

EASEMENT CHECKLIST

Easement Grantor: _____

Property Address:

Property Identification No.:

Grantor Property Address, *if different than above*:

Property Owner, please initial to indicate that the following items were discussed:

_____ Drainage is only for the existing scope.

_____ Easement will not be used to expand the roads.

_____ Existing fence/hedge will be in compliance and will not be disturbed.

_____ If the property size reduces, the zoning code applies to the pre-agreement lot size.

Step-by-Step Process

1. The basic form of the Town's roadway, drainage and utility easement is attached as Exhibit "A".
2. When meeting with a property owner, Town staff, should be prepared to identify the purpose and location of the requested easement.
3. At a property owner's request, the reference to a utility easement can be deleted from the document.
4. At a property owner's request, the roadway and drainage easements can be split into two different easement documents.
5. The property owner always has the right to have the document reviewed by an attorney of their choice and should be encouraged to do so.
6. If the property owner prefers, they may deed the property to the Town instead of having their property encumbered by an easement.
7. If the property is deeded to the Town, the property is removed from their ownership and the Palm Beach County Property Appraiser's office will adjust their property tax records accordingly. The property owners no longer have the right to utilize the deeded property, except in the same manner as any other member of the public.
8. If the property owner gives an easement, they retain ownership of the property and there is no change in the property tax records. The property owner has the right to utilize the easement property as they see fit, so long as their use does not interfere with the purpose of the easement.
9. Whether the property is deeded to the Town or the Town receives an easement over the property, the property owner will retain the right to develop their remaining property in the same manner and for development purposes the lot's size and acreage will include the area deeded to the Town or subject to the Town's easement. See section 20-025(C)(2) of the Town's ULDC for residential properties and section 25-025(C)(2) of the ULDC for commercial properties.
10. In accordance with Florida Statutes, the Town, can acquire title to roads because it has maintained the roads for a number of years (4 years if the Town built and maintained the road or 7 years if the

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Town did not build the road but maintained it). A copy of Section 95.361 Florida Statutes is attached hereto as Exhibit "B".

11. If an easement is granted to the Town for roadway, drainage and utility purposes the Town would assert its rights under the easement before relying on any rights they may have under Section 95.361 F.S..
12. Individual members of the Town Council do not have the authority to solicit or negotiate easements with property owners. The Town Manager, the Town Public Works Director and staff members and Town Attorney when designated by the Town Manager or Town Council can solicit from and negotiate easements with property owners.
13. All easements must be accepted by the Town Council, but the Town Council can identify properties and approve the basic form of the easement and accept easements if they are in substantial conformance with the form prior to said easements being executed, so as to expedite the recordation of the easement once it is received from the property owner.
14. Town Council acceptance of the easement will be evidenced by the passage of a Town Council Resolution.
15. The executed easement documents will be reviewed for legal sufficiency by the Town Attorney prior to recordation.
16. The Town Clerk shall ensure the executed easements are recorded in the official records of Palm Beach County and once recorded will provide copies of the recorded easements to the property owners and the Public Works Department.
17. The original easement shall be maintained by the Town Clerk.

By signing this checklist the property owner acknowledges they understand the nature and extent of the proposed easement they are being asked to sign and that all of their questions have been resolved by town Staff or the attorney of their choosing.

Signature

Date