

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

## UTILITY EASEMENT

THIS UTILITY EASEMENT is made this \_\_\_\_ day of August, 2020, by and between **1601 DIXIE, 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 at 1601 N. Dixie Highway, Lake Worth Beach, Florida, and as legally described in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, the City desires a nonexclusive easement for public utility purposes through the Property as described and mapped in Exhibit "B" attached hereto and incorporated herein (the "Easement Area"); and

WHEREAS, the public utilities to be placed in the Easement Area may provide services to and from the Property and other properties which may or may not abut and be contiguous to the Easement Area; and

WHEREAS, the Grantor is willing to grant such easement.

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 nonexclusive easement in, over, under, through, upon and across the Easement Area for the purpose of providing utility services to and from properties or lands or maintain the same, which may include the Property, also for the City to provide utility service to properties which may not be contiguous to the Easement Area, including the right to lay, or cause to be laid, and to maintain utility pipes, mains, appurtenances and devices; to maintain, repair, rebuild, operate and control utility transmission lines; the right to clear said Easement Area and keep it clear of brush, trees, and permanent structures and fire hazards; together with all rights of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the Easement Area hereby granted, and all rights and privileges incident thereto; and, the permanent, full and free right and authority to own, construct, operate, maintain, repair, install, rebuild and replace utility facilities within the Easement Area. Notwithstanding the foregoing, all improvements made in the Easement Area by the City, its licensees, agents, successors and/or assigns, shall be underground.

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, abandons or vacates the easement herein granted, that the same shall revert back to Grantor, its heirs, successors or assigns.

By accepting this Easement, the City 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; (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 pursuant to this Easement.

Signed, sealed and delivered  
In the presence of:

Owner:

1601 DIXIE, LLC, a Florida limited liability company

Signature of Witness

Nicola Proso

Printed Name of Witness

Chris Smuts

Signature of Witness

Chris Smuts

Printed Name of Witness

STATE OF FLORIDA )  
COUNTY OF Broward )

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10<sup>th</sup> day of August, 2020, by JEFFREY BURNS, as President of 1601 Dixie, LLC, a Florida limited liability company, who is personally known to me or who has produced N/A as identification and who did not take an oath.

[Signature]  
Notary Public



The City of Lake Worth Beach accepted the foregoing Easement on \_\_\_\_\_, 2020.

City of Lake Worth Beach

Pam Triolo, Mayor

ATTEST:

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Deborah M. Andrea, City Clerk

\_\_\_\_\_  
Christy J. Goddeau, City Attorney

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT "A"**  
Legal Description of Property

## EXHIBIT "A"

### PARCEL A

Lots 1 through 11, inclusive, Block "F", Lake Worth Heights, according to the map or plat thereof as recorded in Plat Book 7, Page 25, Public Records of Palm Beach County, Florida; said lands situate, lying and being in Palm Beach County, Florida.

#### LESS:

A portion of Lot 1, Block F, Lake Worth Heights, as recorded in Plat Book 7, Page 25, Public Records of Palm Beach County, Florida, lying in Section 16, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Lot 1; thence South 89° 55' 17" East along the Northerly boundary line of said Lot 1, a distance of 167.30 feet to the Point of Beginning; thence continue South 89° 55' 17" East along said Northerly boundary line, a distance of 5.0 feet to a point on the Westerly Existing Right of Way line for State Road 805 (Dixie Highway), said point being on a line 2.70 feet Westerly of and parallel with the Easterly boundary line of said Lot 1; thence South 00° 00' 02" East along said Westerly Existing Right of Way line and said parallel line, a distance of 9.0 feet; thence North 29° 02' 11" West, a distance of 10.30 feet to the Point of Beginning.

### PARCEL B

Lots 1 through 11, inclusive, Block "G", Lake Worth Heights, according to the map or plat thereof as recorded in Plat Book 7, Page 25, Public Records of Palm Beach County, Florida; said lands situate, lying and being in Palm Beach County, Florida.

#### LESS

A portion of Lot 1, Block G, Lake Worth Heights, as recorded in Plat Book 7, Page 25, Public Records of Palm Beach County, Florida, lying in Section 16, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Lot 1; thence South 89° 53' 05" East along the Southerly boundary line of said Lot 1, a distance of 167.30 feet to the Point of Beginning; thence continue South 89° 53' 05" East along said Southerly boundary line, a distance of 5 feet to a point on the Westerly Existing Right of Way line for State Road 805 (Dixie Highway), said point being on a line 2.70 feet Westerly of and parallel with the Easterly boundary line of said Lot 1; thence North 00° 00' 02" West along said Westerly Existing Right of Way line and said parallel line, a distance of 9.0 feet; thence South 29° 04' 53" West, a distance of 10.29 feet to the Point of Beginning.

**EXHIBIT "B"**

Legal Description and Survey of Easement Area

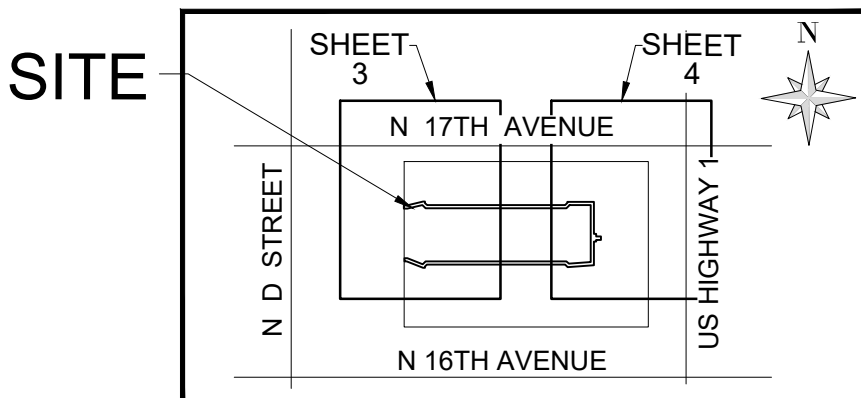
# SKETCH AND DESCRIPTION

## OF A UTILITY EASEMENT

LAKE WORTH BEACH, PALM BEACH COUNTY, FLORIDA

NOT VALID WITHOUT ACCOMPANYING, SHEETS 2, 3 AND 4

THIS IS NOT A SURVEY



### DESCRIPTION

LOCATION MAP AND SHEET INDEX  
NOT TO SCALE

BEING A UTILITY EASEMENT SITUATED IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN LOTS 1 THROUGH 11, INCLUSIVE, IN BLOCK F AND LOTS 1 THROUGH 11, INCLUSIVE, IN BLOCK G LAKE WORTH HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 25, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 11 OF BLOCK F;  
THENCE SOUTH 00°34'40" WEST ALONG THE WEST LINE OF SAID LOT 11, BLOCK F AND THE EAST RIGHT-OF-WAY LINE OF THAT 100 FOOT RIGHT-OF-WAY FOR THE FLORIDA EAST COAST RAILROAD AS SHOWN ON SAID PLAT, A DISTANCE OF 84.73 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°27'16" EAST, DEPARTING SAID WEST LINE, AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 9.54 FEET; THENCE NORTH 77°17'55" EAST, A DISTANCE OF 51.43 FEET; THENCE SOUTH 89°58'03" EAST, A DISTANCE OF 5.56 FEET; THENCE SOUTH 00°01'57" WEST, A DISTANCE OF 4.31 FEET; THENCE SOUTH 44°58'03" EAST, A DISTANCE OF 8.91 FEET; THENCE SOUTH 89°58'03" EAST, A DISTANCE OF 425.71 FEET; THENCE NORTH 45°01'57" EAST, A DISTANCE OF 9.62 FEET; THENCE NORTH 00°01'57" EAST, A DISTANCE OF 3.31 FEET; THENCE SOUTH 89°58'03" EAST, A DISTANCE OF 81.79 FEET; THENCE SOUTH 00°01'57" WEST, A DISTANCE OF 98.04 FEET; THENCE SOUTH 89°58'03" EAST, A DISTANCE OF 7.00 FEET; THENCE SOUTH 00°01'57" WEST, A DISTANCE OF 8.77 FEET; THENCE SOUTH 89°58'03" EAST, A DISTANCE OF 14.58 FEET; THENCE SOUTH 00°01'57" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°58'03" WEST, A DISTANCE OF 14.58 FEET; THENCE SOUTH 00°01'57" WEST, A DISTANCE OF 8.77 FEET; THENCE NORTH 89°58'03" WEST, A DISTANCE OF 7.00 FEET; THENCE SOUTH 00°01'57" WEST, A DISTANCE OF 72.99 FEET; THENCE SOUTH 85°47'06" WEST, A DISTANCE OF 81.17 FEET; THENCE NORTH 44°58'03" WEST, A DISTANCE OF 10.74 FEET; THENCE NORTH 89°58'03" WEST, A DISTANCE OF 425.75 FEET; THENCE SOUTH 45°01'57" WEST, A DISTANCE OF 8.91 FEET; THENCE SOUTH 00°01'57" WEST, A DISTANCE OF 4.31 FEET; THENCE NORTH 89°58'04" WEST, A DISTANCE OF 5.98 FEET; THENCE NORTH 67°53'51" WEST, A DISTANCE OF 54.08 FEET; THENCE SOUTH 89°27'16" WEST, A DISTANCE OF 7.33 FEET TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED LOT 11, BLOCK G AND SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°34'40" WEST, ALONG SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°27'16" EAST, DEPARTING SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 9.34 FEET; THENCE SOUTH 67°53'51" EAST, A DISTANCE OF 50.73 FEET; THENCE NORTH 46°22'20" EAST, A DISTANCE OF 13.20 FEET; THENCE SOUTH 89°58'03" EAST, A DISTANCE OF 434.04 FEET; THENCE SOUTH 44°58'03" EAST, A DISTANCE OF 10.30 FEET; THENCE NORTH 85°47'06" EAST, A DISTANCE OF 67.31 FEET; THENCE NORTH 00°01'57" EAST, A DISTANCE OF 175.52 FEET; THENCE NORTH 89°58'03" WEST, A DISTANCE OF 64.33 FEET; THENCE SOUTH 45°01'57" WEST, A DISTANCE OF 14.30 FEET; THENCE NORTH 89°58'03" WEST, A DISTANCE OF 434.00 FEET; THENCE NORTH 44°58'03" WEST, A DISTANCE OF 8.91 FEET; THENCE SOUTH 77°17'55" WEST, A DISTANCE OF 48.03 FEET; THENCE SOUTH 89°27'16" WEST, A DISTANCE OF 10.60 FEET TO A POINT ON THE AFOREMENTIONED WEST LINE OF LOT 11, BLOCK F AND SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°34'40" WEST, ALONG SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 13,997.40 SQUARE FEET OR 0.321 ACRES, MORE OR LESS.

REVISIONS		<b>MARLIN</b> ENGINEERING 10415 RIVERSIDE DRIVE SUITE 101, PALM BEACH GARDENS, FL 33410 Tel: (561) 229-0239, Fax: (305) 477- 7590 L.B. # 7241	<b>SKETCH AND DESCRIPTION OF A UTILITY EASEMENT</b>	PROJ. NO.	2020038.000
DATE	DESCRIPTION			DATE	07/29/20
				DRWN BY	DK
				CHK'D BY	KMB
				SCALE	N/A
				<b>SHEET 1 OF 4</b>	

# SKETCH AND DESCRIPTION

## OF A UTILITY EASEMENT

### LAKE WORTH BEACH, PALM BEACH COUNTY, FLORIDA

**NOT VALID WITHOUT ACCOMPANYING SHEETS 1, 3 AND 4**  
**THIS IS NOT A SURVEY**

#### LEGEND:

FERCC	FLORIDA EAST COAST RAILROAD
LB	LICENSED BUSINESS
ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG.	PAGE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R/W	RIGHT-OF-WAY

#### SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENT OR OTHER RECORDED ENCUMBRANCES.
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
4. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/480 OR SMALLER.
5. THIS MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR THE DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
6. EASEMENT GEOMETRY WAS OBTAINED FROM A SET OF RECORD DRAWINGS PREPARED BY MATTHEW T. WIXTED, PROFESSIONAL SURVEYOR AND MAPPER, DATED 07-15-2020 AND PROVIDED TO MARLIN ENGINEERING, INC. BY THE CLIENT.
7. BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF NORTH 00°00'02" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF NORTH DIXIE HIGHWAY AS SHOWN PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 93050-2509 SHEET 4 OF 9 LAST REVISED 12-29-95. ALL OTHER BEARINGS ARE RELATIVE THERETO. SAID BEARING REFERENCE WAS OBTAINED FROM AN ALTA/NSPS LAND TITLE AND TOPOGRAPHIC SURVEY PREPARED BY ACCURATE LAND SURVEYORS. INC., SKETCH NUMBER SU-17-4057M, DATED 12-15-14, UPDATED 01-17-19.

#### SURVEY NOTES:

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17-050, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

-----  
 KEVIN M. BECK, P.S.M.  
 PROFESSIONAL SURVEYOR AND MAPPER  
 LICENSE NO. 6168  
 STATE OF FLORIDA

REVISIONS		<b>MARLIN</b> ENGINEERING 10415 RIVERSIDE DRIVE SUITE 101, PALM BEACH GARDENS, FL 33410 Tel: (561) 229-0239, Fax: (305) 477- 7590 L.B. # 7241	<b>SKETCH AND DESCRIPTION            OF A            UTILITY EASEMENT</b>	PROJ. NO.	2020038.000
DATE	DESCRIPTION			DATE	07/29/20
				DRWN BY	DK
				CHK'D BY	KMB
				SCALE	N/A
				<b>SHEET 2 OF 4</b>	

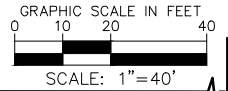
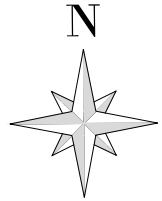
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17th AVENUE NORTH

N 89°55'17" W 677.89'

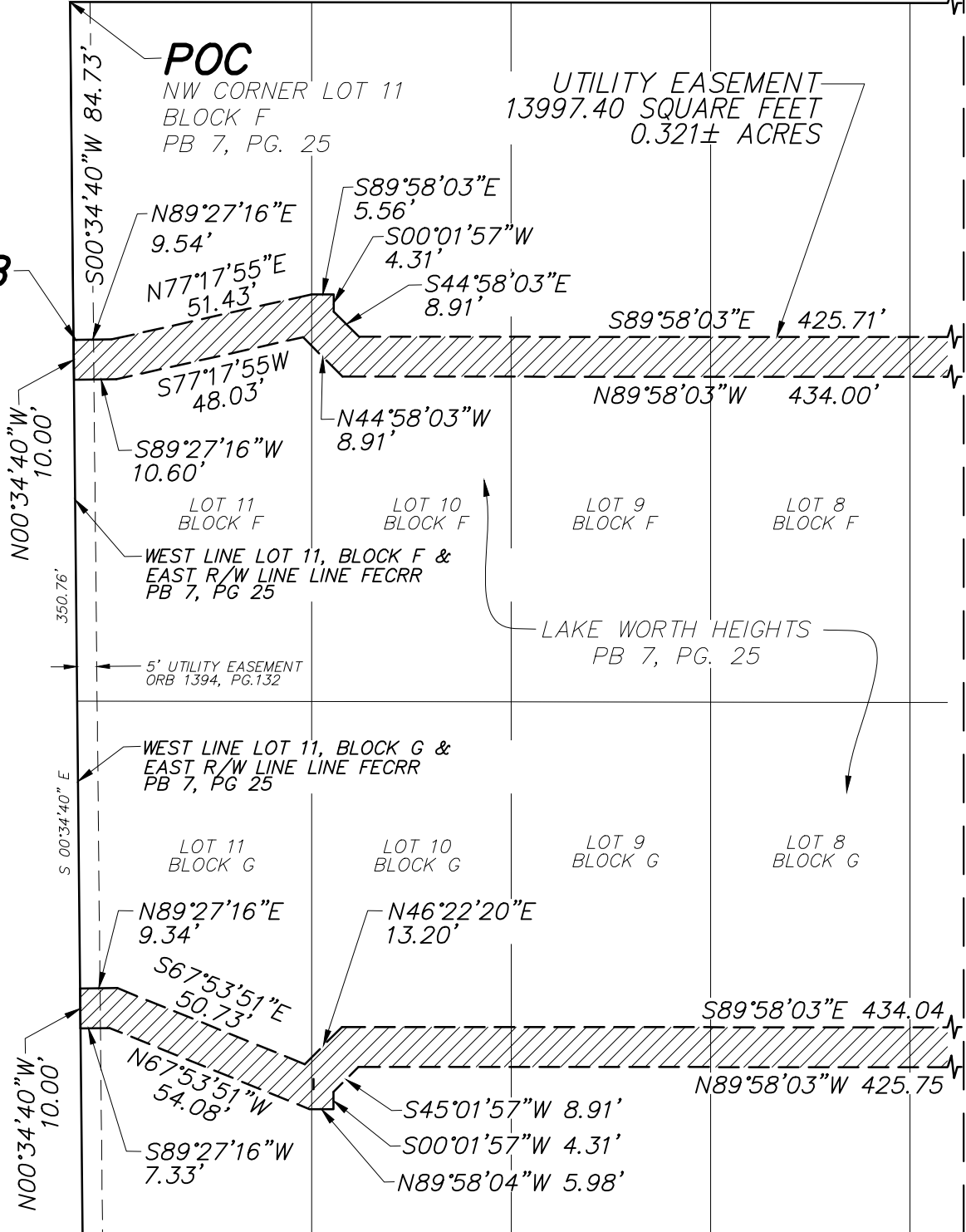
FLORIDA EAST COAST RAILROAD  
100' RIGHT-OF-WAY  
PB 7, PG. 25

POB

POC

NW CORNER LOT 11  
BLOCK F  
PB 7, PG. 25

UTILITY EASEMENT  
13997.40 SQUARE FEET  
0.321± ACRES



MATCHLINE (SEE SHEET 4 OF 4)

REVISIONS	
DATE	DESCRIPTION

**MARLIN**  
ENGINEERING  
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PALM BEACH GARDENS, FL 33410  
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CHK'D BY	KMB
SCALE	1"=40'
<b>SHEET 3 OF 4</b>	

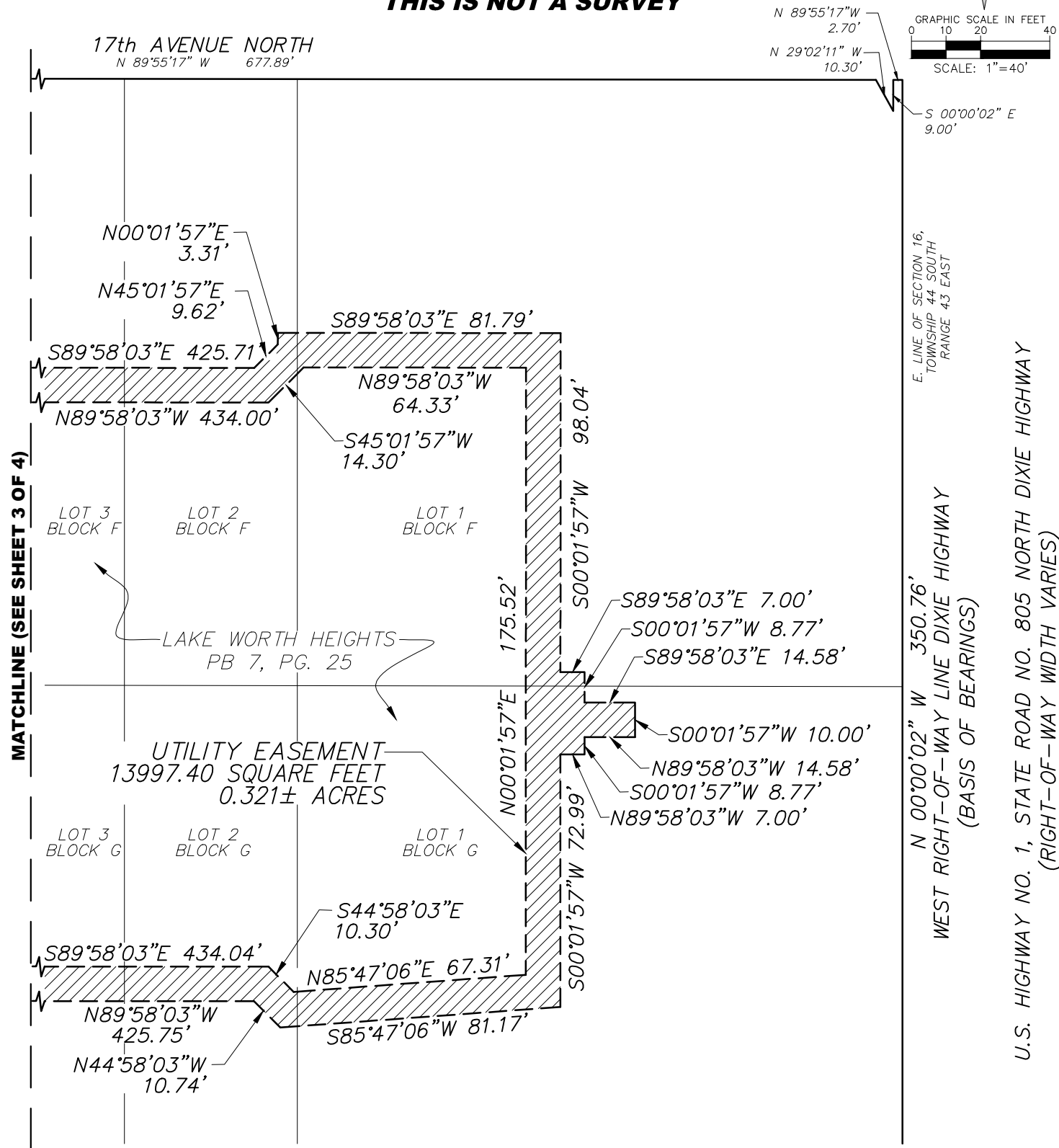
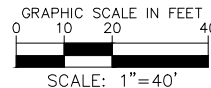
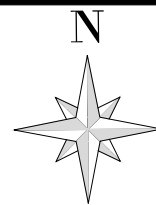
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