

Prepared by and return to:

Glen J. Torcivia, City Attorney
City of Lake Worth Beach
Attn: City Clerk
7 N. Dixie Highway
Lake Worth Beach, FL 33460

UTILITY EASEMENT

THIS UTILITY EASEMENT is made, granted and entered into this 17 day of March, 2025, by **501-507 S DIXIE HWY, LLC**, and **508 SOUTH H STREET, LLC**, each a Florida Limited Liability Company, with an address of 151 Lucina Dr., Hypoluxo, FL 33462 (collectively, "Grantor"), in favor of the **CITY OF LAKE WORTH BEACH, FLORIDA**, a municipal corporation, having its place of business at 7 North Dixie Hwy., Lake Worth Beach, FL 34460 ("City").

WHEREAS, Grantor is the fee simple owner of certain real property located at 501 South Dixie Highway, Lake Worth Beach, Florida, as more particularly described in **Exhibit "A"**, attached hereto and incorporated herein ("Property"); and

WHEREAS, the City has maintained public utilities through that portion of the Property as more particularly described and depicted in **Exhibit "B"** attached hereto and incorporated herein, which were within a City right-of-way that was abandoned by the City (the "Easement Area"); and

WHEREAS, in consideration for and as a condition of the abandonment, the parties desire to formalize an unrestricted and nonexclusive easement for public utility purposes through the Easement Area; and

WHEREAS, the public utilities existing and to be placed in the Easement Area in the future 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, the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does hereby grant and convey to the City, its licensees, agents, successors and assigns, the following:

A perpetual, unrestricted and nonexclusive easement in, over, under, through, upon, and across the Easement Area for the purposes of constructing, operating and maintaining public utilities and providing utility services to and from properties or lands which may include the Property, 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, repair, rebuild, operate and control

utility pipes, poles, wires, mains, transmission lines, appurtenances and devices; 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.

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.

The Grantor, its successors and assigns, further agree not plant any vegetation (other than grass) or build any structure in the Easement Area unless approved in writing by the City which approval shall not be unreasonably withheld, conditioned or delayed. The Grantor, its successors, and assigns shall be responsible for maintaining the grass and all other permitted vegetation together with any approved structures at the Grantor's sole cost and expense.

The Grantor does hereby fully warrant the title to said Property 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 or if encumbered, the Grantor shall obtain the joinder of any mortgagee to this easement. Where the context of this Easement allows or permits, the same shall include the successors or assigns of the parties.

This Easement shall run with the land and shall be binding upon and shall inure to the benefit of the respective parties, their successors or assigns and grantees. This Easement shall continue unless or until the City terminates its rights herein provided by written notice to the Grantor, its successors or assigns.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
SIGNATURE AND ACCEPTANCE PAGE FOLLOWS

IN WITNESS WHEREOF, the undersigned has signed and sealed this Utility Easement on the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR: **501-507 S DIXIE HWY, LLC**

Witnesses:

[Signature]
Signature – Witness 1

Kristina Abreu
Print Name – Witness 1

50 Barberian Rd. Lake Worth, FL 33467
Address

[Signature]
Signature – Witness 2

David Wallace
Print Name – Witness 2

16068 72nd Dr. No
Address
PB6 FL. 33418

Marcia L. Albright
By: Marcia L. Albright, Individually and as Trustee
of the Edgar L. Albright and Marcia L. Albright
Revocable Living Trust dated 6/21/2002, Its
Authorized Member

[Corporate Seal]

STATE OF Florida
COUNTY OF Palm Beach

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, the foregoing Utility Easement was acknowledged before me by Marcia L. Albright, Individually and as Trustee of the Edgar L. Albright and Marcia L. Albright Revocable Living Trust dated 6/21/2002 as Authorized Member of **501-507 S DIXIE HWY, LLC**, as Grantor herein ☐ who is personally known to me or ☐ who has produced ☐ as identification and who did not take an oath.

WITNESS my hand and official seal this 17th day of March, 2025.

Notary Seal:



Susan M Kieffer
Comm.: HH 248073
Expires: May 13, 2026
Notary Public - State of Florida

[Signature]
Notary Public

Signed, sealed and delivered
in the presence of:

GRANTOR: **508 SOUTH H STREET, LLC**

Witnesses:

[Signature]
Signature – Witness 1

Kristina Abreu
Print Name – Witness 1

Marcia L. Albright
By: Marcia L. Albright, Individually and as Trustee
of the Edgar L. Albright and Marcia L. Albright
Revocable Living Trust dated 6/21/2002, Its
Authorized Member

16068 72nd Dr. No. PBG FL 33418
Address

[Signature]
Signature - Witness 2

[Corporate Seal]

David Wallace
Print Name - Witness 2

16068 72nd Dr No., PBG, FL 33418
Address

STATE OF Florida
COUNTY OF Palm Beach

I HEREBY CERTIFY that on this day, before me, by means of ✓ physical presence or online notarization, the foregoing Utility Easement was acknowledged before me by Marcia L. Albright, Individually and as Trustee of the Edgar L. Albright and Marcia L. Albright Revocable Living Trust dated 6/21/2002, as Authorized Member of **508 SOUTH H STREET, LLC**, as Grantor herein who is personally known to me or who has produced as identification and who did not take an oath.

WITNESS my hand and official seal this 17th day of March, 2025.

Notary Seal:

Susan M. Kieffer
Notary Public



Susan M Kieffer
Comm.: HH 248073
Expires: May 13, 2026
Notary Public - State of Florida

CITY ACCEPTANCE:

ATTESTS:

CITY OF LAKE WORTH BEACH

By: _____
Melissa Ann Coyne, City Clerk

By: _____
Betty Resch, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

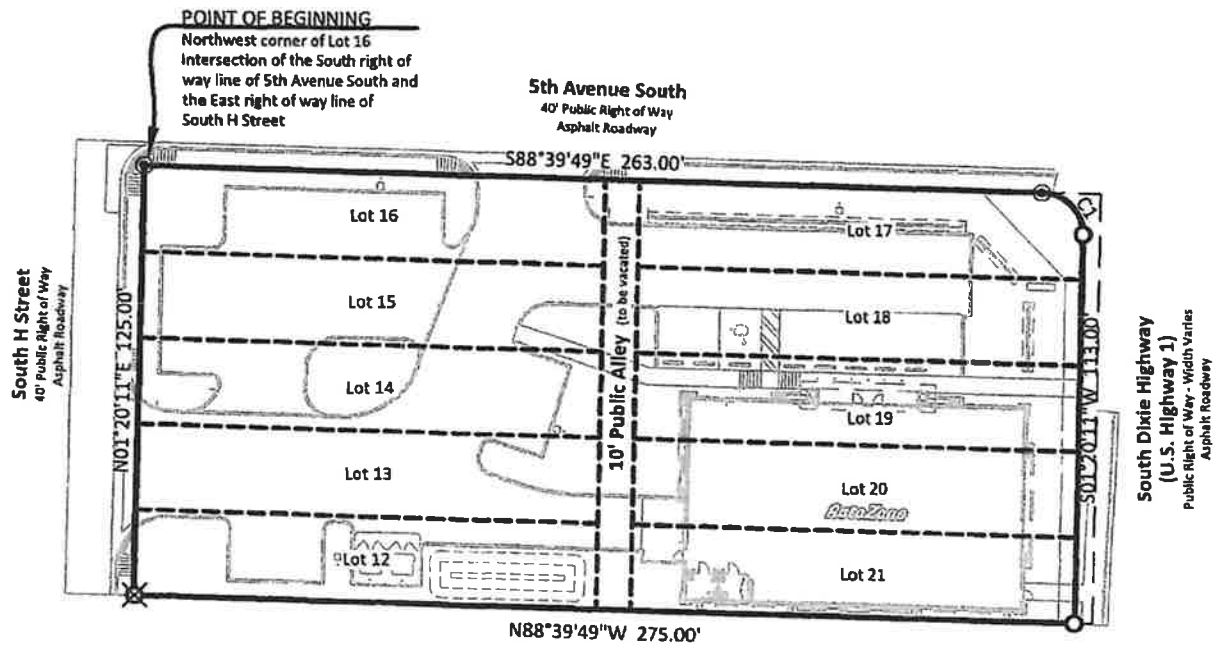
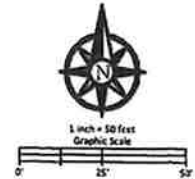
By: _____
Glen J. Torcivia, City Attorney

Exhibit "A"

Description of Property with Survey or Sketch
(see attachment)

SKETCH OF DESCRIPTION

being all or a portion of
 Lots 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Block 175
 and the proposed vacated 10' Public Alley
 Townsite of Lucerne, (now known as Lake Worth)
 Section 1, Township 44 South, Range 43 East
 (Sketch is not a boundary survey.)



Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	18.85'	12.00'	90°00'00"	S43°39'49"E	16.97'

Sketch Provided by:

GEOMATICS

3737 S. Atlantic Avenue, Suite 402
 Daytona Beach Shores, Florida 32118
 akesler@southerngeomatics.com
 985.801.9990

SURVEYOR NOTES

1. BASIS OF BEARING : Bearings shown hereon are based on the Westerly right-of-way line of South Dixie Highway (U.S. Highway 1), as being South 01°20'11" West.
2. Property restrictions, servitudes, right-of-ways, easements and/or other burdens, other than those noted, may exist on this property. Abstracting for verification of title and/or actual ownership was not in the scope of this sketch.

SURVEY INFORMATION

SHEET 1 OF 2

Date of Last Revision January 15, 2025

SGS Project #23-284

SKETCH OF DESCRIPTION

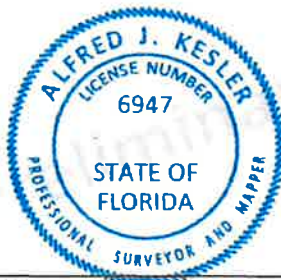
being all or a portion of
Lots 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Block 175
and the proposed vacated 10' Public Alley
Townsite of Lucerne, (now known as Lake Worth)
Section 1, Township 44 South, Range 43 East
(Sketch is not a boundary survey.)

LEGAL DESCRIPTION

All or a portion of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Block 175, TOWNSITE OF LUCERNE, (NOW KNOWN AS LAKE WORTH), according to the Plat thereof as recorded in Plat Book 2, Page 29, Public Records of Palm Beach County, Florida TOGETHER with the 10' Public Alley lying between Lots 12-16 and 17-21 as mentioned above; and LESS right of way for State Road 805, as shown in Deed recorded in Book 2289, Page 1567; and LESS right of way for State Road 805, as shown in Deed recorded in Book 2284, Page 1048, Public Records of Palm Beach County, Florida and lying and being in Section 1, Township 44 South, Range 43 East and more particularly described as follows:

BEGINNING at a mag nail and disk found at the Northwest corner of said Lot 16 which is also the intersection of the South right of way line of 5th Avenue South and the East right of way line of South H Street; Thence along the South right of way line of 5th Avenue South, South 88°39'49" East for a distance of 263.00 feet to a mag nail and disk found and the point of curvature to the right, having a radius of 12.00 feet, a central angle of 090°00'00", (chord bearing: South 43°39'49" East, chord distance: 16.97 feet), thence along the curve for a distance of 18.85 feet to a point of tangency and an iron rod found on the East right of way line of South Dixie (U.S. Highway 1); Thence along the South right of way line of 5th Avenue South, South 01°20'11" West for a distance of 113.00 feet to an iron rod found; Thence, North 88°39'49" West for a distance of 275.00 feet to an X cut in concrete located on the East right of way line of South H Street; Thence along said East line, North 01°20'11" East for a distance of 125.00 feet back to the **POINT OF BEGINNING**.

Said parcel contains 34,344 square feet or 0.788 acres of land.



Alfred J. Kesler
Professional Surveyor and Mapper #6947
in the State of Florida

Sketch Provided by:

GEOMATICS
SERVICES

3737 S. Atlantic Avenue, Suite 402
Daytona Beach Shores, Florida 32118
akesler@southerngeomatrics.com
985.801.9990

SURVEYOR NOTES

1. **BASIS OF BEARING** : Bearings shown hereon are based on the Westerly right-of-way line of South Dixie Highway (U.S. Highway 1), as being South 01°20'11" West.
2. Property restrictions, servitudes, right-of-ways, easements and/or other burdens, other than those noted, may exist on this property. Abstracting for verification of title and/or actual ownership was not in the scope of this sketch.

SURVEY INFORMATION

SHEET 2 OF 2

Date of Last Revision January 15, 2025

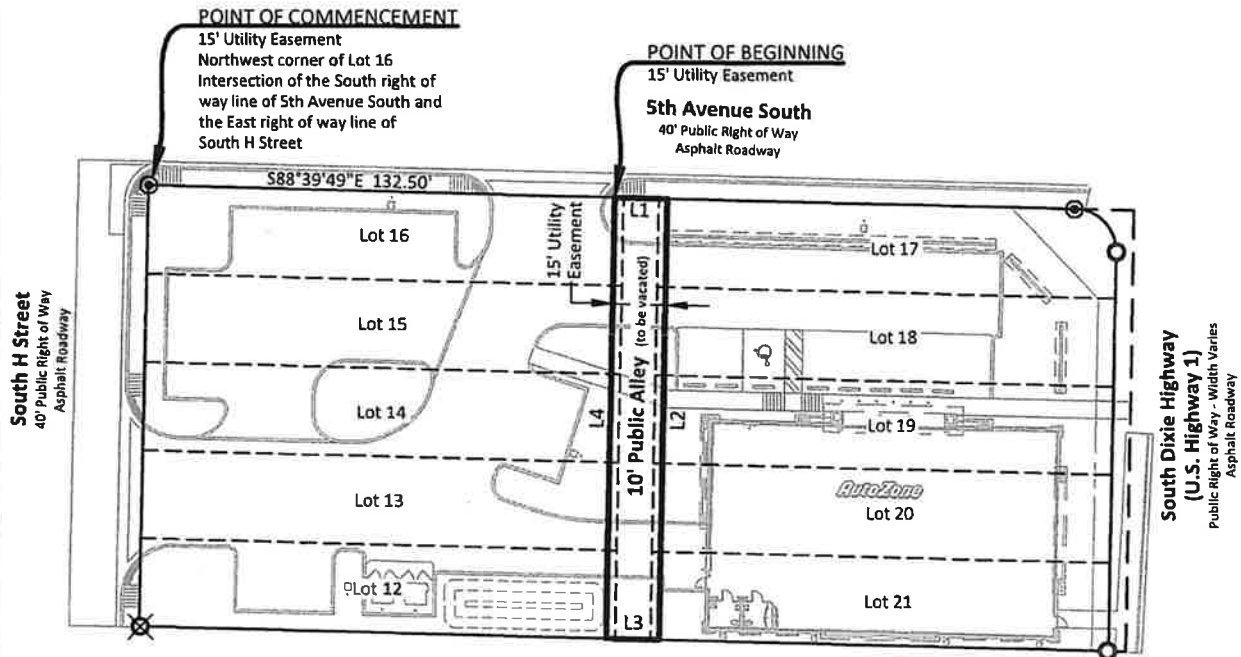
SGS Project #23-284

Exhibit "B"

Description of Easement Area with Survey or Sketch
(see attachment)

SKETCH OF DESCRIPTION for 15' Utility Easement

being all or a portion of
Lots 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Block 175
and the proposed vacated 10' Public Alley
Townsite of Lucerne, (now known as Lake Worth)
Section 1, Township 44 South, Range 43 East
(Sketch is not a boundary survey.)



Line Table		
Line #	Direction	Distance
L1	S88°39'49"E	15.00'
L2	S01°20'11"W	125.00'
L3	N88°39'49"W	15.00'
L4	N01°20'11"E	125.00'

Sketch Provided by:

**SOUTHERN
GEOMATICS**
SERVICES

3737 S. Atlantic Avenue, Suite 402
Daytona Beach Shores, Florida 32118
akesler@southerngeomatrics.com
985.801.9990

SURVEYOR NOTES

1. BASIS OF BEARING : Bearings shown hereon are based on the Westerly right-of-way line of South Dixie Highway (U.S. Highway 1), as being South 01°20'11" West.
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SURVEY INFORMATION

SHEET 1 OF 2

Date of Last Revision February 24, 2025

SGS Project #23-284

SKETCH OF DESCRIPTION for 15' Utility Easement

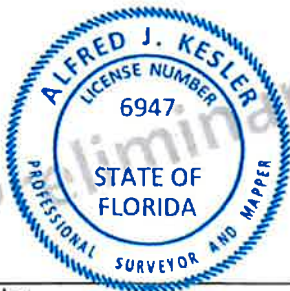
being all or a portion of
Lots 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Block 175
and the proposed vacated 10' Public Alley
Townsite of Lucerne, (now known as Lake Worth)
Section 1, Township 44 South, Range 43 East
(Sketch is not a boundary survey.)

LEGAL DESCRIPTION

A portion of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Block 175, TOWNSITE OF LUCERNE, (NOW KNOWN AS LAKE WORTH), according to the Plat thereof as recorded in Plat Book 2, Page 29, Public Records of Palm Beach County, Florida TOGETHER with the 10' Public Alley lying between Lots 12-16 and 17-21 as mentioned above and lying and being in Section 1, Township 44 South, Range 43 East and more particularly described as follows:

COMMENCING at a mag nail and disk found at the Northwest corner of said Lot 16 which is also the intersection of the South right of way line of 5th Avenue South and the East right of way line of South H Street; Thence along the South right of way line of 5th Avenue South, South 88°39'49" East for a distance of 132.50 feet to the **POINT OF BEGINNING**; Thence continuing along the South right of way line, South 88°39'49" East for a distance of 15.00 feet; Thence, South 01°20'11" West for a distance of 125.00 feet to a point on the South Line of said Lot 21; Thence along the South line, North 88°39'49" West for a distance of 15.00 feet; Thence, North 01°20'11" East for a distance of 125.00 feet back to the **POINT OF BEGINNING**.

Said parcel contains 1,875. square feet or 0.043 acres of land.



Alfred J. Kesler
Professional Surveyor and Mapper #6947
in the State of Florida

Sketch Provided by:

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SURVEY INFORMATION

SHEET 2 OF 2

Date of Last Revision February 24, 2025

SGS Project #23-284