

Prepared by and Return to:

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

PCNs: 12-42-46-13-42-006-0000  
12-42-46-13-42-015-0000  
12-42-46-13-42-018-0000

Address 125 Geillis Path, Delray Beach, Florida

## **WATER AND SEWER UTILITY EASEMENT AGREEMENT**

THIS INDENTURE made this \_\_\_ day of \_\_\_\_\_, 20 \_\_, between Pulte Home Company, LLC with a mailing address of 1475 Centrepark Boulevard, Suite 140, West Palm Beach, Florida 33401, 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 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 which shall permit the GRANTEE authority to enter upon the property of the GRANTOR at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater pipelines, appurtenant facilities, and equipment in, on, over, under, and across the easement premises. This easement or portion thereof can also be utilized for a wastewater pump station and may be fenced in by the GRANTEE for access control purposes. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described, 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 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 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 potable water, reclaimed water, wastewater and pump station facilities. 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 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

[Signature]  
Signature

GARETT DUNSMORE  
Printed or Typed Name

1475 CENTRE PARK BLVD STE 140  
WEST PALM BEACH, FL 33401  
Address

GRANTOR

By: [Signature]

Name: PATRICK A. GONZALEZ

Title: Vice President  
for Land Development

Company: Pulte Home Company, LLC

Date: 4/24/25

WITNESS #2:

[Signature]  
Signature

David Kanarek  
Printed or Typed Name

1475 Centre Park Blvd Ste 140  
West Palm Beach FL 33401  
Address

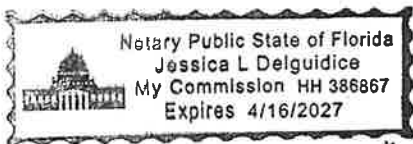
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24 day of April, 2025, by Patrick Gonzalez (name of person), as VP of Land (type of authority) for Pulte Home Company, LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification  
Type of Identification Produced \_\_\_\_\_

[Signature]

Notary Public – State of Florida



ATTEST:

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

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
City Mayor

Approved as to Form:

By: \_\_\_\_\_  
City Attorney

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**EXHIBIT “A”**  
**LEGAL DESCRIPTION OF PROPERTY**

See following pages