

Prepared by: RETURN:

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

PCN 12-42-46-24-02-007-0071  
Address 3900 SHERWOOD BLVD.

## **WATER AND SEWER UTILITY EASEMENT AGREEMENT**

THIS INDENTURE made this \_\_ day of \_\_\_\_\_, 202\_, between Toll Southeast LP Company, Inc.

with a mailing address of 951 BROKEN SOUND PKWY NW STE 180 BOCA RATON FL 33487 3505, 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

*Logan Capone*  
Signature  
Logan Capone  
Printed or Typed Name

951 Broken Sand Pkwy #340  
Boca Raton, 33487  
Address

WITNESS #2:

*Adam Bowdler*  
Signature  
Adam Bowdler  
Printed or Typed Name

951 Broken Sand Pkwy #340  
Boca Raton, 33487  
Address

GRANTOR

By: *Tal Falk*

Name: Tal Falk

Title: Authorized Representative  
for

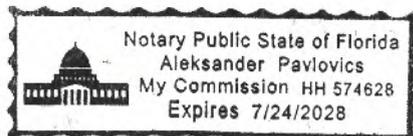
Company: Toll Southeast LP, Company

Date: 1/20/2026

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 20<sup>th</sup> day of January, 2026, by Tal Falk (name of person), as Authorized Agent (type of authority) for Toll Southeast LP, Company (name of party on behalf of whom instrument was executed).

Personally known  OR Produced Identification  
Type of Identification Produced \_\_\_\_\_



*Aleksander Pavlovics*  
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 STRIP OF LAND 24.00 FEET WIDE, 12.00 FEET AS MEASURED AT RIGHT ANGLES, ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, BEING A PORTION OF LOT 7, BLOCK 7, REPLAT OF BLOCKS 7-8-9-10, SHERWOOD PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGE 161 OF OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, THE CENTERLINE OF SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 7; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 7, N89°04'49"E, A DISTANCE OF 77.03 FEET TO THE POINT OF BEGINNING OF SAID 24.00 FOOT WIDE STRIP; THENCE N01°27'43"W, A DISTANCE OF 125.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID BLOCK 7 AND TO THE POINT OF TERMINUS OF SAID 24.00 FOOT WIDE STRIP.

**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. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF S89°04'49"W, ALONG THE NORTH LINE OF LOT 7, BLOCK 7, REPLAT OF BLOCKS 7-8-9-10, SHERWOOD PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGE 161 OF 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) AND BASED ON FIELD MEASUREMENTS.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. 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.
6. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.

**CERTIFICATE:**

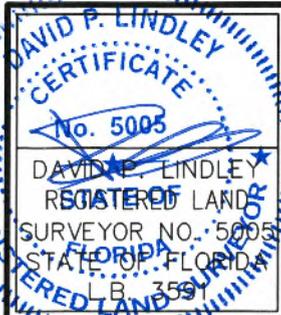
I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON DECEMBER 12, 2025. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

**THIS IS NOT A SURVEY**

**SHEET 1 OF 3**



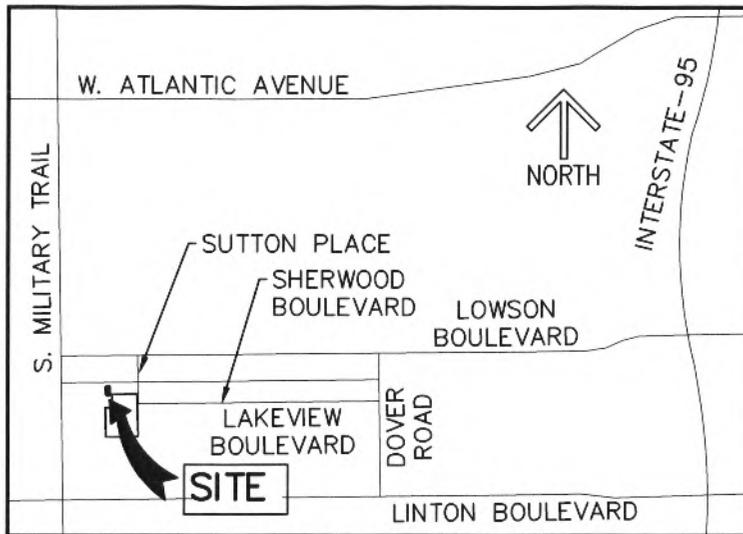
**CAULFIELD & WHEELER, INC.**  
 CIVIL ENGINEERING  
 LANDSCAPE ARCHITECTURE - SURVEYING  
 7900 GLADES ROAD - SUITE 100  
 BOCA RATON, FLORIDA 33434  
 PHONE (561)-392-1991 / FAX (561)-750-1452



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

DATE	12/12/2025
DRAWN BY	SAS
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	8551-NEW WSE

**LOT 7, BLOCK 7, REPLAT OF BLOCKS 7-8-9-10, SHERWOOD PARK  
 WATER/SEWER EASEMENT  
 SKETCH AND DESCRIPTION**



**LOCATION MAP**  
(NOT TO SCALE)

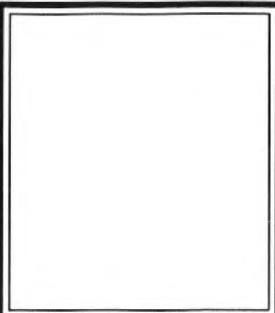
**LEGEND/ABBREVIATIONS:**

- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.O.T. - POINT OF TERMINUS
- P.B. - PLAT BOOK
- O.R.B. - OFFICIAL RECORD BOOK
- PG(S). - PAGE(S)
- PBC - PALM BEACH COUNTY
- LB - LICENSED BUSINESS
- NAD - NORTH AMERICAN DATUM
- R/W - RIGHT-OF-WAY
- 24-46-42 - SECTION 24, TOWNSHIP 46 SOUTH,  
RANGE 42 EAST
- ℄ - CENTERLINE

**THIS IS NOT A SURVEY**

**SHEET 2 OF 3**

**CAULFIELD & WHEELER, INC.**  
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DATE	12/12/2025
DRAWN BY	SAS
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	8551-NEW WSE

**LOT 7, BLOCK 7, REPLAT OF BLOCKS 7-8-9-10, SHERWOOD PARK  
 WATER/SEWER EASEMENT  
 SKETCH AND DESCRIPTION**

**SHERWOOD BOULEVARD**  
(60' PUBLIC R/W)(P.B. 26, PAGE 187)

P.O.T.

**REPLAT OF BLOCKS  
7-8-9-10, SHERWOOD PARK**  
(P.B. 27, PAGE 161)

**LOT 6,  
BLOCK 7**

WEST 27.00' OF  
**LOT 7, BLOCK 7**

EAST 73.00' OF  
**LOT 7, BLOCK 7**

N01°27'43"W 125.00'

TEMPORARY ACCESS  
EASEMENT  
(O.R.B. 13805, PAGE 842)

**LOT 8,  
BLOCK 7**

**LOT 9, BLOCK 7**

NORTH LINE  
OF BLOCK 7  
(P.B. 27,  
PAGE 161)

SOUTH LINE  
OF BLOCK 7  
(P.B. 27,  
PAGE 161)

6' EASEMENT  
(P.B. 27,  
PG. 161)

N89°04'49"E  
77.03'

P.O.C.

SOUTHWEST CORNER OF  
LOT 7, BLOCK 7  
REPLAT OF BLOCKS  
7-8-9-10, SHERWOOD PARK  
(P.B. 27, PAGE 161)

P.O.B.

CENTERLINE  
OF 24'  
EASEMENT

A PORTION OF  
**SECTION 24-46-42**

EAST LINE  
OF PARCEL

**UNPLATTED**

A PORTION OF SECTION 24-46-42  
WARRANTY DEED  
(O.R.B. 13805, PG. 829)

EAST LINE OF  
PARCEL "A"  
(P.B. 77,  
PAGE 135)

**PARCEL "A"  
EMMANUEL CATHOLIC  
CHURCH PLAT TWO**  
(PLAT BOOK 77, PAGE 135)

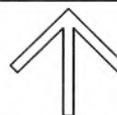
THIS IS NOT A SURVEY

SHEET 3 OF 3



**CAULFIELD & WHEELER, INC.**

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0 20' 40'

1 INCH = 40 FEET

DATE 12/12/2025

DRAWN BY SAS

F.B./ PG. N/A

SCALE 1"=40'

JOB NO. 8551-NEW WSE

**LOT 7, BLOCK 7, REPLAT OF BLOCKS 7-8-9-10, SHERWOOD PARK  
WATER/SEWER EASEMENT  
SKETCH AND DESCRIPTION**