20 N. Swinton Avenue
Delray Beach, FL 33444

Agenda Item # 7F
October 20, 2016

~ CRA BOARD SUMMARY ~
FOURTH & FIFTH DELRAY (IPIC) DEVELOPMENT - RIGHT OF WAY DEDICATION - SE 4TH AVENUE & EAST/WEST ALLEY

On March 15, 2016, the City Commission approved the waiver requests associated with the iPic project as well as the associated plat and landscape maintenance agreement. A condition of approval required the dedication of 8 feet of right-of-way for the east/west alley, in order to increase the alley width to 24 feet and accommodate the heavy delivery and customer traffic flow within this alley.

In addition to the above and in order to accommodate the sidewalk along SE 4th Avenue, adjacent to the proposed project, a right-of-way dedication of 8.17 feet is necessary. Therefore, attached is the right-of-way deed providing for the referenced alley and street/sidewalk right-of-way dedications described as: The west 8.17 feet of Lots 7, 8, 9, and the North 20 Feet of Lot 10, Block 101 (existing sidewalk on SE 4th Avenue adjacent to the former library) and the north 8' of Lot 7 (expanded alley).

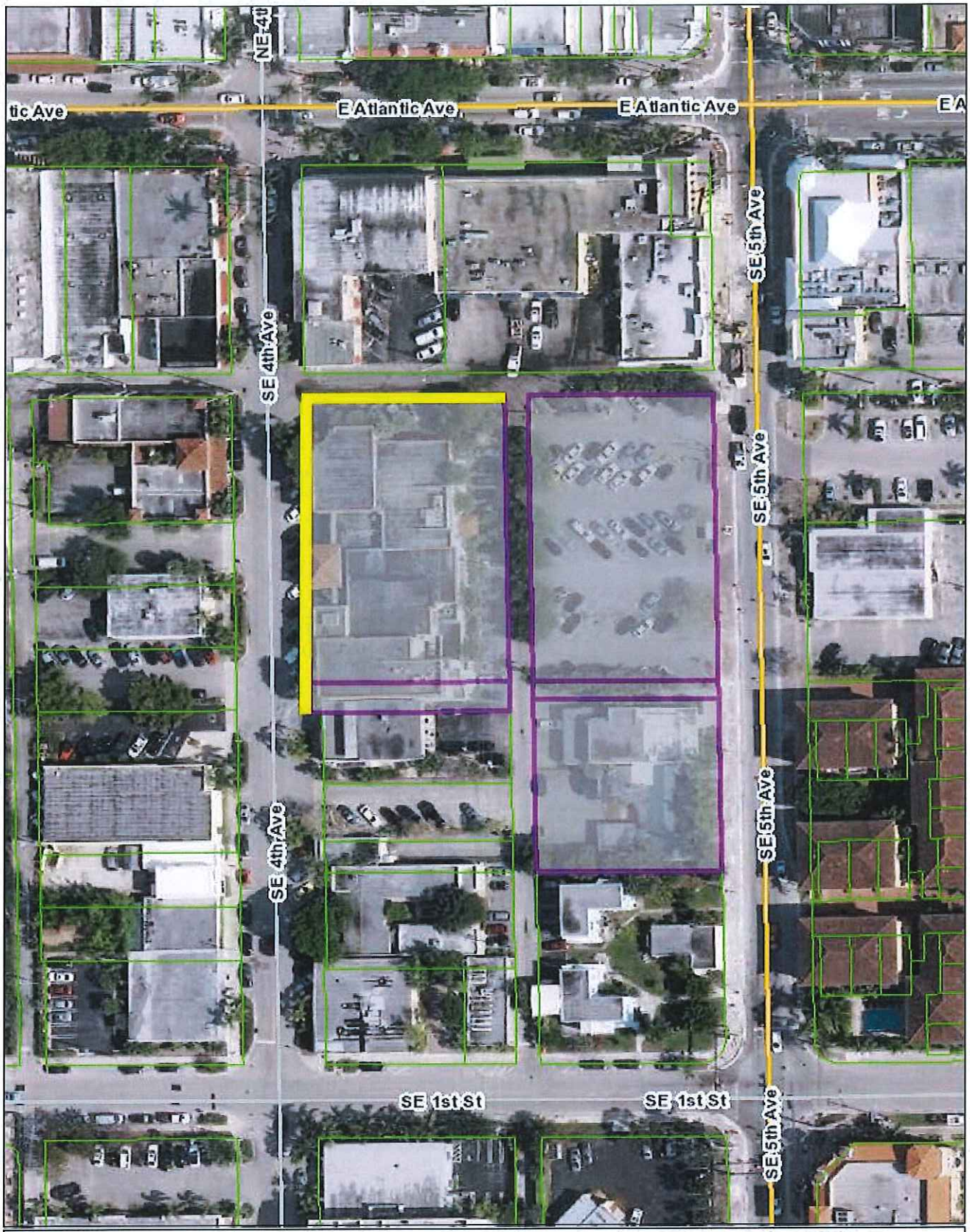
The City Attorney has reviewed the right-of-way deed for legal sufficiency and form, and determined it to be acceptable. The Right-of-Way Deed will be submitted to the City Commission for their acceptance at their next available meeting.

Recommended Action:

Approve the attached Right-of-Way Deed for SE 4th Avenue right-of-way dedication and the east-way alley right-of-way dedication associated with the Fourth & Fifth Delray (iPic) Development Project.

Submitted By: Jeffrey A. Costello, Executive Director

Attachments: Location Map; Right-of-Way Deed



SE 4th Ave - Alley
Right-of-Way Dedication

1:1,128
0 0.005 0.01 0.02 mi
0 0.01 0.02 0.04 km

October 11, 2016

Prepared by: RETURN:

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

PIN #

RIGHT-OF-WAY DEED

THIS INDENTURE made this ____ day of ____, 2016, between **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY,** with a mailing address of 20 N. Swinton Avenue, Delray Beach FL 33444, as party of the first part and **CITY OF DELRAY BEACH, FLORIDA**, a Florida municipal corporation with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, as party of the second part.

W I T N E S S E T H :

That said party of the first part, 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 the party of the second part, its successors and assigns, all right, title, interest, claim and demand which the party of the first part 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 the party of the second part, its successors and assigns, a right-of-way and easement in and to said lands for public highway, street, and public utility purposes and the maintenance thereof; 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 the party of the first part or assigns, except that the easement for public utility purposes shall remain until released.

That this right-of-way shall be subject only to those easements, restrictions, and reservation of record. The party of the first part agrees to provide for the release of any and all mortgages or liens encumbering this right-of-way. The party of the first part also agrees to erect no building or effect any other kind of construction or improvements upon the above-described property.

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 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 party of the first part, in law or in equity to the only proper use, benefit, and behalf of the said party of the second part, its successors and assigns.

IN WITNESS WHEREOF, said party of the first part has hereunto set their hand and seal the date first above written.

Signed, sealed and delivered
in the presence of:

_____

_____
(Name printed or typed)

_____

_____
(Name printed or typed)

PARTY OF THE FIRST PART

By:_____

_____
(Name printed or typed)

_____
(Address)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____ who is personally known to me or has produced _____ as identification.

_____
Signature of Notary Public -
State of Florida

EXHIBIT "A"

SKETCH & DESCRIPTION FOR:

RIGHT OF WAY DEDICATION

A PORTION OF LOTS 7, 8, 9 & 10 OF BLOCK 101, TOWN OF LINTON (NOW DELRAY BEACH)
(PLAT BOOK 1, PAGE 3, P.B.C.R.)
CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

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

BEGIN at the Northwest corner of said Lot 7, Block 101; thence N89°18'50"E, along the north line of said Lot 7, a distance of 135.17 feet to the Northeast corner of said Lot 7; thence S01°32'09"E, along the east line of Lot 7, a distance of 8.00 feet; thence S89°18'50"W, along a line 8.00 feet south of and paralell with the north line of said Lot 7, a distance of 117.00 feet; thence S43°53'21"W, 11.23 feet; thence S89°18'50"W, 2.00 feet; thence S01°32'09"E, along a line 8.17 feet east of and paralell with the west line of Lots 7 through 10 of said Block 101, a distance of 196.18 feet to the south line of the north 20 feet of said Lot 10; thence S89°18'50"W, along said south line, 8.17 feet to the west line of Lot 10; thence N01°32'09"W, along the west line of Lots 7 through 10, a distance of 212.18 feet to the POINT OF BEGINNING.

Said lands situate and being in the City of Delray Beach, Palm Beach County, Florida and containing 2,797 square feet, 0.064 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 north line of Lot 7, Block 101 having a bearing of N89°18'50"E.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: ℄ = 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; 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: 10/11/16

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

REVISIONS

AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
50 S.W. 2nd AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
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www.AVIROMSURVEY.com

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JOB #:	7753-5d
SCALE:	N/A
DATE:	09/29/2016
BY:	M.M.K.
CHECKED:	M.D.A.
F.B. N/A	PG. N/A
SHEET:	1 OF 2

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RIGHT OF WAY DEDICATION

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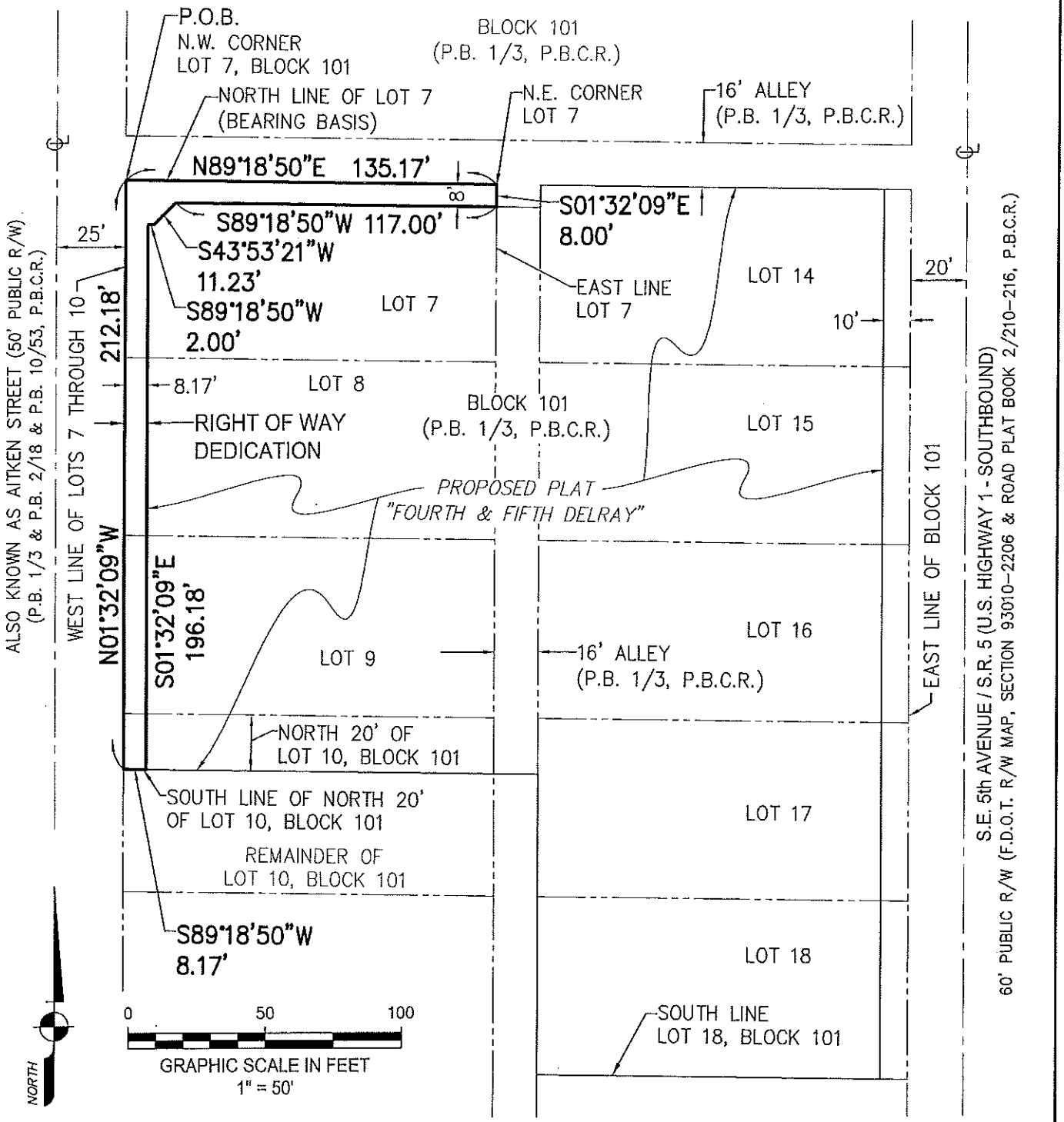
(PLAT BOOK 1, PAGE 3, P.B.C.R.)
CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA



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JOB #:	7753-5d
SCALE:	1" = 50'
DATE:	09/29/2016
BY:	M.M.K.
CHECKED:	M.D.A.
F.B. N/A	PG. N/A
SHEET:	2 OF 2