

RESOLUTION NO. 176-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS WITH RESPECT TO AGGREGATION OF PARCELS, DEMOLITION OF BUILDINGS OR FACADES, AND ARCHITECTURAL STYLE CHANGES ON CERTAIN PROPERTIES ZONED CENTRAL BUSINESS DISTRICT LOCATED ALONG EAST ATLANTIC AVENUE AS MORE PARTICULARLY DESCRIBED HEREIN; EXTENDING THE PENDING ORDINANCE DOCTRINE PERIOD PREVIOUSLY INVOKED BY THE CITY COMMISSION; RESTATING THAT THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS RELATED TO AGGREGATION OF PARCELS, DEMOLITION OF BUILDINGS OR FACADES, AND ARCHITECTURAL STYLE CHANGES ON CERTAIN PROPERTIES ZONED CENTRAL BUSINESS DISTRICT LOCATED ALONG EAST ATLANTIC AVENUE DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THESE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, on February 18, 2025, the Delray Beach City Commission ("City Commission") approved by majority vote Resolution No. 47-25 recognizing that the City of Delray Beach ("City") was considering amendments to the City's Code of Ordinances relating to aggregation of parcels, demolition of buildings or facades, and architectural style changes on certain properties zoned Central Business District located along east Atlantic Avenue ("Properties"), as more particularly described in Exhibit "A"; and

WHEREAS, Resolution No. 47-25 invoked the pending ordinance doctrine with respect to amendments to the Land Development Regulations of the Code of Ordinances for the City of Delray Beach ("LDR") and provided that, from the date of adoption of Resolution No. 47-25 and during the pendency of the City's consideration of amendments to the Code, the City would defer the acceptance and processing of applications, permits, or any other approvals related to aggregation of parcels, demolition of buildings or facades, and architectural style changes on certain properties zoned Central Business District located along east Atlantic Avenue; and

WHEREAS, City staff continues to be actively engaged in drafting the proposed amendments to the Code of Ordinances based on the Commission's directives; and

WHEREAS, City staff desires to extend the period established by Resolution No. 47-25 by further resolution of the City Commission; and

WHEREAS, the City Commission desires to extend the pending ordinance doctrine period until Friday, February 13, 2026, in order to give City staff sufficient time to finalize and consider the adoption of amendments to the LDR; and

WHEREAS, all persons or entities that desire to submit an application with respect to aggregation of parcels, demolition of buildings or facades, or architectural style changes to buildings on the Properties are on notice that the City is extending the period established by Resolution No. 47-25 with respect to this subject matter, and that this subject matter should be considered zoning in progress.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitals above are true and correct and incorporated into the findings of this Resolution as if set forth in full herein.

Section 2. Zoning in Progress. Pursuant to the pending ordinance doctrine and Florida law, the City Commission hereby acknowledges that the City of Delray Beach commenced preparing and considering the adoption of ordinance amendments to the LDRs with respect to establishing limitations on parcel aggregation, the demolition of buildings and facades, and changes to the architectural style of buildings on the Properties.

Section 3. The City's consideration of amendments to the LDR for this subject matter constitutes zoning in progress.

Section 4. The acceptance and processing of applications, permits, or any other approvals shall be deferred from consideration by the City until the end of the zoning in progress as set forth in Section 5 below for developments subject to LDR Section 4.4.13 that propose to (1) aggregate more than one parcel into a unified development, (2) demolish a building or building façade, or (3) change the architectural style of a building for the Properties as depicted in "Exhibit A."

Section 5. This zoning in progress shall remain in effect until new or amended LDR are adopted by the City Commission with respect to this subject matter or until Friday, February 13, 2026, whichever occurs first. This policy may be extended by resolution of the City Commission for additional periods of time in order to complete the tasks outlined herein.

Section 6. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Commission of the City of Delray Beach, Florida, this _____ day of _____, 2025.

ATTEST:

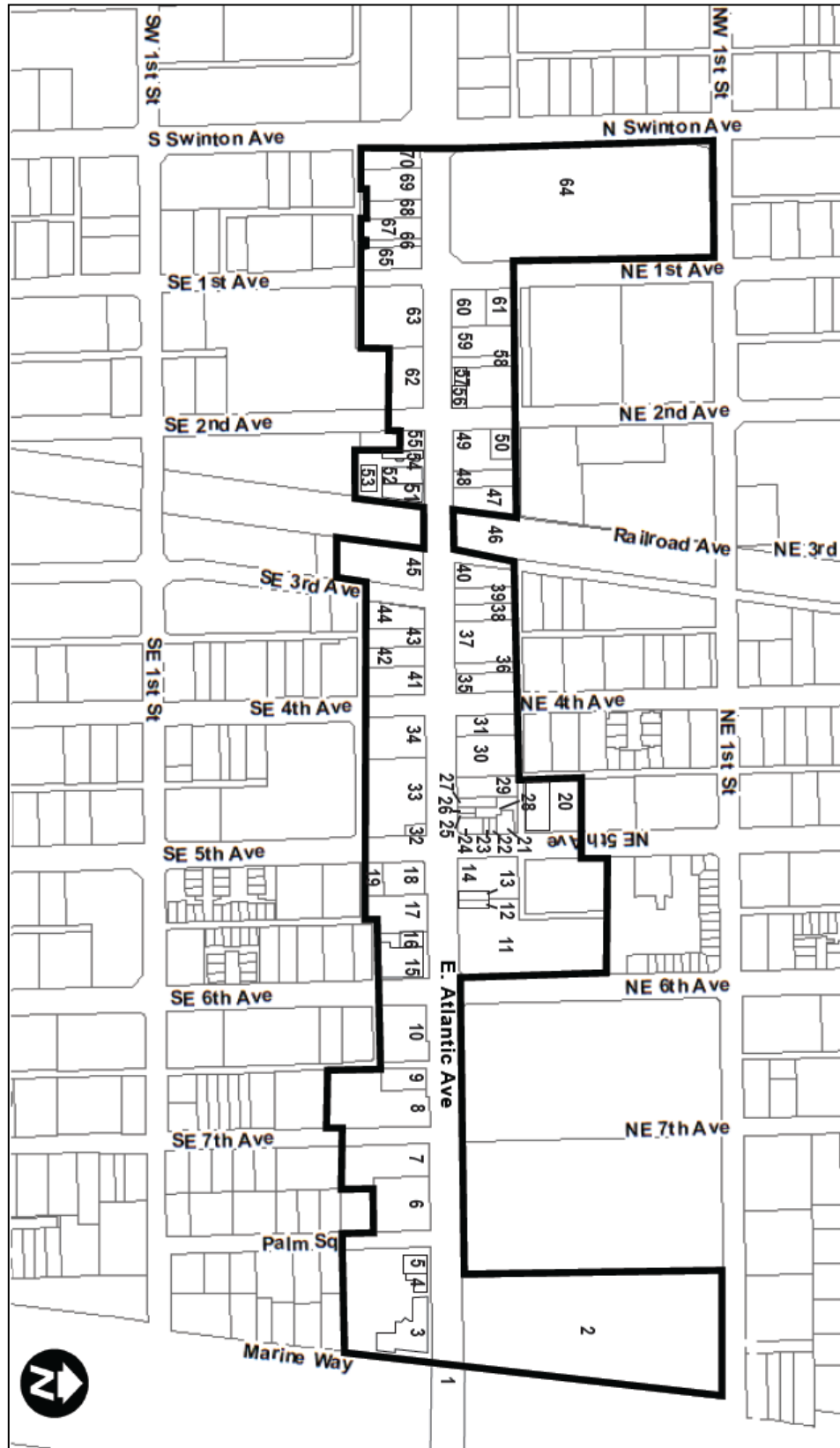
Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit A – Properties under a Zoning In Progress



PROPERTY #1

Atlantic Avenue Intracoastal Bridge

That portion of Atlantic Avenue (State Road 806) right-of-way as shown on Florida Department of Transportation Right-of-Way Map, Section 9375-101, last revised 04/01/1949, lying within the Intracoastal Waterway Right-of-Way, as recorded in Plat Book 17, Pages 16A and 16-B of the Public Records of Palm Beach County, Florida.

PROPERTY #2

Address: 802 NW 1st Street

Property Control Number: 12-43-46-16-D3-001-0000

Tract A, VETERANS PARK, according to the Plat thereof as recorded in Plat Book 75, Page 169 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #'S 3, 4, & 5

Main Address: 802 E. Atlantic Avenue

Other Addresses: 802, 804, 812 & 816-840 E. Atlantic Avenue

Property Control Number: 12-43-46-16-34-000-0470

A part of Block 133, Town of Linton (now Delray Beach) as per Plat recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, Plat Book 1, Page 3 and more particularly described as follows:

BEGINNING at a point at the N.E. corner of Block 133; thence West along the south property line of Atlantic Avenue, a distance of 169.39 feet to a point; thence South 138.60 feet to a point; thence East 148.76 feet to a point; thence Northerly along the west right- of-way line of the Intracoastal Waterway, a distance of 139.80 feet to the POINT OF BEGINNING.

Also known as Lots 51, 52, 53, 54 and 55 of a Plat of PALM SQUARE Subdivision recorded and on file in the Office of the City Clerk of Delray Beach, Florida.

Also all of the North 12 feet of Lot 56 of said PALM SQUARE Subdivision as per Plat thereof on file in the Office of the City Clerk of Delray Beach, Florida.

BEGINNING at a point on the South line of Atlantic Avenue that is 240 feet East of the East line of Bay Street (S.E. 7th Avenue) as shown on the Plat of Delray Beach, Florida (formerly Linton) and recorded in Plat Book 1 on Page 3, Public Records of Palm Beach County, Florida; thence South along the East line of PALM SQUARE (Palm Ave) a distance of 138.6 feet; thence East, parallel with the said south line of Atlantic Avenue, a distance of 100.0 feet; thence North, parallel with the said East line of PALM SQUARE (Palm Ave.) a distance of 138.6 feet to the said South line of Atlantic Avenue; thence west, along the said South line of Atlantic Avenue, a distance of 100.0 feet to the POINT OF BEGINNING. Also sometimes described as Lots 47, 48, 49 and 50 of PALM SQUARE, an unrecorded subdivision of Blocks 125 and 133 of the said Plat of Delray Beach, Florida (formerly Linton). Less the North 7.0 feet thereof for right-of-way of Atlantic Avenue.

TOGETHER WITH:

PROPERTY #6

Address: 770 E. Atlantic Avenue

Property Control Number: 12-43-46-16-34-000-0040

BEGINNING at a point on the South side of Atlantic Avenue 75 feet East from the East line of Bay Street; thence East along the South line of Atlantic Avenue 125 feet; thence South along the West line of Palm Avenue 138.6 feet; thence West 125 feet to a point opposite the POINT OF BEGINNING; thence North 138.6 feet to the POINT OF BEGINNING. Said tract being also described as Lots 4, 5, 6, 7 and 8 of an unrecorded Plat of PALM SQUARE, a subdivision of Blocks 125 and 133, of the City of Delray Beach (formerly Linton, Florida) as per Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 1, Page 3, LESS the North 7 feet thereof.

AND

BEGINNING 138.6 feet South of Atlantic Avenue on the East side of Bay Street; thence East 100 feet to the POINT OF BEGINNING; thence East 100 feet; thence South 75 feet; thence West 100 feet; thence North 75 feet to the POINT OF BEGINNING. Said tract being also described as Lots 44, 45 and 46, of an unrecorded Plat of PALM SQUARE, a subdivision of Blocks 125 and 133, of the City of Delray Beach (formerly Linton, Florida) as per Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 1, Page 3.

AND

Lots 42 and 43 of Plat entitled PALM SQUARE, an unrecorded Plat of Block 125, Delray Beach, Palm Beach County, Florida, described as, BEGINNING 213.6 feet South of East Atlantic Avenue on East side of Bay Street; thence East 100 feet to the POINT OF BEGINNING; thence East 100 feet; thence South 50 feet; thence West 100 feet; thence North 50 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PROPERTY #7

Main Address: 700 E. Atlantic Avenue

Other Addresses: 701-710 E. Atlantic Avenue

Property Control Number: 12-43-46-16-34-000-0010

A part of Block 125 in the City of Delray Beach, formerly Linton, according to a Plat thereof on file in the office of the Clerk of the Circuit Court in Palm Beach County, Florida, at Plat Book 1, Page 3, said land being more particularly described as follows:

BEGINNING at a point on the West line of said Block 125, 138.6 feet south of the Northwest corner of said Block 125; thence run East 100 feet parallel with the North line of said Block 125, to a point; thence South 75 feet and parallel with the West line of said Block 125 to a point; thence West 100 feet and parallel with the North line of said Block 125 to a point on the West line of said Block 125; thence run north 75 feet along the West line of said Block 125 to the POINT OF BEGINNING, being known and further described as Lots 9, 10 and 11 in Block 125 of PALM SQUARE, a subdivision of Blocks 125 and 133 of the City of Delray, according to a Plat of said PALM SQUARE on file in the office of the City Clerk of the City of Delray Beach, Florida; and,

The West Seventy-five feet (W. 75') of the North One Hundred Thirty-eight and six/tenths feet (N. 138.6') of Block One Hundred Twenty-five (125) of the City of Delray Beach, Florida.

TOGETHER WITH:

PROPERTY #8

Address: 640 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-117-0152

The East 17.5 feet of Lot 15 and all of Lots 16, 17 and 18, Block 117, Map of the Town of Linton (now known as Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #9

Main Address: 632 E. Atlantic Avenue

Other Addresses: 634 & 636 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-117-0151

The West 50 feet of Lot 15, Block 117, Map of the Town of Linton, n/k/a The City of Delray, according to the map thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida, LESS the North 7 feet thereof for road right-of-way as conveyed in Deed Book 1025, at Page 400.

TOGETHER WITH:

PROPERTY #10

Address: 600 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-117-0010

Lots 1, 2 and 3, LESS the West 5 feet of Lot 1 and LESS the North 7 feet of Lots 1, 2 and 3, for road right-of-way, Block 117, Town of Linton n/k/a Delray, according to the map or Plat thereof, as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida, and also LESS and EXCEPT a parcel of land in Lot 1, Block 117, Delray Beach, as recorded in Plat Book 1, Page 3, Palm Beach County Public Records, more particularly described as follows:

From a point of intersection of a line parallel to and 7 feet South of the North line of said Lot 1, and a line parallel to and 5 feet East of the West line of said Lot 1, run easterly, parallel to and 7 feet South of said North line for 15.22 feet; thence run southwesterly along a curve concave to the southeast and having a radius of 15 feet for a distance of 23.79 feet, through a central angle of 90 degrees 51 minutes 00 seconds to a point on a line parallel to and 5 feet easterly from the West line of said Lot 1; thence run North 01 degrees 08 minutes 35 seconds West, along said parallel line for 15.22 feet to POINT OF BEGINNING.

TOGETHER WITH:

PROPERTY #'S 11 & 12

Address: 525 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-108-0050

All of Lots Five (5), Six (6) and Seven (7) in Block One Hundred Eight (108) of the City of Delray Beach, Palm Beach County, Florida, (formerly Town of Linton), according to the plat thereof on file in the office

of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 1, at Page 3; EXCEPTING therefrom the West five feet (W. 5') of said lots, the same having heretofore been deeded to the City of Delray Beach for street purposes.

TOGETHER WITH:

Lots 14 and 15, LESS the East five feet of said lots, Block 108, DELRAY BEACH (formerly Linton), according to the Plat thereof, recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

Lots Sixteen (16), Seventeen (17) and North Fifteen feet (N. 15') of Lot Eighteen (18), LESS the East Five feet (5') of all of said Lots for road right of way, Block One Hundred Eight (108), DELRAY BEACH (formerly Linton), Florida, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

TOGETHER WITH:

All of that tract or parcel of land lying and being in the City of Delray Beach, Palm Beach County, Florida, being a part of Block One Hundred Eight (108) of the City of Delray Beach, according to the plat of said city on file in Plat Book 1, at Page 3, in the Public Records of Palm Beach County, Florida, more particularly described as follows:

BEGINNING at the Northwest corner of Atlantic Avenue and Dade Avenue, running thence west along the north side of Atlantic Avenue 176 feet; thence north parallel with Dade Avenue 135 feet; thence east parallel with Atlantic Avenue 176 feet to the west side of Dade Avenue; thence south along the west side of Dade Avenue 135 feet to the POINT OF BEGINNING.

ALSO

The East Ten feet (E. 10') of the West Twenty feet (W. 20') of Lot Twenty-one (21) in Block One Hundred Eight (108) according to a plat of the Town of Linton, now City of Delray Beach, on file in Plat Book 1, Page 3, Palm Beach County Public Records.

TOGETHER WITH:

PROPERTY'S #S 13 & 14

Main Address: 501 E. Atlantic Avenue

Other Addresses: 505 & 507 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-108-0190

Lot 19, less the West 10 feet; Lot 20; and the West 10 feet of Lot 21, Block 108, City of Delray Beach (formerly Linton), as per Plat on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 1, Page 3, LESS any portion of said property comprising the right-of-way of Atlantic Avenue and the Southbound right-of-way of U.S. Highway #1.

TOGETHER WITH:

PROPERTY #'S 15 & 16

Main Address: 522 E. Atlantic Avenue

Other Addresses: 524, 526, 528 & 530 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-109-0050

Parcel 2:

Lots 5, 6, and 7, less the East 5 feet of Lot 7 on U.S. #1, Block 109, City of Delray Beach (a/k/a 522, 524, and 526 East Atlantic Avenue), according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 13, Page 16; said lands situate lying and being in Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #17

Main Address: 512 E. Atlantic Avenue

Other Addresses: 514, 516, 518 & 520 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-109-0021

East 5 feet of Lot 2, and all of Lots 3 and 4, Block 109, TOWN OF DELRAY, formerly Town of Linton, according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida. LESS the North 7.0 feet thereof for Road Right of Way as conveyed to the City of Delray Beach in Official Records Book 11595, Page 1136 and Official Records Book 18057, Page 1453, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #18

Main Address: 502 E. Atlantic Avenue

Other Address: 506 E. Atlantic Avenue

Property Control Number: 12-43-46-16-G6-000-0010

Lot 1, ANTIQUE EXPERIENCE, according to the Map or Plat thereof, recorded in Plat Book 100, Page 17, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #19

Address: 504 E. Atlantic Avenue

Property Control Number: 12-43-46-16-G6-000-0020

Lot 2, "ANTIQUE EXPERIENCE", according to the Plat thereof as recorded in Plat Book 100, Page 17, of the Public Records of Palm Beach County, Florida.

Together with: Easement Agreement for access to service and maintenance flue eaves and gutters recorded in O.R. Book 21426, Page 609, of the Public Records of Palm Beach County, Florida, on the following property:

A portion of Lot 1, "ANTIQUE EXPERIENCE", according to the Plat thereof as recorded in Plat Book 100, Page 17, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 1; thence S89°07'40"E, along the South line of said Lot 1, a distance of 32.87 feet; thence N00°52'20"E a distance of 1.10 feet; thence N89°07'40"W, a distance of 32.89 feet; thence S00°00'00"W, a distance of 1.10 feet to a POINT OF BEGINNING.

And

Together with: Easement Agreement for the encroachment, recorded in O.R. Book 21426, Page 617, of the Public Records of Palm Beach County, Florida, on the following property:

A portion of Lot 1, "ANTIQUE EXPERIENCE" according to the Plat thereof as recorded in Plat Book 100, Page 17, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of said Lot 1; thence S89°07'40"E, along the South line of said Lot 1, a distance of 31.74 feet to the POINT OF BEGINNING; thence N00°00'00"W, a distance of 0.30 feet; thence S89°07'40"E, a distance of 11.00 feet; thence N00°00'00"W, a distance of 0.30 feet; thence S89°07'40"E, a distance of 0.86 feet; thence S00°00'00"E, a distance of 0.60 feet, to a point on said South line of Lot 1; thence N89°07'40"W, a distance of 11.86 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PROPERTY #20

Address: 12 NE 5th AVENUE

Property Control Number: 12-43-46-16-01-100-0070

Lots 7 and 8 of KATE M. LYMAN'S SUBDIVISION OF BLOCK 100, of the City of Delray Beach, Florida (formerly Town of Linton) according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Dade County, Florida, in Plat Book B at Page 103, a copy of which Plat is recorded in the office of the Clerk of Circuit Court in and for Palm Beach County, Florida in Plat Book 1, at Page 65.

LESS the East five feet thereof deeded to the City of Delray Beach for street right- of-way purposes and LESS the West five feet of the East ten feet thereof deeded to the State of Florida for road right-of-way purposes.

TOGETHER WITH:

PROPERTY #21

Address: 10 NE 5th Avenue

Property Control Number: 12-43-46-16-C4-000-0010

Lot 1, BLAIRS' DOWNTOWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 69, Page 122, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #22

Address: 6 NE 5th Avenue

Property Control Number: 12-43-46-16-C4-000-0020

Lot 2, BLAIRS' DOWNTOWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 69, Page 122, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #23

Address: 2 NE 5th Avenue

Property Control Number: 12-43-46-16-C4-000-0030

Lot 3, BLAIRS' DOWNTOWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 69, Page 122, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #24

Address: 445 E. Atlantic Avenue

Property Control Number: 12-43-46-16-C4-000-0040

Lot 4, BLAIRS' DOWNTOWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 69, Page 122, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #25

Address: 441 E. Atlantic Avenue

Property Control Number: 12-43-46-16-C4-000-0050

Lot 5, BLAIRS' DOWNTOWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 69, Page 122, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #26

Address: 439 E. Atlantic Avenue

Property Control Number: 12-43-46-16-C4-000-0060

Lot 6, BLAIRS' DOWNTOWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 69, Page 122, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #27

Address: 425 E. Atlantic Avenue

Property Control Number: 12-43-46-16-C4-000-0070

Lot 7, BLAIRS' DOWNTOWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 69, Page 122, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #28

Address: E Atlantic Avenue

Property Control Number: 12-43-46-16-C4-001-0000

Tract A, BLAIRS' DOWNTOWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 69, Page 122, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #29

Address: 415 E. Atlantic Avenue

Property Control Number: 12-43-46-16-C6-000-0010

Address: 417 E. Atlantic Avenue

Property Control Number: 12-43-46-16-C6-000-0020

Address: 419 E. Atlantic Avenue

Property Control Number: 12-43-46-16-C6-000-0030

All of BLAIR'S DOWNTOWN CONDOMINIUM, according to the Declaration of Condominium thereof, recorded in Official Records Book 7880, Page 1286, as amended from time to time, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #30

Address: 411 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-100-0020

Lots 2 and 3, of MAP OF SUBDIVISION OF BLOCK 100 TOWN OF DELRAY, according to the Plat thereof, as recorded in Plat Book 1 at Page 65 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #31

Address: 401 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-100-0010

All of Lot 1, Kate M. Lyman's Subdivision of Block 100, Town of Delray Beach (formerly Linton), Florida, according to the Plat thereof as recorded in Plat Book 1, Page 65, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #32

Address: 450 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-101-0061

The East 36.3 feet of the North 50 feet of Lot 6, Block 101, of Town of Linton, Florida (n/k/a Town of Delray), less the East 10 feet thereof, according to the map or Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida, less the following described Parcel:

From a point on the North line of said Lot 6, located 10 feet west of the NE corner of said Lot 6, run westerly along the North line of said Lot 6 for 5.91 feet; thence run southeasterly along a curve concave to the southwest and having a radius of 6 feet for a distance of 9.34 feet, through a central angle of 89 degrees 09 min 00 sec, to a point on a line parallel to and 10 feet West of the East line of said Lot 6; thence run North 1 degrees 08 min 35 sec West, along said parallel line for 5.91 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PROPERTY #33

Address: 418 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-101-0030

Lots 3 and 4; the North 90 feet of Lot 5; the North 90 feet of the West 11.4 feet of Lot 6; the South 40 feet of the North 90 feet of the East 36.3 feet of Lot 6; and the South 50 feet of Lots 5 and 6; all in Block 101, TOWN OF LINTON (NOW CITY OF DELRAY BEACH), FLORIDA, according to the Plat thereof as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida; LESS the West 1.3 feet of the East 36.3 feet of the North 50 feet of Lot 6; and LESS the East 10 feet of said property.

TOGETHER WITH:

PROPERTY #34

Address: 400 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-101-0010

Parcel 1 (as to GRANTEE ROSEBUD GEORGE EAST ONE, LLC, a Delaware limited liability company)

Lots 1 and 2, Block 101, MAP OF THE TOWN OF LINTON, FLORIDA (NOW DELRAY BEACH), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #35

Address: 331 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-092-0010

Lot 1, Block 92, DELRAY SUBDIVISION OF BLOCKS 91 and 92, and West 1/2 of Block 99, Town of Linton, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Page 21.

TOGETHER WITH:

PROPERTY #36

Address: 339 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-092-0021

East 24' 2" of Lot 2, Block 92, according to the Re-subdivision of said Block 92, according to the Plat thereof recorded in Plat Book 2, Page 21, Public Records of Palm Beach County, Florida. Town of Delray.

TOGETHER WITH:

PROPERTY #37

Address: 325 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-092-0022

The West 23.6 feet of Lot 2 and all of Lots 3 and 4, Block 92, according to the Plat entitled Delray Re-Subdivision of Blocks 91 and 92 and W-1/2 of Block 99, TOWN OF LINTON within the City of Delray

Beach, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, at Page 21.

TOGETHER WITH:

PROPERTY #38

Address: 321 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-092-0050

Lot 5, Block 92, Delray, Re-subdivision of Blocks 91 and 92 and West 1/2 of Block 99, according to the map or Plat thereof as recorded in Plat Book 2, Page 21, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #39

Address: 307 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-092-0060

Lot 6 and the South 9.85 feet of the East .27 feet of Lot 7, Block 92, TOWN OF DELRAY, according to the map or Plat thereof as recorded in Plat Book 2, Page 21, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #40

Address: 301 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-092-0070

Lot 7, less the South 9.85 feet of the East .27 feet thereof, Block 92, DELRAY RE-SUBDIVISION OF BLOCKS 91 AND 92, AND WEST 1/2 OF BLOCK 99, TOWN OF LINTON, according to the Plat thereof, as recorded in Plat Book 2, Page 21, of the Public Records of Palm County, Florida.

TOGETHER WITH:

PROPERTY #41

Address: 326 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-093-0030

Parcel 2 (as to GRANTEE ROSEBUD GEORGE WEST ONE, LLC, a Delaware limited liability company):

Lot 3, Block 93, RE-SUBDIVISION OF BLOCK 93, CITY OF DELRAY, according to the Plat thereof as recorded in Plat Book 10, Page 53, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #42

Address: 310 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-093-0021

East 45.16 feet of Lot 2, Block 93, Re-Subdivision of Block 93, City of Delray, formerly Linton, according to the Plat thereof, as recorded in Plat Book 10, Page 53, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #43

Address: 306 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-093-0022

The West 44 feet of Lot 2, Block 93, Re-Subdivision of Block 93, City of Delray, according to the Plat thereof as recorded in Plat Book 10, Page 53, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #44

Address: 302 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-093-0010

Parcel A-1:

A portion of Lot 1, Block 93, of Re-Subdivision of Block 93, City of Delray Beach, according to the Plat thereof, as recorded in Plat Book 10, Page 53, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the northwest corner of Block 93; thence east along the property line of Atlantic Avenue 23.35 feet to a point; thence south 71.24 feet to a point; thence west and parallel to Atlantic Avenue a distance of 32.77 feet to the west property line of said Block 93; thence northerly along the west property line of said Block, 72.05 feet to the POINT OF BEGINNING.

Parcel A-2:

A portion of Lot 1, Block 93, of re-subdivision of Block 93, City of Delray Beach, according to the Plat thereof, as recorded in Plat Book 10, Page 53, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the northwest corner of Block 93; thence east along the property line of Atlantic Avenue 23.35 feet to a point; thence south to a point on the south line of Lot 1, Block 93, 46.34 feet east of the southwest corner of said Lot 1, Block 93; thence west along the south line of said Lot 1, Block 93 to the southwest corner of said Lot; thence northerly along the western boundary of said Lot 1, Block 93 to the POINT OF BEGINNING.

LESS the following described property: (LESS Parcel A-1)

BEGINNING at the northwest corner of Block 93; thence east along the property line of Atlantic Avenue 23.35 feet to a point; thence south 71.24 feet to a point; thence west and parallel to Atlantic Avenue a distance of 32.77 feet to the west property line of said Block 93; thence northerly along the west property line of Block 93, a distance of 72.05 feet to the POINT OF BEGINNING.

Parcel A-3:

A strip of land extending from the south line of Atlantic Avenue to the north line of the east and west alley running through Block 93, of the City of Delray Beach (formerly the Town of Linton), Florida, according

to the Plat thereof, as recorded in Plat book 10, Page 53, of the Public Records of Palm Beach County, Florida, and more particularly described as follows:

BEGINNING at the northwest corner of Block 9, as aforesaid, and running thence west on the south line of Atlantic Avenue of said city a distance of 1.61 feet; thence south in Parrot Street a distance of 141.55 feet to a point on the north line of said alley produce east along the north line of said alley produced a distance of .75 of a foot to the southeast corner of said strip, being the southwest corner of Lot 1, Block 93, of said city; thence north along the west boundary of said Block 93 a distance of 141.55 feet to the POINT OF BEGINNING.

Parcel A-4:

Lot 1, Block 93, of re-subdivision of Block 93, City of Delray Beach, according to the Plat thereof, as recorded in Plat; Book 10, Page 53, of the Public Records of Palm Beach County, Florida.

Less the following described property: (less Parcels A-1 and A-2)

BEGINNING at the northwest corner of Block 93 of the City of Delray Beach, Florida, according to the Plat on file in Plat Book 10, Page 53, of the Public Records of Palm Beach County, Florida; thence east along the property line of Atlantic Avenue 23.35 feet to a point; thence south to a point on the south line of Lot 1, Block 93, 46.34 feet east of the southwest corner of said Lot 1, Block 93; thence west along the south line of said. Lot 1, Block 93 to the southwest corner of said Lot 1, Block 93; thence northerly along the west boundary of said Lot 1, Block 93 to the POINT OF BEGINNING.

TOGETHER WITH:

PROPERTY #45

Address: 298 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-085-0040

All of the north one hundred ninety-nine feet (199') of Block 85, lying east of the Florida East Coast Railway right of way, in the City of Delray Beach, Florida, according to a Plat of the Town of Linton, now Delray Beach, on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 1, Page 3, less:

- (a) Lands conveyed to the City of Delray Beach, by deed dated September 15, 1924 recorded in Deed Book 341, Page 241, of the Public Records of Palm Beach County, Florida;
- (b) Lands conveyed to the City of Delray Beach, by deed dated December 24, 1940 and recorded in Deed Book 621, Page 115, of the Public Records of Palm Beach County, Florida;
- (c) Lands conveyed to Thelma A. Priest and O.D. Priest, her husband, by deed dated October 26, 1940 and recorded in Deed Book 721 at Page 568, Palm Beach County Public Records, except the north 1.25 feet of said lands conveyed to priest and wife.

TOGETHER WITH:

PROPERTY #46

Address:

Property Control Number:

(Florida East Coast Railway)

TOGETHER WITH:

PROPERTY #47

Address: 217 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-084-0102

The East 10 feet of Lot 10 and all of Lot 11, Block 84 of Town of Delray a/k/a The Town of Linton, Florida, according to the Plat thereof as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #48

Address: 213 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-084-0101

The West 37.7 feet of Lot 10, Block 84 of CITY OF DELRAY BEACH, according to the Plat thereof recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #49

Address: 203 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-084-0082

Lots 8 and 9, Block 84, Town of Linton (now known as Delray Beach}, according to the Plat thereof, as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, LESS the South 48.69 feet of the North 53.45 feet of the West 70.61 feet thereof.

TOGETHER WITH:

PROPERTY #50

Address: 9 NE 2nd Avenue

Property Control Number: 12-43-46-16-01-084-0081

The South 48.69 feet of the North 53.45 feet of Lot 8, and the South 48.69 feet of the North 53.45 feet of the West 22.91 feet of Lot 9, Block 84, Town of Linton (now known as Delray Beach), according to the Plat thereof, as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County.

TOGETHER WITH:

PROPERTY #51

Address: 290 E. Atlantic Avenue

Property Control Number: 12-43-46-16-K2-000-2900

PROPERTY #52

Address: 270 E. Atlantic Avenue

Property Control Number: 12-43-46-16-K2-000-2700

PROPERTY #53

Address: 258 E. Atlantic Avenue

Property Control Number: 12-43-46-16-K2-000-2580

PROPERTY #53

Address: 258 E. Atlantic Avenue, Unit B

Property Control Number: 12-43-46-16-K2-000-2582

PROPERTY #54

Address: 250 E. Atlantic Avenue

Property Control Number: 12-43-46-16-K2-000-2500

PROPERTY #54

Address: 254 E. Atlantic Avenue

Property Control Number: 12-43-46-16-K2-000-2540

All of AVENUE EAST RETAIL, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 20189, Page 1396, of the Public Records of Palm Beach County, Florida, as amended by Amendment to Declaration of Condominium for AVENUE EAST RETAIL, a Condominium, recorded in Official Records Book 21011, Page 1350, as further amended by Second Amendment to Declaration of Condominium for AVENUE EAST RETAIL, a Condominium, recorded in Official Records Book 21011, Page 1360; together with an undivided interest in the common elements appurtenant thereto, as set forth in said Declaration.

TOGETHER WITH:

PROPERTY #55

Address: 204 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-085-0011

Lot 1, Block 85, Map of the Town of Linton, Florida, N/K/A Delray, according to the map or Plat thereof as recorded in Plat Book 1, Page(s) 3, Public Records of Palm Beach County, Florida. LESS the Southerly 79.3 feet thereof.

Including an easement for ingress and egress upon, over and across the Easterly 4 feet of the South 79.3 feet of Lot 1, Block 85, of the City of Delray Beach, Florida, described aforesaid.

TOGETHER WITH:

PROPERTY #56 & 57

Address: 131 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-076-0170

Lots 17 and 18, Block 76, Town of Delray Beach, according to the Plat thereof, as recorded in Plat Book 1 at Page 3 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #58

Address: 123 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-076-0161

The East 23.16 feet of Lot 16, Block 76, of Delray Beach, according to the Plat thereof, as recorded in Plat Book 1, at Page 3, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #59

Address: 111 E. Atlantic Avenue

Property Control Number: 12-43-46-16-L3-002-0000

Parcel B, DHBH #1 PLAT, according to the Plat thereof as recorded in Plat Book 110, Pages 130 and 131 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #60

Address: 105 E. Atlantic Avenue

Property Control Number: 12-43-46-16-L3-001-0000

Parcel A, DHBH #1 PLAT, according to the Plat thereof as recorded in Plat Book 110, Pages 130 and 131 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #61

Address: E. Atlantic Avenue

Property Control Number: 12-43-46-16-L3-003-0000

Parcel C, DHBH #1 PLAT, according to the Plat thereof as recorded in Plat Book 110, Pages 130 and 131 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #62

Address: 150 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-077-0041

Lots 4, 5 and 6, Block 77, Map of the Town of Linton, Florida (now Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida, LESS the south 59.84 feet thereof.

TOGETHER WITH:

PROPERTY #63

Address: 110 E. Atlantic Avenue

Property Control Number:

Parcel 1: (Fee Simple Parcel)

Lots 1, 2 and 3, Block 77, Map of the Town of Linton, Florida (now Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #64

Address: 51 N. Swinton Avenue

Property Control Number: 12-43-46-16-B6-000-0010

Lots 1, 2, 3, 4, 5, 6, 7 and 8 in Block 68, of TOWN OF DELRAY, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 1, Page 3.

and

That Block of land labelled "Park and School" bounded north by Pearl Street; west by Swinton Avenue; south by Atlantic Avenue; east by Gaillard Street as per map of Linton, Florida, which was filed in the office of the Clerk of the Circuit Court in Dade County, Florida, on July 29, 1896, the same being the land upon which the public school at Linton is now located, the said above described land being in the southwest corner of the Northwest Quarter of Sec. 16, Twp. 46 S., Rge. 43 E.

LESS AND EXCEPTING THE FOLLOWING TWO PARCELS:

The South ten (10) feet of Block 68, TOWN OF DELRAY, as shown in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida.

and

A part of Lot 1, Block 68, Plat of Delray Beach (formerly Linton), as said Plat is recorded in Plat Book 1, page 3, sheet 2 of the Public Records of Palm Beach County, Florida, said part being more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 1 of Block 68; thence east, on an assumed bearing, along the North line of said Lot 1, being also the south right of way line of Northeast First Street, a distance of 19.75 feet; thence S 16 degrees, 08' 07" W, a distance of 67.54 feet to an intersection with the West line of said Lot 1, of Block 68, said west line being also the East right of way line of Swinton Avenue; thence N 0 degrees, 51', 47" W, along said West line of Lot 1 and said East right of way line of Swinton Avenue, a distance of 64.89 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PROPERTY #65

Address: 44 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-069-0010

Lot 1 and the East 3 feet of Lot 2, Block 69, Town of Delray, according to the Plat thereof recorded in Plat Book 2, Page 43, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #66

Address: 38 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-069-0022

The West 20 feet of the East 23 feet of Lot 2, Less the South 14 feet thereof, of the Subdivision of Block 69, Delray Beach, Florida, according to the Plat thereof as recorded in Plat Book 2, Page 43, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #67

Address: 32 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-069-0021

The West 23.33 feet of Lot 2 and the East 21.67 feet of Lot 3, less the South 14 feet Block 69, CITY OF DELRAY BEACH, according to the Plat thereof on file in the Office of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Page 43.

TOGETHER WITH:

PROPERTY #68

Address: 16 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-069-0031

All of Lots Three (3) and Four (4) of McGinley and Gosman Subdivision of Block 69 of the City of Delray Beach, Florida, according to the Plat thereof on file in the Office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 43; LESS the East 21.67 feet and the South fourteen feet (S.14') of Lot 3 and LESS the West 26 feet and the South Fourteen (S.14') of Lot 4.

TOGETHER WITH:

PROPERTY #69

Address: 8 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-069-0041

The West 26 feet of Lot 4, except the South 14 feet thereof, and all of Lot 5, McGinley & Gosman's Subdivision of Block 69, DELRAY BEACH, according to the Plat thereof, recorded in Plat Book 2, Page 43, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PROPERTY #70

Address: 2 E. Atlantic Avenue

Property Control Number: 12-43-46-16-01-069-0060

Lot 6, Town of Linton (now known as Delray Beach), according to the Plat thereof, as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, a/k/a Lot 6, Block 69, Subdivision of Block 69, Delray Beach, according to the Plat thereof, as recorded in Plat Book 2, Page 43, Public Records of Palm Beach County, Florida.