

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: 12-43-46-04-50-000-0010

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

City Clerk

By: _____
Mayor

Approved as to Form and Legal Sufficiency:

City Attorney

WITNESS #1:

GRANTOR

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

By: Ronald Elish
Print Name: Ronald Elish
Its: Manager
Date: 3/25/24

WITNESS #2:

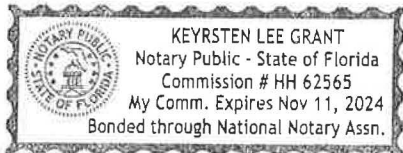
Melissa Wilson
Signature
Melissa Wilson
Print Name 902 Clint Moore Rd
Ste 128
Boca Raton, FL 33487

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 Elish (name of person), as Manager (type of authority) for Delray Edge LLC (name of party on behalf of whom instrument was executed).

Personally known OR Produced Identification
Type of Identification Produced _____

(SEAL)



[Signature]
Notary Public State of FL

DESCRIPTION:

BEING A PORTION OF TRACT L-3 AND LOT 1, 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, 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 SAID TRACT L-3; THENCE N59°59'30"W, A DISTANCE OF 25.58 FEET TO THE POINT OF BEGINNING; THENCE N00°51'53"W, A DISTANCE OF 15.35 FEET; THENCE N23°21'53"W, A DISTANCE OF 7.84 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: 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 THE POINT OF BEGINNING.

CONTAINING 45 SQUARE FEET OR 0.0010 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.

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 1 OF 3

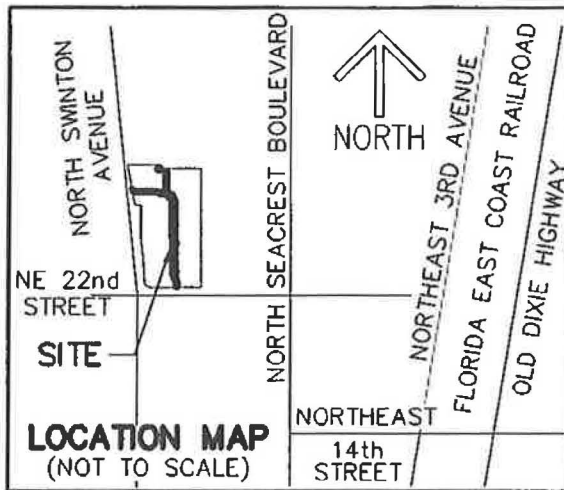


CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7900 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392 1991 / FAX (561)-750-1452

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 (Parcel 1)

**DELRAY RIDGE
 UTILITY EASEMENT (PARCEL 1)
 SKETCH AND DESCRIPTION**



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

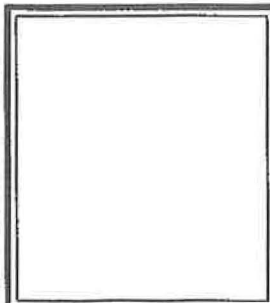
THIS IS NOT A SURVEY

SHEET 2 OF 3

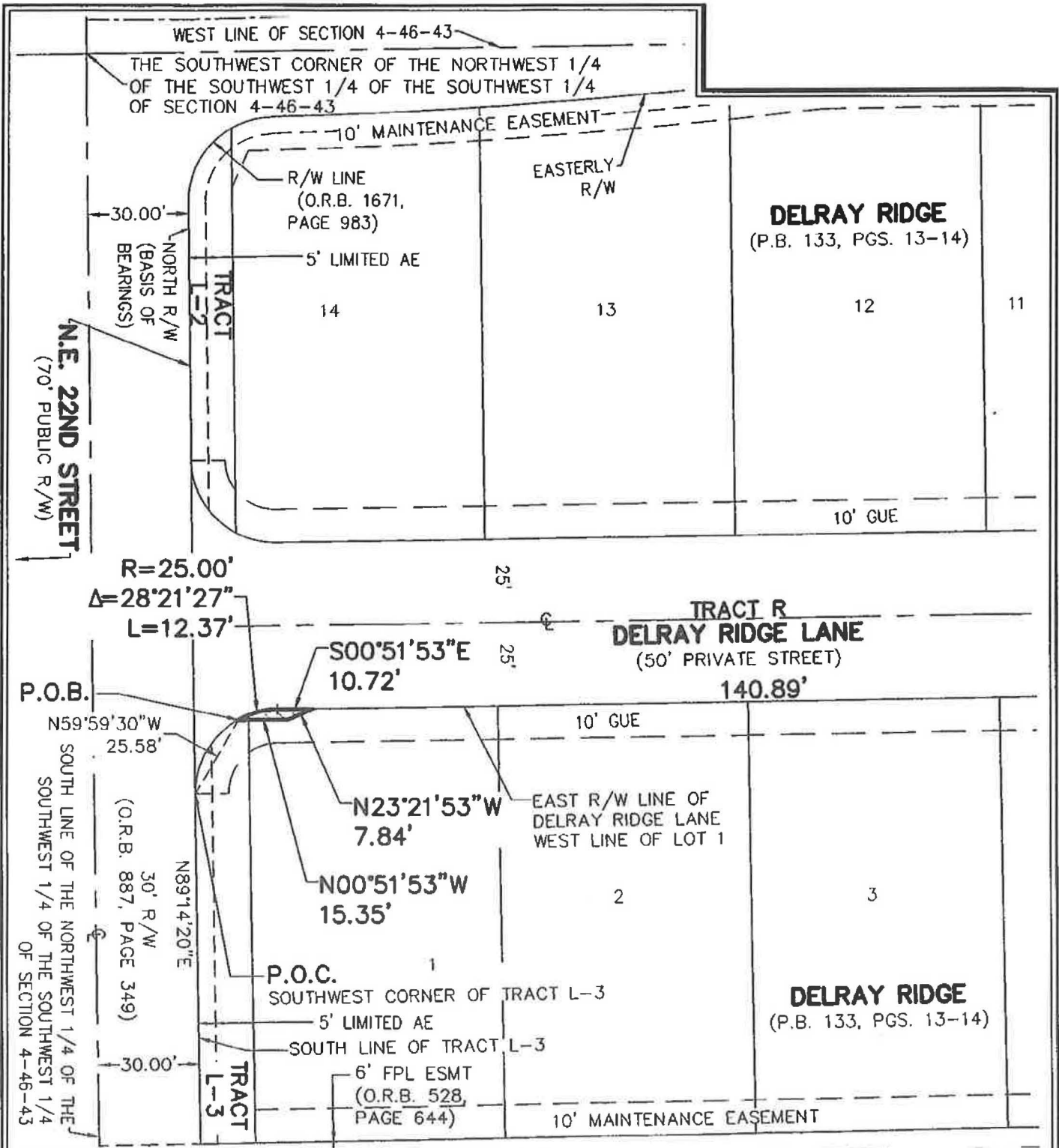


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**DELRAY RIDGE
 UTILITY EASEMENT (PARCEL 1)
 SKETCH AND DESCRIPTION**



DATE	12-21-2023
DRAWN BY	SAS
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	8577-UE (Parcel 1)

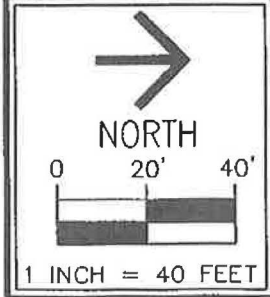


THIS IS NOT A SURVEY

SHEET 3 OF 3

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**DELRAY RIDGE
 UTILITY EASEMENT (PARCEL 1)
 SKETCH AND DESCRIPTION**



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