Prepared by: RETURN:

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

PCN 12-43-46-19-49-001-0000
Address 1221 S Congress Ave, Delray Beach

WATER AND SEWER UTILITY EASEMENT AGREEMENT

THIS INDENTURE made this __ day of _____, 202_, between Delray Apartments Venture, L.L.C., a Delaware limited liability company with a mailing address of 3715 Northside Parkway, Suite B2-800, Atlanta, GA 30327, 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

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

THOMAS KURIAN

Printed or Typed Name

3715 NORTHSIDE PKWY B2-800
ATLANTA, GA 30327

Address

WITNESS #2:

Signature

J. DANIEL BUTZ

Printed or Typed Name

3715 NORTHSIDE PKWY B2-800
ATLANTA, GA 30327

Address

GRANTOR

DELRAY APARTMENTS VENTURE, L.L.C.,
a Delaware limited liability company

By: SCH 133 Delray, L.P., a Delaware limited partnership, its Manager

By: Residential LTH GP, L.L.C., a Delaware limited liability company, its General Partner

By: _____
Name: Jim Berardinelli
Title: Vice President
Date: 6/22/2026

STATE OF ~~FLORIDA~~ GEORGIA
COUNTY OF ~~PALM BEACH~~ FULTON

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 22 day of JUNE, 2026 by JIM BERARDINELLI (name of person), as VICE PRESIDENT (type of authority) for DELRAY APARTMENTS VENTURE LLC (name of party on behalf of whom instrument was executed).

Personally known ☑ OR Produced Identification
Type of Identification Produced _____

Cassidy Craig
Notary Public – State of ~~Florida~~ GEORGIA

CASSIDY CRAIG
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
My Commission Expires 10-27-2026

ATTEST:

By: _____
City Clerk

GRANTEE/ CITY OF DELRAY BEACH, FLORIDA

By: _____
City Mayor

Approved as to Form:

By: _____
City Attorney

[Remainder of Page Intentionally Left Blank]

EXHIBIT “A”

SHEET 1 OF 7
THIS IS NOT A SURVEY

EXHIBIT "A"

DESCRIPTION:

BEING A PORTION OF PARCEL 'A', ALEXAN DELRAY PLAT AS RECORDED IN PLAT BOOK 138, PAGES 115 THROUGH 116, OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, SECTION 19, TOWNSHIP 46 SOUTH, RANGE 43 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF AFORESAID PLAT PARCEL 'A'; THENCE NORTH 00°51'53" WEST ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 3.70 FEET TO THE POINT OF BEGINNING #1; THENCE LEAVING THE WEST LINE N.89°08'03"E., A DISTANCE OF 12.00 FEET; THENCE N.00°51'53"W., A DISTANCE OF 17.38 FEET; THENCE N.89°08'07"E., A DISTANCE OF 1.42 FEET; THENCE N.00°51'53"W., A DISTANCE OF 22.00 FEET; THENCE S.89°08'07"W., A DISTANCE OF 1.42 FEET; THENCE N.00°51'53"W., A DISTANCE OF 9.33 FEET; THENCE S.89°08'03"W., A DISTANCE OF 12.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID PARCEL 'A' AND REFERENCE POINT 'A'; THENCE CONTINUING ALONG SAID WEST LINE S.00°51'53"E., A DISTANCE OF 48.71 FEET TO THE POINT OF BEGINNING #1.

TOGETHER WITH:
COMMENCING AT AFORESAID REFERENCE POINT 'A'; THENCE NORTH 00°51'53" WEST ALONG THE WEST LINE OF PARCEL 'A', A DISTANCE OF 395.30 FEET TO THE POINT OF BEGINNING #2; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 12.00 FEET TO REFERENCE POINT 'B'; THENCE LEAVING THE WEST LINE OF PARCEL 'A', N.89°08'07"E., A DISTANCE OF 54.19 FEET; THENCE N.00°41'38"W., A DISTANCE OF 14.97 FEET; THENCE N.89°18'29"E., A DISTANCE OF 12.00 FEET; THENCE S.00°41'38"E., A DISTANCE OF 14.93 FEET; THENCE N.89°08'07"E., A DISTANCE OF 256.82 FEET; THENCE S.00°51'53"E., A DISTANCE OF 12.00 FEET; THENCE S.89°08'07"W., A DISTANCE OF 14.25 FEET; THENCE S.00°55'00"E., A DISTANCE OF 21.19 FEET; THENCE S.89°05'00"W., A DISTANCE OF 12.00 FEET; THENCE N.00°55'00"W., A DISTANCE OF 21.20 FEET; THENCE S.89°08'07"W., A DISTANCE OF 245.81 FEET; THENCE S.00°51'57"E., A DISTANCE OF 20.36 FEET; THENCE S.89°08'07"W., A DISTANCE OF 12.00 FEET; THENCE N.00°51'57"W., A DISTANCE OF 20.36 FEET; THENCE S.89°08'07"W., A DISTANCE OF 24.71 FEET; THENCE S.00°51'53"E., A DISTANCE OF 143.55 FEET; THENCE N.88°47'54"E., A DISTANCE OF 13.07 FEET; THENCE S.01°12'06"E., A DISTANCE OF 12.00 FEET; THENCE S.88°47'54"W., A DISTANCE OF 25.14 FEET; THENCE N.00°51'53"W., A DISTANCE OF 155.63 FEET; THENCE S.89°08'07"W., A DISTANCE OF 2.25 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF PARCEL 'A' AND THE POINT OF BEGINNING #2.

TOGETHER WITH:
COMMENCING AT AFORESAID REFERENCE POINT 'B'; THENCE CONTINUING ALONG THE WEST LINE OF PARCEL 'A', NORTH 00°51'53" WEST, A DISTANCE OF 289.19 FEET TO THE POINT OF BEGINNING #3; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 50.05 FEET; THENCE LEAVING SAID WEST LINE N.89°08'03"E., A DISTANCE OF 12.00 FEET; THENCE S.00°51'53"E., A DISTANCE OF 4.84 FEET; THENCE S.34°38'06"E., A DISTANCE OF 5.52 FEET; THENCE S.00°51'53"E., A DISTANCE OF 36.61 FEET; THENCE S.89°08'03"W., A DISTANCE OF 6.68 FEET; THENCE S.47°15'35"W., A DISTANCE OF 6.00 FEET; THENCE S.89°08'03"W., A DISTANCE OF 3.92 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF PARCEL 'A' AND THE POINT OF BEGINNING #3.

CONTAINING 7,891 SQUARE FEET (0.1812 ACRES), MORE OR LESS. SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

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 SURVEYED UNDER MY DIRECTION ON JUNE 09, 2026. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

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 CERTIFICATE No. 5005 STATE OF FLORIDA REGISTERED LAND SURVEYOR

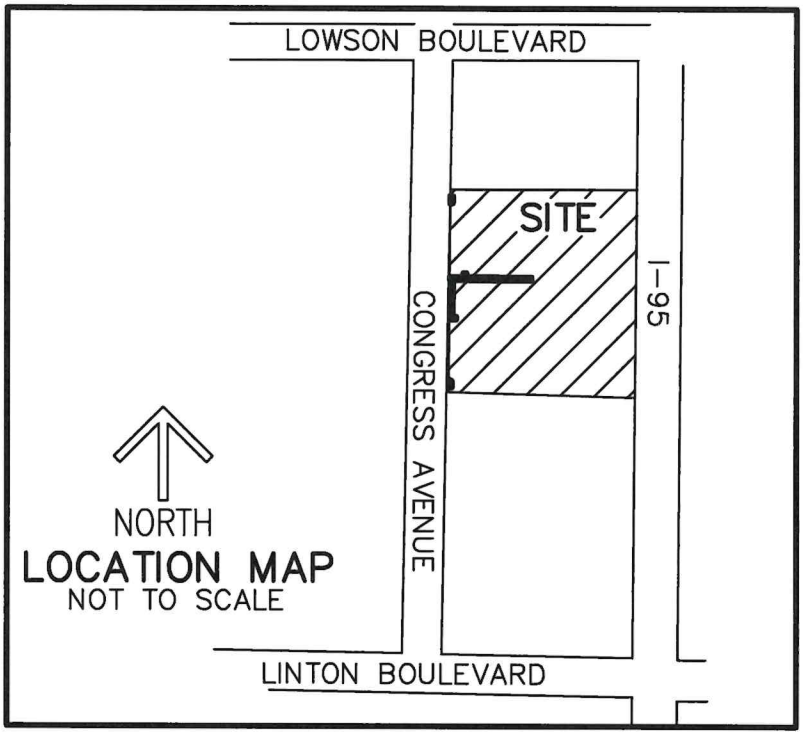
Digitally signed by David Lindley
Date: 2026.06.19 09:08:59 -04'00'
Adobe Acrobat version: 2026.001.21662

DAVID P. LINDLEY
REGISTERED LAND SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE	02/02/2026
DRAWN BY	SLD
F.B./ PG.	N/A
SCALE	NONE
JOB#	9605 CODBUE1

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

EXHIBIT "A"



SECTION 19, TOWNSHIP 46 SOUTH, RANGE 43 EAST

LEGEND ABBREVIATIONS

℄ – CENTERLINE
Δ – DELTA (CENTRAL ANGLE)
L – ARC LENGTH
R – RADIUS
P.B. – PLAT BOOK
PG – PAGE
P.O.B.– POINT OF BEGINNING
P.O.C.– POINT OF COMMENCEMENT
N – NORTHING
E – EASTING
R/W – RIGHT–OF–WAY
F.P.L. – FLORIDA POWER & LIGHT
PRM – PERMANENT REFERENCE MONUMENT
O.R.B. – OFFICIAL RECORD BOOK
ESMT. – EASEMENT
PBCR– PALM BEACH COUNTY RECORDS
LB – LICENSED BUSINESS
U.E.– UTILITY EASEMENT
L.A.E.– LIMITED ACCESS EASEMENT
G.U.E.– GENERAL UTILITY EASEMENT

THIS IS NOT A SURVEY

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

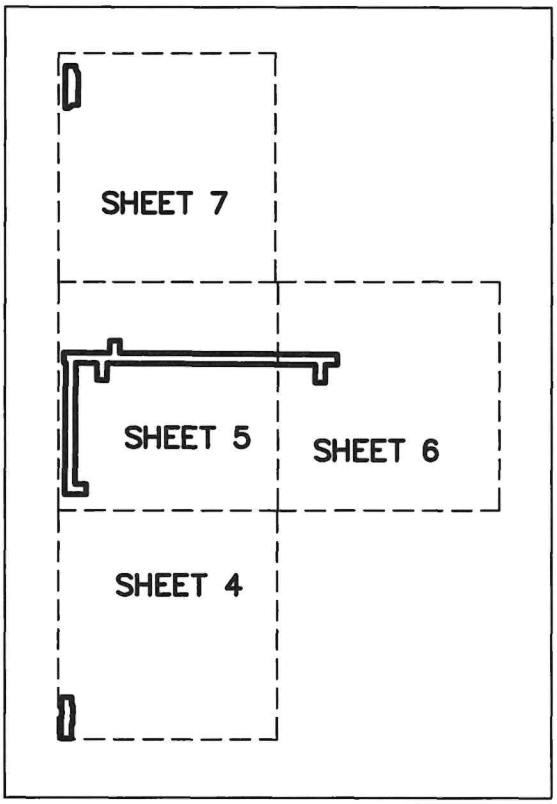
CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

DATE	02/02/2026
DRAWN BY	SLD
F.B./ PG.	N/A
SCALE	NONE
JOB#	9605 CODBUE1

EXHIBIT "A"

SURVEYOR'S NOTES:

1. SKETCH AND DESCRIPTIONS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SKETCH AND DESCRIPTIONS 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 SOUTH 88°47'27" WEST ALONG THE SOUTH LINE OF THE PLAT ALEXAN DELRAY, AS RECORDED IN THE PLAT THEREOF PLAT BOOK 138 PAGES 115 THROUGH 116, 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 "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.



NORTH

KEY MAP
NOT TO SCALE

THIS IS NOT A SURVEY

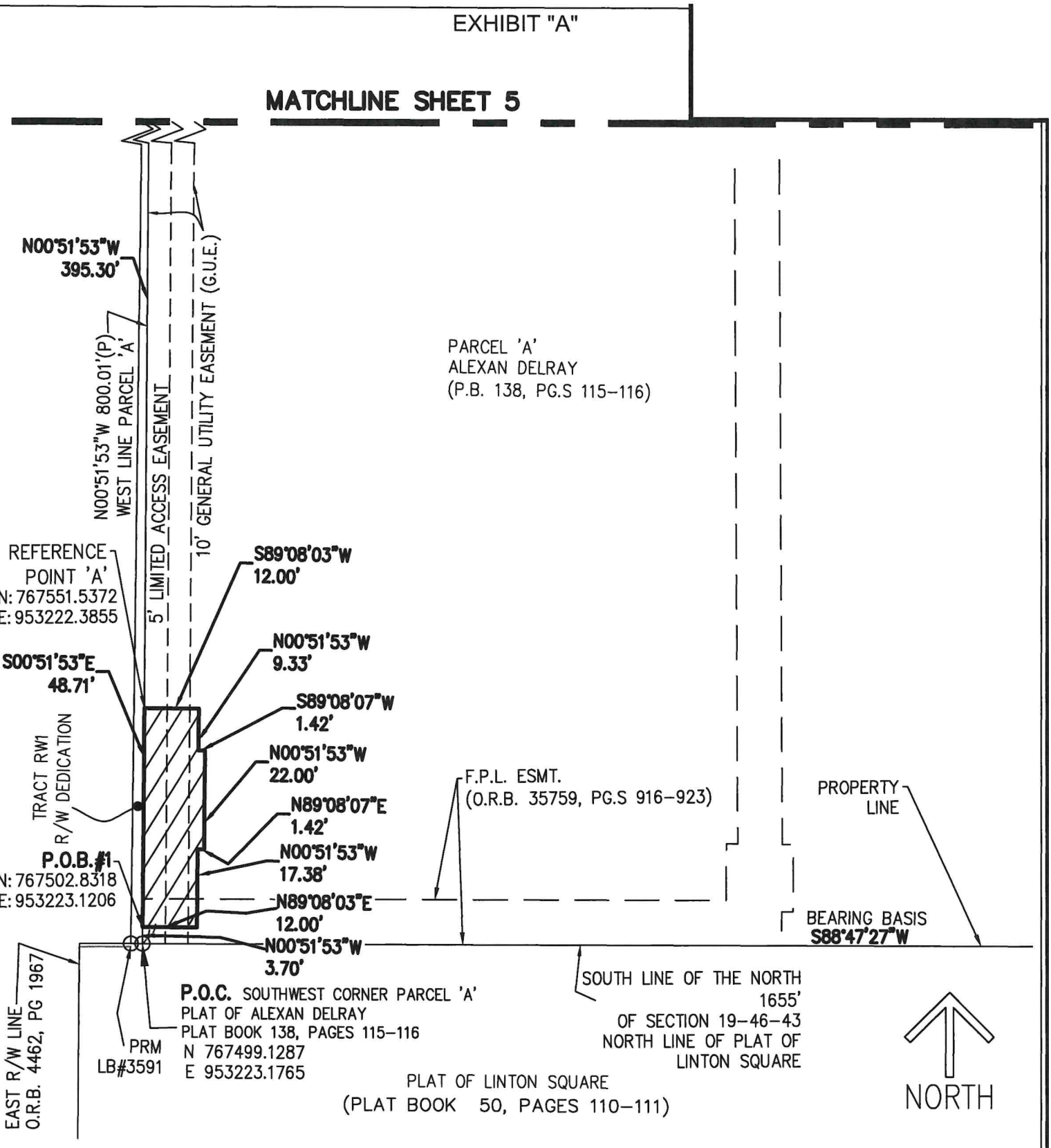
SHEET 3 OF 7

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

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

DATE	02/02/2026
DRAWN BY	SLD
F.B./ PG.	N/A
SCALE	NONE
JOB#	9605 CODBUE1

EXHIBIT "A"



THIS IS NOT A SURVEY

SHEET 4 OF 7

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

GRAPHIC SCALE

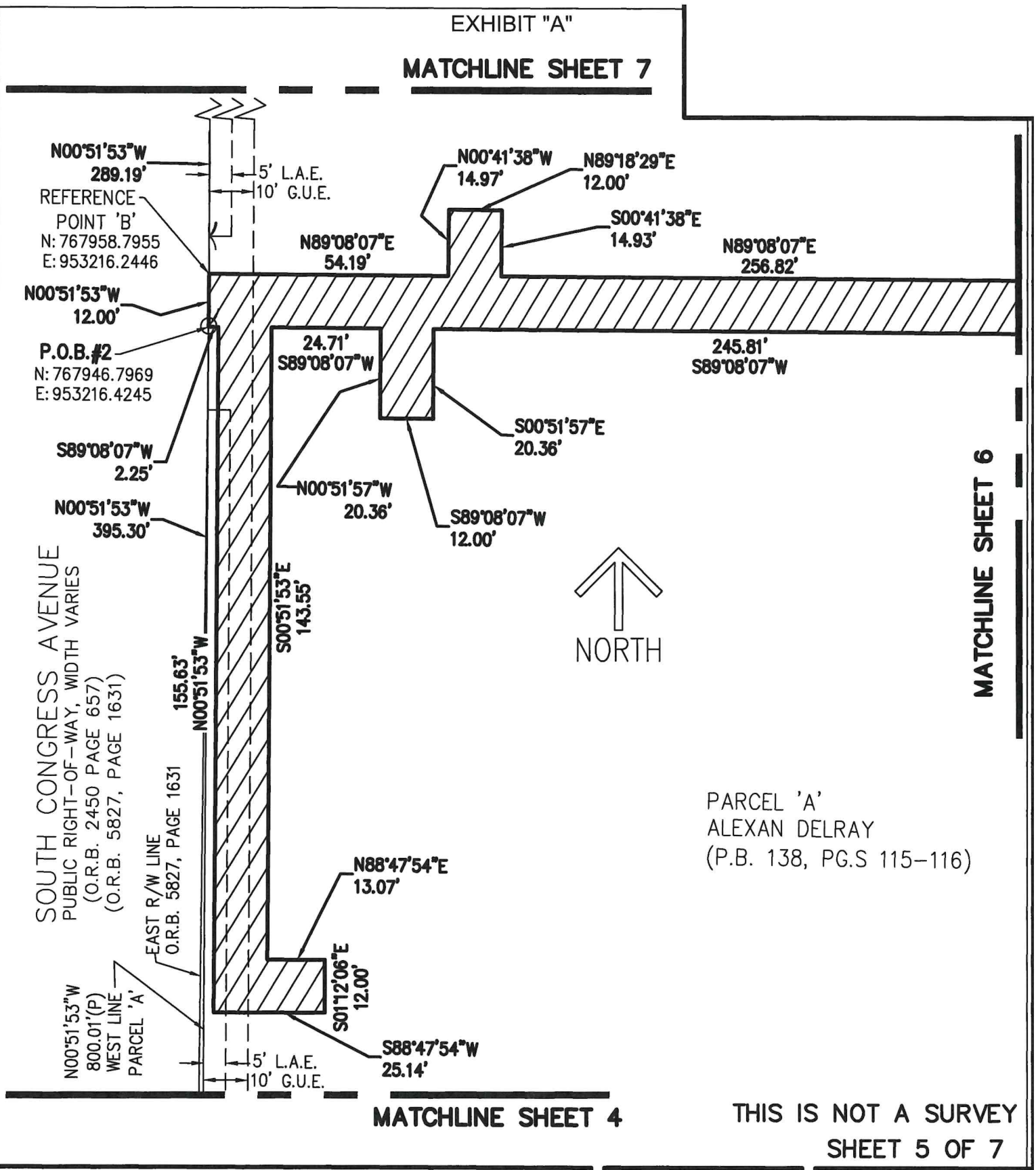
0 15' 30'

1 INCH = 30 FEET

DATE	02/02/2026
DRAWN BY	SLD
F.B./ PG.	N/A
SCALE	1"=30'
JOB#	9605 CODBUE1

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

EXHIBIT "A"



THIS IS NOT A SURVEY

SHEET 5 OF 7

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

GRAPHIC SCALE

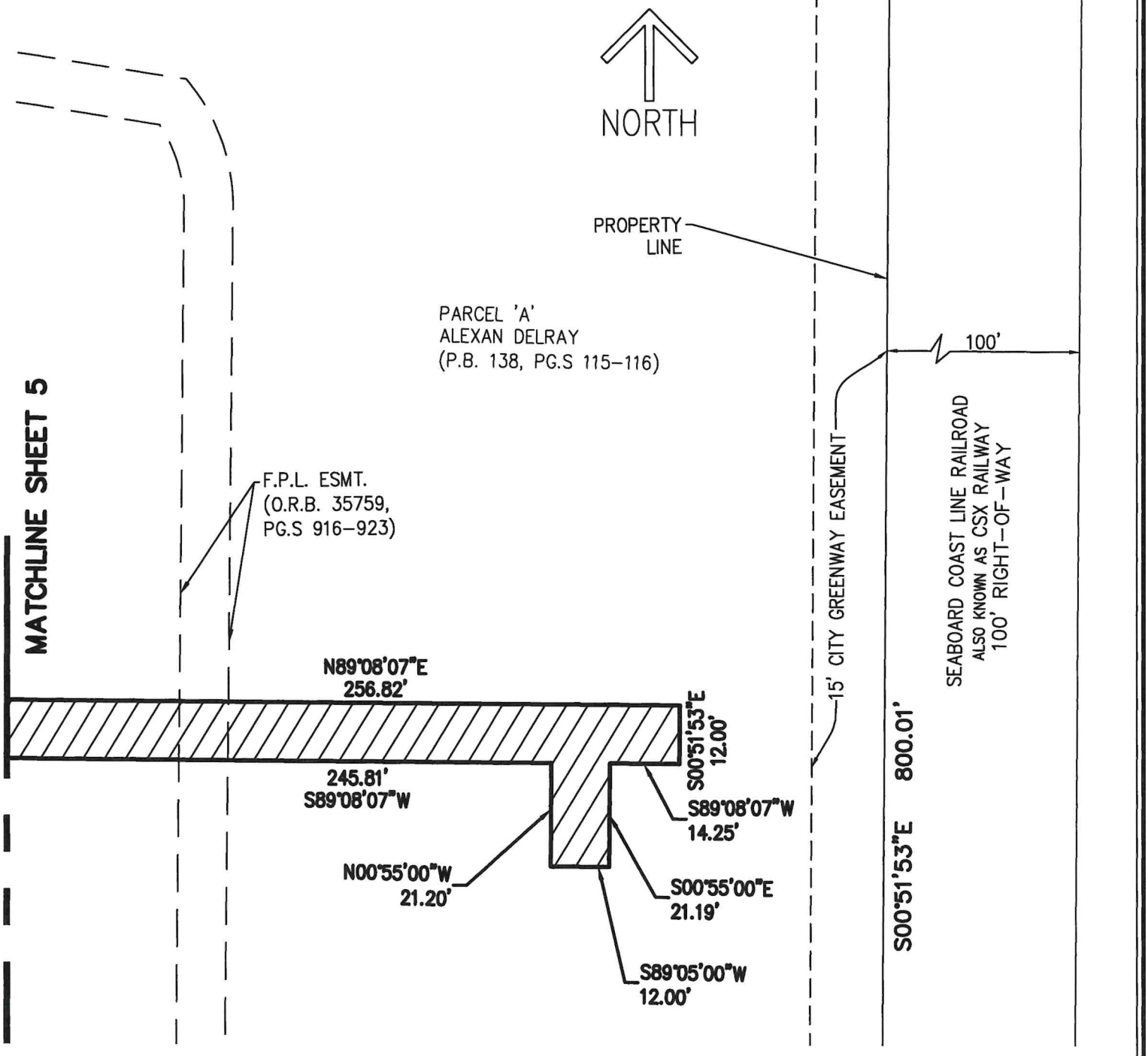
0 15' 30'

1 INCH = 30 FEET

DATE	02/02/2026
DRAWN BY	SLD
F.B./ PG.	N/A
SCALE	1"=30'
JOB#	9605 CODBUE1

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

EXHIBIT "A"



THIS IS NOT A SURVEY

SHEET 6 OF 7

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

GRAPHIC SCALE

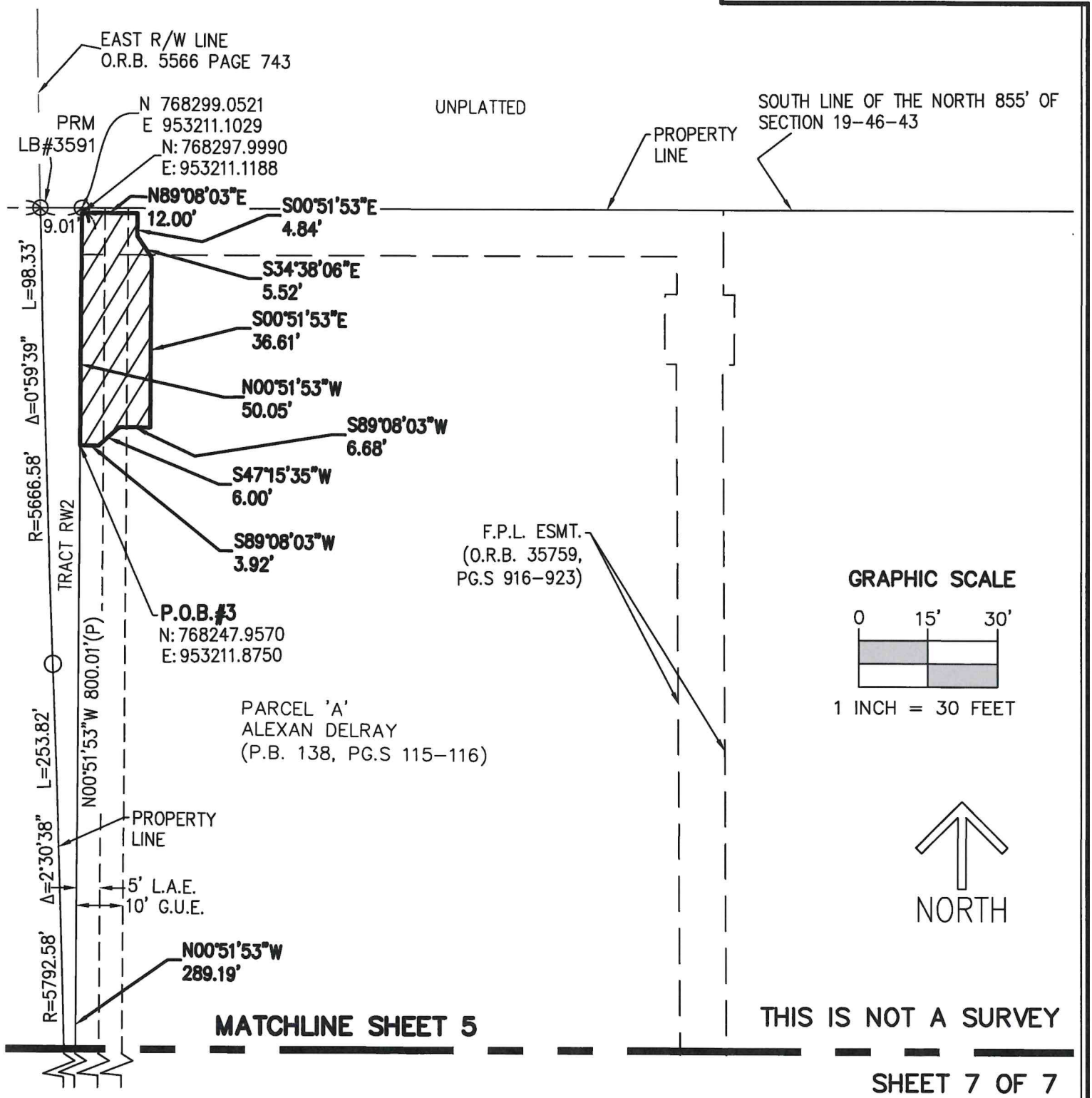
0 15' 30'

1 INCH = 30 FEET

DATE	02/02/2026
DRAWN BY	SLD
F.B./ PG.	N/A
SCALE	1"=30'
JOB#	9605 CODBUE1

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

EXHIBIT "A"



SHEET 7 OF 7

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

CITY OF DELRAY BEACH UTILITY EASEMENT
ALEXAN DELRAY
SKETCH AND DESCRIPTION

DATE	02/02/2026
DRAWN BY	SLD
F.B./ PG.	N/A
SCALE	1"=30'
JOB#	9605 CODBUE1