

Prepared by:  
John C. Primeau, Esq.  
Law Firm of John C. Primeau, P.A.  
2625 Weston Road  
Weston, FL 33331

Record and return to:  
City Attorney's Office  
200 N.W. 1st Avenue  
Delray Beach, FL 33444

PCN# 12-43-46-16-06-122-0031 (portion)

**RIGHT-OF-WAY DEED**

THIS INDENTURE made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between **AZURE 215 NE 7TH, LLC**, a Florida limited liability company, with a mailing address of 290 S.E. 6th Avenue, Suite #5, Delray Beach, FL 33483, Delray Beach, Florida 33483, GRANTOR, and **CITY OF DELRAY BEACH, FLORIDA**, a Florida municipal corporation, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, GRANTEE.

(Whenever used herein the term "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporation, whenever the context so admits or requires.)

**W I T N E S S E T H:**

That GRANTOR, for and in consideration of the mutual promises herein contained and other good and valuable consideration, does hereby grant, remise, release, quit claim and convey unto GRANTEE, its successors and assigns, all right, title, interest, claim and demand which GRANTOR has in and to the following-described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

**See Exhibit "A" attached hereto**

This Deed is made for the purpose of giving and granting to GRANTEE, its successors and assigns, a right-of-way and easement in and to said lands for public highway, street, and public utility purposes; and is made, executed and delivered with the express understanding and condition that should the same ever be discontinued or abandoned

215 NE 7th LLC  
Ave.

as a public highway or street, the title to same shall thereupon revert to and re-vest in GRANTOR or assigns.

That this right-of-way shall be subject only to those easements, restrictions, and reservation of record. GRANTOR agrees to provide for the release of any and all mortgages or liens encumbering this right-of-way. GRANTOR also agrees to erect no building or effect any other kind of construction or improvements upon the above-described property.

GRANTOR does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good right and lawful authority to grant the above-described right-of-way and that the same is unencumbered. Where the context of this Right-of-Way Deed allows or permits, the same shall include the successors or assigns of the parties.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, and all the estate, right, title, interest, and claim whatsoever of the said GRANTOR, in law or in equity to the only proper use, benefit, and behalf of the said GRANTEE, its successors and assigns.

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IN WITNESS WHEREOF, GRANTOR has caused these presents to be executed on the date first above written.

**GRANTOR:**

*Signed, sealed and delivered in  
the presence of:*

**AZURE 215 NE 7TH, LLC, a Florida  
limited liability company**

By: AZURE DEVELOPMENT, LLC, a  
Florida limited liability company, as  
Manager

By: [Signature]  
Brian T. Grossberg, as Manager

[Signature]  
Signature - Witness #1

Jeff Disinger  
Printed Name - Witness #1

[Signature]  
Signature - Witness #2

Robert Coster  
Printed Name - Witness #2

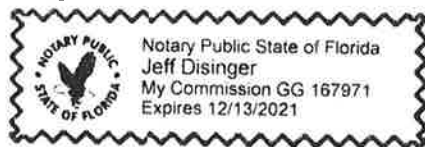
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 16 day of October, 2020, by **BRIAN T. GROSSBERG, as Manager of AZURE DEVELOPMENT, LLC, a Florida limited liability company, as Manager of AZURE 215 NE 7TH, LLC, a Florida limited liability company**, on behalf of the limited liability companies under authority vested in him by the limited liability companies.

Personally known ☒ OR Produced Identification ☐  
Type of Identification Produced \_\_\_\_\_

[Notary Stamp Below]



[Signature]  
Notary Public - State of Florida

**GRANTEE:**

**CITY OF DELRAY BEACH, FLORIDA**

**ATTEST:**

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

By: \_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to Form:

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

**This instrument was prepared by:**

John C. Primeau, Esq.  
Law Firm of John C. Primeau, P.A.  
2625 Weston Road  
Weston, FL 33331-3614  
File No.: 9641-02

**Record and return to:**

John C. Primeau, Esq.  
Law Firm of John C. Primeau, P.A.  
2625 Weston Road  
Weston, FL 33331-3614

**PARTIAL RELEASE OF MORTGAGE AND RELATED DOCUMENTS**

**KNOW ALL MEN BY THESE PRESENTS:** That the undersigned, **CENTERSTATE BANK, N.A. a national association**, owner and holder of that certain Mortgage and Security Agreement from **AZURE 215 NE 7<sup>TH</sup>, LLC, a Florida limited liability company** ("Mortgagor") in favor of Mortgagee, dated May 1, 2019, and recorded May 8, 2019, in O.R. Book 30597, at Page 933, of the public records of Palm Beach County, Florida (the "Mortgage"), which Mortgage secures that certain Promissory Note of even date in the original principal sum of \$3,225,000.00 (the "Note"), and certain promises and obligations set forth in said Mortgage and the related Loan Agreement and other loan documents, hereby releases, exonerates, and discharges the real property legally described on attached Exhibit "A" from the lien and operation of said Mortgage and related loan documents, and such property shall be forever, freed, exonerated, and discharged of and from the lien of said Mortgage and every part thereof; provided always, nevertheless, that nothing herein contained shall in anywise impair, alter, diminish, or release the effect, lien, or encumbrance of the aforesaid Mortgage and related loan documents on the remaining part of said mortgaged premises described therein and not hereby released therefrom or any of the rights and remedies of the holder thereof.

**N.B.** This Partial Release of Mortgage and Related Documents also releases, exonerates, and discharges the real property described on attached Exhibit "A" from the lien and operation of the following loan documents from Mortgagor in favor of Mortgagee: (i) that Assignment of Rents, Leases and Deposits dated May 1, 2019, and recorded May 8, 2019, in O.R. Book 30597, at Page 967, of the public records of Palm Beach County, Florida; (ii) that UCC-1 Financing Statement recorded May 8, 2019, in O.R. Book 30597, at Page 978, of the public records of Palm Beach County, Florida; and (iii) that UCC Financing Statement filed with Secretary of State on July 16, 2019, under Filing No. 201909145562; which UCC partial releases may be further evidenced by the filing of UCC-3 partial release statements

in the public records of Palm Beach County and with the State of Florida Secured Transaction Registry, provided always, nevertheless, that nothing herein contained shall in anywise impair, alter, diminish, or release the effect, lien, or encumbrance of the aforesaid Assignment of Rents, Leases and Deposits and UCC Financing Statements on the remaining part of said mortgaged premises described therein and not hereby released therefrom or any of the rights and remedies of the holder thereof.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 21 day of October, 2020.

**CENTERSTATE BANK, N.A., a national association**

By: [Signature]  
Matthew Mee  
As VP/Relationship Manager

STATE OF FLORIDA                    }  
  } SS:  
COUNTY OF PALM BEACH        }

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 21<sup>st</sup> day of October, 2020, **Matthew Mee, as VP/Relationship Manager of CENTERSTATE BANK, N.A., a national association**, in whose name the foregoing instrument was executed, and that he acknowledged executing the same for such national association, freely and voluntarily, under authority duly vested in him by said national association.

Personally known ☐ OR Produced Identification ☒  
Type of Identification Produced Drivers License

[Notary Stamp Below]

[Signature]  
Notary Public - State of Florida



## MORTGAGEE'S JOINDER AND CONSENT

CENTERSTATE BANK, N.A., having an address of 1515 North Federal Highway, Suite 420, Boca Raton, FL 33432, being the Owner and holder of that Mortgage and Security Agreement dated May 1, 2019, and recorded May 8, 2019, in O.R. Book 30597, at Page 933; that Assignment of Rents, Leases and Deposits dated May 1, 2019, and recorded May 8, 2019, in O.R. Book 30597, at Page 967; and that UCC-1 Financing Statement recorded May 8, 2019, in O.R. Book 30597, at Page 978 (collectively, the "Loan Documents") (all recording references to the public records of Palm Beach County, Florida), all of which Loan Documents secure that certain Promissory Note dated May 1, 2019, and executed and delivered by AZURE 215 NE 7TH, LLC, in the original principal amount of \$3,225,000.00, and which Loan Documents encumber the Easement Area, does hereby join and consent to the granting of the Perpetual Sidewalk Easement and subordinates the Loan Documents to such easement to which this Joinder and Consent is attached. However, it is expressly understood and agreed that this Joinder and Consent shall in no way diminish the security interest in favor of CENTERSTATE BANK, N.A., otherwise created in the above-referenced Loan Documents.

IN WITNESS WHEREOF, the above-named lender has caused these presents to be executed in its name on this 21 day of October, 2020.

**CENTERSTATE BANK, N.A., a national association**

By: Matthew Mee  
Matthew Mee, as VP/Relationship Manager

[illegible]

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 21 day of October, 2020, **Matthew Mee, as VP/Relationship Manager of CENTERSTATE BANK, N.A., a national association**, in whose name the foregoing instrument was executed, and that he acknowledged executing the same for such national association, freely and voluntarily, under authority duly vested in him by said national association.

Personally known ☐ OR Produced Identification ☒

Type of Identification Produced Drivers License

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Notary Public - State of Florida

