

Prepared by and Return to:
City of Lake Worth
Beach Attn: City Clerk
7 North Dixie Hwy.
Lake Worth Beach, FL 34460

PUBLIC ACCESS EASEMENT

THIS PUBLIC ACCESS EASEMENT (“Easement”) is granted this ____ day of _____, 202__, by and between by and between **Sunshine Lake Worth Development, LLC**, a Florida limited liability company("Grantor") and **CITY OF LAKE WORTH BEACH**, a Florida municipal corporation ("City").

WITNESSETH

WHEREAS, the Grantor is the owner of property generally located in Lake Worth Beach, Florida, and as legally described in **Exhibit "A"** attached hereto and incorporated herein (“Property”); and

WHEREAS, consistent with the Long Term Maintenance Agreement entered by the Grantor and City on February 14, 2025 as part of the WMODA Project’s Art Alley, the City desires an unrestricted and nonexclusive easement for public access purposes through the Property as described and sketched in **Exhibit "B"** attached hereto and incorporated herein (“Easement Area”); and

WHEREAS, the Grantor is willing to grant such easement to facilitate the Property being utilized as an arts alley by the general public.

NOW, THEREFORE, for and in consideration of the mutual covenants and other valuable consideration, the sufficiency and receipt of which is acknowledged by Grantor and the City, the Grantor grants unto the City, its licensees, agents, successors, and assigns:

A perpetual, unrestricted, and nonexclusive easement to the City for the general public’s pedestrian access, ingress, and egress in, over, under, through, upon, and across the Easement Area together with all rights and privileges reasonably incident thereto.

TO HAVE AND TO HOLD the said Easement, unto the City, its licensees, agents, successors, and assigns forever. It being expressly understood, however, that in the event the City, its licensees, successors, and assigns desire to abandon or vacate the easement herein granted, the same shall only be abandoned or vacated by the City’s City Commission (or such successor governing body) with written notice to the Grantor. Upon receipt of such notice, the Easement

Area shall revert back to Grantor, its heirs, successors or assigns.

By accepting this Easement, the City agrees to responsible for repairs and capital replacement within the Easement Area necessitated as a result of the City's prior undergrounding overhead electric utility facilities that are not due to the Grantor's or Grantor's Representative's negligent acts or omissions, and the City further agrees: (a) to perform all work undertaken by the City within the Easement Area in a good and workmanlike manner and to promptly complete all work within the Easement Area; (b) to restore any of the Property disturbed by work undertaken by the City for purposes of construction, removal, demolition and/or maintenance to its condition that existed prior to the commencement of such work, except normal wear and tear; (c) to not unreasonably interfere with the use of the Property by Grantor or any of Grantor's tenants, invitees or guests; and (d) to be responsible for all costs associated with the City's construction, removal, demolition and/or maintenance within the Easement Area.

GRANTOR:

Sunshine Lake Worth Development, LLC

Signed, sealed and delivered
in the presence of:

Signature of Witness #1

Typed/Printed Name of Witness #1

Address of Witness #1

Signature of Witness #2

Typed/Printed Name of Witness #2

Address of Witness #2

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 202_, by _____, as _____ of the Grantor. He/She ☐ is personally known to me or ☐ has produced _____ as identification.

Notary Seal:

Notary Public

Remainder of this page intentionally left blank
City's acceptance page follows

The City of Lake Worth Beach, Florida, accepted the foregoing Public Access Easement from SLWD, LLC, on the ____ day of _____, 20__.

CITY OF LAKE WORTH BEACH

ATTEST:

By: _____
Betty Resch, Mayor

By: _____
Melissa Coyne, City Clerk

Approved as to form and legal sufficiency:

By: _____
Glen J. Torcivia, City Attorney

EXHIBIT "A"
Legal Description of Property

EXHIBIT "B"
Legal Description and Survey of Easement Area