

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 27 day of June 2022 by and between **Kimberly Barone and Andrew J. Barone, individually and as co-Trustees of the Kimberly Barone and Andrew J. Barone Revocable Trust under Agreement dated June 27, 2016** with a mailing address of 364 Park Forest Way, Wellington, FL 33414-4976, hereinafter collectively 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: [Signature]

Witness name: Lexi Collegio

By: [Signature]

Witness name: Amber Schneider

GRANTOR:

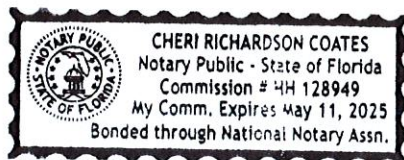
[Signature]

Kimberly Barone, individually and as co-Trustee of the Kimberly Barone and Andrew J. Barone Revocable Trust under Agreement dated June 27, 2016

STATE OF Florida)
COUNTY OF Palm Beach)

Sworn to (or affirmed) and subscribed before me by means of [☒] physical presence or [☐] online notarization, this 27th day of June, 2022, by **Kimberly Barone**, who is [☐] personally known to me or [☒] produced FLDL as identification.

[SEAL]



[Signature]
(Signature of Notary Public-State of Florida)

WITNESSES:

By: Lexi Collegio

Witness name: Lexi Collegio

By: Amber Schneider

Witness name: Amber Schneider

GRANTOR:

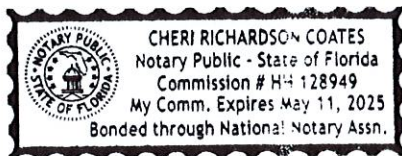
Andrew J. Barone

Andrew J. Barone, individually and as co-Trustee of the Kimberly Barone and Andrew J. Barone Revocable Trust under Agreement dated June 27, 2016

STATE OF Florida)
COUNTY OF Palm Beach)

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 27th this _____ day of June, 2022, by **Andrew J. Barone**, who is ☐ personally known to me or ☒ produced FLDL as identification.

[SEAL]



Cheri R. Coates
(Signature of Notary Public-State of Florida)

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

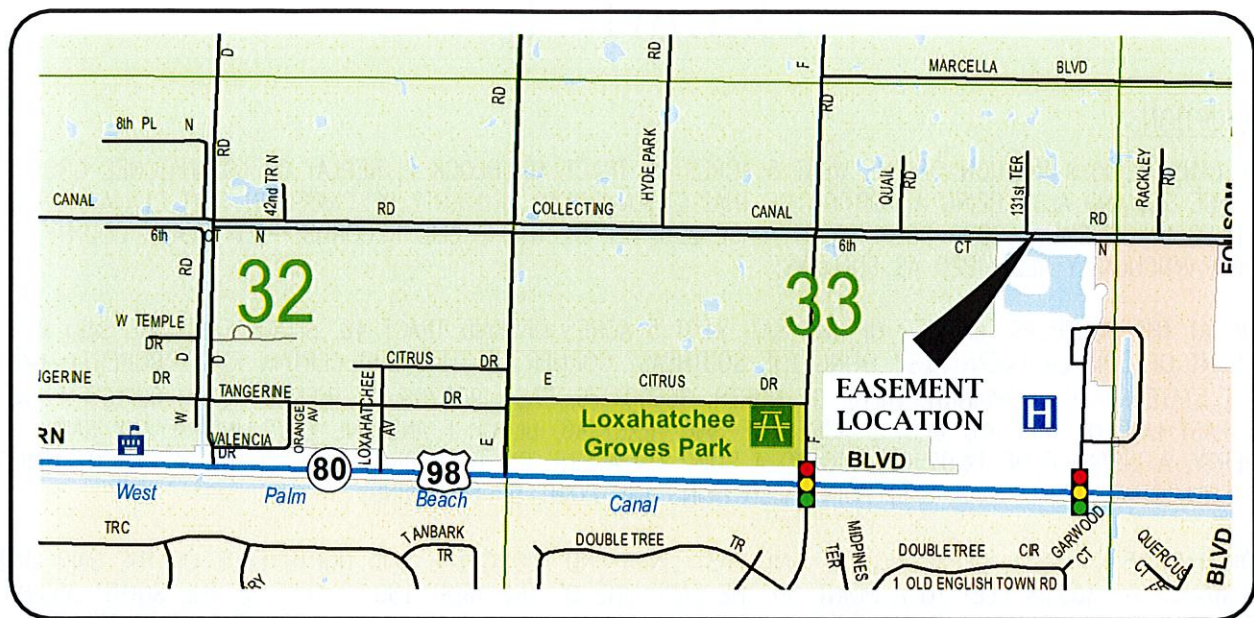
A STRIP OF LAND BEING A PORTION OF THE WEST 5 ACRES OF TRACT 46, BLOCK F, REPLAT OF LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29, AND ALSO BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED IN OFFICIAL RECORD BOOK 29781, PAGE 296, ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID WEST 5 ACRES OF SAID TRACT 46, BLOCK F OF THE SAID REPLAT, THE SAID POINT OF COMMENCEMENT ALSO BEING THE SOUTHEAST CORNER OF THAT SAID CERTAIN REAL PROPERTY, HAVING AN APPROXIMATE STATE PLANE COORDINATE VALUE OF NORTH: 856501.76, EAST: 900706.42; THENCE NORTH 02°16'14" EAST, ALONG THE EAST LINE OF THE SAID WEST 5 ACRES OF SAID TRACT 46, BLOCK F AND THE EAST LINE OF THE SAID CERTAIN REAL PROPERTY, A DISTANCE OF 14.92 FEET TO A POINT ON A LINE ON THE NORTH EDGE OF THE APPARENT MAINTAINED LIMITS FOR COLLECTING CANAL ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 87°55'03" WEST, DEPARTING THE SAID EAST LINES AND ALONG THE SAID NORTH EDGE OF THE SAID MAINTAINED LIMITS, A DISTANCE OF 303.34 FEET TO A POINT ON THE EAST LINE OF THE WEST 180.00 FEET OF THE SOUTH 359.81 FEET OF SAID TRACT 46, BLOCK F AND A POINT ON THE WEST LINE OF THAT SAID CERTAIN REAL PROPERTY; THENCE NORTH 02°16'14" EAST, ALONG THE SAID EAST LINE AND THE SAID WEST LINE, A DISTANCE OF 4.28 FEET TO A POINT ON A LINE PARALLEL WITH AND 26.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID TRACT 46, BLOCK F, THE SOUTH LINE OF THE SAID WEST 5 ACRES AND THE SAID SOUTH LINES ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF COLLECTING CANAL ROAD AS SHOWN ON THE SAID REPLAT; THENCE SOUTH 89°12'41" EAST, DEPARTING THE SAID EAST LINE AND THE SAID WEST LINE AND ALONG THE SAID PARALLEL LINE, A DISTANCE OF 303.44 FEET TO A POINT ON THE EAST LINE OF THE SAID WEST 5 ACRES OF THE SAID TRACT 46, BLOCK B AND THE EAST LINE OF THAT SAID CERTAIN REAL PROPERTY; THENCE SOUTH 02°16'14" WEST, DEPARTING THE SAID PARALLEL LINE AND ALONG THE SAID EAST LINE, A DISTANCE OF 11.09 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 2,331.408 SQUARE FEET AND / OR 0.054 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.



SURVEYORS' NOTES:

LOCATION MAP ~ NOT TO SCALE

EXHIBIT 'B'

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 SOUTH LINE OF TRACT 46, BLOCK F, 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 89°12'34" WEST; HOWEVER RECENT SURVEYS AS PROVIDED BY THE TOWN IN A DIGITAL CAD FILE FORMAT DEPICTS THE BEARING OF THE SAID SOUTH LINE TO BEAR NORTH 89°12'41" WEST AND ALL OTHER BEARINGS SHOWN HEREON 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 27, 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=A01410D0000016F1579
D2E600000A97, cn=Scott F
Bryson
Date: 2021.09.28 11:11:17
-04'00'

13101 COLLECTING CANAL 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: 09/27/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 17-1208	DWG No: 17-1208H
APPROVED: CCR	17-1208	SHEET No. 1 OF 1

EXHIBIT 'B'

LEGAL DESCRIPTION:

A STRIP OF LAND BEING A PORTION OF THE WEST 5 ACRES OF TRACT 46, BLOCK F, REPLAT OF LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29, AND ALSO BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED IN OFFICIAL RECORD BOOK 29781, PAGE 296, ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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13101 COLLECTING CANAL ROAD
LOXAHATCHEE GROVES, FL.
33470



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

DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/27/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 17-1208	DWG No: 17-1208H
APPROVED: SFB		SHEET No: 2 OF 3

\\17-1208 LG Rowy Drain - Feeder\KA DWG\Drain-Road Easements\SV-171208H 13101 Collecting Canal Road.dwg Monday, September 27, 2021 2:05:44 PM

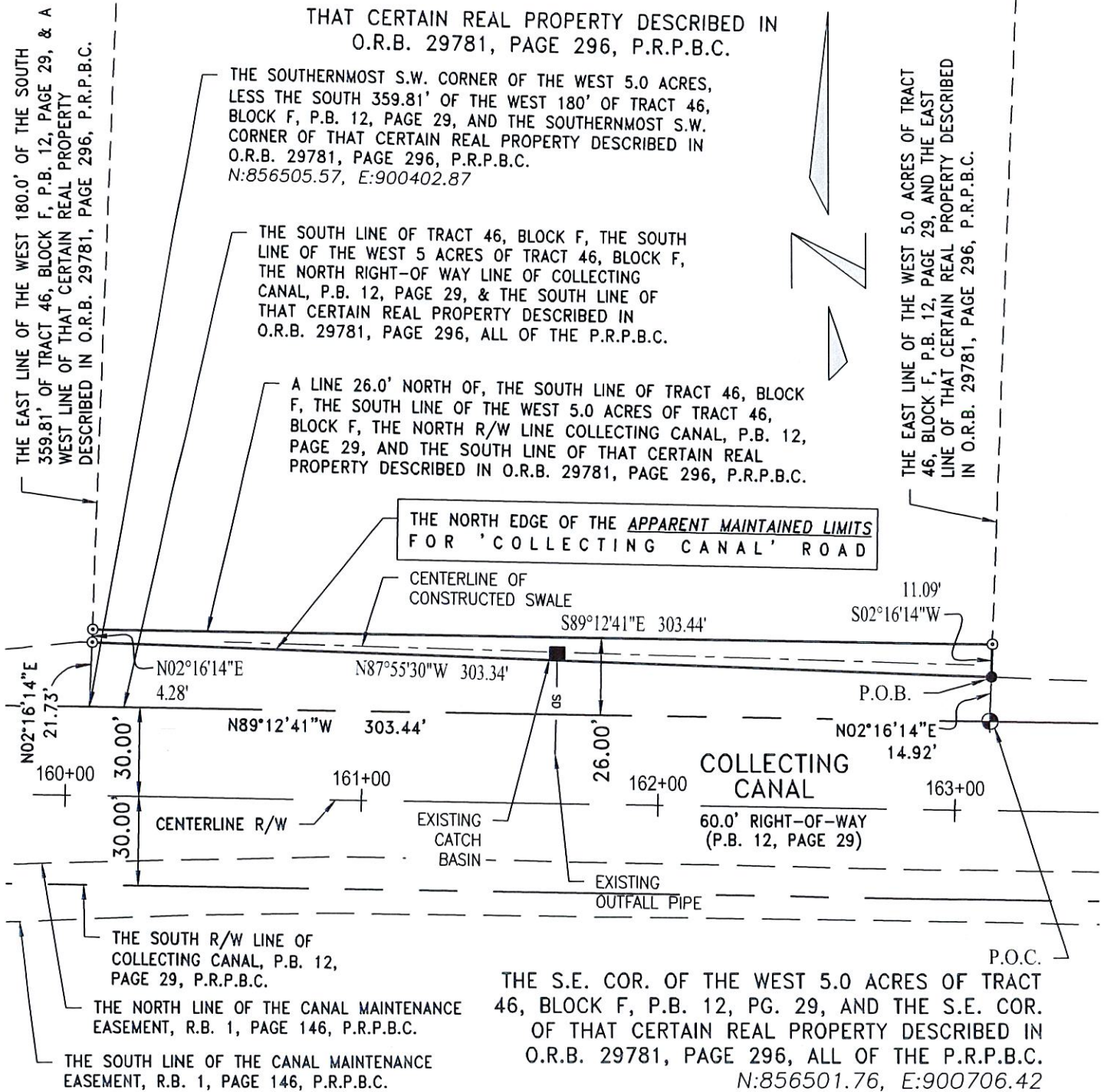
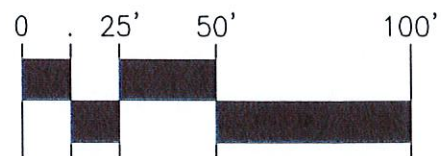


EXHIBIT 'B'

13101 COLLECTING CANAL ROAD
LOXAHATCHEE GROVES, FL.
33470

GRAPHIC SCALE



KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201


West Palm Beach, Florida 33401

DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

ROAD & DRAINAGE EASEMENT

DRAWN: SFB DATE: 09/27/21 SCALE: 1" = 50'

CHECKED: SFB PROJECT No. DWG No. 17-1208H

Florida **CDL**  **CLASS A**

4d DLN B650-010-67-147-0

1 BARONE
2 ANDREW JOSEPH
3 364 PARK FOREST WAY
4 WELLINGTON, FL 33414-4976

1 DOB 04/27/1967 15 SEX M
4b EXP 04/27/2029 16 HGT 5'-10"
12 REST 1A 9a END NONE

SAFE DRIVER
4a ISS 11/03/2020
5DD P762011030127

♥ DONOR

Andrew Joseph Barone

Operation of a motor vehicle constitutes consent to any sobriety test required by law.

Florida **CDL**  **CLASS A**

4d DLN B650-515-74-885-0

1 BARONE
2 KIMBERLY PETERS
3 364 PARK FOREST WAY
4 WELLINGTON, FL 33414

1 DOB 10/25/1974 15 SEX F
4b EXP 10/25/2029 16 HGT 5'-04"
12 REST 15F 9a END NONE

SAFE DRIVER
4a ISS 12/07/2020
5DD P762012070034

♥ DONOR

Kimberly Peters Barone

Operation of a motor vehicle constitutes consent to any sobriety test required by law.