

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

PCN: 12-43-46-16-47-000-0200
Address: 217 NE 4th Ave Delray Beach, FL 33483

GENERAL UTILITY EASEMENT AGREEMENT

THIS INDENTURE, made this ____ day of _____, 2021, by and between **John C Van Reich and Louise S. Reich**, with a mailing address of **217 NE 4th Avenue, Delray Beach, FL 33483** (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]
Signature

KEITH D. KERN
Print Name

Katharine Ayers
Signature

Katharine Ayers
Print Name

CO-GRANTOR

By: J Christopher Reich

Name: J. Christopher Reich

Its: Property Owner

Date: 2/24/2021

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 2/24 day of 2021, by

JOHN CHRISTOPHER VAN REICH (name of person acknowledging.)
BY MEANS OF PHYSICAL PRESENCE



(Seal)

Personally known: ✓

OR Produced Identification: _____

Type of Identification Produced: _____

[Signature]
Signature of Notary Public
Print, Type/Stamp Name of Notary

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

WITNESSES:

Signature

Print Name

Signature

Print Name

CO-GRANTOR

By:

Name: Louise S Reich

Its:

Date: 2/24/2021

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 2/24 day of 2021, by

LOUISE S. REICH (name of person
acknowledging.)

B1 MEANS OF PHYSICAL PRESENCE

Personally known: ✓

OR Produced Identification:

Type of Identification Produced:



(Seal)

Signature of Notary Public
Print, Type/Stamp Name of Notary

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

WITNESSES:

GRANTOR

Signature

Print Name

Signature

Print Name

By: _____

Name: _____

Its: _____

Date: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 202_, by
_____(name of person acknowledging)

Personally known ____ OR Produced Identification

Type of Identification Produced _____

(SEAL)

Notary Public – State of Florida