

Prepared and Return To:

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

PCN: 12-43-46-28-00-000-1140

Property Address: 1035 Bermuda Gardens Road
Delray Beach, FL 33483

ACCESS EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made this ____ day of _____, 2025, by and between **1035 BERMUDA GARDENS LLC**, a Delaware Limited Liability Company, with a mailing address of 1035 Bermuda Gardens Road, Delray Beach, Florida 33483 ("Grantor"), and the **CITY OF DELRAY BEACH**, a Florida municipal corporation, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, ("Grantee" or "City").

WITNESSETH: That Grantor, for and in consideration of the mutual promises herein contained, and other valuable consideration, the receipt whereof is hereby acknowledged, hereby grant(s) unto Grantee, its successors and assigns, a **PERPETUAL ACCESS EASEMENT** ("Easement") over, upon, under, through and across the following described land, situate in Palm Beach County, Florida, to-wit:

See Exhibit "A"

Grantee, its officers, employees, and/or agents shall have the non-exclusive right to access and use the Easement property, as described in Exhibit "A" ("Easement Area"), for the purposes of constructing, installing, and maintaining certain improvements, including but not limited to, sidewalk, pathways, lighting, curbing, drainage facilities, handicap access, underground drainage, utilities and landscaping in Grantee's sole and absolute discretion. It is the express intent of the Grantor and Grantee that this Easement shall continue and exist in perpetuity after the completion of construction activities, including the right of the Grantee for ingress and egress over and through the Easement Area. Additionally, Grantor shall not install or construct any improvements within the Easement Area without the City's prior written consent.

It is further understood and agreed that upon completion of construction of public improvements, the City shall maintain, at its sole cost and expense, any such public improvements that the City constructs, installs, or places or causes to be placed within the Easement Area in accordance with the City's standards for maintaining such improvements.

Each party to this Easement shall be liable for its own actions and negligence and, to the extent permitted by law, the Grantor shall indemnify, defend, and hold harmless the City against any actions, claims, or damages arising out of the Grantor's negligence in connection with this Easement; and the City shall indemnify, defend and hold harmless the Grantor against any actions, claims or damages arising out of the negligence of the City in connection with this Easement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth at Sec. 768.28, *Florida Statutes*. Furthermore, in no case, whatsoever, shall such limits extend beyond

\$200,000 for any one person or beyond \$300,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. These provisions shall not be construed to constitute an agreement by either party to indemnify the other for such other's negligent, willful, or intentional acts or omissions. Grantor acknowledges a duty to notify the City of a known or reasonably knowable, hazardous condition(s) within the Easement Area.


FURTHERMORE, the granting of this Easement in no way conveys fee simple title to the Easement Area but is only a Perpetual Access Easement for the uses and purposes stated herein. This Easement shall be applicable to and binding upon the successors and assigns of Grantor and the City. The Easement granted shall run with the land.

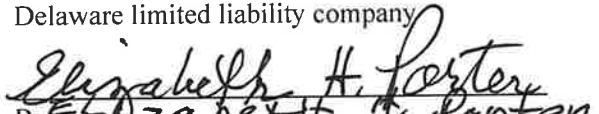
IN WITNESS WHEREOF, said Grantor has signed and sealed these presents the day and year first above written.


GRANTOR

WITNESSES:

1035 BERMUDA GARDENS LLC, a
Delaware limited liability company



Print Name: JENNIFER A. ALESSE
Address: 3900 COUNTY LINE ROAD
TEQUESTA, FL 33469


By: Elizabeth H. Porter
As: owner


Print Name: ANDREW ZAID
Address: 1150 TOWN CENTER DR. 202
UPPER 71 33458

State of Florida
County of Martin

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or () online notarization, this 4 day of April 2025, by Elizabeth H. Porter as owner, of 1035 BERMUDA GARDENS LLC, a Delaware limited liability company, on behalf of the company, and who is ☒ personally known to me or () produced the following as identification: N/A.

 Jill Wilson
Notary Public – State of Florida



GRANTEE/ CITY

By: _____
City Clerk

By: _____
Mayor

Approved as to Form:

By: _____
City Attorney

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EXHIBIT "A"
(Legal Description of "Easement Area")

DESCRIPTION:

THE SOUTH 20 FEET OF THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE PARALLEL TO, AND 1300 FEET NORTHERLY FROM, MEASURED AT RIGHT ANGLES TO, THE EAST AND WEST QUARTER SECTION LINE OF SAID SECTION 28 WITH THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. A-1-A, AS NOW LAID OUT AND IN USE; THENCE WESTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 110.79 FEET; THENCE SOUTHERLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 100 FEET TO A POINT IN SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. A-1-A; THENCE NORTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.58 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, BROWARD COUNTY, FLORIDA, AND CONTAIN 2,022 SQUARE FEET OR 0.0464 ACRES, MORE OR LESS.

LEGEND/ABBREVIATIONS

B.C.R. - BROWARD COUNTY RECORDS

CL - CENTERLINE

Δ - DELTA (CENTRAL ANGLE)

D.E. - DRAINAGE EASEMENT

L - LENGTH

LB - LICENSED BUSINESS

PB - PLAT BOOK

PG - PAGE

POB - POINT OF BEGINNING

POC - POINT OF COMMENCEMENT

PT - POINT

R - RADIUS

RB - RADIAL BEARING

U.E. - UTILITY EASEMENT

***** NVAL - NON-VEHICAL ACCESS LINE

SURVEYOR'S NOTES:

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND 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 THE NORTH LINE OF BERMUDA GARDEN ESTATES PLAT, PLAT BOOK 103, PAGES 8 TROUGH 9, PALM BEACH COUNTY, HAVING A BEARING OF N89°54'30"E.
5. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
7. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.
8. PROPERTY ADDRESS: 1035 BERMUDA GARDENS ROAD

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 MARCH 15, 2025. 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.



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING

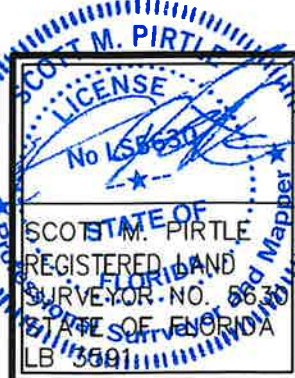
LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

BOCA RATON, FLORIDA 33434

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

A PARCEL OF LAND IN SECTION 28,
TOWNSHIP 46 SOUTH, RANGE 43 EAST
20' ACCESS EASEMENT - SKETCH AND DESCRIPTION



SHEET 1 OF 2

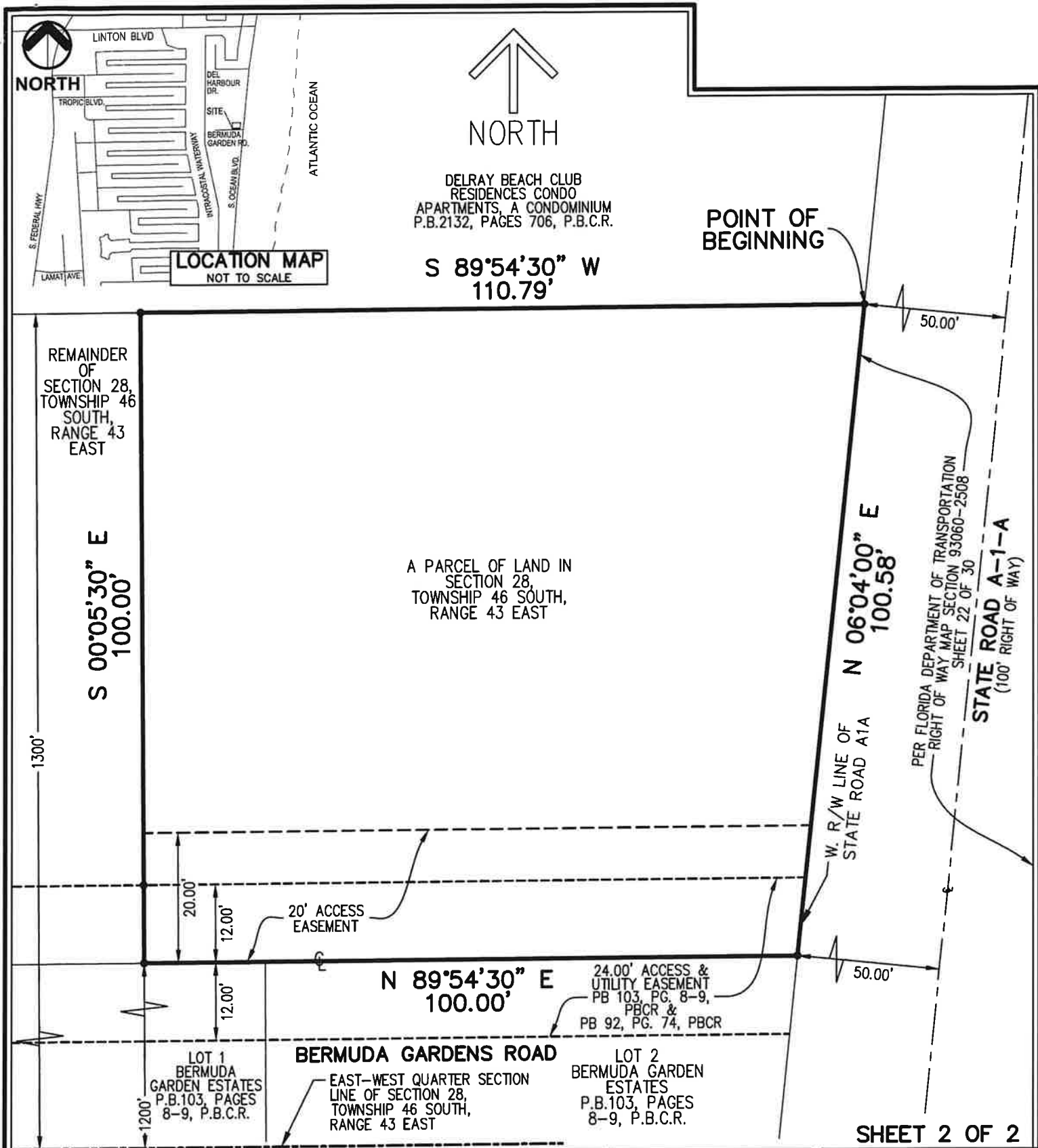
DATE 3/15/2025

DRAWN BY ER

F.B./ PG. NONE

SCALE NONE

JOB NO. 11339 ACCESS



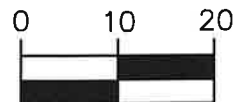
SHEET 2 OF 2



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

GRAPHIC SCALE



(IN FEET)
1 INCH = 20 FEET

DATE 3/15/2025

DRAWN BY ER

F.B./ PG. NONE

SCALE NONE

JOB NO. 11339 ACCESS

**A PARCEL OF LAND IN SECTION 28,
TOWNSHIP 46 SOUTH, RANGE 43 EAST
20' ACCESS EASEMENT - SKETCH AND DESCRIPTION**