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PREPARED BY:

Louis J. Carbone, Esq.
Louis J. Carbone, P.A.
90 SE 4th Avenue, Suite 1
Delray Beach, Florida 33483

RECORD & RETURN TO:

Law Offices of Louis J. Carbone, P.A.
90 SE 4th Avenue Suite 1
Delray Beach, Florida 33483

UTILITY & ACCESSWAY EASEMENT

THIS UTILITY EASEMENT, IS made this 16th day of OCTOBER 2017, by and between JAMES GONDLES and ELIZABETH GONDLES, husband and wife, with a mailing address of P.O. Box 7333 Arlington, VA 22207-0333 ("Grantors") 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"):

WHEREAS, Grantors warrant that Grantors are the fee owners of certain real estate situated in the City of Delray Beach, County of Palm Beach, State of Florida, which is legally described in Schedule A attached hereto and incorporated herein by reference, referred to hereinafter as the "Easement Premises"; and

WHEREAS Grantors hereto have determined that it is in Grantors best interests for the Grantors to grant to the Grantee a utility and accessway easement for the purposes of access, construction, maintenance, and operation activities of the Grantees drainage facilities in and along a portion of the Easement Premises described herein:

NOW THEREFORE, in consideration of the foregoing:

1. The Grantors hereby grant and convey to the Grantee a perpetual utility easement of a portion of the Easement Premises the ("Utility Easement"), including the right to ingress and egress to the easement, for access, operation construction, reconstruction, alteration, maintenance, operation and repair of pipes, manholes, catch basins, tarmac and other necessary or desirable appurtenances to and/or for a drainage system and/or drainage facilities, which Utility Easement is legally described and depicted as follows:

See Exhibit A as attached hereto and incorporated herein by reference

2. All rights, title and privileges to the Utility easement herein granted shall run with the land and shall be binding upon Grantors and all persons claiming by, through or under Grantors and inure to the benefit of the Grantee, its successors and assigns. Grantor will defend the title to said Utility Easement against all persons claiming by, through or under Grantors.

3. Concomitant and coextensive with this right is the further right in the Grantee of ingress and egress over and on the above-described Easement Property, to effect the purposes of the Utility Easement.
4. That this Utility Easement shall be subject only to those easements, restrictions, conditions and reservations of record. The party of the first part also agrees to erect no building or affect any other kind of construction or improvements upon the Utility Easement.
5. It is understood that the Grantee shall repair and maintain the Utility Easement in conformance with its practices of maintaining utility and drainage easements throughout the City of Delray Beach.
6. Party of the first part 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.
7. This Utility Easement is being conveyed with the express understanding and condition that should the Utility Easement described herein hereafter be abandoned by the Grantee, the Utility Easement shall be discontinued and shall thereupon revert to the Grantors or assigns.

(SIGNATURE LINES APPEAR ON THE NEXT PAGE)

IN WITNESS WHEREOF, the parties to this UTILITY & ACCESSWAY EASEMENT set their hands and seals the day and year first above written.

WITNESSES:

GRANTORS:

[Signature]
Print Name: Hok S. GAO

[Signature]
JAMES GONDLES

[Signature]
Print Name: Jeffrey Washington

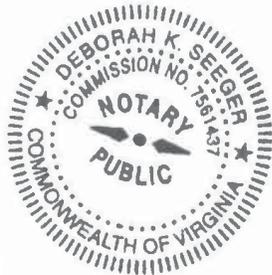
[Signature]
ELIZABETH GONDLES

[Signature]
Print Name: Hok S. GAO

[Signature]
Print Name: Jeffrey Washington

Commonwealth
STATE OF VIRGINIA : SS:
CITY
COUNTY OF Alexandria :

The foregoing instrument was acknowledged before me this 16th day of OCTOBER, 2017, by **JAMES GONDLES** and **ELIZABETH GONDLES**, who are personally known to me or have produced _____ as identification.



(Notary seal)

[Signature]
Notary Public Signature
Notary Public- State of Virginia
Printed Name Deborah K. Seeger
My Commission Expires Nov 30, 2017

DEBORAH KAY SEEGER
NOTARY PUBLIC
COMMISSION No. 7561437
COMMONWEALTH OF VIRGINIA
MY COM EXPIRES November 30, 2017