

Exhibit # 1

This instrument prepared by:

Name: Matthew Amster, Esq.
Address: Bercow Radell Fernandez & Larkin, PLLC
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

FIRST AMENDMENT TO GRANT OF EASEMENT FOR AIR RIGHTS

This First Amendment to Grant of Easement for Air Rights ("Amendment") is made and entered into this _____ day of _____, 2017 by the CITY OF MIAMI BEACH, a municipal corporation duly organized and existing under the laws of the State of Florida ("Grantor" or "City") in favor of CG TIDES, LLC, CG TIDES VILLAGE LLC, CG TIDES VILLAGE I LLC, AND CG TIDES VILLAGE II LLC, all Florida limited liability companies (collectively "Grantee"), having an address at 2915 Biscayne Boulevard, Suite 300, Miami, Florida 33137.

RECITALS:

WHEREAS, Grantee is amending the Grant of Easement For Air Rights ("Easement") previously recorded in the public records of Miami-Dade County at Official Records Book 29551, at Page 3802 to acknowledge that the proposed design of the pedestrian bridge has been revised to be fully enclosed by glass walls as approved by HPB File No. HPB17-0105 on May 9, 2017, the order for which was previously recorded in the public records of Miami-Dade County at Official Records Book 30539, at Page 1311; and

WHEREAS, the remainder of the Easement is unchanged and remains in full force and effect.

NOW, THEREFORE, for good and valuable consideration, Grantee voluntarily covenants and agrees as follows:

1. The recitals and findings set forth in the preamble of the Amendment are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.
2. The physical extent of the pedestrian bridge improvements referenced in the Easement are the same as what is reflected in the Easement and as amended by the approved plans by Kobi Karp Architecture and Interior Design, Inc., dated March 16, 2017, associated with HPB File No. HPB17-0105.
3. The remainder of the Easement is unchanged and remains in full force and effect.
4. All notices, demands, requests, or other communications which may be or are required to be given, served, or sent by either the Grantor or the Grantee pursuant to this Easement shall be in writing and addressed as follows:

If to Grantee:

CG TIDES, LLC
Attn: Meyer Chetrit
2915 Biscayne Blvd, Suite 300
Miami, FL 33137

CG TIDES VILLAGE LLC
Attn: Joseph Chetrit
2915 Biscayne Blvd, Suite 300
Miami, FL 33137

CG TIDES VILLAGE I LLC
Attn: Joseph Chetrit
2915 Biscayne Blvd, Suite 300
Miami, FL 33137

CG TIDES VILLAGE II LLC
Attn: Meyer Chetrit & Juda Chetrit
2915 Biscayne Blvd, Suite 300
Miami, FL 33137

With copies to:

Bercow Radell Fernandez & Larking, PLLC
Attn: Matthew Amster, Esq.
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131

If to the Grantor:

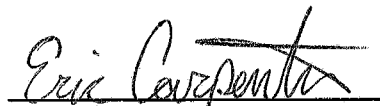
City of Miami Beach
Attn: City Manager
1700 Convention Center Drive, 4th Floor
Miami Beach, Florida 33139

With copies to:

City of Miami Beach
Attn: Public Works Director
1700 Convention Center Drive, 4th Floor
Miami Beach, Florida 33139

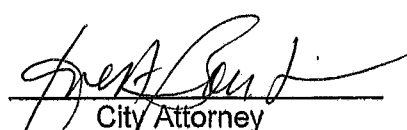
Each Party may designate by notice in writing a new address to which any notice, demand, request or communication may thereafter be so given, served or sent.

APPROVED


Public Works Director

8/31/17
Date

APPROVED AS TO FORM & LANGUAGE


City Attorney

8/31/17
Date

[EXECUTION PAGES TO FOLLOW]

Signed, sealed, executed and acknowledged on 14 day of Aug, 2017.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in their name by their proper officials.

WITNESSES:

[Signature]
Signature
Sandra Figueroa
Print Name
[Signature]
Signature
Sandra Lopez
Print Name

GRANTEE:

CG TIDES, LLC, a Florida
limited liability company;

By: [Signature]
Meyer Chetrit, Manager

Address: 2915 Biscayne Blvd, Suite 300
Miami, Florida 33137

STATE OF New York)
COUNTY OF Queens) SS

The foregoing instrument was acknowledged before me by Meyer Chetrit, the Manager of CG TIDES, LLC, on behalf of the Florida limited liability company. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 14 day of August, 2017, in the County and State aforesaid.

[Signature]
Notary Public-State of NEW YORK

Print Name

My Commission Expires:

LOIS HUTTER SANCHEZ
Notary Public, State of New York
No. 01HU5042516
Qualified in Queens County
Commission Expires April 24, 2019

Signed, sealed executed and acknowledged on 14 day of Aug, 2017.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in their name by their proper officials.

WITNESSES:

[Signature]
Signature
Sandra Figueroa
Print Name

[Signature]
Signature
[Signature]
Print Name

GRANTEE:

CG TIDES VILLAGE LLC, a Florida
limited liability company;

By: [Signature]
Joseph Chetrit, Manager of 392 FIFTH LLC,
the Manager of CG TIDES VILLAGE LLC.

Address: 512 Seventh Avenue, 15th Floor
New York, NY 10018

STATE OF New York)
COUNTY OF Queens) SS

The foregoing instrument was acknowledged before me by Joseph Chetrit, the Manager of 392 FIFTH LLC, the Manager of CG TIDES VILLAGE LLC, on behalf of the Florida limited liability company. He is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 14 day of August, 2017, in the County and State aforesaid.

[Signature]
Notary Public-State of New York

Print Name

My Commission Expires:

LOIS HUTTER SANCHEZ
Notary Public, State of New York
No. 01HU5042516
Qualified in Queens County
Commission Expires April 24, 2019

Signed, sealed executed and acknowledged on 14 day of Aug, 2017.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in their name by their proper officials.

WITNESSES:

[Signature]
Signature
Sandra Fulleroa
Print Name
[Signature]
Signature
[Signature]
Print Name

GRANTEE:

CG TIDES VILLAGE I LLC, a Florida
limited liability company;

By: [Signature]
Joseph Chetrit, Manager of 392 FIFTH LLC,
the Manager of CG TIDES VILLAGE I LLC

Address: 512 Seventh Avenue, 15th Floor
New York, NY 10018

STATE OF New York)
COUNTY OF Queens) SS

The foregoing instrument was acknowledged before me by Joseph Chetrit, the Manager of 392 FIFTH LLC, the Manager of CG TIDES VILLAGE I LLC, on behalf of the Florida limited liability company. He is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 14 day of August, 2017, in the County and State aforesaid.

[Signature]
Notary Public-State of NEW YORK

Print Name

LOIS HUTTER SANCHEZ
Notary Public, State of New York
No. 01HU5042516
Qualified in Queens County
Commission Expires April 24, 2019

My Commission Expires:

Signed, sealed executed and acknowledged on 14 day of Aug, 2017.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in their name by their proper officials.

WITNESSES:

[Signature]
Signature
SANDRA ROUEROA
Print Name

[Signature]
Signature
Sandra Roueroa
Print Name

GRANTEE:

CG TIDES VILLAGE II LLC, a Florida
limited liability company;

By: [Signature]
Meyer Chetrit, Manager

Address: 512 Seventh Avenue, 15th Floor
New York, NY 10018

STATE OF New York)
COUNTY OF Queens) SS

The foregoing instrument was acknowledged before me by Meyer Chetrit, the Manager of CG TIDES VILLAGE II LLC, on behalf of the Florida limited liability company. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 14 day of August, 2017, in the County and State aforesaid.

[Signature]
Notary Public-State of New York

Print Name

My Commission Expires:

LOIS HUTTER SANCHEZ
Notary Public, State of New York
No. 01HU5042516
Qualified in Queens County
Commission Expires April 24, 2019