

CORRECTIVE EASEMENT

RETURN TO: R.N. KOBLEGARD, III, ESQ., CH Box 145

THIS INSTRUMENT PREPARED BY:

R.N. KOBLEGARD, III, ESQ.
200 SOUTH INDIAN RIVER DRIVE, SUITE 201
FORT PIERCE, FL 34950
PROPERTY APPRAISERS PARCEL ID (FOLIO) NUMBER(S):

EASEMENT
FROM CORPORATION

Record 18.57
Doc 573 19.20

Know All Men by These Presents, that the undersigned

CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, AND PALM BREEZES PROPERTY OWNERS ASSOCIATION, INC., A FLORIDA
NON-PROFIT CORPORATION, COLLECTIVELY "GRANTOR",

for and in consideration of the sum of One Dollar, to them in hand paid by Fort Pierce Utilities Authority of the City of Fort Pierce, Florida (located at 206 South Sixth Street), a municipal corporation under the laws of the State of Florida, receipt whereof is hereby acknowledged, do hereby convey and grant to the City of Fort Pierce, Florida, for the use and benefit of Fort Pierce Utilities Authority, the privilege and easement for the installation maintenance, operation, repair, replacement and/or removal of their municipal-owned electric, water, sewer and natural gas utilities, in, under, upon, along, over and across the following-described land in St. Lucie County, Florida, to wit:

That real property described as the plat of PALM BREEZES CLUB, as recorded in Plat Book 49, Page 32, Public Records of St. Lucie County, Florida, less and excepting Tracts 1, 2, 3, and Conservation Tract No. 1 of said plat of PALM BREEZES CLUB,

Hereinafter referred to as the "Property";

Which easement is more specifically described as follows:

A 15'-wide utility easement centered in, over and across all electric and/or water/wastewater/gas utilities lying in, under, upon, along, over and across that Property owned by GRANTOR, as more specifically depicted in water and wastewater record drawings prepared by the Project's Engineer of Record and in electronic distribution system record drawings prepared by Ft. Pierce Utilities Authority staff, all of which are stored at the engineering offices of Ft. Pierce Utilities Authority in Fort Pierce, Florida.

Access to the above strip of land over the adjoining lands of the GRANTOR is hereby granted. The GRANTEE may cut or trim trees, bushes and saplings growing upon or extending over said strip of land so far as may be reasonably necessary in the installation, maintenance, operation, repair, replacement and/or removal of said utilities. Patrolling said easement shall not constitute grounds for a claim for damage.

The GRANTOR reserves the use of said strip of land for any use not inconsistent herewith, including activities of the GRANTOR and Sunnyland Farms, LLC, a Florida limited liability company, authorized in that certain Cross-Easement Agreement dated August 21, 2008, recorded in Official Record Book 3015, Pages 452-469, of the Public Records of St. Lucie County, Florida, but no buildings or structures shall be erected or placed on said strip of land by GRANTORS. The rights herein granted may be assigned in whole or in part.

The GRANTEE will indemnify and save the GRANTOR harmless from any damages, injuries, losses, claims, demands or costs proximately caused by the sole fault or negligence of the GRANTEE, its representatives, subcontractors, or agents in the installation, maintenance, operation, repair, replacement and/or removal of said utilities and the equipment and facilities connected therewith, over and across said strip of land. Provided, however, that regardless of whether any such obligations are based on a tort, contract, statute, strict liability, negligence, product liability or otherwise, the obligations of the FPUA under this indemnification provision shall be limited in the same manner that would have applied if such obligations were based on, or arose out of, an action at law to recover damages in tort and were subject to Section 768.28, Florida Statutes, as that section existed at the inception of this Contract.

THIS EASEMENT CORRECTS AND SUPERCEDES THAT EASEMENT DATED AUGUST 29, 2008 AND RECORDED AT OFFICIAL RECORD BOOK 3056, PAGES 2687-2691, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

(Corporate Seal)

In Witness Whereof, the GRANTOR has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized upon the date set forth below.

Centex Homes, a Nevada General Partnership
Grantor

By: Centex Real Estate Corporation, a Nevada corporation, its general partner

By: Michael Hueniken
Michael Hueniken, Land Development Manager
Date: 12/6/12

24311 Walden Center Drive, Suite 300
Bonita Springs, FL 34134

SIGNED, SEALED AND DELIVERED IN OUR PRESENCE AS WITNESSES:

Witness Signature
Ron J. DeLuna
Printed Witness Signature
Witness Signature
David Kanarek
Printed Witness Signature

STATE OF FLORIDA

COUNTY OF Palm Beach

I hereby certify that on this day before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Michael Hueniken known to me to be the Land Development Manager of Centex Real Estate Corporation, a Nevada corporation, general partner of Centex Homes, a Nevada general partnership, the corporation in whose name the foregoing instrument was executed, and that he acknowledged executing the same for such corporation, freely and voluntarily, under authority duly vested in them by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation, that he is personally known to me or ☒ has provided _____ as identification and that an oath was not taken.

RUBBER STAMP NOTARY SEAL
NOTARY PUBLIC-STATE OF FLORIDA
Kathryn A. Bowes
Commission # EE026052
Expires SEP. 14, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

Witness my hand and official Seal in the County and State last aforesaid this 16th day of December A.D. 2012.

Kathryn A. Bowes
Notary Signature

Palm Breezes Property Owners Association, Inc., a Florida non-profit corporation

Grantor

By: David Kanarek

David Kanarek, President

Date: 12/6/2012

3900 Woodlake Blvd., Suite 309
Lake Worth, FL 33463

SIGNED, SEALED AND DELIVERED IN OUR PRESENCE AS WITNESSES:

Witness Signature

Ken D. DeLaTorre

Printed Witness Signature

Michael Hueniken

Witness Signature

Michael Hueniken

Printed Witness Signature

STATE OF FLORIDA

COUNTY OF Palm Beach

I hereby certify that on this day before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared David Kanarek, known to me to be the President of Palm Breezes Property Owners Association, Inc. a Florida non-profit corporation, the corporation in whose name the foregoing instrument was executed, and that he acknowledged executing the same for such corporation, freely and voluntarily, under authority duly vested in them by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation, that he is ☒ personally known to me or ☐ has provided _____ as identification and that an oath was not taken.

RUBBER STAMP NOTARY SEAL
NOTARY PUBLIC-STATE OF FLORIDA
Kathryn A. Bowes
Commission # EE026052
Expires SEP. 14, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

Witness my hand and official Seal in the County and State last aforesaid this 16th day of December A.D. 2012.

Kathryn A. Bowes
Notary Signature

ACCEPTED AND AGREED TO THIS 29th DAY OF January, 2013

Attest:

Cassandra Steele
Cassandra Steele, City Clerk

CITY OF FORT PIERCE, FLORIDA, a Florida
Municipal Corporation

BY: Linda Hudson

Mayor-Commissioner
Post Office Box 1480
Fort Pierce, FL 34954

* Approved as to Form and Correctness:

By: Robert V. Schwerer

Robert V. Schwerer, City Attorney

*As To The City's Joinder Only