



**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. Stillings: *Tim*

Enclosed is an application to the City for the abandonment of an alley right-of-way segment of approximately 124 feet in length, located generally within the southeast corner of a block bounded by SE 1st Avenue to the east, Swinton Avenue to the west, SE 1st Street to the south, and E. Atlantic Avenue to the north.

Per Section 2.6.3 (M) of the City of Delray Beach's ("City") Land Development Regulations, Public rights-of-way may be abandoned if returned to the fee simple owner of the surrounding property, in the degree in which it was retained. As the applicant, MGM Sundry House, LLC ("Applicant") now owns three nearly contiguous parcels within the subject block, and the alley right-of-way to be abandoned, is at present running in between two of those three lots. Therefore, the question of returning right-of-way to a fee simple owner of surrounding property as specified in this section is not an issue.

The area to be abandoned, as reflected in the attached aerial, has over the years been eroded away or due to downtown development cut off from the nearby streets, thereby resulting in a disconnect to the City's alley grid system. As a result, the present configuration does not provide relief to either Swinton Avenue, Atlantic Avenue or SE 1st Avenue. In fact, traffic traveling east on Atlantic Avenue cannot use the north-south alley (parallel to Swinton) in a direct manner to get to SE 1st Street, as a bypass to Swinton or SE 1st Avenue. Furthermore, traffic traveling east on the existing alley segment from SE 1st Avenue is unable to get to Swinton Avenue as the alley grid is interrupted, so the segment to be abandoned has very limited usefulness. By dedicating the missing north-south link to enable north-south traffic to flow from Atlantic to SE 1st Street (by creating a "T" alley formation within this block), an important part of the alley grid is being restored by the Applicant's proposal, and will improve traffic flow in the entire area.

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. The Applicant is proposing a hotel to be located on the three lots and the proposed abandoned alley right-of-way. The Applicant's proposal to extend the existing north-south alley southward to SE 1st Street will enhance the connectivity of the City's grid and alley system in the OSSHAD zoning district.

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 the land parcels located within the block abutting the proposed alley right-of-way abandonment. The Applicant has Unity of Control over three blocks, including where the alley segment exists, and is confident through the site planning process that adequate public access within the block will be ensured. The proposed re-configuration of the existing disjointed alley system in this block is consistent with Goal Area "C" and Objective C-1.2 of the City's Comprehensive Plan, in short to help create a convenient, safe and efficient traffic system, that will help residents and visitors avoid congested local and collector streets.

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." In fact, with the dedication proposed, this request will enhance and facilitate traffic flow, thereby improving the alley system. There are presently no overhead utilities within the alley segment right-of-way. The Applicant anticipates that the survey of the right-of-way will reveal any additional utilities. 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: 48 SE 1st Avenue (northwest corner of SE 1st Avenue and SE 1st Street)

Description of Right-of-way: _____

Alley segment to be abandoned is a 124.12 foot segment running west from SE 1st Street to existing north-south alley that runs north from segment to be abandoned.

PART ONE - APPLICANT INFORMATION:

APPLICANT

MGM Sundy House LLC, a Florida limited liability company

By: MGM Delray LLC, a Florida limited liability company, its
managing member.

Name: _____

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)

George F. Marshall II, Manager/Agent

I MGM Sundry House, 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)

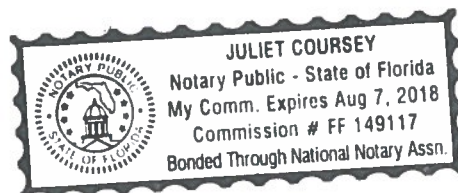
The foregoing instrument was acknowledged before me this 13th day of January, 20 16 by George F Marshall, who is personally known to me or has produced FL DL (type of identification) as identification and who did (did not) take an oath.

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)

I George F. Marshall II, Manager/Agent
MGM Sundy House, 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.

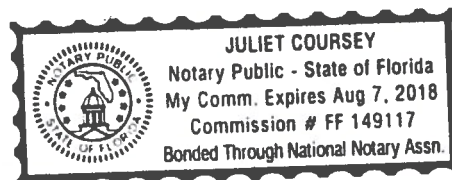
[Signature]
(Owner's Signature)

The foregoing instrument was acknowledged before me this 13th day of January, 20 14 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)



AFFIDAVIT

Before me, the undersigned authority, personally appeared George F. Marshall II, Manager/Agent
MGM Sundry House, 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

(Applicant's Signature)

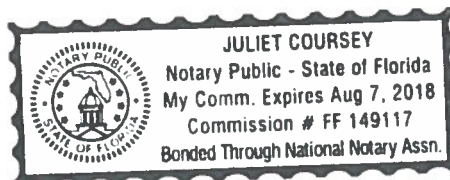
The foregoing instrument was acknowledged before me this 13th day of January, 20 16 by George F Marshall who is personally known to me or has produced FL DL (type of identification) as identification and who did take an oath.

Juliet Coursey
(Printed Name of Notary Public)

(Signature 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 MGM Sundy House, LLC

Project Name Swinton Commons

Project Address/Location _____

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 Right-of-Way

The existing alley runs approximately 124.12 feet from its entrance on SE 1st Avenue west to the intersection of a north-south alley running north from this intersection (creating an 'L' formation). The applicant is proposing to create an extension of the north-south alley running south of this existing 'L' intersection to SE 1st Street.

The alley is currently paved, with a mountable curb providing for drainage. The primary purpose of this alley segment is to provide access to the north-south alley that runs north at the L intersection with the alley segment to be abandoned. Extending the north-south alley southward to SE 1st Street would provide this access in the future in a more efficient and accessible manor. Originally, the lots in this area of the block were platted so that they faced SE 1st Street, therefore this alley served a purpose to serve the rear of those the properties. Since the applicant has gained Unity of Control of all the properties surrounding the alley, it no longer serves any purpose other than to provide and egress/ingress to the north-south alley it intersects. The applicant will improve access to the north-south alley with their proposed development. The applicant explains in greater detail how these improvements will be achieved 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 southeastern area of the block bounded by E. Atlantic Avenue to the north, SE 1st Avenue to the east, S. Swinton Avenue to the west, and SE 1st Street to the south (also identified as block 69) will be developed as a hotel with underground parking garage. The hotel will be built directly over where the segment of current alley right-of-way that is to be abandoned. Access to the hotel as well as the overall downtown grid network of alleys will be improved by extending the present north-south alley within block 61 all the way south to meet SE 1st Street, where presently no alley right-of-way exists. 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

MGM Sundry House, 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 69, and roughly near the northwest corner of SE 1st Avenue and SE 1st Street, 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 #706
Address

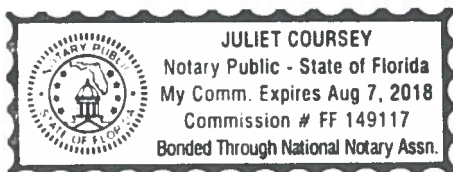
FT. LAUDERDALE, FL 33301
City/State/Zip

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 - ABANDONMENT OF ALLEY BLOCK 69

LEGAL DESCRIPTION

A PORTION OF THE 16.00 FOOT WIDE ALLEY AND A PORTION OF LOT 19, IN "SUBDIVISION OF BLOCK 69", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 43 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 18 OF SAID PLAT; THENCE NORTH $89^{\circ}06'10''$ WEST, ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH $89^{\circ}06'10''$ WEST, ALONG THE NORTH LINE OF LOTS 18, 17 AND 16 OF SAID PLAT, A DISTANCE OF 124.12 FEET; THENCE NORTH $00^{\circ}02'00''$ EAST, ALONG A LINE 2.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 19 AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 18.00 FEET; THENCE SOUTH $89^{\circ}06'10''$ EAST, ALONG A LINE 2.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 19, A DISTANCE OF 124.12 FEET; THENCE SOUTH $00^{\circ}02'00''$ WEST, ALONG A LINE 5.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID PLAT, A DISTANCE OF 18.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 2234 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
CONC.	CONCRETE
COR.	CORNER
D	DELTA (CENTRAL ANGLE)
D.E.	DRAINAGE EASEMENT
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
U.E.	UTILITY EASEMENT

Project Name:	SWINTON COMMONS	DATE:	12/31/2015
JOB NO.	14104	DWG BY:	JSH
		CK'D By:	JEK
			SHEET 1 OF 2

Prepared by and return to:

Renaissance Title Corporation
10 SE 1st Avenue Suite C
Delray Beach, FL 33444
561-265-2666
File Number: HUDS002
Priority Control Nos. 12-43-46-16-01-069-0191 & 12-43-46-16-01-069-0161

This deed is being re-recorded to correct the consideration amount originally listed on the deed as \$2,828.20. The correct amount of the consideration is \$400,000.00, which is a difference of \$397,171.80.

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 14th day of July, 2014 between Downtown Delray Development, LLC, a Florida limited liability company whose post office address is 310 SE 1st Street, Suite 2, Delray Beach, FL 33483, grantor, and MGM Sundry House LLC, a Florida limited liability company whose post office address is 310 SE 1st Street, Suite 2, Delray Beach, FL 33483, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees).

Witnesseeth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2014 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any, which are not re-imposed hereby.

THIS DEED IS BEING PREPARED AND RECORDED WITHOUT BENEFIT OF TITLE EXAMINATION.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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

Signed, sealed and delivered in our presence:

DOWNTOWN DELRAY DEVELOPMENT, LLC, a Florida limited liability company

By: HUDSON REAL ESTATE ADVISORS, LLC, a Florida limited liability company, its MADON

By: Andrew Greenbaum
Its: HANNAH

By: Steve Michael
Its: HANNAH

Witness Name: Jenny C Petri

Witness Name: Elizabeth Kolowich
WITNESSES AS TO BOTH
STATE OF FLORIDA
COUNTY OF PALM BEACH

SIGNATURES

The foregoing instrument was acknowledged before me this 14th day of July, 2014, by Andrew Greenbaum as MANAGER of Hudson Real Estate Advisors, LLC, a Florida limited liability company, as MANAGER of Downtown Delray Development, LLC a Florida limited liability company, on behalf of the company, who is personally known to me or has produced a _____ as identification.

[Notary Seal]



Notary Public

Printed Name: _____

My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 14 day of July, 2014, by Steve Michael as MANAGER of Hudson Real Estate Advisors, LLC, a Florida limited liability company, as MANAGER of Downtown Delray Development, LLC a Florida limited liability company, on behalf of the company, who is personally known to me or has produced a _____ as identification.

[Notary Seal]



Notary Public

Printed Name: _____

My Commission Expires: _____

EXHIBIT A

Lot 19 of SUBDIVISION OF BLOCK 69, DELRAY, FLORIDA, according to the Plat thereof as recorded in Plat Book 2, Page(s) 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 Record Book 21395, Page 1356, of the Public Records of Palm Beach County, Florida.

Lots 16, 17 and 18, LESS the South 75 feet thereof, Subdivision of Block 69, Delray Beach, according to the Plat thereof, as recorded in Plat Book 2, Page 43, of the Public Records of Palm Beach County, Florida.

Google Maps SWINTON COMMONS RIGHT-OF-WAY ABANDONMENT - BLOCK 69



Map data ©2016 Google



**DUNAY
MISKEL
BACKMAN** LLP

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. 5602468 and the Public Records through December 14, 2015 at 6:00 a.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 Right of Way Deed recorded on April 28, 2005 in Official Records Book 18488, Page 604 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 18, 1912 in Plat Book 2, Page 43 of the Public Records of Palm Beach County, Florida

Other Easements: NONE

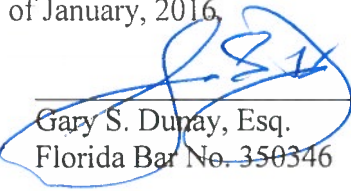
Other Encumbrances:

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

RESOLUTION NO. 16-00 recorded on April 10, 2000 in Official Records Book 11707, Page 732 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



CFN 20050252057
OR BK 18488 PG 0604
RECORDED 04/28/2005 11:39:18
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0604 - 606; (3pgs)

Prepared by: RETURN:

R. Brian Shutt, Esq.
City Attorney's Office
200 N.W. 1st Avenue
Delray Beach, Florida 33444

RIGHT-OF-WAY DEED

THIS INDENTURE made this 30th day of December, 2004, between SWINTON VENTURE, LLC, with a mailing address of 75 NE 6th Avenue, Suite 214, Delray Beach, Florida 33483, 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, sidewalk and public utility purposes; 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.

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

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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.

WITNESSES:

Virginia Haslett
VIRGINIA HASLETT
(Name printed or typed)
FINDA L RUIZ
(Name printed or typed)

SWINTON VENTURE, LLC
By: Retail Concepts, Inc., its Managing
Member

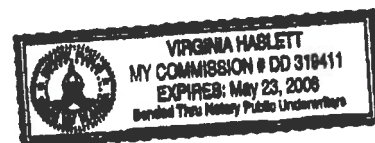
By: Jim Zengage
Jim Zengage, President
75 NE 6th Avenue, Suite 214
Delray Beach, Florida 33483

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 30th day of December, 2004, by Jim Zengage, President of Retail Concepts, Inc., a Florida Corporation, Managing Member of Swinton Venture, LLC, a Florida limited liability company, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification.

Virginia Haslett
Signature of Person Taking acknowledgment

Name Typed, Printed or Stamped



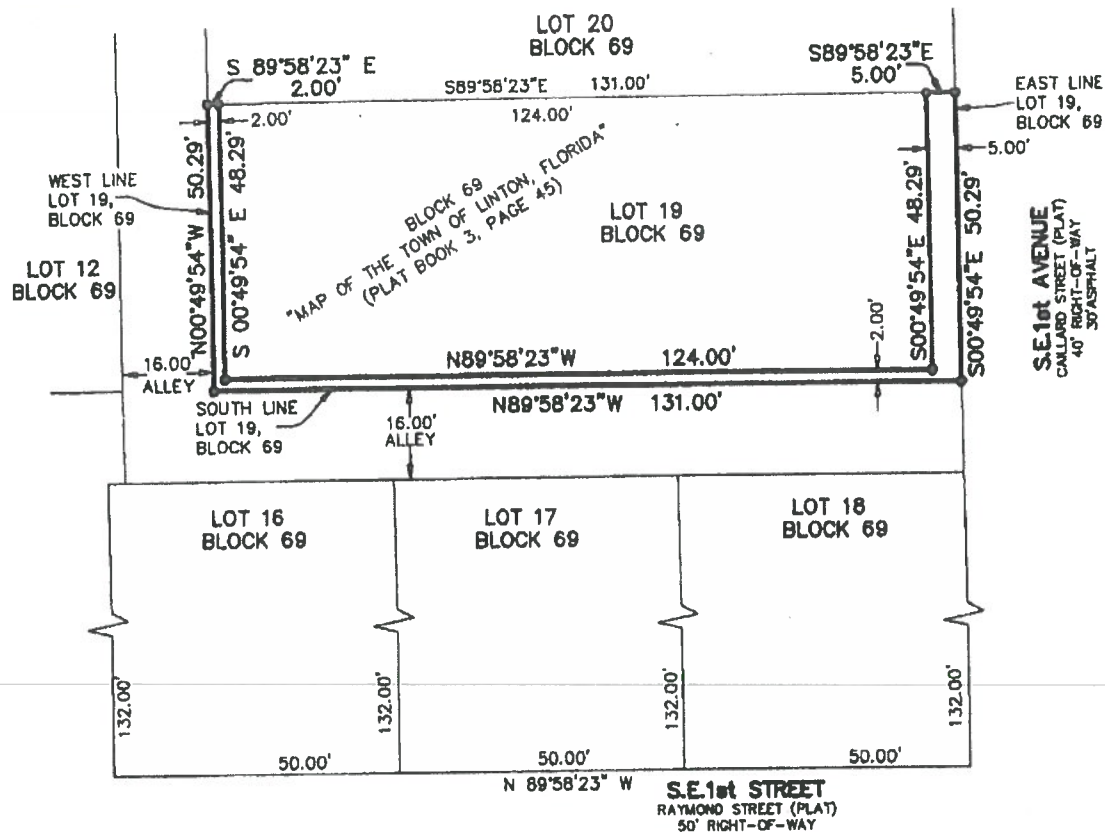
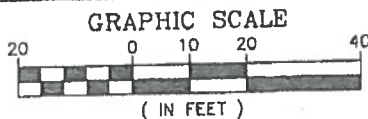
Row-30 se 1 ave-strauss

EXHIBIT "A"

A portion of the 16.00 foot wide alley and a portion of Lot 19, in SUBDIVISION OF BLOCK 69, according to the Plat thereof, as recorded in Plat Book 2, Page 43, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of Lot 18 of said Plat; thence North 89°06'10" West, along the North line of said Lot 18, a distance of 5.00 feet to the Point of Beginning; thence North 89°06'10" West, along the North line of Lots 18, 17 and 16 of said Plat, a distance of 124.12 feet; thence North 00°02'00" East, along a line 2.00 feet East of and parallel with the West line of said Lot 19 and its Southerly extension, a distance of 18.00 feet; thence South 89°06'10" East, along a line 2.00 feet North of and parallel with the South line of said Lot 19, a distance of 124.12 feet; thence South 00°02'00" West, along a line 5.00 feet West of and parallel with the East line of said Plat, a distance of 18.00 feet to the Point of Beginning.

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



NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO THE RECORD PLAT BASED ON THE SOUTH LINE OF LOT 19, BLOCK 69, BEARING S89°58'23\"/>

DESCRIPTION:

THE WEST 2.00 FEET AND THE SOUTH 2.00 FEET AND THE EAST 5.00 FEET OF LOT 19 OF SUBDIVISION OF BLOCK 69, DELRAY, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA. CONTAINING 800 SQUARE FEET, 0.014 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER BY DIRECTION ON NOVEMBER 3, 2004. I FURTHER CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027. LB #3591

Jeffrey B. Wagner
JEFFREY B. WAGNER, P.L.S.
REG. LAND SURVEYOR #5302
STATE OF FLORIDA
LB #3591

CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

MAP OF THE TOWN OF LINTON, FLORIDA
PORTION OF LOT 19, BLOCK 69 - SKETCH OF DESCRIPTION

REVISIONS	DATE	BY
FILE NAME 4702-RW-REVISED.dwg		

DATE	11/3/04
DRAWN BY	TMM
F.B./ PG.	N/A
SCALE	1"=20'
JOB NO.	4702



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 Sundy 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:

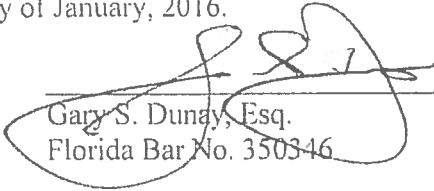
See Exhibit "D" Attached Hereto

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