

Return to:

Environmental Services Department
434 S. Swinton Avenue
Delray Beach, Florida 33444

EASEMENT DEED

THIS INDENTURE, made this 27 day of February, 2017, by and between **WAL-MART STORES EAST, LP**, a Delaware limited partnership, with a mailing address of 2001 S.E. 10th Street, Bentonville, Arkansas 72716-5560, as Grantor, 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, as 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 Grantee, its successors and assigns, a right of way and perpetual easement for the purpose of the construction and maintenance of a water main with full and free right, liberty, and authority to enter upon and to install, operate, and maintain such water main well under, across, through and upon, over, under or within the following described property located in Palm Beach County, Florida, to-wit:

DESCRIPTION

See Exhibit "A"

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 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 also agrees to erect no building or effect any other kind of construction or improvements upon the above-described property.

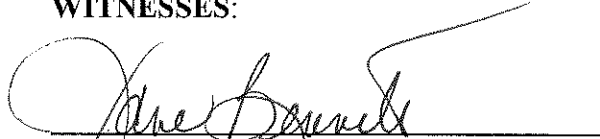
It is understood that upon completion of such construction, all lands disturbed thereby as a result of such construction performed thereon, will be restored to its original or like condition without expense to the property owner.


16205 S. Military Trail

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

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

WITNESSES:


Signature
JANE BENNETT
Print Name

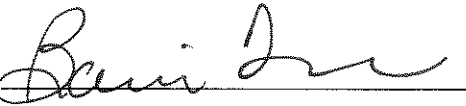

Signature
Jessenia Castillo
Print Name

GRANTOR:

WAL-MART:

WAL-MART STORES EAST, LP,
a Delaware limited partnership

By: **WSE MANAGEMENT, LLC,**
a Delaware limited liability company
and general partner

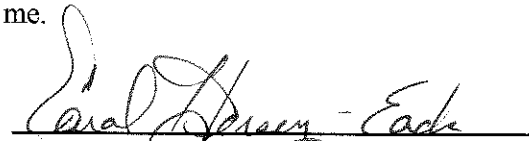
By: 
Name: Barri Tulgetske
Title: Director, Existing Store Special Projects
Date: February 27, 2017

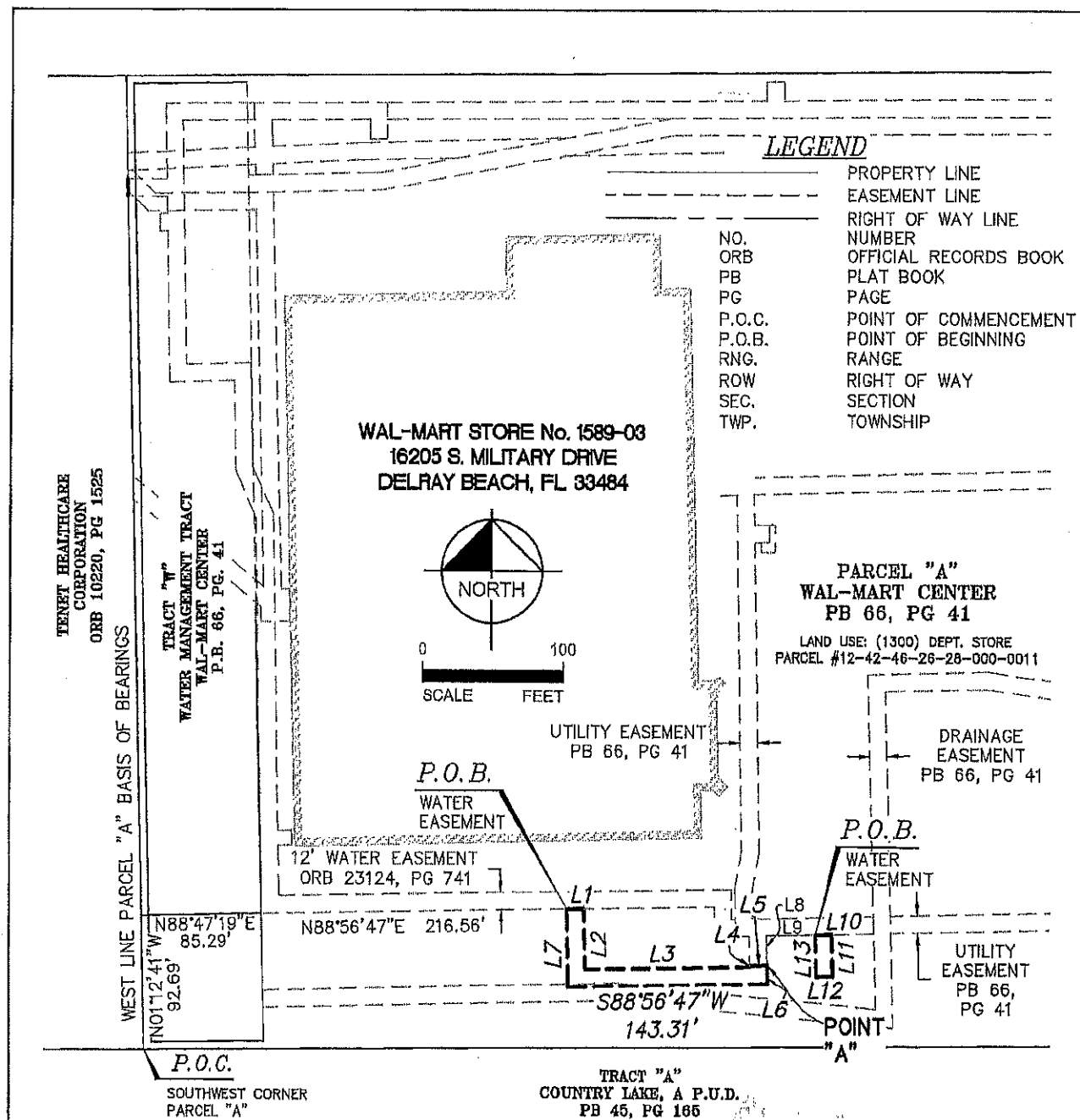
**STATE OF ARKANSAS
COUNTY OF BENTON**

The foregoing instrument was acknowledged before me this 27th day of February, 2017, by Barri Tulgetske, as Director, Existing Store Special Projects of WSE MANAGEMENT, LLC, a Delaware limited liability company, general partner of Wal-Mart Stores East, LP, a Delaware limited partnership, on behalf of said limited liability company and limited partnership. He/she is personally known to me.



My Commission Expires: Nov 8, 2020


Notary Public, State of Arkansas
CAROL HERSEY-EADS
Print/type name of Notary Public



SURVEYORS NOTES

- 1) THIS IS A SKETCH OF LEGAL DESCRIPTION ONLY, NOT A BOUNDARY RETRACEMENT SURVEY.
- 2) REFER TO THE ALTA/ACSM LAND TITLE SURVEY PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC., SHEET S-1 PROJECT NUMBER 047253703 DATED AUGUST 1, 2007.
- 3) THE BEARING BASE FOR THIS SURVEY IS BASED UPON THE WEST LINE OF PARCEL "A" ACCORDING TO THE PLAT OF WAL-MART CENTER AS RECORDED IN PLAT BOOK 66, PAGES 41 AND 42, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LINE BEARS NORTH 01°12'41" WEST.

This certifies that a legal description and sketch of the property described hereon was made under my supervision and that this legal description and sketch meets the standards of practice set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. And that this drawing is a true and accurate representation thereof to the best of my knowledge and belief. Subject to notes and notations shown hereon.

E.C. DEMETER, P.S.M. No. 5179

DATE: 2-16-17

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER ABOVE.

| | |
|--------------|-------------|
| SHEET NUMBER | DATE |
| 1 | 4-28-16 |
| OF | PROJECT NO. |
| 3 | 047253703 |

EXHIBIT "A"

LEGAL DESCRIPTION AND SKETCH

WATER EASEMENT ADDITION

CITY OF DELRAY BEACH, FL

| | |
|-------------|---------|
| SCALE | 1"=100' |
| DESIGNED BY | |
| DRAWN BY | PCS |
| CHECKED BY | ECD |

Kimley»Horn

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445 24TH STREET, SUITE 200, VERO BEACH, FL 33960
PHONE: 772-794-4100
WWW.KIMLEY-HORN.COM LB 686

LEGAL DESCRIPTION

(BY SURVEYOR)

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN A PORTION OF PARCEL "A", WAL-MART CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66 AT PAGE 41 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT;

COMMENCING FOR REFERENCE AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE BEARING NORTH 01°12'41" WEST, ALONG THE WEST LINE OF SAID PARCEL "A", A DISTANCE OF 92.69 FEET TO A POINT;

THENCE, LEAVING SAID WEST LINE, BEARING NORTH 88°47'19" EAST, A DISTANCE OF 85.29 FEET TO A POINT ON THE 12' WATER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 23124, PAGE 741 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, BEARING NORTH 88°56'47" EAST, ALONG SAID EASEMENT LINE, A DISTANCE OF 216.56 FEET TO THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, CONTINUE NORTH 88°56'47" EAST, ALONG SAID EASEMENT LINE, A DISTANCE OF 12.00 FEET TO A POINT;

THENCE, LEAVING SAID EASEMENT LINE, BEARING SOUTH 01°03'13" EAST, A DISTANCE OF 41.89 FEET TO A POINT;

THENCE, BEARING NORTH 88°56'47" EAST, A DISTANCE OF 119.24 FEET TO A POINT;

THENCE, BEARING NORTH 01°22'37" WEST, A DISTANCE OF 0.87 FEET TO A POINT ON THE UTILITY EASEMENT AS SHOWN ON THE PLAT OF WAL-MART CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 66, PAGE 41 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, BEARING NORTH 88°37'23" EAST, ALONG SAID EASEMENT LINE, A DISTANCE OF 12.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";

THENCE, LEAVING SAID EASEMENT LINE, BEARING SOUTH 01°22'37" EAST, A DISTANCE OF 12.93 FEET TO A POINT;

THENCE, BEARING SOUTH 88°56'47" WEST, A DISTANCE OF 143.31 FEET TO A POINT;

THENCE, BEARING NORTH 01°03'13" WEST, A DISTANCE OF 53.89 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PREMISES CONTAIN AN AREA OF 2,232 SQUARE FEET OR 0.05 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

TOGETHER WITH:

COMMENCING AT THE AFOREMENTIONED POINT "A" SAID POINT LYING ON THE AFOREMENTIONED UTILITY EASEMENT AS SHOWN ON THE PLAT OF WAL-MART CENTER;

THENCE, BEARING NORTH 01°22'37" WEST, ALONG SAID EASEMENT LINE, A DISTANCE OF 20.45 FEET TO A POINT;

THENCE, BEARING NORTH 88°37'23" EAST, ALONG SAID EASEMENT LINE, A DISTANCE OF 33.97 FEET TO THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, CONTINUE NORTH 88°37'23" EAST ALONG SAID EASEMENT LINE, A DISTANCE OF 12.00 FEET TO A POINT;

THENCE, LEAVING SAID EASEMENT LINE, BEARING SOUTH 01°20'26" EAST, A DISTANCE OF 29.17 FEET TO A POINT;

THENCE, BEARING SOUTH 88°39'34" WEST, A DISTANCE OF 12.00 FEET TO A POINT;


THENCE, BEARING NORTH 01°20'26" WEST, A DISTANCE OF 29.16 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PREMISES CONTAIN AN AREA OF 350 SQUARE FEET OR 0.01 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

| | | | | |
|--|--------------------------|--|--------------------|---|
| SHEET NUMBER 2 OF 3 | DATE 4-28-16 | EXHIBIT "A" LEGAL DESCRIPTION AND SKETCH WATER EASEMENT ADDITION CITY OF DELRAY BEACH, FL | SCALE N/A | Kimley»Horn ©2016 KIMLEY-HORN AND ASSOCIATES, INC. 440 24TH STREET, SUITE 200, VERO BEACH, FL 32980 PHONE: 772-794-4100 WWW.KIMLEY-HORN.COM LB 508 |
| | PROJECT NO. 047253703 | | DESIGNED BY --- | |
| | | | DRAWN BY PCS | |
| | | | CHECKED BY EOD | |

This document, together with the concepts and designs presented herein, are an integral part of the project. It is intended only for the specific purpose and shall not be used for any other purpose without written consent of Kimley-Horn and Associates, Inc. Drawing name: K:\VRB_Survey\047253703-Delray-1589\CPH update 2014\CADD\SURVEY\2014 UPDATE\WATER EASEMENT REV 11-14-14.dwg Layout1 (2) Feb 15, 2017 7:04pm by: michael.

| LINE TABLE | | |
|------------|---------------|----------|
| LINE # | BEARING | DISTANCE |
| L1 | N88° 56' 47"E | 12.00' |
| L2 | S01° 03' 13"E | 41.89' |
| L3 | N88° 56' 47"E | 119.24' |
| L4 | N01° 22' 37"W | 0.87' |
| L5 | N88° 37' 23"E | 12.00' |
| L6 | S01° 22' 37"E | 12.93' |
| L7 | N01° 03' 13"W | 53.89' |
| L8 | N01° 22' 37"W | 20.45' |
| L9 | N88° 37' 23"E | 33.97' |
| L10 | N88° 37' 23"E | 12.00' |
| L11 | S01° 20' 26"E | 29.17' |
| L12 | S88° 39' 34"W | 12.00' |
| L13 | N01° 20' 26"W | 29.16' |

| | | | | |
|--|--------------------------|--|-------------------|---|
| SHEET NUMBER 3 OF 3 | DATE 4-28-16 | EXHIBIT "A" LEGAL DESCRIPTION AND SKETCH WATER EASEMENT ADDITION CITY OF DELRAY BEACH, FL | SCALE N/A |  |
| | PROJECT NO. 047253703 | | DESIGNED BY | |
| | | | DRAWN BY PCS | |
| | | | CHECKED BY ECD | |
| This document, together with the concepts and designs presented herein, is in full payment of services. It is to be used only for the specific project and location identified herein. | | | | |

This document, together with the concepts and designs presented herein, is an instrument of service, to be used only for the specific project and client for which it was prepared. Parts of this instrument reference to the licensed virtual water infrastructure and applications by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Drawing name: K:\VRB_Survey\047253703-Delroy-1589\CPH update 2014\CADD\SURVEY\2014 UPDATE\WATER EASEMENT REV 11-14-14.dwg Layout1 (4) Feb 15, 2017 7:04pm by: michael