

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

PCN: 12-43-46-16-01-012-0060 &
12-43-46-17-01-012-0170
Address: 20-26 N.W. 6th Avenue
Delray Beach, FL 33444

GENERAL UTILITY EASEMENT AGREEMENT

THIS INDENTURE, made this ____ day of _____, 2021, by and between **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, a Florida public body corporate and politic created pursuant to Section 163.356 F.S., with a mailing address of, 20 N. Swinton Avenue, Delray Beach, FL 33444 (Grantor), and the **CITY OF DELRAY BEACH**, a municipal entity, 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 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 as specifically identified on Exhibit "A" attached hereto.

DESCRIPTION

See Composite Exhibit "A" (Easement Area – Sketch and Legal Description)

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 effect the purposes of the Utility Easement, as expressed hereinafter. Notwithstanding the foregoing, this easement shall not provide the Grantee any other easement rights not specified herein, over or on any other portion of the property upon which the Utility Easement is not located.


That this Utility Easement shall be subject only to those easements, restrictions, conditions and reservations of record. That the Grantor agrees to provide for the release or subordination of any and all mortgages encumbering this Utility Easement. The Grantor also agrees to erect no building or affect any other kind of construction or improvements upon the property as described in Exhibit "A" that would unreasonably interfere with Grantee's rights, nor shall any such improvements be undertaken without prior consent of the Grantee, and such consent shall not be unreasonably withheld. 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. The Grantee shall 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.


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 except as provided above. Where the context of this Easement Agreement allows or permits, the same shall include the successors or assigns of the parties.


IN WITNESS WHEREOF, the parties to this Easement Agreement set their hands and seals the day and year first above written.

WITNESSES:


Signature
Ivan J. Cabrera
Print Name


Signature
Christine Tibbo
Print Name

GRANTOR

By: 
Name: Renee A. Jadusingh
Its: Executive Director

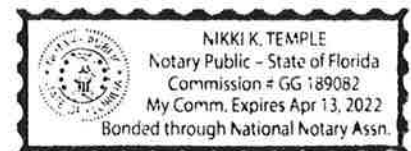
Date: February 10th, 2021

STATE OF FLORIDA _____

COUNTY OF PALM BEACH _____

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10th day of February, 2021, by Renee A. Jadusingh (name of person), as Executive Director (type of authority) for DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY, a Florida public body corporate and politic created pursuant to Section 163.356 F.S. (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:

By: _____
City Clerk

GRANTEE/ CITY

By: _____
Shelly Petrolia, Mayor

Approved as to Form:

By: _____
City Attorney

[Remainder of Page Intentionally Left Blank]

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION FOR GENERAL UTILITY EASEMENT

EXHIBIT A

A PARCEL OF LAND FOR UTILITY EASEMENT PURPOSES IN SECTION 12, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE THE EAST 10.00 FEET OF THE WEST 12.00 FEET OF LOT 17, BLOCK 12, MONROE SUBDIVISION, RECORDED IN PLAT BOOK 14, PAGE 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THE EAST 10.00 FEET OF THE WEST 12.00 FEET OF EAST 130 FEET OF THE NORTH 100 FEET OF THE SOUTH 302.1 FEET OF THE SOUTH ONE-HALF OF BLOCK 12, CITY OF DELRAY BEACH, RECORDED IN PLAT BOOK 1, PAGE 3 OF SAID PUBLIC RECORDS.

CONTAINING 1511 SQUARE FEET (0.035 ACRES), MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON S89°18'00"W (ASSUMED) ALONG THE NORTH LINE OF LOT 17, BLOCK 12, MONROE SUBDIVISION, RECORDED IN PLAT BOOK 14, PAGE 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 2) ABBREVIATIONS:
 - P.O.B. - POINT OF BEGINNING
 - P.B. - P.B.
 - PG. - PG.
 - R/W - RIGHT-OF-WAY
 - (D) - DEED DIMENSION
 - (P) - PLAT DIMENSION
 - CL - CENTERLINE

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION.

THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND STAMP, OR A DIGITALLY VERIFIED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY BROWN & PHILLIPS, INC.

**John E
Phillips**

Digitally signed
by John E
Phillips
Date: 2020.08.24
13:19:35 -04'00'

JOHN E. PHILLIPS, III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4826
DATE: _____

REVISIONS:



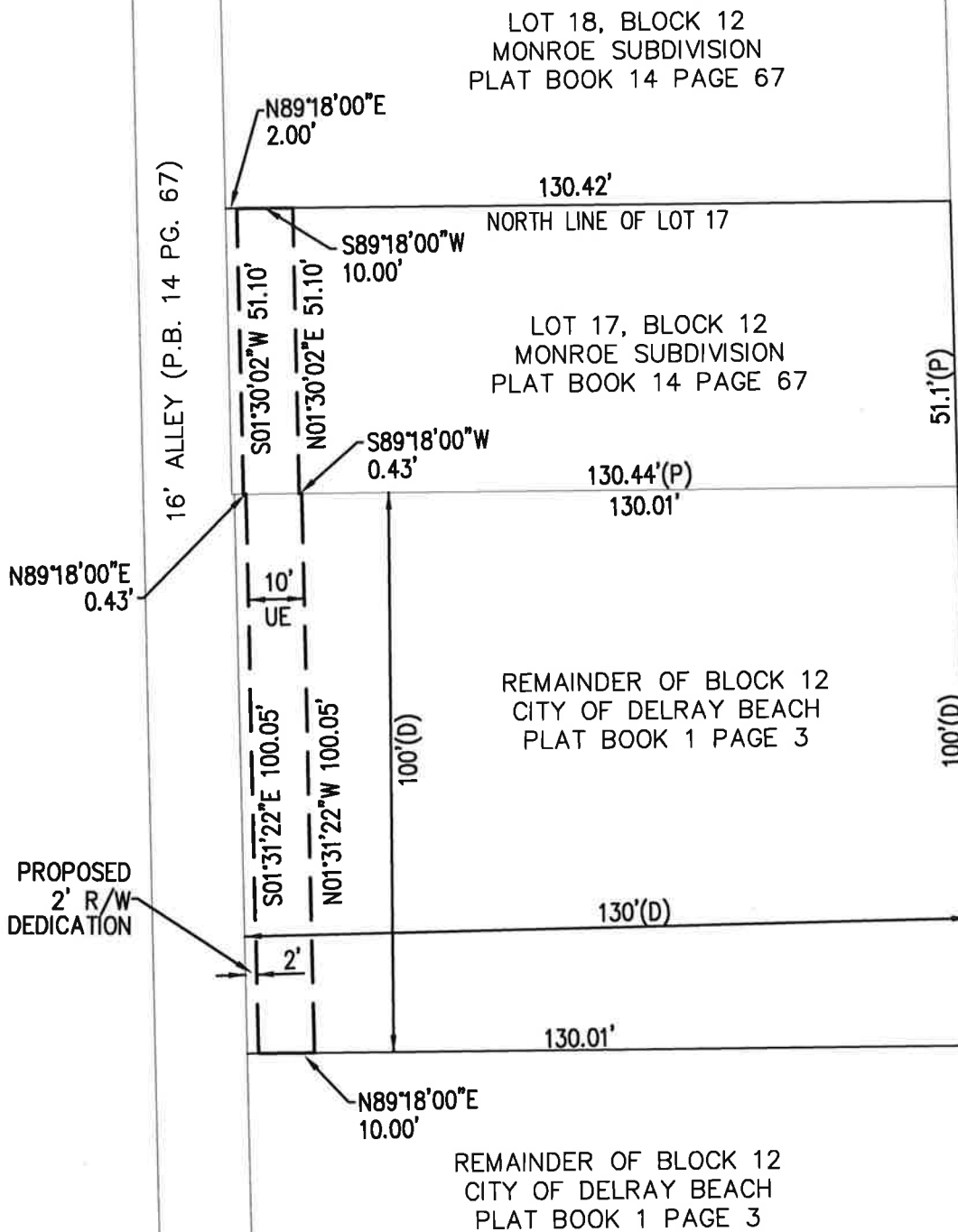
E-Mail: info@brown-phillips.com

BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE ROAD., SUITE 509,
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

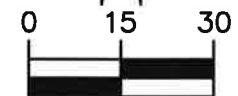
**20-26 NW 6th AVENUE
DELRAY BEACH, FL. 33444
10' UTILITY EASEMENT
(THIS IS NOT A SURVEY)**

DRAWN: DKN	PROJ. No. 19-081E
CHECKED: JEP	SCALE: NONE
LEGAL DESCRIPTION AND NOTES	DATE: 8/12/20
	SHEET 1 OF 2

EXHIBIT A



NW. 6th AVENUE



SCALE: 1" = 30'

BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE ROAD., SUITE 509,
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

E-Mail: info@brown-phillips.com

20-26 NW 6th AVENUE
DELRAY BEACH, FL. 33444

10' UTILITY EASEMENT
(THIS SKETCH IS NOT A SURVEY)

DRAWN: DKN	PROJ. No. 19-081E
CHECKED: JEP	SCALE: 1" = 30'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DATE: 8/12/20
	SHEET 2 OF 2