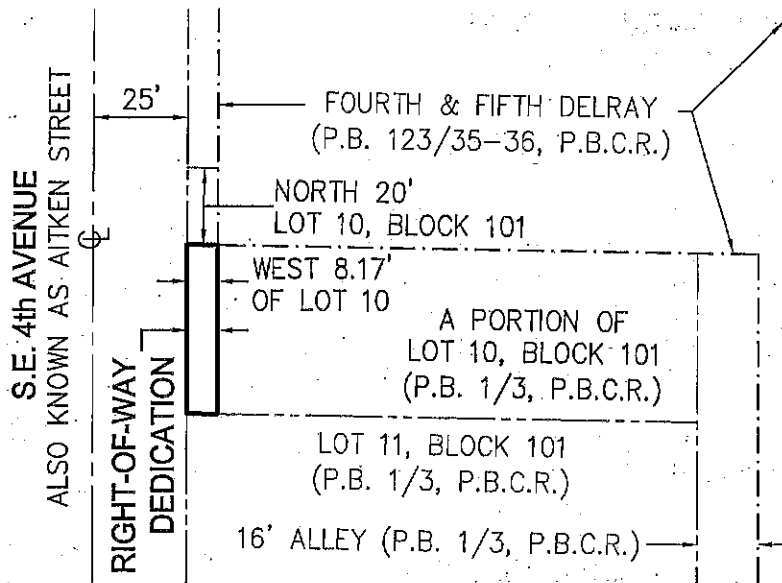
1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract 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.
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.

### 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, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

Date: 3/20/18

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



### REVISIONS

ADD: ADJACENT PLAT INFORMATION (03/20/18) M.M.K.



AVIOM & ASSOCIATES, INC.  
SURVEYING & MAPPING

50 S.W. 2nd AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
(561) 392-2594 / www.AVIROMSURVEY.com

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JOB #: 7753-5f

SCALE: 1" = 50'

DATE: 09/29/2016

BY: M.M.K.

CHECKED: M.D.A.

F.B. N/A PG. N/A

SHEET: 1 OF 1