

Prepared by: RETURN:

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

EASEMENT AGREEMENT FOR PEDESTRIAN CLEAR ZONE

THIS INDENTURE, made this ____ day of _____, 20__, by and between 50 SE 4TH AVENUE LLC, with a mailing address of 140 N Federal Hwy Ste 200, Boca Raton, FL 33432 (Grantor), 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 (Grantee):

WITNESSETH: That the 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 the Grantee, its successors and assigns, a perpetual easement to be used for a pedestrian clear zone for the purpose of public pedestrian access with full and free right, liberty, and authority to enter upon and to maintain such pedestrian clear zone across, through and upon 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 Grantee, its successors and assigns, of ingress and egress over and on that portion of land described above, to effect the purposes of the easement, as expressed hereinafter.


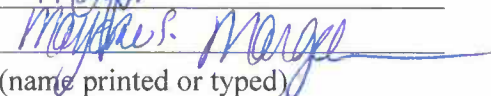
That this easement shall be subject only to those easements, restrictions, conditions and reservations of record. That the Grantor agrees to provide for the release or subordination of any and all mortgages or liens encumbering this easement. The Grantor also agrees to erect no building or affect any other kind of construction or improvements upon the above-described property, other than the aforementioned sidewalk.

It is understood that the Grantor shall improve the pedestrian clear zone so as to be an extension of the public sidewalk and shall match the public sidewalk in design and material. Upon completion of pedestrian clear zone construction by the Grantor to the required standards, the Grantor shall maintain the sidewalk in conformance with the City's practices of maintaining public sidewalks throughout the City.

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 Easement Agreement allows or permits, the same shall include the successors or assigns of the parties.

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

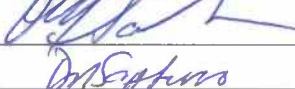

WITNESS #1:



(name printed or typed)

GRANTOR

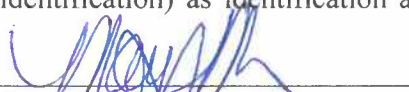
By: 

WITNESS #2:

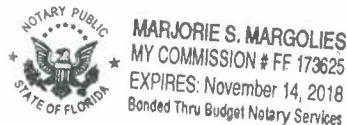


(name printed or typed)

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 14 day of February, 2018 by Steven Cohen (name of officer or agent), of 50 SE 4TH AVENUE LLC (name of corporation), a Florida (State or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath.


Signature of Notary Public -
State of _____

(SEAL)



ATTEST:

CITY OF DELRAY BEACH, FLORIDA

City Clerk

By: _____
Shelly Petrolia, Mayor

Approved as to Form:

City Attorney

Exhibit A
1 of 4

Legal Description of 50 SE 4th Avenue, Delray Beach, Florida

TOWN OF DELRAY LT 9 BLK 93

Exhibit A
2 of 4



NOTE: BUILDING
PLACEMENT IN THE CBD
DISTRICT WHERE NO SIDE
SETBACK IS REQUIRED IS
SUBJECT TO FURTHER
LIMITATIONS SET FORTH IN
THE LDRS AND ANY
FUTURE ADJACENT
PROPERTY DEVELOPMENT
MAY BLOCK THE VIEW
AND ACCESS FROM THE
NORTH AND SOUTH SIDES
OF THIS STRUCTURE.

BUILDING DATA:		PROPOSED
DIVISION		3.0
FRONT SETBACK (FEET) @ MIN. REQUIRED		
STREETFRONT SETBACK (FEET) @ MIN. REQUIRED		5.00 SF 10.00
GLAZING HEIGHT		3.0
REAR SETBACK (FEET) @ MIN. REQUIRED		7.5
SIDE STREET SETBACK @ MIN. REQUIRED		N/A
SIDE YARD (FOOT) @ MIN. REQUIRED		6.0
SIDE YARD @ MIN. REQUIRED		6.0
BUILDING HEIGHT @ MIN. MAX. (FOOT) OF MEAS.		18.0

BIKE RACK CALCULATION:	
BIKE RACKS REQUIRED 10' OR MORE RESTAURANT (1 ST FLOOR)	$3.99 \times 87 = 347.13$ 348 BIKES
BIKE RACKS REQUIRED 10' OR MORE RESTAURANT (SECOND FLOOR)	$1.58 \times 87 = 137.46$ 138 BIKES
10' x 4' BIKE RACK SPACES REQUIRED	2 BIKE RACKS
10' x 4' BIKE RACK SPACES PROVIDED	2 BIKE RACKS

The map shows the study area in the city of Valencia, Spain. The study site is marked with a red dot in the center of the map. The map includes major roads, landmarks, and the city boundary. The study site is located in the city of Valencia, Spain, near the city center. The map shows the location of the study site (red dot) and the location of the study site (red dot).

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SKETCH OF DESCRIPTION

EXHIBIT "A"
SHEET 3 OF 4

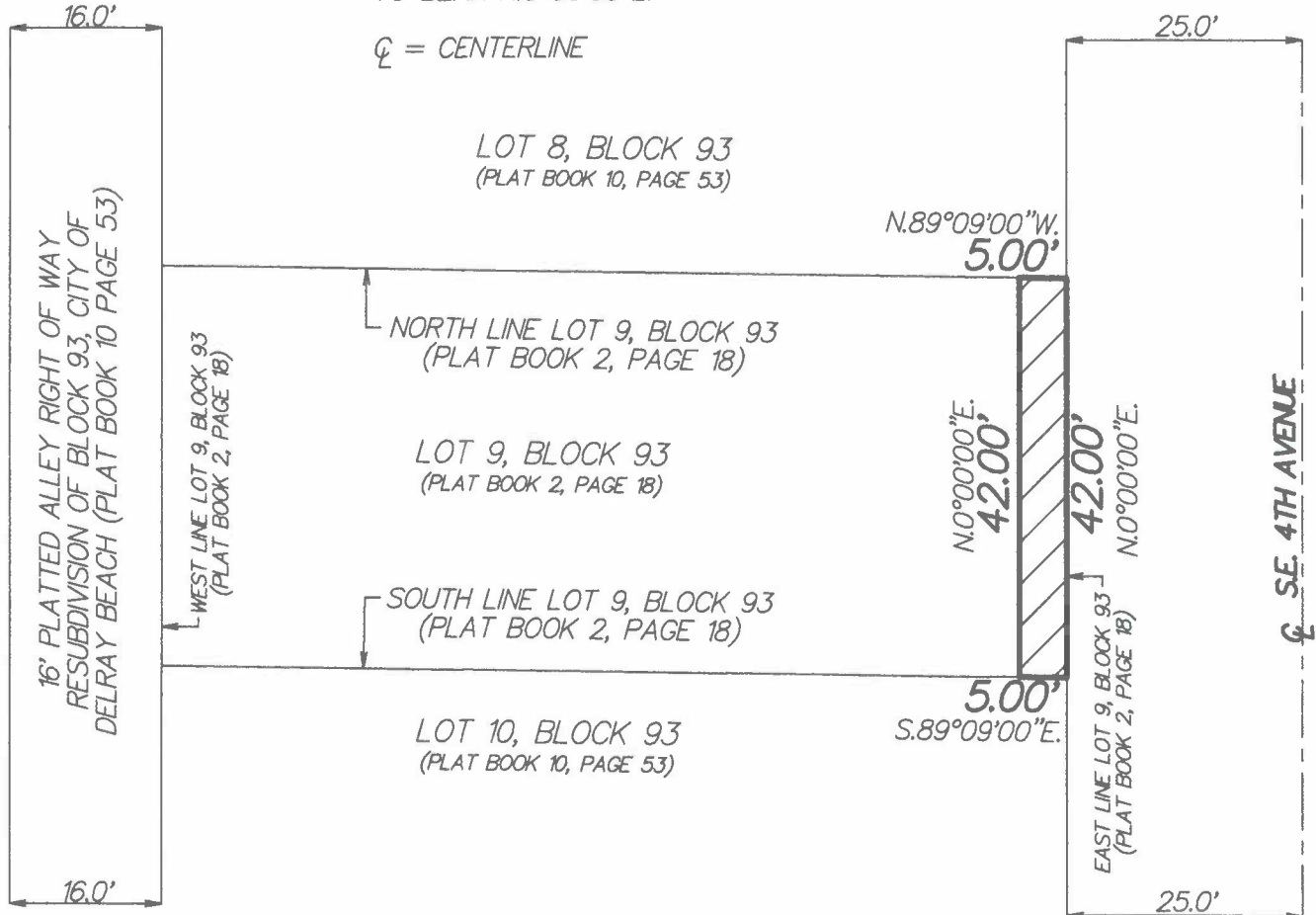


NOTES:

THIS IS NOT A SURVEY

THE EAST LINE OF LOT 9, BLOCK 93
(PLAT BOOK 2, PAGE 18) IS ASSUMED
TO BEAR N.0°00'00"E.

CL = CENTERLINE



DESCRIPTION:

THE EAST 5.0 FEET OF LOT 9, BLOCK 93, RESUBDIVISION OF BLOCK 93, TOWN OF LINTON (NOW DELRAY BEACH) ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 210 SQUARE FEET.

ORDER NO. 16-76"4TH AVENUE R/W"

Paul D. Engle
PAUL D. ENGLE
SURVEYOR & MAPPER NO. 5708

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

DATE: AUGUST 27, 2018

O'BRIEN, SUITER & O'BRIEN, INC.
CERTIFICATE OF AUTHORIZATION #LB353
SURVEYOR AND MAPPER IN RESPONSIBLE
CHARGE: PAUL D. ENGLE
955 N.W. 17TH AVENUE, SUITE K-1
DELRAY BEACH FLORIDA 33445
(561) 276-4501 (561) 732-3279

EXHIBIT "A"
SHEET 4 OF 4



THIS IS NOT A SURVEY

THE EAST LINE OF LOT 9, BLOCK 93
(PLAT BOOK 2, PAGE 18) IS ASSUMED
TO BEAR N.0°00'00"E.

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