

Prepared by: RETURN

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

PCN# 12-43-46-16-06-122-0060 (portion)

**RIGHT-OF-WAY DEED**

THIS INDENTURE made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between **AZURE 233 NE 7TH, LLC**, a Florida limited liability company, with a mailing address of 290 S.E. 6th Avenue, Suite #5, Delray Beach, FL 33483, Delray Beach, Florida 33483, GRANTOR, and **CITY OF DELRAY BEACH, FLORIDA**, a Florida municipal corporation, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, GRANTEE.

**WITNESSETH:**

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

**See Exhibit "A" attached hereto**

This Deed is made for the purpose of giving and granting to GRANTEE, its successors and assigns, a right-of-way and easement in and to said lands for public highway, street, and public utility purposes; and 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 GRANTOR or assigns.

That this right-of-way shall be subject only to those easements, restrictions, and reservation of record. GRANTOR agrees to provide for the release of any and all

mortgages or liens encumbering this right-of-way. GRANTOR also agrees to erect no building or effect any other kind of construction or improvements upon the above-described property.

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 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 GRANTOR, in law or in equity to the only proper use, benefit, and behalf of the said GRANTEE, its successors and assigns.

{This space left blank intentionally – continued on next page}

IN WITNESS WHEREOF, GRANTOR has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

**AZURE 233 NE 7TH, LLC, a Florida limited liability company**

By: AZURE DEVELOPMENT, LLC, a Florida limited liability company, as Manager

By: [Signature]  
Brian T. Grossberg, as Manager

[Signature]  
Signature - Witness #1

Jeff Disinger  
Printed Name - Witness #1

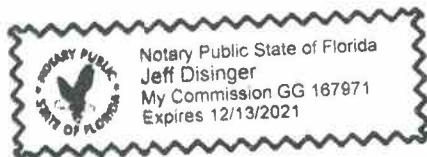
[Signature]  
Signature - Witness #2

Nick Bieber  
Printed Name - Witness #2

STATE OF FLORIDA                    }  
  }SS:  
COUNTY OF PALM BEACH }

I HEREBY CERTIFY that on this 10 day of Feb, 2019, before me, the undersigned officer, duly authorized to take acknowledgments, personally appeared **BRIAN T. GROSSBERG, as Manager of AZURE DEVELOPMENT, LLC, a Florida limited liability company, as Manager of AZURE 233 NE 7TH, LLC, a Florida limited liability company**, in whose name(s) the foregoing instrument was executed, and that he acknowledged executing the same for such limited liability companies, freely and voluntarily, under authority duly vested in him by said limited liability companies, and that said individual [X] is personally known to the undersigned or [ ] produced \_\_\_\_\_ for identification purposes.

[Notary Seal Here]



[Signature]  
NOTARY PUBLIC - State of Florida  
My Commission Expires: 12/13/21