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COUNTY OF PALM BEACH  
STATE OF FLORIDA

THIS PLAT WAS FILED FOR RECORD AT 3:34 PM  
THIS 6<sup>TH</sup> DAY OF NOVEMBER

2006 AND DULY RECORDED IN PLAT BOOK NO.  
108 ON PAGE 160-161

SHARON R. BOCK, CLERK OF CIRCUIT COURT

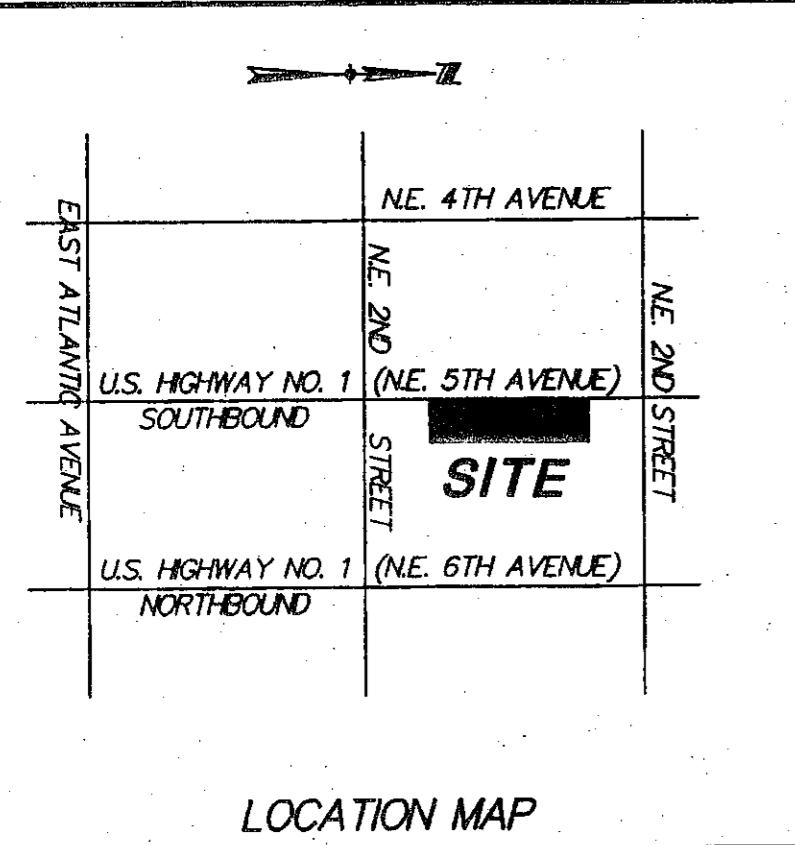
AND COMPTROLLER  
BY: Dorothy A. Kissel, D.C.

# 5TH AVENUE AT DELRAY

BEING A REPLAT OF LOTS 2 THROUGH 8, INCLUSIVE, AND THE NORTH 10 FEET OF LOT 9, BLOCK 107, TOWN OF LINTON (NOW DELRAY BEACH), PLAT BOOK 1, PAGE 3, BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

JANUARY 2006  
SHEET 1 OF 2

00012-090



### DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT 5TH AVENUE AT DELRAY, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LANDS SHOWN HEREON BEING A REPLAT OF LOTS 2 THROUGH 8, INCLUSIVE, AND THE NORTH 10 FEET OF LOT 9, BLOCK 107, TOWN OF LINTON (NOW DELRAY BEACH), PLAT BOOK 1, PAGE 3, BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 2 THROUGH 8, INCLUSIVE, AND THE NORTH 10.0 FEET OF LOT 9, BLOCK 107, TOWN OF LINTON (NOW DELRAY BEACH), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 10.0 FEET THEREOF.

CONTAINING 54,821 SQUARE FEET OR 1.26 ACRES MORE OR LESS.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS "5TH AVENUE AT DELRAY" AND HEREBY DEDICATES AS FOLLOWS:

LOT 1 IS HEREBY PLATTED FOR PRIVATE PURPOSES AS ALLOWED PURSUANT TO THE PLANNING AND ZONING REGULATIONS OF THE CITY OF DELRAY BEACH.

TRACT "A" IS HEREBY DEDICATED TO THE PUBLIC AS PUBLIC RIGHT OF WAY FOR STREET AND UTILITY PURPOSES.

THE NON-VEHICULAR ACCESS LINE AS SHOWN HEREON IS MADE TO THE CITY OF DELRAY BEACH FOR THE PURPOSE OF PROHIBITING ACCESS BETWEEN ADJUTING LOTS AND THE ADJACENT RIGHT OF WAY.

THE DRAINAGE EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED IN PERPETUITY FOR DRAINAGE PURPOSES. THE MAINTENANCE OF ALL FACILITIES LOCATED THEREIN SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF THE 5TH AVENUE AT DELRAY CONDOMINIUM ASSOCIATION, ITS SUCCESSORS AND ASSIGNS WITHOUT RECOURSE TO THE CITY OF DELRAY BEACH.

THE GENERAL UTILITY EASEMENT AS SHOWN HEREON IS HEREBY DEDICATED TO ANY PUBLIC OR PRIVATE UTILITY, SUCH AS BUT NOT LIMITED TO, STORM DRAINAGE, SANITARY SEWER, ELECTRIC POWER, WATER SERVICE, GAS SERVICE, TELEPHONE LINES AND CABLE TELEVISION SERVICES; PROVIDED HOWEVER NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITY AND SERVICES OF AN ELECTRIC, GAS, TELEPHONE OR OTHER PUBLIC FACILITY.

IN WITNESS WHEREOF, THE ABOVE NAMED LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER AND ITS SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS 11<sup>TH</sup> DAY OF SEPTEMBER, 2006.

WITNESS: [Signature] BY: [Signature]  
VICTOR CARVALLO  
MANAGER

### ACKNOWLEDGEMENT:

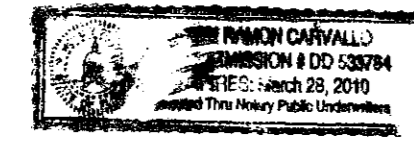
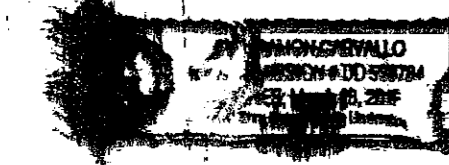
STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED VICTOR CARVALLO, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED Florida DL#FC614-861-774-002-0 AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS MANAGER OF 5TH AVENUE AT DELRAY, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS MANAGER OF SAID LIMITED LIABILITY COMPANY, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE COMPANY SEAL OF SAID COMPANY AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR COMPANY AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND OFFICIAL THIS 11<sup>TH</sup> DAY OF SEPTEMBER, 2006.

MY COMMISSION EXPIRES:

NOTARY PUBLIC  
NAME: Victor R. Carvalho  
COMMISSION NO.: DD532784



### TITLE CERTIFICATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I, Carole Anniston, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED TO 5TH AVENUE AT DELRAY, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE NO ENCUMBRANCES OF RECORD THAT WOULD PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATE: 10/10/06 NAME: Carole Anniston  
ATTORNEY, STATE OF FLORIDA

### MORTGAGEE'S CONSENT

STATE OF FLORIDA  
COUNTY OF Palm Beach

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH WAS RECORDED ON DECEMBER 6, 2004 IN OFFICIAL RECORD BOOK 17843, PAGE 0969 OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS EVP AND ITS CORPORATE SEAL TO AFFIXED HERON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS 2<sup>ND</sup> DAY OF October, 2006.

WITNESS: [Signature] NAME: [Signature]  
PREMIER AMERICAN BANK  
BY: [Signature] NAME: JOY VENERO  
EVP

### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF Palm Beach

BEFORE ME PERSONALLY APPEARED JOY VENERO, WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED [Signature] AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS EVP OF PREMIER AMERICAN BANK, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT SHE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS 2<sup>ND</sup> DAY OF October, 2006.

MY COMMISSION EXPIRES: September 10, 2009 BY: [Signature]  
NAME: Barbara R. Hernandez  
NOTARY PUBLIC  
COMMISSION NUMBER: [Number]



### REVIEWING SURVEYOR'S STATEMENT:

THIS IS TO CERTIFY THAT THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER UNDER CONTRACT WITH THE CITY OF DELRAY BEACH, FLORIDA, HAS REVIEWED THIS PLAT OF "5TH AVENUE AT DELRAY", AS REQUIRED BY CHAPTER 177.081 (1), FLORIDA STATUTES, AND FINDS THAT IT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES.

DATE: 10-10-06  
DAVID P. LINDLEY  
LICENSE NO. 5005  
STATE OF FLORIDA  
CAULFIELD WHEELER, INC.  
CERTIFICATE OF AUTHORIZATION #LB 3591

### SURVEYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS (PRIMS) AND MONUMENTS ACCORDING TO SEC. 177.081(9), F.S. HAVE BEEN PLACED AS REQUIRED BY LAW; AND FURTHER THAT THE SURVEY DATA COMPLIES WITH ALL REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA.

DATE: 9/10/06  
PAUL D. ENGLE  
SURVEYOR AND MAPPER NO. 5708

O'BRIEN, SLITER & O'BRIEN, INC.  
955 N.W. 17TH AVENUE, SUITE K1  
DELRAY BEACH, FLORIDA 33445  
CERTIFICATE OF AUTHORIZATION NO. 353

### CITY APPROVAL:

THIS PLAT OF "5TH AVENUE AT DELRAY" AS APPROVED ON THE 10<sup>TH</sup> DAY OF October, A.D. 2006, BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH.

MAYOR: [Signature] ATTEST: [Signature]  
CITY CLERK:  
AND REVIEWED, ACCEPTED, AND CERTIFIED BY:  
Paul Donly, DIRECTOR OF PLANNING AND ZONING  
Marek Proke, CHAIRPERSON, PLANNING AND ZONING BOARD  
Randall K. Kujawa, CITY ENGINEER  
St. David Brannard, FIRE MARSHAL

### NOTES:

- ALL BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST LINE OF NE. 5TH AVENUE HAVING AN ASSUMED BEARING OF N0°00'00"E.
- NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- THE CITY OF DELRAY BEACH IS HEREBY GRANTED THE RIGHT OF ACCESS FOR EMERGENCY AND MAINTENANCE PURPOSES.
- THIS INSTRUMENT WAS PREPARED BY PAUL D. ENGLE, IN THE OFFICE OF O'BRIEN, SLITER & O'BRIEN, INC., 2601 NORTH FEDERAL HIGHWAY, DELRAY BEACH, FLORIDA 33483. (561) 276-4501
- PERMANENT REFERENCE MONUMENTS ARE SHOWN THUS:
- THERE SHALL BE NO BUILDINGS OR ANY KIND OF CONSTRUCTION PLACED ON UTILITY OR DRAINAGE EASEMENTS. CONSTRUCTION OR LANDSCAPING UPON MAINTENANCE OR ACCESS EASEMENTS MUST BE IN CONFORMANCE WITH ALL BUILDING AND ZONING CODES AND/OR ORDINANCES OF THE CITY OF DELRAY BEACH.
- THERE SHALL BE NO TREES OR SHRUBS PLACED ON UTILITY EASEMENTS WHICH ARE PROVIDED FOR WATER AND SEWER USE OR UPON DRAINAGE EASEMENTS. LANDSCAPING ON ANY OTHER UTILITY EASEMENT SHALL BE ALLOWED ONLY AFTER CONSENT OF ALL UTILITY COMPANIES OCCUPYING SAME.

