

Prepared by: RETURN:

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

EASEMENT DEED FOR PEDESTRIAN CLEAR ZONE

THIS INDENTURE, made this ____ day of _____, 2020, by and between **BROSEN 1 DELRAY LLC**, with a mailing address of 2665 Bayshore Dr Ste 605B, Miami FL, 33133, 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 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 party of the second party, 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 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, other than the aforementioned sidewalk.

It is understood that the party of the first part 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 party of the first part to the required standards, the party of the first part shall maintain the sidewalk in conformance with the City's practices of maintaining public sidewalks throughout the City.

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.

WITNESS #1:

Brian Rosen
(name printed or typed)

PARTY OF THE FIRST PART

By: Clifford Rosen Manager

WITNESS #2:

Kelly White
(name printed or typed)

NOTARY FOR CORPORATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13 day of February, 2020 by Clifford Rosen (name of person), as Manager (type of authority) for Briksen 1 Delray LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification
Type of Identification Produced _____

[Signature]

Notary Public – State of Florida



ATTEST:

CITY OF DELRAY BEACH, FLORIDA

Katerri Johnson, City Clerk

By: _____
Shelly Petrolia, Mayor

Approved as to Form:

Lynn Gelin, City Attorney



947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION - NOT A SURVEY 3' SIDEWALK EASEMENT

LEGAL DESCRIPTION

THE EAST 3.00 FEET OF THE SOUTH 39.50 FEET OF LOT 13 AND THE EAST 3.00 FEET OF THE NORTH 18.50 FEET OF LOT 14, BLOCK 78, MAP OF THE TOWN OF LINTON (NOW KNOWN AS DELRAY BEACH), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

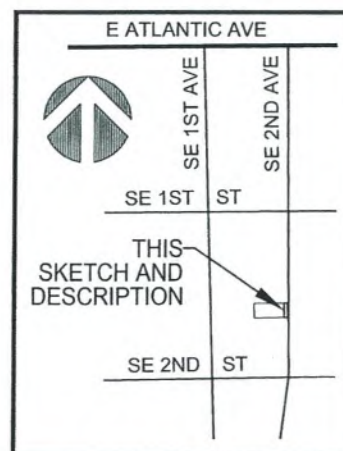
SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

NOTES

1. THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED OR REFERENCED IN THE PREPARATION OF THIS SKETCH AND LEGAL DESCRIPTION.
3. BEARINGS ARE BASED AN ASSUMED BEARING OF S01°33'20"E ALONG SE 2ND AVE.

ABBREVIATIONS

A	=	ARC LENGTH
B.C.R.	=	BROWARD COUNTY RECORDS
D	=	DELTA (CENTRAL ANGLE)
D.E.	=	DRAINAGE EASEMENT
L.M.E.	=	LAKE MAINTENANCE EASEMENT
MON.	=	MONUMENT
N/D	=	NAIL AND DISC
P.B.	=	PLAT BOOK
P.B.C.R.	=	PALM BEACH COUNTY RECORDS
PG.	=	PAGE
PROP.	=	PROPOSED
R	=	RADIUS
R/W	=	RIGHT-OF-WAY
SQ.	=	SQUARE
U.E.	=	UTILITY EASEMENT



LOCATION MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND LEGAL DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

PROJECT NAME: 166 SE 2ND AVE

JOB NO. 18185

DWG BY: AJR

CK'D BY: JSH

DATE: 12/13/2019

REVISED 02/13/2020

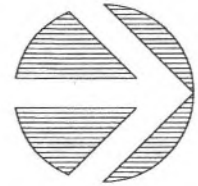
SHEET 1 OF 2

PERIMETER

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Boca Raton, Florida 33487

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TRACT "A"
"SOFA DELRAY ONE"
(P.B. 118, PGS. 102-103, P.B.C.R.)

2' R/W
(P.B. 118, PGS.
102-103, P.B.C.R.)

16' ALLEY
(P.B. 1, PG. 3, P.B.C.R.)

N01°33'20"W 58.00'

16.00'

2' R/W
(P.B. 118, PGS.
104-105, P.B.C.R.)

10'x19' U.E.
(P.B. 118, PGS.
104-105, P.B.C.R.)

LOT 14
BLOCK 78
(P.B. 1, PG. 3, P.B.C.R.)

S89°17'55"W 135.00'

18.50' 39.50'

N. 18.50'
LOT 14
BLOCK 78

S. 39.50'
LOT 13
BLOCK 78

5' SIDEWALK
EASEMENT

3.00'

18.50' 39.50'

S01°33'20"E 58.00'

N89°17'55"E 135.00'

TRACT "A"
"SOFA DELRAY TWO"
(P.B. 118, PGS. 104-105, P.B.C.R.)

5' R/W
(P.B. 118, PGS.
104-105, P.B.C.R.)

3.00'

SE 2ND AVENUE

50' R/W
(P.B. 1, PG. 3, P.B.C.R.)

25.00'

25.00'

FLORIDA EAST COAST RAILROAD

JOB NO. 18185	PROJECT NAME: 166 SE 2ND AVE	DWG BY: AJR	SCALE: 1" = 30'	
		CK'D BY: JSH	DATE: 02/13/2020	SHEET 2 OF 2