

**Prepared by and return to:**

Zimmerman, Kiser & Sutcliffe, P.A.  
Attn: Matthew G. Petra, Esq.  
315 East Robinson Street, Suite 600  
Orlando, Florida 32801  
Phone: (407) 425-4010

**TEMPORARY DRAINAGE EASEMENT**

THIS TEMPORARY DRAINAGE EASEMENT ("Easement") is made this \_\_\_\_ day of May 2025, by and between **MADISON TERRACE, 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 821 South Dixie Highway, Lake Worth Beach, Florida 33460, and as legally described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the City desires an unrestricted and nonexclusive easement for drainage facilities through that portion of the Property described in Exhibit "B" attached hereto and incorporated herein (the "Easement Area"); and

WHEREAS, the parties desire an unrestricted and nonexclusive easement for drainage purposes through the Easement Area until such facilities are relocated; and

WHEREAS, the drainage facilities existing in the Easement Area 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 temporary, unrestricted and nonexclusive easement in, over, under, through, upon, and across the Easement Area for the purpose of maintaining in place those drainage installations existing on the date of this Easement (the "Existing Facilities") and using such Existing Facilities for purposes of providing drainage and utility services to and from properties or lands, which may include the Property and properties which may not be contiguous to the Easement Area, including the right to repair, replace, rebuild, maintain, operate, and control any and all Existing Facilities; the right to clear said Easement Area and keep it clear of brush, trees, and permanent structures and fire hazards that interfere with the City's rights under this Easement; together with all rights of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the Easement Area for the rights hereby granted, and all rights and privileges incident thereto.

TO HAVE AND TO HOLD the said Easement, unto the City, its licensees, agents, successors and assigns until the relocation of all Existing Facilities from the Easement Area (subject to the provisions below) has occurred ("Relocation"). This Easement shall automatically expire on the date that the last of the Existing Facilities is Relocated in accordance with the terms herein and the City shall have no further rights hereunder. Following acceptance of the Relocation by the City, upon request by Grantor, the City shall sign a recordable acknowledgement that the Relocation is complete, intended to be executed by the City's Water Utilities Director.

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 maintain the Easement Area in a clean and well-kept condition during and immediately after the performance of any work by the City or on behalf of the City; (c) to restore any of the Property disturbed by work undertaken by the City for purposes of removal, demolition and/or maintenance to its condition that existed prior to the commencement of such work; (d) to not unreasonably interfere with the use of the Property by Grantor or any of Grantor's tenants, invitees or guests; and (e) to be responsible for all costs associated with the City's repair and maintenance pursuant to this Easement.

This Easement shall run with the land and be binding on all successors and assigns of the Property.

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The City of Lake Worth Beach accepted the foregoing Easement on May \_\_, 2025.

City of Lake Worth Beach

\_\_\_\_\_, Mayor

ATTEST:

Approved as to form and legal sufficiency:

\_\_\_\_\_, City Clerk

\_\_\_\_\_, City Attorney

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

**COMMENCE** AT THE NORTHEAST CORNER OF LOT 11, BLOCK 253, THE PALM BEACH FARMS CO. PLAT NO. 2, THE TOWNSITE OF LUCERNE, (NOW KNOWN AS LAKE WORTH BEACH), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 29 THROUGH 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.88°38'11"W. ALONG THE NORTH LOT LINE OF SAID LOT 11, A DISTANCE OF 2.30 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY) ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 805, SECTION 93050-2513, OF SAID PUBLIC RECORDS; THENCE BY THE FOLLOWING FIVE (5) COURSES BEING ALONG SAID WESTERLY RIGHT-OF-WAY OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY); 1) THENCE S.01°21'49"W., DEPARTING SAID NORTH LINE, A DISTANCE OF 50.00 FEET; 2) THENCE S.88°38'11"E., A DISTANCE OF 0.30 FEET; 3) THENCE S.01°21'49"W., A DISTANCE OF 50.00 FEET; 4) THENCE N.88°38'11"W., A DISTANCE OF 0.20 FEET; 5) THENCE S.01°21'49"W., A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**; THENCE BY THE FOLLOWING NINE (9) COURSES BEING ALONG SAID WESTERLY RIGHT-OF-WAY OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY); 1) THENCE S.01°21'49"W., A DISTANCE OF 2.84 FEET; 2) THENCE S.28°05'37"E., A DISTANCE OF 3.46 FEET; 3) THENCE S.01°21'49"W., A DISTANCE OF 27.16 FEET; 4) THENCE S.28°28'25"W., A DISTANCE OF 3.29 FEET; 5) THENCE S.01°21'49"W., A DISTANCE OF 64.06 FEET; 6) THENCE N.88°38'11"W., A DISTANCE OF 0.20 FEET; 7) THENCE S.01°21'49"W., A DISTANCE OF 50.00 FEET; 8) THENCE S.88°38'11"E., A DISTANCE OF 2.20 FEET; 9) THENCE S.01°21'49"W., A DISTANCE OF 20.00 FEET; THENCE N.88°38'11"W., DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 280.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH H STREET, OF SAID PLAT; THENCE N.01°21'49"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 219.14 FEET; THENCE S.88°38'11"E., DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 33.39 FEET; THENCE S.01°21'49"W., A DISTANCE OF 109.09 FEET; THENCE S.88°38'11"E., A DISTANCE OF 59.87 FEET; THENCE N.01°21'49"E., A DISTANCE OF 59.95 FEET; THENCE S.88°38'11"E., A DISTANCE OF 184.54 FEET TO THE **POINT OF BEGINNING**.

**PHASE 1 CONTAINING:** 45,386 SQUARE FEET OR 1.042 ACRES, MORE OR LESS.

**EXHIBIT "B"**

Legal Description and Depiction of Easement Area

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# Description Sketch

(Not A Survey)

## DESCRIPTION:

A PORTION OF LAND LYING WITHIN 3RD AVENUE, BLOCK 253, THE PALM BEACH FARMS CO. PLAT NO. 2, THE TOWNSITE OF LUCERNE, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 29 THROUGH 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING WITHIN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 43 EAST, CITY OF LAKE WORTH BEACH, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCE** AT THE SOUTHEAST CORNER OF LOT 16, BLOCK 253, THE PALM BEACH FARMS COMPANY, PLAT NO. 2, LUCERNE TOWNSITE, PALM BEACH CO., FLORIDA (NOW KNOWN AS LAKE WORTH BEACH), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 29 THROUGH 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY) ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 805, SECTION 93050-2513, OF SAID PUBLIC RECORDS; THENCE S.01°21'49"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY), A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**; THENCE S.01°21'49"W., CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY), A DISTANCE OF 10.00 FEET; THENCE N.88°38'11"W., DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY), A DISTANCE OF 20.00 FEET; THENCE N.01°21'49"E., A DISTANCE OF 10.00 FEET; THENCE S.88°38'11"E., A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING**.

**TOTAL CONTAINING:** 200 SQUARE FEET OR 0.005 ACRES, MORE OR LESS.

## SURVEYOR'S NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE LOT 16, BLOCK 253 (PLAT BOOK 2, PAGES 29-40). LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, HAVING A GRID BEARING OF S88°38'11"W. THE GRID BEARINGS AS SHOWN HEREON REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN HORIZONTAL DATUM OF 1983 (NAD 83-2011 ADJUSTMENT) FOR THE EAST ZONE OF FLORIDA.
- 2) ALL DIMENSIONS, UNLESS OTHERWISE NOTED, ARE SURVEY DIMENSIONS.
- 3) THIS DESCRIPTION SKETCH IS INTENDED TO BE DISPLAYED AT 1" = 40' OR SMALLER.

**NOTE:** THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

**NOTE:** LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY AND EASEMENT OF RECORD.

THIS SURVEY IS VALID ONLY WITH A SIGNATURE & ORIGINAL SEAL, IN HARD COPY FORM, OR A DIGITAL SEAL IN ELECTRONIC FORM, PURSUANT TO RULES SJ-17.060 AND SJ-17.062, SECTION 472.027 OF THE FLORIDA STATUTES.

### Surveyor's Certification

I do hereby certify that this Sketch and Description was made under my supervision and meets the "Standards of Practice" set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17.051, 5J-17.052, and 5J-17.053, Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.

**Luis Ortiz**

**Luis J. Ortiz**

**LS7006**

Digitally signed by Luis Ortiz  
DN: cn=Luis Ortiz, o=GeoPoint  
Surveying, Inc., ou=Professional Surveyor and  
Mapper, cn=Luis Ortiz  
email=Luis@geopointsurvey.com  
Date: 2023.04.25 12:34:53 -0400

**JOB #: TEMPORARY DRAINAGE EASEMENT**

**DRAWN: MJK DATE: 04/24/25 CHECKED: LJO**

**Prepared For: MADISON TERRACE**


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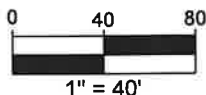
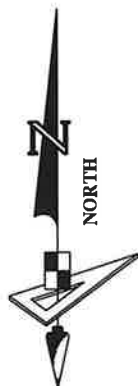
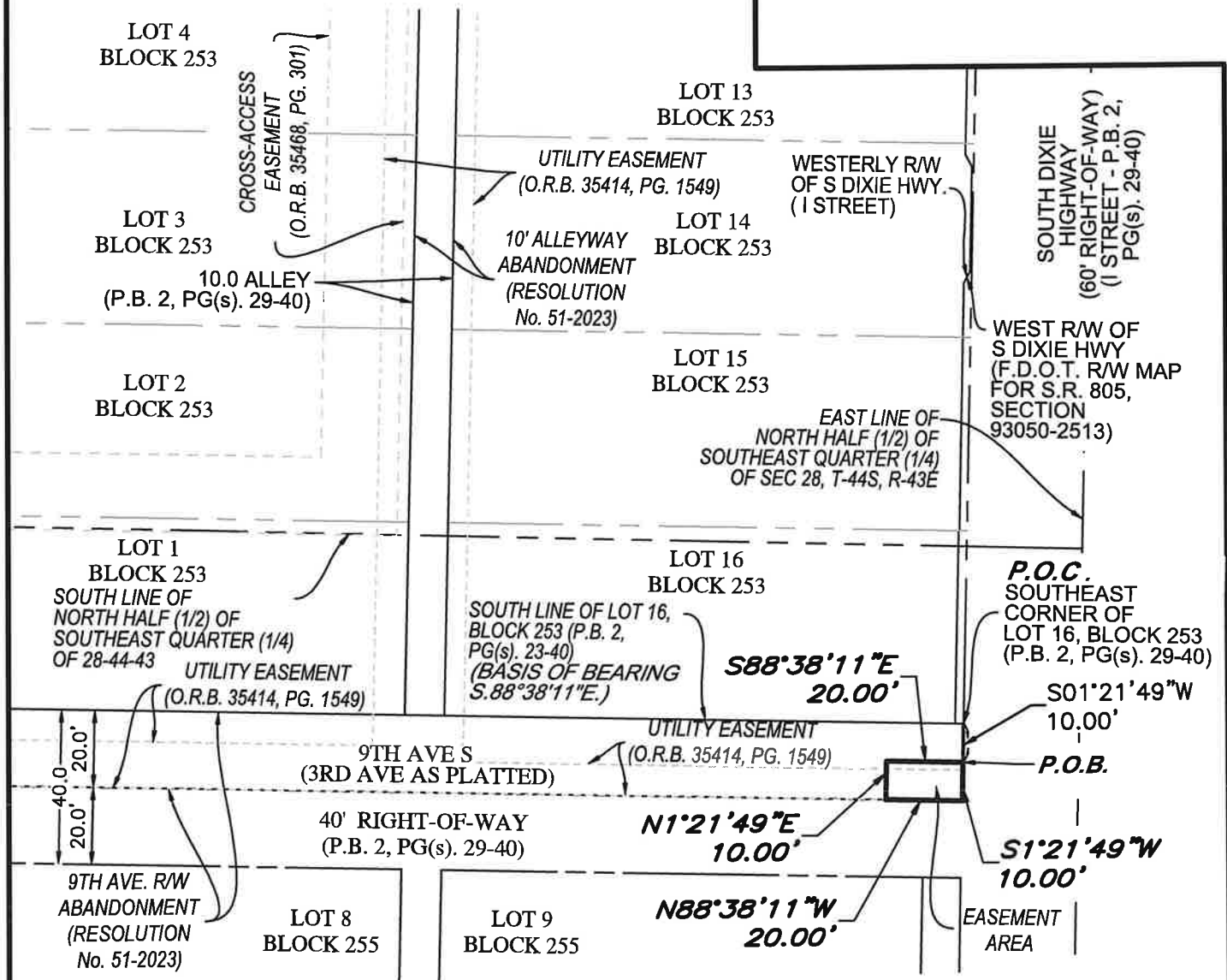
Licensed Business  
No.: LB 7768



4152 West Blue Heron Blvd, Suite 106  
Riviera Beach, Florida 33404  
Phone: (561) 444-2720

# Description Sketch

(Not A Survey)



## LEGEND

P.O.C.	--	POINT OF COMMENCEMENT
P.O.B.	--	POINT OF BEGINNING
O.R.B.	--	OFFICIAL RECORD BOOK
P.B.	--	PLAT BOOK
PG./PG(s)	--	PAGE(s)
S.R.	--	STATE ROAD
R/W	--	RIGHT-OF-WAY
28-44-43	--	SECTION-TOWNSHIP-RANGE

See Sheet 1 for Signature & Revisions

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