

Prepared by: RETURN:

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

# **WATER AND SEWER UTILITY EASEMENT AGREEMENT**

THIS INDENTURE made this    day of   , 20  , between     
Centerpointe Delray Owners Association Inc., a Florida Not-For Profit Corporation  
with a mailing address of 2850 Tigertail Ave, Suite 701, Miami, FL 33133, 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 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, including but not limited to wastewater pump stations and fencing, with the full and free right, liberty, 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 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 the installation, maintenance, or repair of the potable water, reclaimed water, wastewater, and related 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 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

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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 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

Eianne Klein

Printed or Typed Name

2850 Tigertail Avenue, Suite 701  
Miami, Florida 33133

Address

WITNESS #2:



Signature

AARON STOLEAR

Printed or Typed Name

2850 Tigertail Avenue, Suite 701  
Miami, Florida 33133

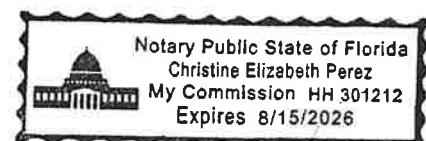
Address

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 22 day of October, 2025, by Reynaldo Melendi (name of person), as Authorized Signatory (type of authority) for Centerpointe Delray Owners Association (name of party on behalf of whom instrument was executed).

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

  
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”

**SURVEYOR'S NOTES:**

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL SEAL, OR AN 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 ABSTRACTED BY FIDELITY NATIONAL TITLE INSURANCE TITLE COMPANY, COMMITMENT NO. 11313492, COMMITMENT DATE: 08/15/2023 SAT: 11:00 PM. ALL PLOTTABLE EXCEPTIONS ARE SHOWN HEREON AND THAT ALL PLOTTABLE ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN HEREON. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE; IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS SURVEY.
4. THE DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. COORDINATES SHOWN HEREON ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT (NAD 83/90).
6. BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF TRACT E5. BEARING N68°34'25"E.
7. DISTANCES SHOWN HEREON ARE BASED ON THE U.S. SURVEY FOOT, UNLESS OTHERWISE NOTED.
8. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
9. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
10. ALL EASEMENTS, TRACTS AND PARCELS SHOWN HEREON PER PARKS AT DELRAY, RECORDED IN PLAT BOOK 134, PAGES 84 THROUGH 88, PALM BEACH COUNTY PUBLIC RECORDS, UNLESS NOTED OTHERWISE.

**CERTIFICATE:**

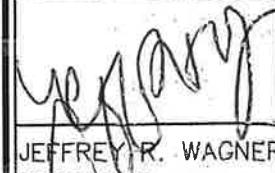
I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON NOVEMBER 8, 2024 I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 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 4

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

UTILITY EASEMENT WEST  
PARKS AT DELRAY  
SKETCH AND DESCRIPTION

  
JEFFREY R. WAGNER  
REGISTERED LAND  
SURVEYOR NO. 5302  
STATE OF FLORIDA  
L.B. 3591

DATE	11/8/2024
DRAWN BY	RFJ
F.B. / PG.	N/A
SCALE	NONE
JOB NO.	7678-6

EXHIBIT "A"

**DESCRIPTION:**

A PORTION OF TRACT E5, PARKS AT DELRAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 134, PAGES 84 THROUGH 88 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT E5; THENCE N68°34'25"E, ALONG SAID NORTH LINE, A DISTANCE OF 34.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N68°34'25"E, A DISTANCE OF 50.15 FEET; THENCE S21°25'35"E, A DISTANCE OF 12.01 FEET; THENCE S68°34'25"W, A DISTANCE OF 50.11 FEET; THENCE N21°37'03"W, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 601.60 SQUARE FEET/0.0138 ACRES, MORE OR LESS.

SAID LANDS LYING AND BEING IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

THIS IS NOT A SURVEY



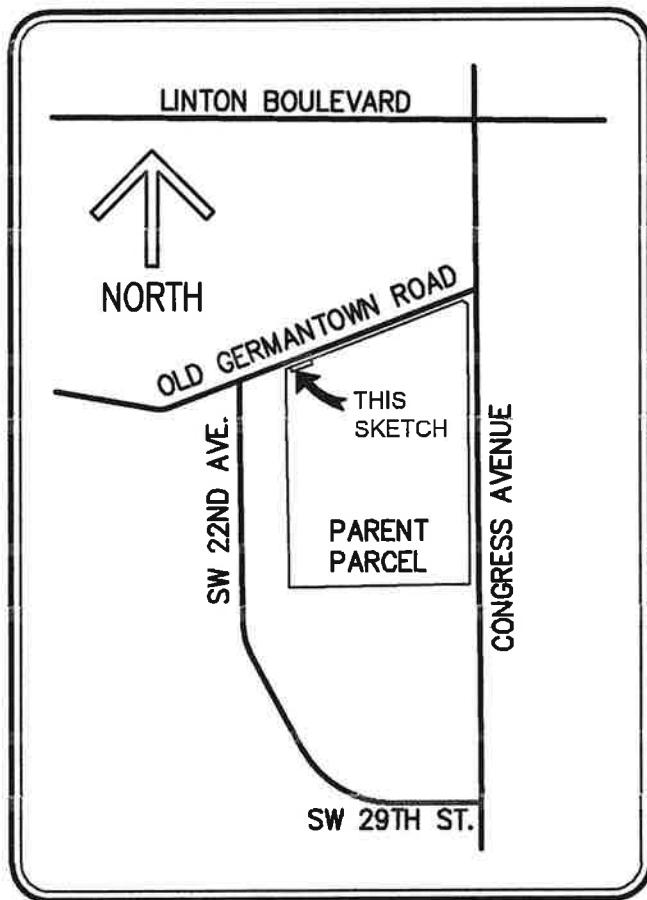
CAULFIELD & WHEELER, INC.  
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UTILITY EASEMENT WEST  
PARKS AT DELRAY  
SKETCH AND DESCRIPTION

SHEET 2 OF 4

DATE	11/8/2024
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	7678-2SWESKOD

EXHIBIT "A"



SECTION 30, TOWNSHIP 46 SOUTH, RANGE 43 EAST  
**LOCATION MAP**  
(NOT TO SCALE)

THIS IS NOT A SURVEY



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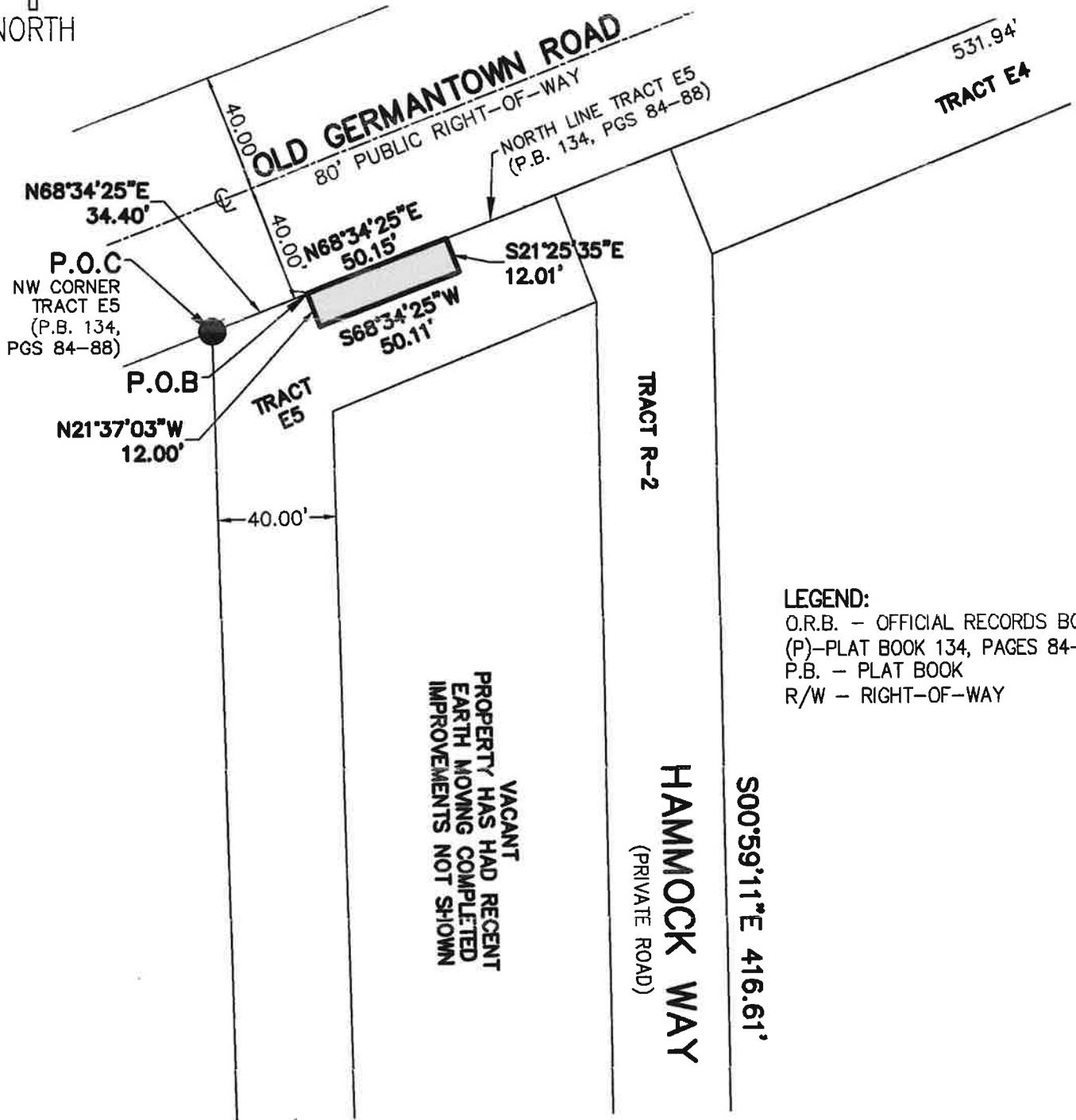
UTILITY EASEMENT WEST  
PARKS AT DELRAY  
SKETCH AND DESCRIPTION

SHEET 3 OF 4

DATE	11/8/2024
DRAWN BY	RFJ
F.B. / PG.	N/A
SCALE	NONE
JOB NO.	7678-6

EXHIBIT "A"

↑  
NORTH



THIS IS NOT A SURVEY



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UTILITY EASEMENT WEST  
PARKS AT DELRAY  
SKETCH AND DESCRIPTION

SHEET 4 OF 4

DATE	11/8/2024
DRAWN BY	RFJ
F.B./ PG.	N/A
SCALE	AS NOTED
JOB NO.	7678-6