

Prepared by and return to:
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

DRAINAGE EASEMENT AGREEMENT

THIS GRANT OF A DRAINAGE EASEMENT ("Easement") is made and entered into this 2 day of AUGUST 2022 by and between **Day, LLC., a Florida limited liability company** with a mailing address of 3742 Blue Bird Canyon Rd., Vista, CA 92084-7432, hereinafter referred to as the "GRANTOR", and the **TOWN OF LOXAHATCHEE GROVES**, a municipal corporation, in Palm Beach County, Florida, hereinafter referred to as the "GRANTEE," with a mailing address of 155 F Road, Loxahatchee Groves, FL 33470.

WITNESSETH:

THAT, the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the GRANTEE and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the GRANTEE, its agents, successors and assigns, a perpetual roadway/drainage/utility easement over, under and across that certain real property owned by the GRANTOR which is described in **Exhibit "A"** attached hereto ("Easement Property") and incorporated herein.

The GRANTOR represents and warrants to the GRANTEE that GRANTOR is in exclusive possession of the Easement Property and owns fee simple title to the Easement Property and that it has good and lawful right to grant this Easement. The GRANTOR hereby grants this Easement subject only to comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority.

This Easement shall permit the GRANTEE, its employees, agents, contractors, subcontractors, consultants and licensees and each of the aforementioned party's successors and assigns, to enter upon and use the Easement Property at any time and from time to time to install, construct, reconstruct, operate, inspect, maintain, service, remove, relocate, repair, replace and improve the drainage improvements therein. The GRANTOR, or its successors or assigns, shall not construct any structure or other improvement upon the Easement Property or engage in any use of the surface of the Easement Property which is inconsistent or interferes with the rights of the GRANTEE under this Easement.

The GRANTEE shall have the right, but not the obligation, to clear the Easement Property and keep it cleared of all trees, undergrowth or other obstructions and the right to trim, cut or remove all trees located within or outside the Easement Property which might interfere with the GRANTEE's use of the Easement Property as permitted hereby. The GRANTEE shall use the Easement Property in accordance with all applicable laws, rules and regulations of

governmental authorities having jurisdiction over the Easement Property or use thereof as herein provided.

This Easement shall continue unless or until GRANTEE terminates its rights herein provided by written notice to the GRANTOR, its successors or assigns. Neither the failure to use the Easement Property nor the abandonment of the Easement Property shall constitute or be construed as a termination of this Easement. This Easement grants to the GRANTEE, its successors and assigns the exclusive right to use the Easement Property above, on and below its surface.

This Easement shall run with the land and shall be binding upon the GRANTOR, all parties entitled to use or possession of the Easement Property by or through the GRANTOR, including lessees, and the successors and assigns of each of the aforementioned parties unless or until this easement is terminated as hereinabove provided. This Easement shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this easement on the day and year first above written.

WITNESSES:

By: Nicole Jacobs

Witness name: Nicole Jacobs

By: Narissa Holford

Witness name: Narissa Holford

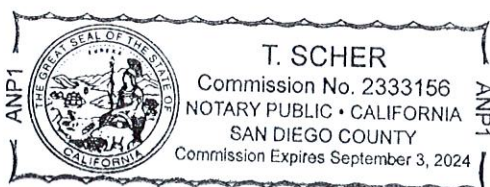
GRANTOR: Day, LLC

Ken Altman
Ken Altman, Manager

STATE OF CA)
COUNTY OF San Diego)

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this _____ this 2 day of August, 2022 by **Ken Altman as Manager of Day, LLC., a Florida limited liability company**, who is ☐ personally known to me or ☒ produced Driver's License as identification.

[SEAL]



T.S.
(Signature of Notary Public-State of Florida)
CA

GRANTEE ACCEPTANCE:

TOWN OF LOXAHATCHEE GROVES

ATTEST:

By: _____
Robert Shorr, Mayor

Town Clerk

Approved as to form
and legal sufficiency

Office of the Town Attorney
Date: _____

Exhibit "A"

Description of Easement

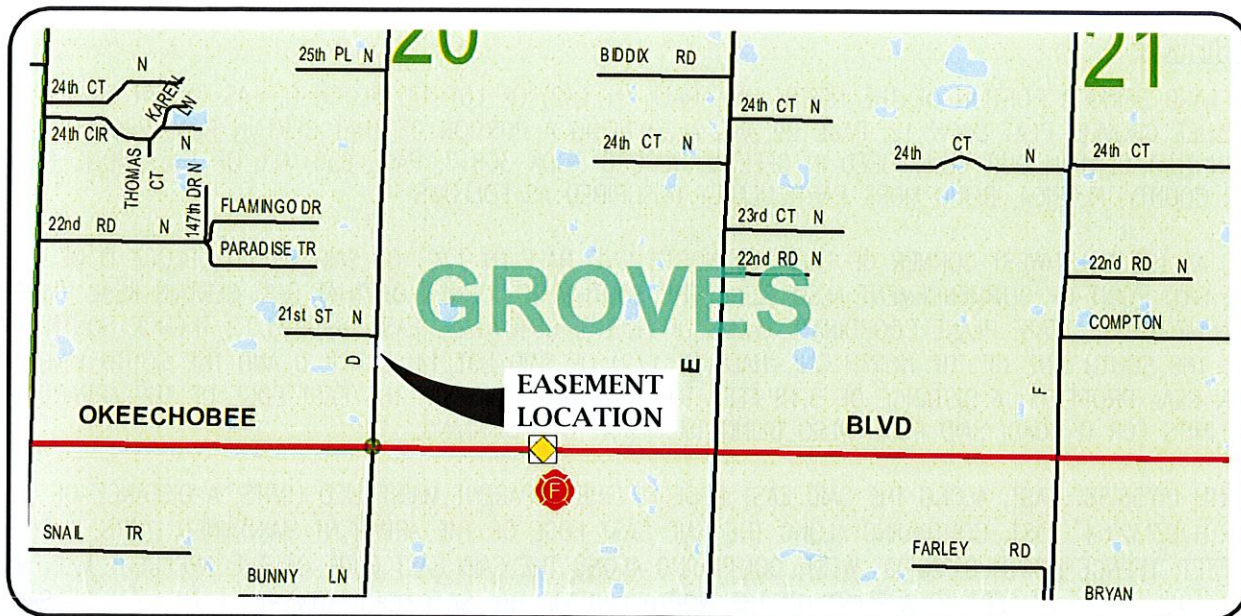
A STRIP OF LAND BEING A PORTION OF THE NORTH ONE-HALF (N 1/2) OF LOT 14, BLOCK D, AS SHOWN ON THE REPLAT OF LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29 AND ALSO BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED IN OFFICIAL RECORD BOOK 30817, PAGE 650, ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D OF THE SAID REPLAT, THE SAID POINT OF COMMENCEMENT ALSO BEING THE SOUTHWEST CORNER OF THAT SAID CERTAIN REAL PROPERTY, HAVING AN APPROXIMATE STATE PLANE COORDINATE VALUE OF NORTH: 864070.27, EAST: 893298.03; THENCE SOUTH 89°12'34" EAST, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D AND THE SOUTH LINE OF THAT SAID CERTAIN REAL PROPERTY, A DISTANCE OF 5.48 FEET TO POINT ON A LINE ON THE EAST EDGE OF THE APPARENT MAINTAINED LIMITS FOR D ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 00°58'58" EAST, ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 3.14 FEET; THENCE NORTH 03°32'04" EAST, CONTINUING ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 267.55 FEET; THENCE NORTH 01°20'09" WEST, CONTINUING ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 66.27 FEET TO A POINT ON THE NORTH LINE OF THE SAID NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D AND THE SAID NORTH LINE OF THAT SAID CERTAIN REAL PROPERTY; THENCE SOUTH 89°12'34" EAST, DEPARTING THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS AND ALONG THE SAID NORTH LINES, A DISTANCE OF 8.72 FEET TO A POINT ON A LINE 16.00' EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D, THE WEST LINE OF THAT SAID CERTAIN REAL PROPERTY, THE SAID WEST LINES ALSO BEING EAST RIGHT-OF-WAY LINE OF D ROAD AS SHOWN ON THE SAID REPLAT; THENCE SOUTH 02°14'48" WEST, DEPARTING THE SAID NORTH LINE AND ALONG THE SAID PARALLEL LINE, A DISTANCE OF 336.72 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D AND THE SOUTH LINE OF THAT SAID CERTAIN REAL PROPERTY; THENCE NORTH 89°12'34" WEST, DEPARTING THE SAID PARALLEL LINE AND ALONG THE SAID SOUTH LINES, A DISTANCE OF 10.52 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 2,500.361 SQUARE FEET AND/OR 0.057 ACRES, MORE OR LESS.

NOTE: ALL OF THE DISTANCES ALONG THE ABOVE DESCRIBED PROPERTY / TRACT LINE SEGMENTS THAT INTERSECT THE ABOVE DESCRIBED APPARENT MAINTAINED LIMITS LINE (AND AS SHOWN ON THE ASSOCIATED SKETCH OF DESCRIPTION) SHALL ALWAYS BE LENGTHENED AND / OR SHORTENED (EXTENDED AND / OR TRIMMED) TO INTERSECT ANY ACTUAL MAINTAINED LIMITS LINE AS MAPPED BY AN ON THE GROUND SURVEY, RECORDED INTO THE PUBLIC RECORDS AND DEDICATED TO THE PUBLIC TO THE EXTENT IN WIDTH THAT HAS ACTUALLY BEEN MAINTAINED FOR THE PRESCRIBED PERIOD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 95.361 (FORMERLY 337.31), FLORIDA STATUTES.



LOCATION MAP ~ NOT TO SCALE

SURVEYORS' NOTES:

1. THIS SKETCH AND DESCRIPTION IS NOT A SURVEY.
2. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SKETCH THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY KESHAVARZ & ASSOCIATES, INC.
3. THIS SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050-.052, OF THE FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.
4. THE DESCRIPTION TEXT AND THE SKETCH OF DESCRIPTION COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
5. BEARINGS AND STATE PLANE COORDINATES SHOWN ARE REFERENCED TO GRID NORTH, BASED ON THE 1990 ADJUSTMENT OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83/90) OF THE FLORIDA STATE PLANE COORDINATE SYSTEM (TRAVERSE MERCATOR PROJECTION), EAST ZONE. THE WEST LINE OF LOT 14, BLOCK D, AS SHOWN ON THE BOUNDARY SURVEY OF PLATTED RIGHT-OF-WAY LOXAHATCHEE GROVES, PREPARED FOR THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, HAVING A DATE OF JUNE 18, 1998 AND A WORK ORDER No: 86053E, BEARS NORTH 02°14'48" EAST AND ALL OTHER BEARINGS SHOWN HERON ARE RELATED THERETO.
6. THIS LEGAL DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ITS AUTHENTICATED DIGITAL EQUIVALENT OF A LICENSED SURVEYOR AND MAPPER, EMPLOYED BY KESHAVARZ & ASSOCIATES, INC. THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

DATE OF LEGAL DESCRIPTION: SEPTEMBER 28, 2021

KESHAVARZ & ASSOCIATES, INC.

Scott F. Bryson

SCOTT F. BRYSON

PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE No.: 5991



Digitally signed by Scott F Bryson
DN: c=US, o=KESHAVARZ AND ASSOCIATES, ou=A01410D0000016F1579D2E600000A97, cn=Scott F Bryson
Date: 2021.09.28 11:19:14 -04'00'

EXHIBIT 'B'

**2208 D ROAD
LOXAHATCHEE GROVES, FL.
33470**

LEGEND

C/L = CENTERLINE
COR = CORNER
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
M.B. = MISCELLANEOUS BOOK
O.R.B. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
R.B. = ROAD BOOK

P.R.P.B.C. = PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA



KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7476

**DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES**

ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/28/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 17-1208	DWG No: 17-1208N
APPROVED: SFB		SHEET No: 1 OF 1

LEGAL DESCRIPTION:

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2208 D ROAD
LOXAHATCHEE GROVES, FL.
33470

EXHIBIT 'B'



KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

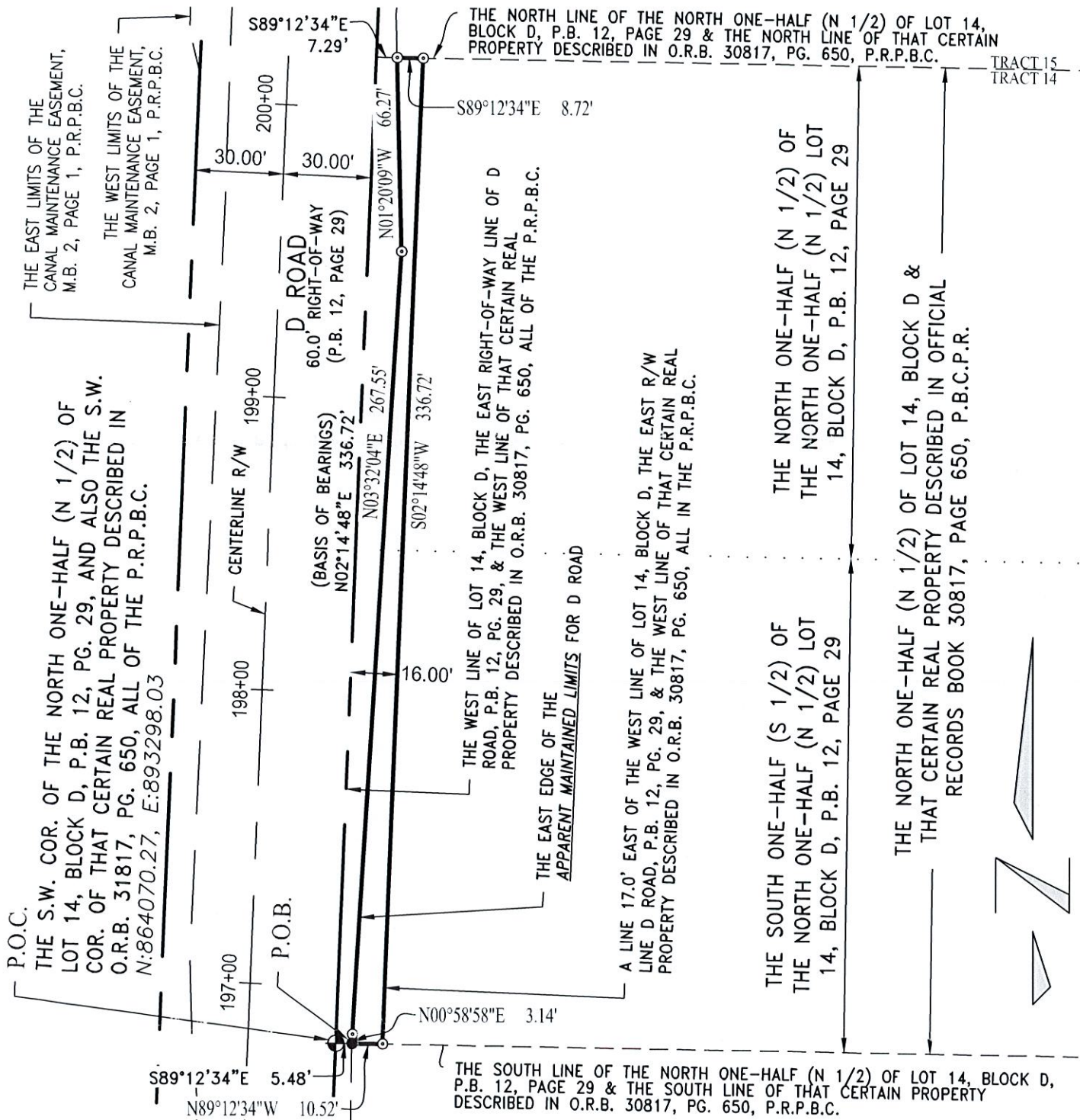
West Palm Beach, Florida 33401

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DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

ROAD & DRAINAGE EASEMENT

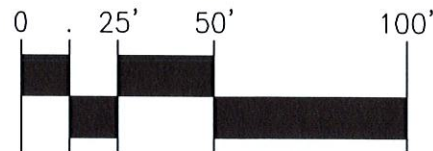
DRAWN: SFB	DATE: 09/28/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 17-1208	DWG No: 17-1208N
APPROVED: SFB		SHEET No: 2 OF 3



2208 D ROAD
LOXAHATCHEE GROVES, FL.
33470

EXHIBIT 'B'

GRAPHIC SCALE



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DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/28/21	SCALE: 1" = 50'
CHECKED: SFB	PROJECT No: 17-1208	DWG No: 17-1208N
APPROVED: SFB		