

Prepared by:  
Record & Return to:  
Gary S. Dunay, Esq.  
Dunay, Miskel and Backman, LLP  
14 SE 4<sup>th</sup> Street, #36  
Boca Raton, FL 33432

Address:  
PCN: 12-43-46-04-50-018-0000

---

## WATER AND SEWER EASEMENT AGREEMENT

**THIS INDENTURE**, made this \_\_\_\_ day of \_\_\_\_\_, 2024 by and between **DELRAY RIDGE, LLC**, a Florida limited liability company, with a mailing address of 902 Clint Moore Road, Suite 128, Boca Raton, FL 33487, Grantor, and the **CITY OF DELRAY BEACH**, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, a municipal corporation in Palm Beach County, State of Florida, Grantee:

**WITNESSETH:** That the 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 for the purpose of the construction and maintenance of City of Delray Beach water and sanitary sewer utilities with full and free right, liberty, and authority to enter upon and to install, operate, and maintain such facilities under, across, through and upon, over, under, or within the following described property located in Palm Beach County, Florida, to-wit:

### DESCRIPTION

See Exhibit "A" (Easement Area)

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 the 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 was permitted and authorized to make the improvements as specifically shown on Exhibit "B" but 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 maintenance or repair of City of Delray Beach water and sanitary sewer utilities. 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 area with sod.

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 except as provided above. Where the context of this Easement Deed allows or permits, the same shall include the successors or assigns of the parties.

IN WITNESS WHEREOF, the parties to this Easement Deed set their hands and seals the day and year first above written.

ATTEST: CITY OF DELRAY BEACH, FLORIDA  
By: \_\_\_\_\_  
City Clerk Mayor

Approved as to Form and Legal Sufficiency:  
\_\_\_\_\_  
City Attorney

WITNESS #1:  
Susan Miller  
Signature ~~Melissa~~ Susan Miller SM  
Print Name 902 Clint Moore Rd  
Ste 128  
Boca Raton, FL 33487

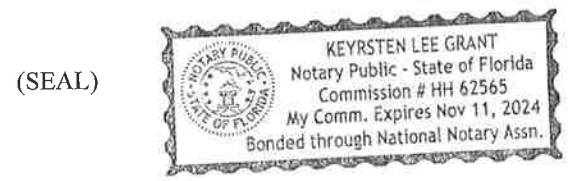
GRANTOR  
By: [Signature]  
Print Name: Ronald Ellish  
Its: Manager  
Date: 3/25/24

WITNESS #2:  
Melissa Willson  
Signature Melissa Willson  
Print Name 902 Clint Moore Rd  
Ste 128  
Boca Raton, FL 33487

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 25 day of March, 2024 by Ronald Ellish (name of person), as Manager (type of authority) for Delray Ridge LLC (name of party on behalf of whom instrument was executed).

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



[Signature]  
Notary Public - State of FL

**DESCRIPTION:**

BEING A PORTION OF TRACT R, DELRAY RIDGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGES 13 AND 14 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN THE SOUTHWEST 1/4 OF SECTION 4 AND SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE TRACT L-3, AS SHOWN ON SAID PLAT; THENCE ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID TRACT L-3, S89°14'20"W, A DISTANCE OF 21.95 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID PROLONGATED LINE, S89°14'20"W, A DISTANCE OF 12.00 FEET; THENCE N00°51'53"W, A DISTANCE OF 26.02 FEET; THENCE N23°21'53"W, A DISTANCE OF 31.36 FEET; THENCE N00°51'53"W, A DISTANCE OF 12.09 FEET; THENCE S89°08'07"W, A DISTANCE OF 10.00 FEET; THENCE N00°51'53"W, A DISTANCE OF 402.48 FEET; THENCE N46°30'42"W, A DISTANCE OF 51.48 FEET; THENCE N01°05'57"W, A DISTANCE OF 4.98 FEET; THENCE S89°14'19"W, A DISTANCE OF 24.59 FEET; THENCE N68°21'53"W, A DISTANCE OF 32.97 FEET; THENCE S89°14'19"W, A DISTANCE OF 122.37 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF NORTH SWINTON AVENUE, AS RECORDED IN ROAD PLAT BOOK 3, PAGES 250 AND 251 OF SAID PUBLIC RECORDS; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N11°44'10"W, A DISTANCE OF 22.06 FEET; THENCE S45°45'41"E, A DISTANCE OF 13.66 FEET; THENCE N89°14'19"E, A DISTANCE OF 3.42 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DELRAY RIDGE LANE, AS SHOWN ON SAID PLAT; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES: SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N22°18'45"E, A RADIAL DISTANCE OF 25.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 23°04'26", A DISTANCE OF 10.07 FEET TO A POINT OF TANGENCY; THENCE N89°14'19"E, A DISTANCE OF 42.49 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N31°45'51"W, A RADIAL DISTANCE OF 42.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01°29'36", A DISTANCE OF 1.09 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT, HAVING A RADIUS OF 78.62 FEET AND A CENTRAL ANGLE OF 01°59'09"; THENCE NORTHEASTERLY ALONG THE ARC, A DISTANCE OF 2.73 FEET TO A POINT OF NON-TANGENCY; THENCE N89°14'19"E, A DISTANCE OF 60.32 FEET; THENCE S68°21'53"E, A DISTANCE OF 32.97 FEET; THENCE N89°14'19"E, A DISTANCE OF 8.49 FEET; THENCE N00°45'41"W, A DISTANCE OF 9.55 FEET; THENCE N89°14'19"E, A DISTANCE OF 12.00 FEET; THENCE S00°45'41"E, A DISTANCE OF 9.55 FEET; THENCE N89°14'19"E, A DISTANCE OF 1.65 FEET; THENCE N01°05'57"W, A DISTANCE OF 10.56 FEET TO A POINT OF INTERSECTION WITH SAID NORTHERLY RIGHT-OF-WAY LINE OF DELRAY RIDGE LANE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES: THENCE N89°14'19"E, A DISTANCE OF 7.04 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 61.00 FEET AND A CENTRAL ANGLE OF 04°40'07"; THENCE EASTERLY ALONG THE ARC, A DISTANCE OF 4.97 FEET TO A POINT OF NON-TANGENCY; THENCE S01°05'57"E, A DISTANCE OF 10.36 FEET; THENCE N89°14'19"E, A DISTANCE OF 5.22 FEET; THENCE S68°21'53"E, A DISTANCE OF 27.79 FEET; THENCE S23°21'53"E, A DISTANCE OF 41.77 FEET; THENCE S00°51'53"E, A DISTANCE OF 216.83 FEET; THENCE S45°51'53"E, A DISTANCE OF 11.73 FEET; THENCE S00°51'53"E, A DISTANCE OF 12.04 FEET; THENCE S44°08'07"W, A DISTANCE OF 11.73 FEET; THENCE S00°51'53"E, A DISTANCE OF 140.89 FEET; THENCE N89°05'49"E, A DISTANCE OF 8.00 FEET; THENCE S00°54'10"E, A DISTANCE OF 12.00 FEET; THENCE S89°05'50"W, A DISTANCE OF 8.00 FEET; THENCE S00°51'53"E, A DISTANCE OF 17.55 FEET; THENCE S23°21'53"E, A DISTANCE OF 23.52 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF DELRAY RIDGE LANE, AS SHOWN ON SAID PLAT; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

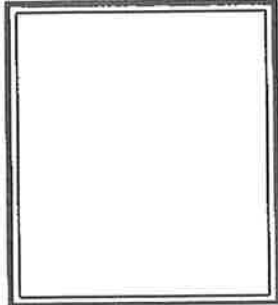
DESCRIPTION IS CONTINUED ON SHEET 2

THIS IS NOT A SURVEY

SHEET 1 OF 5



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



DATE	12-21-2023
DRAWN BY	SAS
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	8577-UE (Tract R)

DELRAY RIDGE  
UTILITY EASEMENT (TRACT R)  
SKETCH AND DESCRIPTION

**DESCRIPTION: (CONTINUED)**

THENCE S00°51'53"E, A DISTANCE OF 10.72 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 28°21'27"; THENCE SOUTHERLY ALONG THE ARC, A DISTANCE OF 12.37 FEET TO A POINT OF NON-TANGENCY; THENCE S00°51'53"E, A DISTANCE OF 13.09 FEET TO THE POINT OF BEGINNING.

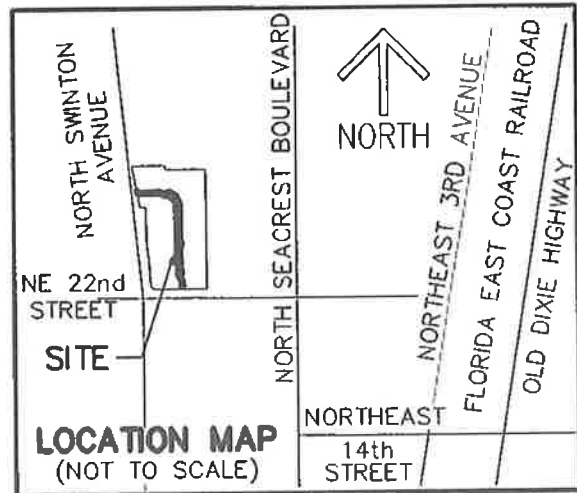
CONTAINING 14,095 SQUARE FEET OR 0.3236 ACRES, MORE OR LESS.

**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 A GRID BEARING OF N89°14'20"E, ALONG THE NORTH RIGHT-OF-WAY LINE OF NE 22ND STREET, AS SHOWN ON DELRAY RIDGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGES 13 AND 14 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 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.

**LEGEND/ABBREVIATIONS**

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- LB - LICENSED BUSINESS
- UE - UTILITY EASEMENT
- R/W - RIGHT-OF-WAY
- Δ - DELTA (CENTRAL ANGLE)
- L - ARC LENGTH
- R - RADIUS
- DE - DRAINAGE EASEMENT
- GUE - GENERAL UTILITY EASEMENT
- R.P.B. - ROAD PLAT BOOK
- ⊙ - CENTERLINE
- P.B. - PLAT BOOK
- O.R.B. - OFFICIAL RECORDS BOOK
- PG(S). - PAGE(S)
- FPL - FLORIDA POWER & LIGHT
- 4-46-43 - SECTION 4, TOWNSHIP 46 SOUTH, RANGE 43 EAST
- ESMT - EASEMENT
- AE - ACCESS EASEMENT



**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 21, 2023. 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

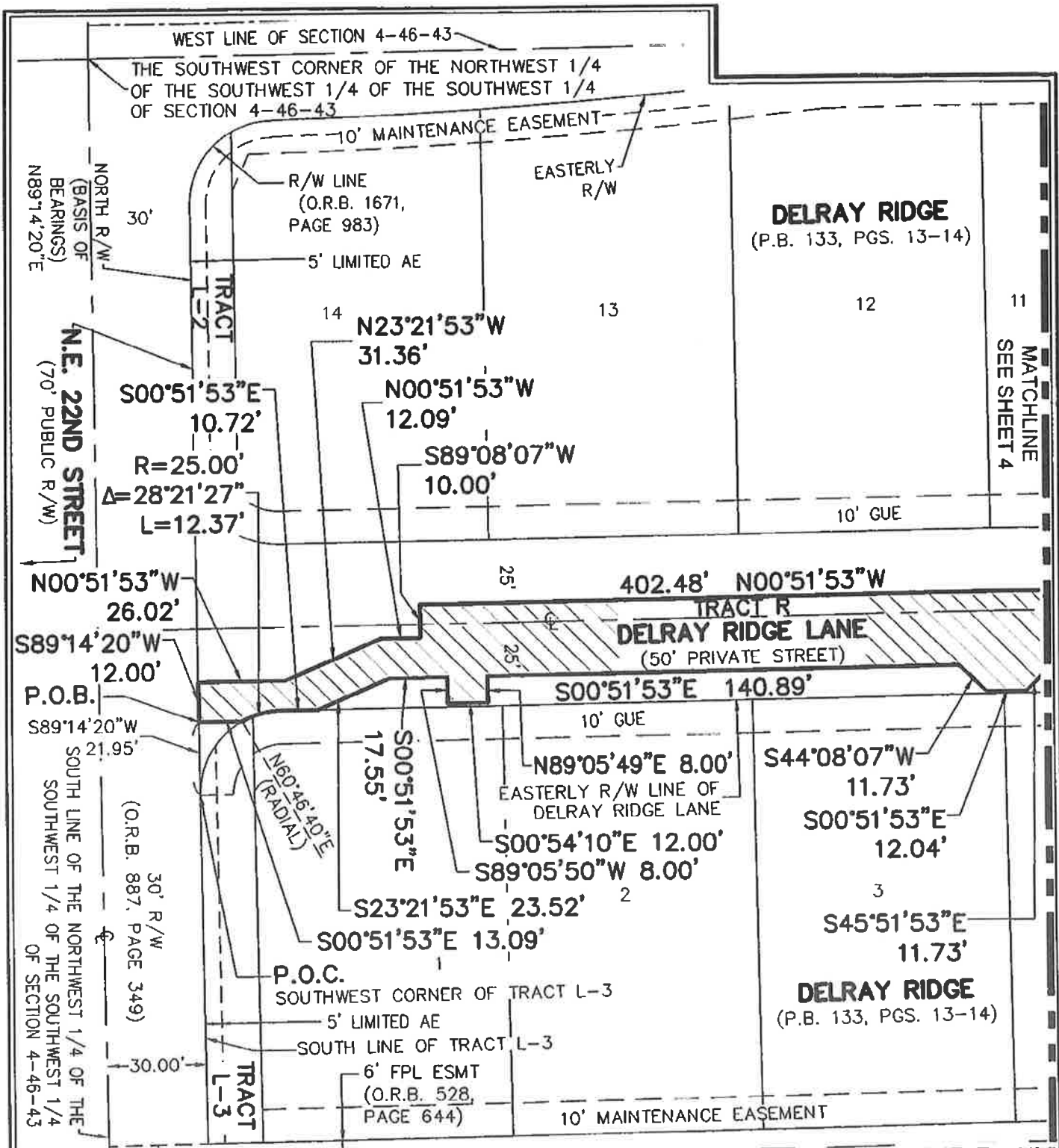
SHEET 2 OF 5

**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  
 PROFESSIONAL LAND  
 SURVEYOR NO. 5005  
 STATE OF FLORIDA  
 LB 3591

DATE	12-21-2023
DRAWN BY	SAS
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	8577-UE (Tract R)

**DELRAY RIDGE  
 UTILITY EASEMENT (TRACT R)  
 SKETCH AND DESCRIPTION**



THIS IS NOT A SURVEY

SHEET 3 OF 5

**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

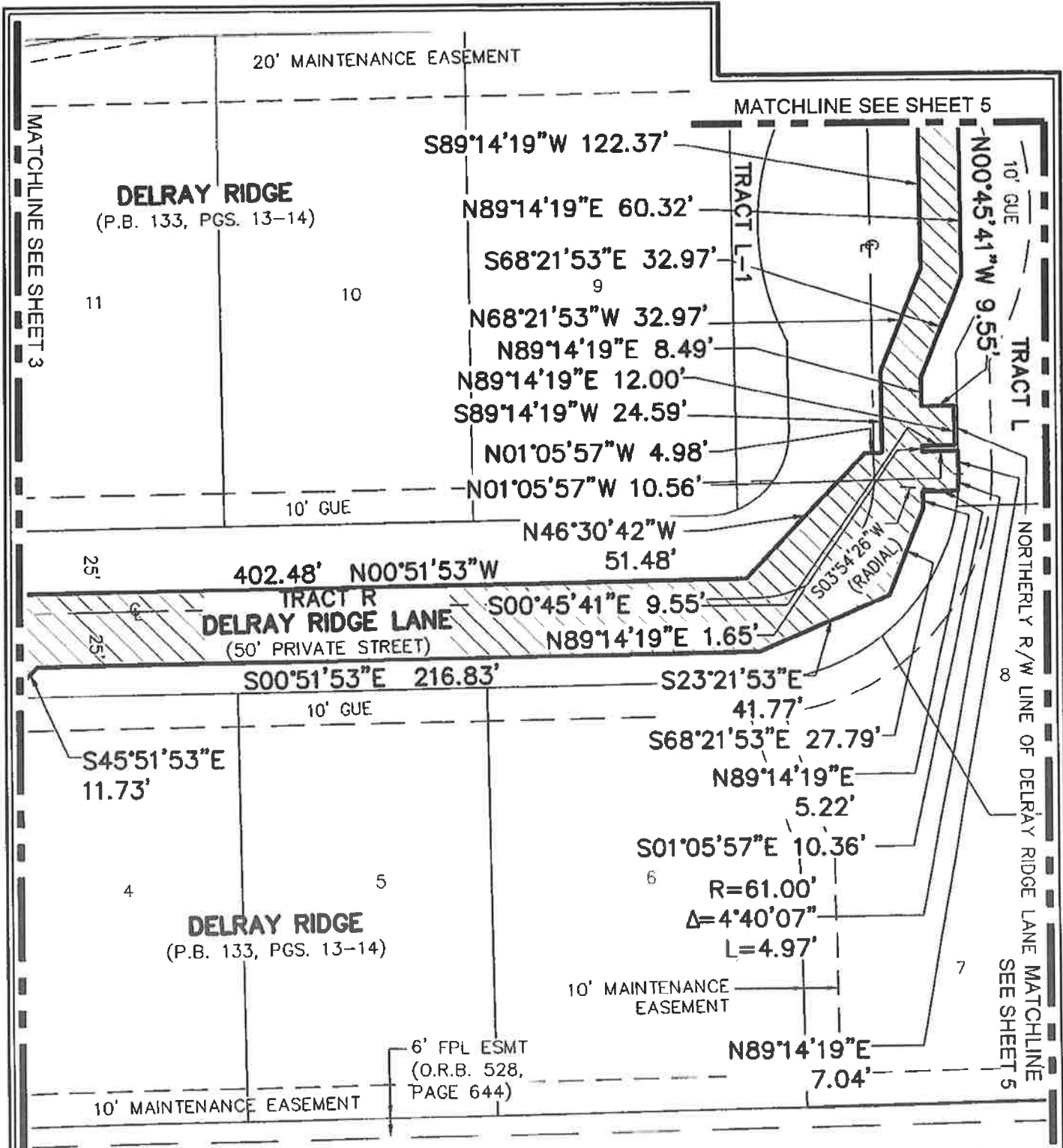
→  
NORTH

0      20'      40'

1 INCH = 40 FEET

DATE	12-21-2023
DRAWN BY	SAS
F.B./ PG.	N/A
SCALE	1"=40'
JOB NO.	8577-UE (Tract R)

**DELRAY RIDGE  
 UTILITY EASEMENT (TRACT R)  
 SKETCH AND DESCRIPTION**



THIS IS NOT A SURVEY

SHEET 4 OF 5

**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

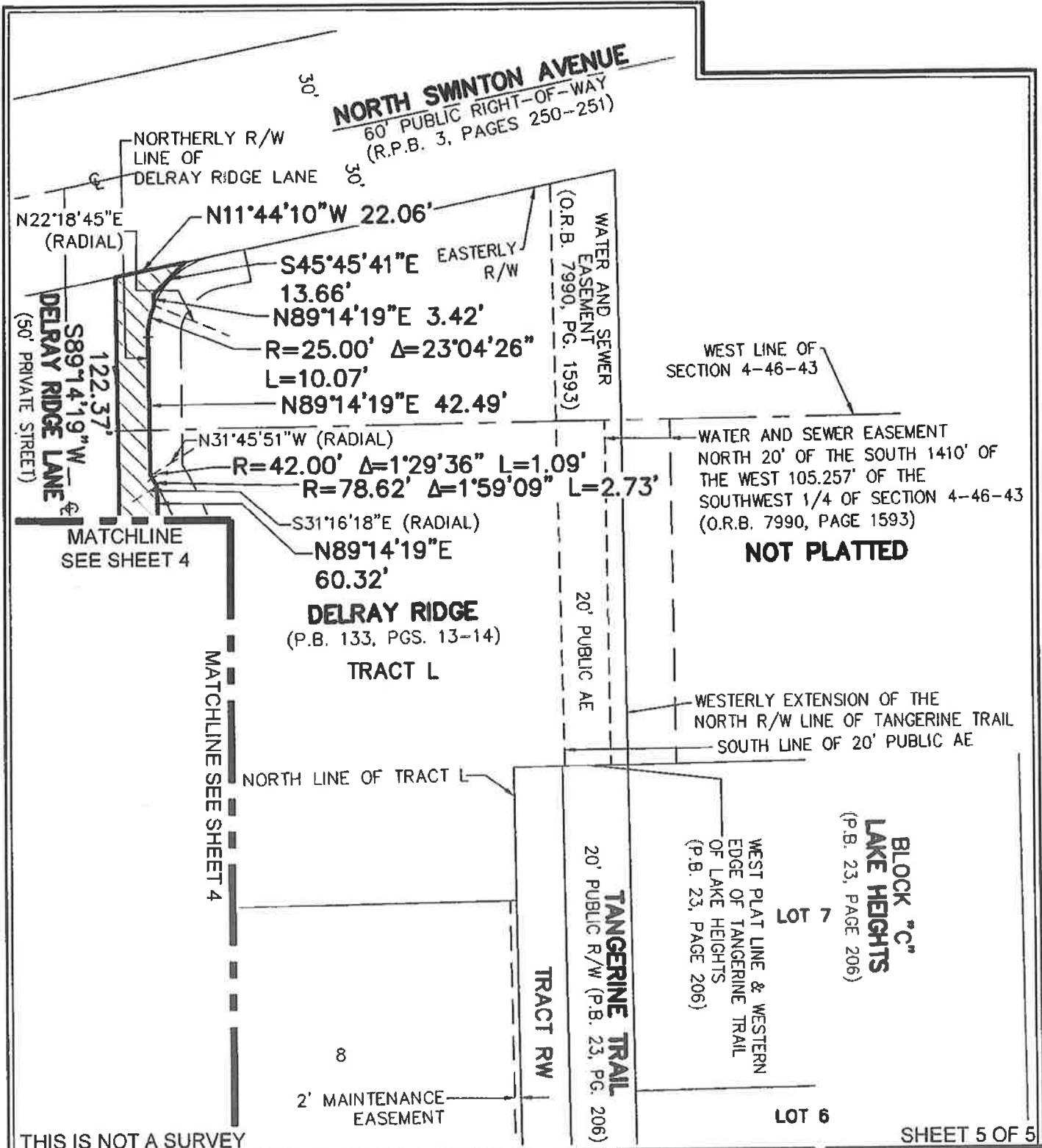
NORTH

0 20' 40'

1 INCH = 40 FEET

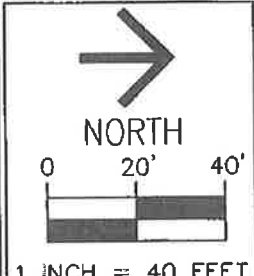
DATE	12-21-2023
DRAWN BY	SAS
F.B. / PG.	N/A
SCALE	1" = 40'
JOB NO.	8577-UE (Tract R)

**DELAY RIDGE  
 UTILITY EASEMENT (TRACT R)  
 SKETCH AND DESCRIPTION**



SHEET 5 OF 5

**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

**NORTH**

0 20' 40'

1 INCH = 40 FEET

DATE	12-21-2023
DRAWN BY	SAS
F.B./ PG.	N/A
SCALE	1" = 40'
JOB NO.	8577-UE (Tract R)

**DELRAY RIDGE**  
**UTILITY EASEMENT (TRACT R)**  
**SKETCH AND DESCRIPTION**