

Prepared by and upon Recording Return to:

Stuart T. Kapp, Esq.  
Proskauer Rose LLP  
2255 Glades Road  
Suite 340 West  
Boca Raton, FL 33431

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RELOCATED 7<sup>TH</sup> AVENUE EASEMENT TERMINATION CERTIFICATE

THIS RELOCATED 7<sup>TH</sup> AVENUE EASEMENT TERMINATION CERTIFICATE (this "Certificate") is issued as of the \_\_\_\_ day of \_\_\_\_\_, 2016 (the "Effective Date"), by the CITY OF DELRAY BEACH, FLORIDA, a Florida municipal corporation in Palm Beach County, State of Florida (the "City").

RECITALS:

A. CDR Atlantic Plaza, Ltd., a Florida limited partnership and Atlantic Center, Ltd., a Florida limited partnership (collectively, the "Developer") is the current owner of fee simple title to Relocated 7th Avenue which is legally described as follows:

See Exhibit "A" attached hereto and made a part hereof.

B. The Developer, as grantor, granted the City, as grantee, certain easements set forth in that certain Easement Agreement, dated February 17, 2009, and recorded in Official Records Book 23166, Page 1567, Public Records of Palm Beach County, Florida (the "Easement Agreement").

C. The City desires to terminate the Easement Agreement as set forth in this Certificate.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration the receipt whereof is hereby acknowledged, the City hereby states as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference, as if set forth in their entirety.

2. The City hereby terminates the Easement Agreement as of the Effective Date (the "Termination Date"). The City confirms that as of the Termination Date, the Easement Agreement shall be null and void and of no further force or effect and shall be terminated of record and that all rights granted to the City under the Easement Agreement are hereby terminated.

3. All terms not defined herein shall have the meanings set forth in the Easement Agreement.

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[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the City hereby executes and deliver this Certificate as of the Effective Date.

**CITY OF DELRAY BEACH, FLORIDA**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_  
City Attorney

**STATE OF FLORIDA**

**COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, the \_\_\_\_\_ of the CITY OF DELRAY BEACH, FLORIDA. He/She is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification.

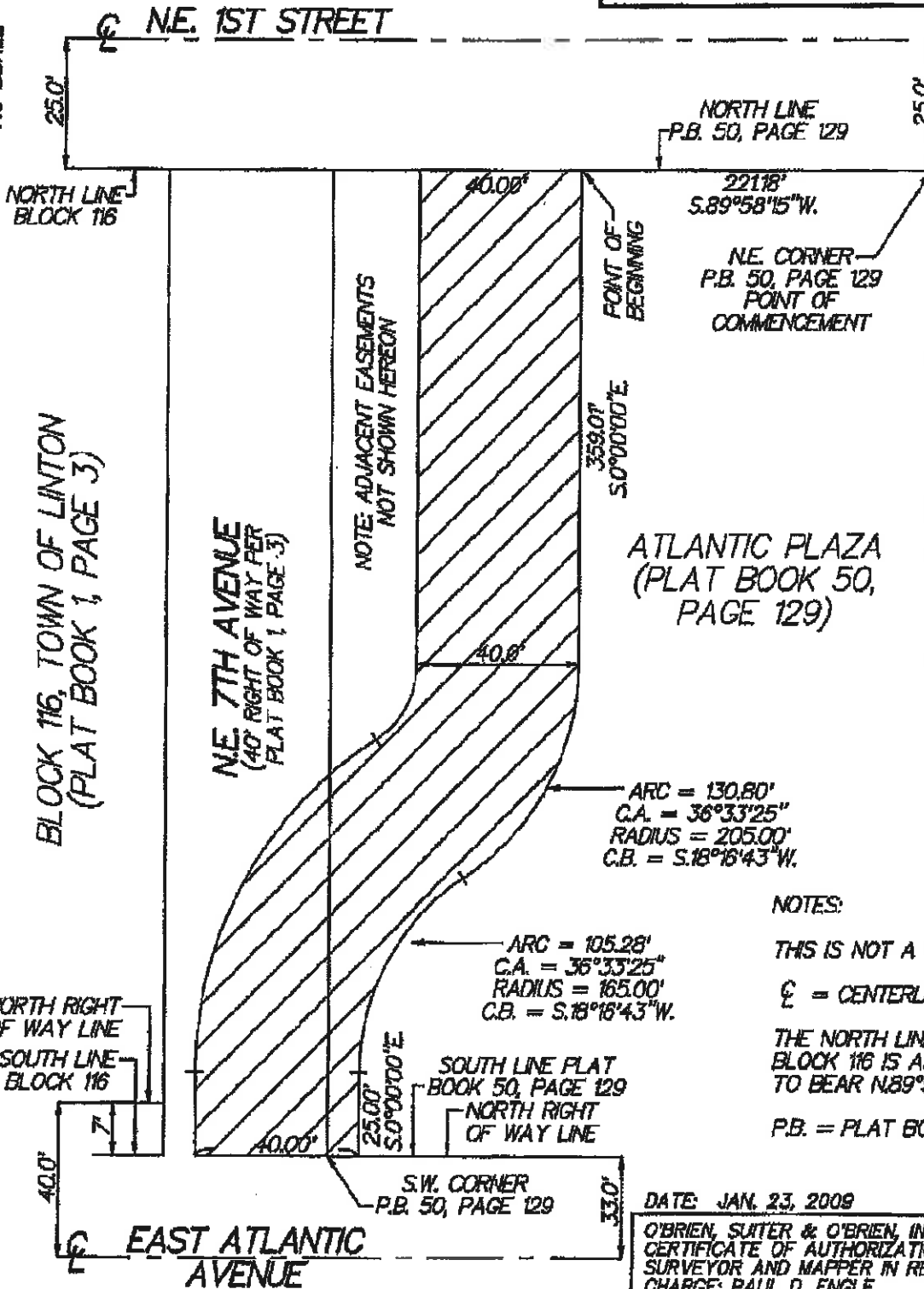
\_\_\_\_\_  
Signature of Person Taking Acknowledgment

**EXHIBIT "A"**  
**to the Relocated 7th Avenue Termination Certificate**

**Relocated 7th Avenue**

# SKETCH OF DESCRIPTION

EXHIBIT "A"  
SHEET 1 OF 2



## NOTES:

THIS IS NOT A SURVEY

CL = CENTERLINE

THE NORTH LINE OF  
BLOCK 116 IS ASSUMED  
TO BEAR N. 89° 58' 47" E.

P.B. = PLAT BOOK

ORDER NO. 04-164 7TH AVENUE RE-ALIGNMENT

# SKETCH OF DESCRIPTION

EXHIBIT "A"  
SHEET 2 OF 2

## DESCRIPTION FOR N.E. 7TH AVENUE RE-ALIGNMENT:

A 40 FOOT EASEMENT BEING A PORTION OF ATLANTIC PLAZA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 50, PAGE 129, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THAT PORTION OF THE 40 FOOT ROAD RIGHT OF WAY FOR N.E. 7TH AVENUE LYING WEST OF AND ADJACENT TO SAID ATLANTIC PLAZA AS SHOWN ON THE PLAT OF THE TOWN OF LINTON (NOW DELRAY BEACH) ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING 40 FEET WEST OF AND ADJACENT TO THE FOLLOWING DESCRIBED LINE

COMMENCING AT THE NORTHEAST CORNER OF SAID PLAT OF ATLANTIC PLAZA; THENCE S.89°58'15"W, ALONG THE NORTH LINE OF SAID PLAT OF ATLANTIC PLAZA, A DISTANCE OF 221.18 FEET TO THE POINT OF BEGINNING; THENCE S.0°00'00"E, A DISTANCE OF 359.01 FEET TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST HAVING A CENTRAL ANGLE OF 36°33'25" AND A RADIUS OF 205.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 130.80 FEET TO A POINT OF REVERSE CURVATURE CONCAVE TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 36°33'25" AND A RADIUS OF 165.00 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 105.28 FEET; THENCE S.0°00'00"E, A DISTANCE OF 25.00 FEET TO A POINT ON THE SOUTH LINE OF SAID ATLANTIC PLAZA AND A POINT ON THE NORTH LINE OF EAST ATLANTIC AVENUE AS NOW LAID OUT AND IN USE AND THE TERMINUS POINT OF SAID EASEMENT.

THE SIDE LINES OF SAID EASEMENT TO BE EXTENDED OR SHORTENED TO MEET AT ALL ANGLE POINTS AND TO TERMINATE AT THE NORTH AND SOUTH LINES OF SAID PLAT OF ATLANTIC PLAZA AND THE WESTERLY PROJECTION OF THE SOUTH LINE OF SAID PLAT OF ATLANTIC PLAZA.

PAUL D. ENGLE  
SURVEYOR & MAPPER #5708

DATE: JAN. 23, 2009

O'BRIEN, SUTER & O'BRIEN, INC  
CERTIFICATE OF AUTHORIZATION #LB353  
SURVEYOR AND MAPPER IN RESPONSIBLE  
CHARGE: PAUL D. ENGLE  
955 N.W. 17TH AVENUE, SUITE K1  
DELRAY BEACH FLORIDA 33445  
(561) 276-4501 (561) 732-3279

ORDER NO. 04-164 7TH AVE RE-ALIGNMENT

C:\D:\MID\B\GENERAL CRADDY\B\ATLANTIC PLAZA 04-164\RELOCATED 7TH AVENUE SHEET 2 - 05/19/2009 -- 12:08 PM -- Scale 1" = 200.00'