

Prepared by: RETURN:

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

PCN 12-43-46-19-49-001-0000
Address 1221 S Congress Ave, Delray Beach

WATER AND SEWER UTILITY EASEMENT AGREEMENT

THIS INDENTURE made this ___ day of _____, 202_, between Delray Apartments Venture, L.L.C.,
a Delaware limited liability company

with a mailing address of 3715 Northside Parkway, Suite B2-800, Atlanta, GA 30327, 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



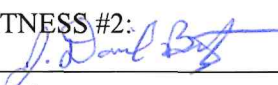
Signature
THOMAS KURIAN

Printed or Typed Name

3715 NORTHSIDE PKWY B2-800
ATLANTA, GA 30327

Address

WITNESS #2:



Signature
J. DANIEL BUTZ

Printed or Typed Name

3715 NORTHSIDE PKWY B2-800
ATLANTA, GA 30327

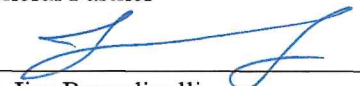
Address

GRANTOR

DELRAY APARTMENTS VENTURE, L.L.C.,
a Delaware limited liability company

By: SCH 133 Delray, L.P., a Delaware limited partnership,
its Manager

By: Residential LTH GP, L.L.C.,
a Delaware limited liability company,
its General Partner

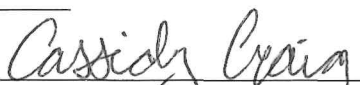
By: 

Name: Jim Berardinelli
Title: Vice President
Date: 6/22/2026

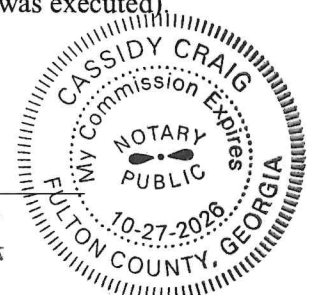
STATE OF ~~FLORIDA~~ GEORGIA
COUNTY OF ~~PALM BEACH~~ FULTON

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of JUNE, 2026, by JIM BERARDINELLI (name of person), as VICE PRESIDENT (type of authority) for DELRAY APARTMENTS VENTURE LLC (name of party on behalf of whom instrument was executed)

Personally known ☒ OR Produced Identification
Type of Identification Produced _____



Notary Public – State of Florida-
GEORGIA



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:

BEING A PORTION OF PARCEL 'A', ALEXAN DELRAY PLAT AS RECORDED IN PLAT BOOK 138, PAGES 115 THROUGH 116, OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, SECTION 19, TOWNSHIP 46 SOUTH, RANGE 43 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF AFORESAID PLAT PARCEL 'A'; THENCE NORTH 00°51'53" WEST ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 3.70 FEET TO THE POINT OF BEGINNING #1; THENCE LEAVING THE WEST LINE N.89°08'03"E., A DISTANCE OF 12.00 FEET; THENCE N.00°51'53"W., A DISTANCE OF 17.38 FEET; THENCE N.89°08'07"E., A DISTANCE OF 1.42 FEET; THENCE N.00°51'53"W., A DISTANCE OF 22.00 FEET; THENCE S.89°08'07"W., A DISTANCE OF 1.42 FEET; THENCE N.00°51'53"W., A DISTANCE OF 9.33 FEET; THENCE S.89°08'03"W., A DISTANCE OF 12.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID PARCEL 'A' AND REFERENCE POINT 'A'; THENCE CONTINUING ALONG SAID WEST LINE S.00°51'53"E., A DISTANCE OF 48.71 FEET TO THE POINT OF BEGINNING #1.

TOGETHER WITH:

COMMENCING AT AFORESAID REFERENCE POINT 'A'; THENCE NORTH 00°51'53" WEST ALONG THE WEST LINE OF PARCEL 'A', A DISTANCE OF 395.30 FEET TO THE POINT OF BEGINNING #2; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 12.00 FEET TO REFERENCE POINT 'B'; THENCE LEAVING THE WEST LINE OF PARCEL 'A', N.89°08'07"E., A DISTANCE OF 54.19 FEET; THENCE N.00°41'38"W., A DISTANCE OF 14.97 FEET; THENCE N.89°18'29"E., A DISTANCE OF 12.00 FEET; THENCE S.00°41'38"E., A DISTANCE OF 14.93 FEET; THENCE N.89°08'07"E., A DISTANCE OF 256.82 FEET; THENCE S.00°51'53"E., A DISTANCE OF 12.00 FEET; THENCE S.89°08'07"W., A DISTANCE OF 14.25 FEET; THENCE S.00°55'00"E., A DISTANCE OF 21.19 FEET; THENCE S.89°05'00"W., A DISTANCE OF 12.00 FEET; THENCE N.00°55'00"W., A DISTANCE OF 21.20 FEET; THENCE S.89°08'07"W., A DISTANCE OF 245.81 FEET; THENCE S.00°51'57"E., A DISTANCE OF 20.36 FEET; THENCE S.89°08'07"W., A DISTANCE OF 12.00 FEET; THENCE N.00°51'57"W., A DISTANCE OF 20.36 FEET; THENCE S.89°08'07"W., A DISTANCE OF 24.71 FEET; THENCE S.00°51'53"E., A DISTANCE OF 143.55 FEET; THENCE N.88°47'54"E., A DISTANCE OF 13.07 FEET; THENCE S.01°12'06"E., A DISTANCE OF 12.00 FEET; THENCE S.88°47'54"W., A DISTANCE OF 25.14 FEET; THENCE N.00°51'53"W., A DISTANCE OF 155.63 FEET; THENCE S.89°08'07"W., A DISTANCE OF 2.25 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF PARCEL 'A' AND THE POINT OF BEGINNING #2.

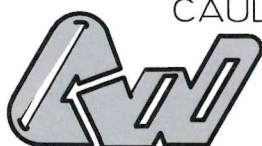
TOGETHER WITH:

COMMENCING AT AFORESAID REFERENCE POINT 'B'; THENCE CONTINUING ALONG THE WEST LINE OF PARCEL 'A', NORTH 00°51'53" WEST, A DISTANCE OF 289.19 FEET TO THE POINT OF BEGINNING #3; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 50.05 FEET; THENCE LEAVING SAID WEST LINE N.89°08'03"E., A DISTANCE OF 12.00 FEET; THENCE S.00°51'53"E., A DISTANCE OF 4.84 FEET; THENCE S.34°38'06"E., A DISTANCE OF 5.52 FEET; THENCE S.00°51'53"E., A DISTANCE OF 36.61 FEET; THENCE S.89°08'03"W., A DISTANCE OF 6.68 FEET; THENCE S.47°15'35"W., A DISTANCE OF 6.00 FEET; THENCE S.89°08'03"W., A DISTANCE OF 3.92 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF PARCEL 'A' AND THE POINT OF BEGINNING #3.

CONTAINING 7,891 SQUARE FEET (0.1812 ACRES), MORE OR LESS. SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

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 SURVEYED UNDER MY DIRECTION ON JUNE 09, 2026. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.



CAULFIELD & WHEELER, INC.

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

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



Digitally signed by
David Lindley
Date: 2026.06.19
09:08:59 -04'00'
Adobe Acrobat
version:
2026.001.21662

DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE 02/02/2026

DRAWN BY SLD

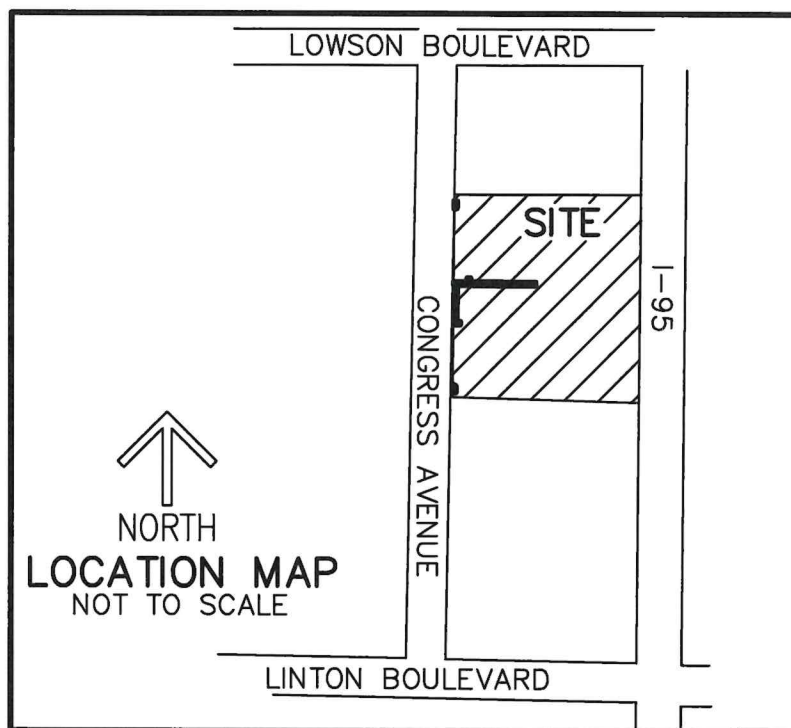
F.B./ PG. N/A

SCALE NONE

JOB# 9605 CODBUE1

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

EXHIBIT "A"



SECTION 19, TOWNSHIP 46 SOUTH, RANGE 43 EAST

LEGEND ABBREVIATIONS

CL - CENTERLINE
Δ - DELTA (CENTRAL ANGLE)
L - ARC LENGTH
R - RADIUS
P.B. - PLAT BOOK
PG - PAGE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
N - NORTHING
E - EASTING

R/W - RIGHT-OF-WAY
F.P.L. - FLORIDA POWER & LIGHT
PRM - PERMANENT REFERENCE MONUMENT
O.R.B. - OFFICIAL RECORD BOOK
ESMT. - EASEMENT
PBCR - PALM BEACH COUNTY RECORDS
LB - LICENSED BUSINESS
U.E. - UTILITY EASEMENT
L.A.E. - LIMITED ACCESS EASEMENT
G.U.E. - GENERAL UTILITY EASEMENT

THIS IS NOT A SURVEY

SHEET 2 OF 7



CAULFIELD & WHEELER, INC.

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

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

DATE 02/02/2026

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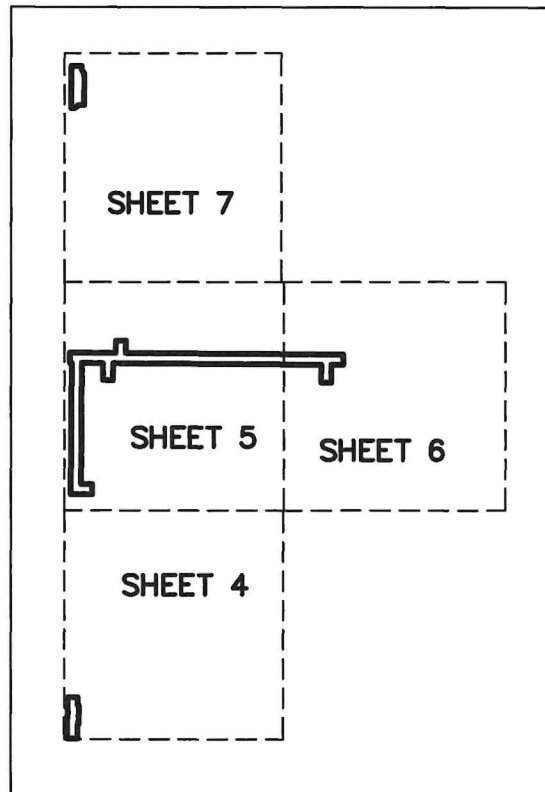
F.B./ PG. N/A

SCALE NONE

JOB# 9605 CODBUE1

SURVEYOR'S NOTES:

1. SKETCH AND DESCRIPTIONS 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 SKETCH AND DESCRIPTIONS 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 SOUTH 88°47'27" WEST ALONG THE SOUTH LINE OF THE PLAT ALEXAN DELRAY, AS RECORDED IN THE PLAT THEREOF PLAT BOOK 138 PAGES 115 THROUGH 116, OF THE PUBLIC RECORDS OF 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. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.

**THIS IS NOT A SURVEY****CAULFIELD & WHEELER, INC.**

CIVIL ENGINEERING

LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

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**CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION**

SHEET 3 OF 7

DATE 02/02/2026

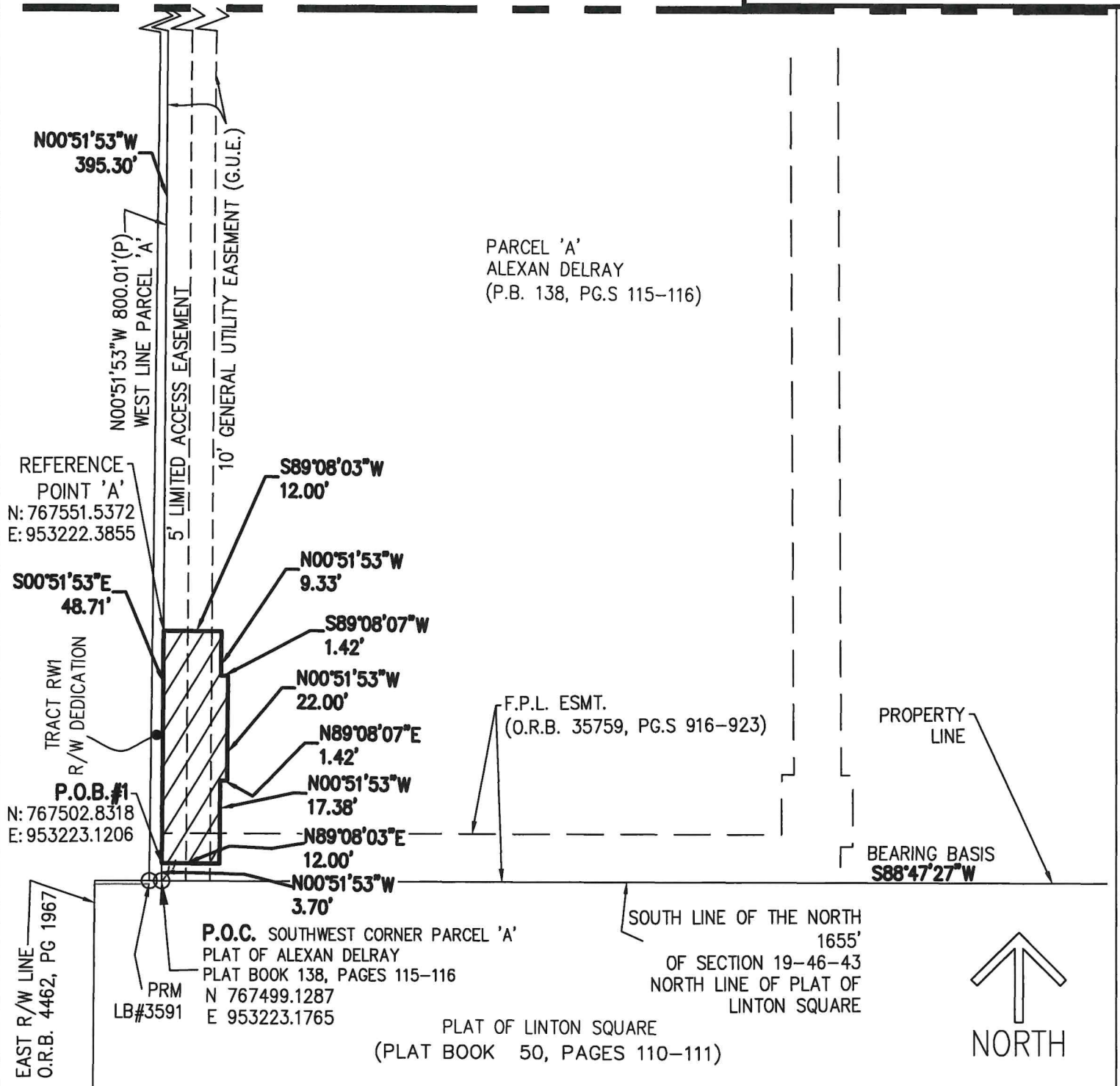
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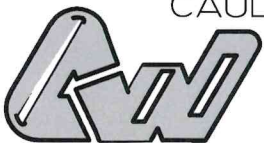
JOB# 9605 CODBUE1

MATCHLINE SHEET 5



THIS IS NOT A SURVEY

SHEET 4 OF 7



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING

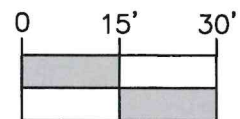
LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

BOCA RATON, FLORIDA 33434

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

GRAPHIC SCALE



1 INCH = 30 FEET

DATE 02/02/2026

DRAWN BY SLD

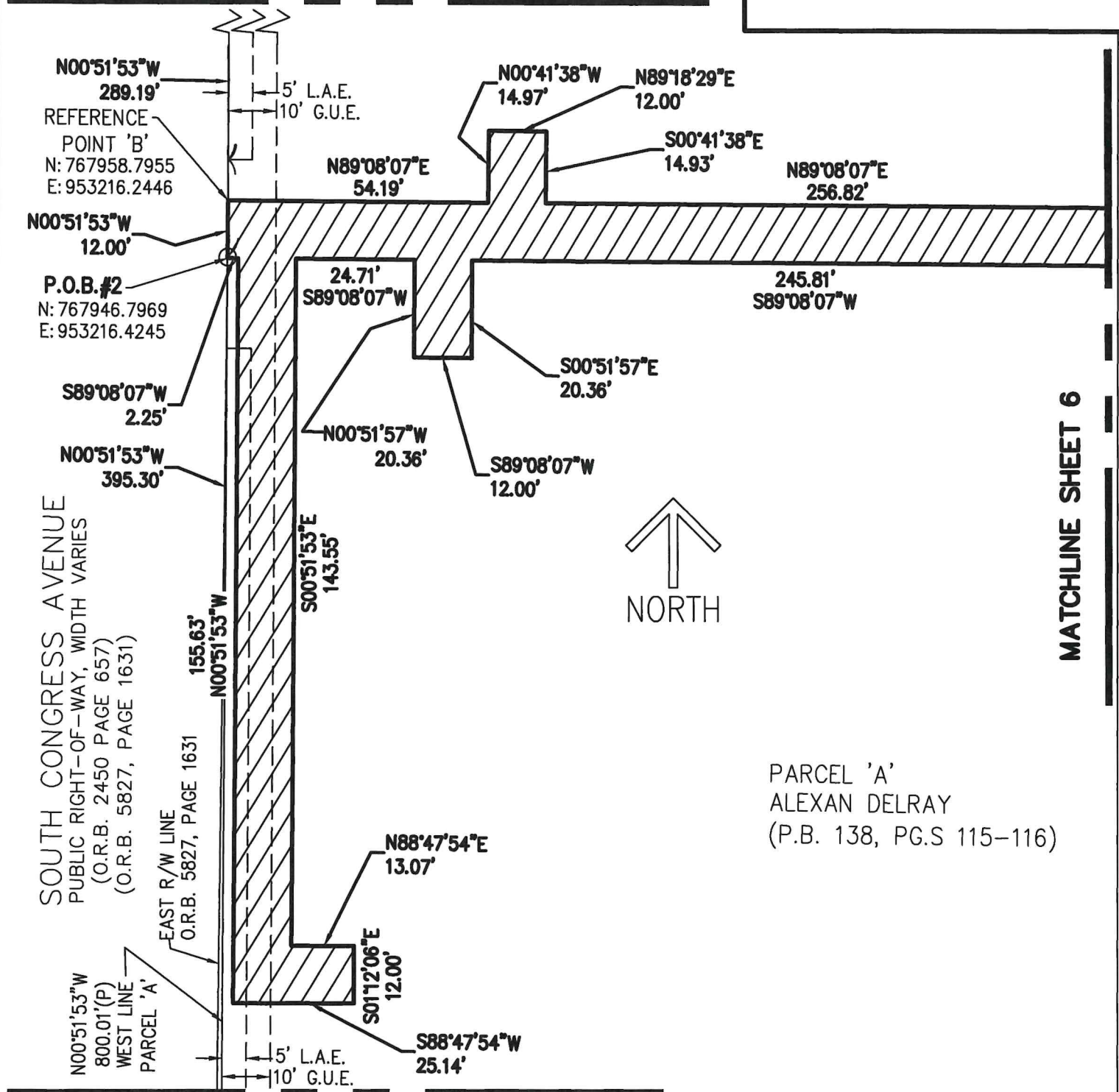
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SCALE 1"=30'

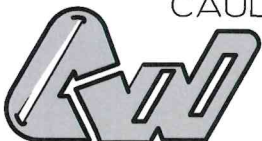
JOB# 9605 CODBUE1

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

MATCHLINE SHEET 7



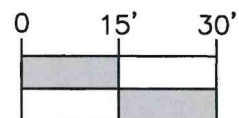
MATCHLINE SHEET 4

THIS IS NOT A SURVEY
SHEET 5 OF 7

CAULFIELD & WHEELER, INC.

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 7900 GLADES ROAD - SUITE 100
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 PHONE (561)-392-1991 / FAX (561)-750-1452

GRAPHIC SCALE



1 INCH = 30 FEET

CITY OF DELRAY BEACH UTILITY EASEMENT
 ALEXAN DELRAY
 SKETCH AND DESCRIPTION

DATE 02/02/2026

DRAWN BY SLD

F.B./ PG. N/A

SCALE 1"=30'

JOB# 9605 CODBUE1



PROPERTY LINE

PARCEL 'A'
ALEXAN DELRAY
(P.B. 138, PG.S 115-116)

F.P.L. ESMT.
(O.R.B. 35759,
PG.S 916-923)

MATCHLINE SHEET 5

N89°08'07"E
256.82'

245.81'
S89°08'07"W

N00°55'00"W
21.20'

S00°51'53"E
12.00'

S89°08'07"W
14.25'

S00°55'00"E
21.19'

S89°05'00"W
12.00'

15' CITY GREENWAY EASEMENT

S00°51'53"E 800.01'

SEABOARD COAST LINE RAILROAD
ALSO KNOWN AS CSX RAILWAY
100' RIGHT-OF-WAY

100'

THIS IS NOT A SURVEY

SHEET 6 OF 7



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING

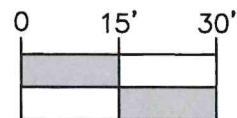
LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

BOCA RATON, FLORIDA 33434

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

GRAPHIC SCALE



1 INCH = 30 FEET

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

DATE 02/02/2026

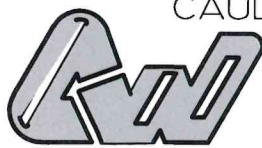
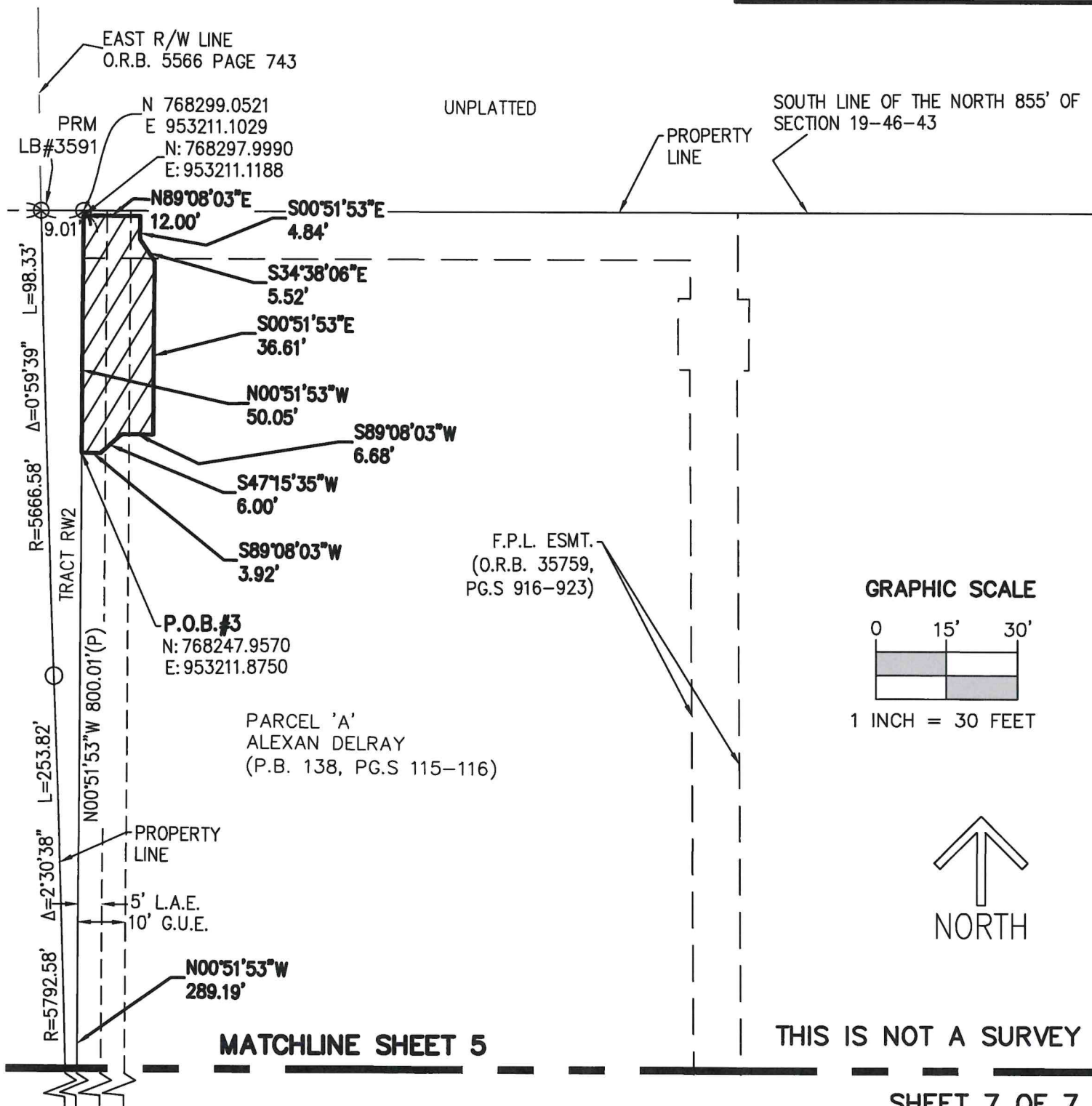
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F.B./ PG. N/A

SCALE 1"=30'

JOB# 9605 CODBUE1

EXHIBIT "A"



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CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

DATE	02/02/2026
DRAWN BY	SLD
F.B./ PG.	N/A
SCALE	1"=30'
JOB#	9605 CODBUE1