



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBraal, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney  
**DATE:** June 12, 2020  
**SUBJECT:** Release of Right of Entry

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**BACKGROUND.**

Pursuant to section 270.11, Florida Statutes, unless released in a contract or deed for the sale of land executed by a local government, there is reserved to the local government, an undivided three-fourths interest in all of the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all of the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same. A local government may, at its discretion, sell or release the reserved interest in any parcel of land, upon petition of the owner of the parcel of land with a statement of the reasons justifying such sale or release.

On November 22, 1988, Indian River County (the "County") deeded the property that is the Fairlane Harbor Mobile Home Park, located at 1500 South Indian River Boulevard, Vero Beach (the "Property"), to 202 Eddy Building, Inc. (the "Owner"). Owner has submitted a request to the County to have the right to enter and mine the Property be released by the County. The Owner is seeking to sell the Property and has claimed that this is the only cloud on the title. The attached Release of Right of Entry releases the right of the County to enter and mine the Property, however, the County otherwise retains its interest in the phosphate, minerals, metals and petroleum on, in and under the Property.

**FUNDING.**

There is no funding associated with this item.

**RECOMMENDATION.**

The County Attorney's Office recommends the Indian River County Board of County Commissioners approve the Release of Right of Entry and authorize the chair to sign the same.

**ATTACHMENT.**

Letter from Bruce Barkett, dated June 5, 2020 (without attachments)  
Release of Right of Entry