

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 _____ day of _____, 2026, by Hypoluxo & I-95 Holdings LLC, a Business _____ with a mailing address of 2101 Vista Parkway, #251, West Palm Beach, FL 33411 _____ (“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 1899 Hypoluxo Rd, Lantana, FL 33462, as more particularly described in **Exhibit “A”**, attached hereto and incorporated herein (“Property”); and

WHEREAS, the City desires an unrestricted and nonexclusive easement for public utility purposes through the Property as more particularly described 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, 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:

Witnesses: _____


Print Name: JOSEPH D. LELONEK
Print Title: MANAGER

Signature - Witness 1
STEPHEN CIROKJA

Print Name - Witness 1
9469 XIANTHUS LN WELLSBORO

Address
De Cellik

Print Name: _____
Print Title: _____

Signature - Witness 2
George Cahlik

Print Name - Witness 2
2406 F Carullin WPU FL 33415

Address

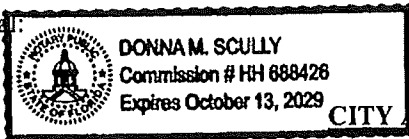
[Corporate Seal]

STATE OF Florida
COUNTY OF Palm Beach

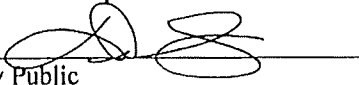
I HEREBY CERTIFY that on this day, before me, by means of physical presence or online notarization, the foregoing Utility Easement was acknowledged before me by Joseph D. Lelonek, Manager and _____, as Grantor herein who is personally known to me or _____ who has produced _____ as identification and who did not take an oath.

WITNESS my hand and official seal this 6 day of April, 2026.

Notary Seal:



Notary Public



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"

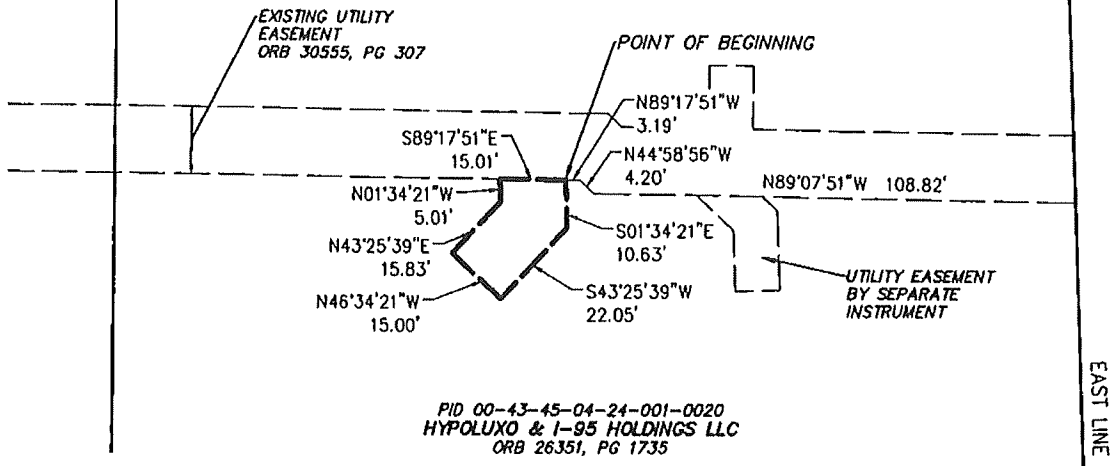
A PORTION OF TRACT A, HYPOLUXO SHOPPES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 126, PAGES 26 AND 27, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. ALSO BEING: A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 4, THENCE, ALONG THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 4, NORTH 89°18'32" WEST, A DISTANCE OF 2048.48 FEET; THENCE, DEPARTING SAID SOUTH LINE, NORTH 00° 41'28" EAST, A DISTANCE OF 103.53 FEET TO THE SOUTHEAST CORNER OF SAID TRACT A AND THE POINT OF BEGINNING; THENCE, ALONG THE SOUTH LINE OF SAID TRACT A THE FOLLOWING THREE (3) COURSES. SOUTH 58°25'02" WEST, A DISTANCE OF 53.43 FEET; THENCE SOUTH 86°29'49" WEST, A DISTANCE OF 58.80 FEET; THENCE NORTH 89°18'32" WEST, A DISTANCE OF 131.62 FEET; THENCE, DEPARTING SAID SOUTH LINE, NORTH 00°40'47" EAST, A DISTANCE OF 136.51 FEET; THENCE SOUTH 89°19'13" EAST, A DISTANCE OF 10.56 FEET; THENCE NORTH 00°41'54" EAST, A DISTANCE OF 139.59 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT A; THENCE, ALONG SAID NORTH LINE, SOUTH 89°08'55" EAST, A DISTANCE OF 215.53 FEET TO THE NORTHEAST CORNER OF SAID TRACT A; THENCE, ALONG THE EAST LINE OF SAID TRACT A, SOUTH 01°31'07" EAST, A DISTANCE OF 242.84 FEET TO THE POINT OF BEGINNING.

EXHIBIT 'B'

**SKETCH & DESCRIPTION
UTILITY EASEMENT**

SEC. 4 TWP. 45 S RNG. 43 E
PALM BEACH COUNTY, FLORIDA



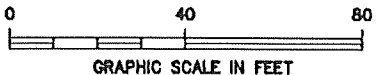
PID 00-43-45-04-24-001-0020
HYPOLUXO & I-95 HOLDINGS LLC
ORB 26351, PG 1735

LEGAL DESCRIPTIONS

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT A, HYPOLUXO SHOPPES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 126, PAGES 26 AND 27, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A THE SOUTHEAST CORNER OF SAID TRACT A, AFORESAID PLAT OF HYPOLUXO SHOPPES, SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY OF HYPOLUXO ROAD; THENCE ALONG THE EAST LINE OF SAID TRACT A, NORTH 01 DEGREES 31 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 187.06 FEET TO THE SOUTH LINE OF AN EXISTING UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 30555, PAGE 307, AFORESAID RECORDS; THENCE ALONG SAID SOUTH LINE, NORTH 89 DEGREES 07 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 108.82 FEET TO A THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED EASEMENT AREA; THENCE SOUTH 01 DEGREES 34 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 10.63 FEET; THENCE SOUTH 43 DEGREES 25 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 22.05 FEET; THENCE NORTH 46 DEGREES 34 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 15.00 FEET; THENCE NORTH 43 DEGREES 25 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 15.83 FEET; THENCE NORTH 01 DEGREES 34 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 5.01 FEET TO A POINT ON THE AFORESAID SOUTH LINE OF AN EXISTING UTILITY EASEMENT; THENCE ALONG SAID LINE SOUTH 89 DEGREES 17 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING.

POINT OF COMMENCEMENT SE CORNER TRACT A PB 123, PG 130



LEGEND

PID PARCEL IDENTIFICATION NUMBER
R/W RIGHT OF WAY
ORB OFFICIAL RECORDS BOOK
PB PLAT BOOK
PG PAGE

PARCEL BOUNDARY _____
EASEMENT LINE - - - - -

NOTES:

THIS SKETCH IS NOT A BOUNDARY SURVEY AND DOES NOT SHOW ALL EXISTING EASEMENTS, RIGHTS OF WAY OR IMPROVEMENTS.
THE BASIS OF BEARINGS AS SHOWN ON THIS SKETCH IS GRID NORTH AS ESTABLISHED BY NOS



DONALDSON, GARRETT & ASSOCIATES, INC.
MACON • CHARLOTTE

CERTIFICATE OF AUTHORIZATION NO. LB 6552
4875 RIVERSIDE DRIVE, SUITE 102, MACON, GA 31210
(478) 474-5360
<http://www.dg-a.com>

CERTIFIED TO:
HYPOLUXO & I-95 HOLDINGS, LLC,
O'REILLY AUTOMOTIVE STORES, INC.
& CITY OF LAKE WORTH BEACH, FLORIDA

SCALE: 1" = 40'
DATE: 2/24/26
PROJECT No: 4539-661-D1

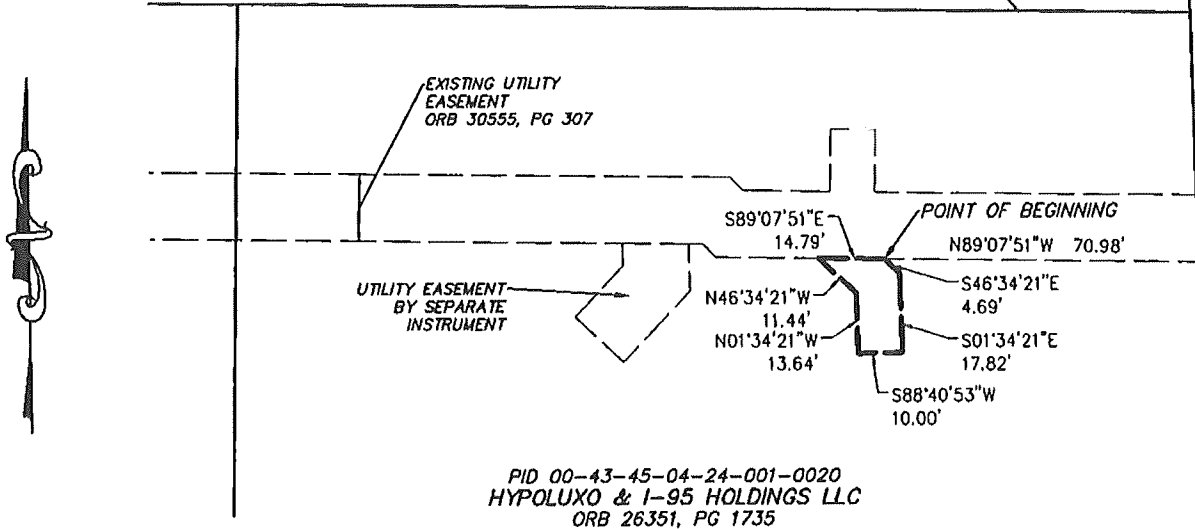
I hereby certify that this sketch was made under my responsible charge and meets the Standards of Practice set forth by the Florida Board of Professional Land Surveyors in chapter 5J-17 Fl. Ad. Code, pursuant to Section 472.027, Fl. Statutes.

James W. Newberry
Digitally signed by James Newberry
Date: 2026.02.24 14:42:22 -0500
JAMES W. NEWBERRY, PSM #5788, FLORIDA

EXHIBIT 'B'

**SKETCH & DESCRIPTION
UTILITY EASEMENT**

SEC. 4 TWP. 45 S RNG. 43 E
PALM BEACH COUNTY, FLORIDA



PID 00-43-45-04-24-001-0020
HYPOLUXO & I-95 HOLDINGS LLC
ORB 26351, PG 1735

LEGAL DESCRIPTIONS

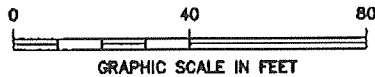
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N01°31'07\"/>

POINT OF COMMENCEMENT
SE CORNER TRACT A
PB 123, PG 130

HYPOLUXO ROAD



LEGEND

PID PARCEL IDENTIFICATION NUMBER
R/W RIGHT OF WAY
ORB OFFICIAL RECORDS BOOK
PB PLAT BOOK
PG PAGE

PARCEL BOUNDARY _____
EASEMENT LINE _____

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Digitally signed by James Newberry
Date: 2026.02.24 14:43:15 -0500

JAMES W. NEWBERRY, PSM #5788, FLORIDA