

581067

MARGINAL ACCESS EASEMENT

WHEREAS, COMUS CORP., a Florida corporation, hereinafter "Grantor," is the fee simple owner of certain real property, situated in Indian River County, Florida, which is currently undergoing site plan approval and development, said real property being described on the attached Exhibit "A"; and

WHEREAS, Grantor's property is immediately adjacent to U.S. Highway No. 1 (State Road #5), which is designated in the Indian River County Comprehensive Plan as an arterial; and

WHEREAS, it is necessary to limit the number of access points onto arterials through the development and use of a system of marginal access roads within developments located along arterials;

W I T N E S S E T H :

That Grantor, for and in consideration of the approval by Indian River County of a site plan for development of Grantor's property, and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, by these presents does grant a nonexclusive easement for ingress and egress over, upon and across that real property described in Exhibit "B" unto INDIAN RIVER COUNTY, a political subdivision of the State of Florida, for the development of a marginal access road for the use and benefit of the owners or successor owners of the adjacent properties lying to the North and South, and all lessees, licensees, invitees, or others having the lawful right of possession, use or presence upon said adjacent property.

This easement shall be appurtenant to said adjacent properties and shall have perpetual existence unless and until such time as released by appropriate recorded instruments executed by then owner of said dominant estate, with the written joinder and approval of the Planning Director of Indian River County, Florida, or his successor.

To have and to hold as described herein, subject to a covenant by the owner, and successor owners, of said adjacent properties to pay to Grantor a pro rata share of the cost of construction and maintaining any improvements within the easement area which facilitate ingress and egress to and from both properties. Grantor hereby covenants that it is lawfully seized of said servient land described on Exhibit "A" in fee simple, that it has good right and lawful authority to convey the easement established hereby, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed this 22nd day of December, 1988.

Signed, sealed and delivered
in our presence:

COMUS CORP

By: Michael O'Haire, President

(CORP. SEAL)

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in this State and County to take acknowledgments, personally appeared Michael O'Haire, President of COMUS CORP., a Florida corporation, who executed the foregoing instrument on behalf of the Grantor and he acknowledged before me that he executed the same on behalf of the said Grantor.

WITNESS my hand and official seal this 22nd day of December, 1988.

Patricia A. Mays
Notary Public, State of Florida
at Large.

My Commission expires: 5/14/90

Smith, O'Haire, Quinn & Garris, Attorneys At Law

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(407) 231-6900

O.R. 0818 PG 2774

COUNTY ATTORNEY'S OFFICE
1840 25th STREET
VERO BEACH, FLORIDA 32960

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY William G. Collins II
ASST. COUNTY ATTORNEY

This instrument prepared by:
Smith, O'Haire, Quinn & Garris

return to:

Exhibit "A"

A portion of the Southwest 1/4 of Section 19, Township 33 South, Range 40 East, Indian River County, Florida, lying easterly of the easterly right-of-way of U.S. Highway No. 1, being more particularly described as follows:

Commencing at a point of intersection of the South line of the Paul Goodridge property as described in Official Records Book 24 at Page 363 of the Public Records of Indian River County, Florida, with the new East right-of-way of U.S. Highway No. 1; thence South $12^{\circ}05'58''$ East (assumed datum) along said right-of-way 302.35 feet, to the Point of Beginning of the parcel to be described herein. From the Point of Beginning, run South $89^{\circ}57'40''$ East, along the North line of the South 300 feet as measured along the East right-of-way line of U.S. Highway No. 1 of that tract of land described in Official Record Book 106 at Page 360 of the Public Records of Indian River County, Florida, 187.69 feet to the East line of the property described in Official Record Book 67, at Page 93, Public Records of Indian River County, Florida; thence South $12^{\circ}05'58''$ East, 80.15 feet; thence South $77^{\circ}54'02''$ West, 183.49 feet, more or less, to a point on the East right-of-way line of U.S. Highway No. 1; thence North $12^{\circ}05'58''$ West, along said right-of-way line, 119.62 feet to the Point of Beginning. Containing 0.421 acres, more or less.

This description agrees with the site plan

Charles J. Chamber 30 Dec 1988

FILED FOR RECORD
BOOK AND PAGE ABOVE
RECORD VERIFIED

88 DEC 30 PM 3:27

FREDA WRIGHT
CLERK OF CIRCUIT COURT
INDIAN RIVER CO., FLA.
BY *[Signature]* D.C.

DCC. ST. - AMT. \$, 55

FREDA WRIGHT, Clerk of Circuit Court

Indian River County - by *Anne B. Stinson*

EXHIBIT "B"

**LEGAL DESCRIPTION OF MARGINAL ACCESS EASEMENT
FOR COMUS CORPORATION**

DESCRIPTION OF THE CENTERLINE OF A TWENTY-TWO FOOT WIDE MARGINAL ACCESS EASEMENT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 33 SOUTH, RANGE 40 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 19 AND RUN NORTH 89°57'51" EAST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19, SAID LINE ALSO BEING THE CENTERLINE OF OSLO ROAD, FOR 1227.78 FEET TO THE SOUTHERLY EXTENSION OF THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE RUN NORTH 12°05'58" WEST ALONG SAID SOUTHERLY EXTENSION OF THE EASTERLY RIGHT OF WAY LINE, AND THE EASTERLY RIGHT OF WAY LINE, OF U.S. HIGHWAY NO. 1 FOR 1367.16 FEET; THENCE RUN NORTH 77°54'02" EAST FOR 21.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THIS DESCRIPTION; THENCE RUN NORTH 12°05'58" WEST, 21.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, FOR 118.00 FEET TO THE END POINT OF THE CENTERLINE OF THIS DESCRIPTION, CONTAINING 2596 SQUARE FEET, OR 0.05960 ACRES, MORE OR LESS, LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

This description agrees with the site plan drawing.

AC 30 Dec. 1988

8877.05.01

Revised GLD - 12/29/88