

This instrument prepared by:
Kristen Lynch for
Martin County, Real Property Division
2401 SE Monterey Road
Stuart, FL 34996

Project Name: Santa Cruz Dr UE – Sewer Water Lines
Project Number: RPM #4287
PCN: 33-37-41-002-000-00001-0 (NE Santa Cruz Drive)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

UTILITY EASEMENT

THIS UTILITY EASEMENT is granted and executed this 17th day of April, 2026, by **THE ESTATE OF MARION L. KIRBY**, whose address is 29 Riviera Drive, Key West, FL 33040 ("Grantor") to **MARTIN COUNTY**, a political subdivision of the State of Florida, whose address is 2401 S.E. Monterey Road, Stuart, Florida 34996 ("Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$1.00 and other good and valuable considerations, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant unto the Grantee forever, an easement for the construction, reconstruction, replacement, operation, maintenance, and repair of utility-related equipment, including, but not limited to, lift stations, gravity mains, gravity main connections, pumps, pipelines, hydrants, fences, structures, and powerline hookups, if required, and for ingress and egress in, under, over, across, and through the following described land, situate, lying and being in the County of Martin, State of Florida, to-wit (the "Easement Premises"):

West 50 feet of the East 375 feet, lying North of Alice Avenue West (n/k/a NE Alice Street), Section 33, Township 37 South, Range 41 East, Martin County, Florida. Said property being a private road known as CALLEJA DE SANTA CRUZ (n/k/a NE Santa Cruz Drive).

Grantor specifically acknowledges that Grantee, by way of this Utility Easement, shall incur no responsibility for the maintenance of NE Santa Cruz Drive, which is, and shall continue to be, a private right-of-way.

The Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good and lawful authority to grant and convey this easement; that Grantor fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Grantee, its contractors, agents and employees shall have free access to the Easement Premises and every part thereof, at all times, for the purpose of exercising the rights granted herein; provided

Accepted pursuant to
Resolution No. _____

however in making any excavations on the Easement Premises, Grantee shall make the same in such manner as will cause the least injury to the surface of the ground and restore any improvements within such excavation to as near the same condition as it was prior to such excavation as soon as is practicable. The Grantor agrees that it will not alter or obstruct or allow the alteration or obstruction of the Easement Premises in any way without the express written consent of the Grantee.

Grantor further warrants that there are no mortgages encumbering the Easement Premises.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSES:

THE ESTATE OF MARION L. KIRBY

Kevin Klier

Witness #1 Signature
Printed Name: Kevin Klier
Mailing Address: 1121 Santa Cruz Dr
Jensen Beach FL 34957

By: Douglas A. Kirby, Jr.

Douglas A. Kirby, Jr., Personal Representative

Jessica Biancaniello

Witness #2 Signature
Printed Name: Jessica Biancaniello
Mailing Address: 903 SE Central Parkway
Stuart, FL 34994

STATE OF Florida
COUNTY OF Martin

The foregoing instrument was acknowledged before me this 17th day of April, 2026, by ☒ means of physical presence or ☐ online notarization, by Douglas A. Kirby, Jr., as Personal Representative of **THE ESTATE OF MARION L. KIRBY**, who ☐ is personally known to me or ☒ has produced FL DL# K381-397-94-000-0 as identification.

(NOTARY SEAL)



Jessica Biancaniello

Notary Public, State of Florida
Print Name: Jessica Biancaniello
My Commission Expires: 11-06-2028