

Return To: City Clerk  
City of Palm Coast  
160 Lake Avenue  
Palm Coast, FL 32164



### RIGHT-OF-WAY UTILIZATION AGREEMENT

This Right-of-Way Utilization Agreement ("Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the CITY OF PALM COAST, a Florida municipal corporation, whose address is 160 Lake Avenue, Palm Coast, FL, 32164 ("City") and \_\_\_\_\_ whose primary address is

Legal name

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ ("Owner").  
Street City State Zip

#### **WITNESSETH:**

**WHEREAS**, City has jurisdiction over certain streets and rights-of-way located within the incorporated limits of the City of Palm Coast in accordance with provisions of State law including, but not limited to, the Florida Transportation Code as set forth in Section 334.01, Florida Statutes; and

**WHEREAS**, these public rights-of-way are held by City for the benefit and general use of the public for functions including, but not limited to, vehicular and pedestrian travel and land access, and installation and maintenance of various public utilities and for conveyance, treatment, and disposal of stormwater all as set forth in State law; and

**WHEREAS**, it is the City's policy to preserve the utility of these public rights-of-way for the above-stated purposes; and

**WHEREAS**, Owner is the owner of certain property within the incorporated limits of the City of Palm Coast located at

\_\_\_\_\_ identified as Parcel ID # \_\_\_\_\_ ("Owner Property").  
Street # and Name

**WHEREAS**, Owner is seeking to improve the Owner Property including a right-of-way providing access to Owner Property shown in Exhibit "A", attached hereto, by installing and maintaining brick pavers for a driveway ("Improvements"); and

**WHEREAS**, Owner has requested authorization from City to make said Improvements; and

**WHEREAS**, City will permit Owner to make said Improvements subject to the terms and conditions of this Agreement.

**NOW THEREFORE**, in consideration of the mutual promises, covenants and benefits contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The above recitals are true and correct and form a material part of this Agreement upon which the parties have relied.
2. Owner shall make the Improvements in accordance with the City approved plans attached hereto as Exhibit "B."
3. The Improvements shall in no way be extended or modified by the Owner without prior written approval of the City. However, Owner may remove said Improvements and fully restore the right-of-way to substantially the same as its previous condition, as determined by the City Manager or his designee.
4. Owner shall be solely responsible for the maintenance or replacement of said Improvements within the right-of-way.
5. If, at any time and for any reason, City performs work within the right-of-way requiring removal or alteration of said Improvements, City shall not be responsible for any repair or replacement to Improvements.
6. Owner shall otherwise fully comply with all applicable portions of City's land development regulations and all other codes and ordinances of the City.

[Signatures on following page]

This Agreement shall be recorded in the Official Records of Flagler County, Florida, and shall be binding upon and inure to the benefit of the both City and Owner and their successors in interest to said property.

WITNESSES:

OWNER(S):

\_\_\_\_\_

\_\_\_\_\_

(print)

Print name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(print)

Print name: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (check one) who is/are personally known to me or who provided a Florida driver's license as identification.

\_\_\_\_\_  
Notary Public – State of Florida  
Print Name: \_\_\_\_\_  
My Commission expires:

APPROVED BY CITY OF PALM COAST:

By: \_\_\_\_\_  
\*Ray Tyner, Deputy Chief Development Officer  
or  
Jason DeLorenzo, Chief Development Officer

Date: \_\_\_\_\_

\*Upon delegation from City Manager on file with the City Clerk of the City of Palm Coast.

**EXHIBIT "A"**  
**[RIGHT-OF-WAY]**

**Use Site Plan showing paver driveway for Exhibit A**

**EXHIBIT "B"**

**[PLANS]**

**Use Engineer Diagrams (2 pages) for Exhibit B**