

Prepared by and
record and return to:

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

TERMINATION OF EASEMENT

This Termination of Easement, made this ____ day of _____, 2019, by and between **AZURE DELRAY MARINA, LLC**, a Florida limited liability company (“Property Owner”), with a mailing address of 290 SE 6th Avenue, #5, Delray Beach, FL 33483, and the **CITY OF DELRAY BEACH** (“City”), with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, a municipal corporation in Palm Beach County, State of Florida.

WHEREAS, the City is the owner of the following-described real property:

A parcel of land 15 feet in width located in Block 134 as shown on Plat of original Town of Linton as recorded in Plat Book 1 at Page 3, Palm Beach County, Florida, Public Records and more particularly described as follows:

The North 15 feet of the South 39 feet of Block 134, as shown on Plat of original Town of Linton as recorded in Plat Book 1 at Page 3, Palm Beach County, Florida, Public Records, as measured at right angles to the Easterly extension of the South line of Lot 7, of Subdivision of Block 126, as recorded in Plat Book 11, Page 4, Palm Beach County, Florida, Public Records; said 15-foot easement lying between the East line of said Lot 7 of Block 126 and West right-of-way line of the Intracoastal Waterway, said 15-foot easement for ingress and egress across City property to a street known as Marine Way (the “Servient Land”);

WHEREAS, Property Owner is the current owner of the following-described real property:

Lot Seven (7), Block One Hundred Twenty Six (126), City of Delray Beach, (formerly Linton), according to the Plat thereof recorded in office of the Clerk of the Circuit Court and for Palm Beach County, Florida, in Plat Book 11, at Page 4 (the “Dominant Land”);

WHEREAS, by Easement Grant dated April 16, 1975, and recorded May 7, 1975, in Official Records Book 2415, at Page 1230, of the Public Records of Palm Beach County, Florida (the “Easement Grant”), the City granted an appurtenant access easement in favor of the Dominant Land to use the Servient Land for the purposes described in the Easement Grant;

WHEREAS, the current Property Owner is redeveloping the Servient Land and relocating the driveways on the Servient Land;

WHEREAS, the current Property Owner desires to have the City terminate the existing Easement Grant and grant a new access easement in a separate written instrument; and

WHEREAS, the City has agreed to terminate the Easement Grant and grant a new access easement in a separate written instrument.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby covenant and agree as follows:

1. That the recitals heretofore set forth are true and accurate and incorporated herein by reference.

2. The City and current Property Owner hereby terminate and abandon the Easement Agreement and direct the Clerk of the Circuit Court to cancel the same of record.

IN WITNESS WHEREOF, the parties to this Termination of Easement set their hands and seals the day and year first above written.

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

By: _____
Katerri Johnson, City Clerk

By: _____
Shelly Petrolia, Mayor

Approved as to Form:

By: _____
Lynn Gelin, City Attorney

{Signatures continued on next page}

WITNESSES:

PROPERTY OWNER:

AZURE DELRAY MARINA, LLC, a Florida
limited liability company

By: AZURE DEVELOPMENT, LLC, a
Florida limited liability company, as
Manager

By: _____
Brian T. Grossberg, as Manager

Witness #1 - Signature

Witness #1 – Printed Name

Witness #2 – Signature

Witness #2 – Printed Name

STATE OF FLORIDA }
 }SS:
COUNTY OF PALM BEACH }

I HEREBY CERTIFY that on this ____ day of _____, 2019, before me, the undersigned officer, duly authorized to take acknowledgments, personally appeared **BRIAN T. GROSSBERG, as Manager of AZURE DEVELOPMENT, LLC, a Florida limited liability company, as Manager of AZURE DELRAY MARINA, LLC, a Florida limited liability company**, in whose name the foregoing instrument was executed, and that he acknowledged executing the same for such limited liability companies, freely and voluntarily, under authority duly vested in him by said limited liability companies, and that said individual [*select one:* ☐ is personally known to the undersigned or ☐ produced a _____ for identification purposes.

[Notary Seal Here]

NOTARY PUBLIC – State of Florida
My Commission Expires: