

RETURN TO:

Environmental Services Department  
434 S. Swinton Avenue  
Delray Beach, FL 33444

### **TERMINATION OF EASEMENT DEED**

**THIS TERMINATION OF EASEMENT DEED** (this "Termination") is made and entered into to be effective as of the \_\_\_\_ day of February, 2018, by and between Wal-Mart Stores East, LP, a Delaware limited partnership, with a mailing address of 2001 S.E. 10<sup>th</sup> Street, Bentonville, Arkansas, 72716-5560 ("Grantor") and the City of Delray Beach, a municipal corporation in Palm Beach County, State of Florida, with a mailing address of 100 N.W. 1<sup>st</sup> Avenue, Delray Beach, Florida, 33444 ("Grantee").

**WHEREAS**, that certain Easement Deed was entered into by Grantor and Grantee as of February 27, 2017, and recorded on July 18, 2017, in the Public Records of Palm Beach County, Florida, in Book 29225 at Page 0820 (the "Easement Deed") for a property more fully described on **Exhibit A**, attached hereto and incorporated herein; and

**WHEREAS**, Grantor and Grantee desire to execute this Termination in order to terminate the Easement Deed and rights thereunder and to place notice in the real estate records of the termination of the Easement Deed and rights thereunder.


**NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS** that for and in consideration of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Grantee and Grantor do hereby terminate the Easement Deed and rights thereunder and declare that the Easement Deed and rights thereunder are hereby cancelled and terminated and are null and void and of no further force and effect. The provisions of this Termination shall be binding upon and enforceable against and shall inure to the benefit of Grantee and Grantor and their respective successors, successors-in-title, and assigns. This Termination may be executed in one or more counterparts, each of which shall be deemed an original, and it shall not be necessary in making proof of this Termination or its terms to produce or account for more than one of such counterparts.

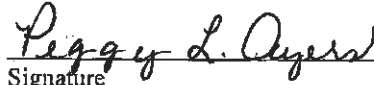
**[SIGNATURE PAGES ATTACHED]**

**SIGNATURE PAGE OF TERMINATION OF EASEMENT DEED**

IN WITNESS WHEREOF, Wal-Mart Stores East, LP has caused this Termination to be signed, sealed, and delivered effective as of the day and year first above written.

**WITNESSES:**

  
Signature  
Sheri Fiel-Torbett  
Print Name

  
Signature  
Peggy L. Ayers  
Print Name

**GRANTOR:**

**WAL-MART STORES EAST, LP,**  
a Delaware limited partnership

By: **WSE MANAGEMENT, LLC,**  
a Delaware limited liability company  
and general partner

By: 

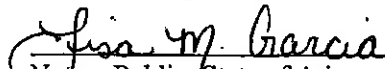
Name: Brian Frazier

Title: Senior Director

Date: 1/31/18

**STATE OF ARKANSAS  
COUNTY OF BENTON**

The foregoing instrument was acknowledged before me this 31 day of ~~February~~ <sup>January</sup>, 2018, by Brian Frazier, as Senior Director of WSE MANAGEMENT, LLC, a Delaware limited liability company, general partner of Wal-Mart Stores East, LP, a Delaware limited partnership, on behalf of said limited liability company and limited partnership. He/she is personally known to me.

  
Notary Public, State of Arkansas  
Lisa M Garcia  
Print/type name of Notary Public

My Commission Expires: 5/1/27



[SIGNATURE PAGES CONTINUED ON NEXT PAGE]

**SIGNATURE PAGE OF TERMINATION OF EASEMENT DEED**

**IN WITNESS WHEREOF**, the City of Delray Beach, has caused this Termination to be signed, sealed, and delivered effective as of the day and year first above written.

**WITNESSES:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**GRANTEE:**

**THE CITY OF DELRAY BEACH,**  
a Florida municipal corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2018, by the City of Delray Beach, Florida, by \_\_\_\_\_, as \_\_\_\_\_ for the City. He/she is [ ] personally known to me or [ ] produced a Florida driver's license as identification.

\_\_\_\_\_  
Notary Public, State of Florida

Print Name: \_\_\_\_\_

My Commission expires:

**EXHIBIT A**

LEGAL DESCRIPTION

(BY SURVEYOR)

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN A PORTION OF PARCEL "A", WAL-MART CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66 AT PAGE 41 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING FOR REFERENCE AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE BEARING NORTH 01°12'41" WEST, ALONG THE WEST LINE OF SAID PARCEL "A", A DISTANCE OF 82.68 FEET TO A POINT;

THENCE, LEAVING SAID WEST LINE, BEARING NORTH 88°47'19" EAST, A DISTANCE OF 85.29 FEET TO A POINT ON THE 12' WATER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 23124, PAGE 741 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, BEARING NORTH 88°56'47" EAST, ALONG SAID EASEMENT LINE, A DISTANCE OF 216.56 FEET TO THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, CONTINUE NORTH 88°56'47" EAST, ALONG SAID EASEMENT LINE, A DISTANCE OF 12.00 FEET TO A POINT;

THENCE, LEAVING SAID EASEMENT LINE, BEARING SOUTH 01°03'13" EAST, A DISTANCE OF 41.89 FEET TO A POINT;

THENCE, BEARING NORTH 88°56'47" EAST, A DISTANCE OF 119.24 FEET TO A POINT;

THENCE, BEARING NORTH 01°22'37" WEST, A DISTANCE OF 0.87 FEET TO A POINT ON THE UTILITY EASEMENT AS SHOWN ON THE PLAT OF WAL-MART CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 66, PAGE 41 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, BEARING NORTH 88°37'23" EAST, ALONG SAID EASEMENT LINE, A DISTANCE OF 12.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";

THENCE, LEAVING SAID EASEMENT LINE, BEARING SOUTH 01°22'37" EAST, A DISTANCE OF 12.93 FEET TO A POINT;

THENCE, BEARING SOUTH 88°56'47" WEST, A DISTANCE OF 143.31 FEET TO A POINT;

THENCE, BEARING NORTH 01°03'13" WEST, A DISTANCE OF 53.88 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PREMISES CONTAIN AN AREA OF 2,282 SQUARE FEET OR 0.05 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

TOGETHER WITH:

COMMENCING AT THE AFOREMENTIONED POINT "A" SAID POINT LYING ON THE AFOREMENTIONED UTILITY EASEMENT AS SHOWN ON THE PLAT OF WAL-MART CENTER;

THENCE, BEARING NORTH 01°22'37" WEST, ALONG SAID EASEMENT LINE, A DISTANCE OF 20.45 FEET TO A POINT;

THENCE, BEARING NORTH 88°37'23" EAST, ALONG SAID EASEMENT LINE, A DISTANCE OF 33.97 FEET TO THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, CONTINUE NORTH 88°37'23" EAST ALONG SAID EASEMENT LINE, A DISTANCE OF 12.00 FEET TO A POINT;

THENCE, LEAVING SAID EASEMENT LINE, BEARING SOUTH 01°20'26" EAST, A DISTANCE OF 29.17 FEET TO A POINT;

THENCE, BEARING SOUTH 88°38'34" WEST, A DISTANCE OF 12.00 FEET TO A POINT;

THENCE, BEARING NORTH 01°20'26" WEST, A DISTANCE OF 29.16 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PREMISES CONTAIN AN AREA OF 350 SQUARE FEET OR 0.01 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

SHEET NUMBER <b>2</b> <b>OF</b> <b>3</b>	DATE 4-28-18	EXHIBIT "A" LEGAL DESCRIPTION AND SKETCH WATER EASEMENT ADDITION CITY OF DELRAY BEACH, FL	SCALE N/A	<b>Kimley»Horn</b> CITY OF DELRAY BEACH, FLORIDA 400 94TH STREET, SUITE 200, VERO BEACH, FL 33580 PHONE 772-394-4944 WWW.KIMLEY-HORN.COM LD 100
	PROJECT NO. 047253703		DRAWN BY PCS	
			CHECKED BY ECO	
	Logout! (2) Feb 15, 2017 7:04pm by: michael			

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