

ORDINANCE NO. 19-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED GENERAL COMMERCIAL IN PART, NEIGHBORHOOD COMMERCIAL IN PART, AND PROFESSIONAL OFFICE DISTRICT IN PART, TO CENTRAL BUSINESS DISTRICT; SAID LAND CONTAINING APPROXIMATELY 39.42 ACRES, AND GENERALLY LOCATED WITHIN THE AREA BOUNDED ON THE NORTH BY SE 4TH STREET, ON THE SOUTH BY SE 10TH STREET, ON THE EAST BY SE 7TH AVENUE, AND ON THE WEST BY THE ALLEY BETWEEN SE 4TH AVENUE AND SE 5TH AVENUE, ALL OF WHICH ARE ADJACENT TO EITHER SE 5TH AVENUE OR SE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “CITY OF DELRAY BEACH, ZONING MAP, MAY 4, 2021”; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on September 6, 2018, the City Commission of the City of Delray Beach passed Resolution 110-18, approving an Interlocal Agreement with the Treasure Coast Regional Planning Council (“Consultant”) “for the provision of planning services to facilitate expansion of the City’s Central Business District zoning designation boundary...”; and

WHEREAS, the approved Interlocal Agreement states that “expanding the CBD zoning designation is in the best interest of the citizens of the city of Delray Beach, Florida; and

WHEREAS, the City Commission of the City of Delray Beach desires to extend the Central Business (CBD) District zoning designation along SE 5th Avenue and SE 6th Avenue, from SE 4th Street to SE 10th Street, to provide a cohesive development pattern that extends south from East Atlantic Avenue and which maintains an appropriate scale that transitions to the adjacent residential neighborhoods; and

WHEREAS, on November 8, 2018, the concept of extending the CBD in this area was introduced by the Consultant in a public workshop; and

WHEREAS, on January 10, 2019, the Consultant and City Staff held a public workshop to gain public input on the proposed expansion of the CBD in the area; and

WHEREAS, on March 14, 2019, a public workshop was held regarding the adjacent Osceola Park neighborhood, which included comments on appropriate transitions between the neighborhood and commercial corridor; and

WHEREAS, on August 29, 2019 the Consultant and City Staff held the last public workshop, and the Consultant and City Staff subsequently met with individuals and small groups who could not attend the August workshop to gain further input; and

WHEREAS, the parcels are contiguous and comprise a total of 39.42 acres; and

WHEREAS, the properties hereinafter described are shown on the City of Delray Beach Zoning Map, dated May 4, 2021, as being zoned General Commercial (GC) District in part, Neighborhood Commercial (NC) in part, and Professional Office District (POD) in part; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing (as Ordinance No. 35-19) on October 21, 2019, and voted 7 to 0 to recommend approval of the ordinance, finding that the amendments are consistent with and further the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification of CBD for the subject properties.

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. The Zoning District Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a zoning classification of Central Business District for the described properties in Exhibit A, "Legal Descriptions" and identified in Exhibit B, "Parcel Location Map," attached hereto and incorporated herein.

Section 3. The City of Delray Beach Zoning Map shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof, as depicted in Exhibit C, "Proposed Zoning Map," attached hereto and incorporated herein.

Section 4. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 6. This Ordinance shall become effective concurrent with the effective date of Ordinance No. 18-21, amending the Comprehensive Plan, and upon approval at second reading. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit A

Legal Descriptions -Overall Site, Parcel by Parcel

PARCEL 1

Address: 402 SE 5th Avenue

Property Control Number: 12-43-46-21-01-002-0010

Lot 1, (less the land conveyed to the State of Florida by Special Warranty Deed dated February 1, 1960, filed of record February 5, 1960, in Official Record Book 464, Page 237, Public Records of Palm Beach County, Florida). Block 2 OSCEOLA PARK, according to the Plat thereof recorded in Plat Book 3, Page 2, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 2

Address: 440 SE 5th Avenue

Property Control Number: 12-43-46-21-01-002-0020

Lots 2, 3, 5 and 5, Block 2, of OSCEOLA PARK, a Subdivision in 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 3, Page 2, LESS the East 5 feet of Lots 2, 3, 4 and 5, Block 2, and LESS a Parcel of land in Lot 5, Block 2, all conveyed to the State of Florida for right-of-way and being more particularly described as follows:

From a point on the South line of said Lot 5, located 5 feet West of the Southeast corner of said Lot 5, run Westerly along said South line for 14.88 feet; thence run Northeasterly along a curve concave to the Northwest and having a radius of 15 feet for 23.44 feet through a central angle of 89 degrees 32'00" to a point on a line parallel to and 5 feet West of the East line of said Lot 4; thence run South 00 degrees 20' 50" West along said parallel line for 14.88 feet to the Point of the Beginning.

Commonly known as 440 SE 5th Avenue, Delray Beach, FL 33483

TOGETHER WITH:

PARCEL 3

Address: 416 SE 5th Street

Property Control Number: 12-43-46-21-01-003-0010

Lot 1, Less the East 5 feet for the road right-of-way, Block 3, Osceola Park, according to the map or plat thereof as recorded in Plat Book 3, Page 2, Public Record of Palm Beach County, Florida; less and except that legal description deserted in Special Warranty Deed Recorded in O.R. Book 459, Page 323, Public

Records of PLM Beach County, Florida, more particularly describes as: From a point on the North line of said Lot 1, located 5 feet West of the Northeast corner of said Lot 1, run Westerly along said North line for 15.12 feet; thence run Southeasterly along a curve concave to the Southwest and having a radius of 15 feet for 23.68 feet through a central angle of 90 degrees 28' 00" to a point on a line parallel to and 5 feet Westerly from the East line of said Lot 1; thence run North 0 degrees 20' 50" East along said parallel line for 15.12 feet to a point of Beginning.

TOGETHER WITH:

PARCEL 4

Address: 518 SE 5th Avenue

Property Control Number: 12-43-46-21-01-003-0020

Parcel 1: Lots 3 and 4, Block 3; LESS the East 5 feet, Osceola Park, according to the map or plat thereof as recorded in Plat Book 3, Page 2, Public Records of Palm Beach County, Florida.

Parcel 2: Lots 2, Block 3, LESS the East 5 feet, Osceola Park, according to the map or plat thereof as recorded in Plat Book 3, Page 2, Public Recorded in Plat Book 3, Page 2, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 5

Address: 542 SE 5th Avenue

Property Control Number: 12-43-46-21-01-003-0050

Lot 5, less than East 5.0 feet thereof, Block 3, OSCEOLA PARK, 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 3, Page 2.

TOGETHER WITH:

PARCEL 6

Address: 600 SE 5th Avenue

Property Control Number: 12-43-46-21-01-011-0190

Lots 19, 20, 21, 22, 23, 24, 25, 26 and 27, Block 11, Osceola Park, according to the plat thereof as recorded in Plat Book 3, page 2, Public Records of Palm Beach County, Florida, LESS right-of-way of State Road No. 5 (US 1) and LESS the South 5 feet of Lot 27.

TOGETHER WITH:

PARCEL 7

Address: 710 SE 5th Avenue

Property Control Number: 12-43-46-21-01-013-0160

Lots 16, 17, 18 and 19, Block 13, OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, Page 2 of the Public Records of Palm Beach County, Florida, more fully described as follows:

Beginning at the intersection of the Westerly right-of-way line of Southeast 5th Avenue and the Southerly right-of-way line for 7th Street, run Westerly along said Southerly right-of-way line for 127.50 feet to the Northwest corner of Lot 16, Block 13, OSCEOLA PARK, according to the Plat thereof as recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida; thence Southerly along the Southerly boundary of said Lot 19 for 127.50 feet to a point on the Westerly right-of-way line for Southeast 5th Avenue; thence Northerly along said Westerly right-of-way line for 202.10 feet to the point of Beginning. Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2001.

TOGETHER WITH:

PARCEL 8

Address: 738 SE 5th Avenue

Property Control Number: 12-43-46-21-01-013-0200

Lot 20, less the East 5 feet thereof, Block 13, of OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, Page 2 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 9

Address: 760 SE 5th Avenue

Property Control Number: 12-43-46-21-01-013-0210

Lots 21 and 22 (less the east 5 feet thereof), Block 13, OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County Florida.

TOGETHER WITH:

PARCEL 10

Address: 766 SE 5th Avenue

Property Control Number: 12-43-46-21-01-013-0230

Lots 23 and 24, Block 13, OSCEOLA PARK, according to the map or plat thereof as recorded in Plat Book 3, Page 2, Public Records of Palm Beach County, Florida, LESS the East 5 feet thereof and LESS a parcel of Palm Beach County, Florida, more particularly described as follows;

From a point on the South line of said Lot 24, located 5 feet West of the Southeast corner of said Lot 24, run westerly along said South Line for 14.88 feet; thence run Northeasterly along a curve concave to the Northwest having a radius of 15 feet through a central angle of 89 degrees 32'00" to a point on a line parallel to and 5 feet West of the East line of said Lot 24; thence run South 0 degrees 20'50" West, along said parallel line for 14.88 feet to the Point of Beginning.

TOGETHER WITH:

PARCEL 11

Address: 802 SE 5th Avenue

Property Control Number: 12-43-46-21-09-001-0210

A part of Lots 9 and 10, Block 1, in MODEL LAND COMPANY'S SUBDIVISION of Section 21, Township 46 South, Range 43 East, in 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 1, Page 128, bounded and described as follows:

Commencing at the point of intersection of the South Line of Southeast 8th Street with the West line of Southeast 5th Avenue in the City of Delray Beach, Florida; running thence South along the West line of Southeast 5th Avenue, a distance of 211.13 feet to a point; thence run Westerly along a line which is parallel with the South line of Southeast 8th street, a distance of 144.5 feet; thence run North along a line which is parallel to the West line of Southeast 5th Avenue, a distance of 211.18 feet to a point in the South line of Southeast 8th Street; thence Easterly along the South line of Southeast 8th Street a distance of 144.5 feet to the POINT OF BEGINNING.

LESS portion deeded to the State of Florida in Official Record Book 465, Page 593 and LESS the West 16 feet of the South 100 feet thereof deeded to the City of Delray Beach for alley and sewer line, recorded in Official Record Book 950, Page 228, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 12

Address: 820 SE 5th Avenue

Property Control Number: 12-43-46-21-09-001-0240

A part of Lot 10, Block 1, in Model Land Company's subdivision of Section 21, Township 46 South, Range 43 East, Delray Beach, Florida, according to the map or plat thereof as recorded in Plat Book 1, Page 128, Public Records of Palm Beach County, Florida, bounded and described as follows:

Commencing at a point in the West line of Southeast 5th Avenue, Delray Beach, Florida, which point is 211.13 feet south of intersection of the West line of Southeast 5th Avenue with the South line of Southeast

8th street; from said Point Beginning run South along the West line of the Southeast 5th Avenue, a distance of 100 feet to the point of intersection with a Westerly extension of the South line of Lot 22, in Block 2, in said Model Land Company's Subdivision of Section 21, Township 46 South, Range 43 East; thence West along the westerly extension of the South line of said Lot 22, a distance of 144.5 feet;

Thence run North along a line parallel to the West line of Southeast 5th Avenue a distance of 100 feet to a point which is 211.18 feet South of the South line of Southeast 8th Street; thence run Easterly along a line which is parallel to the South line of Southeast 8th Street a distance of 144.5 feet to the Point of Beginning.

TOGETHER WITH:

PARCELS 13 AND 14

Address: 830 SE 5th Avenue and 836 SE 5th Avenue

Property Control Number: 12-43-46-21-09-001-0280 and 12-43-46-21-09-001-0410

Parcel 1:

From the point of intersection of the North line of Southeast 9th Street (formerly Southeast 7th Street) with the center line of Southeast 4th Avenue, (said center line being also the Westerly line of Lot 10, Block 1, of the Subdivision of Section 21, Township 46 South, Range 43 East, according to the Plat filed in Plat Book 1, Page 128, Public Records of Palm Beach County, Florida); run Easterly along the North line of Southeast 9th Street with an angle of 89 degrees 33'00", measured from North to East from the center line of Southeast 4th Avenue, a distance 165.6 feet to the point of beginning; thence run Northerly, parallel to the center line of Southeast 4th Avenue a distance of 135.0 feet to a point in the Westerly right-of-way line of Southeast 5th Avenue (formerly Dixie Highway); thence run Southerly along the said Westerly right-of-way line, being also parallel to the center line of Southeast 4th Avenue, a distance of 135.0 feet to the Point of Intersection with the North line of Southeast 9th Street; thence run Westerly along said North line a distance of 132.5 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the South 66 feet thereof and the West 4 feet thereof and the part of the South Half (S ½) of the East Half (E ½) of the North 135 feet of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 21, Township 46 South, Range 43 East, which is included in the external area formed by 15 foot radius arc, tangent to the North line of Southeast 9th Street and tangent to a line parallel to and 33 feet West of the centerline of Southeast 5th Avenue.

Parcel 2:

The South 66 feet, as measured along the West boundary line of the following described: From the point of intersection of the North line of Southeast 9th Street (formerly Southeast 7th Street) with the centerline of Southeast 4th Avenue, (said center line being also the Westerly line of Lot 10, Block 1, of the Subdivision of Section 21, Township 46 South, Range 43 East, according to the Plat filed in Plat Book 1, Page 128, Public Records of Palm Beach County, Florida); run Easterly along the North line of Southeast 9th Street with and angle of 89 degrees 33 minutes 00 seconds, measured from North to East from the center line of Southeast

4th Avenue, a distance of 165.6 feet to the Point of Beginning; thence run Northerly, parallel to the center line of Southeast 4th Avenue a distance of 135.0 feet; thence run Easterly parallel to the North line of Southeast 9th Street, a distance of 132.5 feet to a point in the Westerly right-of-way line of Southeast 5th Avenue (formerly Dixie Highway); thence run Southerly along the said Westerly right-of-way line, being also parallel to the center line of the Southeast 9th Street; thence run Westerly along said North line a distance of 132.5 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the West 4 feet thereof and that part of the South Half (S ½) of the East Half (E ½) of the North 135 feet of the Northwest Quarter (NW ¼) OF THE Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 21, Township 46 South, Range 43 East, which is included in the external area formed by 15 foot radius arc, tangent to the North line of Southeast 9th Street and tangent to a line parallel to and 33 feet West of the Centerline of Southeast 5th Avenue.

TOGETHER WITH:

PARCEL 15

Address: 904 SE 5th Avenue

Property Control Number: 12-43-46-21-03-008-0190

Lots 19 through 24 inclusive, Block 8, RIO DELRAY, according to the Plat thereof, recorded in Plat Book 12, Page 84, LESS right of way granted to State of Florida in O.R. Book 464, page 235 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 16

Address: 916 SE 5th Avenue

Property Control Number: 12-43-46-21-03-008-0160

Lots 16, 17 and 18, Block 8, RIO DEL REY, according to the Plat thereof, as recorded in Plat Book 12, Page 84, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 17

Address: 950 SE 5th Avenue

Property Control Number: 12-43-46-21-03-008-0100

Lots 10, 11, 12, 13, 14 and 15, Block 8, Rio Del Rey, according to the plat thereof, as recorded in Plat Book 12, page 84, of the Public Records of Palm Beach County, Florida, Together with the right of way abandoned by City of Delray Beach Resolution No. 10-86, recorded in O.R. Book 4812, page 1046, described as follows:

Commencing at the Southwest corner of Lot 10, Block 8, Rio Del Rey, according to the Plat thereof, as recorded in Plat Book 12, page 84, of the Public Records of Palm Beach County, Florida; thence run East, based on an assumed meridian 29.36 feet along the South line of said Block 8, to a point of curvature, said point also being the point of beginning of the hereafter described land; thence run Northeasterly along said curve to the left, having a radius of 100.00 feet, a central angle of 89 degrees 30 minutes 20 seconds, for an arc distance of 156.22 feet to a point of tangent, on the East line of the said Block 8; thence run South 00 degrees 29 minutes 40 seconds West 99.14 feet along the Southerly extension of the East line of said Block 8, to the Point of Intersection with the Easterly extension of the South line of said Block 8; thence run West 99.14 feet along the Easterly extension of the South line of said Block 8, to the Point of Beginning.

LESS AND EXCEPT, the following described property contained in Right of Way Deed to City of Delray Beach, as recorded in O.R. Book 4812, Page 1050, Public Records of Palm Beach County, Florida, described as:

Beginning at the Southwest corner of Lot 10, Block 8 of said Rio Delray; thence on an assumed meridian of East along the Easterly extension of the South line of said Block 8, to the point of intersection with the Southerly extension of the East line of said Block 8, a distance of 128.50 feet; thence North 00 degrees 29 minutes 40 seconds East, 41.70 feet along the Southerly extension 14 minutes 47 seconds West, 49.28 feet to a point 7.00 feet North of the Easterly extension of the South line of Block 8, 93.80 feet to a point on the West line of said Lot 10, Block 8; thence South 00 degrees 29 minutes 40 seconds West. 7.00 feet along said West line to the Point of Beginning.

TOGETHER WITH:

PARCEL 18

Address: 969 SE 5th Avenue

Property Control Number: 12-43-46-21-63-000-0012

Lot 1B, REPLAT OF LOT 1, NORTH STREET PLAZA, according to the Plat thereof, as recorded in Plat Book 70, at Page 73, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 19

Address: 970 SE 6th Avenue

Property Control Number: 12-43-46-21-63-000-0011

Lot 1A, Replat of Lot 1, Ninth Street Plaza, according to the, map of plat thereof as recorded in Plat Book 70, Page 73, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 20

Address: 909 SE 5th Avenue

Property Control Number: 12-43-46-21-62-000-0021

Lot 2A of the Plat of Replat of Lot 2 NINTH STREET PLAZA (Plat Book 63, Page 100, according to the Plat thereof recorded in Plat Book 70, Page 44, of the Public Records of Palm Beach County, Florida

TOGETHER WITH:

PARCEL 21

Address: 900 SE 6th Avenue

Property Control Number: 12-43-46-21-62-000-0022

Lot 2B of PLAT OF REPLAT OF LOT 2 NINTH STREET PLAZA, according to the Plat thereof, as recorded in Plat Book 70, Page 44 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 22

Address: 555 SE 9th Street

Property Control Number:

All of Regions Delray, according to the Plat thereof, as recorded in Plat Book 112, Pages 31 Thru 32 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 23

Address: 821 SE 5th Avenue

Property Control Number: 12-43-46-21-02-000-0041

Lot 4, Less the North 22.25 feet thereof, Lots 5, 6, 7 and 8, Lot 9, Less the North 22.24 feet thereof (Less the right of way for State Road No. 5, recorded in Official Records Book 485, Page 592) SANBORN STONE SUBDIVISION, according to the Plat thereof, recorded in Plat Book 12, Page 63, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCELS 24 and 25

Address: 551 SE 5th Avenue and 551 SE 8th Street

Property Control Number: 12-43-46-21-02-000-0010 and 12-43-46-21-01-013-0100

PARCEL I:

All of the part of the East ½ of Lot 9, Block 1, Model Land Company's Subdivision, according to the Plat thereof as recorded in Plat Book 1, Page 128 of the Public Records of Palm Beach County Florida, lying East of S.E. 5th Avenue (U.S. Highway No. 1, Southbound), South of the Alley lying South of Lots 10 through 15, inclusive, Block 13, Osceola Park, according to the Plat thereof as recorded in Plat Book 3, page 2, of the Public Records of Palm Beach County, Florida, North of S.E. 8th Street, and all of that Part of Lot 21, Block 2, of said Model Land Company's Subdivision, lying West of S.E. 6th Avenue (excepting the Southerly 20 feet thereof previously conveyed to the City of Delray Beach, Florida, as Recorded in Official Record Book 1052, page 213 Public Records of Palm Beach County, Florida, for road right of way purposes). ALL BEING LESS AND EXCEPT existing rights-of-way for State Road No.5 (U.S. No. 1) as same are now laid out and in use; said lands situate, lying and being in Palm Beach County, Florida; AND

PARCEL II:

Lots 10 through 15 inclusive, Block 13, OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, at Page 2, of the Public Records of Palm Beach County, Florida, AND the abandoned alley Lying immediately South of and adjacent to the aforesaid Block; ALL BEING LESS AND EXCEPT existing rights-of-way for State Road No. 5 (U.S. No. 1). As said rights-of-way are now laid out and in use; said lands situate, lying and being in Palm Beach County, Florida; AND

PARCEL III:

The North 183 feet of SANBORN STONE SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 12, at Page 63, of the Public Records of Palm Beach County, Florida; LESS AND EXCEPT existing rights-of-way for State Road No. 5 (U.S. No. 1), as said rights-of way are described in instruments recorded in Official Records Book 485, at Page 592, and in Official Records Book 485, at Page 596, of the Public Records of Palm Beach County, Florida; said lands situate, lying and being in Palm Beach County, Florida.

TOGETHER WITH:

PARCELS 26, 27, 28, 29, 31

Address: 601 SE 5th Avenue, 666 SE 6th Avenue, 660 SE 6th Avenue, 630 SE 6th Avenue, AND 604 SE 6th Avenue

Property Control Number: 12-43-46-21-01-011-0100, 12-43-46-21-01-011-0080, 12-43-46-21-01-011-0061, 12-43-46-21-01-011-0040, AND 12-43-46-21-01-011-0010

PARCEL 1:

Lots 1 and 2, Block 11, of OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida, LESS the East 5 feet of said Lots;

AND LESS a parcel of land in Lot 1, Block 11, of said Plat of OSCEOLA PARK, more particularly described as follows;

From a point on the North Line of said Lot 1, located 5 feet Westerly from the N.E corner of said Lot 1, run Westerly along said North line for 15.14 feet; thence run Southwesterly along a curve concave to the Southwest and having a radius of 15 feet for 23.70 feet, through a central angle 90 degrees 31' 20" to a point on a line parallel to and 5 feet Westerly from the East line of said Lot 1; thence run North 0 degrees 24' 20" East for 15.14 feet, along said parallel line to a Point of Beginning.

TOGETHER WITH

PARCEL 2:

Lots 4, 5 and 6, less the South 10 feet of Lot 6, Block 11, of OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida, LESS the East 5 feet of said Lots.

TOGETHER WITH

PARCEL 3:

The South 10 feet of Lot 6, and Lot 7, Block 11, of OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, Page 2 of the Public Records of Palm Beach County, Florida, LESS the East 5 feet of said Lots.

TOGETHER WITH

PARCEL 4:

Lots 8 and 9, Block 11, of OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida, LESS the East 5 feet of said Lots;

AND LESS a parcel of land in Lot 9, Block 11, of said Plat of OSCEOLA PARK, more particularly described as follows:

From a point on the South line of said Lot 9, located 5 feet Westerly from the Southeast corner of said Lot 9, run Westerly along said South line for 14.88 feet; thence run Northeasterly along a curve concave to the Northwest and having a radius of 15 feet for 23.46 feet through a central angle of 89 degrees 35' 55" to a point on a line parallel to and 5 feet Westerly from the East line of said Lot 9; thence run South 0 degrees 24' 10" West along said parallel line for 14.88 feet to the Point of Beginning.

TOGETHER WITH

PARCEL 5:

Lots 10, 11, 12, 13, 14, 15, 16, 17 and 18, Block 11, of OSCEOLA PARK, according to the Plat thereof, as recorded in Plat

Book 3, Page 2, of the Public Records of Palm Beach County, Florida, LESS THE West 5 feet of each of the said lots;

AND LESS a parcel of land in Lot 10, Block 11, of said Plat of OSCEOLA PARK, more particularly described as follows:

From a point on the South Line of said Lot 10, located 5 feet East of the SW corner of said Lot 10, run Easterly along said South line for 15.12 feet; thence run Northwesterly along a curve concave to the Northeast having a radius of 15 feet for 23.68 feet through a central angle of 90 degrees 28' 00" to a point on a line for 15.12 feet to the Point of Beginning.

AND LESS a parcel of land in Lot 18, Block 11, of said Plat of OSCEOLA PARK, more particularly described as follows:

From a point on the North line of said Lot 18, located 5 feet East of the Northwest corner of said Lot 18, run Easterly along said North line for 14.88 feet; thence run Southwesterly along a curve concave to the Southeast and having a radius of 15 feet, for 23.44 feet through a central angle of 89 degrees 32' 00" to a point on a line parallel to and 5 feet East of the West line of said Lot 18; thence run North 00 degrees 20' 50" East along said parallel line for 14.88 feet to the Point of Beginning.

TOGETHER WITH

PARCEL 6:

That certain alley vacated by Resolution No. 57-10 by the City of Delray Beach recorded in Official Records Book 24257, Page 353; as amended by Resolution No. 50-11 by the City of Delray Beach recorded in Official Records Book 24811, Page 243, both of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

All that portion of certain 16.00 foot wide alley lying between Lots 4 through 9, Block 11, and Lots 10 through 15, Block 11, of OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida, more particularly described as follows:

Beginning at the Northwest corner of Lot 4 of said Block 11; thence South along the West line of Lots 4 through 9 of said Block 11, a distance of 303.22 feet to the Southwest corner of Lot 9 of said Block 11; thence S 89 degrees 31' 30" W, a distance of 16.00 feet to the Southeast corner of Lot 10 of said Block 11; thence North along the East line of Lots 10 through 14 of said Block 11, a distance of 303.22 feet to the Northeast

corner of Lot of said Block 11; thence N 89 degrees 31' 30" E, a distance of 16.00 feet to the Point of Beginning.

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

TOGETHER WITH:

PARCEL 30

Address: 622 SE 6th Avenue

Property Control Number: 12-43-46-21-01-011-0030

Lot 3, Block 11, Less the East 5 Feet thereof, OSCEOLA PARK, according to the Plat thereof as recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCELS 32 and 33

Address: 555 SE 5th Avenue AND 530 SE 6th Avenue

Property Control Number: 12-43-46-21-85-000-0010 and 12-43-46-21-85-000-0020

Lots 1 and 2, DOWNTOWN DELRAY PROFESSIONAL CENTER, according to the Plat thereof, as recorded in Plat Book 121, Pages 152-153, of the Public Records of Palm Beach County, Florida

TOGETHER WITH:

PARCEL 34

Address: 505 SE 5th Avenue

Property Control Number: 12-43-46-21-01-001-0130

Town of Delray S. 26.5 feet of Lot 5 & 6 to 8 included Block 67, 5 NE 1st Street, Delray Beach, FL 33444 East Building.

TOGETHER WITH:

PARCEL 35

Address: 401 SE 5th Avenue

Property Control Number: 12-43-46-21-01-001-0010

Lot 1, less the Right-of-Way of U.S. Highway No. 1, and Lot 2, Block 1, of OSCEOLA PARK, according to the Plat thereof, recorded in Plat Book 3, Page 2, of the Public records of Palm Beach County Florida.

TOGETHER WITH:

PARCEL 36

Address: 402 SE 6th Avenue

Property Control Number: 12-43-46-21-01-001-0030

Lots 3 and 4, Block 1, OSCEOLA PARK, according to the plat thereof, as recorded in Plat Book 1, Page 137 and also in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida, less road rights-of-way in Special Warranty Deed recorded in Official Records Book 539, Page 474 described as follows:

The East 5 feet of Lot 4, Block 1, OSCEOLA PARK, according to the plat thereof, as recorded in Plat Book 1, Page 137 and also in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida; and

A parcel of land in Lot 4, Block 1, OSCEOLA PARK, according to the plat thereof, as recorded in Plat Book 1, Page 137 and also in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida, more particularly described as follows:

From a point on the North line of said Lot 4 located 5 feet westerly from the Northeast corner of said Lot 4, run westerly along said North line for 14.77 feet; thence run southeasterly along a curve concave to the southwest and having a radius of 15 feet for 23.33 feet through a central angle of 89 degrees 00' 00" to a point on a line parallel to, and 5 feet westerly from the East line of said Lot 4; thence run North 00 degrees 24' 10" East along said parallel line for 14.77 feet to the Point of Beginning.

TOGETHER WITH:

PARCEL 37

Address: 405 SE 6th Avenue

Property Control Number: 12-43-46-21-01-001-0092

The North 50.00 feet of the South 73.00 feet of the West 127.6 feet of Lot 9, Block 1, OSCEOLA PARK, according to the Plat thereof on file in the Office of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 3, Page 2; LESS the West 5.0 feet thereof for right-of-way.

TOGETHER WITH:

PARCEL 38

Address: 445 SE 6th Avenue

Property Control Number: 12-43-46-21-01-001-0093

Two parcels of land located in Lots 9 and 10, Block 1, of Osceola Park, an ADDITION TO THE City of Delray Beach, Florida, according to the Plat thereof, recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida, as described as follows:

The South 23 feet of the West 127.6 feet of said Lot 9, LESS the West 5 feet thereof;

AND

The West 145 feet of said Lot 10, LESS the West 5 feet thereof, and also LESS that part of said Lot 10 described as follows:

From a point on the South line of said Lot 10, located 5 feet Easterly from the Southwest corner of said Lot 10, run Easterly along said South line for 15.14 feet; thence run Northwesterly along a curve concaves to the Northeast and having a radius of 15 feet for 23.70 feet through a central angle 90 degrees 31' 20" to a point on a line parallel to and 5 feet Easterly from the West line of said Lot 10; thence run South 01 degrees 24' 10" West along said parallel line for 15.14 feet to POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 39

Address: 505 SE 6th Avenue

Property Control Number: 12-43-46-21-56-000-0190

The East 161 feet of the West 166 feet of Lot 11, Blok 1, OSCEOLA PARK, according to the Plat thereof recorded in Plat Book 3, page 2, of the Public Records of Palm Beach County, Florida, LESS that part conveyed to the State Road Department as in Official Record Book 415, page 185, of the Public Records County, Florida.

TOGETHER WITH:

PARCEL 40

Address: 525 SE 6th Avenue

Property Control Number: 12-43-46-21-01-001-0123

The West 303.23 feet of the North 75 feet of Lot 12, Block 1, Less the West 5 feet thereof, OSCEOLA PARK, a subdivision of the City of Delray Beach, Florida, as recorded in Plat Book 3, Page 2, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 41

Address: 701 SE 6th Avenue

Property Control Number: 12-43-46-21-01-013-0090

Lots 1 and 2, Block 3, together with 10' abandoned alley lying South of and adjacent to said Lots in RIO DEL REY SHORES, according to the Plat thereof recorded in Plat Book 25, Page 5 of the Public Records of

Palm Beach County, Florida, AND Lot 9, Block 13, OSCEOLA PARK, recorded in Plat Book 3, Page 2 less the West 5' thereof and less a portion of Lot 9, more particularly described as follows:

From a point on the North line of said Lot 9 located 5 feet Easterly from the NW. corner of said Lot 9, run Easterly along said North line for 14.88 feet; thence run Southwesterly along a curve concave to the Southeast having a radius of 15 feet for 23.46 feet, through a central angle of 89 degrees 35' 55" to a point on a line parallel to and 5 feet Easterly from the West line of said Lot 9; thence run North 0 degrees 16' 53" East along said parallel line for 14.88 feet to Point of Beginning.

TOGETHER WITH:

PARCEL 42

Address: 801 SE 6th Avenue

Property Control Number: 12-43-46-21-04-002-0010

Lots 1 and 2, Block 2, RIO DEL REY SHORES, according to the Plat thereof, recorded in Plat Book 25, Page 5, of the Public Records of Palm Beach County, Florida; TOGETHER with the improvements located thereon and fixtures therein.

TOGETHER WITH:

PARCEL 43

Address: 851 SE 6th Avenue

Property Control Number: 12-43-46-21-04-002-0030

Lot 3 and 4, Block 2, Rio Del Rey Shores, according to the Plat thereof, as recorded in Plat Book 25, Page 5, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 44

Address: 885 SE 6th Avenue

Property Control Number: 12-43-46-21-44-001-0000

All of MAYFAIR, according to the Plat thereof, recorded in Plat Book 46, at Page 22, of the Public Records of Palm Beach County, Florida; said Plat also being a REPLAT OF LOTS 5 and 6, BLOCK 2, RIO DEL REY SHORES, recorded in Plat Book 25, at Page 5, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 45

Address: 911 SE 6th Avenue

Property Control Number: 12-43-46-21-68-001-0010

Lot 1, Block 1, Rio Del Rey Shores Replat, according to the Plat thereof, as recorded in Plat Books 82, Page 92, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 46

Address: 959 SE 6th Avenue

Property Control Number: 12-43-46-21-04-001-0010

Lots 1 and 2, Block 1, of RIO DEL REY SHORES, Delray Beach, 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 recorded in Plat Book 25, page 5. As described in that certain Deed by and between William M. Miller and Alma M. Miller and Humble Oil & Refining Company dated March 14, 1962 and recorded in Book 754, Page 649, Deed Records, Public Records of Palm Beach County Florida.

Less: The South one-half of the fifty (50') feet abandoned road lying North and adjacent to Block 1, RIO DEL REY SHORES, according to the Plat thereof, recorded in Plat Book 25 page 5 of the Public Records of Palm Beach County, Florida (collectively the "Property").

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 39.42 ACRES MORE OR LESS.

Exhibit B Parcel Location Map

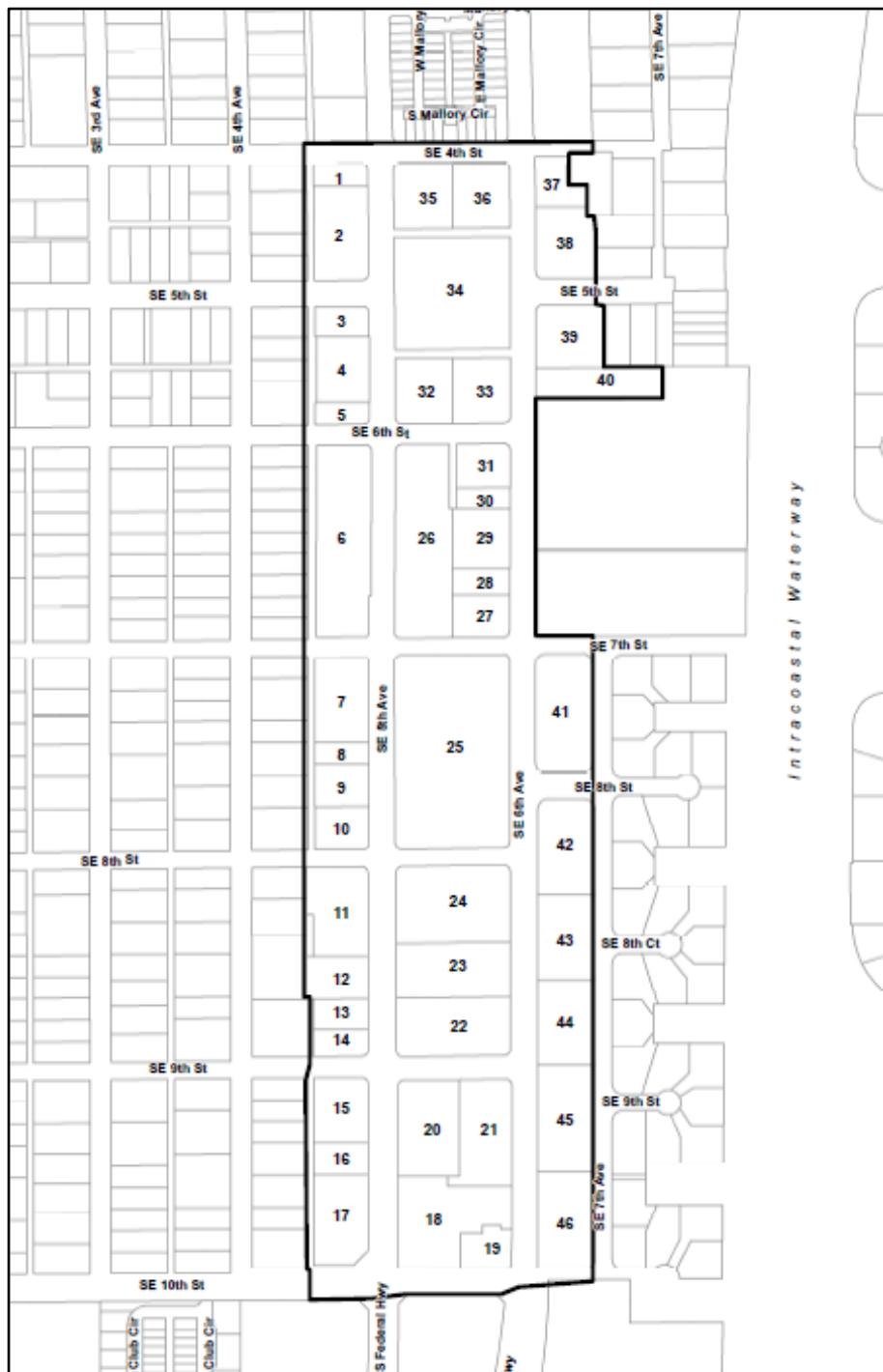


Exhibit C **Proposed Zoning Map**

