

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

PCN: 12-43-46-16-47-000-0220  
Address: 401 NE 2<sup>nd</sup> St., Delray Beach, FL 33483

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## SEWER EASEMENT DEED

**THIS INDENTURE**, made this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between PHG Delray Beach, LLC, with a mailing address of ONE ALLIANCE CENTER C/O 3500 LENOX RD. NE STE 625 ATLANTA, GA 30326-4232, 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, 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 right of way and perpetual exclusive easement for the purpose of the construction, operation, repair, replacement, and maintenance of a sewer main, to be constructed and installed by the Grantor, with full and free right, liberty, and authority to enter upon and to construct, operate, repair, replace and maintain such sewer main 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 Grantee, 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 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.

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.

The parties acknowledge and agree that the Grantor is obligated to construct and install the sewer line in accordance with City specifications. The Grantor shall enter into an agreement in a form acceptable to the City providing for the transfer and conveyance of the sewer line and any related improvements by bill of sale to the City no later than the issuance of the final Certificate of Occupancy of the adjacent project and upon demonstration to the written satisfaction of the City Engineer that the sewer line and related improvements have been constructed in accordance with City specifications. It is agreed that the bill of sale shall be a condition of the final Certificate of Occupancy.

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

WITNESS #1:

Claire Lawless  
(name printed or typed)

GRANTOR

By:

Mukul Patel, Managing Principal

WITNESS #2:

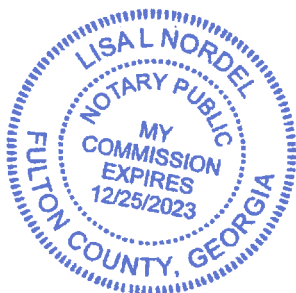
Allison Neary  
(name printed or typed)

STATE OF GEORGIA  
COUNTY OF FULTON

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of April, 2022, by Mukul Patel (name of person), as Managing Principal (type of authority) for Pho Delray Beach, LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification  
Type of Identification Produced \_\_\_\_\_

(SEAL)



Lisa L. Nordel  
Notary Public – State of Georgia

ATTEST:

**GRANTEE/ CITY OF DELRAY BEACH,  
FLORIDA**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to Form:

By: \_\_\_\_\_  
City Attorney