

Law Offices
COKER & FEINER
1404 South Andrews Avenue
Fort Lauderdale, FL 33316-1840

Telephone: (954) 761-3636
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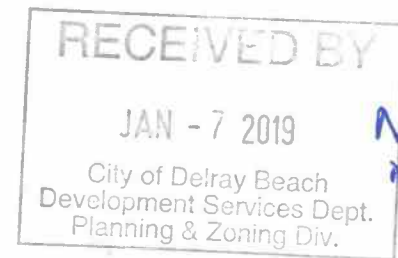
Richard G. Coker, Jr., P.A.
Rod A. Feiner
Kathryn R. Coker

rgcoker@coker-feiner.com
rafeiner@coker-feiner.com
krcoker@coker-feiner.com

January 2, 2019

Via E-mail and Regular US Mail

Mr. Timothy Stillings, AICP
Planning, Zoning & Building Director
City of Delray Beach
100 NW 1st Ave.
Delray Beach, FL



Re: Partial Vacation of Canal Right of Way
1300 Cormorant Road, Delray Beach, FL
Palm Beach County PCN: 12-43-46-29-14-000-0140

Dear Mr. Stillings:

Please be advised that this firm represents Robin and Milena Bird. The Birds are the owner of the real property which has a mailing address of 1300 Cormorant Road and which is legally described as follows:

Lot 14, Replat of Tropical Palms Plat No. 2, according to the plat thereof, recorded in PB 33,
Page 144 thru 146 of the Public Records of Palm Beach County, Florida.

The Bird's property fronts on both the C-15 Canal and the Hungerford Canal. Enclosed please find both an aerial of the property from the Palm Beach County Property Appraiser's Office as well as a survey of the Lot which was performed in 2001. As you can see from both the aerial and the survey, there is a portion of real property outside of the Bird's Lot which is not actual waterway. This area contains a boat ramp and is protected by a sea wall which was installed by the Bird's after receiving a permit from the City. I have highlighted this area on both the survey and the aerial.

I have performed a title search and reviewed the Public Records and am of the opinion that this segment of property is owned by the City of Delray Beach ("City"). The survey and plat show

that there is no retained developer property outside of the Lot 14 in the Replat or Lot 656 of the original Plat (Tropic Palms Plat No. 2). Copies of the Replat and Plat are attached hereto.

The City owns the real property which comprises the Hungerford Canal and furthermore has undertaken the responsibility for maintaining the Hungerford Canal. A review of Tropic Palms Plat No. 2, recorded at PB 25, Page 135 of the Palm Beach County Public Records reveals that the Plat "dedicated to the perpetual use of the public, as highways and waterways, the Streets and Canals as shown herein." Thus, any area outside of Lot 656 in the Plat or Lot 14 of the Replat were dedicated to the public. In a manner similar to a publically dedicated roadway, this means that the City of Delray Beach is the owner of this segment of property as it is outside the boundaries of the C-15 Canal.

The area depicted on the aerial is currently being surveyed and once we have the legal description an application to vacate will be filed with the City. I looked on the City's website and did not see the application listed so it would be appreciated if you could also e-mail me the Application for Vacation or the link to where I can find such Application.

I look forward to working with you and if you have any questions or if you would like to discuss this in more detail, please feel free to contact me.

Very truly yours,



ROD A. FEINER
For the Firm

RAF:yt

Enclosure

C: Robin & Milena Bird

SLEEPS 3 OF 3 SHEETS

REPLAT

TROPIC PALMS PLAT NO. 2

A SUBDIVISION IN SECTION 29, TWP. 46 S., RGE. 43 E.,
DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

145

MORTGAGEE'S CONSENT

NOTARY PUBLIC, COUNTY OF DORR, STATE OF FLORIDA, HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE, LIEN OR OTHER ENCUMBRANCE UPON THE LANDS DESCRIBED IN THE DEDICATION HERETO, BY CONSENT TO THE DEDICATION OF THE LANDS DESCRIBED IN THE DEDICATION HERETO, BY WHICH IS RECORDED IN OFFICIAL RECORD BOOK 242 PAGE 193 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS TRUSTEE, AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS 24 DAY OF JUNE, A.D. 1977.

ATTEST BY [Signature] BY [Signature]
FIRST FEDERAL SAVINGS ASSOCIATION OF MIAMI

ACKNOWLEDGEMENT

BEFORE ME PERSONALLY APPEARED GEORGE C. TUFFE AND JOHN C. HANNAH, PRESIDENT AND VICE PRESIDENT OF FIRST FEDERAL SAVINGS ASSOCIATION OF MIAMI, INC., A CORPORATION AND SEVERALLY SUCH OFFICERS OF SAID CORPORATION AND THAT THE SEAL APPLIED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS APPLIED IN WITNESS OF THE FREE ACT AND DEED OF SAID CORPORATION AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS 24 DAY OF JUNE, A.D. 1977.

MY COMMISSION EXPIRES 24 JUNE 1981 NOTARY PUBLIC [Signature]

MORTGAGEE'S CONSENT

NOTARY PUBLIC, COUNTY OF DORR, STATE OF FLORIDA, HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE, LIEN OR OTHER ENCUMBRANCE UPON THE LANDS DESCRIBED IN THE DEDICATION HERETO, BY CONSENT TO THE DEDICATION OF THE LANDS DESCRIBED IN THE DEDICATION HERETO, BY WHICH IS RECORDED IN OFFICIAL RECORD BOOK 242 PAGE 192 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS TRUSTEE, AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS 24 DAY OF JUNE, A.D. 1977.

ATTEST BY [Signature] BY [Signature]
CORPORATION OF WASHINGTON, D.C.

ACKNOWLEDGEMENT

BEFORE ME PERSONALLY APPEARED Michael J. Baerhof AND William H. Zehner, PRESIDENT AND VICE PRESIDENT OF THE CORPORATION OF WASHINGTON, D.C., A CORPORATION AND SEVERALLY SUCH OFFICERS OF SAID CORPORATION AND THAT THE SEAL APPLIED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS APPLIED IN WITNESS OF THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS 20 DAY OF JUNE, A.D. 1977.

MY COMMISSION EXPIRES 24 JUNE 1981 NOTARY PUBLIC [Signature]

THIS INSTRUMENT PREPARED BY
CRAVEN THOMPSON & ASSOC., INC.
LAND SURVEYORS - CIVIL ENGINEERS
1330 SOUTH FORELAND AVE.
DELRAY BEACH, FLORIDA

REPLAT

TROPIC PALMS PLAT NO. 2

SUBDIVISION IN SECTION 29, TWP. 46 S., RGE. 43 E.
DELRAY BEACH, PALM BEACH COUNTY, FLORIDA



ERIC
 JOHNS PLAT NO. 2
 (25-136)

HUMMINGBIRD

DRIVE

THIS INSTRUMENT PREPARED BY
WILLIAM B. THOMPSON, II
CRAVEN THOMPSON & ASSOC., INC.,
CIVIL ENGINEERS - LAND SURVEYORS
1350 HOWLINBONE ROAD (25 DUNBAR HWY)
POMPANOA BEACH, FLORIDA 33061
AUG. 1977

THE CORNER OF
"NEW YORK" &
"HAY" STS.

NOTES:

BEARING REFERENCE - ALL BEARINGS SHOWN HEREON ARE RELATED TO BEASINGS SHOWN ON THE RECORDED PLAT OF THE TRADING PLANT NO. 2, P. 25, PG. 186, BALM BEACH COUNTY.

INDICATES PERMANENT RESERVANCE MONUMENT
 INDICATES PERMANENT CONTROL POINT
 U.S. INDICATES UTILITY easement

SHEET 3 OF 3 SHEETS

SOUTHWEST CORNER OF

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This map/plot is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

JOB # 01-1248

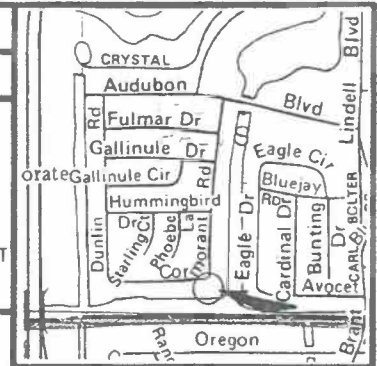
SHEET 2 OF 2 (NOT VALID WITHOUT SHEET 1)

SCALE: 1"=30'

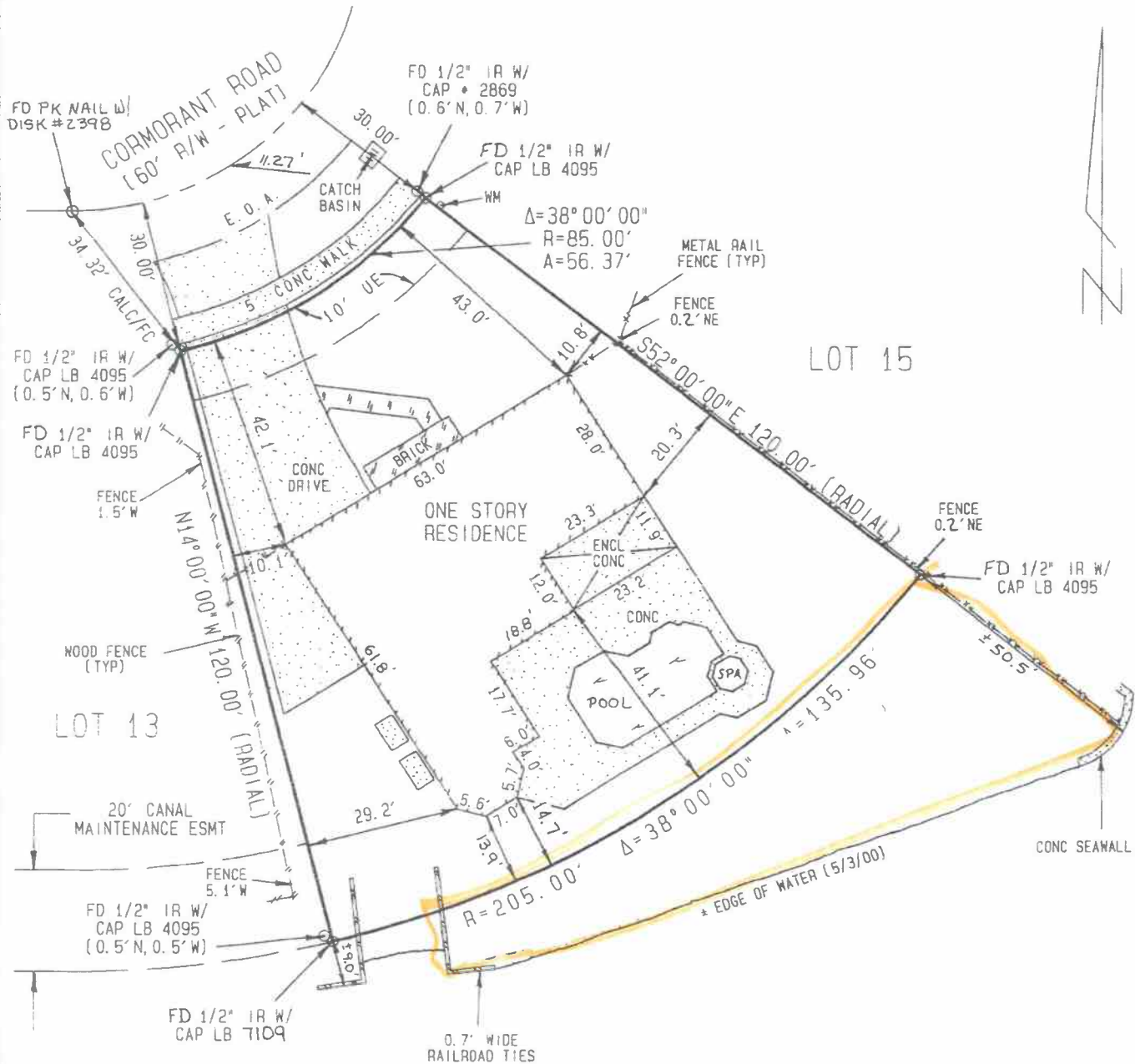
LEGEND OF SURVEY ABBREVIATIONS

A	ARC LENGTH	ENCR	ENCROACHMENT	MH	MANHOLE	R	RADIAL/RADIUS
A/C	AIR CONDITIONER	EDA	EDGE OF ASPHALT	N/D	NAIL WITH DISK	RNG	RANGE
ASPH	ASPHALT	ESMT	EASEMENT	N/T	NAIL WITH TIN TAB	R/W	RIGHT-OF-WAY
CALC	CALCULATED	FC	FIELD CALCULATED	NTS	NOT TO SCALE	SEC	SECTION
CHAT	CHATTAHOOCHEE	FD	FOUND	ORB	OFFICIAL RECORD BOOK	TOB	TOP OF BANK
CL	CENTERLINE	FF	FINISHED FLOOR	PC	POINT OF CURVATURE	TWP	TOWNSHIP
CONC	CONCRETE	GAR	GARAGE	PCP	PERMANENT CONTROL POINT	TYP	TYPICAL
COV	COVERED	IP	IRON PIPE	POB	POINT OF BEGINNING	UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT	IR	IRON REBAR	PCC	POINT OF COMMENCEMENT	WM	WATER METER
ENCL	ENCLOSED	MEAS	MEASURED	PRM	PERMANENT REFERENCE MONUMENT	Δ	CENTRAL ANGLE

BEARINGS BASED ON RECORDED PLAT.
WESTERLY LINE LOT 14 BEARS N14°00'00"W.



VICINITY MAP [N. T. S.]



CANAL C-15

LEGAL DESCRIPTION:

LOT 14, REPLAT TROPIC PALMS PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGES 144 THRU 146 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

[1300 CORMORANT ROAD, DELRAY BEACH, FLORIDA]

SURVEYOR'S NOTES:

- 1) THE LEGAL DESCRIPTION SHOWN HEREON IS AS FURNISHED BY CLIENT.
- 2) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE UNDERSIGNED.
- 3) THE PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD, IF ANY.
- 4) UNDERGROUND UTILITIES AND FOUNDATIONS, IF ANY, HAVE NOT BEEN LOCATED.
- 5) THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON.
- 6) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADDITIONAL SURVEY NOTES:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREON AND THAT THIS SKETCH OF SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

CERTIFIED TO:

1. WASHINGTON MUTUAL HOME LOANS, INC., its successors and/or assigns, ATIMA.
2. ROBIN M. BIRD and MILENA B. BIRD, husband and wife.
3. CHICAGO TITLE INSURANCE COMPANY.
4. MIZNER TITLE & ESCROW, INC.



CRAIG M. RICHT
P.S.M. #5138

BOCA LAND SURVEYORS, INC.

833 N.W. 6TH DRIVE, BOCA RATON, FL 33486
(561) 368-3887 FAX (561) 368-5208 LB 4095

THE PARCEL DESCRIBED HEREON IS IN A ZONE "AE" FLOOD PLAIN AS PER THE NATIONAL FLOOD INSURANCE PROGRAM. FLOOD INSURANCE RATE MAP #125102 0006 D (1/5/89).

BOUNDARY SURVEY FOR:

BIRD

APPROVED BY: *CMR*

REVISIONS:

SURVEY DATE: 10/4/01

FB. 00-02 P. 59

DRAWING NUMBER: **01-1248**

SHEET 1 OF 2 (SURVEY NOT VALID WITHOUT SHEET 2)

DRAWN BY: CMR

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

TROPIC PALMS

PLAT NO.2

DELRAY BEACH, FLORIDA

IN SECTION 29, TWP. 46 S., RGE. 43 E.

PALM BEACH COUNTY, FLORIDA

IN 2 SHEETS SHEET NO. 1

Being a part of the Subdivision of said Section 29 and Lot 13A of the Plat of 17-31, inclusive, Tropic Palms Plat No. 1, recorded in Plat Books 4 and 25, Pages 50 and 134, respectively, Public Records of Palm Beach County, Florida.

135

STATE OF FLORIDA
COUNTY OF PALM BEACH
This Plat is filed for record on this 17th day of February, 1958.
I, ALICE ADRIETTE, Clerk of said Court, do hereby certify that this is a true and correct copy of the original as filed for record.
ALICE ADRIETTE, Clerk of said Court
By *Alice Adriette*, D.C.

STATE OF FLORIDA
COUNTY OF PALM BEACH

KNOW ALL MEN BY THESE PRESENTS, that SOUTH COAST DEVELOPMENT CORPORATION, a Florida Corporation, the owner of the tract of land lying and being in Section 29, Township 46 South, Range 43 East, Palm Beach County, Florida, shown hereon as TROPIC PALMS, PLAT NO. 2, and more particularly described as follows, to wit:

Beginning at the southwest corner of Section 29, Township 46 South, Range 43 East, Palm Beach County, Florida; thence N. 2° 09' 50" W. along the west line of said Section 29, a distance of 1930.23 feet (for convenience the south line of said Section 29 is assumed to bear East-West and all other bearings are relative thereto); thence East, a distance of 581.82 feet to the beginning of a curve concave to the south having a radius of 1434.88 feet and a central angle of 14° 20' 0"; thence westerly and southeasterly along the arc of said curve, a distance of 338.98 feet to the end of said curve; thence S. 75° 40' 0" E., a distance of 1305.73 feet, more or less, to a point in the arc of a curve concave to the northeast having a radius of 1419.33 feet, and whose tangent makes an angle with the preceding course, measured from northwest to southeast, of 116° 27' 35"; said curve being a part of the westerly boundary of TROPIC PALMS, PLAT NO. 1, according to the plat thereof recorded in Plat Book 25, Page 101, Public Records of Palm Beach County, Florida; thence southeasterly along the arc of said curve, a distance of 218.59 feet; thence south along the westerly boundary of said Plat No. 1, making an angle with the tangent of the preceding concave curve, measured from northwest to south, of 116° 05' 0"; a distance of 1380.60 feet to a point in the south line of said Section 29, said point being the southeast corner of said Plat No. 1; thence west along the south line of said Section 29, a distance of 2254.93 feet to the point of beginning. ALSO Lot 13A of the Plat of Lots 17-31, inclusive, TROPIC PALMS, PLAT NO. 1, according to the plat thereof recorded in Plat Book 25, Page 134, Public Records of Palm Beach County, Florida.

has caused the same to be surveyed and plotted as shown hereon, and does hereby dedicate to the perpetual use of the public, as Highways and waterways, the Streets and Canal as shown hereon, and the use of the Easements for the construction and maintenance of Public Utilities.

IN WITNESS WHEREOF, the said Corporation has caused these presents to be signed by its President and attested by its Secretary, and its corporate seal to be affixed hereto, by and with the authority of its Board of Directors, this 10th day of January, A.D. 1958.

Attest:

SOUTH COAST DEVELOPMENT CORPORATION

By *William H. Mendenhall, Jr.*
Secretary

By *Henry J. Mellon*
President

NOTE

Street intersections are rounded with a 25 ft. radius, unless otherwise shown.

Building setbacks shall be as required by ordinances of the City of Delray Beach, Florida.

Easements are for Public Utilities, unless otherwise shown.

5' ± 10' Anchor Easements (A.E.)

STATE OF FLORIDA
COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, HENRY J. MELLON and WILLIAM H. CRIMMIDITCH, JR., President and Secretary, respectively, of SOUTH COAST DEVELOPMENT CORPORATION, a Florida Corporation, to me well known and known to me to be the individuals described in, and who executed the foregoing dedication, and they acknowledged before me that they executed the same as such officers of said Corporation by and with the authority of its Board of Directors for the purposes therein expressed, and that their act and deed was the act and deed of said Corporation.

WITNESS my hand and official seal at West Palm Beach, County of Palm Beach, and State of Florida, this 10th day of January, A.D. 1958.

By *John J. Thompson*
Notary Public

My Commission expires: August 7, 1961

Approved: Feb 10, A.D. 1958
Board of County Commissioners

By *Ray E. Mendenhall*
Chairman

By *Alphonse E. ...*
County Engineer

STATE OF FLORIDA
COUNTY OF PALM BEACH

I HEREBY CERTIFY that the plat shown hereon is a true and correct representation of a survey, made under my direction, of the herein described property, and that said survey is accurate to the best of my knowledge and belief, and that permanent reference monuments (P.R.M.) have been placed as required by law.

By *H. P. Fitzgerald*
Registered Land Surveyor
Florida Certificate No. 182

Subscribed and sworn to before me this 5th day of February, A.D. 1958

By *John J. Thompson*
Notary Public

My Commission expires: August 7, 1961

Approved: Jan 13, A.D. 1958
City of Delray Beach, Florida

By *J. J. ...*
Mayor

By *Rowland ...*
City Clerk

By *W. E. ...*
Director of Public Works

BROCKWAY, WEBER & BROCKWAY ENGINEERS WEST PALM BEACH, FLORIDA			
TROPIC PALMS PLAT NO. 2 IN 2 SHEETS SHEET NO. 1			
PREP. J. P. M.	SCALE: 1" = 100'	Dwg. No.	
CHECKED: J. E. S.			
DATE: NOVEMBER 1957	SS-1846		

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TROPIC PALMS
PLAT NO.2
DELRAY BEACH, FLORIDA
IN 2 SHEETS SHEET NO.2

STATE OF FLORIDA
 COUNTY OF PALM BEACH
 This Plat was filed for record on
 May 1, 1984
 at 10:00 AM
 and duly recorded in Plat Book No.
 1, Page 136
 J. ALD. ARNETT, Clerk of Court
 D.C.



P.B. 25 - PG.16

P.B. 25 - PG.16

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

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December 31, 2018

