



Office of

Consent Agenda 07/02/2024

INDIAN RIVER COUNTY ATTORNEY

William K. DeBraul, County Attorney
Susan J. Prado, Deputy County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBraul, County Attorney

DATE: June 25, 2024

SUBJECT: Termination and Release of Easement

In 1997, the County acquired the attached Easement for clearing, regrading and maintaining a ditch located roughly north of the intersection of County Road 510 and 66th Avenue. Unfortunately, the legal description used in the Easement is vague and after consultation with the County Surveyor, a definite location of the Easement could not be determined in the field.

The County Attorney's Office was recently contacted by CQCC Investments, Inc., a Florida corporation. CQCC owns several parcels of property in the same vicinity as the Easement and seeks to unify the parcels. See the attached aerial photo depicting the CQCC parcels. The title company reviewing title for the unification of the parcels encountered the Easement, which due to its vague legal description, acts as a cloud on the title of the nearby CQCC properties. CQCC has asked the County to abandon the Easement and after consultation with the Public Works Department and the Community Developmental Services Department, no objection was raised.

Funding. There is no impact to County funding as CQCC has agreed to pay for the costs of recording the attached Termination and Release of Easement.

Recommendation. Staff recommends the Board of County Commissioners approve the Termination and Release of Easement and authorize the Chairman to execute the Termination.

Attachments: 1997 Easement
Aerial photo of the area
Termination and Release of Easement

Copies to: Tracy Lutz, Esq., Attorney for CQCC