

L-40-16 Exhibit E

PREPARED BY AND RETURN TO:

James A. Lovegren, Esq.
Greenberg Traurig, P.A.
401 East Las Olas Blvd., Suite 2000
Fort Lauderdale, FL 33301

Folio Numbers: 484232-00-0141;
and 484233-00-0370

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 25th day of June, 2014, between **PALM AIRE ASSOCIATES LIMITED PARTNERSHIP**, a Delaware limited partnership, whose address is 2600 Palm Aire Drive North, Pompano Beach, FL 33069 ("**Grantor**") and **CITY OF POMPANO BEACH**, a Florida municipal corporation, whose address is 100 West Atlantic Avenue, Pompano Beach, FL 33060 ("**Grantee**").

WITNESSETH:

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey, to Grantee, and Grantee's successors and assigns, as appropriate, forever, all of the land situate in Broward County, Florida, described as follows (the "**Property**"):

See **Exhibit A** attached hereto and made a part hereof.

SUBJECT TO all matters set forth on **Exhibit B** attached hereto and made a part hereof, but this reference shall not operate to reimpose same. Grantor hereby reserves an easement for pedestrian and vehicular access over, across, and upon that portion of the Property described on **Exhibit C** attached hereto and made a part hereof per the terms of that certain Tri-Party Agreement attached to City of Pompano Beach Resolution No. 2013-340 recorded in Official Records Book 50086, Page 1752 of the Public Records of Broward County, Florida

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

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

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and hereby specially warrants the title to the Property and will defend the same against the lawful claims of any person claiming by, through or under Grantor, but not otherwise.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name the day and year first above written.

WITNESSES:

GRANTOR:

PALM AIRE ASSOCIATES LIMITED PARTNERSHIP, a Delaware limited partnership

By: Resort at Palm Aire, Inc., a Florida corporation, as its sole General Partner

By: Jeffrey P. Orleans
Jeffrey P. Orleans, President

Keith Trost
Print Name: Keith Trost

Dennis Lynch
Print Name: Dennis Lynch

STATE OF Pennsylvania)
COUNTY OF Philadelphia) ss:

The foregoing instrument was acknowledged before me this 19th day of June, 2014, by Jeffrey P. Orleans, as the President of **Resort at Palm Aire, Inc., a Florida corporation, the sole general partner of PALM AIRE ASSOCIATES LIMITED PARTNERSHIP, a Delaware limited partnership**, on behalf of the partnership, who personally appeared before me, ☒ is personally known to me ☐ or produced Ma for identification.

[NOTARIAL SEAL]

Notary: Martha Ann Reilly
Print Name: Martha Ann Reilly
Notary Public, State of Pennsylvania
My commission expires: 04/18/2017

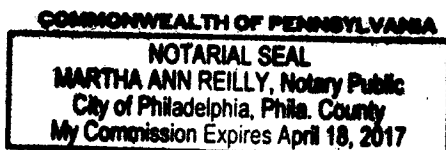


EXHIBIT A

LEGAL DESCRIPTION

ORIGINAL PARK PROPERTY:

THE WEST ONE-HALF (W1/2) OF THE WEST ONE-HALF (W1/2) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA;

SAID LANDS MORE PARTICULARLY DESCRIBED AS: A PORTION OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SAID SECTION 33, NORTH 01°22'47" WEST 1275.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 01°22'47" WEST 1275.05 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SAID SECTION 33; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER (SW1/4), NORTH 88°41'12" EAST 334.48 FEET TO THE NORTHWEST CORNER OF TRACT A OF "LLOYD E. OLSEN PLAT", AS RECORDED IN PLAT BOOK 103, PAGE 9, BROWARD COUNTY RECORDS; THENCE ALONG THE WEST LINE OF SAID TRACT A AND ITS SOUTHERLY EXTENSION, ALSO BEING THE EAST LINE OF THE WEST ONE-HALF (W1/2) OF THE WEST ONE-HALF (W1/2) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SOUTHWEST ONE-QUARTER (SW1/4), SOUTH 01°20'18" EAST 1275.77 FEET TO AN ANGLE POINT IN THE NORTHERLY BOUNDARY OF PARCEL G OF "GIBSON'S PLAT", AS RECORDED IN PLAT BOOK 99, PAGE 45 BROWARD COUNTY RECORDS; THENCE ALONG SAID NORTHERLY BOUNDARY, SOUTH 88°48'35" WEST 333.56 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

ADDITION TO THE PARK PROPERTY:

A PORTION OF THE EAST 135.00 FEET OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE SOUTHEAST ONE-QUARTER (SE ¼) OF SECTION 32, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA;

SAID LANDS MORE PARTICULARLY DESCRIBED AS: A PORTION OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 32, TOWNSHIP 48 SOUTH, RANGE 42 EAST, DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SAID SECTION 32, NORTH 01°22'47" WEST 1275.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, NORTH 01°22'47" WEST 637.53 FEET TO THE SOUTHEAST CORNER OF THE NORTH ONE-HALF (N ½) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE SOUTHEAST ONE-QUARTER (SE ¼) OF SAID SECTION 32; THENCE ALONG THE NORTH LINE OF SAID NORTH ONE-HALF (N ½) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE SOUTHEAST ONE-QUARTER (SE ¼) OF SAID SECTION 32, SOUTH 88°45'32" WEST 135.00 FEET; THENCE SOUTH 01°22'47" EAST ALONG A LINE 135.00 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE SAID EAST LINE OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SAID SECTION 32, 637.41 FEET; THENCE NORTH 88°48'35" EAST 135.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

TITLE EXCEPTIONS

1. Ad valorem real estate taxes and assessments for the year 2014 and subsequent years, which are not yet due and payable.
2. Lienable utility services and assessments not yet due and payable.
3. Zoning, restrictions, prohibitions and other requirements imposed by governmental authorities, restrictions and matters appearing on the plat or otherwise common to the subdivision, public utility easements of record.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
5. Reservations for oil, gas, minerals, canals, and State Road easement, contained in deed to the Everglades Drainage District recorded in Deed Book 470, Page 383.
6. Easement for water pipeline system recorded in Book 9969, Page 94.
7. Terms and conditions contained in Water Well Field Rights and Easement Agreement recorded in Book 20353, Page 167.
8. Declaration of Restrictive Covenants recorded in Book 47427, Page 1280; as amended in Book 50049, Page 1791.
9. Declaration of Restrictive Covenant recorded in Book 49730, Page 48.
10. Terms and conditions contained in Tri-Party Agreement attached to City of Pompano Beach Resolution No. 2013-340 recorded in Book 50086, Page 1752.

All of the recording information contained herein refers to the Public Records of Broward County, Florida.

EXHIBIT C

ACCESS EASEMENT LEGAL DESCRIPTION

[See attached]

**SKETCH AND LEGAL DESCRIPTION
PALM AIRE - PARK ACCESS EASEMENT
CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA**

A parcel of land being a portion of the Northeast One-Quarter (NE $\frac{1}{4}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 32, Township 48 South, Range 42 East, and also being a portion of the Northwest One-Quarter (NW $\frac{1}{4}$), of the Southwest One-Quarter (SW $\frac{1}{4}$) of Section 33, Township 48, Range 42, said parcel being more particularly described as follows:

BEGIN at the Southwest corner of the said Northwest One-Quarter (NW $\frac{1}{4}$), of the Southwest One-Quarter (SW $\frac{1}{4}$) of Section 33, Township 48 South, Range 42 East;

THENCE on an assumed bearing of S 88°48'19" W along the South line of the said Northeast One-Quarter (NE $\frac{1}{4}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 32, Township 48 South, Range 42 East, a distance of 135.00 feet to a line being 135.00 feet west of and parallel with the East line of the said Northeast One-Quarter (NE $\frac{1}{4}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 32, Township 48 South, Range 42 East;

THENCE N 01°22'47" W along said parallel line, a distance of 125.00 feet to a line being 125.00 feet North of and parallel with the South line of the said Northeast One-Quarter (NE $\frac{1}{4}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 32, Township 48 South, Range 42 East;

THENCE N 88°48'19" E along said parallel line, a distance of 135.00 feet to the West line of the said Northwest One-Quarter (NW $\frac{1}{4}$), of the Southwest One-Quarter (SW $\frac{1}{4}$) of Section 33, Township 48 South, Range 42 East;

THENCE S 01°22'47" E along the said West line, a distance of 73.00 feet to a line being 52.00 feet North of and parallel with the South line of the said Northwest One-Quarter (NW $\frac{1}{4}$) of the Southwest One-Quarter (SW $\frac{1}{4}$) of Section 33, Township 48 South, Range 42 East;

THENCE N 88°48'35" E along said parallel line a distance of 333.60 feet to the East line of the West One-Half (W $\frac{1}{2}$) of the West One-Half (W $\frac{1}{2}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) of the Southwest One-Quarter (SW $\frac{1}{4}$) of Section 33, Township 48 South, Range 42 East, said line also being the West line of Parcel G, GIBSON'S PLAT, according to the Plat thereof as recorded in Plat Book 99, Page 45, of the Public Records of Broward County, Florida;

Prepared By:
CALVIN, GIORDANO AND ASSOCIATES, INC.
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida 33316
May 23, 2014
P:\Projects\2013\135823 Palm Aire Boundary Survey\Survey\Legal Descriptions\135823-V-SD-PARK-ACCESS-EASE.doc

THENCE S 01°20'18" E along the said East line, a distance of 52.00 feet to the said South line of the Northwest One-Quarter (NW ¼) of the Southwest One-Quarter (SW ¼) of Section 33, Township 48 South, Range 42 East;

THENCE S 88°48'35" W along the said South line, a distance of 333.56 feet to the POINT OF BEGINNING.

Said lands situated in the City of Pompano Beach, Broward County, Florida, containing 34,221 Square Feet (0.785 Acres) more or less.

NOTES:

1. Lands described hereon were not abstracted, by the surveyor, for ownership, easements, rights-of-way or other instruments that may appear in the Public Records of Broward County, Florida.
2. The legal description shown hereon was prepared by Calvin, Giordano & Associates, Inc.
3. Bearings shown hereon are based upon an assumed bearing of S 88°48'19" W along the South line of the Northeast One-Quarter (NE ¼) of the Southeast One-Quarter (SE ¼) of Section 32, Township 48 South, Range 42 East, Broward County, Florida.
4. The description contained herein does not represent a field boundary survey.
5. This document is intended to provide for a legal description of an Access Easement.

CALVIN, GIORDANO AND ASSOCIATES, INC.



Date: 5/28/2014

Steven M. Watts
Professional Surveyor and Mapper
Florida Registration Number PSM 4588

Prepared By:
CALVIN, GIORDANO AND ASSOCIATES, INC.
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida 33316
May 23, 2014

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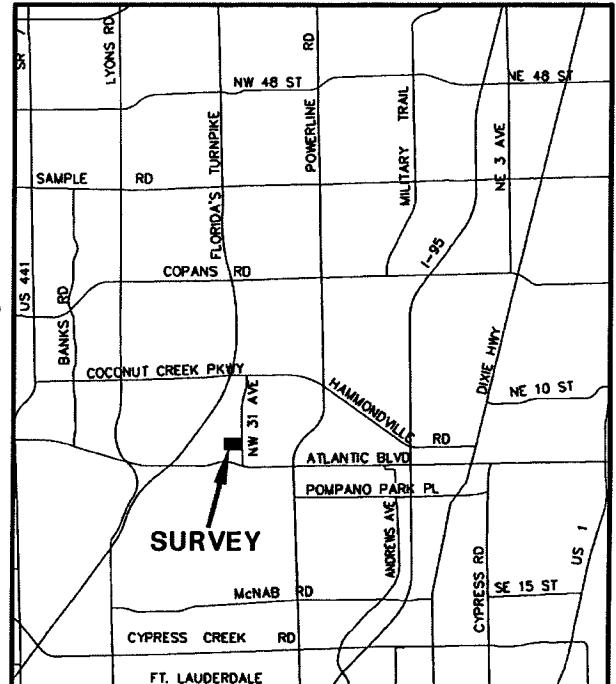
Sheet 2 of 3

SKETCH AND LEGAL DESCRIPTION PALM AIRE - PARK ACCESS EASEMENT

LEGEND:

B.C.R. = BROWARD COUNTY RECORDS
O.R.B. = OFFICIAL RECORDS BOOK
P.O.B. = POINT OF BEGINNING
P.B. = PLAT BOOK
PG. = PAGE

SEC. 33-48-42 = SECTION 33, TOWNSHIP 48 SOUTH,
RANGE 42 EAST



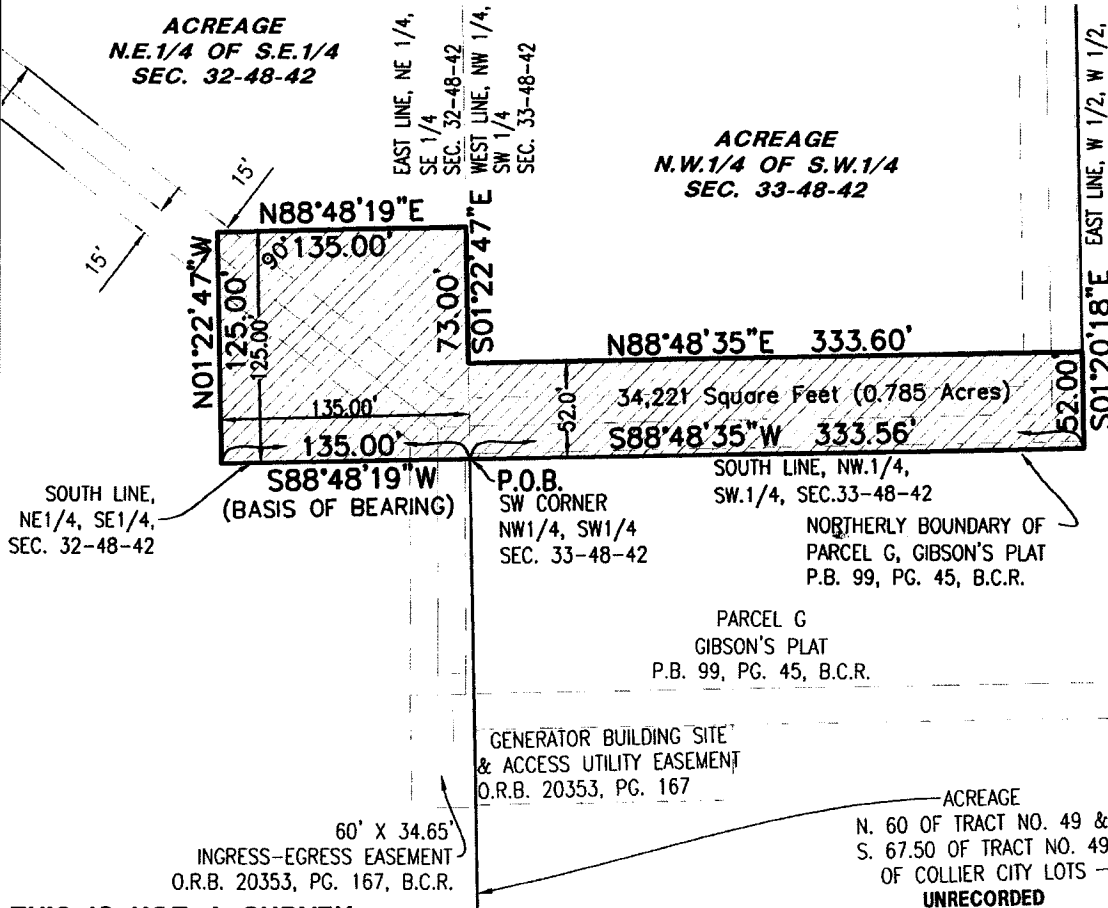
VICINITY MAP
NOT TO SCALE

ACREAGE
N.E.1/4 OF S.E.1/4
SEC. 32-48-42

ACREAGE
N.W.1/4 OF S.W.1/4
SEC. 33-48-42

EAST LINE, W 1/2, W 1/2,
NW. 1/4, SW. 1/4
SEC. 33-48-42 &
W.LINE OF PARCEL G,
GIBSON'S PLAT, P.B. 99,
PG. 45, B.C.R.

PARCEL G
GIBSON'S PLAT
P.B. 99, PG. 45, B.C.R.



THIS IS NOT A SURVEY

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

1800 Eller Drive, Suite 600, Fort Lauderdale, Florida 33316
Phone: 954.921.7781 • Fax: 954.921.3807

Certificate of Authorization 6791

SKETCH AND
LEGAL DESCRIPTION

SCALE
1"=100'

DATE
05-27-14

PROJECT No.
13-5823.2

CAD FILE
SEE LEFT

SHEET

3 of 3