

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

Address:
PCN: 12-43-46-04-50-012-0000

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 Composite 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 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

City Clerk

By: _____
Mayor

Approved as to Form and Legal Sufficiency:

City Attorney

WITNESS #1:

Susan Miller

Signature

Susan Miller

Print Name 902 Clint Moore Rd
Ste 128
Boca Raton, FL 33487

GRANTOR

Ron

By: _____

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

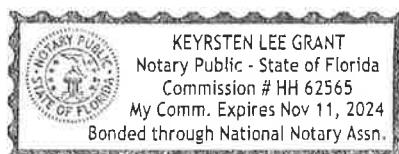
STATE OF FLORIDA

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 _____

(SEAL)



Notary Public State of FL

DESCRIPTION:

BEING A PORTION OF TRACT L, 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 NORTHWEST CORNER OF SAID TRACT L; THENCE ALONG THE WEST LINE OF SAID TRACT L, THE FOLLOWING TWO (2) COURSES AND DISTANCES: THENCE S11°44'10"E, A DISTANCE OF 126.12 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 55°57'05"; THENCE SOUTHEASTERLY ALONG THE ARC, A DISTANCE OF 24.41 FEET TO THE POINT OF BEGINNING; THENCE N89°14'19"E, A DISTANCE OF 55.55 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S31°16'18"E, A RADIAL DISTANCE OF 78.62 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01°59'09", A DISTANCE OF 2.73 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT, HAVING A RADIUS OF 42.00 FEET AND A CENTRAL ANGLE OF 01°29'36"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 1.09 FEET TO A POINT OF NON-TANGENCY; THENCE S89°14'19"W, A DISTANCE OF 42.49 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 23°04'26"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 10.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 101 SQUARE FEET OR 0.0023 ACRES, MORE OR LESS.

TOGETHER WITH:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT L; THENCE ALONG THE NORTH LINE OF SAID TRACT L, THE FOLLOWING THREE (3) COURSES AND DISTANCES: THENCE N88°48'56"E, A DISTANCE OF 76.86 FEET; THENCE N89°14'51"E, A DISTANCE OF 105.59 FEET; THENCE S00°44'29"E, A DISTANCE OF 19.21 FEET TO THE POINT OF BEGINNING #1; THENCE ALONG SAID NORTH LINE, S01°05'49"E, A DISTANCE OF 12.79 FEET TO A POINT HEREINAFTER KNOWN AS REFERENCE POINT "A"; THENCE S89°14'41"W, A DISTANCE OF 20.75 FEET; THENCE N00°45'19"W, A DISTANCE OF 12.64 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF 20-FOOT WIDE PUBLIC ACCESS EASEMENT, AS SHOWN ON SAID PLAT; THENCE ALONG SAID SOUTH LINE, N88°48'56"E, A DISTANCE OF 20.67 FEET TO THE POINT OF BEGINNING #1.

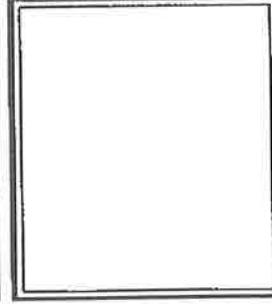
CONTAINING 263 SQUARE FEET OR 0.0060 ACRES, MORE OR LESS.

TOGETHER WITH:

COMMENCING #1 AT THE AFORESAID REFERENCE POINT "A"; THENCE ALONG THE NORTH LINE OF SAID TRACT L, THE FOLLOWING TWO (2) COURSES AND DISTANCES: THENCE S01°05'49"E, A DISTANCE OF 3.00 FEET; THENCE N89°14'41"E, A DISTANCE OF 24.01 FEET TO THE POINT OF BEGINNING #2; THENCE CONTINUE ALONG SAID NORTH LINE, N89°14'41"E, A DISTANCE OF 12.00 FEET; THENCE S01°05'57"E, A DISTANCE OF 109.80 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT L; THENCE ALONG SAID SOUTH LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES: SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S03°54'26"W, A RADIAL DISTANCE OF 61.00 FEET;

DESCRIPTION IS CONTINUED ON SHEET 2

THIS IS NOT A SURVEY



SHEET 1 OF 3

DATE	12-22-2023
DRAWN BY	SAS
F.B. / PG.	N/A
SCALE	NONE
JOB NO.	8577-UE (Tract L)

DESCRIPTION: (CONTINUED)

THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°40'07", A DISTANCE OF 4.97 FEET TO A POINT OF TANGENCY; THENCE S89°14'19"W, A DISTANCE OF 7.04 FEET; THENCE N01°05'57"W, A DISTANCE OF 109.60 FEET TO THE POINT OF BEGINNING #2.

CONTAINING 1,316 SQUARE FEET OR 0.0302 ACRES, MORE OR LESS.

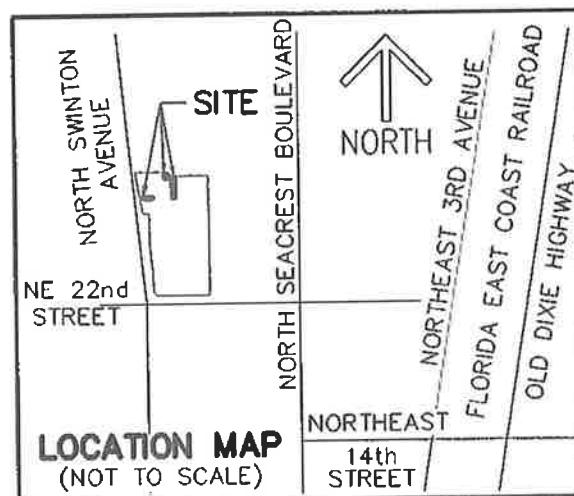
TOTAL CONTAINING 1,680 SQUARE FEET OR 0.0385 ACRES, MORE OR LESS.

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 S11°44'10"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF NORTH SWINTON AVENUE, AS RECORDED IN ROAD PLAT BOOK 3, PAGES 250 AND 251 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
 C - 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 22, 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 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

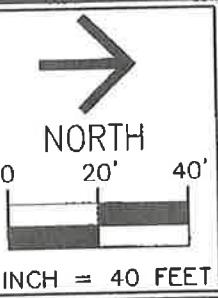
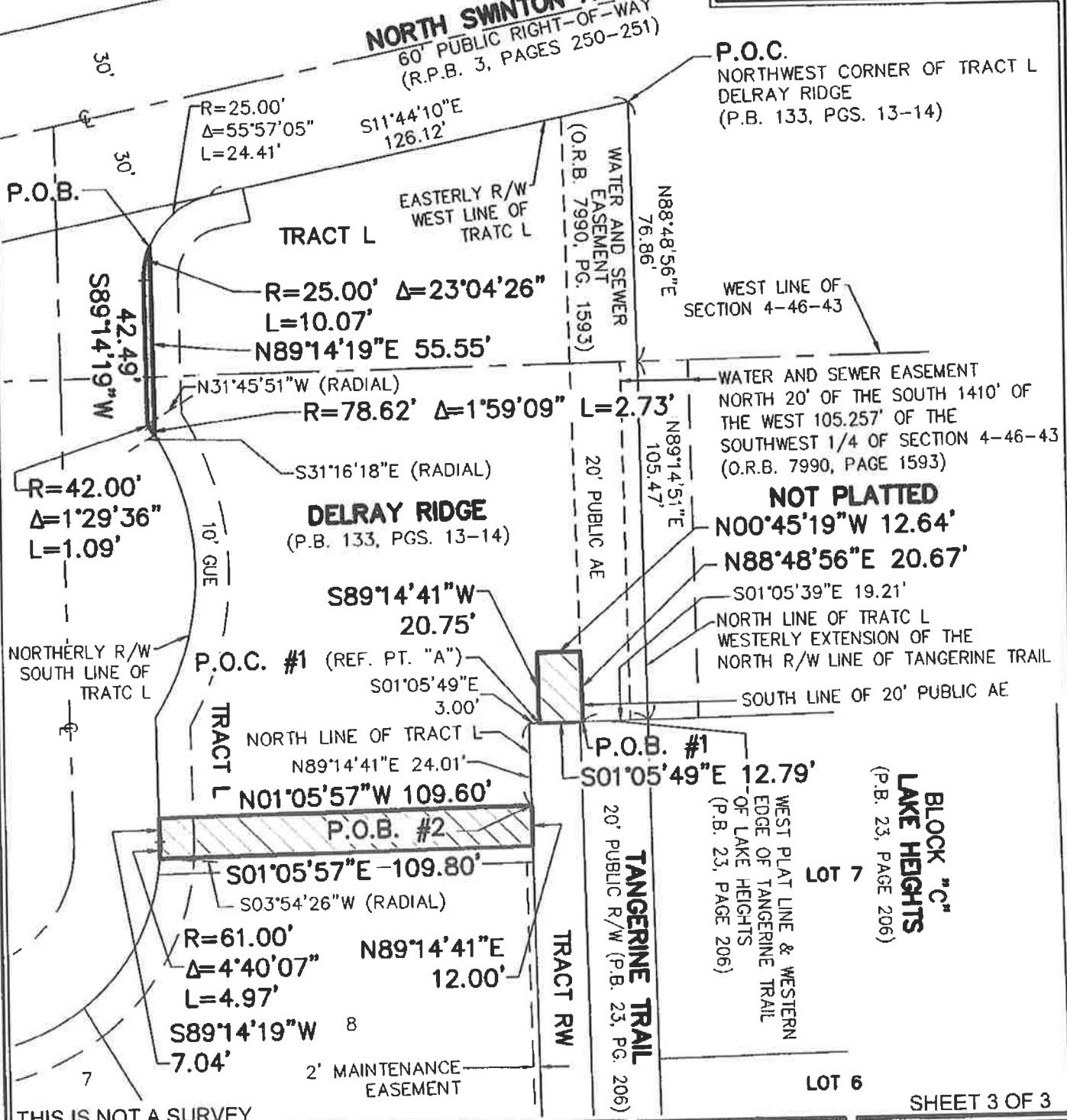
DELRAY RIDGE
UTILITY EASEMENT (TRACT L)
SKETCH AND DESCRIPTION

DAVID P. LINDLEY
PROFESSIONAL LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
LB 3591

DATE	12-22-2023
DRAWN BY	SAS
F.B. / PG.	N/A
SCALE	NONE
JOB NO. 8577-UE (Tract L)	

NORTH SWINTON AVENUE
60' PUBLIC RIGHT-OF-WAY
(R.P.B. 3, PAGES 250-251)

P.O.C.
NORTHWEST CORNER OF TRACT L
DELRAY RIDGE
(P.B. 133, PGS. 13-14)



DATE	12-22-2023
DRAWN BY	SAS
F.B./ PG.	N/A
SCALE	1"=40'
JOB NO.	8577-UE (Tract L)