

## **RELEASE OF EMERGENCY ACCESS RIGHT**

**WHEREAS**, on June 8, 2004 a Developer's Agreement was entered into between Indian River County and Newport North Holdings, LLC for North Lakes Subdivision (now known as the VeroLago development) with regard to site access and stormwater management improvements; and

**WHEREAS**, within that Developer's Agreement, paragraph numbered 4 required that the development would include an emergency access off of 58<sup>th</sup> Avenue, to be located near the southern corner of the site, and that access, together with the 57<sup>th</sup> Street access was sufficient to allow the development to proceed to full use and occupancy; and it further stated that in the event the bridge over the North Relief Canal is constructed, and the segment of 53<sup>rd</sup> Street between the southern entrance and 58<sup>th</sup> Avenue is in service, that the emergency access may be abandoned; and

**WHEREAS**, on October 20, 2005, the plat of VeroLago Phase 1 was recorded in Plat Book 20, Page 17 of the Public Records of Indian River County, Florida wherein Tract C (located between Lots 19 and 20 and abutting the east right-of-way of 58<sup>th</sup> Avenue) was earmarked as an Access Tract and dedicated in perpetuity to VeroLago Homeowners Association, Inc. for ingress and egress to and from Phase 1 through Phase 5 of the VeroLago development during construction, and was also dedicated for emergency ingress and egress purposes by all public authorities, including but not limited to police, fire, ambulance, Indian River County Mosquito Control District and utility providers, with the perpetual maintenance obligation lying with VeroLago Homeowners Association, Inc.; and

**WHEREAS**, the bridge over the North Relief Canal has been constructed, and the segment of 53<sup>rd</sup> Street between the southern entrance and 58<sup>th</sup> Avenue is in service, thus affording a second access point into the development, and meeting the requirements for the release and abandonment of the emergency ingress and egress right within Tract C,

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA** hereby determines that:

1. The above "Whereas" clauses are true and correct, and hereby incorporates such clauses as findings of the Board; and
2. The dedication of the emergency ingress and egress within Tract C of the plat of VeroLago Phase 1, as recorded in Plat Book 20, Page 16, is no

longer needed, and the Board of County Commissioners of Indian River County, a political subdivision of the State of Florida, hereby releases and abandons all right, title and interest that it may have in and to the emergency ingress and egress right within Tract C of the plat of VeroLago Phase 1, however the underlying utility easements and limited access easements within Tract C are to remain in place.

**IN WITNESS WHEREOF**, the Board of County Commissioners of Indian River County, Florida has caused these presents to be executed in its name by its Chairman this \_\_\_\_ day of August, 2020.

**BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY, FLORIDA**

By \_\_\_\_\_  
Susan Adams, Chairman

ATTEST: Jeffrey R. Smith, Clerk  
of Circuit Court and  
Comptroller

BCC approved: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me, by means of physical presence, this \_\_\_\_ day of August, 2020 by **Susan Adams, Chairman of the Board of County Commissioners of Indian River County, Florida**, who is personally known to me.

NOTARY PUBLIC:

signature: \_\_\_\_\_

printed name:

Commission No.:

Commission Expiration:

(SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
William K. DeBaal  
Deputy County Attorney