



20 N. Swinton Avenue  
Delray Beach, FL 33444

~ CRA BOARD SUMMARY ~

**TO:** CRA Board of Commissioners  
**FROM:** Jeff Costello, CRA Executive Director  
**DATE:** May 7, 2018  
**RE:** Fourth & Fifth Delray (iPic) Development – Right of Way Dedication – East/West Alley

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**Recommended Action:**

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

**Background:**

On March 15, 2016, the City Commission approved the waiver requests associated with the Fourth & Fifth (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, to increase the alley width to 24 feet and accommodate the heavy delivery and customer traffic flow within this alley.

All of the alley right-of-way has been dedicated, except for 4 feet by 16 feet portion that is owned by the CRA via the alley abandonment action in 2015 (Resolution No. 49-15). Thus, the attached right-of-way deed dedicating is before the Board for consideration.

**CRA Attorney Review:**

The CRA Attorney has reviewed the right-of-way deed for legal sufficiency and form and determined it to be acceptable.

**Finance Review:**

N/A

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A

Prepared by: RETURN:

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

PIN #

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

THIS INDENTURE made this \_\_\_\_ day of \_\_\_\_, 2018, 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.

#### WITNESSETH:

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.

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 \_\_\_\_\_, 2018, by \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public -  
State of Florida

**EXHIBIT "A"**

Sketch Plan and Legal Description

# EXHIBIT "A"

## SKETCH & DESCRIPTION FOR: RIGHT-OF-WAY DEDICATION

A PORTION OF THAT 16' ALLEY LYING IN 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:

The north 4 feet of that 16' Alley vacated by Resolution No. 49-15; recorded in Official Records Book 28640, Page 820, Public Records of Palm Beach County, Florida, said alley lying within Block 101, TOWN OF LINTON (now 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 and being in the City of Delray Beach, Palm Beach County, Florida.

### SURVEYOR'S NOTES:

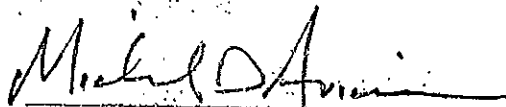
1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract 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. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Abbreviation Legend: L.B. = Licensed Business; O.R.B. = Official Records Book; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PG. = Page; P.L.S. = Professional Land Surveyor.

### 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, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

Date:

3/20/18



MICHAEL D. AVIOM, P.L.S.  
Florida Registration No. 3268  
AVIOM & ASSOCIATES, INC.  
L.B. No. 3300

### REVISIONS

NO.	DATE	DESCRIPTION



AVIOM & ASSOCIATES, INC.  
SURVEYING & MAPPING  
50 S.W. 2nd AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
(561) 392-2594 / [www.AVIOMSURVEY.com](http://www.AVIOMSURVEY.com)

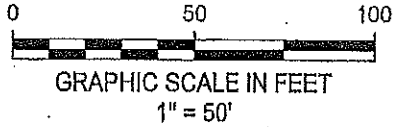
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JOB #:	7753-17
SCALE:	N/A
DATE:	03/20/2018
BY:	M.M.K.
CHECKED:	M.D.A.
F.B.	N/A
PG.	N/A
SHEET:	1 OF 2

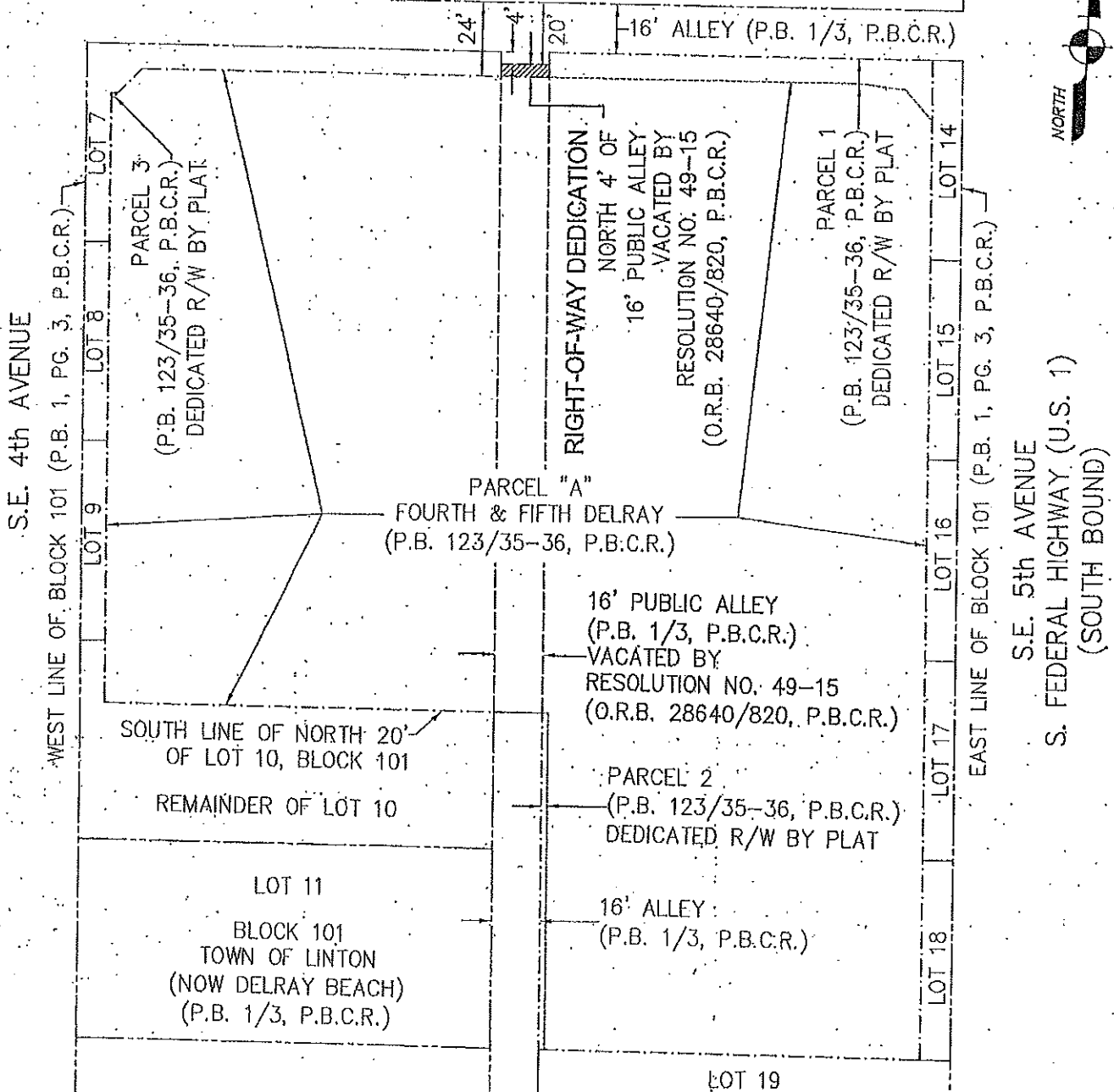
# EXHIBIT "A"

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A PORTION OF THAT 16' ALLEY LYING IN 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



BLOCK 101  
TOWN OF LINTON (NOW DELRAY BEACH)  
(P.B. 1/3, P.B.C.R.)



REVISIONS




**AVIROM & ASSOCIATES, INC.**  
SURVEYING & MAPPING  
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JOB #:	7753-17
SCALE:	1" = 50'
DATE:	03/20/2018
BY:	MMK.
CHECKED:	M.D.A.
F.B.	N/A
PG.	N/A
SHEET:	2 OF 2