

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: March 20, 2012                      Consent [X]                      Regular [ ]  
Public Hearing [ ]

Department: Water Utilities Department

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: the partial release of a utility easement over property owned by Rreef America Reit II Corporation J.

**Summary:** This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County, Book 07421, Page 1969, over property owned by Rreef America Reit II Corporation J. The Water Utilities Department has determined that this portion of easement is no longer needed and therefore recommends the release. District 5 (MJ)

**Background and Justification:** On July 1, 1992, a utility easement was granted to the County for public water and sewer facilities associated with the development of the property identified by PCN 00-42-47-18-12-001-0000. A portion of this easement was used for water facilities for part of the development. Upon redevelopment of the site, these existing water facilities have been eliminated, and the property owner is requesting release of the portion of the easement that the County no longer needs.

**Attachments:**

- 1. Location Map
- 2. Two (2) Original Partial Release of Utility Easement w/ Exhibit "A"
- 3. One (1) Copy of Utility Easement (ORB 07421/PG 1969)

Recommended By: Burt Bunn                      2/27/12  
Department Director                      Date

Approved By: Sharon B. By                      3-16-12  
Assistant County Administrator                      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>NET FISCAL IMPACT</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Budget Account No.:</b>	<b>Fund</b> _____	<b>Dept</b> _____	<b>Unit</b> _____	<b>Object</b> _____	

Is Item Included in Current Budget? Yes \_\_\_ No \_\_\_

Reporting Category **N/A**

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

No Fiscal Impact

**C. Department Fiscal Review:** Selva M. West

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

[Signature] 2/28/12  
OFMB 2/28/12

[Signature] 3/7/12  
Contract Development and Control  
3-6-12 B. [Signature]

**B. Legal Sufficiency:**

[Signature] 3/18/12  
Assistant County Attorney

~~\* Awaiting revised legal description at time of review~~  
[Signature]  
OK

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

This summary is not to be used as a basis for payment.



**Palm Beach County  
Water Utilities  
Department  
Service Area (SA) and  
Major Facilities**

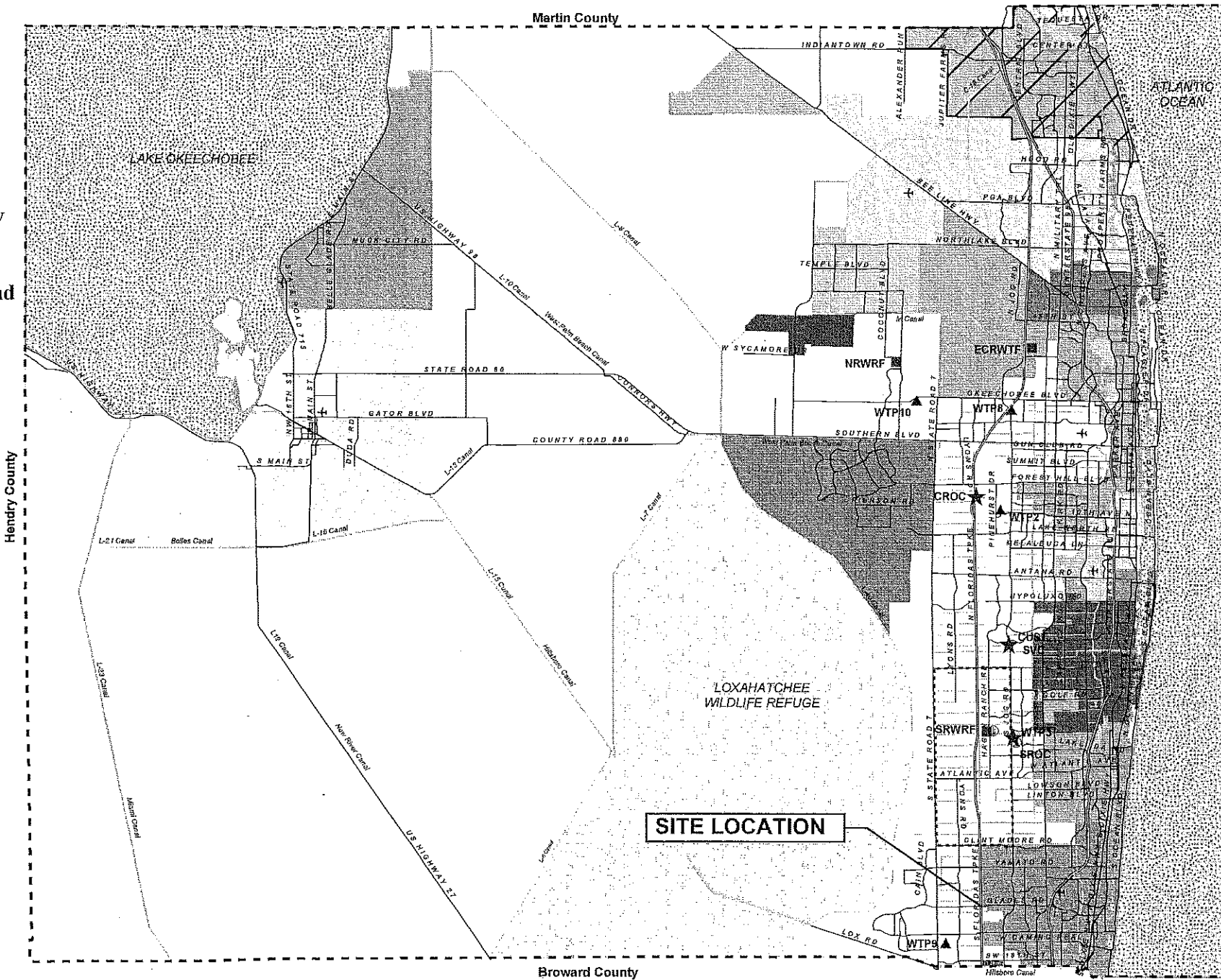
Attachment 1

**Legend**

- P.B.C.W.U.D. SA
- Mandatory Reclaimed SA
- - - - - Palm Beach County Limits
- ★ Administration
- Water Reclamation Facility
- ▲ Water Treatment Facility
- ⊙ Wetlands



NOT TO SCALE



Prepared by and return to:  
Palm Beach County Water Utilities Department  
Attn: Plan Review  
8100 Forest Hill Blvd  
West Palm Beach, Florida 33413

**PARTIAL RELEASE OF UTILITY EASEMENT**

**THIS PARTIAL RELEASE OF UTILITY EASEMENT**, executed this \_\_\_ day of \_\_\_\_\_, 2012, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, to RREEF AMERICA REIT II CORPORATION J, whose address is 875 NORTH MICHIGAN AVENUE, 41ST FLOOR, CHICAGO, IL 60611, second party:

**WITNESSETH:**

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 07421, Page 1969, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT as shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A."

**IN WITNESS WHEREOF** the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

\_\_\_\_\_  
Sharon R. Bock, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

Attachment # 2



SKETCH AND LEGAL DESCRIPTION  
BY  
**PULICE LAND SURVEYORS, INC.**

5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



**LEGAL DESCRIPTION:**

A PORTION OF LOT 113, BLOCK 77, "PALM BEACH FARMS CO PLAT NO. 3" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 47 SOUTH, RANGE 42 EAST; THENCE SOUTH 00°53'51" EAST ALONG THE WEST LINE OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 42 EAST 117.33 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 113; THENCE NORTH 89°38'00" EAST ALONG SAID WESTERLY EXTENSION AND ALONG THE SOUTH LINE OF SAID LOT 113 FOR 299.31 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF A WEST LINE OF THAT CERTAIN 20 FOOT UTILITY (WATERLINE) EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 7421, PAGE 1969, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°10'38" WEST ON SAID SOUTHERLY EXTENSION AND SAID WEST LINE 158.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°10'38" EAST ON SAID WEST LINE 35.04 FEET; THENCE SOUTH 89°49'22" WEST 20.00 FEET; THENCE NORTH 00°10'38" WEST 35.04 FEET; THENCE NORTH 89°49'22" EAST 20.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA AND CONTAINING 701 SQUARE FEET, MORE OR LESS.

**PBC WATER UTILITIES**  
JAN 31 2012  
**ENGINEERING**

**NOTES:**

- 1) BEARINGS ARE BASED ON THE WEST LINE OF SECTION 19-47-42. BEING S00°53'51"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**FILE: BOHLER ENGINEERING**

**SCALE: N/A**

**ORDER NO.: 54306B**

**DATE: 1/27/12**

**20' WATERLINE EASEMENT**

**BOCA RATON, PALM BEACH COUNTY, FLORIDA**

**FOR: ULTA AT WESTWINDS**

**SHEET 1 OF 2**

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691  
 BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136

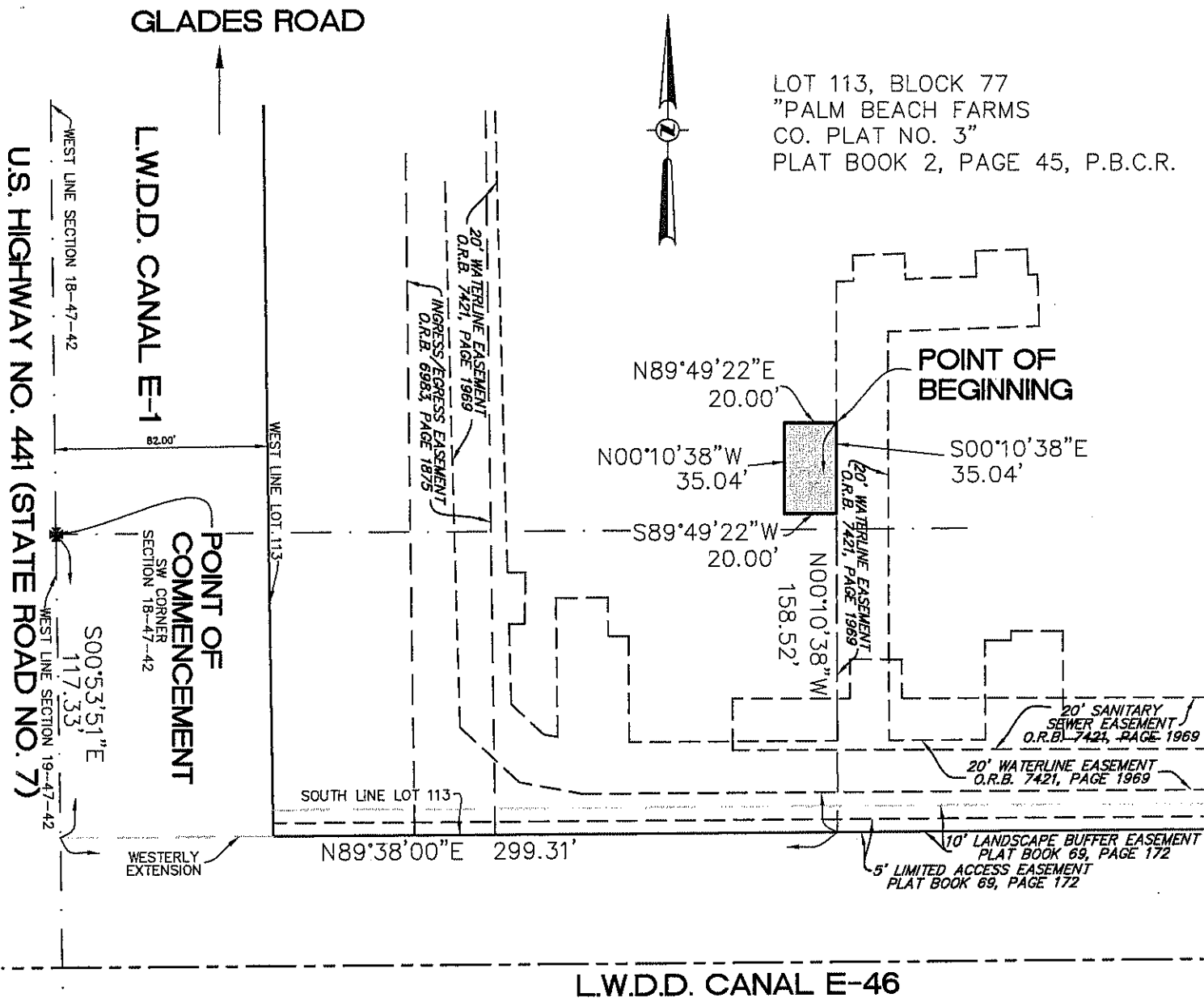
Exhibit A



SKETCH AND LEGAL DESCRIPTION  
BY  
**PULICE LAND SURVEYORS, INC.**

5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778  
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



L.W.D.D. CANAL E-46

FILE: BOHLER ENGINEERING
SCALE: 1"=60'
ORDER NO.: 54306B
DATE: 1/27/12
20' WATERLINE EASEMENT
BOCA RATON, PALM BEACH COUNTY, FLORIDA
FOR: ULTA AT WESTWINDS

SHEET 2 OF 2 THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND:  
O.R.B. OFFICIAL RECORDS BOOK  
P.B.C.R. PALM BEACH COUNTY RECORDS

10.00 Doc  
CLERK OF THE COURT - PB COUNTY, FL .60

1360-4240

GRANT OF EASEMENT

*Festival Shops*

Corporate

THIS INDENTURE, made this 1st day of July, 19 92, between Egon Investment Company, a Tennessee corporation party of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is 2030 South Congress Avenue, West Palm Beach, FL 33406, party of the second part;

WITNESSETH:

THAT, the party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged by the party of the first part, has granted and does hereby grant, to the party of the second part, its successors and assigns, forever, the right, privilege and easement to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect water transmission and distribution facilities and all appurtenances thereto, and/or sewage transmission and collection facilities and all appurtenant equipment, with full right to ingress thereto and egress therefrom, the property of the party of the first part, described as follows, to wit:

Sketch and legal description attached.

**PBC WATER UTILITIES**  
JAN 31 2012  
**ENGINEERING**

PALM BEACH COUNTY  
R/W ACQUISITION SECTION  
P.O. BOX 21229  
WEST PALM BEACH FL 33416

1360-4240

MK

ACCEPTED BY  
BOARD OF COUNTY COMMISSIONERS  
DATE 9-28-92

The party of the first part does hereby fully warrant that it has good title to the above described property and that it has full power and authority to grant this easement.

QRE 7421 P3 1970

Signed and Sealed in the Presence of:

Royce Hoyt  
Royce Hoyt

Keith D. Allen  
Keith D. Allen

Ezon Investment Company  
Corporation

ATTEST:  
By: Paul A. Zarbitt  
Secretary

Barry Gomez  
Exec. President

(SEAL)

NOTARY CERTIFICATE

STATE OF ~~FLORIDA~~ TENNESSEE  
COUNTY ~~DADE~~ SHELBY

The foregoing instrument was acknowledged before me this 1st day of July, 19 92 by Barry Gomez, of Ezon Investment Company a Tennessee corporation, on behalf of the corporation. He/she is personally known to me ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ and did (did not) take an oath.

Signature of Notary  
Linda L. Neal

Linda L. Neal  
Typed, Printed, or Stamped  
Name of Notary

Notary Public

N/A  
Serial Number

My commission expires: 2-13-96

This instrument prepared by: Ezon Investment Company, Linda L. Neal

Address 1900 Exeter Road  
Germantown, TN 38138



SPS 7421 P 1571

DESCRIPTION - 20 FOOT UTILITY EASEMENT (WATERLINE)

Being a strip of land lying within Lots 109, 110, 111, 112 and 116, and all of Lots 113, 114 and 115 Block 77 of Palm Beach Farms Company Plat No.3 as recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida and being more particularly described as follows:

Being a 20 foot easement lying 10 feet each side of the following described centerline:

Commence at the Southwest corner of Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, thence North 00°50'58" West, along the West line of said Section 18, a distance of 1126.02 feet; to an intersection with the Westerly prolongation of the Southerly Right-of-Way of S.R. 808 (Glades Road) per Official Record Book 6959, Page 280 of the Public Records of Palm Beach County, Florida; thence North 89°38'00" East, along said prolongation, a distance of 1343.44 feet to the Point of Beginning; thence South 01°08'59" East, a distance of 33.36 feet to a Point designated as Point "A" for future reference; thence continue South 01°08'59" East, a distance of 113.76 feet to a point designated as Point "AA" for future reference; thence South 01°08'59" East, a distance of 40.18 feet to a point designated as Point "B" for future reference; thence continue South 01°08'59" East, a distance of 24.43 feet to a point designated as Point "C" for future reference; thence continue South 01°08'59" East, a distance of 411.28 feet to a point designated as Point "BB" for future reference; thence continue South 01°08'59" East, a distance of 6.11 feet to a point designated as Point "CC" for future reference; thence continue South 01°08'59" East, a distance of 223.04 feet to a point designated as Point "D" for future reference; thence continue South 01°08'59" East, a distance of 20.14 feet to the Point of Termination.

Together with 20 foot easements lying 10 feet each side of the following described centerlines:

Begin at the previously described Point "A"; thence South 89°28'55" West, a distance of 39.25 feet to the Point of Termination.

Begin at the previously described Point "AA"; thence South 89°07'38" West, a distance of 61.35 feet to the Point of Termination.

Begin at the previously described Point "B"; thence South 88°16'06" West, a distance of 52.12 feet to the Point of Termination.

Together with a 20 foot easement lying 10 feet each side of the following described centerline:

*FOR EASEMENT PURPOSES*

*8/28/93*

SURVEY 90-102 H3

*W. J. ...*

SHEET 1 OF 14

Begin at the previously described Point "C"; thence continue South 89°17'30" West, a distance of 110.71 feet to a point designated as Point "DD" for future reference; thence continue South 89°17'30" West, a distance of 31.98 feet to a point designated as Point "EE"; thence continue South 89°17'30" West, a distance of 27.32 feet; thence North 00°05'58" West, a distance of 14.85 feet to a point designated as Point "FF" for future reference; thence continue North 00°05'58" West, a distance of 26.61 feet to a point designated as Point "GG" for future reference; thence continue North 00°05'58" West, a distance of 5.00 feet to the Point of Termination.

Together with 20 foot easements lying 10 feet each side of the following described centerlines:

Begin at the previously described Point "BB"; thence South 88°51'01" West, a distance of 28.02 feet to the Point of Termination.

Begin at the previously described Point "CC"; thence South 88°48'15" West, a distance of 24.01 feet to the Point of Termination.

Begin at the previously described Point "DD"; thence North 00°55'52" West, a distance of 46.94 feet to the Point of Termination.

Begin at the previously described Point "EE"; thence North 02°52'05" East, a distance of 47.49 feet to the Point of Termination.

Together with 10 foot easements lying 5 feet each side of the following described centerlines:

Begin at the previously described Point "FF"; thence South 89°09'02" West, a distance of 45.27 feet to the Point of Termination.

Begin at the previously described Point "GG"; thence North 87°48'00" West, a distance of 46.01 feet to the Point of Termination.

Together with a 20 foot easement lying 10 feet each side of the following described centerline:

002 7421 1973

Begin at the previously described Point "D"; thence South 89°08'53" West, a distance of 93.26 feet; thence South 53°48'31" West, a distance of 102.92 feet to a point designated as Point "E" for future reference; thence South 43°06'54" West, a distance of 52.08 feet to a point designated as Point "HH" for future reference; thence continue South 43°06'54" West, a distance of 33.11 feet to a point designated as Point "II" for future reference; thence continue South 43°06'54" West, a distance of 38.62 feet to a point designated as Point "JJ" for future reference; thence continue South 43°06'54" West, a distance of 12.10 feet to a point designated as Point "KK" for future reference; thence continue South 43°06'54" West, a distance of 81.63 feet to a point designated as Point "F" for future reference; thence continue South 43°06'54" West, a distance of 89.08 feet; thence South 00°18'15" East, a distance of 83.02 feet to a point designated as Point "G" for future reference; thence South 89°41'24" West, a distance of 261.79 feet to a point designated as Point "LL" for future reference; thence South 89°41'24" West, a distance of 13.48 feet to a point designated as Point "MM" for future reference; thence South 89°41'24" West, a distance of 158.24 feet to a point designated as Point "NN" for future reference; thence South 89°41'24" West, a distance of 30.90 feet to a point designated as Point "OO" for future reference; thence South 89°41'24" West, a distance of 115.79 feet to a point designated as Point "PP" for future reference; thence South 89°41'24" West, a distance of 10.00 feet to a point designated as Point "QQ" for future reference; thence South 89°41'24" West, a distance of 57.14 feet to a point designated as Point "I" for future reference; thence South 89°41'24" West, a distance of 100.16 feet to a point designated as Point "RR" for future reference; thence South 89°41'24" West, a distance of 7.43 feet to a point designated as Point "SS" for future reference; thence North 79°35'29" West, a distance of 20.60 feet; thence North 46°49'37" West, a distance of 24.09 feet; thence North 01°40'01" West, a distance of 45.81 feet to a point designated as Point "J" for future reference; thence continue North 01°40'01" West, a distance of 170.65 feet to a point designated as Point "K" for future reference; thence continue North 01°40'01" West, a distance of 64.66 feet; thence North 43°53'39" East, a distance of 32.11 feet; thence North 89°05'04" East, a distance of 184.40 feet to a point designated as Point "L" for future reference; thence continue North 89°05'04" East, a distance of 238.93 feet to a point designated as Point "M" for future reference; thence continue North 89°05'04" East, a distance of 334.57 feet; thence North 43°51'45" East, a distance of 84.36 feet; thence North 00°49'46" West, a distance of 9.34 feet to a point designated as Point "N" for future reference; thence North 00°49'46" West, a distance of 434.64 feet to a point designated as Point "O" for future reference; thence continue North 00°49'46" West, a distance of 96.00 feet; thence North 16°12'38" East, a distance of 199.93 feet to a point designated as Point "P" for future reference; thence continue North 16°12'38" East, a distance of 50.13 feet; thence North 07°28'25" West, a distance of 46.94 feet to a point on said Southerly Right-of-Way of S.F. 808 (Glades Road) and Point of Termination.

Together with a 20 foot easement lying 10 feet each side of the following described centerline:

000 7421 03 1974

Begin at the previously described Point "E"; thence North  $36^{\circ}05'06''$  West, a distance of 24.90 feet; thence North  $01^{\circ}56'31''$  West, a distance of 55.25 feet to a point designated as Point "TT" for future reference; thence continue North  $01^{\circ}56'31''$  West, a distance of 38.24 feet to a point designated as Point "UU" for future reference; thence continue North  $01^{\circ}56'31''$  West, a distance of 8.25 feet to the Point of Termination.

Together with 20 foot easements lying 10 feet each side of the following described centerlines:

Begin at the previously described Point "HH"; thence North  $46^{\circ}53'06''$  West, a distance of 50.32 feet to the Point of Termination.

Begin at the previously described Point "II"; thence North  $46^{\circ}53'06''$  West, a distance of 50.25 feet to the Point of Termination.

Begin at the previously described Point "JJ"; thence North  $46^{\circ}53'06''$  West, a distance of 50.97 feet to the Point of Termination.

Begin at the previously described Point "KK"; thence North  $46^{\circ}53'06''$  West, a distance of 40.06 feet to the Point of Termination.

Begin at the previously described Point "F"; thence North  $48^{\circ}03'00''$  West, a distance of 51.56 feet; thence South  $89^{\circ}38'00''$  West, a distance of 23.21 feet to a point designated as Point "WW" for future reference; thence continue South  $89^{\circ}38'00''$  West, a distance of 35.93 feet for a point designated as Point "XX"; thence continue South  $89^{\circ}38'00''$  West, a distance of 31.66 feet to a point designated as Point "YY"; thence continue South  $89^{\circ}38'00''$  West, a distance of 5.75 feet to the Point of Termination.

Together with 20 foot easements lying 10 feet each side of the following described centerlines:

Begin at the previously described Point "LL"; thence North  $00^{\circ}47'34''$  East, a distance of 24.01 feet to the Point of Termination.

Begin at the previously described Point "MM"; thence North  $00^{\circ}18'36''$  West, a distance of 28.63 feet to the Point of Termination.

Begin at the previously described Point "NN"; thence North  $00^{\circ}01'21''$  East, a distance of 183.79 feet; thence North  $89^{\circ}25'33''$  East, a distance of 4.60 feet to a point designated as Point "ZZ" for future reference; thence continue North  $89^{\circ}25'33''$  East, a distance of 11.29 feet to a point designated as Point "AB" for future reference; thence continue North  $89^{\circ}25'33''$  East, a distance of 19.61 feet to the Point of Termination.

Together with 20 foot easements lying 10 feet each side of the following described centerlines:

SPS 7421 F 1575

Begin at the previously described Point "OO"; thence North 00°03'16" East, a distance of 53.59 feet to the Point of Termination.

Begin at the previously described Point "PP"; thence North 00°18'36" West, a distance of 52.00 feet to the Point of Termination.

Begin at the previously described Point "QQ"; thence North 00°18'36" West, a distance of 48.49 feet to the Point of Termination.

Begin at the previously described Point "I"; thence North 00°10'38" West, a distance of 177.58; thence North 87°54'39" East, a distance of 7.00 feet to a point designated as Point "AF" for future reference; thence continue North 87°54'39" East, a distance of 47.30 feet to a point designated as Point "AG" for future reference; thence continue North 87°54'39" East, a distance of 13.61 feet to the Point of Termination.

Begin at the previously described Point "RR"; thence North 00°18'36" West, a distance of 51.08 feet to the Point of Termination.

Begin at the previously described Point "SS"; thence North 00°43'20" West, a distance of 66.10 feet to the Point of Termination.

Begin at the previously described Point "TT"; thence South 88°03'29" West, a distance of 34.17 feet to the Point of Termination.

Begin at the previously described Point "UU"; thence South 88°03'29" West, a distance of 31.95 feet to the Point of Termination.

Begin at the previously described Point "WW"; thence North 00°22'00" West, a distance of 29.58 feet to the Point of Termination.

Begin at the previously described Point "XX"; thence North 00°22'00" West, a distance of 28.89 feet to the Point of Termination.

Begin at the previously described Point "YY"; thence North 00°22'00" West, a distance of 27.69 feet to the Point of Termination.

Begin at the previously described Point "ZZ"; thence North 00°01'21" East, a distance of 13.90 feet to the Point of Termination.

Begin at the previously described Point "AB"; thence North 00°01'21" East, a distance of 13.78 feet to the Point of Termination.

Begin at the previously described Point "AF"; thence North 02°05'21" West, a distance of 20.00 feet to the Point of Termination.

Begin at the previously described point "AG"; thence North 02°05'21" West, a distance of 20.00 feet to the Point of Termination.

OPB 7421 P 1576

Begin at the previously described Point "G"; thence South 89°41'24" East, a distance of 15.31 feet to the Point of Termination.

Begin at the previously described Point "J"; thence South 89°26'27" East, a distance of 16.47 feet to the Point of Termination.

Begin at the previously described Point "K"; thence North 89°29'46" West, a distance of 41.76 feet to the Point of Termination.

Begin at the previously described Point "M"; thence North 00°06'54" West, a distance of 16.43 feet to the Point of Termination.

Begin at the previously described Point "N"; thence South 86°45'16" West, a distance of 21.13 feet to the Point of Termination.

Begin at the previously described Point "O"; thence South 89°24'52" West, a distance of 12.50 feet to the Point of Termination.

Begin at the previously described Point "P"; thence North 76°16'22" West, a distance of 41.08 feet to the Point of Termination.

Together with a 20 foot easement lying 10 feet each side of the following described centerline:

Begin at the previously described Point "L"; thence North 01°18'35" West, a distance of 303.14 feet to a point designated as Point "AC" for future reference; thence continue North 01°18'35" West, a distance of 21.70 feet; thence North 32°05'01" East, a distance of 85.68 feet to a point designated as Point "Q" for future reference; thence continue North 32°05'01" East, a distance of 26.47 feet; thence North 67°46'45" East, a distance of 100.73 feet; thence North 45°15'13" East, a distance of 39.20 feet; thence North 27°53'29" East, a distance of 56.57 feet to a point designated as Point "AD" for future reference; thence continue North 27°53'29" East, a distance of 14.36 feet to a point designated as Point "R" for future reference; thence continue North 27°53'29" West, a distance of 22.17 feet; thence North 51°14'55" East, a distance of 67.77 feet; thence North 01°05'42" West, a distance of 106.19 feet; thence North 14°55'31" East, a distance of 6.71 feet to a point designated as Point "S" for future reference; thence continue North 14°55'31" East, a distance of 30.06 feet to a point designated as Point "T" for future reference; thence continue North 14°55'31" East, a distance of 14.35 feet to a point designated as Point "AE" for future reference; thence continue North 14°53'31" East, a distance of 76.26 feet to a point designated as Point "U" for future reference; thence North 09°38'23" East, a distance of 54.94 feet to a point on said South Right-of-Way line of S.R. 808 (Glades Road) and the Point of Termination.

Together with a 20 foot easement lying 10 feet each side of the following described centerline:

Begin at the previously described Point "AC"; thence South 88°41'25" West, a distance of 26.11 feet to the Point of Termination.

ORD 7421 P. 1977

Begin at the previously described Point "Q"; thence North 57°23'04" West, a distance of 15.62 feet to the Point of Termination.

Begin at the previously described Point "AD"; thence North 63°41'24" West, a distance of 22.47 feet to the Point of Termination.

Begin at the previously described Point "R"; thence North 63°50'26" West, a distance of 25.05 feet to the Point of Termination.

Begin at the previously described Point "S"; thence South 73°01'36" East, a distance of 16.77 feet to the Point of Termination.

Begin at the previously described Point "T"; thence North 74°51'32" West, a distance of 41.01 feet to the Point of Termination.

Begin at the previously described Point "AE"; thence North 74°51'22" West, a distance of 38.56 feet to the Point of Termination.

Begin at the previously described Point "U"; thence North 76°47'31" West, a distance of 61.26 feet to the Point of Termination.

Bearings based on the South Right-of-Way line of S.R. 808 (Glades Road) having a bearing of North 89°38'00" East.

Subject to easements and restriction of record.

The sidelines of the above described strip of land shall be lengthened or shortened to meet the parameters as described.

#### CERTIFICATION

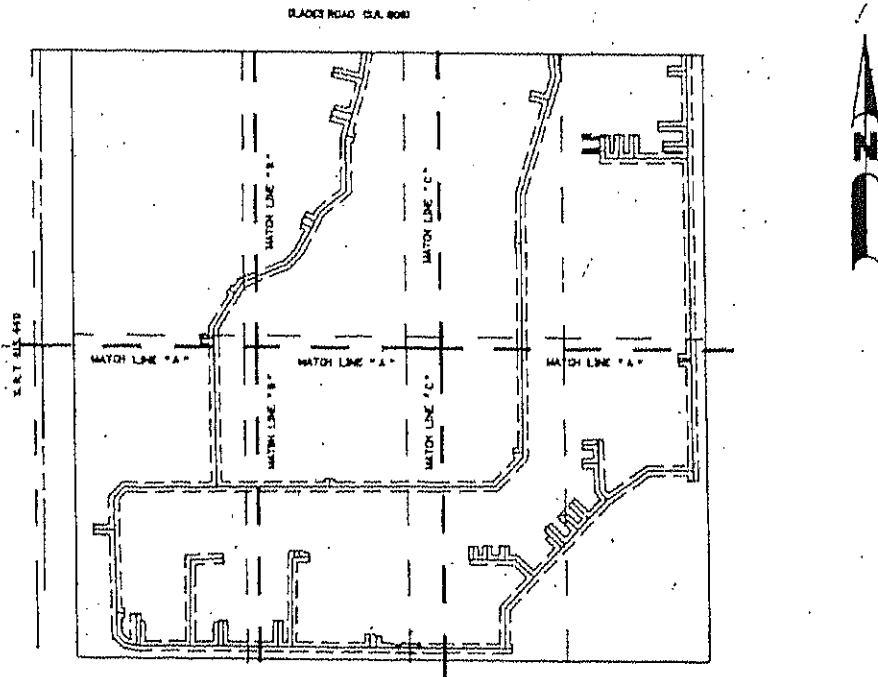
I hereby certify that the description and attached sketch of description were prepared in accordance with the Surveying Standards, Chapter 21 HH-6, Florida Administrative Code, set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes, and is true and correct to the best of my knowledge and belief.

Date: 8/7/92

Rafael Filippelli  
Rafael Filippelli  
Registered Land Surveyor No. 4901  
State of Florida

**LAWSON, NOBLE & ASSOCIATES, INC.**  
 ENGINEERS PLANNERS TESTING SURVEYORS  
 420 COLUMBIA DRIVE WEST PALM BEACH, FLORIDA  
 PHONE (407) 684-6686

**SKETCH TO ACCOMPANY DESCRIPTION**



Note: ALL EASEMENTS ARE 10' WIDE UNLESS OTHERWISE NOTED.

③ = LOT NUMBER PER PALM BEACH FARMS COMPANY Plat No. 3, PLAT BOOK 3, PAGES 45-54

**Legend:**

- P.O.T. = Point of Commencement
- P.O.B. = Point of Beginning
- P.O.T. = Point of Termination
- PT = Point

**CERTIFICATION**

I hereby certify that the description and attached sketch of description were prepared in accordance with the Surveying Standards, Chapter 21 194-8, Florida Administrative Code, set forth by the Florida Board of Land Surveyors, pursuant to Section 473.027, Florida Statutes, and is true and correct to the best of my knowledge and belief.

DATE: 8/7/92

*Robert Filippelli*  
 Robert Filippelli  
 Registered Land Surveyor No. 4901  
 State of Florida

SHEET 8 OF 14

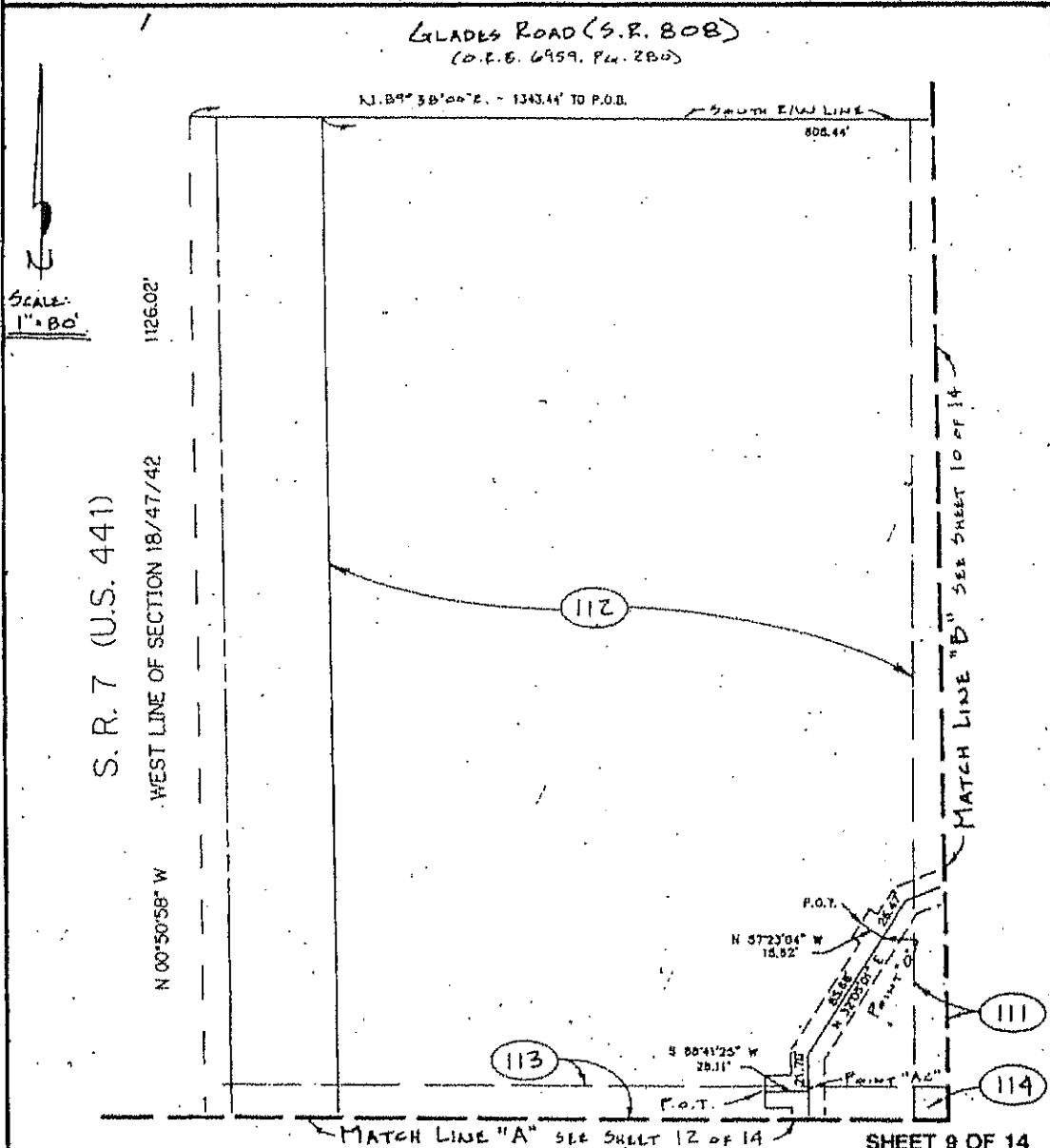
REVISIONS-UPDATES	DATE	BY	CK'D	NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of this information shown hereon.
REVISED SKETCH (w/ DESCRIPTION)	8/7/92	CAH	R.F.	NOTE: Lots shown hereon were not abstracted for right-of-way and/or easements of record.

JOB No. 90-102 BY: B.P. CHECKED: P.C.M. F.B. - PG. - DATE: 5-26-92



**LAWSON, NOBLE & ASSOCIATES, INC.**  
ENGINEERS PLANNERS TESTING SURVEYORS  
420 COLUMBIA DRIVE, WEST PALM BEACH, FLORIDA  
PHONE (407)684-6886

GLADES ROAD (S.R. 808)  
(O.P.E. 6959, P.L. 280)

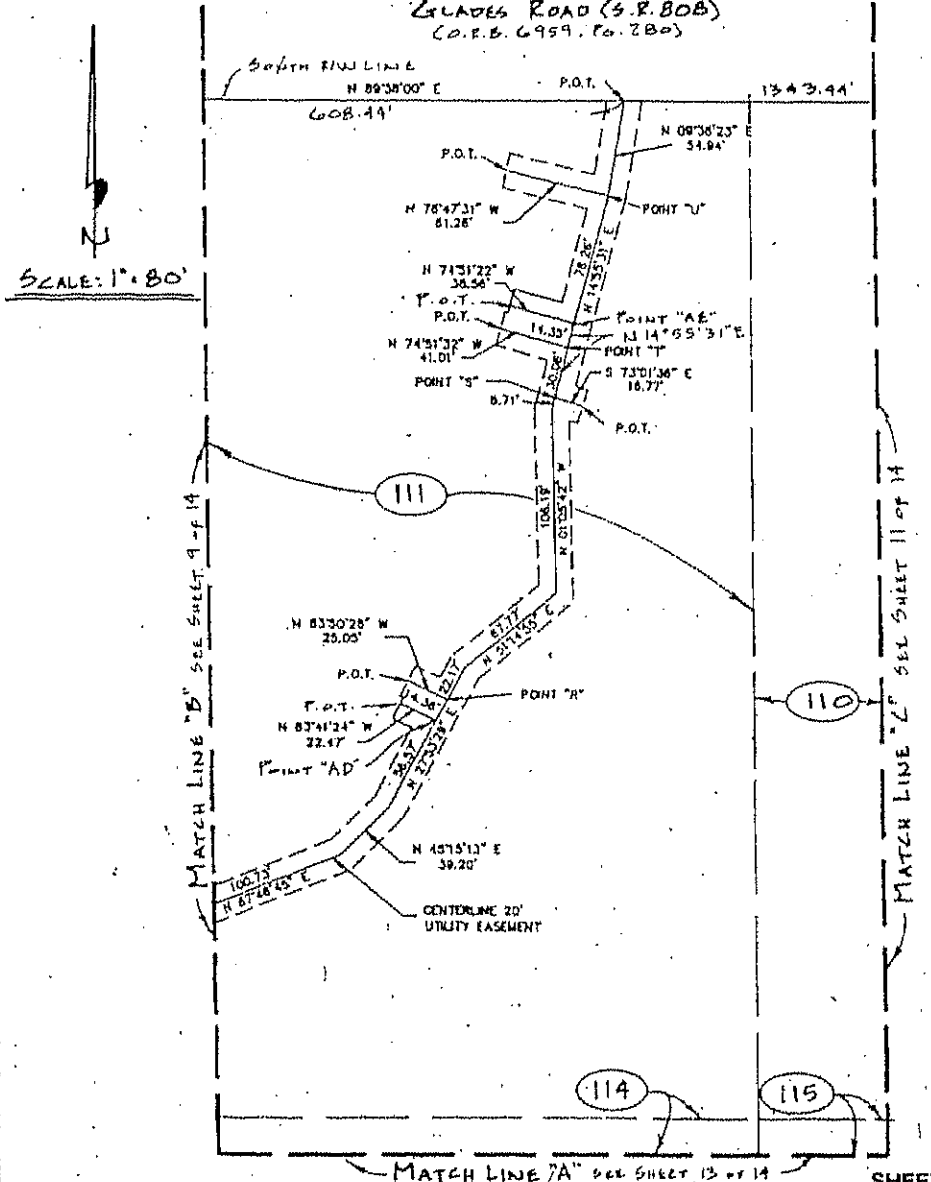


ORB 7421 Pg 1980

# LAWSON, NOBLE & ASSOCIATES, INC.

ENGINEERS PLANNERS TESTING SURVEYORS  
420 COLUMBIA DRIVE, WEST PALM BEACH, FLORIDA  
PHONE (407)684-6886

## CELADES ROAD (S.R. 808) (O.R.B. 6959, Pg. 280)



SCALE: 1" = 80'



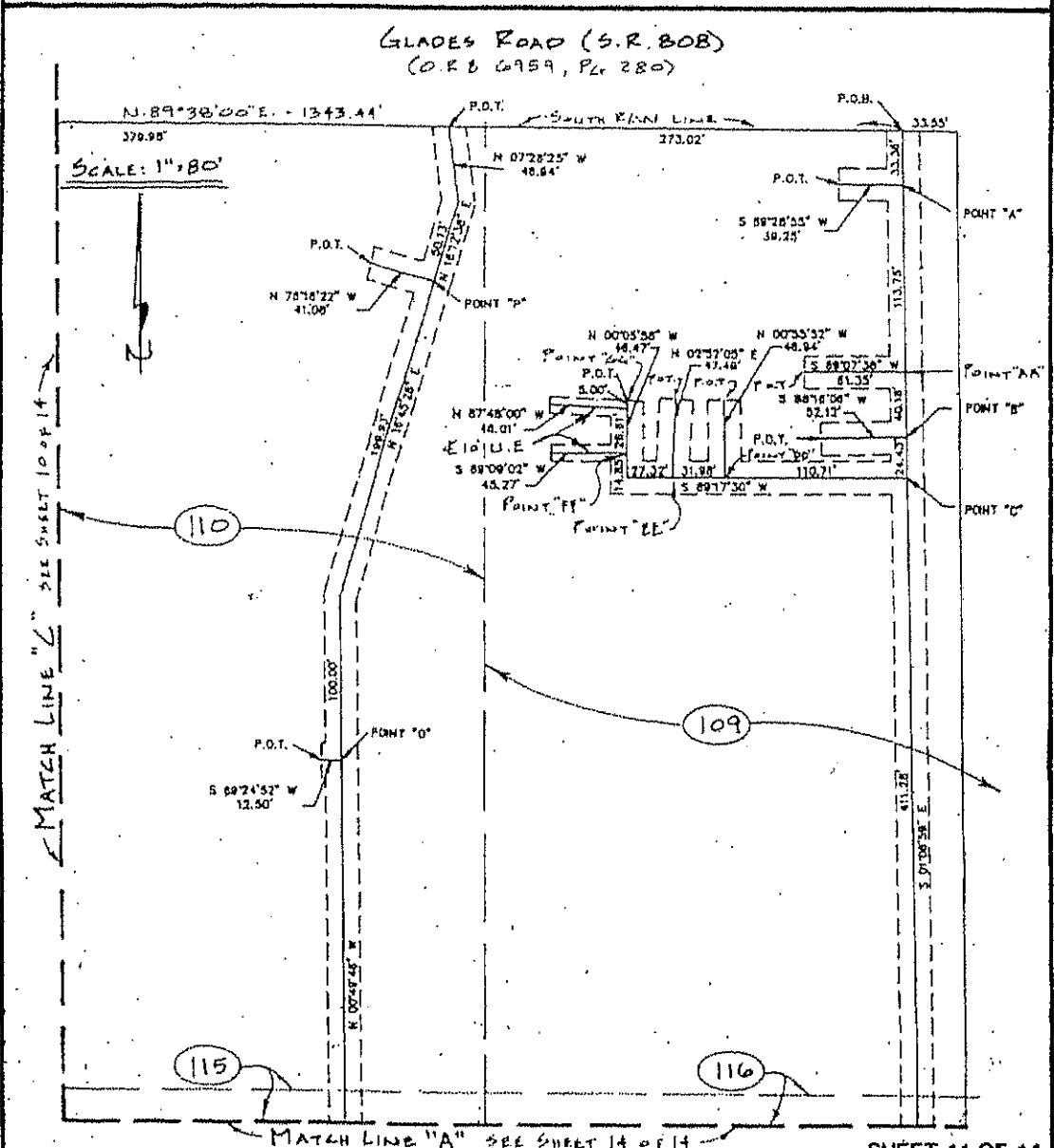
SHEET 10 OF 14

JOB No. 90-102	BY: B.P.	CHECKED: P.C.W.	F.B. — PG. —	DATE: 5-26-92
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ORG 7421 24 1981

**LAWSON, NOBLE & ASSOCIATES, INC.**  
 ENGINEERS PLANNERS TESTING SURVEYORS  
 420 COLUMBIA DRIVE, WEST PALM BEACH, FLORIDA  
 PHONE (407)684-6886

GLADES ROAD (S.R. 80B)  
 (O.R.B. 6959, PL. 280)



JOB No. 90-102 BY: B.F. CHECKED: P.C.W. F.B. - PG. - DATE: 5-16-92

SHEET 11 OF 14

LAWSON, NOBLE & ASSOCIATES, INC.

ENGINEERS PLANNERS TESTING SURVEYORS  
420 COLUMBIA DRIVE, WEST PALM BEACH, FLORIDA  
PHONE (407)684-6886

SCALE: 1"=80'

MATCH LINE "A" SEE SHEET 9 OF 14



S. R. 7 (U.S. 441)

WEST LINE OF SECTION 18/47/42

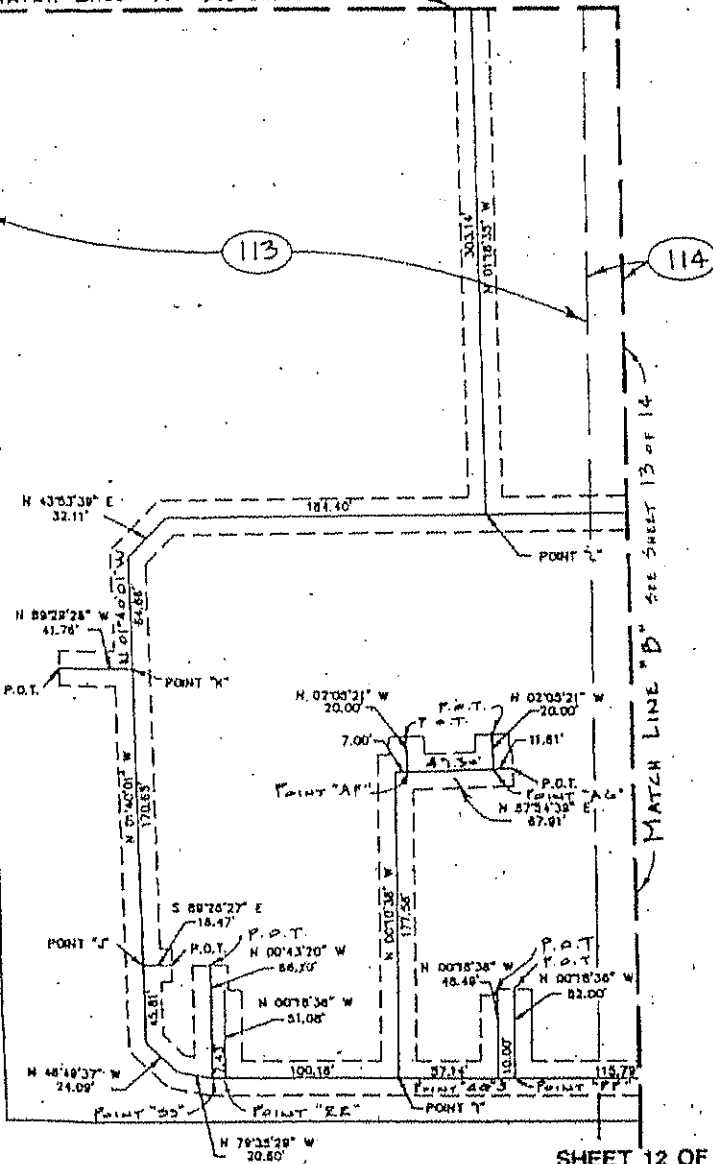
1126.02'

N 00°50'58" W

18

19

P.O.C.  
SOUTHWEST CORNER  
SECTION 18-47-42



SHEET 12 OF 14

JOB No. 90-102

BY: B.P.

CHECKED: P.C.V.

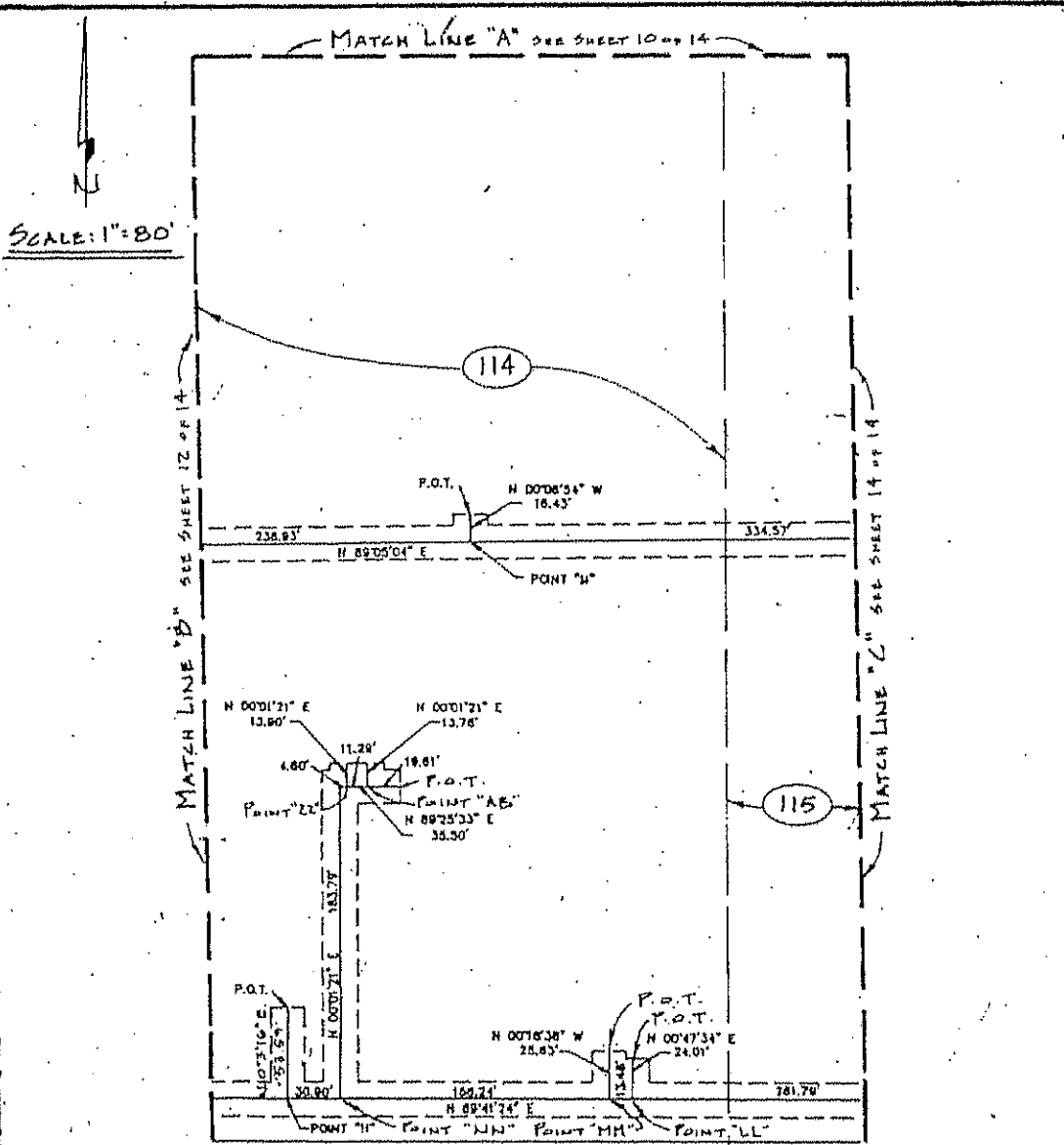
F.B. — PG. —

DATE: 5-26-92.

ORB 74-21 P 1983

# LAWSON, NOBLE & ASSOCIATES, INC.

ENGINEERS PLANNERS TESTING SURVEYORS  
420 COLUMBIA DRIVE, WEST PALM BEACH, FLORIDA  
PHONE (407)684-6886



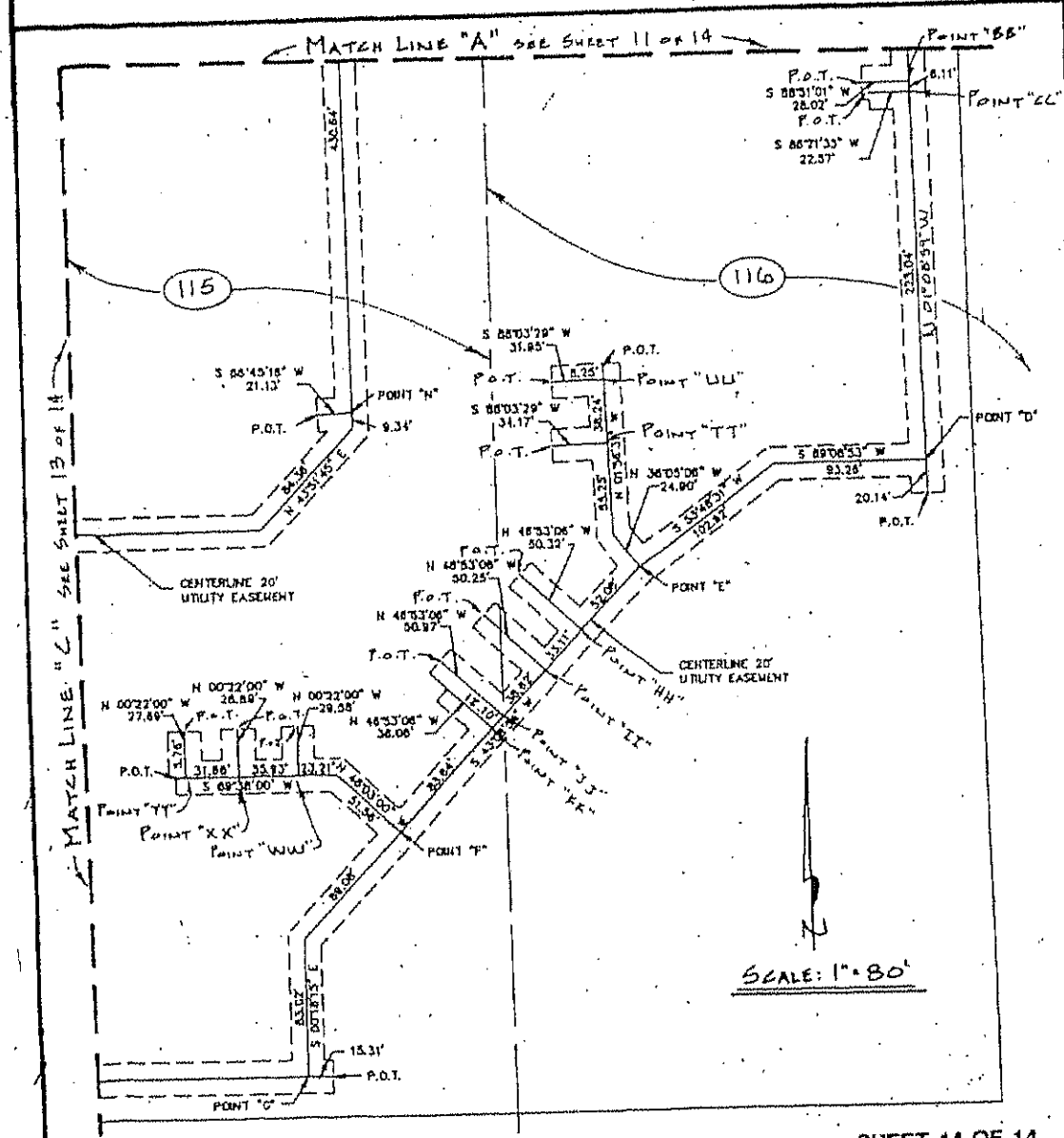
SHEET 13 OF 14

JOB No. 90-102	BY: B.P.	CHECKED: P.C.W.	F.B. - PG. -	DATE: 5-26-92
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ORB 7421 Pg 1984

# LAWSON, NOBLE & ASSOCIATES, INC.

ENGINEERS PLANNERS TESTING SURVEYORS  
420 COLUMBIA DRIVE, WEST PALM BEACH, FLORIDA  
PHONE (407)684-6686



SCALE: 1" = 80'

SHEET 14 OF 14

JOB No. 90-102	BY: B.F.	CHECKED: P.C.W.	F.B. - PG. -	DATE: 5-26-92.
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ORB 7421 7 1985

DESCRIPTION - 20 FOOT UTILITY EASEMENT (SANITARY SEWER)

Being a strip of land lying within Lots 109, 110, 111, 112 and 116, and all of Lots 113, 114 and 115 Block 77 of Palm Beach Farms Company Plat No.3 as recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida and being more particularly described as follows:

Being a 20 foot easement lying 10 feet each side of the following described centerline:

Commence at the Southwest corner of Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, thence North  $00^{\circ}50'58''$  West, along the West line of said Section 18, a distance of 1126.02 feet; to an intersection with the Westerly prolongation of the Southerly Right-of-Way of S.R. 808 (Glades Road) per Official Record Book 6959, Page 280 of the Public Records of Palm Beach County, Florida; thence North  $89^{\circ}38'00''$  East, along said prolongation, a distance of 1315.04 feet to the Point of Beginning; thence South  $02^{\circ}39'44''$  East, a distance of 43.94 feet to a Point designated as Point "A" for future reference; thence South  $88^{\circ}59'46''$  West, a distance of 257.78 feet to a point designated as Point "AA" for future reference; thence South  $17^{\circ}05'40''$  West, a distance of 192.57 feet; thence South  $89^{\circ}09'17''$  West, a distance of 245.00 feet to a point designated as Point "BB" for future reference; thence continue South  $89^{\circ}09'17''$  West, a distance of 133.34 feet to a point designated as Point "CC" for future reference; thence South  $25^{\circ}03'56''$  West, a distance of 143.32 feet to a point designated as Point "DD" for future reference; thence continue South  $25^{\circ}03'56''$  West, a distance of 44.17 feet; thence South  $65^{\circ}11'14''$  West, a distance of 191.33 feet; thence South  $45^{\circ}25'45''$  West, a distance of 33.13 feet to the Point of Termination.

Together with a 20 foot easement lying 10 feet each side of the following described centerline;

Begin at the previously described Point "A"; thence North  $88^{\circ}59'46''$  East, a distance of 60.57 feet to a Point of Termination.

Together with a 20 foot easement lying 10 feet each side of the following described centerline:

APPROVED  
FOR SURVEY FOR USE IN:

FOR EASEMENT PURPOSES

8/28/92  
DATE

W. Johnson III

Begin at the previously described Point "A"; thence South 02°39'44" East, a distance of 200.15 feet to a point designated as Point "EE" for future reference; thence continue South 02°39'44" East, a distance of 161.05 feet; thence South 02°11'46" East, a distance of 21.88 feet to a point designated as Point "FF" for future reference; thence continue South 02°11'46" East, a distance of 351.24 feet; thence South 53°54'54" West, a distance of 229.13 feet to a point designated as Point "GG" for future reference; thence continue South 53°54'54" West, a distance of 8.14 feet; thence South 41°57'00" West, a distance of 167.87 feet to a point designated as Point "HH" for future reference; thence continue South 41°57'00" West, a distance of 220.55 feet; thence South 89°45'59" West, a distance of 205.88 feet to a point designated as Point "II"; thence continue South 89°45'59" West, a distance of 108.73 feet; thence North 89°52'47" West, a distance of 24.99 feet to a point designated as Point "JJ" for future reference; thence continue North 89°52'47" West, a distance of 204.55 feet to a point designated as Point "KK" for future reference; thence continue North 89° 52'47" West, a distance of 65.28 feet to the Point of Termination.

Together with 20 foot easements lying 10 feet each side of the following described centerline:

Begin at the previously described Point "AA"; thence North 72°54'20" West, a distance of 22.50 feet to the Point of Termination.

Begin at the previously described Point "BB"; thence North 00°50'43" West, a distance of 37.54 feet to the Point of Termination.

Begin at the previously described Point "CC"; thence North 34°59'47" West, a distance of 31.56 feet to the Point of Termination.

Begin at the previously described Point "DD"; thence North 64°56'04" West, a distance of 18.95 feet to the Point of Termination.

Begin at the previously described Point "EE"; thence South 87°20'16" West, a distance of 20.50 feet to the Point of Termination.

Begin at the previously described Point "FF"; thence South 87°48'14" West, a distance of 18.28 feet to the Point of Termination.

Begin at the previously described Point "GG"; thence North 64°10'06" West, a distance of 19.73 feet to the Point of Termination.

Begin at the previously described Point "HH"; thence North 48°03'00" West, a distance of 12.35 feet to the Point of Termination.

Begin at the previously described Point "II"; thence North 00°22'00" West, a distance of 18.53 feet to the Point of Termination.



ORB 7421 Pg 1987

Begin at the previously described Point "JJ"; thence North  $00^{\circ}13'34''$  East, a distance of 53.37 feet to the Point of Termination.

Begin at the previously described Point "KK"; thence North  $00^{\circ}13'34''$  East, a distance of 25.16 feet to the Point of Termination.

Bearings based on the South Right-of-Way line of S.R. 808 (Glades Road) having a bearing of North  $89^{\circ}38'00''$  East.

Subject to easements and restriction of record.

The sidelines of the above described strip of land shall be lengthened or shortened to meet the parameters as described.

**CERTIFICATION**

I hereby certify that the description and attached sketch of description were prepared in accordance with the Surveying Standards, Chapter 21 HH-6, Florida Administrative Code, set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes, and is true and correct to the best of my knowledge and belief.

Date: 8/7/92

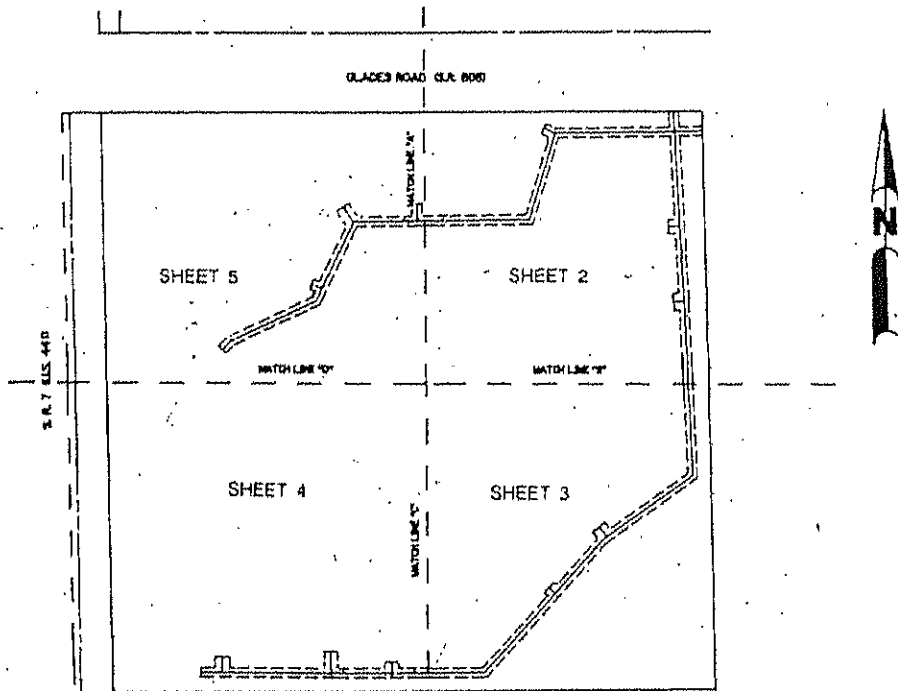
Rafael Filippelli  
Rafael Filippelli  
Registered Land Surveyor No. 4901  
State of Florida

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

ORB 7421 Pa 1988

LAWSON, NOBLE & ASSOCIATES, INC.  
 ENGINEERS PLANNERS TESTING SURVEYORS  
 420 COLUMBIA DRIVE WEST PALM BEACH, FLORIDA  
 PHONE (407) 684-6686

SKETCH TO ACCOMPANY DESCRIPTION



Note: ALL EASEMENTS ARE 20' WIDE UNLESS OTHERWISE NOTED.

(11) = LOT NUMBER PER PALM BEACH FARMS COMPANY Plot No 3, PLAT BOOK 3, PAGES 45-54

Legend:  
 P.O.C. = Point of Commencement  
 P.O.B. = Point of Beginning  
 P.O.T. = Point of Termination  
 PT = Point

COMMUNICATION

I hereby certify that the description and attached sketch of description were prepared in accordance with the Surveying Standards, Chapter 21 111-6, Florida Administrative Code, and forth by the Florida Board of Land Surveyors, pursuant to Sections 472.027, Florida Statutes, and to the best of my knowledge and belief.

DATE: 8/7/92

*Richard J. Lippell*  
 Richard J. Lippell  
 Registered Land Surveyor No. 4901  
 State of Florida

REVISIONS-UPDATES	DATE	BY	CK'D	NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of this information shown hereon.
REVISED SKETCH & DESCRIPTION	8/7/92	CAH	R/L	NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.

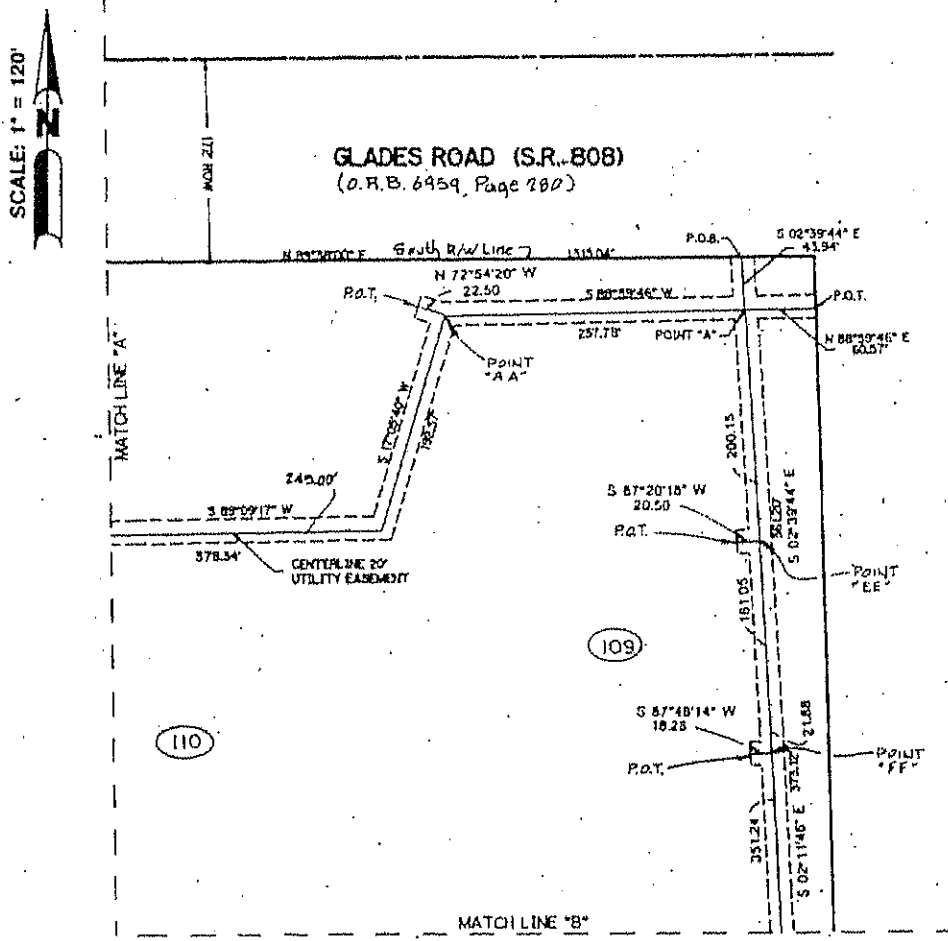
JOB No. 90-102 BY: M.H. CHECKED: R.C.W. F.D. PG. DATE: 8/26/92

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

JOB 7421 Pg 1589

LAWSON, NOBLE & ASSOCIATES, INC.  
 ENGINEERS PLANNERS TESTING SURVEYORS  
 420 COLUMBIA DRIVE WEST PALM BEACH, FLORIDA  
 PHONE (407) 684-6686

SKETCH TO ACCOMPANY DESCRIPTION



REVISIONS-UPDATES	DATE	BY	CK'D	NOTES
REVISED SKETCH & DESCRIPTION	8/7/92	CAH	RF	<p>NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of this information shown hereon.</p> <p>NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.</p>

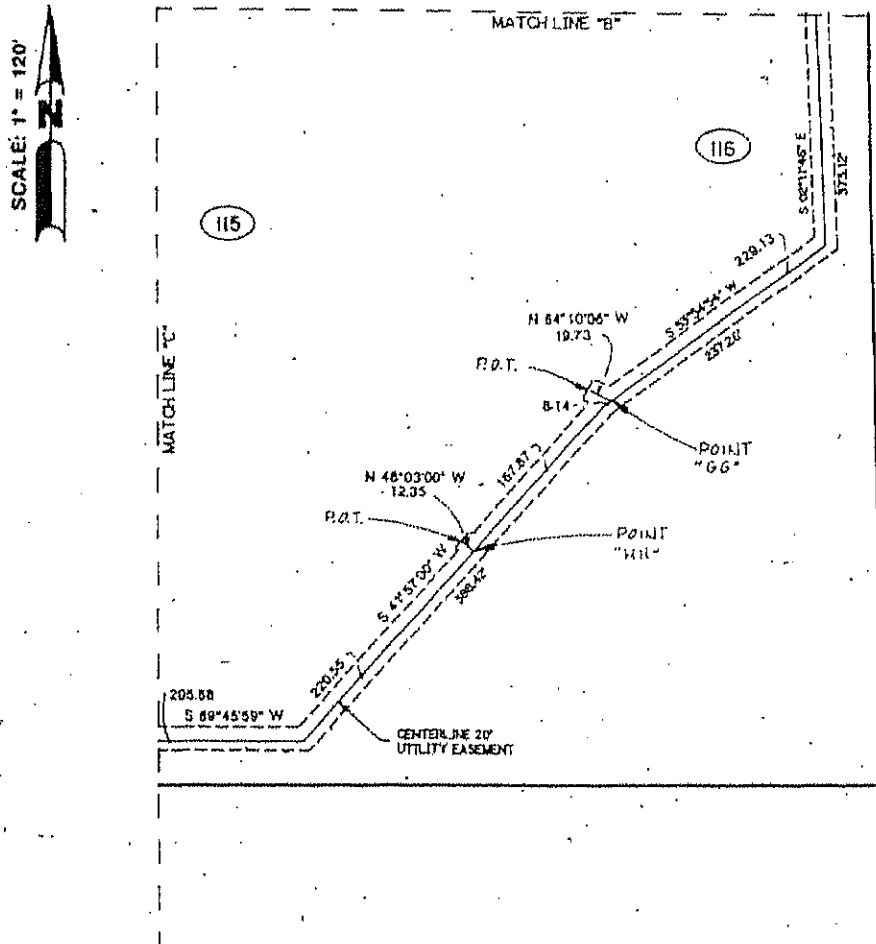
JOB No. 70-102 BY: M.H. CHECKED: P.C.W. F.B. PG. DATE: 5/16/92

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

ORB 7421 1990

LAWSON, NOBLE & ASSOCIATES, INC.  
 ENGINEERS PLANNERS TESTING SURVEYORS  
 420 COLUMBIA DRIVE WEST PALM BEACH, FLORIDA  
 PHONE (407) 684-6686

SKETCH TO ACCOMPANY DESCRIPTION



REVISIONS-UPDATES	DATE	BY	CK'D	NOTE
REVISED SKETCH & DESCRIPTION	6/7/92	CAH	R.F.	NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, staking of the subject property, or monuments set in connection with the preparation of this instrument shown hereon.  NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.

JOB No. 10-102 BY: CAH CHECKED: R.C.W. F.B. P.C. DATE: 5/26/92

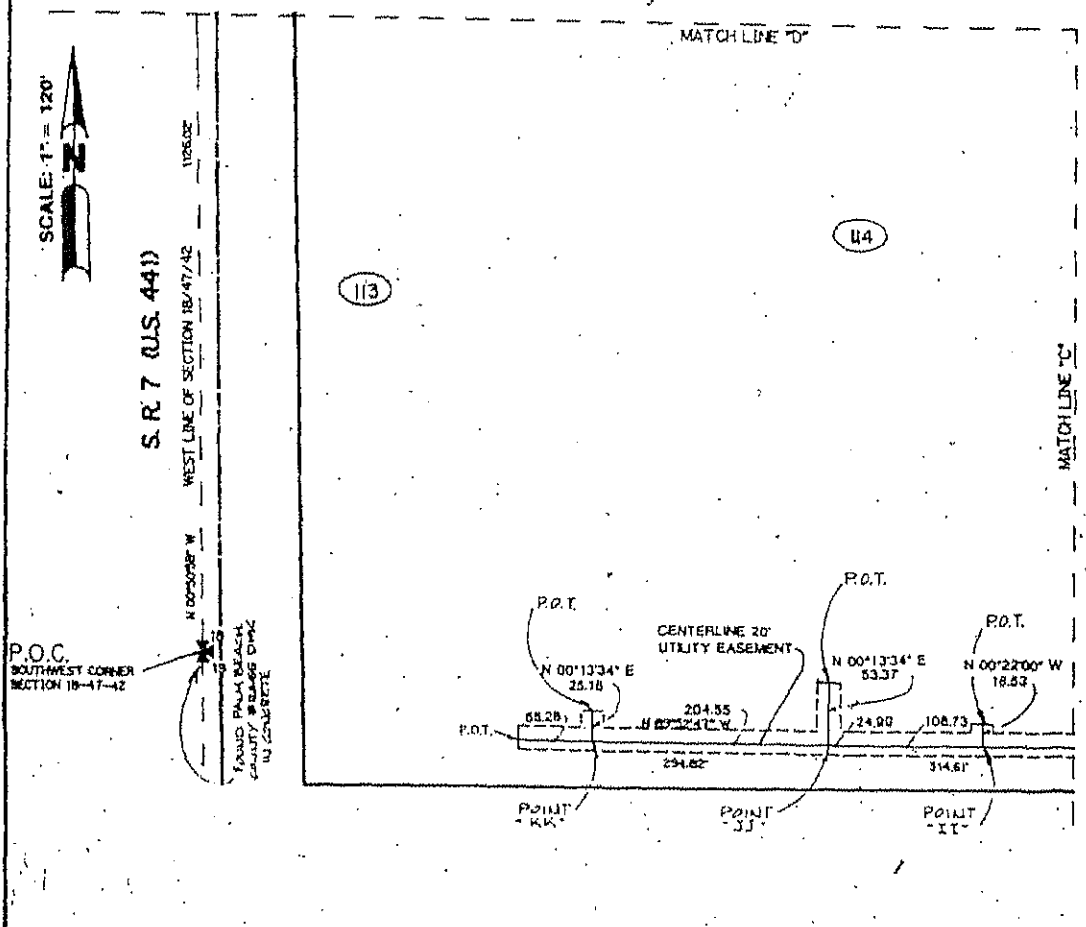
SHEET 3

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

ORB 7421 F3 1991

LAWSON, NOBLE & ASSOCIATES, INC.  
 ENGINEERS PLANNERS TESTING SURVEYORS  
 420 COLUMBIA DRIVE WEST PALM BEACH, FLORIDA  
 PHONE (407) 684-6686.

SKETCH TO ACCOMPANY DESCRIPTION



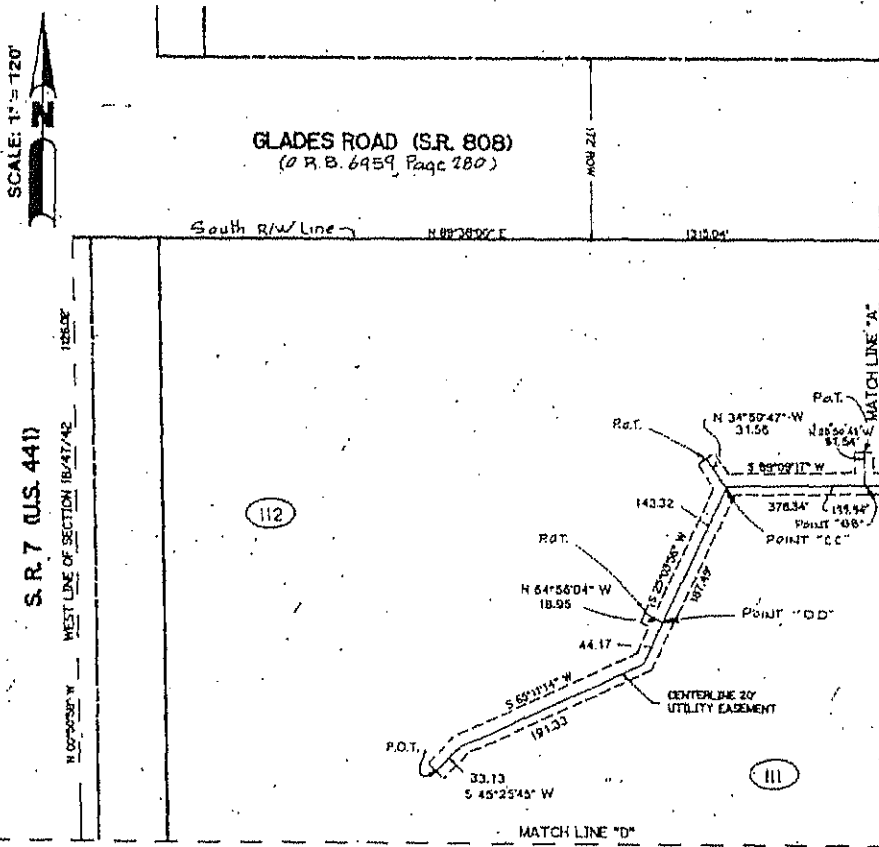
REVISIONS-UPDATES:				NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown herein. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of this information shown herein.  NOTE: Lands shown herein were not abstracted for right-of-way and/or easements of record.
REVISED SKETCH & DESCRIPTION	DATE	BY	CK'D	
	2/1/92	CAH	R.F.	
JOB No. 90-102	BY: CAH	CHECKED: R.C.V.	F.B. PG.	DATE: 5/26/92

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

ORC 7421 Pg 1992

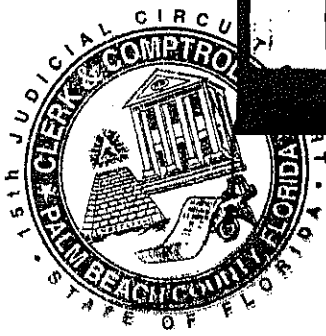
LAWSON, NOBLE & ASSOCIATES, INC.  
 ENGINEERS PLANNERS TESTING SURVEYORS  
 420 COLUMBIA DRIVE WEST PALM BEACH, FLORIDA  
 PHONE (407) 684-6686

SKETCH TO ACCOMPANY DESCRIPTION



REVISIONS-UPDATES	DATE	BY	CK'D	NOTE
REVISED SKETCH & DESCRIPTION	8/7/92	CAH	R.F.	NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of this information shown hereon.  NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.
RECORD VERIFIED PALM BEACH COUNTY, FLA CLERK CIRCUIT COURT				
JOB No. 90-102	BY: M.H.	CHECKED: P.C.W.	F.B.	PG.
				DATE: 5/26/92

SHEET 5



I hereby certify that the foregoing is a true copy of the record in my office this day, Jan 24, 2012.  
 Sharon B. Bock, Clerk Circuit Court, Palm Beach County, Florida  
 BY Teresa Martinez Deputy Clerk

✓ Ellen Stifer  
Stifer & Stifer, P.A.  
1100 S. Federal Hwy  
Ft. Lauderdale, FL 33316  
(UF) Still 106

Apr-20-2000 12:17pm 00-145786  
ORB 11732 Pg 1416  
Con 27,189,400.00 Doc 190,318.00  
I AM NOT TO BE FILED IN THIS CASE UNLESS I AM THE ORIGINAL FILER

Return to:  
RREEF America REIT II Corp. J  
c/o Joel Rubin  
D'Ancona & Pflaum LLC  
111 East Wacker Drive, Suite 2800  
Chicago, Illinois 60601-4205

This Instrument Prepared by:

Joseph L. Stone, Esq.  
D'Ancona & Pflaum, L.L.C.  
111 East Wacker Drive, Suite 2800  
Chicago, Illinois 60601-4205

Property Parcel Identification (Folio)  
Number(s): 00-42-43-18 12 001-0000  
00-42-43-27 05 007-1091

RESERVED FOR RECORDER'S STAMP

**THIS SPECIAL WARRANTY DEED** Made the 17th day of April A.D. 2000 by AP PROPERTIES, LP, a Tennessee limited partnership, hereinafter called the grantor, to RREEF AMERICA REIT II CORP. J, a Maryland corporation, whose post office address is c/o The RREEF Funds, 55 East 52<sup>nd</sup> Street, 31<sup>st</sup> Floor, New York, NY 10055 hereinafter called the grantee:

(Wherever used herein the words "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

**WITNESSETH:** That the grantor, for and in consideration of the sum of \$ 0.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, remises, releases, conveys, and confirms unto the grantee, all that certain land situate in Palm Beach County, Florida, viz:

See Exhibit A, attached hereto and made a part hereto.  
Subject to easements, restrictions and reservations of record and to taxes for the year 2000 and thereafter

**TOGETHER,** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD,** the same in fee simple forever.

**AND** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

**IN WITNESS WHEREOF,** the said grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of:

AP PROPERTIES, LP, a Tennessee limited partnership

By: J Gomez, Inc., a Nevada corporation

Darlene M. Lawrence  
Printed Name: DARLENE M LAWRENCE  
Ann Marie Rozsa  
Printed Name: Ann Marie ROZSA

By: Jack O. Tackett  
Name: Jack O. Tackett  
As: Executive Vice President

STATE OF FLORIDA )  
COUNTY OF PALM BEACH ) ss. *Maples*

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared Jack O. Tackett, known to me to be the Executive Vice President of the company who is the corporate general partner of the company in whose name the foregoing instrument was executed, under authority duly vested in them by said company, and that an oath was not taken. (Check one: )  Said person(s) is/are personally known to me.  Said person(s) provided the following type of identification:

WITNESS my hand official seal in the County and State last aforesaid this 17<sup>th</sup> day of April A.D. 2000.



*Ann Marie Rozas*  
Notary Public

My Commission expires:

*This is not a certified copy*



## Legal Description

EXHIBIT "A"ORB 11732 Pg 1418  
DOROTHY H. WILKEN, CLERK PB COUNTY, FL.

## Parcel No. 1

Being a portion of Lots 109, 110, 111, 112, and 116, and all of Lots 113, 114 and 115 Block 77 of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 thru 54, Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the Southwest corner of Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, thence North 00°50'58" West, along the West line of said Section 18, a distance of 1158.02 feet; to an intersection with the Westerly prolongation of the proposed Southerly Right-of-Way of S. R. 808 (Glades Road) per Florida Department of Transportation Right-of-Way maps for Section 93004-2409; thence North 89°38'00" East, along said prolongation, a distance of 82.00 feet to the Point of Beginning; thence continue North 89°38'00" East, along said proposed Southerly Right-of-Way line, a distance of 1295.00 feet; thence South 00°50'58" East, a distance of 1275.35 feet to the South line of said Lot 116; thence South 89°38'00" West, along the South line of Lots 116, 115, 114 and 113, a distance of 1294.90 feet to the Southwest corner of said Lot 113; thence North 00°53'51" West, along the West line of said Lot 113, a distance of 118.06 feet; thence North 00°50'58" West, along the West line of said Lots 113 and 112, a distance of 1157.30 feet to the Point of Beginning.

Less and excepting therefrom any portion which lies within the North 25 feet of said Tracts 109 to 112 inclusive.

Further less and except the following 4 Parcels:

- 1) Right of Way of Glades Road (State Road 808) conveyed by deed recorded in Official Records Book 6956, at Page 280, of the Public Records of Palm Beach County, Florida.
- 2) Parcel conveyed to Home Depot U.S.A., Inc., a Delaware corporation, by Special Warranty Deed recorded in Official Records Book 7028, at Page 721, of the Public Records of Palm Beach County, Florida.
- 3) Parcel conveyed to Halvorsen Investments, Inc. a Florida corporation by Special Warranty Deed recorded in Official Records Book 7457, at Page 1168 of the Public Records of Palm Beach County, Florida.
- 4) Parcel conveyed to First Union National Bank of Florida by Warranty Deed recorded in Official Records Book 7502, Page 1595 of the Public Records of Palm Beach County, Florida.

The above described property is also described as all of the Plat of FESTIVAL SHOPPES OF BOCA RATON, according to the Plat thereof, as recorded in Plat Book 69, at Page 172 of the Public Records of Palm Beach County, Florida, less Tract B of said Plat and less that parcel conveyed to Halvorsen Investments, Inc. a Florida corporation, by Special Warranty Deed recorded in Official Records Book 7457, Page 1168 of the Public Records of Palm Beach County, Florida, and less that Parcel conveyed to First Union National Bank of Florida by Warranty Deed recorded in Official Records Book 7502, Page 1595 of the Public Records of Palm Beach County, Florida.

Said lands situate, lying and being in Palm Beach County, Florida.

## Parcel No. 2

Non-exclusive easement rights as described in Declaration of Easements, Covenants and Restrictions recorded in Official Records Book 6924, at Page 1790, refiled in Official Records Book 6692, at Page 1459, and amended in Official Records Book 7114, at Page 733 and in Official Records Book 7172, at Page 1583.

Further less and except the following parcel:

- 5) Being a portion of Lot 111, Block 77 of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the Southwest corner of Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida; thence North 00°50'58" West, along the West line of said Section 18, a distance of 1126.02 feet; to an intersection with a line 92.00 feet South of (as measured at right angles to) and parallel with the centerline of S.R. 808 (Glades Road) per Florida Department of Transportation right-of-way maps for Section 93004-2509; thence North 89°38'00" East, along said parallel line, a distance of 406.01 feet; thence South 00°50'58" East, a distance of 202.83 feet; thence North 89°09'02" East, a distance of 85.50 feet to the Point of Beginning; thence South 00°05'58" East, a distance of 227.04 feet; thence North 71°57'54" East, a distance of 30.40 feet; thence North 32°40'29" East a distance of 119.05 feet; thence North 12°10'11" East, a distance of 121.93 feet; thence South 89°09'02" West, a distance of 119.29 feet to the Point of Beginning.

RECORDER'S MEMO: Legibility of document  
unsatisfactory when received.

pg 3

JAN-10-1997 9:54am 97-011535  
ORE 9609 Pg 391  
1  
Con 18:146:871.16 Doc 127:028.30

This Instrument prepared by  
and return to:  
Ellen R. Itzler, Esq.  
Osborne, Osborne & deClaire P.A.  
798 S. Federal Highway, Ste.100  
Boca Raton, Florida 33432

20.10  
127,028.30

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** is made the 30<sup>th</sup> day of December 1996, by **EZON, INC.**, a Tennessee corporation, formerly known as Ezon Products, Inc., a Tennessee corporation as successor by merger of Ezon Investment, Inc., a Tennessee corporation, as **GRANTOR**, and **AP PROPERTIES, L.P.**, a Tennessee limited partnership, 1900 Exeter Road, Germantown, TN 38183, as Grantee.

WITNESS that Grantor, for good and valuable consideration, receipt of which is acknowledged, grants, bargains and sells to Grantee all the real property located in Palm Beach County, Florida, more particularly described as follows:

**SEE LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.**

**SUBJECT TO:** Zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions, easements and matters appearing on the plat or otherwise common to the subdivision; assessments and taxes for the year 1997 and all subsequent years.

together with all tenements, hereditaments and appurtenances thereto;

**GRANTOR** hereby covenants with Grantee that Grantor will forever defend Grantee against claims of all persons claiming by, through or under Grantor. No other covenants or warranties, expressed or implied, are given by this Special Warranty Deed.

IN WITNESS WHEREOF, Grantor has set its hand and seal the day and year first above written.

COPIES

JT

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

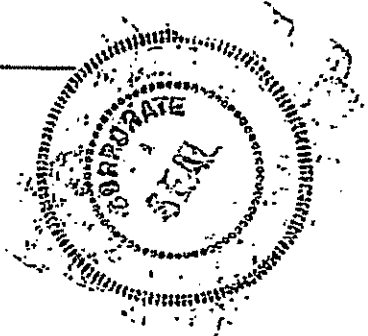
EZON, INC., a Tennessee corporation, formerly known  
as Ezon Products, Inc., a Tennessee corporation as  
successor by merger of Ezon Investment, Inc., a  
Tennessee corporation

[Signature]  
Printed Name: Ellen R. Taylor

BY: [Signature]  
JACK TACKETT  
Executive Vice President

[Signature]  
Printed Name: JERRENE BERGHMANS

(corporate seal)



STATE OF FLORIDA )  
COUNTY OF Polk ) ss.

The foregoing was acknowledged before me this 17<sup>th</sup> day of December, 1996, by Jack Tackett as Executive Vice President of Ezon, Inc., a Tennessee corporation, formerly known as Ezon Products, Inc., a Tennessee corporation as successor by merger of Ezon Investment, Inc., a Tennessee corporation, freely and voluntarily under authority duly vested in him by said corporation and that seal affixed thereto is the true corporate seal of said corporation:

- () who is personally known to me;
- () who produced \_\_\_\_\_ as identification;

on the 17<sup>th</sup> day of December, 1996.

[Signature]  
Notary Public  
Notary Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_ )

JERRENE A. BERGHMANS  
State of Florida  
My Comm. Exp. April 2, 1998  
Comm. # CC 354721  
 PERSONALLY KNOWN BY ME  
 PRODUCED

COPIES

EXHIBIT "A"  
Legal Description

309606742 (Revised)

## Parcel No. 1

Being a portion of Lots 109, 110, 111, 112, and 116, and all of Lots 113, 114 and 115 Block 77 of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 thru 54, Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the Southwest corner of Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, thence North  $00^{\circ}50'58''$  West, along the West line of said Section 18, a distance of 1158.02 feet; to an intersection with the Westerly prolongation of the proposed southerly Right-of-Way of S. R. 808 (Glades Road) per Florida Department of Transportation Right-of-Way maps for Section 93004-2409; thence North  $89^{\circ}38'00''$  East, along said prolongation, a distance of 82.00 feet to the Point of Beginning; thence continue North  $89^{\circ}38'00''$  East, along said proposed southerly Right-of-Way line, a distance of 1295.00 feet; thence South  $00^{\circ}50'58''$  East, a distance of 1275.35 feet to the South line of said Lot 116; thence South  $89^{\circ}38'00''$  West, along the South line of Lots 116, 115, 114 and 113, a distance of 1294.90 feet to the Southwest corner of said Lot 113; thence North  $00^{\circ}53'51''$  West, along the west line of said Lot 113; a distance of 110.06 feet; thence North  $00^{\circ}50'58''$  West, along the West line of said Lots 113 and 112, a distance of 1157.36 feet to the Point of Beginning;

Less and excepting therefrom any portion which lies within the North 25 feet of said Tracts 109 to 112 inclusive.

Further less and except the following 4 Parcels:

- 1) Right of Way of Glades Road (State Road 808) conveyed by deed recorded in Official Records Book 5956, at Page 280, of the Public Records of Palm Beach County, Florida.
- 2) Parcel conveyed to Home Depot U.S.A., Inc., a Delaware corporation, by Special Warranty Deed recorded in Official Records Book 7028, at Page 721, of the Public Records of Palm Beach County, Florida.
- 3) Parcel conveyed to Halvorsen Investments, Inc. a Florida corporation by Special Warranty Deed recorded in Official Records Book 7457, at Page 1168 of the Public Records of Palm Beach County, Florida.
- 4) Parcel conveyed to First Union National Bank of Florida by Warranty Deed recorded in Official Records Book 7502, Page 1595 of the Public Records of Palm Beach County, Florida.

The above described property is also described as all of the Plat of FESTIVAL SHOPPES OF BOCA RATON, according to the Plat thereof, as recorded in Plat Book 69, at Page 172, of the Public Records of Palm Beach County, Florida, less Tract B of said Plat and less that parcel conveyed to Halvorsen Investments, Inc., a Florida corporation, by Special Warranty Deed recorded in Official Records Book 7457, Page 1168 of the Public Records of Palm Beach County, Florida, and less that Parcel conveyed to First Union National Bank of Florida by Warranty Deed recorded in Official Records Book 7502, Page 1595 of the Public Records of Palm Beach County, Florida.

Said lands situate, lying and being in Palm Beach County, Florida.

Parcel No. 2

Non-exclusive easement rights as described in Declaration of Easements, Covenants and Restrictions recorded in Official Records Book 6924, at Page 1790, refilled in Official Records Book 6692, at Page 1459, and amended in Official Records Book 7114, at Page 733 and in Official Records Book 7472, at Page 1383.

This is not a certified copy

pg 3

THIS INSTRUMENT PREPARED BY AND RETURN TO:  
Ellen R. Itzler, Esq./jeb  
Osborne, Osborne & deClaire, P.A. ✓  
798 S. Federal Highway, Ste. 100  
Boca Raton, Florida 33432

JAN-10-1997 9:54am 97-011534  
ORB 9609 Pg 387  
10.00 Doc .70

QUIT CLAIM DEED

20.80

THIS QUIT CLAIM DEED, executed this 9th day of December, 1996, by SEVCO LAND CORPORATION, a dissolved Florida corporation, party of the first part, to AP PROPERTIES, L.P., a Tennessee limited partnership, whose post office address is 1500 Exeter Road, Germantown, Tennessee 38138, party of the second part:

(Wherever used herein, the terms "party of the first part" and "party of the second part" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporation, wherever the context requires)

WITNESSETH, that the said party of the first part, for and in consideration of the sum of \$10.00 in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said party of the second part forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

This Quit Claim Deed is being given in the process of winding up the corporate affairs of Grantor.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

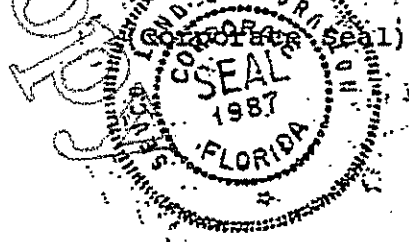
IN WITNESS WHEREOF, said party of first part has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

*Cheryl Buden*  
Printed Name: CHERYL BUDEN  
*Tim Berg*  
Printed Name: Tim Berg

SEVCO LAND CORPORATION,  
a dissolved Florida corporation

BY: *Jeffrey T. Berg*  
JEFFREY T. HALVORSEN  
f/k/a Jeffrey T. Berg,  
President and Sole Surviving  
Director  
1900 Glades Road, Ste. 260  
Boca Raton, Florida 33431



STATE OF FLORIDA )  
COUNTY OF PALM BEACH ) ss.

The foregoing was acknowledged before me this 9th day of December, 1996, by Jeffrey T. Halvorsen f/k/a Jeffrey T. Berg, President and Sole Surviving Director of Sevco Land Corporation, a dissolved Florida Corporation, freely and voluntarily under authority duly vested in him by said corporation and that seal affixed thereto is the true corporate seal of said corporation:

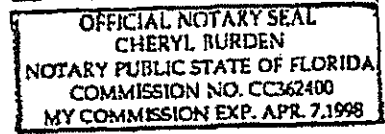
(K) who is personally known to me;  
who produced \_\_\_\_\_ as identification;

on the 9th day of December, 1996.

Cheryl Burden  
Notary Public

Notary Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



THIS IS NOT A CERTIFIED COPY

EXHIBIT "A"  
Legal Description

309606742 (Revised)

## Parcel No. 1

Being a portion of Lots 109, 110, 111, 112, and 116, and all of Lots 113, 114 and 115 Block 77 of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 thru 54, Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the Southwest corner of Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, thence North  $00^{\circ}50'58''$  West, along the West line of said Section 18, a distance of 1158.02 feet; to an intersection with the Westerly prolongation of the proposed Southerly Right-of-Way of S. R. 808 (Glades Road) per Florida Department of Transportation Right-of-Way maps for Section 93004-2409; thence North  $89^{\circ}38'00''$  East, along said prolongation, a distance of 82.00 feet to the Point of Beginning; thence continue North  $89^{\circ}38'00''$  East, along said proposed Southerly Right-of-Way line, a distance of 1295.00 feet; thence South  $00^{\circ}50'58''$  East, a distance of 1275.35 feet to the South line of said Lot 116; thence South  $89^{\circ}38'00''$  West, along the South line of Lots 116, 115, 114 and 113, a distance of 1294.90 feet to the Southwest corner of said Lot 113; thence North  $00^{\circ}53'51''$  West, along the West line of said Lot 113; a distance of 118.06 feet; thence North  $00^{\circ}50'58''$  West, along the West line of said Lots 113 and 112, a distance of 1157.30 feet to the Point of Beginning.

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- 4) Parcel conveyed to First Union National Bank of Florida by Warranty Deed recorded in Official Records Book 7502, Page 1595 of the Public Records of Palm Beach County, Florida.

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Said lands situate, lying and being in Palm Beach County, Florida.



ORB 9609 Pg 390  
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

309606742 (Revised)

Parcel No. 2

Non-exclusive easement rights as described in Declaration of Easements, Covenants and Restrictions recorded in Official Records Book 6924, at Page 1790, refiled in Official Records Book 6692, at Page 1459, and amended in Official Records Book 7114, at Page 733 and in Official Records Book 7472, at Page 1583.

This is not a certified copy