

Prepared by:

SEACOAST UTILITY AUTHORITY  
4200 HOOD ROAD  
PALM BEACH GARDENS, FL 33410

## ENCROACHMENT AGREEMENT

**THIS AGREEMENT** made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by and between \_\_\_\_\_ (hereinafter referred to as "Owner") whose address is \_\_\_\_\_ and **SEACOAST UTILITY AUTHORITY** (hereinafter referred to as "Authority") whose address is 4200 Hood Road, Palm Beach Gardens, Florida 33410.

### WITNESSETH:

WHEREAS, Owner holds title to a certain parcel of real estate more particularly described as:

\_\_\_\_\_  
\_\_\_\_\_  
public records of Palm Beach County, Florida (hereinafter referred to as the "Property"); and

WHEREAS, the Property is encumbered by a certain utility easement (hereinafter referred to as the "Easement"), such Easement being for the benefit of Authority; and other utilities; and

WHEREAS, Owner desires to \_\_\_\_\_  
within a portion of the Easement (hereinafter referred to as "Encroachment").

NOW, THEREFORE, for and in consideration of the covenants set forth herein, Owner hereby agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Authority hereby consents to the installation by Owner of the Encroachment within the Easement, subject to the terms herein.
3. In consideration of Authority's consent to the installation of the Encroachment within the Easement, Owner hereby agrees that in the event that Authority determines that it is necessary to construct, maintain, repair, remove or replace any facilities of Authority located or to be located within the Easement, and such work requires the removal or relocation of the Encroachment in whole or in part, such removal and replacement may be done by Authority or its agents or subcontractors at the sole cost and expense of the Owner.
4. Owner hereby acknowledges that the Encroachment will hinder Authority's access to the Easement and the Authority's facilities located therein and Owner hereby grants Authority alternate access across the Property as may be reasonably necessary or convenient for the Authority to construct, maintain, repair, remove or replace such facilities.
5. This Agreement shall be binding upon the Owner, its heirs, successors, legal representatives and assigns. This Agreement will run with the title to the Property and will forever benefit Authority and bind the Owner and all future owners of the Property, including, without limitation, their heirs, successors, legal representatives and assigns.

6. Owner for itself and on behalf of all future owners of the Property, hereby agrees to indemnify and hold Authority harmless from and against any and all liabilities, damages, claims, costs and expenses, including attorneys' fees, which may be imposed upon or asserted against Authority arising from or in any way connected with the installation of the Encroachment within the Easement.

**IN WITNESS WHEREOF**, the Owner has executed this Agreement as of the date first above written.

WITNESSES:

GRANTOR:

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness #1 Printed Name

\_\_\_\_\_  
Print Name, Title

\_\_\_\_\_  
Witness #1 Address

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
Witness #2 Printed Name

\_\_\_\_\_  
Witness #2 Address

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Print Name  
Notary Public - State of Florida  
Commission No.  
My Commission Expires:

WITNESS:

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Witness #1 Print Name

4200 Hood Road, PBG, FL 33410  
Witness #1 Address

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
Witness #2 Print Name

4200 Hood Road, PBG, FL 33410  
Witness #2 Address

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Rim Bishop and Jessica Moore, Executive  
Director and Authority Clerk, respectively of Seacoast Utility Authority, who are both personally known to me.

SEACOAST UTILITY AUTHORITY:

By: \_\_\_\_\_  
Rim Bishop, Executive Director

Attest: \_\_\_\_\_  
Jessica Moore, Authority Clerk

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Print Name  
Notary Public - State of Florida  
Commission No.  
My Commission Expires: