

PREPARED BY AND RETURN TO:

City Attorney's Office
200 NW 1st Avenue
Delray Beach, FL 33444

TERMINATION AGREEMENT AND MUTUAL RELEASE

THIS TERMINATION AGREEMENT AND MUTUAL RELEASE is entered into this ____ day of _____, 2017 between the **CITY OF DELRAY BEACH ("City")**, a Florida municipal corporation, **THE METROPOLITAN AT DELRAY, LLC**, a Florida Limited Liability Company ("**Metropolitan**"), and **SUNTRUST BANK**, a Georgia Banking Corporation ("**SunTrust**"). The City, Metropolitan and SunTrust shall sometimes be hereinafter referred to as the "Parties".

WITNESSETH:

WHEREAS, the Parties entered into the "Parking Compliance Agreement" dated September 21, 2015 ("Agreement"); and,

WHEREAS, the Parties mutually desire to cancel the Agreement; and,

WHEREAS, the Parties desire to release each other from liability under the Agreement pursuant to this Termination Agreement and Mutual Release.

NOW, THEREFORE, in forbearance of real and potential claims, suits and causes of action, and other good and valuable consideration, the sufficiency of which is hereby acknowledged the parties agree as follows:

1. The recitations set forth above are hereby incorporated as if fully set forth herein.
2. The Parties agree to cancel and terminate the "Parking Compliance Agreement" dated September 21, 2015
3. The Parties hereby mutually release each other from any and all claims, suits causes of action and any damages, costs, expenses whatsoever arising under the Agreement, except as expressly set forth in this Termination Agreement.
4. Each party shall bear their own costs and expenses. These costs and expenses include the costs and expenses already incurred or that were anticipated to be incurred by any party in the performance of the Agreement canceled by this Termination Agreement and all costs and attorney's fees associated therewith or incurred as a result of this Termination Agreement.
5. This Termination Agreement, when executed by the parties, renders the Agreement null and void. This Termination Agreement creates no new rights or obligations except as expressly stated herein.
6. This Termination Agreement constitutes the entire agreement between the parties and supersedes all prior verbal or written agreements. All interpretations of this Termination Agreement shall be governed by the laws of the State of Florida.
7. The signatories hereto warrant and agree that they have the authority to execute this Termination Agreement and bind the Parties thereto.

IN WITNESS WHEREOF, the Parties have caused this Termination Agreement to be executed by its proper officers hereto duly authorized on the year and date first above written.

ATTEST:

City Clerk

Approved as to Form:

City Attorney

CITY OF DELRAY BEACH, FLORIDA

By: _____
Cary D. Glickstein, Mayor

WITNESSES:

Shawn Butters
(Name printed or typed)

THE METROPOLITAN AT DELRAY, LLC

By: Bradley Morton
(Name printed or typed)

Jonna J. Archer
(Name printed or typed)

(CORPORATE SEAL)

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 4th day of October, 2017 by Bradley Morton (name of officer or agent, title of officer or agent) of The Metropolitan @ Delray LLC (name of corporation acknowledging), a Florida (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification and did (did not) take an oath.



[Signature]
Signature of Notary Public - State
of Florida

WITNESSES:

Nilsa Hernandez
(Name printed or typed)

ANTHONY R. JCHA
(Name printed or typed)

SUNTRUST BANK

By: Thomas Crociata
(Name printed or typed)

(CORPORATE SEAL)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 3rd day of October, 2017 by Thomas Crociata (name of officer or agent, title of officer or agent) of SunTrust Bank (name of corporation acknowledging), a Banking (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced N/A (type of identification) as identification and did (did not) take an oath.



Patricia Czesnakowicz
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF938452
Expires 11/23/2019

Patricia Czesnakowicz
Signature of Notary Public - State
of Florida