

This instrument was prepared by:
Name: Raul Aguila, City Attorney
Address: City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

(Space reserved for Clerk)

RELEASE, TERMINATION AND ABANDONMENT OF EASEMENT

This Release, Termination and Abandonment of Easement is executed this ___ day of _____ 2017, by the City of Miami Beach, Florida, a Municipal Corporation with its address at 1700 Convention Center Drive, Miami Beach, FL 33139 (hereinafter referred to as the "City") its successors and assigns, in favor of Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC and AHM Advisors, LLC (collectively, the "Owners").

WHEREAS, the Owners are the owners of the real property commonly known as 7118, 7124, 7134 and 7140 Collins Avenue, 7121 Harding Avenue, and three vacant lots on Harding Avenue without addresses, in Miami Beach, Florida, bearing the following folio numbers: Folios 02-3211-002-0660 (7140 Collins Avenue), 02-3211-002-0650 (7134 Collins Avenue), 02-3211-002-0640 (7124 Collins Avenue), 02-3211-002-0630 (7118 Collins Avenue), 02-3211-002-0600 (7121 Harding Avenue), 02-3211-002-0570 (vacant), 02-3211-002-0580 (vacant) and 02-3211-002-0590 (vacant), consisting of Lots 1-4 and Lots 9-12 of Block 8, Normandy Beach South, according to the plat thereof, recorded in Plat Book 21, Page 54 of the Official Records of Miami-Dade County, Florida (collectively, the "Property"); and

WHEREAS, as shown on the plat of the Property, there is reserved a public utility easement running north-south through the center of the Property, consisting of "[a] strip of land 5 feet wide as indicated by dotted lines . . . reserved in rear of each lot for the use of wire lines, poles, sewer, water mains, etc." (as legally described on Exhibit A hereto, the "City Easement"); and

WHEREAS, the City Easement is composed of the rear five (5) feet of all of the platted lots that comprise the Property, which means that the City Easement is actually a 10-foot easement through the center of the Property because the Owners' lots adjoin at the rear across the width of the platted block; and

WHEREAS, the City Easement is located within an area of the Property on which the Owners intend to build an approximately 179-room hotel with 2,366 square feet of meeting rooms, a 134-seat bar/lounge, and 23,753 square feet of ground floor retail facing Collins Avenue, 72nd Street and Harding Avenue, and with required parking to be provided in an approximately 141-space parking garage located on-site; and

WHEREAS, the Owners have contacted the City and utility companies and the City and utility companies have indicated that there is sufficient surrounding utility infrastructure and, therefore, the City Easement is no longer necessary; and

WHEREAS, the Owners have requested that Florida Power & Light ("FPL") move the transmission lines that run through the City Easement to a different location outside of the City Easement, and FPL has agreed to do same; and

WHEREAS, the City wishes to release, terminate and abandon all of its right, title and interest in and to the City Easement.

NOW, THEREFORE, in consideration of the sum of TEN AND NO (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City agrees as follows:

1. That the above-captioned recitals are incorporated herein by this reference.
2. That the City Easement and all terms, conditions and provisions set forth therein are hereby released, terminated, and abandoned from the Property, and shall have no further force or effect.
3. That the Owners shall be responsible for all costs for relocation, removal, recording in the public records, or any and all associated costs relating to the abandonment.

IN WITNESS WHEREOF, the City has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witnesses:

City of Miami Beach

By: _____
Print Name

Philip Levine, Mayor

By: _____
Print Name

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature] 10/10/17

City Attorney Date

The foregoing instrument was acknowledged before me this ___ day of ___, 2017 by Philip Levine, as Mayor of the City of Miami Beach, who is personally known to me or who has produced _____ as identification and did (did not) take an oath.

Notary Public, State of Florida

City of Miami Beach

Rafael E. Granado, City Clerk