

Prepared by and Return to:
Michael J. Mortell, Esq.
City of Stuart
121 SW Flagler Avenue
Stuart, Florida 34994

PCN: 04-38-41-011-004-00010-3

ABANDONMENT OF TEMPORARY LANDSCAPE EASEMENT DEED

THIS ABANDONMENT OF TEMPORARY LANDSCAPE EASEMENT DEED (the "DEED") is hereby made as of this ____ day of September, 2019, by **CLYDE COUTANT, TRUSTEE ("COUTANT")** and the **CITY OF STUART, a Florida municipality ("CITY")** whose address is 121 SW Flagler Avenue, Stuart, Florida 34994.

RECITALS

WHEREAS, CLYDE COUTANT, Trustee entered into that certain Temporary Landscape Easement Deed with the CITY dated April 23, 2008 and recorded on April 30, 2008 in Official Records Book 2325, Page 1450, of the Public Records of Martin County, Florida, which Deed provided temporary access to the real property owned by COUTANT for the purpose of the installation by the CITY or its agents of landscape, irrigation, water service line, and necessary appurtenances thereto. The real property located in the City of Stuart, Martin County, Florida is described as follows:

A parcel of land, beginning at the southeast corner of Lot 12, Block 4, Lake Clare Section of St. Lucie Estates according to the plat thereof recorded at Plat Book 1, Page 66 Official Records of Martin County, Florida, thence running 50 feet north on the eastern property line; thence running in a southwesterly direction approximately 58.31 feet to a point on the property line 30 feet west of the southeast corner of said Lot 12, thence 30 feet east to the point of beginning.

WHEREAS, the CITY is no longer utilizing the Easement for landscape purposes;
and

WHEREAS, COUTANT and the CITY desire to abandon the Landscape Easement effective upon the recording of this Agreement in the Public Records of Martin County, Florida; and

WHEREAS, the CITY has the right to terminate the Deed.

NOW THEREFORE, for in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, the CITY asserts as follows:

1. The Recitals set forth above are true and correct and incorporated by reference herein.
2. The Temporary Landscape Easement Deed is hereby terminated and shall be of no further force and effect; effective upon the recording of this Abandonment of Temporary Landscape Easement Deed in the Public Records of Martin County, Florida.

IN WITNESS WHEREOF, David Dyess, City Manager on behalf of the City of Stuart has executed this Abandonment of Temporary Landscape Easement Deed as of the day and year first hereinabove set forth.

Witnessed on this _____ day of September, 2019.

CITY OF STUART, FLORIDA,
a Florida municipality

By: _____
DAVID DYESS, City Manager

ATTEST:

By: _____
MARY R. KINDEL, City Clerk

APPROVED AS TO FORM
AND CORRECTNESS:

By: _____
MICHAEL J. MORTELL, City Attorney