

Prepared by: Name: Eve M. Lewis, Esq.  
Address: 4800 West Copans Road  
Coconut Creek, FL 33063

Return to:  
City Clerk, City of Coconut Creek  
4800 West Copans Road  
Coconut Creek, FL 33063

Property appraiser's PIN: 484207020091

## **UTILITY EASEMENT**

(Water, Wastewater, and General Utilities)

**THIS UTILITY EASEMENT** is made and entered into this 8th day of March, 2022, by and between **WELLS FARGO BANK**, National Association with offices at 5321 Lyons Road, Coconut Creek, Florida 33073, hereinafter called the Grantor, and the **CITY OF COCONUT CREEK**, a Florida municipal corporation, which has a post office address of 4800 West Copans Road, Coconut Creek, Florida 33063, hereinafter referred to as Grantee:

### **WITNESSETH:**

1. Grantor is the owner of fee simple title to a parcel of real property generally located at 5321 Lyons Road, Coconut Creek, in Broward County, Florida, as more particularly described in Exhibit "A," attached hereto and by this reference made a part hereof (hereinafter the "Property") and is in possession thereof.

2. That, 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, the Grantor hereby grants unto the Grantee, its successors and assigns, forever, a perpetual utility easement more particularly described in Exhibit "B," attached hereto and by this reference made a part hereof, for water purposes, wastewater purposes and for any other utility purposes that the Grantee may deem necessary, granting unto said Grantee full and free right and authority to install, construct, operate, maintain, repair, replace and reconstruct any utilities, as well as ingress and egress as Grantee may deem necessary over, across, through, in and under the Property situate, lying and being in Broward County, Florida.

3. Grantor shall not by its own actions, nor shall it permit another person or entity to undertake any actions in the easement which disturb or damage the utilities placed or maintained by the Grantee in the easement. Nor shall Grantor construct or permit to be

constructed anything which may hinder the ability of the Grantee to repair or replace utilities in the easement or to access the utilities in the easement. Further, the easement shall not contain permanent improvements including but not limited to patios, decks, pools, air conditioners, structures, utility sheds, poles, fences, trees, shrubs, hedges, plants and landscaping, except that utilities, public improvements and sod are allowed. Grantor shall be responsible for any losses, claims, damages or penalties resulting from its failure to comply with this obligation.

4. The Utility Easement shall commence on the date first written above and shall remain in full force and effect until Grantee has abandoned the use or improvements set forth herein.

5. In the event the surface of any Utility Easement or Property is disturbed by Grantee's exercise of any of its easement rights under this Agreement, such area shall be restored to the condition in which it existed at the time the utilities were installed by the Grantee, however Grantee shall not be responsible for replacing any structures, landscaping, decorative features or other improvements placed in or over the easement area in violation of the requirements of this easement.

6. Authorized Representative. Each individual signing on behalf of a party to this Agreement states that he or she is the duly authorized representative of the signing party and that his or her signature on this Agreement has been duly authorized by, and creates the binding and enforceable obligation of, the party on whose behalf the representative is signing.

7. Notices. Any notice permitted or required by this Agreement shall be deemed received, if delivered, when actually received, or, if mailed, on the third day after mailing by registered or certified mail, postage prepaid, to the party's address set forth below their respective signatures to this Agreement, or to such other address designated in writing to the other parties.

8. Florida law shall apply to all disputes as to the interpretation and use of this Utility Easement; and venue for any legal action shall be exclusively in Broward County Circuit Court.

[Signatures to follow]

IN WITNESS WHEREOF, GRANTOR, has caused this Utility Easement to be executed in its name, by its duly authorized officers, this 8<sup>th</sup> day of March, 2022.

GRANTOR:

(Corp seal)

**WELLS FARGO BANK, N.A.,**  
a National Association

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_- Secretary

by: *Darlene McKinney*  
Vice President - Title  
Darlene McKinney - Print Name

Witness 1:

*Priscilla Muñoz*  
Priscilla Muñoz  
(Print/type/stamp name of witness)

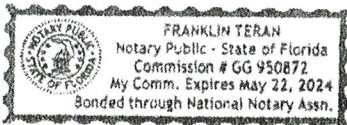
Witness 2:

*Franklin Teran*  
Franklin Teran  
(Print/type/stamp name of witness)

STATE OF Florida  
COUNTY OF St Lucie

THE FOREGOING UTILITY EASEMENT was acknowledged before me by means of  physical presence or  online notarization, this 8<sup>th</sup> day of March, 2022 by Darlene McKinney, (name and title), of Wells Fargo Bank, N.A., a National Association, who is personally known to me or has produced Florida drivers License (type of ID), as identification.

*Franklin Teran*  
Notary Public-State of  
Franklin Teran  
(Print/type/stamp name of Notary Public)



## EXHIBIT A

### PARCEL I:

A parcel of land being a portion of Tract "J", WINSTON PARK SECTION ONE, according to the plat thereof recorded in Plat Book 131, page 23, of the public records of Broward County, Florida, said parcel being more particularly described as follows:

Commence at the Northwest corner of Tract "J"; thence South  $00^{\circ}24'54''$  East along the West line of Tract "J", a distance of 1248.32 feet to the Southwest corner of said Tract "J", (the following three courses being coincident with the South line of said Tract "J"); thence North  $89^{\circ}35'06''$  East, a distance of 200.00 feet; thence South  $83^{\circ}31'23''$  East, a distance of 100.00 feet; thence North  $89^{\circ}35'06''$  East, a distance of 29.58 feet to the Point of Beginning; thence North  $00^{\circ}24'54''$  West, a distance of 58.85 feet to the point of curvature of a tangent curve concave to the Southwest; thence Northerly and Northwesterly along the arc of said curve to the left, having a radius of 200.00 feet, and a central angle of  $23^{\circ}51'43''$  for an arc distance of 83.29 feet to the point of reverse curvature of a tangent curve concave to the Northeast; thence Northwesterly and Northerly along the arc of said curve to the right, having a radius of 200.00 feet, and a central angle of  $23^{\circ}51'43''$ , for an arc distance of 83.29 feet to a point on a tangent line; thence North  $00^{\circ}24'54''$  West along a line tangent to the last described curve, a distance of 35.34 feet; thence North  $89^{\circ}35'06''$  East, along a line parallel with the most Southerly South line of said Parcel "J", a distance of 388.43 feet to a point on the East line of said Tract "J", (the following two courses being coincident with the East line of said Tract "J"); thence South  $03^{\circ}24'27''$  West, a distance of 26.06 feet; thence South  $00^{\circ}24'54''$  East, a distance of 200.00 feet to a point on the Southeast line of said Tract "J"; thence South  $44^{\circ}35'06''$  West along said Southeast line, a distance of 42.43 feet to a point on the said most Southerly South line; thence South  $89^{\circ}30'28''$  West along said most Southerly South line, a distance of 322.50 feet to the Point of Beginning.



# EXHIBIT B

## LEGEND

MHS MANHOLE SANITARY  
 ORB OFFICIAL RECORD BOOK  
 PB PLAT BOOK  
 PG PAGE  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 PSM PROFESSIONAL SURVEYOR  
 & MAPPER  
 RNG RANGE  
 SEC SECTION  
 SQFT SQUARE FEET  
 TWP TOWNSHIP

—— SS(B) —— SANITARY LINE QUALITY LEVEL B  
 —— EASEMENT LINE

VICINITY MAP  
 (NO TO SCALE)



Sheet 1 of 3

DESN BY: CRM  
 DRWN BY: CRM  
 RVWD BY: DAR  
 FLD BK: \_\_\_\_\_  
 BK PG: \_\_\_\_\_  
 DATE: 10/12/21

CERTIFIED TO:  
 WELLS FARGO BANK, N.A.

CLYDE R. MASON II PSM LS 6905 DATE \_\_\_\_\_

12 FOOT WIDE SANITARY EASEMENT  
 22-011  
 FOR: SWMWA&S, P.A.  
 5321 LYONS RD, COCONUT CREEK 33073  
 BROWARD COUNTY, FLORIDA  
 LOCATED IN SEC 7, TWP 48S, RNG 42E

  
**RITZEL  
 -MASON**  
 A SURVEYING & MAPPING FIRM

**LB-8265**  
 SUPPLYING SURVEY SOLUTIONS  
 5119 BEECHWOOD RD,  
 DELRAY BEACH, FL 33484  
 PH: 561-634-6701  
 www.ritzel-mason.com

# EXHIBIT B

## LAND DESCRIPTION:

THAT PART OF A PARCEL OF LAND BEING A PORTION OF TRACT "J", WINSTON PARK SECTION ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 131, PAGE 23, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT "J"; THENCE SOUTH 00°24'54"EAST ALONG THE WEST LINE OF TRACT "J"; A DISTANCE OF 1248.32 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "J" (THE FOLLOWING THREE COURSES BEING COINCIDENT WITH THE SOUTH LINE OF SAID TRACT "J"); THENCE NORTH 89°35'06"EAST, A DISTANCE OF 200.00 FEET; THENCE SOUTH 83°31'23"EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 89°35'06"EAST, A DISTANCE OF 29.58 FEET SAID POINT BEING THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 30139, PAGE 1352, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (THE FOLLOWING FOUR COURSES BEING COINCIDENT WITH THE WESTERLY LINE OF SAID PARCEL); THENCE NORTH 00°24'54"WEST, A DISTANCE OF 58.85 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 20°45'08"FOR AN ARC DISTANCE OF 72.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAME CURVE, HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 3°06'35"FOR AN ARC DISTANCE OF 10.85 FEET TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 0°19'50"FOR AN ARC DISTANCE OF 1.15 FEET; THENCE LEAVING THE WESTERLY BOUNDARY OF SAID PARCEL NORTH 65°10'29"EAST, A DISTANCE OF 48.47 FEET; THENCE SOUTH 31°00'40"EAST, A DISTANCE OF 93.54 FEET; THENCE SOUTH 00°33'13"EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°26'47"WEST, A DISTANCE OF 6.86 FEET; THENCE NORTH 31°00'40"WEST, A DISTANCE OF 89.63 FEET; THENCE SOUTH 65°10'29"WEST, A DISTANCE OF 38.11 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE TOWN OF COCONUT CREEK, BROWARD COUNTY, FLORIDA AND CONTAINING 1,658.99 SQUARE FEET (0.0381 ACRES), MORE OR LESS.

## NOTES:

THIS IS NOT A BOUNDARY SURVEY.

ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE WEST LINE OF TRACT "J", WINSTON PARK SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 131, PAGE 23, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, HAVING A BEARING OF S 00° 24' 54" E.

ALL DISTANCES SHOWN HERE ON ARE IN U.S. SURVEY FEET.

ALL DIMENSIONS SHOWN HEREON ARE THE RESULT OF CREATING A TWELVE FOOT EASEMENT (SIX FEET BOTH SIDES) OF A WATERLINE LOCATED ON SITE AND SURVEYED.

Sheet 2 of 3

NO ELEVATIONS ARE SHOWN HEREON.

UTILITY LINES SHOWN HAVE BEEN DESIGNATED BY RITZEL-MASON INC. UTILITIES WERE DESIGNATED BY ELECTRONIC METHODS. DESIGNATES CONFORM TO ASCE-38 STANDARDS FOR QUALITY LEVEL B.

REPRODUCTIONS, ADDITIONS, OR DELETIONS ARE NOT VALID WITHOUT ORIGINAL SIGNATURE & RAISED SEAL OF THE FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECTION AND THAT SAID SKETCH AND LEGAL DESCRIPTION IS IN COMPLIANCE WITH THE STANDARDS AND PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

DESN BY: CRM  
DRWN BY: CRM  
RVWD BY: DAR  
FLD BK: \_\_\_\_\_  
BK PG: \_\_\_\_\_  
DATE: 10/12/21

THIS SKETCH AND LEGAL DESCRIPTION WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE OPINION OR ABSTRACT BY THIS SURVEYOR OR ANY FORM. THE CLIENT IS HEREBY ADVISED THAT SUCH MATTERS OF RECORD MAY BE RECORDED IN THE PUBLIC RECORDS IN WHICH THE SUBJECT PARCEL IS SITUATE.

DATE OF FIELD WORK: OCTOBER 12TH, 2021

12 FOOT WIDE SANITARY EASEMENT

22-011

FOR: SWMWA&S, P.A.

5321 LYONS RD, COCONUT CREEK 33073

BROWARD COUNTY, FLORIDA

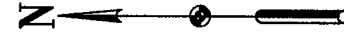
LOCATED IN SEC 7, TWP 48S, RNG 42E



**LB-8265**  
SUPPLYING SURVEY SOLUTIONS  
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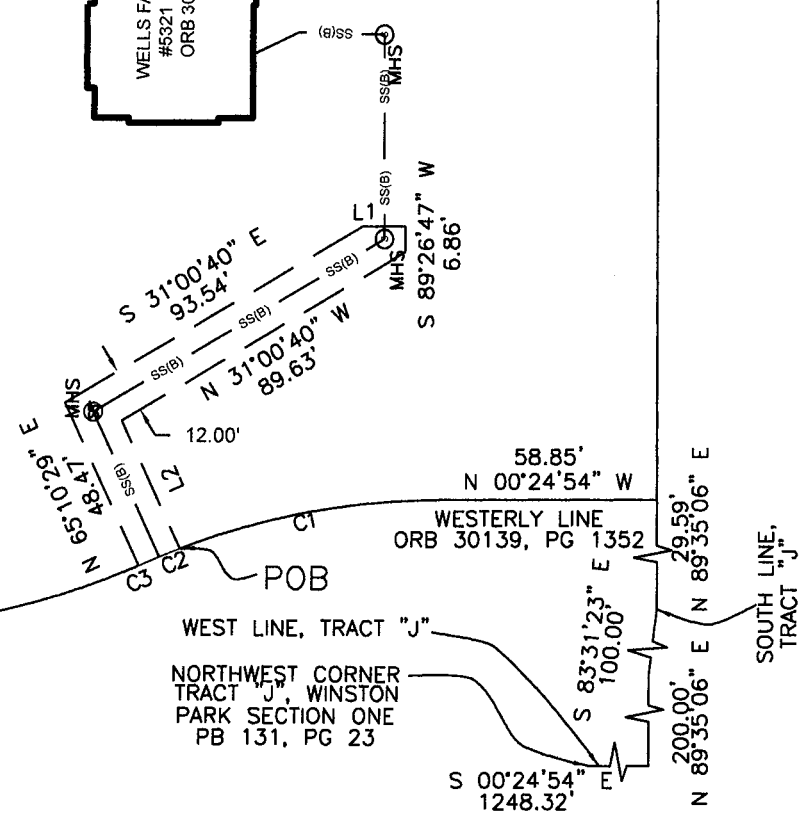
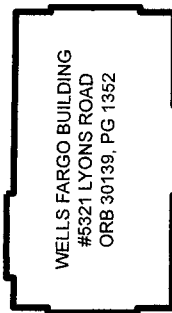
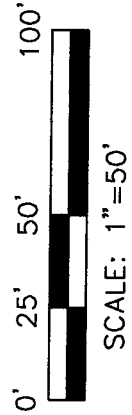
DATE  
CLYDE R. MASON II PSM LS 6905

# EXHIBIT B



CURVE No.	RADIUS	CENTRAL ANGLE	LENGTH
C1	200.00'	20°45'08"	72.44'
C2	200.00	03°06'35"	10.85'
C3	200.00	00°19'50"	1.15'

LINE No.	BEARING	LENGTH
L1	S 00°33'13" E	12.00'
L2	S 65°10'29" W	38.11'



Sheet 3 of 3

DESN BY: CRM  
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CLYDE R. MASON II PSM LS 6905 DATE \_\_\_\_\_

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**RITZEL-MASON**

A SURVEYING & MAPPING FIRM

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# LEGEND

- BFP BACKFLOW PREVENTER
- FH FIRE HYDRANT
- MW METER WATER
- ORB OFFICIAL RECORD BOOK
- PB PLAT BOOK
- PG PAGE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PSM PROFESSIONAL SURVEYOR  
& MAPPER
- RNG RANGE
- SEC SECTION
- SQFT SQUARE FEET
- TWP TOWNSHIP

W(B)   
  W(B)   
  WATER MAIN QUALITY LEVEL B  
   
    
  EASEMENT LINE

VICINITY MAP  
(NO TO SCALE)



Sheet 1 of 3

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 BK PG: \_\_\_\_\_  
 DATE: 10/12/21

CERTIFIED TO:  
 WELLS FARGO BANK, N.A.

CLYDE R. MASON II PSM LS 6905 DATE \_\_\_\_\_

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SAID LANDS SITUATE IN THE TOWN OF COCONUT CREEK, BROWARD COUNTY, FLORIDA AND CONTAINING 4,160.10 SQUARE FEET (0.0955 ACRES), MORE OR LESS.

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DATE OF FIELD WORK: OCTOBER 12TH, 2021

DESN BY: CRM  
DRWN BY: CRM  
RVWD BY: DAR  
FLD BK: \_\_\_\_\_  
BK PG: \_\_\_\_\_  
DATE: 10/12/21

Sheet 2 of 3

12 FOOT WIDE WATER MAIN EASEMENT  
22-011  
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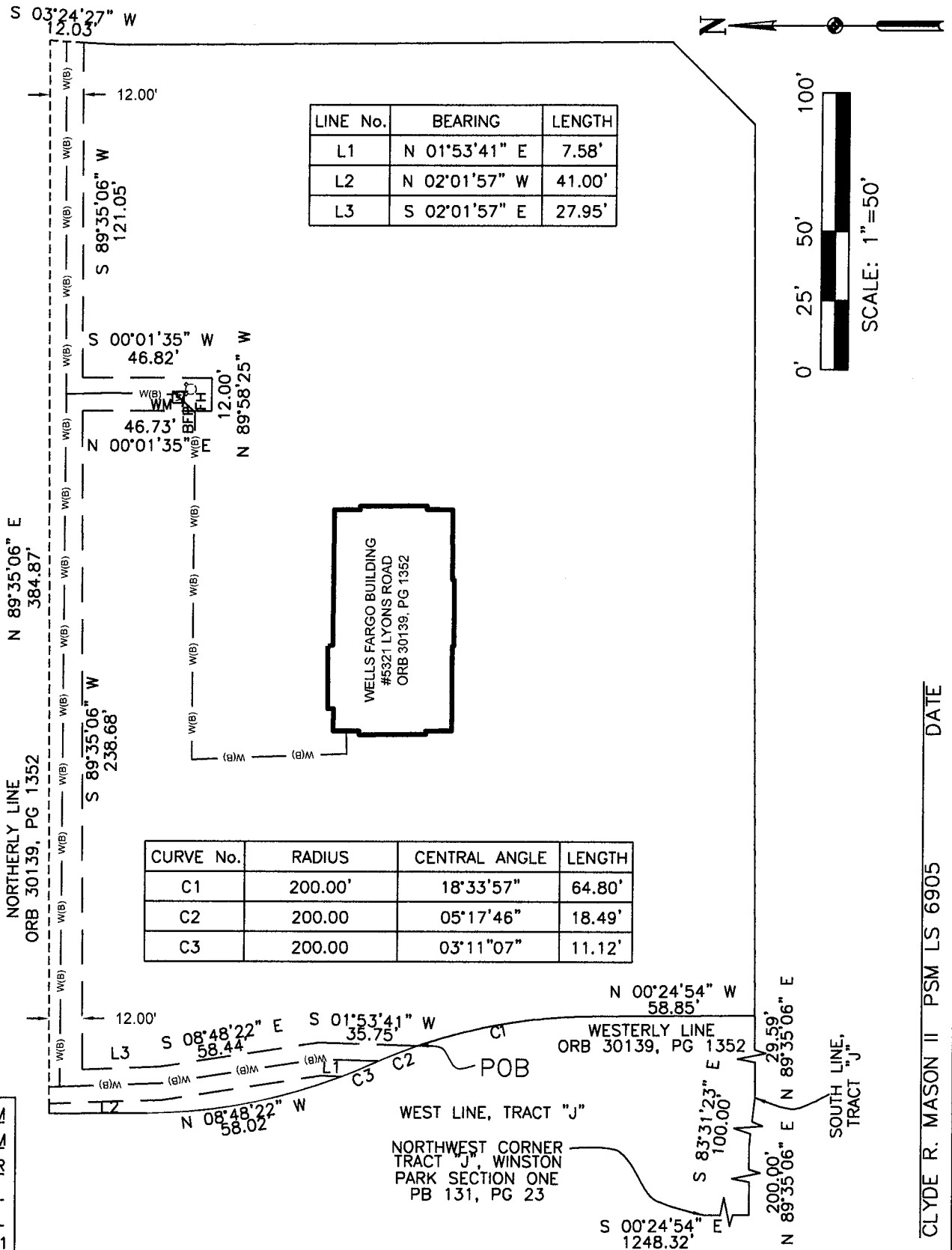
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Clyde R. Mason II PSM LS 6905 DATE \_\_\_\_\_