

Prepared by: RETURN:

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

PCN 12-43-46-21-01-013-0250
Address 735 SE 4th Avenue

GENERAL UTILITY EASEMENT AGREEMENT

THIS INDENTURE made this ___ day of _____, 2025, between **735 DELRAY LLC**, with a mailing address of 1116 SW 10th Ave, Suite B, Delray Beach, Florida 33444, 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 non-exclusive easement for the purpose of the construction and maintenance of public utilities ("Utility Easement") 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 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 Utility 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 Utility 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 Utility Easement for maintenance or repair of the public utilities and 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 Utility 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

Lucy DiReda
Signature
Lucy DiReda
Printed or Typed Name

1116 SW 10th Ave, Suite A
Delray Beach, FL 33444
Address

GRANTOR

By: Matthew Wolf
Name: Matthew Wolf

Title: Managing Member
for
Company: 735 Delray LLC

Date: 7/9/25

WITNESS #2:

Madison Pysarchuk
Signature
Madison Pysarchuk
Printed or Typed Name

1116 SW 10th Ave, Suite A
Delray Beach, FL 33444
Address

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 9 day of July, 2025, by Matthew Wolf (name of person), as Managing partner (type of authority) for 735 Delray LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification
Type of Identification Produced _____

DM Prakas
Notary Public – State of Florida



DONNA M. PRAKAS
Commission # HH 580387
Expires August 15, 2028

ATTEST:

**GRANTEE/ CITY OF DELRAY BEACH,
FLORIDA**

By: _____
Alexis Givings, City Clerk

By: _____
Thomas F. Carney, Jr., Mayor

Approved as to Form:

By: _____
Lynn Gelin, City Attorney

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EXHIBIT “A”



947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION - UTILITY EASEMENT

LOT 25 BLOCK 13 735 SE 4TH AVENUE (NOT A SURVEY)

LEGAL DESCRIPTION

THE SOUTH 5.00 FEET OF LOT 25 BLOCK 13, "OSCEOLA PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3 AT PAGE 2 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

NOTES

1. REPRODUCTIONS OF THIS SURVEY ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR THE ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED OR REFERENCED IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH 00°00'05" EAST ALONG THE CENTERLINE OF S.E. 4TH AVENUE.

ABBREVIATIONS

ASPH	•	ASPHALT
CBG	•	CURB & GUTTER
CONC.	•	CONCRETE
COV	•	COVERED
D	•	DELTA (CENTRAL ANGLE)
D.E.	•	DRAINAGE EASEMENT
F.F. ELEV.	•	FINISHED FLOOR ELEVATION
I.R.	•	IRON ROD
I.R.C.	•	IRON ROD AND CAP
L.B.	•	LICENSED BUSINESS
L.S.	•	LICENSED SURVEYOR
O.R.B.	•	OFFICIAL RECORDS BOOK
P.B.	•	PLAT BOOK
P.B.C.R.	•	PALM BEACH COUNTY RECORDS
PG.	•	PAGE
PROP.	•	PROPOSED
P.S.M.	•	PROFESSIONAL SURVEYOR & MAPPER

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND LEGAL DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111



Project Name:	LOT 25 BLOCK 13	DATE:	5/5/2025
JOB NO.	25121	DWG BY:	JSH
		CK'D By:	AJR
			SHEET 1 OF 2

