



20 N. Swinton Avenue
Delray Beach, FL 33444

Agenda Item # *80*
February 9, 2016

~ CRA BOARD SUMMARY ~
FOURTH & FIFTH DELRAY (IPIC) –
AUTHORIZATION TO SIGN DRAINAGE EASEMENT DEED

At its meeting of January 12, 2017, the CRA Board authorized the CRA Board Chair to execute the Fourth & Fifth Delray Plat mylar. Subsequently a separate Drainage Easement Deed (special instrument) was submitted as the drainage easement was not depicted on the plat document. The proposed easement corresponds with the subgrade drainage field, which will be located beneath the parking garage and accommodate the drainage associated with the development.

As the CRA is currently the owner of the property, the CRA Board Chair is required to sign the drainage easement deed. While only the drainage easement is before the board at this time for consideration, staff is also requesting that the Board authorize the Chair to execute forthcoming documents, as necessary, to complete this transaction.

Recommended Action:

Authorize the CRA Board Chair to execute the Drainage Easement Deed associated with the Fourth & Fifth Delray (iPic) project and to execute forthcoming documents, as necessary, to complete the transaction.

Submitted By: Jeffrey A. Costello, Executive Director

Attachments: Drainage Easement Deed; Engineering Plan depicting drainage field.

all

Prepared by and return to:

Gary S. Dunay, Esq.
Dunay, Miskel and Backman, LLP
14 SE 4th Street, #36
Boca Raton, FL 33432

DRAINAGE EASEMENT

THIS INDENTURE, made this ____ day of _____, 2017, by and between **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, with a mailing address of 20 N. Swinton Avenue, Delray Beach, FL 33444, 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 right of way and perpetual easement for the purpose of the construction and maintenance of drainage lines and related equipment with full and free right, liberty, and authority to enter upon and to install, operate, and maintain such drainage lines and related equipment under, across, through and upon, under 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 part, its successors and assigns, of ingress and egress over and on that portion of land described above, to affect the purposes of the easement, as expressed hereinafter.

That this easement shall be subject only to those easements, restrictions, 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.

It is understood that upon completion of such construction, all lands disturbed thereby as a result of such construction performed thereon, will be restored to its original or like condition without expense to the property owner.

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:

PARTY OF THE FIRST PART

DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY

(name printed or typed)

By: _____

WITNESS #2:

Reginald A. Cox
CRA Board Chair

(name printed or typed)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2017 by Reginald A. Cox, Board Chair of the Delray Beach Community Redevelopment Agency, on behalf of the company. He 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)

EXHIBIT "A"

**SKETCH AND DESCRIPTION
DRAINAGE EASEMENT**

PORTION OF LOTS 7, 8, 9, 10, BLOCK 101 & 16 FOOT ALLEY, TOWN OF LINTON (NOW DELRAY BEACH)
(P.B. 1, PG. 3, P.B.C.R.)

LAND DESCRIPTION: CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

A portion of Lots 7, 8, 9, 10, Block 101, TOWN OF LINTON (now Delray Beach) and a portion of a 16 foot alley, as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida, described as follows:

COMMENCE at a point of intersection 8.17 feet east of the west line of said Lot 10 and the south line of the north 20 feet of said Lot 10, point also being the southwest corner of proposed plat of "FOURTH & FIFTH DELRAY"; thence N01°32'09"W, 26.92 feet to the POINT OF BEGINNING; thence N01°32'09"W, 10.00 feet; thence N88°27'51"E, 6.38 feet; thence S81°13'14"E, 59.34 feet; thence N01°32'09"W, 20.34 feet; thence N88°27'51"E, 10.00 feet; thence S01°32'09"E, 14.00 feet; thence N88°27'51"E, 6.48 feet; N01°32'09"W, 8.48 feet; thence N88°27'51"E, 9.93 feet; thence N01°32'09"W, 141.62 feet; thence N88°27'51"E, 23.79 feet; thence S01°32'09"E, 33.32 feet; thence N88°27'51"E, 8.48 feet; thence S01°32'09"E, 15.40 feet; thence N88°27'51"E, 8.48 feet; thence S01°32'09"E, 80.00 feet; thence S88°27'51"W, 17.00 feet; thence S01°32'09"E, 36.69 feet; thence S88°27'51"W, 56.73 feet; thence N81°13'14"W, 53.58 feet; thence S88°27'51"W, 5.48 feet to the POINT OF BEGINNING.

Said lands situate and being in the City of Delray Beach, Palm Beach County, Florida and containing 6,703 square feet, 0.1539 acres, more or less.

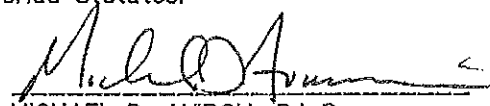
SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are assumed based on the west line of Block 101 having a bearing of N01°32'09"W.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: C = Centerline; L.B. = Licensed Business; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement; R/W = Right-of-Way.


CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 1/30/17



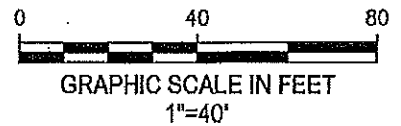
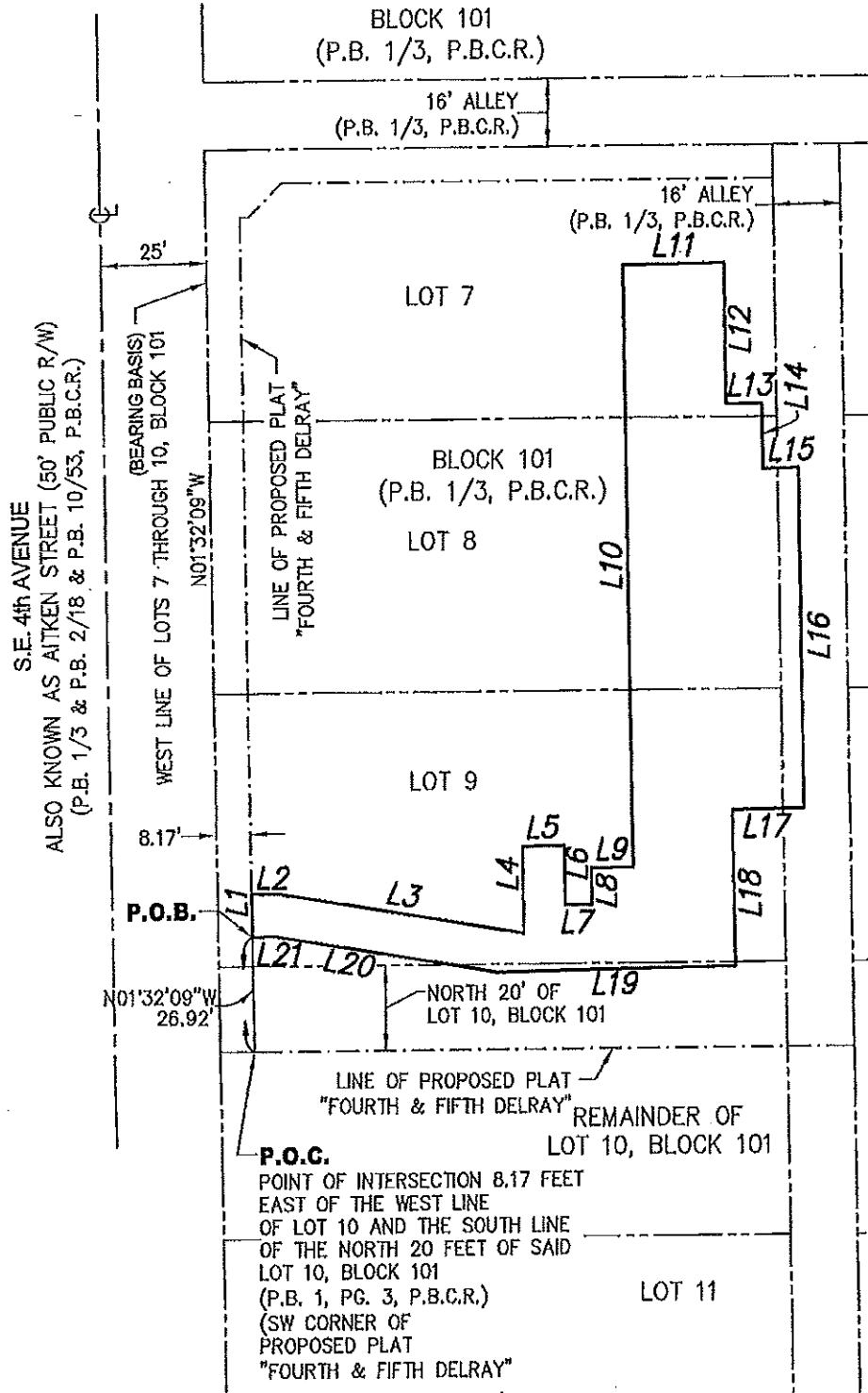
MICHAEL D. AVIOM, P.L.S.
Florida Registration No. 3268
AVIOM & ASSOCIATES, INC.
L.B. No. 3300
EMAIL: mike@aviomsurvey.com

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|-----------|---|--|----------------|------------|
| REVISIONS |  | AVIOM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2nd AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7125 www.AVIOMSURVEY.com <small>©2017 AVIOM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIOM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.</small> | JOB #: | 7753-11 |
| | | | SCALE: | 1" = 40' |
| | | | DATE: | 01/30/2017 |
| | | | BY: | KSB |
| | | | CHECKED: | M.D.A. |
| | | | F.B. -- PG. -- | |
| SHEET: | 1 of 2 | | | |

SKETCH AND DESCRIPTION DRAINAGE EASEMENT

PORTION OF LOTS 7, 8, 9, 10, BLOCK 101 & 16 FOOT ALLEY, TOWN OF LINTON (NOW DELRAY BEACH)
(P.B. 1, PG. 3, P.B.C.R.)
CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

BLOCK 101
(P.B. 1/3, P.B.C.R.)



| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N01°32'09"W | 10.00' |
| L2 | N88°27'51"E | 6.38' |
| L3 | S81°13'14"E | 59.34' |
| L4 | N01°32'09"W | 20.34' |
| L5 | N88°27'51"E | 10.00' |
| L6 | S01°32'09"E | 14.00' |
| L7 | N88°27'51"E | 6.48' |
| L8 | N01°32'09"W | 8.48' |
| L9 | N88°27'51"E | 9.93' |
| L10 | N01°32'09"W | 141.62' |
| L11 | N88°27'51"E | 23.79' |
| L12 | S01°32'09"E | 33.32' |
| L13 | N88°27'51"E | 8.48' |
| L14 | S01°32'09"E | 15.40' |
| L15 | N88°27'51"E | 8.48' |
| L16 | S01°32'09"E | 80.00' |
| L17 | S88°27'51"W | 17.00' |
| L18 | S01°32'09"E | 36.69' |
| L19 | S88°27'51"W | 56.73' |
| L20 | N81°13'14"W | 53.58' |
| L21 | S88°27'51"W | 5.48' |

REVISIONS

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AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING

50 S.W. 2nd AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL. (561) 392-2594, FAX (561) 394-7125
www.AVIROMSURVEY.com

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JOB #: 7753-11

SCALE: 1" = 40'

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CHECKED: M.D.A.

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SHEET: 2 of 2

