

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 _____ 202____, by and between **MA INVESTMENT BOCA, 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 3300 Boutwell Rd, Lake Worth Beach, Florida, and as legally described in Exhibit “A” attached hereto and incorporated herein (the “Property”); and

WHEREAS, the City desires an unrestricted and 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, unrestricted and 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.

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.

[SIGNATURES ON FOLLOWING PAGE]

Witnesses:

Signed, sealed and delivered in our presence:

MA Investment Boca, LLC,
a Florida limited liability company

x Cito Begunistan
Printed Name: Cito Begunistan
Address: 2999 NE 191st St #510
Aventura, FL 33180

By: [Signature]
Name: Astolfo "Alan" Losada
Title: President

x [Signature]
Printed Name: Javier Soza
Address: 2999 NE 191st St #510
Aventura, FL 33180

STATE OF FLORIDA)
) ss:
COUNTY OF Miami-Dade)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 17 day of December 2024 by Astolfo "Alan" Losada, as the President of MA Investment Boca, LLC, on behalf of the company, who (select one):

is personally known or
 has produced _____ as identification.

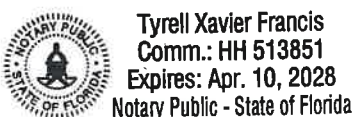
[Signature]

(Signature of person taking acknowledgment)
Tyrell Xavier Francis

(Name typed, printed or stamped)
HH513851

(Serial number, if any)

[NOTARIAL SEAL]



City of Lake Worth Beach

Betty Resch, Mayor

ATTEST:

Approved as to form and legal sufficiency:

City Clerk

, City Attorney

EXHIBIT "A"

Legal Description of Property

Parcel 1:

The South 327.5 feet of the East 265.4 feet of Tract 34, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5, Page 79, Less the East 25 feet thereof for road Right-of-Way purposes, as recorded in Deed Book 975, Page 42.

Parcel 2:

The South 100 feet of the North 327.5 feet of the East 265.4 feet of Tract 34, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5. Page 79, Less the East 25 feet thereof for road Right-of-Way purposes, as recorded in Deed Book 973, Page 692.

Parcel 3:

The North 75 feet of the South 200 feet of the West 55 feet of Tract 34, and the North 75 feet of the South 200 feet of Tract 35, and the south 200 feet of Tract 36, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5, Page 79.

Parcel 4:

The South 15 feet of the West 55 feet of Tract 34, and The South 15 feet of the East 195 feet of Tract 35, and the South 125 feet of the West 135.4 feet of Tract 35, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5, Page 79.

Parcel 5:

The South One Hundred Twenty-Five Feet (S 125'), less the South fifteen feet (S 15') thereof, of the West fifty-five feet (W 55') of Tract 34, And the South One Hundred Twenty-Five Feet (S 125'), less the South fifteen feet (S 15') thereof, of the East One Hundred Ninety-Five feet (E 195') of Tract 35, Section 20, Township 44 South, Range 43 East, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5, Page 79.

LESS AND EXCEPT the Easterly 55 feet for Boutwell Road right of way to the City of Lake Worth, Florida by virtue of Right-of-Way Deed recorded in Official Records Book 28519, Page 413, described as follows: A parcel of land being a portion of Tract 34, Model Land Company's Subdivision of Section 20, Township 44 South, Range 43 East, Palm Beach County, Florida, as recorded in Plat Book 5. Page 79 of the Public Records of Palm Beach County, Florida. Being more particularly described as follows:

COMMENCING at the Southeast corner of said Tract 34; thence North 88°08'01" West (as a basis of bearings) along the South line of said Tract 34, a distance of 25.00 feet to a point being on a line lying 25.00 feet West of and parallel with (as measured at right angles) the East line of said Tract 34 and the POINT OF BEGINNING; thence North 01°24'25" East along said parallel line, a distance of 429.13 feet to a point being on the South line of the North 227.5 feet of said Tract 34; thence North 88°08'47" West along said South line, a distance of 30.00 feet to a point being on a line lying 55.00 feet West of and parallel with (as measured at right angles) the East line of said Tract 34; thence South 01°24'25" West along said parallel line, a distance of 167.16 feet; thence South 00°10'59" West, a distance of 168.96 feet to the point of curvature of a circular curve to the left; thence Southerly and Easterly along the arc of said curve having a radius of 1,183.50 feet, a central angle of 04°31'04" for a distance of 93.32 feet to a point being on the South line of said Tract 34; thence South 88°08'01" East along said South line, a distance of 20.73 feet to the POINT OF BEGINNING.

AND LESS AND EXCEPT that portion conveyed to Akal Properties, LLC, by virtue of Quit Claim Deed recorded in Official Records Book 29021, Page 919, Public Records of Palm Beach County, Florida, described as follows:

The North 127.50 feet of the South 327.5 feet of the East 265.4 feet of Tract 34, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5, Page 79, Less the East 25 feet thereof for road Right-of-Way purposes, as recorded in Deed Book 975, Page 42. And Less and except: The South 100 feet of the North 327.5 feet of the East 265.4 feet of Tract 34, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5 Page 79, Less the East 25 feet thereof for road Right-of-Way purposes, as recorded in Deed Book 973 Page 692.

Parcel 6:

The East 10 feet of the West 65 feet of Tract 34 bounded on the North by the North line of the South 327.5 feet of Tract 34 and bounded on the South by the South line of Tract 34, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5, Page 79.

The above-described property may be more particularly described as follows:

A portion of Tracts 34, 35 and 36, Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof on file in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 5. Page 79, being more particularly described as follows:

Commencing at the southeast corner of Tract 34; thence N. 88°07'10" W. along the South line of Tract 34, a distance of 45.71 feet to the West right of way line of Boutwell Road, per right of way deed recorded in Official Record Book 28519, Page 413, Public Records of Palm Beach County, Florida; thence continue N. 88°07'10" W., along the South line of Tracts 34, 35 and 36, a distance of 1078.38 feet to the southwest corner of Tract 36; thence N. 22°00'05" E., a distance of 214.40 feet; thence S. 88°07'10" E., a distance of 991.50 feet; thence S. 00°10'59" W., along said West right of way line of Boutwell Road, a distance of 106.70 feet to a point of curvature; thence southerly along a curve to the left, having a radius of 1183.50 feet, a central angle of 04°31'52", for an arc length of 93.60 feet to the point of beginning

EXHIBIT "B" TO EASEMENT

EXHIBIT "A"
SKETCH and LEGAL DESCRIPTION
"WATER EASEMENT"
SECTION 20, TOWNSHIP 44 S, RANGE 43 E
AVERY LAKE WORTH BEACH

A STRIP OF LAND 15 FOOT WIDE LYING WITHIN A PORTION OF TRACTS 34, 35 AND 36, MODEL LAND CO. SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 79, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 4 IN "BOUTWELL INDUSTRIAL PARK", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 106, PAGE 182, PALM BEACH COUNTY FLORIDA; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CIRCULAR CURVE, HAVING A RADIUS OF 1183.50 FEET AND A CENTRAL ANGLE OF 01°16'50" FOR AN ARC DISTANCE OF 26.45 FEET TO A POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE RUN NORTH 88°25'24" WEST FOR A DISTANCE OF 31.93 FEET; THENCE RUN NORTH 44°30'09" WEST FOR A DISTANCE OF 6.84 FEET; THENCE RUN NORTH 01°41'26" EAST FOR A DISTANCE OF 20.17 FEET; THENCE RUN NORTH 41°58'20" WEST FOR A DISTANCE OF 5.09 FEET; THENCE RUN NORTH 87°28'09" WEST FOR A DISTANCE OF 12.27 FEET TO A POINT "A"; THENCE RUN SOUTH 01°11'51" WEST FOR A DISTANCE OF 13.27 FEET TO A POINT OF TERMINATION; THENCE FROM SAID POINT "A" CONTINUE NORTH 89°45'15" WEST FOR A DISTANCE OF 26.79 FEET TO A POINT "B"; THENCE RUN SOUTH 13°01'23" EAST FOR A DISTANCE OF 33.09 FEET TO A POINT OF TERMINATION; THENCE FROM SAID POINT "B" CONTINUE NORTH 87°55'23" WEST FOR A DISTANCE OF 228.95 FEET TO A POINT "C"; THENCE RUN SOUTH 12°39'58" WEST FOR A DISTANCE OF 2.61 FEET; THENCE RUN NORTH 88°54'02" WEST FOR A DISTANCE OF 19.92 FEET TO A POINT OF TERMINATION; THENCE FROM SAID POINT "C" CONTINUE NORTH 84°18'46" WEST FOR A DISTANCE OF 8.35 FEET; THENCE RUN NORTH 42°48'03" EAST FOR A DISTANCE OF 46.23 FEET; THENCE RUN NORTH 01°33'58" EAST FOR A DISTANCE OF 39.37 FEET TO A POINT "D"; THENCE RUN SOUTH 88°19'29" EAST FOR A DISTANCE OF 41.16 FEET TO A POINT OF TERMINATION; THENCE FROM SAID POINT "D" CONTINUE NORTH 01°33'58" EAST FOR A DISTANCE OF 16.77 FEET TO A POINT "E"; THENCE RUN NORTH 88°08'52" WEST FOR A DISTANCE OF 20.84 FEET; THENCE RUN NORTH 47°29'26" WEST FOR A DISTANCE OF 9.87 FEET; THENCE RUN NORTH 01°53'36" EAST FOR A DISTANCE OF 21.37 FEET TO A POINT "F"; THENCE FROM SAID POINT "E" RUN NORTH 01°33'58" EAST FOR A DISTANCE OF 27.77 FEET; THENCE RUN NORTH 88°05'19" WEST FOR A DISTANCE OF 28.17 FEET TO A POINT "G"; THENCE RUN NORTH 01°41'06" WEST FOR A DISTANCE OF 13.74 FEET TO A POINT OF TERMINATION; THENCE FROM SAID POINT "G" RUN NORTH 88°05'19" WEST FOR A DISTANCE OF 32.43 TO A POINT "H"; THENCE RUN SOUTH 02°43'22" WEST FOR A DISTANCE OF 24.03 FEET; THENCE RUN SOUTH 46°52'41" WEST FOR A DISTANCE OF 6.24 FEET; THENCE RUN NORTH 87°42'44" WEST FOR A DISTANCE OF 31.48 FEET TO A POINT "I"; THENCE FROM SAID POINT "H" RUN NORTH 88°05'19" WEST, FOR A DISTANCE OF 36.19 FEET; THENCE RUN SOUTH 01°57'07" WEST FOR A DISTANCE OF 28.24 FEET; THENCE RUN SOUTH 01°57'07" WEST FOR A DISTANCE OF 10.66 FEET TO A POINT "J"; THENCE FROM SAID POINT "J" RUN NORTH 88°30'32" WEST FOR A DISTANCE OF 29.61 FEET TO A POINT OF TERMINATION; THENCE FROM SAID POINT "J" RUN SOUTH 01°57'07" WEST FOR A DISTANCE OF 88.08 FEET; THENCE RUN SOUTH 48°48'54" WEST FOR A DISTANCE OF 4.93 FEET; THENCE RUN NORTH 89°09'16" WEST FOR A DISTANCE OF 7.19 FEET TO A POINT "K";

DATE: 11-28-2024

THIS "SKETCH & LEGAL DESCRIPTION WAS PREPARED UNDER MY SUPERVISION

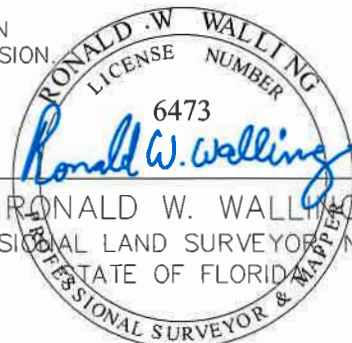
PREPARED FOR

STRATICON
AVERY LAKE WORTH
3300 BOUTWELL ROAD
LAKE WORTH BEACH, FL

PREPARED BY:



LAND SURVEYORS • LAND PLANNERS
LB 7154
777 NW 72 ND AVENUE, SUITE 3002
MIAMI, FL 33126
TEL: 305.261.8483
EMAIL: LEVELTECHSURVEY@YAHOO.COM



RONALD W. WALLING
PROFESSIONAL LAND SURVEYOR NO. 6473
STATE OF FLORIDA

EXHIBIT "B" TO EASEMENT (CONTINUED)

EXHIBIT "A"

SKETCH and LEGAL DESCRIPTION

"WATER EASEMENT"

SECTION 20, TOWNSHIP 44 S, RANGE 43 E

AVERY LAKE WORTH BEACH

THENCE RUN NORTH 01°50'44" WEST FOR A DISTANCE OF 15.78 FEET TO A POINT OF TERMINATION; THENCE FROM SAID POINT "K" RUN NORTH 88°09'16" WEST FOR A DISTANCE OF 278.34 FEET TO A POINT "L"; THENCE RUN SOUTH 02°11'17" WEST FOR A DISTANCE OF 41.17 FEET TO A POINT OF TERMINATION; THENCE FROM SAID POINT "L" RUN NORTH 88°09'16" WEST FOR A DISTANCE OF 6.51 FEET; THENCE RUN NORTH 01°17'44" EAST FOR A DISTANCE OF 18.04 FEET TO A POINT OF TERMINATION.

- 1) THIS SKETCH & LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
- 2) BEARINGS ARE BASED ON THE CENTERLINE OF BOUTWELL ROAD. BEARING = S87°57'20"W.
- 3) THE SIDELINES OF THE ABOVE-DESCRIBED EASEMENT ARE TO BE LENGTHENED OR SHORTENED AS NECESSARY IN ORDER TO MAINTAIN A CONTINUOUS STRIP OF LAND 10 FEET IN WIDTH AND TO INTERSECT EXISTING EASEMENTS, RIGHTS-OF-WAY, PROPERTY LINES OF RECORD AND BUILDING WALL LINES AS MAY BE APPLICABLE.
- 4) VALID COPIES OF THIS SKETCH AND LEGAL DESCRIPTION WILL BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.

DATE: 11-28-2024

THIS "SKETCH & LEGAL DESCRIPTION WAS PREPARED UNDER MY SUPERVISION.

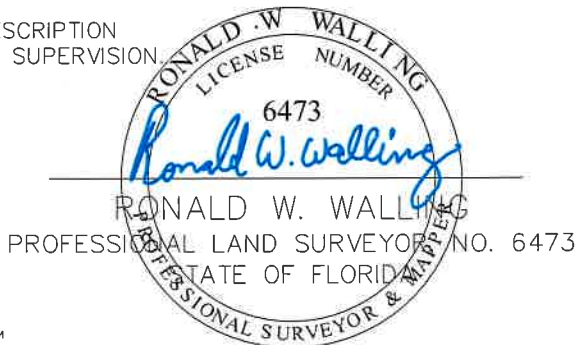
PREPARED FOR

STRATICON
 AVERY LAKE WORTH
 3300 BOUTWELL ROAD
 LAKE WORTH BEACH, FL

PREPARED BY:



LAND SURVEYORS • LAND PLANNERS
 LB 7154
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 MIAMI, FL 33126
 TEL: 305.261.8483
 EMAIL: LEVELTECHSURVEY@YAHOO.COM



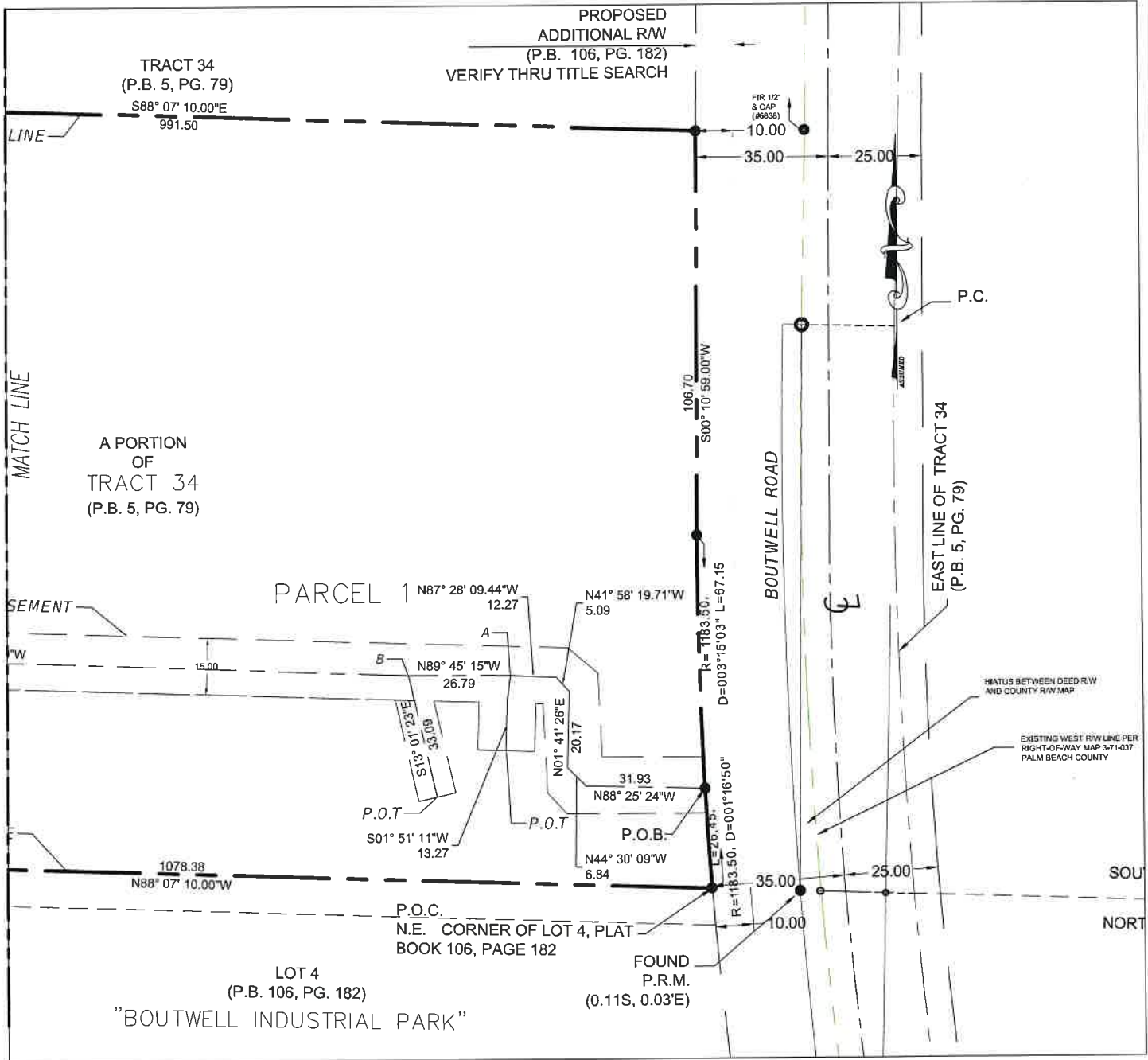
SHEET: 2
 OF 5 SHEETS

SKETCH and LEGAL DESCRIPTION

"WATER EASEMENT"

SECTION 20, TOWNSHIP 44 S, RANGE 43 E

AVERY LAKE WORTH BEACH



PREPARED FOR

SCALE: 1" = 40'

PREPARED BY:



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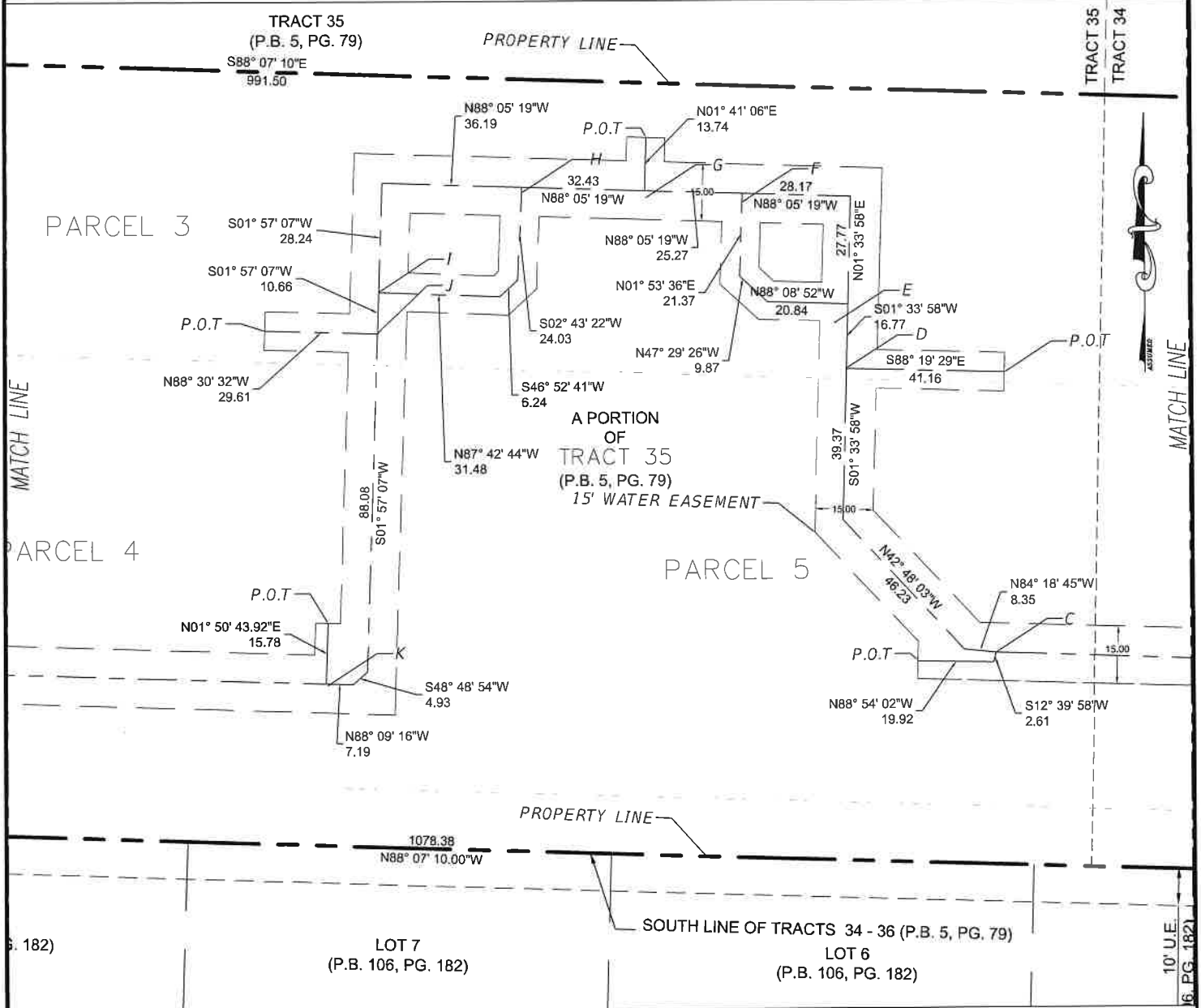
LEGEND:

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.O.T. POINT OF TERMINATION
- F.P.L. FLORIDA POWER & LIGHT
- P.B. PLAT BOOK
- Q CENTER LINE
- OHW OVERHANG WIRE
- P/L PROPERTY LINE
- CPP CONCRETE POWER POLE

STRATICON
 AVERY LAKE WORTH
 3300 BOUTWELL ROAD
 LAKE WORTH BEACH, FL

SHEET: 3
 OF 5 SHEETS

EXHIBIT "B" TO EASEMENT (CONT'D) EXHIBIT "A"
 SKETCH and LEGAL DESCRIPTION
 "WATER EASEMENT"
 SECTION 20, TOWNSHIP 44 S, RANGE 43 E
 AVERY LAKE WORTH BEACH



PREPARED BY:

VEL-TECH SURVEYORS, LLC.
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 TEL: 305.251.8483
 EMAIL: LEVELTECHSURVEY@YAHOO.COM

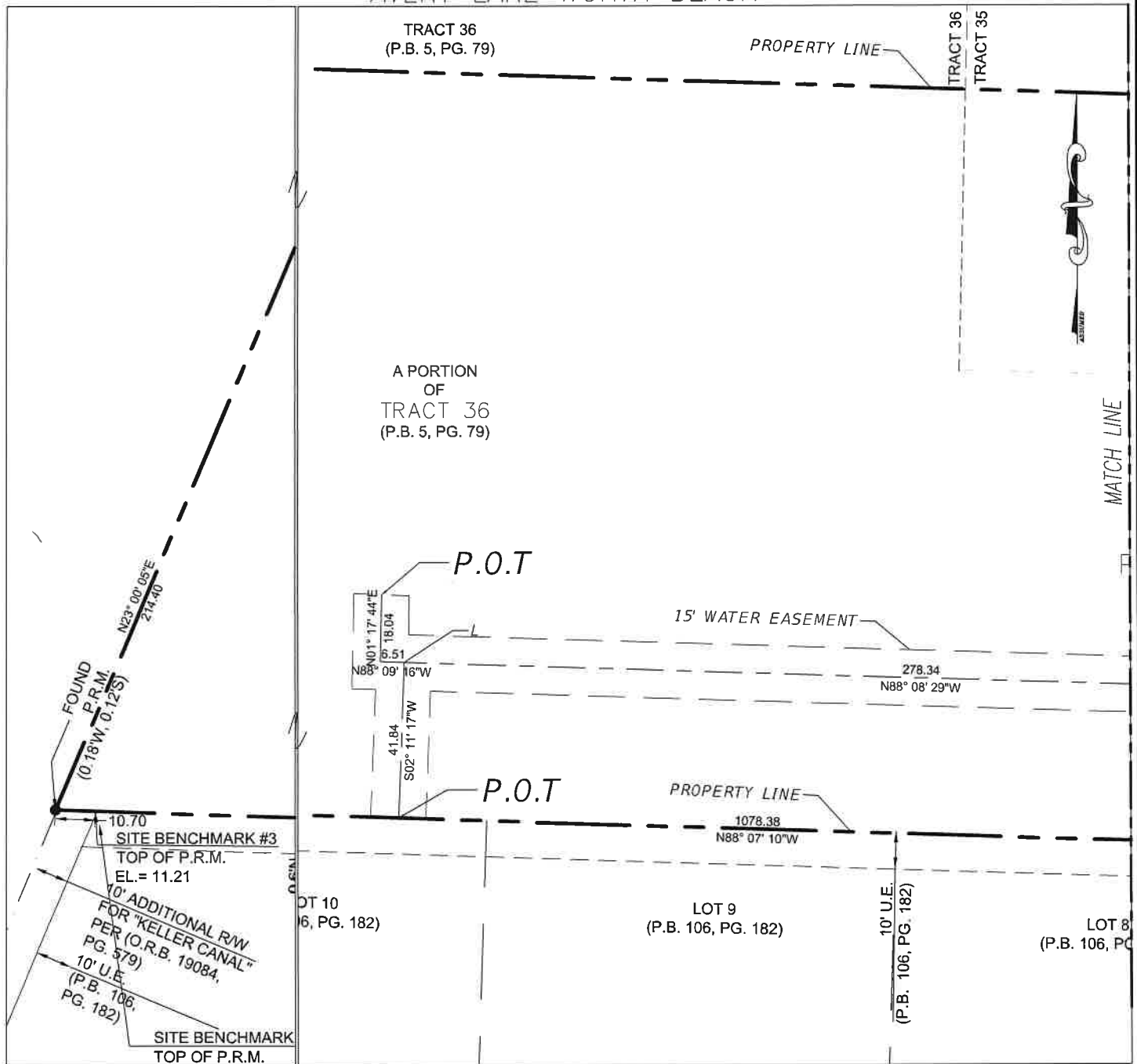
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 P.O.C. POINT OF COMMENCEMENT
 P.O.T. POINT OF TERMINATION
 F.P.L. FLORIDA POWER & LIGHT
 P.B. PLAT BOOK
 C CENTER LINE
 OHW OVERHANG WIRE
 P/L PROPERTY LINE
 CPP CONCRETE POWER POLE

PREPARED FOR
 STRATICON
 AVERY LAKE WORTH
 3300 BOUTWELL ROAD
 LAKE WORTH BEACH, FL

SCALE: 1" = 200'

SHEET: 4
 OF 5 SHEETS

EXHIBIT "B" TO EASEMENT (CONT'D) EXHIBIT "A"
SKETCH and LEGAL DESCRIPTION
"WATER EASEMENT"
 SECTION 20, TOWNSHIP 44 S, RANGE 43 E
AVERY LAKE WORTH BEACH



PREPARED BY:



LEVEL-TECH
SURVEYORS, LLC.

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LEGEND:

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- P.O.C. POINT OF COMMENCEMENT
- P.O.T. POINT OF TERMINATION
- F.P.L. FLORIDA POWER & LIGHT
- P.B. PLAT BOOK
- Q CENTER LINE
- OHW OVERHANG WIRE
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- CPP CONCRETE POWER POLE

PREPARED FOR

STRATICON
 AVERY LAKE WORTH
 3300 BOUTWELL ROAD
 LAKE WORTH BEACH, FL

SCALE: 1" = 200'

SHEET: 5
 OF 5 SHEETS