

Prepared by: RETURN:

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

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### **EASEMENT AGREEMENT FOR PEDESTRIAN CLEAR ZONE**

**THIS INDENTURE**, made this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between **DIXIE HOLDINGS 17**, a Florida Limited Liability Company with a mailing address of 33 NE 4th Avenue, Delray Beach, Florida 33483 (Grantor), and the **CITY OF DELRAY BEACH**, a municipal entity, 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 ("Pedestrian Clear Zone") 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 sidewalk clear zone across, through, and upon or within the Pedestrian Clear Zone as specifically identified on Exhibit "A" attached hereto.

#### 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 effectuate the purposes of the easement, as expressed hereinafter.

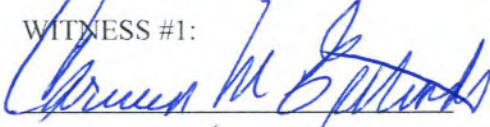
That this easement shall be subject only to those easements, restrictions, conditions and reservations of record. That the Grantor agrees to provide for the release or subordination of any and all mortgages which are superior to this easement. The Grantor also agrees to erect no building or affect any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

It is understood that the Grantor shall improve the pedestrian sidewalk clear zone so as to be an extension of the adjacent public sidewalk and shall match the adjacent public sidewalk in design and material. Upon completion of construction of the sidewalk 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.

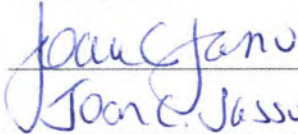
Grantor does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good right and lawful authority to grant the above-described easement and that the same is unencumbered except as provided 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 Deed set their hands and seals the day and year fust above written.

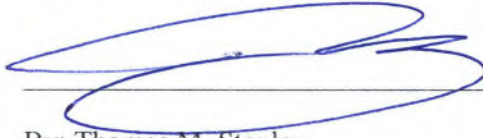
WITNESS #1:

  
CARMEN M. ESTRADA  
name printed or typed

WITNESS #2:

  
Joan C. Sasso  
name printed or typed

**PARTY OF THE FIRST PART**  
**DIXIE HOLDINGS 17 LLC, Florida**  
**limited liability company**

  
By: Thomas M. Stanley

Its: Manager

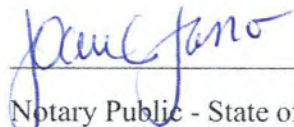
### NOTARY FOR CORPORATION

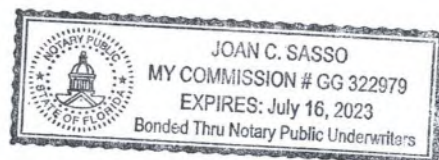
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of X physical presence or \_\_\_\_\_ online notarization, this 19 day February, 2021, by Thomas M. Stanley, as Manager of Dixie Holdings 17, a Florida limited liability company.

Personally known X OR \_\_\_\_\_ Produced Identification  
Type of Identification Produced \_\_\_\_\_

  
Notary Public - State of Florida



ATTEST:

CITY OF DELRAY BEACH, FLORIDA

\_\_\_\_\_  
Katerri Johnson, City Clerk

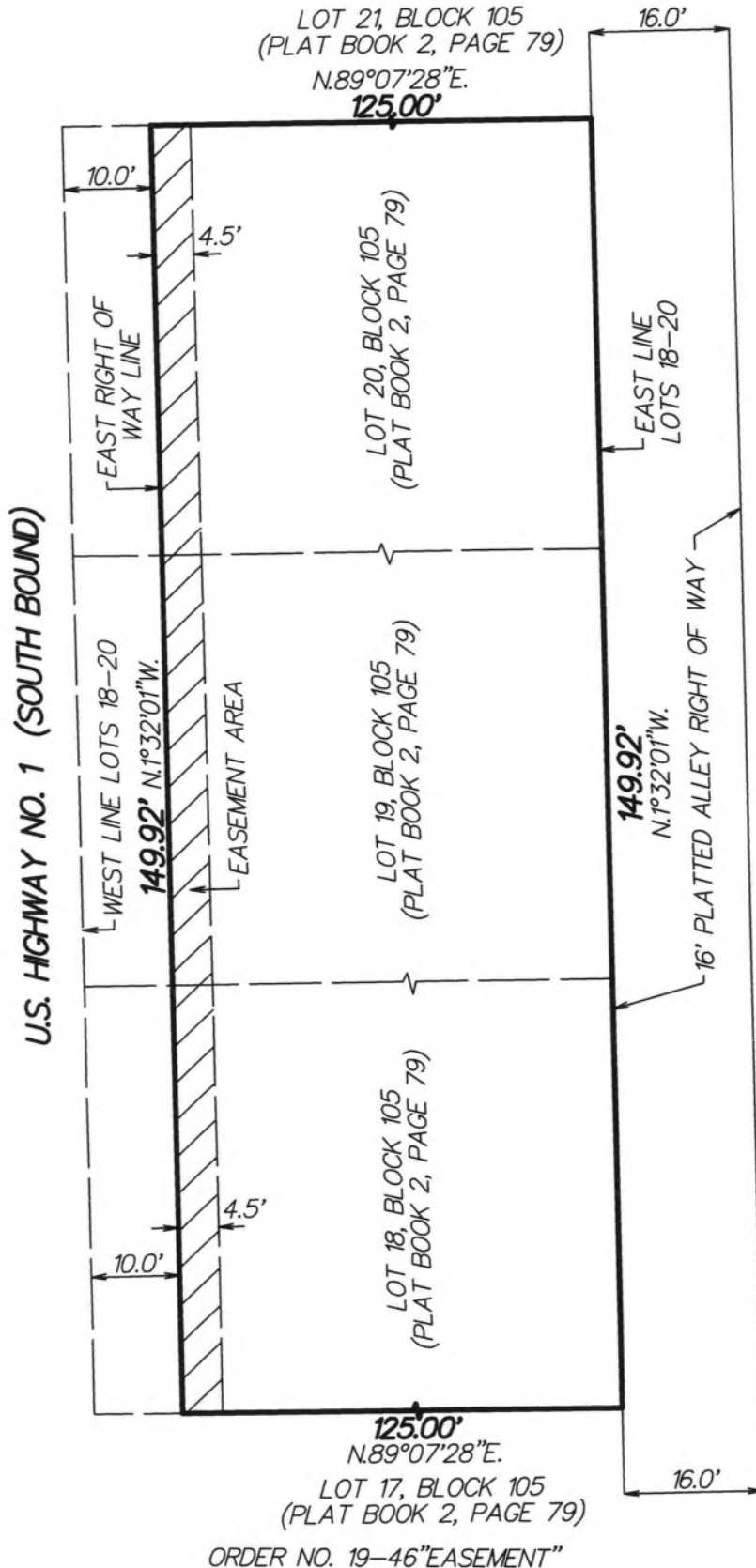
By: \_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to Form:

\_\_\_\_\_  
Lynn Gelin, Esq., City Attorney

# SKETCH OF DESCRIPTION

EXHIBIT "A"  
SHEET 1 OF 1



## DESCRIPTION:

THE WEST 4.5 FEET OF THE  
FOLLOWING DESCRIBED PARCEL:

LOTS 18, 19 AND 20, LESS THE  
WEST 10 FEET THEREOF, BLOCK 105,  
HIGHLAND PARK, DELRAY BEACH,  
ACCORDING TO THE PLAT THEREOF AS  
RECORDED IN PLAT BOOK 2, PAGE  
79, PUBLIC RECORDS OF PALM BEACH  
COUNTY, FLORIDA.

## NOTES:

THIS IS NOT A SURVEY

THE EAST LINE OF LOTS 18-20 IS  
ASSUMED TO BEAR N.1°32'01"W.

Paul D.  
Engle

Digitally signed by Paul  
D. Engle  
Date: 2020.10.23  
09:10:41 -04'00'

PAUL D. ENGLE  
SURVEYOR & MAPPER NO. 5708

DATE: OCTOBER 23, 2020

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