

Prepared by and return to:
Thomas R. Sawyer, Esq.
Gunster, Yoakley & Stewart, P.A.
800 SE Monterey Commons, Blvd., Suite 200
Stuart, FL 334996

RELEASE AND TERMINATION OF ACCESS EASEMENT

THIS RELEASE AND TERMINATION OF ACCESS EASEMENT is executed by MARTIN COUNTY, a political subdivision of the State of Florida, whose principal address is 2401 SE Monterey Road, Stuart, FL 34996 (referred to herein as "**Martin County**").

WHEREAS, an Access Easement was created by virtue of that certain Access Easement recorded in Official Records Book 1840, Page 537, Public Records of Martin County, Florida, with a certified copy of said Access Easement being attached hereto and made a part hereof (referred to herein as the "**Access Easement**"); and

WHEREAS, the Access Easement is no longer needed by Martin County because alternative access has been provided in the 95 Riverside PUD Phase IV Plat and the Access Easement is sought to be released and terminated by Martin County; and

WHEREAS, Martin County has agreed to this Release and Termination of Access Easement and desires to execute this instrument to release the property encumbered by the Access Easement to establish of public record that the Access Easement is hereby terminated and of no further force or effect; and

WHEREAS, Martin County hereby represents and warrants that it has the authority to execute this Release and Termination of Access Easement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Martin County, Martin County states the following:

1. Martin County hereby terminates, discharges, cancels and releases the property encumbered by the Access Easement and hereby releases, discharges and cancels the operation and effect of the Access Easement upon the property described in said instrument.

Signature pages follow.

IN WITNESS HEREOF, the undersigned as Chairman of the Board of County Commissioner in and for Martin County, Florida hereby places his hand and seal as set forth below on this ____ day of _____, 2024.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA:**

CAROLYN TIMMANN
Clerk of the Circuit Court and Comptroller

By: _____
NAME: HAROLD E. JENKINS II, Chairman

APPROVED AS TO FORM AND
CORRECTNESS:

ELYSSE A. ELDER
Deputy County Attorney



Electronically Certified Official Record

Agency Name:	Martin County Clerk of Circuit Court and Comptroller
Clerk of the Circuit Court:	The Honorable Carolyn Timmann
Date Issued:	7/1/2024 10:05:21 AM
Unique Reference Number:	BAA-BAA-BCAIF-BHAJBII-DFIFIB-C
Instrument Number:	1709188
Requesting Party Code:	100
Requesting Party Reference:	89dc031e-8f08-409a-a773-656f29325c2f

CERTIFICATION

Pursuant to Sections 90.955(1) and 90.902(1), Florida Statutes, and Federal Rules of Evidence 901(a), 901(b)(7), and 902(1), the attached document is electronically certified by The Honorable Carolyn Timmann, Martin County Clerk of Circuit Court and Comptroller, to be a true and correct copy of an official record or document authorized by law to be recorded or filed and actually recorded or filed in the office of the Martin County Clerk of Circuit Court and Comptroller. The document may have redactions as required by law.

HOW TO VERIFY THIS DOCUMENT

This document contains a Unique Reference Number for identification purposes and a tamper-evident seal to indicate if the document has been tampered with. To view the tamper-evident seal and verify the certifier's digital signature, open this document with Adobe Reader software. You can also verify this document by scanning the QR code or visiting <https://www.martinclerk.com/331/E-Certify>.

**The web address shown above contains an embedded link to the verification page for this particular document.



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Accepted pursuant to Resolution No. 03-8.13

Parcel I.D. No: 05-39-41-003-000-0002.0-4

INSTR # 1709188
OR BK 01840 PG 0537
RECORDED 11/19/2003 09:13:00 AM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
DEED DOC TAX 0.70
RECORDED BY J Greisen

ACCESS EASEMENT

THIS ACCESS EASEMENT, made this ~~5th~~ day of ~~September~~, 2003, by and between **95 RIVERSIDE, LTD., a Florida limited partnership**, whose post office address is 7601 SW Lost River Road, Stuart, Florida 34997, hereinafter referred to as "Grantor", and **MARTIN COUNTY, a political subdivision of the State of Florida**, whose post office address is 2401 SE Monterey Road, Stuart, Florida 34996, hereinafter referred to as "Grantee".

WITNESSETH:

WHEREAS, Grantor intends to grant a perpetual non-exclusive Easement to Grantee on that certain land legally described on **Exhibit A** attached hereto and made a part hereof (the "Easement Premises"), which Easement is for the purposes of providing Grantee with access to and use of the Easement Premises for public access to include vehicular access and two grass vehicular parking spaces located within the Easement Premises, subject however to certain terms and conditions.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to Grantee a perpetual non-exclusive easement (the "Easement") over, upon, across and under the Easement Premises, subject to the following:

- Purposes and Permitted Uses.** The perpetual Easement shall exist for the sole purpose of providing Grantee with a perpetual non-exclusive Easement for access to and use of the Easement Premises for public access to include vehicular access and two grass vehicular parking spaces located within the Easement Premises.
- Restoration of Easement Premises.** Grantor hereby covenants and agrees that Grantor shall be liable for all costs and expenses of any maintenance or repair to the Easement Premises necessitated or caused by the use of the Easement Premises by Grantor and Grantee. Grantee may provide such maintenance and Grantor shall be liable for all Grantee's costs. The standard of maintenance shall be equal to or better than the maintenance of Halpattiekee Park.
- Rights Reserved to Grantor.** Grantor hereby reserves the right to full use and enjoyment of the Easement Premises, except such use as may interfere with the exercise by the Grantee of the rights granted herein. Grantor shall not construct any building, structure or

187981.2/Lost River Vehicular Access Easement to County

Page 1

This instrument prepared by:

Robert S. Raynes, Jr., Esquire, Gunster, Yoakley & Stewart, P.A., 800 SE Monterey Commons Boulevard, Suite 200, Stuart, Florida 34996



obstruction over, under or on the Easement Premises as shall interfere with Grantee's use or enjoyment of or access to the Easement Premises, provided however, that none of the rights granted herein to Grantee shall prohibit Grantor from the use or enjoyment of the Easement Premises for the purpose of providing ingress and egress to any adjoining property of Grantor. Grantor shall not adopt or place of record any restrictions or covenants on the Easement Premises that shall interfere with Grantee's use and enjoyment of the Easement Premises.


4. **Transferability.** The rights and obligations of Grantee as set forth herein are freely transferable and assignable by Grantee, provided, however, that any transferee or assignee shall agree to be bound by the terms and conditions of this Easement. The rights and obligations of Grantor as set forth herein are freely transferrable and assignable by Grantor, provided, however, that any transferee or assignee shall agree to be bound by the terms and conditions of this Easement.


5. **Binding Effect.** This Easement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, grantees, successors and assigns. The rights that inure to the Grantee shall inure to the public.

IN WITNESS WHEREOF, Grantor has executed this Easement on the day and year first above written.

Signed, sealed and delivered in our presence:

95 RIVERSIDE, LTD., a Florida limited partnership
BY: SURI, INC., a Florida corporation,
General Partner


[Printed Witness Name] CIRIA RAMOS

By: 
Martin A. Tabor, President


[Printed Witness Name] CAROLYN BORTZ

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF MARTIN

THE FOREGOING INSTRUMENT was acknowledged before me this 5th day of September, 2003, by Martin A. Tabor, President of Suri, Inc., a Florida corporation, general partner of 95 Riverside, Ltd., a Florida limited partnership, on behalf of the partnership, who is personally known to me or has produced _____ a s identification.

[Notarial Seal]


[Printed Notary Name] Carolyn J. Bortz
Notary Public, State of Florida

My Commission expires:



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LEGAL DESCRIPTION
INGRESS/EGRESS EASEMENT
AT NINETY-FIVE RIVERSIDE, P. U. D.
MARTIN COUNTY FLORIDA

A PARCEL OF LAND FOR THE PURPOSE OF INGRESS AND EGRESS LYING IN LOT 2, PLAT 1 OF NINETY FIVE RIVERSIDE P.U.D. AS RECORDED IN PAT BOOK 12 PAGE 42 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 54°05'59" WEST ALONG THE NORTHERLY RIGHT-OF-WAY FOR S.W. LOST RIVER ROAD AS RECORDED IN PLAT BOOK 12 PAGE 42. A DISTANCE OF 35.52 FEET TO THE POINT OF BEGINNING; (BEARINGS SHOWN HERE ON ARE TAKEN FROM PLAT 1 OF NINETY FIVE RIVERSIDE, P.U.D. AS RECORDED IN PB 12 PG 42. BASED ON THE PORTION OF S.W. LOST RIVER ROAD AS SHOWN HEREON BEARING N54°05'59"W); THENCE CONTINUE NORTH 54°05'59" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY FOR S.W. LOST RIVER ROAD A DISTANCE OF 24.01 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY FOR S.W. LOST RIVER ROAD, NORTH 34°03'52" WEST A DISTANCE OF 227.12 FEET; THENCE SOUTH 59°24'00" EAST A DISTANCE OF 49.90 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY FOR STATE ROAD NO. 76 (KANNER HIGHWAY); THENCE SOUTH 30°32'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY FOR STATE ROAD NO. 76 (KANNER HIGHWAY) A DISTANCE OF 6.07 FEET THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY FOR STATE ROAD NO. 76 (KANNER HIGHWAY) ON THE CURVE OF AN ARC CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 5569.58 FEET, A CENTRAL ANGLE OF 0°11'04" AND A CHORD BEARING OF SOUTH 30°37'52" WEST, A DISTANCE OF 17.93 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY FOR STATE ROAD NO. 76 (KANNER HIGHWAY), NORTH 59°24'00" WEST A DISTANCE OF 17.89 FEET; THENCE ALONG THE CURVE OF AN ARC CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 10 FEET, A CENTRAL ANGLE OF 54°58'26" AND A CHORD BEARING OF NORTH 86°53'13" WEST, A DISTANCE OF 9.59 FEET; THENCE ALONG THE CURVE OF AN ARC CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2.50 FEET, A CENTRAL ANGLE OF 121°33'42" AND A CHORD BEARING OF SOUTH 4°50'43" WEST A DISTANCE OF 5.30 FEET; THENCE SOUTH 55°56'08" EAST A DISTANCE OF 14.39 FEET; THENCE SOUTH 34°03'52" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 55°56'08" WEST A DISTANCE OF 18.00 FEET; THENCE SOUTH 34°03'52" WEST A DISTANCE OF 177.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 6498 SQUARE FEET, 0.149 ACRES, MORE OR LESS.

SURVEYORS CERTIFICATION:

CUNNINGHAM & DURRANCE INC.
CONSULTING ENGINEERS, INC.
FLORIDA REGISTRATION L.B. No. 4502
400 EXECUTIVE CENTER DRIVE SUITE 108
WEST PALM BEACH, FL. 33411
PHONE (561) 689-5455

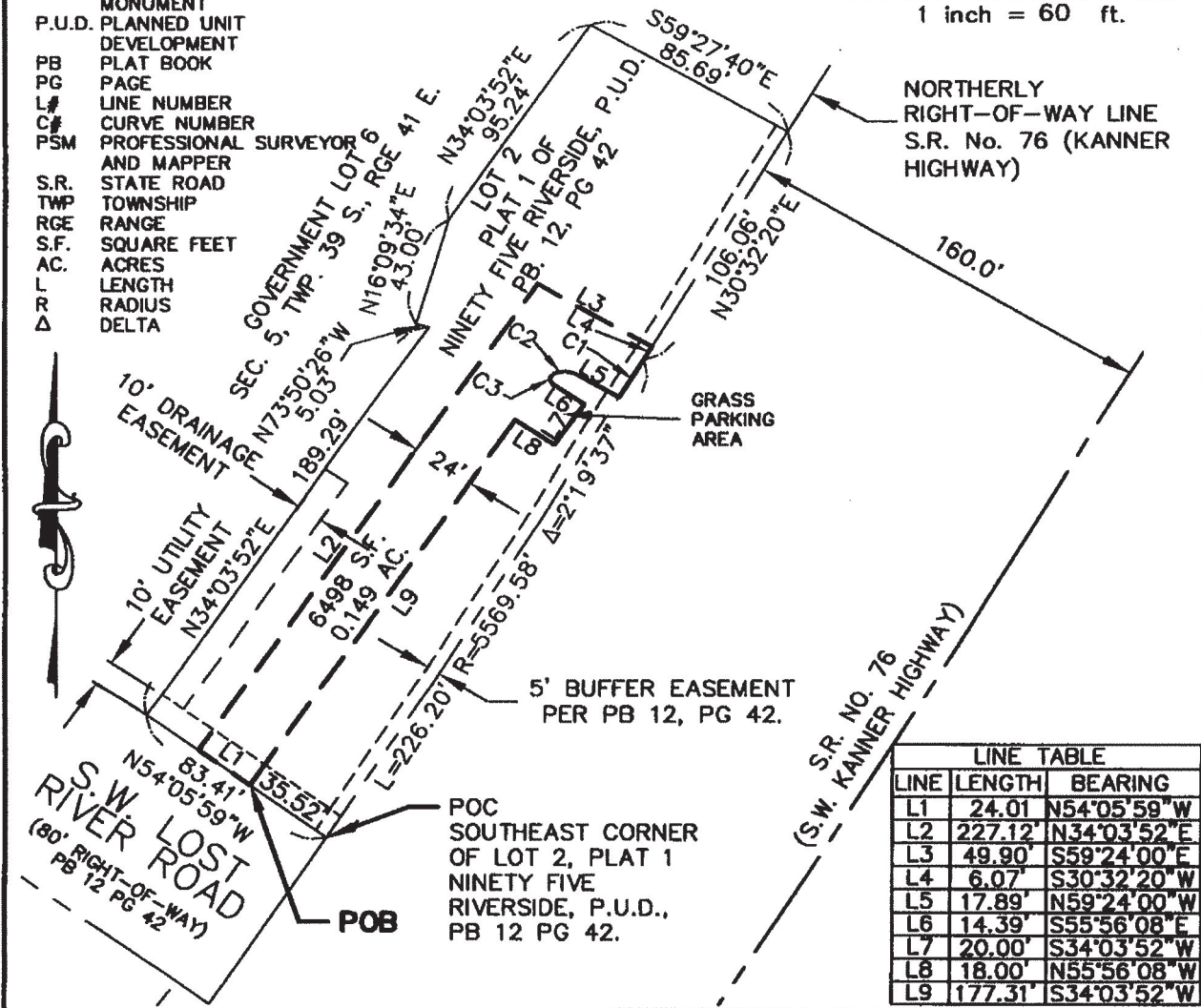

STUART H. CUNNINGHAM, PSM
FLORIDA REGISTRATION No. 3896
DATE: 8/11/03
(01-033-INGRESS-EGRESS-95 Riverside.doc)

GRAPHIC SCALE



1 inch = 60 ft.

- LEGEND**
- POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - PRM PERMANENT REFERENCE MONUMENT
 - P.U.D. PLANNED UNIT DEVELOPMENT
 - PB PLAT BOOK
 - PG PAGE
 - L# LINE NUMBER
 - C# CURVE NUMBER
 - PSM PROFESSIONAL SURVEYOR AND MAPPER
 - S.R. STATE ROAD
 - TWP TOWNSHIP
 - RGE RANGE
 - S.F. SQUARE FEET
 - AC. ACRES
 - L' LENGTH
 - R RADIUS
 - Δ DELTA



LINE TABLE		
LINE	LENGTH	BEARING
L1	24.01	N54°05'59"W
L2	227.12	N34°03'52"E
L3	49.90	S59°24'00"E
L4	6.07	S30°32'20"W
L5	17.89	N59°24'00"W
L6	14.39	S55°56'08"E
L7	20.00	S34°03'52"W
L8	18.00	N55°56'08"W
L9	177.31	S34°03'52"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	17.93'	5569.58'	0°11'04"	S30°37'52"W
C2	9.59'	10.00'	54°58'26"	N86°53'13"W
C3	5.30'	2.50'	121°33'42"	S04°50'43"W

NOTE:

1. SKETCH TO ACCOMPANY DESCRIPTION.
2. THIS SKETCH IS NOT A SURVEY.
3. BEARINGS SHOWN HERE ON ARE TAKEN FROM PLAT 1 OF NINETY FIVE RIVERSIDE, P.U.D. AS RECORDED IN PB 12 PG 42. BASED ON THE PORTION OF S.W. LOST RIVER ROAD AS SHOWN HEREON BEARING N54°05'59"W.

STUART H. CUNNINGHAM, PSM
 FLORIDA REGISTRATION No. 3898
 DATE: 3/11/03

CUNNINGHAM & DURRANCE
 CONSULTING ENGINEERS INC.
 400 EXECUTIVE CTR. DR., # 108
 WEST PALM BEACH, FLORIDA
 PHONE (561) 689-3433
 FAX (561) 640-7815

SKETCH OF
INGRESS/EGRESS
EASEMENT
AT RIVERSIDE 95

CLIENT:	MARTIN TABOR & ASSOCIATES
PROJECT:	95 RIVERSIDE
DATE: 7-30-03	SCALE: 1"=60'
JOB No. 01-033	PAGE: 2 OF 2

CONSENT AND JOINDER OF MORTGAGEE

MARTIN TABOR, AS TRUSTEE (the "Mortgagee"), the owner and holder of that certain Mortgage Deed and Security Agreement (the "Mortgage") in the original principal amount of \$2,284,625.00, given by 95 RIVERSIDE, LTD., a Florida limited partnership (the "Mortgagor"), in favor of the Mortgagee, dated March 10, 1989, recorded in Official Records Book 804, at Page 2039, of the public records of Martin County, Florida, does hereby consent and join in the making of that certain Access Easement (the "Easement") made by the Mortgagor, in favor of Martin County, a political subdivision of the State of Florida, dated 9/5/03 to be recorded forthwith in the public records of Martin County, Florida.


Nothing contained herein shall be deemed to or in any way limit or affect the Mortgage or the priority of the lien created thereby, and the sole purpose of this joinder is to acknowledge the consent of the Mortgagee to the Easement as hereinabove provided.

DONE this 5th day of September, 2003.

WITNESSES:


[Printed Witness Name] Gisela Ramos


[Printed Witness Name] Carolyn Boltz


Martin Tabor, as Trustee

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STATE OF FLORIDA
COUNTY OF MARTIN

THE FOREGOING INSTRUMENT was acknowledged before me this 5th day of September, 2003, by Martin Tabor, as Trustee, who [] is personally known to me or [] has produced _____ as identification.

[Notarial Seal]



Carolyn J. Bortz
[Printed Notary Name] Carolyn J. Bortz
Notary Public, State of Florida
My Commission Expires: 8/28/04

Unique Code : BAA-BAA-BCAIF-BHAJBIII-DFIFIB-C Page 7 of 7