

Prepared by and Return To:

John T. Metzger, Esq.
McDonald Hopkins
505 South Flagler Drive, Suite 300
West Palm Beach, FL 33401

TERMINATION OF DRAINAGE EASEMENTS

THIS TERMINATION OF DRAINAGE EASEMENTS (this "Termination") is made as of the ____ day of _____, 2019 by ROSEBUD 3rd AVENUE, LLC, a Florida limited liability company ("**Rosebud**"), with a mailing address of 101 SE 4th Avenue Delray Beach, FL 33453.

W I T N E S S E T H:

A. Per the Plat of Metropolitan at Delray, recorded in Plat Book 123, at Page 52, of the Public Records of Palm Beach County, Florida (the "**Plat**"), all "Drainage Easements" shown on the Plat (the "**Drainage Easements**"), are dedicated to the owner of Parcel A and its successors and/or assigns.

B. Pursuant to that Special Warranty Deed recorded in Official Records Book 29520, at Page 1328, of the Public Records of Palm Beach County, Florida, Parcel A is currently owned by Rosebud.

C. Rosebud desires to terminate the Drainage Easements as more particularly described in Exhibit "A" attached.

NOW, THEREFORE, for and in consideration of the premises hereof, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Rosebud, Rosebud hereby acknowledges and agrees:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. Termination. As of the date hereof, Rosebud hereby releases, relinquishes and terminates the Drainage Easements located on Parcel A of the Plat, as more particularly described in Exhibit A. This Termination creates no new rights or obligations. This Termination constitutes the entire Termination with respect to the subject matter hereof and the rights and obligations relating thereto.

IN WITNESS WHEREOF, Rosebud has executed this Agreement as of the date first written above.

WITNESSES:

ROSEBUD 3rd AVENUE LLC,
a Florida Limited Liability Company

By: **ROSEBUD CAPITAL, INC,** a Florida corporation,
its Manager

(Print or Type Name)

By: _____
Craig Menin, President

(Print or Type Name)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by **Craig Menin**, as President of Rosebud Capital Inc., as Manager of **ROSEBUD 3rd AVENUE, LLC**, a Florida Limited Liability Company on behalf of the company. He is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath.

(SEAL)

Signature of Notary Public
State of _____

CONSENT AND JOINDER OF THE CITY OF DELRAY

THE CITY OF DELRAY BEACH, a Florida municipal corporation, hereby acknowledges and consents to the foregoing Termination of Drainage Easements by Rosebud 3rd Avenue, LLC, a Florida limited liability company.

IN WITNESS WHEREOF, this Consent and Joinder is executed by the undersigned this ____ day of _____, 2019.

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

Katerri Johnson, City Clerk

By: _____
Shelly Petrolia, Mayor

Approved as to legal form
and sufficiency:

Lynn Gelin, City Attorney

CONSENT AND JOINDER OF MORTGAGEE

CITY NATIONAL BANK OF FLORIDA (Mortgagee), is the holder of that certain Mortgage, Assignment of Rents and Security Agreement and Fixture Filing dated as of April 26, 2019, recorded in the Official Records Book 30572, at Page 1767, of the Public Records of Palm Beach County, Florida ("Mortgage"), which encumbers the following described property, in Palm Beach County, Florida, to wit:

Parcel "A" of Metropolitan at Delray, according to the plat thereof as recorded in Plat Book 123, at Page 52, of the Public Records of Palm Beach County, Florida.

The undersigned, Mortgagee, hereby consents to the foregoing Termination of Drainage Easements by Rosebud 3rd Avenue, LLC, a Florida limited liability company.

IN WITNESS WHEREOF, this Consent and Joinder is executed by the undersigned this _____ day of _____, 2019.

WITNESS #1:

CITY NATIONAL BANK OF FLORIDA

(Printed Name)

By: _____

(Printed Name & Title)

WITNESS #2:

Acknowledgement

STATE OF _____

COUNTY OF _____

ACKNOWLEDGED and subscribed before me this _____ day of _____, 2019, by _____, as _____ of CITY NATIONAL BANK OF FLORIDA, on behalf of the financial institution.

Notary Public, State of _____

Print Name: _____

Commission No.: _____

My Commission Expires: _____

[SEAL]

EXHIBIT A

DRAINAGE EASEMENT

EXHIBIT "A"

DESCRIPTION:

THE 12 FOOT DRAINAGE EASEMENT LYING 6.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE OF 12 FOOT DRAINAGE EASEMENT, BEING A PORTION OF PARCEL A, AS SHOWN ON THE PLAT OF METROPOLITAN AT DELRAY, AS RECORDED IN PLAT BOOK 123, PAGES 52 AND 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL A; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL A, N89°19'24"E, A DISTANCE OF 67.35 FEET; TO THE POINT OF BEGINNING OF THE SAID CENTERLINE OF SAID 12 FOOT DRAINAGE EASEMENT;

THENCE, DEPARTING SAID SOUTH LINE OF PARCEL A, ALONG SAID CENTERLINE, N01°32'36"W, A DISTANCE OF 71.64 FEET TO POINT "A"; THENCE, CONTINUING ALONG SAID CENTERLINE, N01°32'36"W, A DISTANCE OF 95.24 FEET TO POINT "B"; THENCE, CONTINUING ALONG SAID CENTERLINE, N01°32'36"W, A DISTANCE OF 145.76 FEET TO POINT OF TERMINUS #1.

TOGETHER WITH:

BEGINNING AT AFORESAID POINT "A"; THENCE, ALONG SAID CENTERLINE OF 12 FOOT DRAINAGE EASEMENT, N89°17'51"E, A DISTANCE OF 40.75 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID PARCEL A AND POINT OF TERMINUS #2;

TOGETHER WITH:

BEGINNING AT AFORESAID POINT "B" THENCE, ALONG SAID CENTERLINE OF 12 FOOT DRAINAGE EASEMENT, N37°29'11"W, A DISTANCE OF 59.38; THENCE N83°08'27"W, A DISTANCE OF 23.23 FEET; THENCE S07°48'02"W, A DISTANCE OF 65.00 FEET TO POINT OF TERMINUS #3.

CONTAINING 5,803 SQUARE FEET/0.1332 ACRES OF LAND MORE OR LESS.

SAID LANDS SITUATE IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA. SUBJECT TO RIGHTS-OF-WAY EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS OF WAY OF RECORD.

THE SIDES OF THE ABOVE DESCRIBED EASEMENT SHALL BE LENGTHENED OR SHORTENED, AS NECESSARY, IN ORDER TO MAINTAIN A CONTINUOUS STRIP OF LAND 12 FEET IN WIDTH AND TO INTERSECT EXISTING EASEMENTS, PROPERTY LINES AND RIGHTS-OF-WAY OF RECORD.

LEGEND/ABBREVIATIONS

CL - CENTERLINE

D.E. - DRAINAGE EASEMENT

G.U.E. - GENERAL UTILITY EASEMENT

LB - LICENSED BUSINESS

O.R.B. - OFFICIAL RECORD BOOK

PB - PLAT BOOK

PG(S). - PAGE(S)

NOTES

1. SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE BASED ON GRID BEARING OF N07°49'29"E ALONG THE WEST LINE OF METROPOLITAN AT DELRAY ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 123, PAGES 52 AND 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;.
4. THE "LAND DESCRIPTION" HEREON PREPARED BY THE SURVEYOR.
5. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
6. DATA SHOWN HEREON WAS COMPILED FROM INSTRUMENTS OF RECORD AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.
7. RECORDING INFORMATION SHOWN HEREON IS OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON APRIL 29, 2019. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 4



CAULFIELD & WHEELER, INC.

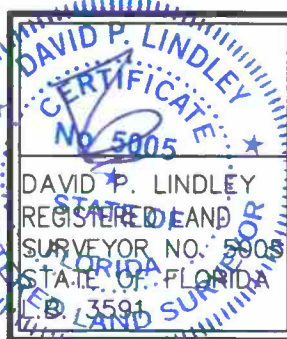
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING

7301A W. PALMETTO PARK ROAD - SUITE 1005

BOCA RATON, FLORIDA 33433

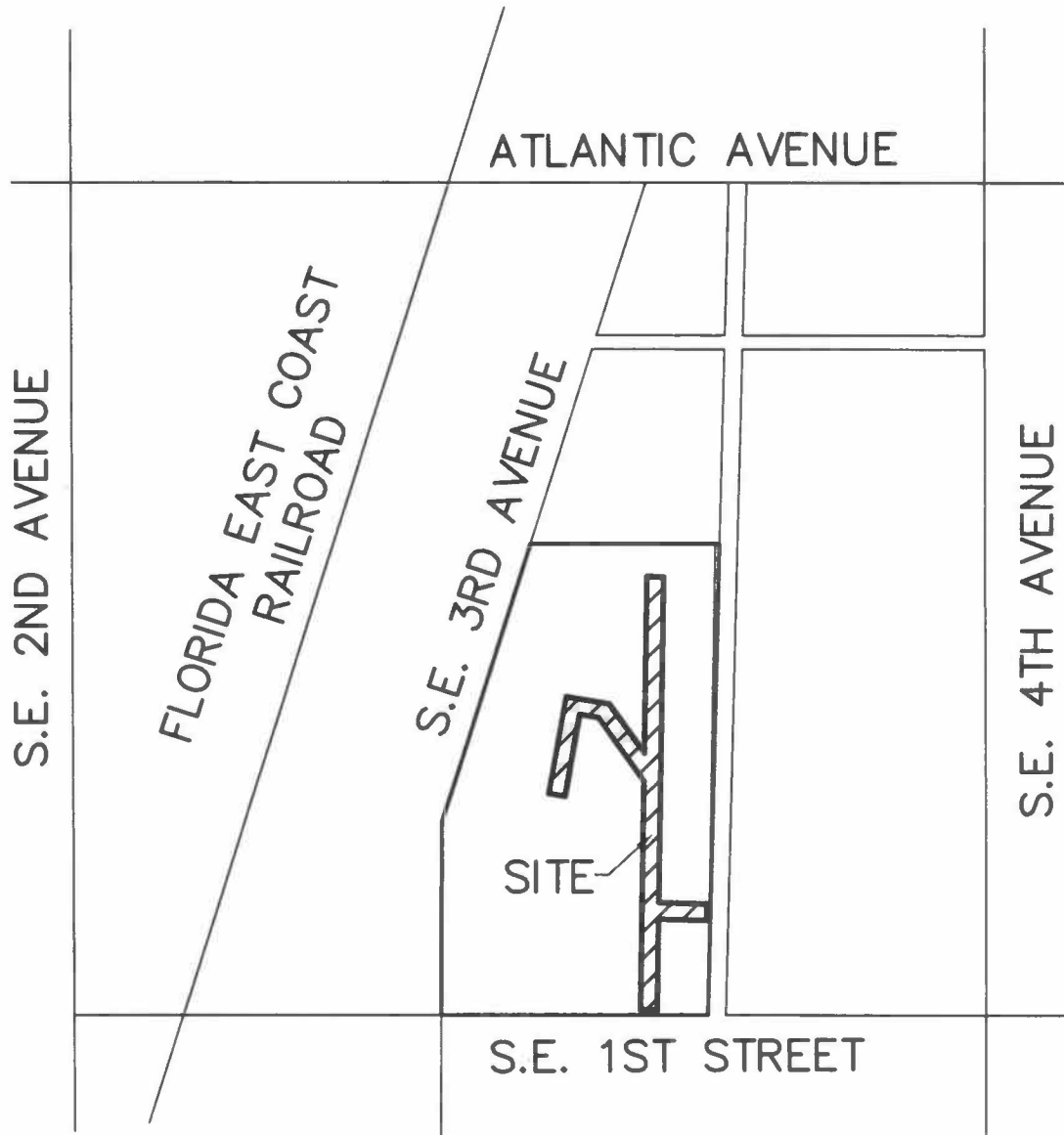
PHONE (561)-392-1991 / FAX (561)-750-1452

**DELRAY CITY MARKET
12 FOOT DRAINAGE EASEMENT TO BE ABANDONED
SKETCH OF DESCRIPTION**



DATE	05/13/19
DRAWN BY	DLS
F.B./ PG.	NONE
SCALE	NONE
JOB NO.	6820DEAB2

EXHIBIT "A"



SECTION 16 – TOWNSHIP 46 SOUTH – RANGE 43 EAST

LOCATION MAP

NOT TO SCALE

SHEET 2 OF 4



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING – LAND PLANNING
 LANDSCAPE ARCHITECTURE – SURVEYING
 7301A W. PALMETTO PARK ROAD – SUITE 100A
 BOCA RATON, FLORIDA 33433
 PHONE (561)-392-1991 / FAX (561)-750-1452

DELRAY CITY MARKET
 12 FOOT DRAINAGE EASEMENT TO BE ABANDONED
 SKETCH OF DESCRIPTION

DATE 05/13/19

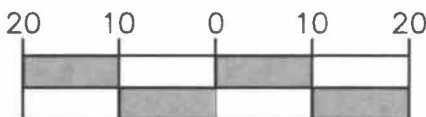
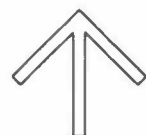
DRAWN BY DLS

F.B./ PG. NONE

SCALE NONE

JOB NO. 6820DEAB2

MATCHLINE SEE SHEET 4 OF 4



NOTES
COORDINATES, BEARINGS AND DISTANCES

COORDINATES SHOWN ARE GRID
 DATUM = NAD 83 1990 ADJUSTMENT
 ZONE = FLORIDA EAST
 LINEAR UNIT = US SURVEY FEET
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND
 SCALE FACTOR = 1.0000467
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

PARCEL A

METROPOLITAN AT DELRAY
PLAT BOOK 123 , PGS. 52 & 53

POINT OF COMMENCEMENT

MOST SOUTHERLY SOUTHWEST
CORNER OF PARCEL A
N 763079.66
E 939768.04

S.E. 1ST STREET
LAWRENCE STREET (PLAT)
(50' R/W, PB 1 PAGE 3)

-POINT OF BEGINNING
N 763080.45
E 939835.38

SHEET 3 OF 4

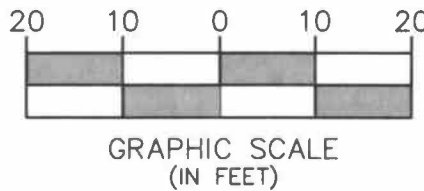


CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

DELRAY CITY MARKET
12 FOOT DRAINAGE EASEMENT TO BE ABANDONED
SKETCH OF DESCRIPTION

DATE	05/13/19
DRAWN BY	DLS
F.B./ PG.	NONE
SCALE	1"=20'
JOB NO.	6820DEAB2

EXHIBIT "A"



PARCEL A

METROPOLITAN AT DELRAY
PLAT BOOK 123, PAGES 52 & 53

POINT OF TERMINUS #1
N 763392.98
E 939826.96

2.00'
SEWER
EASEMENT

2.00'

8'X154'
PARKING AGREEMENT
(ORB 27848, PAGE 779)

340.24'

S01°32'36"E

226.57'

POINT "B"
N 763247.27
E 939830.89

POINT OF TERMINUS #3
N 763232.76 E 939762.87

MATCHLINE SEE SHEET 3 OF 4

SHEET 4 OF 4

CAULFIELD & WHEELER, INC.



CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

DELRAY CITY MARKET
12 FOOT DRAINAGE EASEMENT TO BE ABANDONED
SKETCH OF DESCRIPTION

DATE 05/13/19

DRAWN BY DLS

F.B./ PG. NONE

SCALE 1"=20'

JOB NO. 6820DEAB2