

Prepared by: RETURN:

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

EASEMENT DEED

THIS INDENTURE, made this ____ day of _____, 2019, by and between **ROBIN M. BIRD and MILENA B. BIRD**, a married couple, with a mailing address of 1300 Cormorant Road, Delray Beach, Florida, 33444, party of the first part, and the **CITY OF DELRAY BEACH ("CITY")**, with a mailing address of 100 N.W. 1st Avenue, Delray Beach, Florida 33444, a municipal corporation in Palm Beach County, State of Florida, party of the second part:

WITNESSETH: That the party of the first part, 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 party of the second part, its successors and assigns, a right of way and perpetual exclusive easement for the purpose of construction, installation, repair, and maintenance of City-owned public utilities with full and free right, liberty, and authority to enter upon and to install, operate, repair, and maintain such utilities 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 party of the second part, 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 party of the first part agrees to provide for the release or subordination of any and all mortgages or liens encumbering this easement. The party of the first part also agrees to erect no building or affect any other kind of construction or improvements upon the above-described property. Notwithstanding anything herein to the contrary, the parties understand installation of a root barrier is required where trees are installed five (5) feet or less from an underground utility pipe. The City shall have the right to remove any permanent or temporary structure in order to access the easement for maintenance or repair of the City-owned public utilities. The City shall not be responsible for repairing or replacing any structures damaged or destroyed while accessing the easement for maintenance or repair of the utilities, with the sole exception of the existing fence. The City shall only be responsible for restoring the affected area

to grade with sod and for the removal and reinstallation of fencing located within the easement area.

Party of the first part 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.

WITNESS #1:

PARTY OF THE FIRST PART

(name printed or typed)

By: _____
Print Name: Robin M. Bird

WITNESS #2:

(name printed or typed)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by Robin M. Bird. He is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath.

Signature of Notary Public -
State of _____

(SEAL)

WITNESS #1:

(name printed or typed)

WITNESS #2:

(name printed or typed)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by Melina B. Bird. She is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath.

(SEAL)

PARTY OF THE FIRST PART

By: _____

Print Name: Melina B. Bird

Signature of Notary Public -
State of _____

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

Katerri Johnson, City Clerk

By:_____
Shelly Petrolia, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Lynn Gelin, City Attorney

SKETCH AND DESCRIPTION

(COVER & LEGAL DESCRIPTION)

PROPERTY ADDRESS:

1300 CORMORANT ROAD

DELRAY BEACH, FL 33444

THE PURPOSE OF THIS SKETCH AND DESCRIPTION IS TO SHOW THE LOCATION AND DIMENSION OF A PROPOSED 6' MAINTENANCE EASEMENT.



LOCATION MAP NOT TO SCALE

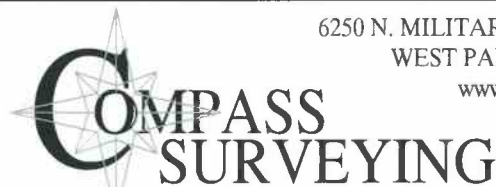
LEGAL DESCRIPTION:

THE NORTHEASTERLY 6.0 FEET OF LOT 14, REPLAT OF TROPIC PALM PLAT NO. 2, AS RECORDED IN PLAT BOOK 33, PAGES 144 THROUGH 146, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERN MOST CORNER OF LOT 14 AND RUN SOUTH 52°00'00" EAST, ALONG THE DIVIDING LOT LINE BETWEEN LOT 14 AND LOT 15, A DISTANCE OF 10.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 52°00'00" EAST, ALONG THE SAME LINE A DISTANCE OF 110.00 FEET TO THE SOUTHEAST CORNER OF LOT 14; THENCE RUN SOUTHEASTERLY ALONG A CURVE CONCAVE THE THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 205.00 FEET, AN ARC LENGTH OF 6.00 FEET AND A CENTRAL ANGLE OF 1°40'48" (CHORD BEARING=S38°50'19"W, CHORD DISTANCE=6.00FEET); THENCE RUN NORTH 52°00'00" WEST, ALONG A LINE 6.0 FEET SOUTHWEST OF AND PARALLEL TO THE DIVIDING LOT LINE BETWEEN LOTS 14 AND 15, A DISTANCE OF 110.10 FEET TO A POINT ON THE SOUTHERLY LIMITS OF AN EXISTING 10.0 FOOT UTILITY EASEMENT; THENCE RUN NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 95.00 FEET, AN ARC LENGTH OF 6.00 FEET AND A CENTRAL ANGLE OF 3°37'16" (CHORD BEARING=N39°48'38"E, CHORD DISTANCE=6.00FEET) TO A POINT ON THE AFOREMENTIONED DIVIDING LINE BETWEEN LOTS 14 AND 15 AND THE POINT OF BEGINNING.

Kenneth J. Osborne PSM #6415

THIS SURVEY IS NOT VALID WITHOUT
THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER



6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
www.compassurveying.net

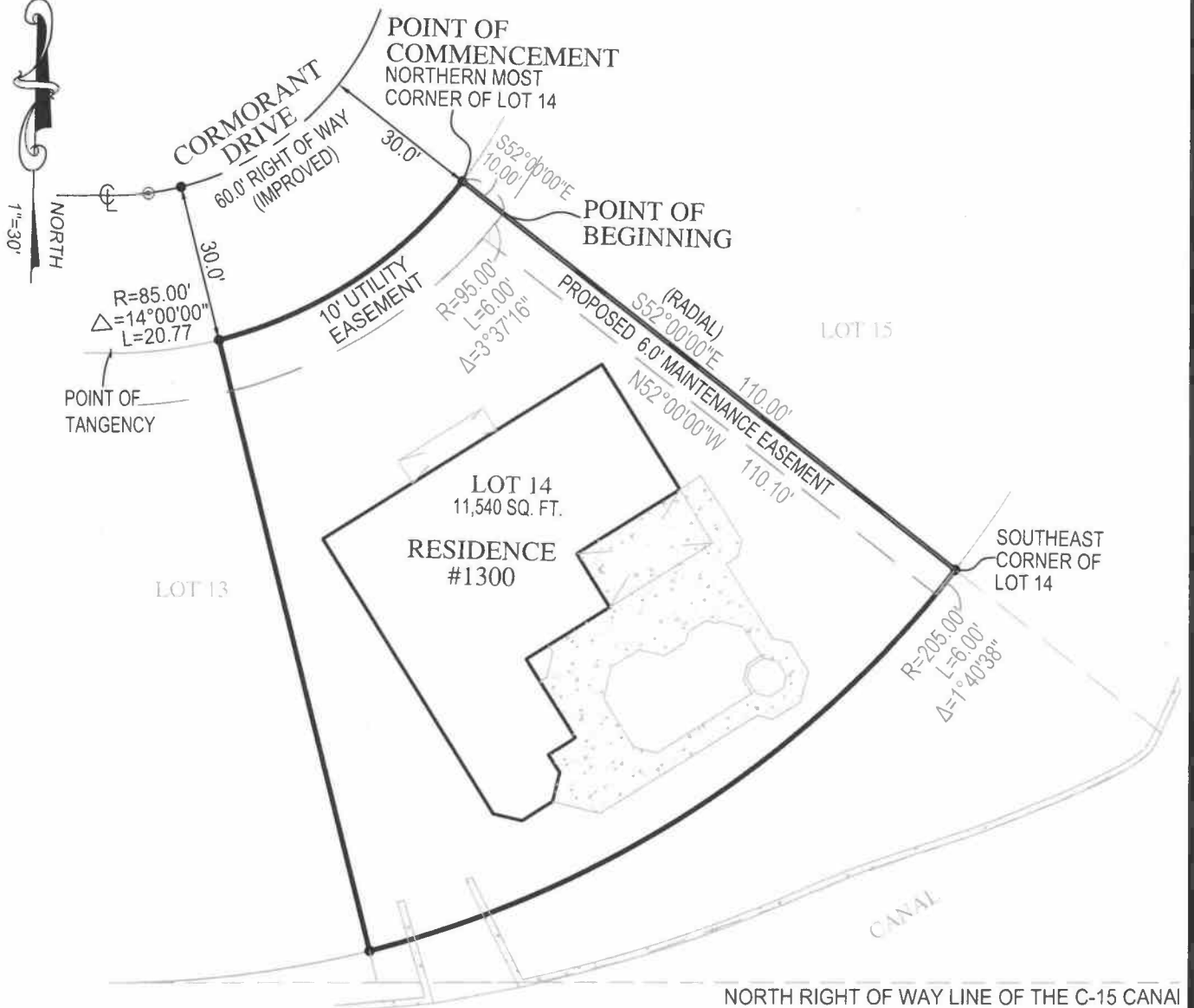
LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

PROJECT: C-16901
SHEET 1 OF 2

PREPARED FOR
ROBIN BIRD

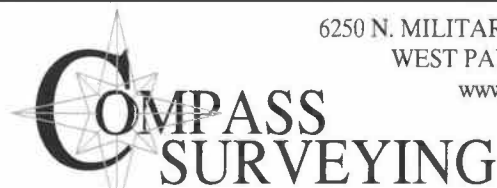
SKETCH AND DESCRIPTION

(SKETCH OF DESCRIPTION)



ABBREVIATION DESCRIPTION:

LB	LICENSED BUSINESS
C.B.	CHORD BEARING
PSM	PROFESSIONAL SURVEYOR MAPPER
R	RADIUS
Δ	DELTA / CENTRAL ANGLE
L	LENGTH



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SHEET 2 OF 2

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ROBIN BIRD