

Prepared by: RETURN:

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

PCN: 12-43-46-28-00-000-1140

Property Address: 1035 Bermuda Gardens Road
Delray Beach, FL 33483

GENERAL UTILITY EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made this ____ day of _____, 2025, by and between 1035 BERMUDA GARDENS LLC, a Delaware Limited Liability Company, with a mailing address of 1035 Bermuda Gardens Road, Delray Beach, FL 33483 ("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"). (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.

GRANTOR

WITNESSES:

1035 BERMUDA GARDENS LLC, a
Delaware limited liability company

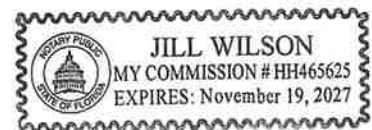
[Signature]
Print Name: JENNIFER A. MESSEL
Address: 3900 COUNTY LINE ROAD
TEQUESTA, FL 33469

[Signature]
By: Elizabeth H. Porter
As: owner

[Signature]
Print Name: ANDREW ZARIN
Address: 1150 TOWNCLINTON DR. #202
Jupiter FL 33458
State of Florida
County of Martin

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or () online notarization, this 4 day of April, 2025, by Elizabeth H. Porter as owner, of 1035 BERMUDA GARDENS LLC, a Delaware limited liability company, on behalf of the company, and who is ☒ personally known to me or () produced the following as identification: N/A

[Signature] Jill Wilson
Notary Public - State of Florida



GRANTEE/ CITY

By: _____
City Clerk

By: _____
Mayor

Approved as to Form:

By: _____
City Attorney

[Remainder of Page Intentionally Left Blank]

EXHIBIT "A"
(Legal Description of "Easement Area")

DESCRIPTION:

THE SOUTH 20 FEET OF THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE PARALLEL TO, AND 1300 FEET NORTHERLY FROM, MEASURED AT RIGHT ANGLES TO, THE EAST AND WEST QUARTER SECTION LINE OF SAID SECTION 28 WITH THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. A-1-A, AS NOW LAID OUT AND IN USE; THENCE WESTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 110.79 FEET; THENCE SOUTHERLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 100 FEET TO A POINT IN SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. A-1-A; THENCE NORTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.58 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, BROWARD COUNTY, FLORIDA, AND CONTAIN 2,022 SQUARE FEET OR 0.0464 ACRES, MORE OR LESS.

LEGEND/ABBREVIATIONS

B.C.R. - BROWARD COUNTY RECORDS

CL - CENTERLINE

Δ - DELTA (CENTRAL ANGLE)

D.E. - DRAINAGE EASEMENT

L - LENGTH

LB - LICENSED BUSINESS

PB - PLAT BOOK

PG - PAGE

POB - POINT OF BEGINNING

POC - POINT OF COMMENCEMENT

PT - POINT

R - RADIUS

RB - RADIAL BEARING

U.E. - UTILITY EASEMENT

***** NVAL - NON-VEHICAL ACCESS LINE

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 THE NORTH LINE OF BERMUDA GARDEN ESTATES PLAT, PLAT BOOK 103, PAGES 8 TROUGH 9, PALM BEACH COUNTY, HAVING A BEARING OF N89°54'30"E.
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.
8. PROPERTY ADDRESS: 1035 BERMUDA GARDENS ROAD

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 MARCH 15, 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.

SHEET 1 OF 2



CAULFIELD & WHEELER, INC.

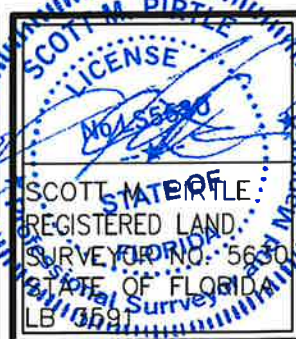
CIVIL ENGINEERING

LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

BOCA RATON, FLORIDA 33434

PHONE (561)-392-1991 / FAX (561)-750-1452



DATE 3/15/2025

DRAWN BY ER

F.B./ PG. NONE

SCALE NONE

JOB NO. 11339 ACCESS

A PARCEL OF LAND IN SECTION 28,
TOWNSHIP 46 SOUTH, RANGE 43 EAST
20' UTILITY EASEMENT - SKETCH AND DESCRIPTION



NORTH

DELRAY BEACH CLUB
RESIDENCES CONDO
APARTMENTS, A CONDOMINIUM
P.B.2132, PAGES 706, P.B.C.R.

POINT OF
BEGINNING

S 89°54'30" W
110.79'

LOCATION MAP
NOT TO SCALE

REMAINDER
OF
SECTION 28,
TOWNSHIP 46
SOUTH,
RANGE 43
EAST

S 00°05'30" E
100.00'

A PARCEL OF LAND IN
SECTION 28,
TOWNSHIP 46 SOUTH,
RANGE 43 EAST

N 06°04'00" E
100.58'

PER FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP SECTION 93060-2508
SHEET 22 OF 30

STATE ROAD A-1-A
(100' RIGHT OF WAY)

W. R/W LINE OF
STATE ROAD A1A

20.00'

12.00'

20' UTILITY
EASEMENT

N 89°54'30" E
100.00'

24.00' ACCESS &
UTILITY EASEMENT
PB 103, PG. 8-9,
PBCR &
PB 92, PG. 74, PBCR

LOT 1
BERMUDA
GARDEN ESTATES
P.B.103, PAGES
8-9, P.B.C.R.

BERMUDA GARDENS ROAD

EAST-WEST QUARTER SECTION
LINE OF SECTION 28,
TOWNSHIP 46 SOUTH,
RANGE 43 EAST

LOT 2
BERMUDA GARDEN
ESTATES
P.B.103, PAGES
8-9, P.B.C.R.

SHEET 2 OF 2



CAULFIELD & WHEELER, INC.

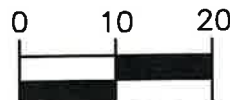
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

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GRAPHIC SCALE



(IN FEET)

1 INCH = 20 FEET

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TOWNSHIP 46 SOUTH, RANGE 43 EAST
20' UTILITY EASEMENT - SKETCH AND DESCRIPTION

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