

Prepared and Return To:

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

PCN: 12-43-46-30-41-018-0000
Property Address: 2100 S. Congress Avenue

ACCESS EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made this ____ day of _____, 202_, by and between _____
Centerpointe Delray Owners Association Inc., a Florida Not-For Profit Corporation with a
mailing address of 2850 Tigertail Ave. Suite 701, Miami, FL 33133
_____, (“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.

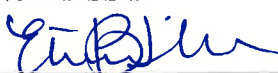
Each party to this Easement shall be liable for its own actions and negligence and, to the extent permitted by law, the Grantor shall indemnify, defend, and hold harmless the City against any actions, claims, or damages arising out of the Grantor’s negligence in connection with this Easement; and the 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

\$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.


WITNESS #1


Signature
Elaine Klem
Printed or Typed Name
2850 Tigertail Avenue, Suite 701
Miami, Florida 33133
Address

GRANTOR


By:
Reynaldo Melendi
Name:
Authorized Signatory
Title:
for
Centerpointe Delray Owners Association Inc.
Company:
Date: 10-22-25

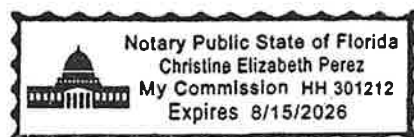
WITNESS #2:


Signature
AARON STOLAR
Printed or Typed Name
2850 Tigertail Avenue, Suite 701
Miami, Florida 33133
Address

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of October, 2025 by Reynaldo Melendi (name of person), as Authorized Signatory (type of authority) for Centerpointe Delray Owners Association (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification
Type of Identification Produced _____



ATTEST:

Notary Public – State of _____
GRANTEE/ CITY

By: _____
City Clerk

By: _____
Mayor

Approved as to Form:

By: _____
City Attorney

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Exhibit “A” (Depiction of “Easement Area”)

SURVEYOR'S NOTES:

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL SEAL, OR AN 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 ABSTRACTED BY FIDELITY NATIONAL TITLE INSURANCE TITLE COMPANY, COMMITMENT NO. 11313492, COMMITMENT DATE: 08/15/2023 SAT: 11:00 PM. ALL PLOTTABLE EXCEPTIONS ARE SHOWN HEREON AND THAT ALL PLOTTABLE ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN HEREON. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE; IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS SURVEY.
4. THE DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. COORDINATES SHOWN HEREON ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT (NAD 83/90).
6. BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF TRACT E4. BEARING N68°34'25"E.
7. DISTANCES SHOWN HEREON ARE BASED ON THE U.S. SURVEY FOOT, UNLESS OTHERWISE NOTED.
8. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
9. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
10. ALL EASEMENTS, TRACTS AND PARCELS SHOWN HEREON PER PARKS AT DELRAY, RECORDED IN PLAT BOOK 134, PAGES 84 THROUGH 88, PALM BEACH COUNTY PUBLIC RECORDS, UNLESS NOTED OTHERWISE.

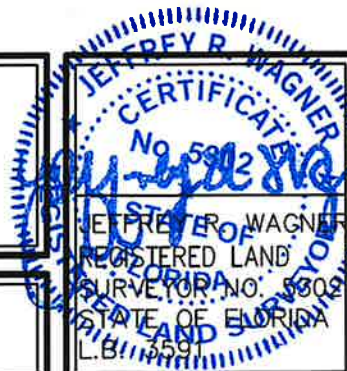
CERTIFICATE:

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 JULY 13, 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 4****CAULFIELD & WHEELER, INC.**

CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE
LAND SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

**LIFT STATION ACCESS EASEMENT
PARKS AT DELRAY
SKETCH AND DESCRIPTION**



DATE 7/13/2025

DRAWN BY RFJ

F.B./ PG. N/A

SCALE NONE

JOB NO. 7678-12

EXHIBIT "A"

DESCRIPTION:

A PORTION OF TRACTS E4, PARKS AT DELRAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 134, PAGES 84 THROUGH 88 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT E4; THENCE N68°34'25"E, ALONG THE NORTH LINE OF TRACT E4, A DISTANCE OF 44.83 FEET TO A POINT ON AN EXISTING 22'x33' LIFT STATION EASEMENT AS RECORDED ON PLAT BOOK 134, PAGES 84-88 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°59'18"E, ALONG THE EAST LINE OF SAID EXISTING EASEMENT LINE, A DISTANCE OF 23.48 FEET TO THE POINT OF BEGINNING; SAID POINT OF BEGINNING ALSO BEING THE SOUTH LINE OF SAID EXISTING EASEMENT, THENCE N68°34'25"E, ALONG THE SOUTH LINE OF SAID EXISTING EASEMENT, A DISTANCE OF 35.22 FEET; THENCE S00°59'18"E, A DISTANCE OF 77.51 FEET; THENCE S89°00'42"W, A DISTANCE OF 33.00 FEET; THENCE N00°59'18"W, A DISTANCE OF 65.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,354.82 SQUARE FEET/0.0541 ACRES, MORE OR LESS.

SAID LANDS LYING AND BEING IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

THIS IS NOT A SURVEY

SHEET 2 OF 4



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE
LAND SURVEYING

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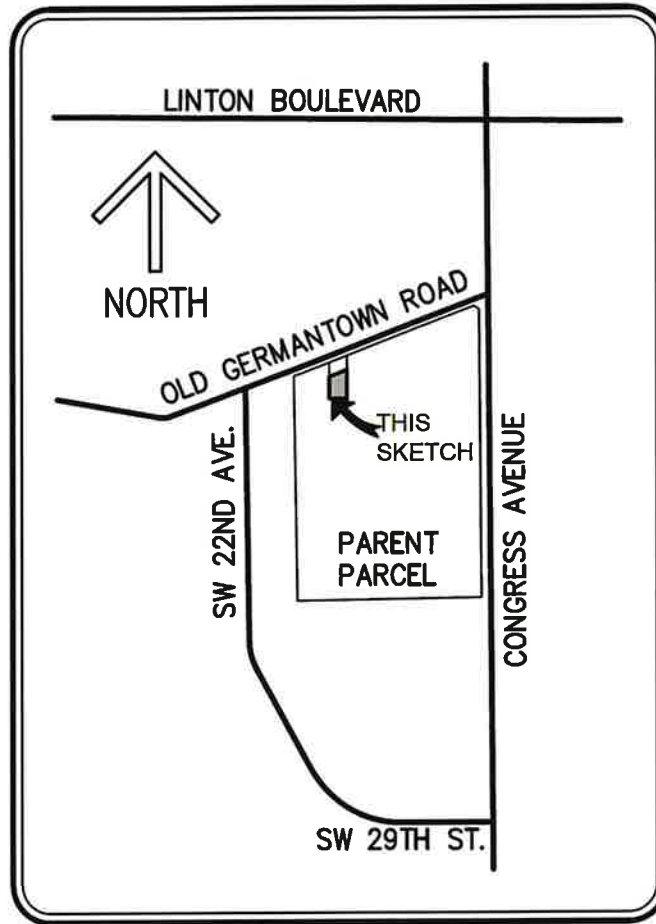
DRAWN BY RFJ

F.B./ PG. N/A

SCALE NONE

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SECTION 30, TOWNSHIP 46 SOUTH, RANGE 43 EAST
LOCATION MAP
(NOT TO SCALE)

THIS IS NOT A SURVEY

SHEET 3 OF 4



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F.B./ PG. N/A

SCALE NONE

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LEGEND:

O.R.B. - OFFICIAL RECORDS BOOK

(P)-PLAT BOOK 134, PAGES 84-88

P.B. - PLAT BOOK

R/W - RIGHT-OF-WAY

22'X33' LIFT STATION
EASEMENT
(P.B. 134, PGS. 84-88)

30' LANDSCAPE
BUFFER EASEMENT

N68°34'25"E
44.83'

P.O.C
NE CORNER
TRACT E4
(P.B. 134,
PGS 84-88)

N68°34'25"E
35.22'

OLD GERMANTOWN ROAD
80' PUBLIC RIGHT-OF-WAY

NORTH LINE TRACT E4
(P.B. 134, PGS 84-88)

531.94'

TRACT E4

S00°59'18"E
23.48'

P.O.B

S00°59'18"E
77.51'

N00°59'18"W
65.21'

TRACT R

S89°00'42"W
33.00'

PALM DRIVE
(PRIVATE ROAD)

51.00'

NOT INCLUDED
PARKS AT
DELRAY

PARCEL A1

VACANT

THIS IS NOT A SURVEY

SHEET 4 OF 4



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LIFT STATION ACCESS EASEMENT
PARKS AT DELRAY
SKETCH AND DESCRIPTION

DATE 7/13/2025

DRAWN BY RFJ

F.B./ PG. N/A

SCALE AS NOTED

JOB NO. 7678-12