

Prepared by: RETURN:

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

PCN#: 12-43-46-21-01-001-0101

Address: 617 SE 5<sup>th</sup> St.

## **RIGHT-OF-WAY DEED**

THIS INDENTURE made this \_\_\_ day of \_\_\_\_\_, 202\_, between  
Mizner Development Beachway, LLC.,  
with a mailing address of 5301 SE N. Federal Hwy, STE 185  
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.  
(Whenever used herein the term "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of  
individuals, and the successors and assigns of corporation, whenever the context so admits or requires.)

### 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.

IN WITNESS WHEREOF, said Grantor has signed and sealed these presents the day and year first above written.

WITNESSES:

[Signature]

Signature  
Eric Collin

Print Name

[Signature]

Signature  
Michael T. Colby

Print Name

GRANTOR

By: [Signature]

Name: Avi Stern

Its: OWNER

Date: 1-30-20

STATE OF FLORIDA

COUNTY OF PALE BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30<sup>th</sup> day of JANUARY, 2020 by AVI STERN (name of person), as OWNER (type of authority) for MICHEL DEVELOPMENT (name of party on behalf of whom instrument was executed). BEACHWAY LLC

Personally known ☒ OR Produced Identification ☐  
Type of Identification Produced \_\_\_\_\_



[Signature]  
Notary Public - State of Florida

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ATTEST:

**GRANTEE/ CITY OF DELRAY BEACH,  
FLORIDA**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to Form:

By: \_\_\_\_\_  
City Attorney

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