

Prepared by: RETURN:
City Attorney's Office
200 N.W. 1st Avenue
Delray Beach, Florida 33444

PCN 12-43-46-16-01-041-0070
Address 300 Grove Place

WATER AND SEWER UTILITY EASEMENT AGREEMENT

THIS INDENTURE is made this ___ day of _____, 202_, between **CASON COURT, LLC**, a Florida limited liability company, with a mailing address of 290 SE 6th Avenue, Suite 5, Delray Beach, Florida 3348, GRANTOR, and **CITY OF DELRAY BEACH, FLORIDA**, a Florida municipal corporation with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, GRANTEE.

(Whenever used herein the term "GRANTOR" and "GRANTEE" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporation, whenever the context so admits or requires.)

WITNESSETH:

That GRANTOR, for and in consideration of the mutual promises herein contained and other good and valuable considerations, does hereby grant, bargain, sell and release unto the GRANTEE, its successors and assigns, a perpetual exclusive easement which shall permit the GRANTEE authority to enter upon the property of the GRANTOR at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater pipelines, appurtenant facilities, and equipment, including but not limited to wastewater pump stations and fencing, with the full and free right, liberty, enter upon and to install, operate and maintain such facilities under, across, through and upon, over or within the following described property located in Palm Beach County, Florida, to-wit:

See Exhibit "A" attached hereto.

Concomitant and coextensive with this right is the further right in the Grantee, its successors and assigns, of ingress and egress over and on that portion of land described above, to affect the purposes of this Easement, as expressed hereinafter.

That this Easement shall be subject only to those easements, restrictions, and reservations of record. That the GRANTOR agrees to provide for the release or subordination of any and all mortgages or liens encumbering this Easement. The GRANTOR agrees to erect no building or affect any other kind of construction or improvements upon the above-described property without prior consent of the GRANTEE. The GRANTEE shall have the right to remove any permanent or temporary structure in order to access the Easement for the installation, maintenance, or repair of the potable water, reclaimed water, wastewater, and related facilities. GRANTEE shall not be responsible for repairing any structures damaged or destroyed while accessing the easement for maintenance or repair. The GRANTEE shall only be responsible for restoring the affected property area to a substantially similar condition utilizing substantially similar materials which were existing before repairs or maintenance took place, except for unapproved improvements and as to grass areas, the GRANTEE shall only be required to restore grass areas with either Bahia or St Augustine sod, and no specialty sod shall be installed without payment for same by GRANTOR to GRANTEE prior to the restoration of the grass areas.

GRANTOR does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good right and lawful authority to grant the above-described Easement and that the same is unencumbered. Where the context of this Easement Agreement allows or permits, the same shall include the successors or assigns of the parties.

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

WITNESS #1

[Signature]
Signature
Shonda Brami
Printed or Typed Name

290 SE 6th Ave Ste 5
Delray Beach, FL 33483
Address

WITNESS #2:

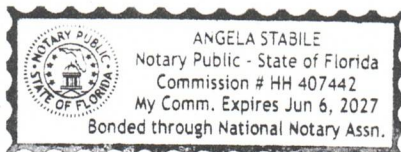
[Signature]
Signature
William K. Westley III
Printed or Typed Name

505 MARLIN RD
NORTH PALM BEACH, FL 33408
Address

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24th day of June, 2025, by Richard Caster (name of person), as Manager (type of authority) for Azure Development, LLC, as Manager for Cason Court, LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification
Type of Identification Produced _____



GRANTOR
By: [Signature]
Name: Richard J Caster
Title: Manager
for
Company: Azure Development, LLC,
as Manager for Cason Court, LLC
Date: _____

[Signature]
Notary Public - State of Florida

ATTEST:

**GRANTEE/ CITY OF DELRAY BEACH,
FLORIDA**

By: _____
City Clerk

By: _____
City Mayor

Approved as to Form:

By: _____
City Attorney

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EXHIBIT “A”

DESCRIPTION:

A PORTION OF A CITY OF DELRAY BEACH RIGHT OF WAY, ACCORDING TO THE OFFICIAL RECORD BOOK 1, PAGE 3 AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4 OF CASON COURT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 136, PAGES 194 THROUGH 195 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°09'16"E ALONG THE SOUTH LINE OF CASON COURT, A DISTANCE OF 51.42 FEET TO THE TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE OF CASON COURT N89°09'16"E, A DISTANCE OF 12.00 FEET TO AN INTERIOR CORNER ON THE SOUTH LINE OF CASON COURT; THENCE S01°34'25"E, A DISTANCE OF 27.07 FEET TO ANOTHER INTERIOR CORNER OF CASON COURT; THENCE S89°09'16"W, A DISTANCE OF 12.00 FEET; THENCE N01°34'25"W, A DISTANCE OF 27.07 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 325 SQUARE FEET (0.0075 ACRES), MORE OR LESS.

SURVEYOR'S NOTES:

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF NORTH 89°05'30" EAST, BASED ON THE NORTH LINE OF TRACT "A", CASON COURT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PALM BEACH COUNTY, FLORIDA, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT).
5. THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON AUGUST 06, 2024. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

**THIS IS NOT A SURVEY
SHEET 1 OF 3**



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING - LAND SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434

PHONE (561)-392-1991 / FAX (561)-750-1452

CITY OF DELRAY
WATER & SEWER EASEMENT
SKETCH AND DESCRIPTION



Digitally signed
by Owen Riggs
Date:
2025.06.25
12:05:03 -04'00'

OWEN M. RIGGS
PROFESSIONAL
SURVEYOR & MAPPER
NO. 6967 STATE OF
FLORIDA L.B. 3591

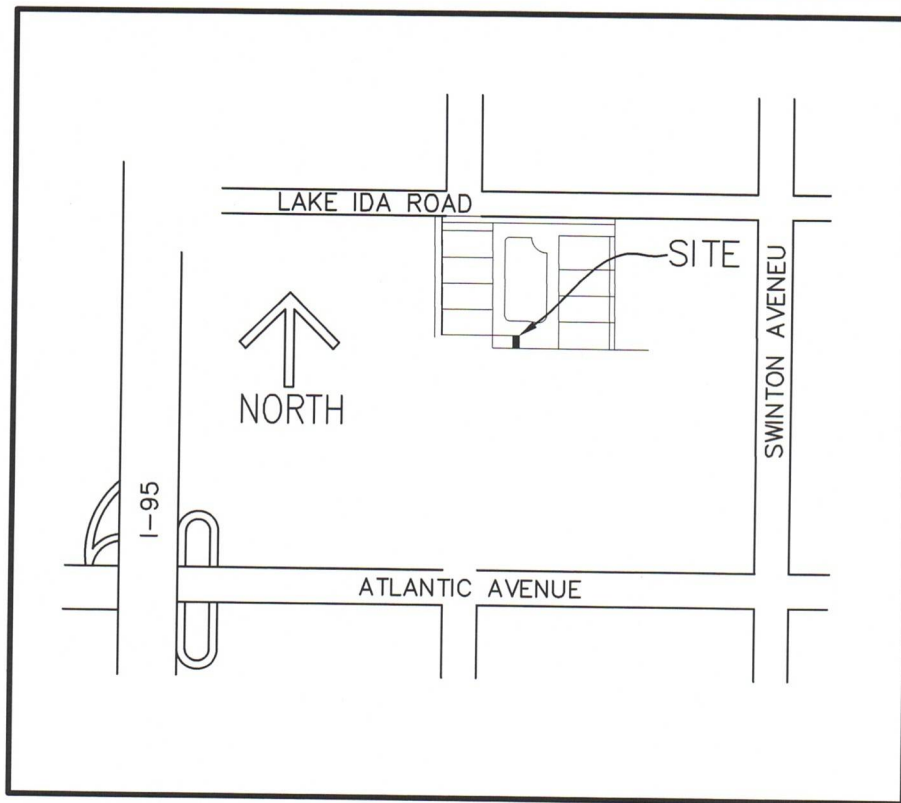
DATE 06/20/2025

DRAWN BY BLB

F.B./ PG. N/A

SCALE NONE

JOB NO. 9572 WSUE



LEGEND/ABBREVIATIONS:

FPL - FLORIDA POWER AND LIGHT
 G.U.E - GENERAL UTILITY EASEMENT
 L.B. - LICENSED BUSINESS
 O.R.B. - OFFICIAL RECORD BOOK
 POB - POINT OF BEGINNING
 POC - POINT OF COMMENCEMENT
 PB - PLAT BOOK
 PG. - PAGE
 R/W - RIGHT-OF-WAY
 (P) - DENOTES CASON COURT,
 PLAT BOOK 136, PAGE 194 PALM
 BEACH COUNTY PUBLIC RECORDS

* - STREET NAME DERIVED FROM
 RECORDED ADDRESSES NOT PLAT

THIS IS NOT A SURVEY
 SHEET 2 OF 3



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CITY OF DELRAY
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DATE 06/20/2025

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F.B./ PG. N/A

SCALE NONE

JOB NO. 9572 WSUE

LOT 3
(P)

LOT 4
(P)

10' SIDEWALK
EASEMENT
(P)

P.O.C.

SOUTH LINE LOT 4

EAST LINE LOT 4

TRACT "C", GROVE PLACE*
(PRIVATE ROAD)(P)

TRACT "D", (P)

TRACT "C", GROVE PLACE*
(PRIVATE ROAD)(P)

N89°09'16"E
51.42'

P.O.B.

N89°09'16"E
12.00'

S01°34'25"E
27.07'

N01°34'25"W
27.07'

TRACT "C", (P)

LOT 7, BLOCK 41
SUBDIVISION OF
BLOCK 41
(P.B. 5, PG. 65)

S89°09'16"W
12.00'

25' RIGHT OF WAY
DEDICATED TO THE
CITY OF DELRAY BEACH
(O.R.B 936, PG.561)

LOT 8, BLOCK 41
SUBDIVISION OF
BLOCK 41
(P.B. 5, PG. 65)

N.W. 2ND AVENUE
50' PLATTED RIGHT OF WAY
(P.B. 1, PG. 3)

LOT 8, BLOCK 49
(P.B. 12, PG. 86)

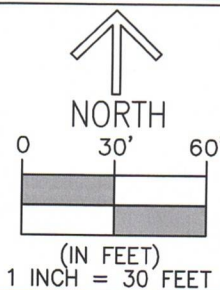
THIS IS NOT A SURVEY
SHEET 3 OF 3



CAULFIELD & WHEELER, INC.

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CITY OF DELRAY
WATER & SEWER EASEMENT
SKETCH AND DESCRIPTION



DATE 06/20/2025

DRAWN BY BLB

F.B./ PG. N/A

SCALE 1"=30'

JOB NO. 9572 WSUE