

**DUNAY
MISKEL
BACKMAN** LLP

Gary S. Dunay
Bonnie Miskel
Scott Backman
Dwayne L. Dickerson
Hope W. Calhoun
Christina Bilenki
Heather Jo Allen

January 13, 2016

Mr. Timothy R. Stillings, Director
Planning and Zoning Department
City of Delray Beach
City Hall, 100 NW 1st Avenue
Delray Beach, FL 33444

RE: Abandonment of a Portion of Alley more particularly described in Exhibit A ("Alley")

Dear Mr. *Tim* Stillings:

We are writing to you today to inform you that we are providing an application to the city for the abandonment of an alley right-of-way located generally within the block bounded by S. Swinton Avenue to the east, SW 1st Street to the south, SW 1st Avenue to the west, and W. Atlantic Avenue to the north, also known as Block 61.

Per Section 2.6.3 (M) of the City's Land Development Regulations, Public rights-of-way may be abandoned if returned to the fee simple owner of the surrounding property, in the same degree in which it was retained. As the applicant, Atlantic Avenue Development, LLC ("Applicant") now owns all the abutting parcels within the subject block containing the alley right-of-way to be abandoned, returning right-of-way to fee simple owner of surrounding property as specified in this section is not an issue.

Understanding that Section 2.6.3(M) also requires City Commission to make several findings in terms of the impact of abandoning rights-of-way prior to approval, we are providing your office with how our client intends to meet the criteria within each of the findings.

Finding 1: "That there is not nor will there be a need for the use of the right-of-way as stated in Policy A-6-3 of the Transportation Element." This policy states that "Abandonment of right-of-way shall not be granted unless it is conclusively demonstrated that there is not, nor will there be, a need for the use of the right-of-way for any public purpose."

The Applicant can conclusively demonstrate that there will not be a need for the use of this right-of-way in the future. It should be noted that the existing alley system within Block 61, as it is in other parts of the central core, is disconnected, where the eastern half of the existing east-west alley has already been abandoned, leaving the present "L" configuration. Therefore, there is no real vehicular or pedestrian thru-access between Swinton Avenue and SW 1st Avenue, contrary to the goals and policies set forth under Goal C of the Transportation Element in the Comprehensive Plan. The Applicant intends to rectify this situation. Having Unity of Control over the entire block the Applicant can, through site planning and by

following the guidelines of the city's LDRs, in essence replicate the use of the alley to be abandoned, make substantial improvements to the pedestrian environment and eliminate vehicular traffic. This would include the direct public pedestrian link between Swinton and SW 1st Avenue that presently does not exist.

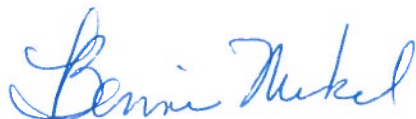
This right-of-way abandonment is integral to the re-development of this critical block. Following the architectural standards set forth by the City for the OSSHAD zoning district, as well as making significant pedestrian upgrades to infrastructure to be available to the general public, through new civic areas and commons spaces all fall squarely within the goals and objectives that the City has laid forth for this part of the City.

Finding 2: "That the abandonment does not nor will prevent access to a lot of record." The Applicant is presently the owner of record for all land parcels located within the block where the proposed alley right-of-way abandonment. The Applicant has Unity of Control, and is confident through the site planning process that adequate public access to all locations within the block will be ensured.

Finding 3: "That the abandonment will not result in a detriment to the provision of access and/or utility services to adjacent properties or the general area." Currently there are above ground utility poles within the alley right-of-way proposed to be abandoned. As part of the re-development of the entire block, all utilities within the site will be placed underground, thus improving safety by reducing hurricane risk and improving the aesthetics of the immediate vicinity. The Applicant will work with all utility service providers to ensure they will have access to any utility network reconfiguration on site.

As required we have also attached a survey and legal description of the right-of-way to be abandoned, as well as a mailing list as specified in Section 2.4.2 (B)(1) have been included as part of this application. The Applicant looks forward to working closely with the City in the future as the process advances.

Sincerely,



Bonnie Miskel, Esq.

Attachments



ABANDONMENT OF RIGHT-OF-WAY APPLICATION



INSTRUCTIONS FOR COMPLETING AND FILING THE ABANDONMENT OF RIGHT-OF-WAY APPLICATION

Applications for abandonment of right-of-way may be submitted to the Planning and Zoning Department at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday thru Friday. The application must be accompanied by the \$3,000.00 filing fee (make checks payable to the City of Delray Beach). The Applicant shall be responsible for all advertising fees including newspaper publications. Please print or type all of the required information, and ensure that the application is complete and accurate. In order to be accepted for processing, the application must be accompanied by the Standard Application Items, as listed on Page 8.

Abandonment of rights-of-way is reviewed by the Planning and Zoning Board which holds its regular meeting on the third Monday of each month. Final action is taken by the City Commission, which meets on the first and third Tuesday of each month. Abandonment of rights-of-way is scheduled for City Commission action once all conditions associated with the request have been addressed. An application for abandonment of right-of-way shall be submitted by the first Friday of the month in order to be on the agenda of the following month's P&Z Board meeting. It takes approximately ten (10) weeks between submission of the application and action by the P&Z Board. This time may vary depending upon the number of comments made by staff, and the time required by the applicant to submit revisions.

Please refer to Section 2.4.6(M) of the City's Land Development Regulations for the processing and findings required for the abandonment application. A pre-application conference with a member of the Planning staff is strongly recommended, and can be scheduled at your convenience. We will be glad to assist you in any way possible.

Notes:

1. In addition to the surveys required above, a digital copy of the survey and application documentation provided on CD is required with the submittal of the application and each subsequent resubmittal. The digital copy must be in a PDF format and shall be prepared at a size of 8½" x 11" or 11"x 17", depending upon legibility.
2. Citizens that request a presentation before the Board or City Commission that is on a portable flash drive device must provide their media to the City Clerk's Office, no later than 12:00 pm one day prior to the meeting where they wish to present. The City laptops will not accept (won't even recognize) any jump drives inserted without prior IT scanning. There will be a zero tolerance policy on this. Applicants have the option to bring their own laptops for their presentation.

**CITY OF DELRAY BEACH PLANNING AND ZONING DEPARTMENT
APPLICATION FOR ABANDONMENT OF RIGHT-OF-WAY**

Project Name: Swinton Commons

Address or General Location: _____

The block bounded by W. Atlantic Avenue to the north, SW 1st Street

to the south, SW 1st Avenue to the west and S. Swinton Avenue to the east (also known as Block 61).

Description of Right-of-way: _____

The alley is an "L" configured alley running east from SW 1st Avenue approximately
140 feet, and then south to SW 1st Street.

PART ONE - APPLICANT INFORMATION:

APPLICANT

Name: Atlantic Avenue Development LLC, a Florida limited liability company, by: Marshall Florida Holdings LLC, a Florida limited liability company, its managing member.

Address: 106 S. Swinton Avenue

Delray Beach, FL 33441

Telephone Number: N/A E-Mail/Fax: N/A

AGENT

Name: Bonnie Miskel, Dunay, Miskel, and Backman, LLP

Address: 14 SE 4th Street, Boca Raton, FL 33432

Telephone Number: (561) 405-3321 E-Mail/Fax: bmiskel@dmbblaw.com

OWNER (if other than applicant)

Name: N/A

Address: _____

Telephone Number: _____ E-Mail/Fax: _____

PART TWO - PROPERTY INFORMATION:

Legal Description of the Area to be Abandoned (attach separate sheet if necessary): _____

See attached legal description

Existing Condition of the Right-of-way (i.e. improved/unimproved, is it being utilized for access):

See attached Exhibit A

Intended Use of the Right-of-way: _____

See attached Exhibit B

OWNER'S CONSENT

(This form must be completed by ALL property owners)

I George F. Marshall II, Manager/Agent
Atlantic Ave. Development, LLC, the fee simple owner of the following (Owner's Name)

described property (give legal description): _____

See attached Legal Description

hereby petition to the City of Delray Beach for the abandonment of right-of-way for abandonment of right-of-way herein described and understand that in the event this abandonment request is granted, I shall receive and be responsible for, property obtained pursuant to the abandonment

Swinton Commons

(Project Name)

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. I consent to inspection and photographing of the subject property by the Planning and Zoning Department Staff for purposes of consideration of this application and/or presentation to the approving body. Further, I understand that this application, attachments and fees become part of the Official Records of the City of Delray Beach, Florida, and are not returnable.

[Signature]
(Owner's Signature)

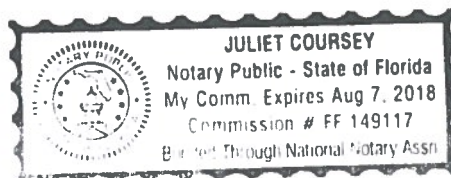
The foregoing instrument was acknowledged before me this 13th day of January, 20 16 by George F Marshall, who is personally known to me or has produced FL DL (type of identification) as identification and who did (did not) take an oath.

Juliet Coursey
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 149117, My Commission Expires August 7, 2018

(NOTARY'S SEAL)



OWNER'S DESIGNATION OF AGENCY

(This form must be completed by ALL property owners if designating an Agent)

George F. Marshall II, Manager/Agent
I Atlantic Avenue Development, LLC, the fee simple owner of the following
(Owner's Name)

described property (give legal description): _____

See attached legal description

hereby affirm that Bonnie Miskel, Dunay, Miskel, and Backman, LLP
(Applicants/Agent's Name)
is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of the City of Delray Beach, Florida, and are not returnable.

[Signature]
(Owner's Signature)

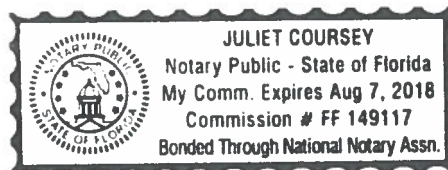
The foregoing instrument was acknowledged before me this 13th day of January, 20 16 by George F Marshall, who is personally known to me or has produced FLDL (type of identification) as identification and who did (did not) take an oath.

Juliet Coursey
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission# 149117, My Commission Expires August 7, 2018

(NOTARY'S SEAL)



AFFIDAVIT

Before me, the undersigned authority, personally appeared George F. Marshall II, Manager/Agent Atlantic Ave. Dev., LLC, who being by me first duly sworn, deposes and says: (Applicant's Name)

1. That the accompanying property owners list is, to the best of my knowledge, a complete and accurate list of all property owners' names, mailing addresses, and legal descriptions of all property lying within five hundred feet (500') of the subject property as recorded on the latest official County tax rolls.
2. That the subject property is legally described as follows: (give legal description)

See attached legal description

[Signature]
(Applicant's Signature)

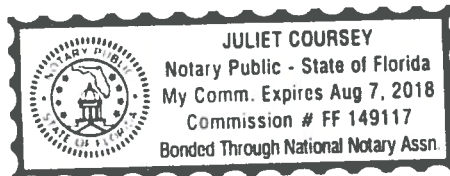
The foregoing instrument was acknowledged before me this 13th day of January, 20 16 by George F Marshall, who is personally known to me or has produced FL DL (type of identification) as identification and who did take an oath.

Juliet Coursey
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 149117, My Commission Expires August 7, 2018

(NOTARY'S SEAL)



NOTIFICATION OF UTILITY PROVIDERS

This sheet must be submitted with the survey to each of the utility provider listed below.

Dear Sir/Madam:

The City of Delray Beach has received an application for an abandonment of easement as shown on the attached survey:

Owner/Applicant Atlantic Avenue Development, LLC

Project Name Swinton Commons

Project Address/Location Southwest block of Swinton and Atlantic Avenues (Block 61)

Description of Proposed Abandonment: See attached Exhibit A

Please review the attached survey and provide the requested information. This sheet should be returned to:

City of Delray Beach
Planning & Zoning Dept
100 NW 1st Avenue
Delray Beach, FL 33444

Will the proposed abandonment of easement affect (diminish) existing utility service? ____ Yes ____ No

Will the proposed abandonment hinder the ability provide for the extension of existing utility service? ____ Yes
____ No

Will the proposed abandonment require the dedication of a replacement easement? ____ Yes ____ No

Comments: _____

Utility Provider _____

Representative's Name and Title _____

Signature _____ Date _____

Addresses of Utility Providers:

John Van Vleet, FP&L
Senior System Project Manager
9329 S. Military Trail
Boynton Beach, FL 34436
PH (561) 479.4511 Email John.Van.Vleet@fpl.com

Dale Butcher, Operations Supervisor/Installation
Florida Public Utilities Company
209 N. Sapodilla Avenue
West Palm Beach, FL 33401
Phone: 561-602-3702 (cell), 561-838-1826 (fax)
Email: dbutcher@fpuc.com

Steven Rosa
Comcast Cable
10435 Ironwood Road
Palm Beach Gardens, FL 33410
PH (561) 454.5851 Email Steven_Rosa@cable.comcast.com

Garth Bedward, Relocation Coordinator Broward/Palm Beach
AT&T
8601 West Sunrise Blvd.
Plantation FL 33322
PH (954) 723-2540 Email GB7410@att.com

EXHIBIT A

Existing Condition of the Right-of-Way

The existing alley runs entirely within Block 61, running east from SW 1st Avenue half way to Swinton Avenue (east-west segment) and turning 90 degrees south to SW 1st Street in an "L" configuration.

The current alley within the specified right-of-way is in an L figuration, beginning at SW 1st Avenue and ending at SW 1st Street. The entire length of the alley is improved, that is to say paved, with mountable curb on one side for drainage. The alley provides access to multiple homes and businesses and associated parking lots within this block. It should also be noted that once the applicant develops Lot 61 they will have Unity of Control, thereby rendering the need for an alley to serve multiple business and homes no longer necessary. It should also be noted that a portion of the original east-west alley behind the current Nature's Way building has already been legally abandoned, therefore contributing to an existing disconnected system of alley ways that have decreased in efficient utility over time. The applicant explains in greater detail how the existing deficient alley configuration within Block 61 will be improved upon with the applicant's proposed development in the Cover Letter addressed to Planning and Zoning Director Timothy R. Stillings enclosed with this application.

EXHIBIT B

Intended Use of Right-of-Way

The block bounded by W. Atlantic Avenue to the north, S. Swinton Avenue to the east, SW 1st Street to the south and SW 1st Avenue to the west (also identified as Block 61) shall be redeveloped as a mixed-use project with new mixed-use structures and two new mixed use structures facing W. Atlantic Avenue as well as Swinton Avenue and SW 1st Avenue. The central area of the block, where the present alley is located, will be planned as a common open space providing access to all mixed-use structures located within the block as well as to the civic space on the corner of Atlantic and Swinton and the new mixed-use building. In this respect, the function of the right-of-way to be abandoned will be retained, except that vehicular access will be replaced with a much improved pedestrian experience, thus furthering the city's goal of achieving a more walkable downtown area, consistent with Section 4.4.24 (A)(1) of the OSHADD zoning district and many citizen objectives.

Understanding that preservation and improvements of the neighborhood grid of street, including alleys, is a critical goal identified in the 2002 Downtown Master Plan, the applicant will work, through the site planning process, to ensure that public access and movement of pedestrians in the location of the existing alleys is not only maintained but improved upon and enhanced. This is explained in greater detail in the Cover Letter to Timothy R. Stillings, Planning and Zoning Director, enclosed as part of this application.

Statement of Interest in Property and Authorization to File Petitions

Atlantic Avenue Development, LLC certifies that it is the Owner of the adjacent properties to the subject property (right-of-way to be abandoned) to which the subject property will revert, located within Block 61, bounded by W. Atlantic Avenue to the north, S. Swinton Avenue to the east, SW 1st Street to the south and SW 1st Avenue to the west, located in the City of Delray Beach, hereby authorizes DUNAY, MISKEL, AND S. BACKMAN, LLP, as agent, and WES BLACKMAN, AICP HISTORIC PRESERVATION PLANNER WITH CWB ASSOCIATES as agent, to submit and process any and all development applications to the City of Delray Beach, Palm Beach County and State of Florida and in the approval, permitting and development of the proposed commercial development, and appear at any meetings or public hearings necessary for the approval, permitting and development of the proposed mixed-use development located within the City of Delray Beach and Palm Beach County.

GEORGE F. MARSHALL
Print Name

[Signature]
Signature

411 N NEW RIVER DR E 7706
Address

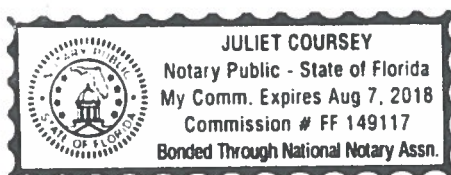
FT. LAUDERDALE, FL 33301
City/State/Zip

919 606 4650
Phone

State of Florida

County of Palm Beach

The foregoing instrument was acknowledged before me this 13th day of January, 2016, by George F Marshall, an individual, who is FL DL personally known to me or who has produced as identification and who did take an oath.



NOTARY PUBLIC:

Sign: [Signature]

Print: Juliet Coursey

My Commission Expires: August 7, 2018



947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

SWINTON COMMONS - ALLEY ABANDONMENT

LEGAL DESCRIPTION

A PORTION OF THE 16.00 FOOT WIDE ALLEY AND A PORTION OF LOT 5, IN BLOCK 61, "TOWN OF LINTON", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 61; THENCE SOUTH $89^{\circ}06'00''$ EAST, ALONG THE SOUTH LINE OF LOTS 1 AND 2 OF SAID BLOCK 61, A DISTANCE OF 139.44 FEET; THENCE SOUTH $31^{\circ}23'56''$ EAST, ALONG THE WEST LINE OF LOT 1, "RECTORY PARK PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 95 AT PAGE 152 OF SAID PUBLIC RECORDS, A DISTANCE OF 15.36 FEET; THENCE SOUTH $00^{\circ}02'00''$ WEST, ALONG THE WEST LINE OF SAID LOT 1, "RECTORY PARK PLAT", AND THE WEST LINE OF LOTS 12 THROUGH 16 OF SAID BLOCK 61, A DISTANCE OF 451.46 FEET; THENCE NORTH $89^{\circ}06'10''$ WEST, ALONG THE SOUTH LINE OF SAID BLOCK 61, A DISTANCE OF 16.00 FEET; THENCE NORTH $00^{\circ}02'00''$ EAST, ALONG THE EAST LINE OF LOTS 5 THROUGH 10 OF SAID BLOCK 61, A DISTANCE OF 432.21 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTHWEST BOUNDARY OF A RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 10998 AT PAGE 640 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 16.50 FEET AND A CENTRAL ANGLE OF $89^{\circ}08'00''$, A DISTANCE OF 25.67 FEET TO THE POINT OF TANGENCY; THENCE NORTH $89^{\circ}06'00''$ WEST, ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 115.19 FEET; THENCE NORTH $00^{\circ}02'00''$ EAST, ALONG THE WEST LINE OF SAID BLOCK 61, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 9539 SQUARE FEET, MORE OR LESS.

NOTES

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 SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SWINTON AVENUE HAVING AN ASSUMED BEARING OF SOUTH $00^{\circ}02'00''$ WEST.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

ABBREVIATIONS

L	.	ARCLength
D	.	DELTA (CENTRAL ANGLE)
L.B.	.	LICENSED BUSINESS
L.S.	.	LICENSED SURVEYOR
MON.	.	MONUMENT
O.R.B.	.	OFFICIAL RECORDS BOOK
P.O.B.	.	POINT OF BEGINNING
P.O.C.	.	POINT OF COMMENCEMENT
P.B.	.	PLAT BOOK
P.B.C.R.	.	PALM BEACH COUNTY RECORDS
PG.	.	PAGE
P.S.M.	.	PROFESSIONAL SURVEYOR & MAPPER
R/W	.	RIGHT-OF-WAY

Project Name:	SWINTON COMMONS	DATE:	12/29/2015
JOB NO.	14104	DWG BY:	JSH
		CK'D By:	JEK
			SHEET 1 OF 2



CFN 20140266776
OR BK 26925 PG 0109
RECORDED 07/18/2014 14:56:57
Palm Beach County, Florida
AMT 10,000,000.00
Doc Stamp 70,000.00
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0109 - 111; (3pgs)

THIS INSTRUMENT WAS PREPARED BY:

Dennis S. Rooker, Esq.
Dennis S. Rooker, P.C.
1421 Sachem Place, Suite 3
Charlottesville, Virginia 22901
(434) 977-7424

TAX FOLIO NUMBERS:

12-43-46-17-59-000-0011
12-43-46-17-59-000-0012
12-43-46-16-01-061-0051
12-43-46-16-01-061-0070
12-43-46-16-01-061-0150
12-43-46-16-01-061-0160
12-43-46-16-01-061-0130

WARRANTY DEED

THIS WARRANTY DEED, executed this 14th day of July, 2014, by **RECTORY PARK, L.C., a Florida limited liability company** (the "Grantor"), whose mailing address is 14 S. Swinton Avenue, Delray Beach, FL 33444 to **ATLANTIC AVE DEVELOPMENT LLC, a Florida limited liability company** (the "Grantee") whose mailing address is 310 SE 1st Street, Suite 2, Delray Beach, FL 33483.

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, and sold to Grantee and Grantee's successors and assigns forever, the following described real property situate, lying, and being in Palm Beach County, Florida, to wit:

Lot 1, Rectory Park Plat, according to the Plat thereof, recorded in Plat Book 95, Page 152, Public Records of Palm Beach County, Florida.

and

Lot 6, Block 61, 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.

and

Lots 7 and 8, Block 61, 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.

and

Lots 12, 15 and 16, Block 61, 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.

and

Lots 13 and 14, Block 61, 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.

and

Lot 5, Block 61, Map of The Town of Linton (now Delray Beach), according to the Plat thereof, recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida, LESS and EXCEPT that certain portion thereof conveyed to the City of Delray Beach, Florida, by Warranty Deed recorded in O.R. Book 10998, Page 640, said portion being more particularly described as follows:

Begin at the Northeast corner of said Lot 5, thence South 00°00'00" East, a distance of 16.25 feet to the point of curvature, said curve being concave to the Southwest having a radius of 16.50 feet; thence Northwesterly along the arc of said curve through a central angle of 89° 09' 00" a distance of 25.67 feet; thence South 89° 09' 00" East along the North line of said Lot 5, a distance of 16.25 feet to the Point of Beginning.

TO HAVE AND TO HOLD the same to the simple forever.

SUBJECT TO: all easements, covenants, restrictions, reservations, conditions and other matters of record; zoning, restrictions, prohibitions and other requirements imposed by governmental authority; and real property taxes and assessments for the year 2014 and subsequent years, without reimposing same.

And Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the day and year first above written.

Signed, sealed, and delivered
in the presence of:

Elizabeth Kolowich
SIGNATURE OF WITNESS (2)

Jenny C. Petri
PRINT NAME OF WITNESS (2)

Signature of Witness (1)

Jenny C. Petri
Print Name of Witness (1)

RECTORY PARK, L.C.
a Florida limited liability company

By: Kimberly A. Goodyear
Kimberly A. Goodyear, Manager

Signature of Witness (2)

WITNESSES ON FIRST PAGE

Print Name of Witness (2)

STATE OF FLORIDA

COUNTY OF PALM BEACH

ss:

THE FOREGOING INSTRUMENT was acknowledged before me this 14 day of July, 2014, by Kimberly A. Goodyear, as Manager of RECTORY PARK, L.C., a Florida limited liability company, on behalf of the company, who is personally known to me or who produced a driver's license or passport as identification, and who did take an oath.

My Commission Expires: _____

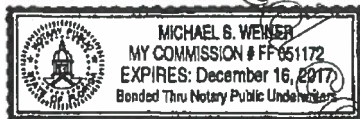
My Commission Number: _____

Michael S. Wenger
NOTARY PUBLIC

State and County Aforesaid

[Notarial Seal]

Print Name of Notary Public







Gary S. Dunay
Bonnie Miskel
Scott Backman
Dwayne L. Dickerson
Hope W. Cathoun
Christina Bilenki
Heather Jo Allen

OPINION OF TITLE

The undersigned has reviewed that certain Ownership & Encumbrance Report issued by Commonwealth Land Title Insurance Company under File No. 5598930 and the Public Records through December 15, 2015 at 11:00 p.m. ("Effective Date") and finds that the property described on Exhibit "A" attached hereto ("Property") is owned by:

Title is vested in the City of Delray Beach, Florida, a municipal corporation by virtue of that certain Warranty Deed recorded on March 22, 1999 in Official Records Book 10998, Page 640 of the Public Records of Palm Beach County, Florida.

As of the Effective Date, the Property was encumbered by the following mortgages: NONE

The Property is further encumbered by the following exceptions to title:

As of the Effective Date, Ad Valorem Real Property Taxes and Assessments for the year: N/A

Restrictions, covenants, conditions, easements and other matters contained on the Plat:

PLAT recorded on July 29, 1896 in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida.

Other Easements: NONE

Other Encumbrances:

CERTIFICATION recorded on July 11, 1988 in Official Records Book 5734, Page 735 of the Public Records of Palm Beach County, Florida.

AFFIDAVIT/ORDINANCE NO. 83-23 recorded on July 11, 1994 in Official Records Book 8340, Page 1168 of the Public Records of Palm Beach County, Florida.

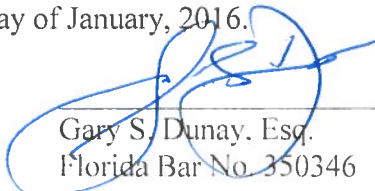
RESOLUTION NO. 9-99 recorded on February 24, 1999 in Official Records Book 10949, Page 752 of the Public Records of Palm Beach County, Florida.

CERTIFICATE/DECLARATION OF UNITY OF TITLE recorded on January 30, 2001 in Official Records Book 12279, Page 152 of the Public Records of Palm Beach County, Florida.

DECLARATION OF UNITY OF TITLE recorded on October 30, 2001 in Official Records Book 13036, Page 874 of the Public Records of Palm Beach County, Florida.

This Opinion of Title is prepared and provided to the City of Delray Beach, Department of Planning and Zoning for the purpose of Swinton Commons Approval ("Purpose") and for no other purpose whatsoever. The City of Delray Beach and the Department of Planning and Zoning shall be entitled to rely upon this Opinion of Title for the Purpose.

Respectfully submitted this 12 day of January, 2016.



Gary S. Dunay, Esq.
Florida Bar No. 350346

EXHIBIT "A"

A portion of the 16.00 foot wide alley and a portion of Lot 5, in Block 61, TOWN OF LINTON, according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of Lot 1 of said Block 61; thence South 89°06'00" East, along the South line of Lots 1 and 2, of said Block 61, a distance of 139.44 feet; thence South 31°23'56" East, along the West line of Lot 1, RECTORY PARK PLAT, according to the Plat thereof, as recorded in Plat Book 95, at Page 152, of said Public Records, a distance of 15.36 feet; thence South 00°02'00" West, along the West line of said Lot 1, RECTORY PARK PLAT, and the West line of Lots 12 through 16 of said Block 61, a distance of 451.46 feet; thence North 89°06'10" West, along the South line of said Block 61, a distance of 16.00 feet; thence North 00°02'00" East, along the East line of Lots 5 through 10 of said Block 61, a distance of 432.21 feet to the point of curvature of a circular curve to the left; thence Northwesterly along the arc of said curve, also being the Southwest boundary of a right-of-way, as recorded in Official Records Book 10998, Page 640, of said Public Records, having a radius of 16.50 feet and a central angle of 89°08'00", a distance of 25.67 feet to the point of tangency; thence North 89°06'00" West, along the North line of said Lot 5, a distance of 115.19 feet; thence North 00°02'00" East, along the West line of said Block 61, a distance of 16.00 feet to the Point of Beginning.

Said lands situate in the City of Delray Beach, Palm Beach County, Florida.

Mar-22-1999 11:38am 99-113337
ORB 10998 Pg 648
Con 18.88 Doc B.78
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

WARRANTY DEED

This Indenture, made this 19th day of February, 1979, between Aeacus Real Estate Limited Partnership, a Jersey, Channel Islands limited partnership, whose address is c/o Robert M. Smither, Jr., The Rectory, 14 South Swinton Avenue, Delray Beach, Florida 33444, Grantor*, and the City of Delray Beach, Florida, whose mailing address is 100 NW 1st Avenue, Delray Beach, Florida, Grantee*.

Witnesseth: That said grantor, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained and sold to the said grantees, and grantor's heirs and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

A PORTION OF LOT 5, BLOCK 61, OF THE FLAT OF THE CITY OF DELRAY BEACH AS RECORDED IN PALT BOOK 1, PAGE 3, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 5. THENCE S 00° 00' EAST, A DISTANCE OF 16.25 FEET TO THE POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 16.50 FEET; THENCE NORTH-WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 09' 00", A DISTANCE OF 25.67 FEET; THENCE S 89° 09' 00" E, ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 16.25 FEET TO THE POINT OF BEGINNING.

Subject to easements, restrictions and reservations of record, if any, and taxes for 1999 and subsequent years.

Said grantor does hereby fully warrant the title to said land, and will defend same against the lawful claims of all persons whomsoever.

(*Grantor and Grantee are used for singular and plural, as context requires)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Witness:
(Print Name) Rebecca W. Cole

Robert M. Smither, Jr., POA
Aeacus Real Estate Limited Partnership

Witness:
(Print Name) WILLIAM R. WINTER

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

I hereby certify that on this 19th day of February, 1992, before me, an officer duly authorized in the state and county aforesaid to take acknowledgements, personally appeared Robert M. Smither, Jr., who has shown his driver's license with photo identification and did take an oath that he is the person described in, and who executed the foregoing instrument, and he acknowledged before me that he executed same for the purposes therein expressed.

[Signature]
Notary Public

Seal/Stamp:



Gary S. Dunay
Bonnie Miskel
Scott Backman
Dwayne L. Dickerson
Hope W. Calhoun
Christina Bilenki
Heather Jo Allen

OPINION OF TITLE

The undersigned has reviewed that certain Ownership & Encumbrance Report issued by Commonwealth Land Title Insurance Company under File No. 5592330 and the Public Records through December 10, 2015 at 6:00 a.m. ("Effective Date") and finds that the properties described on Exhibit "A" attached hereto (collectively, the "Property") are owned by:

Title is vested in **Atlantic Ave Development LLC, a Florida limited liability company** as to **Parcels 1 through 6** by virtue of Warranty Deed recorded in Official Records Book 26925, Page 109 and as to Parcel 14 by virtue of Special Warranty Deed recorded in Official Records Book 27184, Page 1655 and re-recorded in Official Records Book 27442, Page 1766.

Title is vested in **MGM Sundry House, LLC, a Florida limited liability company** as to **Parcels 7 through 11** by virtue of Warranty Deed recorded in Official Records Book 26925, Page 107 and as to **Parcels 12 and 13** by virtue of Warranty Deed recorded in Official Records Book 26925, Page 105 and as to **Parcel 15** by virtue of Special Warranty Deed recorded in Official Records Book 17174, Page 2 and as to **a portion of Parcel 15** by virtue of Special Warranty Deed recorded in Official Records Book 27442, Page 1764 and as to **a portion of Parcel 15 and all of Parcel 16** by virtue of Special Warranty Deed recorded in Official Records Book 27184, Page 1657, as re-recorded in Official Records Book 27442, Page 1761.

As of the Effective Date, the Property was encumbered by the following mortgages: NONE

The Property is further encumbered by the following exceptions to title:

As of the Effective Date, Ad Valorem Real Property Taxes and Assessments for the year 2015 and subsequent years which are not yet due and payable.

Restrictions, covenants, conditions, easements and other matters contained on the Plats:

See Exhibit "B" Attached Hereto

Other Easements:

See Exhibit "C" Attached Hereto

Other Encumbrances:

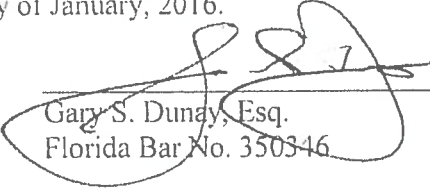
See Exhibit "D" Attached Hereto

Other Matters:

See Exhibit "E" Attached Hereto

This Opinion of Title is prepared and provided to the City of Delray Beach, Department of Planning and Zoning for the purpose of Swinton Commons Approval ("Purpose") and for no other purpose whatsoever. The City of Delray Beach and the Department of Planning and Zoning shall be entitled to rely upon this Opinion of Title for the Purpose.

Respectfully submitted this 6th day of January, 2016.



Gary S. Dunay, Esq.
Florida Bar No. 350346

EXHIBIT "A"

Parcel 1: Folio No. 12-43-46-17-59-000-0011 and 12-43-46-17-59-000-0012

Lot 1, RECTORY PARK PLAT, according to the Plat thereof, recorded in Plat Book 95, Page 152, of the Public Records of Palm Beach County, Florida.

Parcel 2: Folio No. 12-43-46-16-01-061-0051

Lot 6, Block 61, TOWN OF LINTON (NOW DELRAY BEACH) according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

Parcel 3: Folio No. 12-43-46-16-01-061-0070

Lots 7 and 8, Block 61, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

Parcel 4: Folio No. 12-43-46-16-01-061-0051, 12-43-46-16-01-061-0150 and 12-43-46-16-01-061-0160

Lots 12, 15 and 16, Block 61, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

Parcel 5: Folio No. 12-43-46-16-01-061-0130

Lots 13 and 14, Block 61, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

Parcel 6: Folio No. 12-43-46-16-01-061-0051

Lot 5, Block 61, MAP OF THE TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida, Less and Except that certain portion thereof conveyed to the City of Delray Beach, Florida, by Warranty Deed recorded in Official Records Book 10998, Page 640, said portion being more particularly described as follows:

Begin at the Northeast corner of said Lot 5, thence South 00°00'00" East, a distance of 16.25 feet to the point of curvature, said curve being concave to the Southwest having a radius of 16.50 feet; thence Northwesterly along the arc of said curve through a central angle of 89°09'00" a distance of 25.67 feet; thence South 89°09'00" East along the North line of said Lot 5, a distance of 16.25 feet to the Point of Beginning.

Parcel 7: Folio No. 12-43-46-16-01-061-0090

Lots 9 and 10, Block 61, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

Parcel 8: Folio No. 12-43-46-16-01-062-0110

Lot 11, Block 62, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

Parcel 9: Folio No. 12-43-46-16-01-061-0090

Lot 1, SUNDY ESTATES, according to the Plat thereof, recorded in Plat Book 69, Page 166, of the Public Records of Palm Beach County, Florida.

Parcel 10: Folio No. 12-43-46-16-01-061-0090

Lots 2 and 3, SUNDY ESTATES, according to the Plat thereof, recorded in Plat Book 69, Page 166, of the Public Records of Palm Beach County, Florida.

Parcel 11: Folio No. 12-43-46-16-B4-070-0200

Lots 20, 21 and 22, Block 70, AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 6, Page 17, of the Public Records of Palm Beach County, Florida.

Parcel 12: Folio No. 12-43-46-16-B4-070-0230

Lot 23, Block 70, AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 6, Page 17, of the Public Records of Palm Beach County, Florida.

Parcel 13: Folio No. 12-43-46-16-B4 -070-0240

Lot 24, Block 70, AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 6, Page 17, of the Public Records of Palm Beach County, Florida;

AND

Lot 25, Block 70, AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 6, Page 17, of the Public Records of Palm Beach County, Florida, Less and Except that portion of Lot 25, Block 70, conveyed to the City of Delray Beach, Florida, by Right of Way Deed recorded in Official Records Book 13926, Page 1049, of the Public Records of Palm Beach County, Florida, more particularly described as follows: the East 6.0 feet of Lot 25, Block 70, of THE AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 6, Page 17, of the Public Records of Palm Beach County, Florida.

Parcel 14: Folio No. 12-43-46-16-01-061-0010

Lots 1 and 2, Block 61, TOWN OF LINTON (NOW DELRAY BEACH), according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida, less and except the North 20.00 feet thereof.

Parcel 15: Folio No. 12-43-46-16-01-069-0161 and 12-43-46-16-01-069-0162

Lots 16, 17 and 18, SUBDIVISION OF BLOCK 69, according to the Plat thereof, recorded in Plat Book 2, Page 43, of the Public Records of Palm Beach County, Florida.

Parcel 16: Folio No. 12-43-46-16-01-069-0191

Lot 19, SUBDIVISION OF BLOCK 69, DELRAY, FLORIDA, according to the Plat thereof, recorded in Plat Book 2, Page 43, of the Public Records of Palm Beach County, Florida, Less and Except the West two feet, the South two feet and the East five feet thereof, and further Less and Except that portion of Lot 19 as conveyed to Block 77, Development Group, L.C., a Florida limited liability company, in that certain Special Warranty Deed recorded February 8, 2007, in Official Records Book 21395, Page 1356, of the Public Records of Palm Beach County, Florida.

EXHIBIT "B"

As to Parcel 1:

PLAT	July 24, 2002	PB 95/152
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As to Parcel 2:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 3:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 4:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 5:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 6:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 7:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 8:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 9:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 10:

PLAT	July 29, 1896	PB 1/3
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PLAT	December 2, 1992	PB 69/166
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As to Parcel 11:

PLAT	July 29, 1896	PB 1/3
PLAT	July 15, 1912	PB 1/155
PLAT	May 17, 1915	PB 6/17

As to Parcel 12:

PLAT	July 29, 1896	PB 1/3
PLAT	May 17, 1915	PB 6/17

As to Parcel 13:

PLAT	July 29, 1896	PB 1/3
PLAT	May 17, 1915	PB 6/17

As to Parcel 14:

PLAT	July 29, 1896	PB 1/3
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As to Parcel 15:

PLAT	July 18, 1912	PB 2/43
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As to Parcel 16:

PLAT	July 18, 1912	PB 2/43
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EXHIBIT "C"

As to Parcel 3:

EASEMENT	April 27, 1977	2670/1888
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As to Parcel 9:

EASEMENT	April 5, 1968	1647/1043
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EASEMENT DEED	May 18, 1998	10406/937
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EASEMENT	July 15, 1998	10521/162
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EXHIBIT "D"

As to Parcel 1:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
RESOLUTION NO. 9-99	February 24, 1999	10949/752
DECLARATION OF UNITY OF TITLE	January 30, 2001	12279/152
SURVEYOR'S AFFIDAVIT	October 18, 2006	20980/793
DECLARATION OF UNITY OF TITLE	October 30, 2001	13036/874

As to Parcel 2:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
RESOLUTION NO. 9-99	February 24, 1999	10949/752
DECLARATION OF UNITY OF TITLE	October 30, 2001	13036/874

As to Parcel 3:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
RESOLUTION NO. 9-99	February 24, 1999	10949/752

As to Parcel 4:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
RESOLUTION NO. 9-99	February 24, 1999	10949/752
DECLARATION OF UNITY OF TITLE	October 30, 2001	13036/874

As to Parcel 5:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
RESOLUTION NO. 9-99	February 24, 1999	10949/752

As to Parcel 6:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
RESOLUTION NO. 9-99	February 24, 1999	10949/752
DECLARATION OF UNITY OF TITLE	January 30, 2001	12279/152
DECLARATION OF UNITY OF TITLE	October 30, 2001	13036/874

As to Parcel 7:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
DECLARATION OF UNITY OF TITLE	April 1, 1998	10316/1187
DECLARATION OF UNITY OF TITLE	June 25, 2002	13841/1270

As to Parcel 8:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
OFF SITE PARKING AGREEMENT	September 8, 2000	12004/932

As to Parcel 9:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
CERTIFICATE/CITY OF DELRAY BEACH RESOLUTION NO. 128.92	December 2, 1992	7498/1872
HOLD HARMLESS AGREEMENT	December 29, 1992	7531/331
DECLARATION OF UNITY OF TITLE	April 1, 1998	10316/1187
DECLARATION OF UNITY OF TITLE	June 25, 2002	13841/1270

As to Parcel 10:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
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CERTIFICATE/CITY OF DELRAY BEACH RESOLUTION NO. 128.92	December 2, 1992	7498/1872
HOLD HARMLESS AGREEMENT	December 29, 1992	7531/331
OFF SITE PARKING AGREEMENT	July 15, 1994	8332/1362
AGREEMENT FOR OFF SITE PARKING AND CANCELATION OF DECLARATION OF UNITY OF TITLE	July 9, 1994	8334/620
AFFIDAVIT/ORDINANCE NO. 83-23	July 11, 1994	8340/1168
DECLARATION OF UNITY OF TITLE	April 1, 1998	10316/1187
OFF SITE PARKING AGREEMENT	September 8, 2000	12004/932
DECLARATION OF UNITY OF TITLE	June 25, 2002	13841/1270

As to Parcel 11:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
DECLARATION OF UNITY OF TITLE	October 1, 1999	11378/482
OFF SITE PARKING AGREEMENT	September 8, 2000	12004/932
DECLARATION OF UNITY OF TITLE	June 25, 2002	13841/1270

As to Parcel 12:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
DECLARATION OF UNITY OF TITLE	June 25, 2002	13841/1270

As to Parcel 13:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
DECLARATION OF UNITY OF TITLE	June 25, 2002	13841/1270

As to Parcel 14:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
UNITY OF TITLE COVENANT	April 17, 1997	9751/578
UNITY OF TITLE	August 11, 1997	9932/927

As to Parcel 15:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
DECLARATION OF UNITY OF TITLE	April 25, 2003	15116/180
CROSS-DEFAULT, CROSS- COLLATERALIZATION AGREEMENT	November 13, 2013	26444/278
AMENDED AND RESTATED CROSS- DEFAULT, CROSS-COLLATERALIZATION AGREEMENT	April 25, 2014	26752/955
PARTIAL RELEASE OF CROSS- DEFAULT, CROSS-COLLATERALIZATION AGREEMENT (Portion of Parcel 15)	November 5, 2014	27145/1060

As to Parcel 16:

CERTIFICATE/CITY OF DELRAY BEACH ORDINANCE NO. 1-88	July 11, 1988	5734/735
RESOLUTION NO. 27-95	May 12, 1995	8743/1113
RESOLUTION NO. 37-99	July 13, 1999	11228/573
RESOLUTION NO. 16-00	April 10, 2000	11707/732
COVENANT NOT TO ENCUMBER	January 25, 2008	22402/1477
CROSS-DEFAULT, CROSS- COLLATERALIZATION AGREEMENT	November 13, 2013	26444/278

AMENDED AND RESTATED CROSS-
DEFAULT, CROSS-COLLATERALIZATION
AGREEMENT

April 25, 2014

26752/955

FOR REFERENCE ONLY:

FIRST AMENDMENT TO AMENDED
AND RESTATED CROSS-DEFAULT,
CROSS-COLLATERALIZATION
AGREEMENT

June 6, 2014

26840/561

EXHIBIT "E"

<u>INSTRUMENT</u>	<u>FILED</u>	<u>BOOK/PAGE</u>
1. CLAIM OF LIEN (Parcel 15)	January 14, 2014	26557/624
2. CLAIM OF LIEN (Parcel 16)	April 10, 2015	27457/738