

Prepared by:  
Shannon Minchew  
Volusia County  
123 W. Indiana Ave  
DeLand, Florida 32720

**TEMPORARY ACCESS AND CONSTRUCTION EASEMENT  
FOR SAND PLACEMENT AND STOCKPILING**

This Temporary Easement (hereafter, the "Easement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the **COUNTY OF VOLUSIA**, a political subdivision of the State of Florida whose principal address is 123 W. Indiana Ave., DeLand, FL 32720, (hereafter, the "County") and \_\_\_\_\_, the owner(s) of certain real property (hereafter, the "Grantor") located at \_\_\_\_\_, Florida, \_\_\_\_\_ with a parcel identification number of \_\_\_\_\_ (hereafter, the "Property").

**1. GRANT OF TEMPORARY ACCESS AND CONSTRUCTION EASEMENT FOR SAND PLACEMENT AND STOCKPILING.** The Grantor hereby grants a temporary, non-exclusive easement for the benefit of County, their employees, agents, successors and assigns, over, under, upon and across the described as set forth in Exhibit A attached hereto, for use by the County, its representatives, agents, or contractors to access, store, remove, and place sand for dune reconstruction or stockpiling of sand. As may be needed to place sand for dune reconstruction or sand stockpiling, the County shall also have the right to traverse, store and remove equipment and supplies, remove debris, to erect temporary structures, and designing, permitting, constructing, installing, placing and inspecting the sand placement or stockpiling, within the limits of the temporary easement. The County shall also have the right, but not obligation, to plant vegetation consistent with dune vegetation planting guidelines

**2. TERMS AND CONDITIONS.** The County shall retain the right to move or relocate sand placed or stockpiled on the property. Upon the termination of this easement, an undivided fee simple ownership of the sand remaining on the property shall be vested in the Grantor to the extent the sand placement is on the Grantor's property. The temporary easement being granted by the Grantor is for the right, but not obligation, of the County to place sand for dune restoration or stockpiling as described in Item 1 above. The County shall have neither a maintenance obligation for the product of the dune reconstruction nor the obligation to perform future shoreline protection projects or dune reconstruction on the Grantor's Property.

**3. HARMONIOUS USE BY GRANTOR.** The Grantor reserves the right and privilege to use the Property for any purpose consistent with and subservient to the County's use or enjoyment thereof, including the right to use portions of the Property for access to Grantor's property adjacent to the Property, so long as such access otherwise complies with any postings of the County's contractor and applicable governmental regulations. This Easement shall not prevent the Grantor from constructing a seawall or dune reconstruction on the Property.

**4. TERM; AUTOMATIC TERMINATION.** The term of this Easement shall commence upon execution and shall be recorded in the Public Records of Volusia County, Florida. The Easement be released, vacated, and automatically terminated five (5) years after execution of this easement. The Easement for sand placement shall be automatically terminated, released, and vacated in the area of the Property landward of any seawall constructed in the future.

**5. NO WARRANTIES, EXPRESS OR IMPLIED; CUSTOMARY USE.** County makes no warranty, guaranty, or representation, expressed or implied, as to the fitness, character, effectiveness, or use of the sand placement or stockpiling. Nothing in this Easement shall constitute a waiver, modification,

or abandonment of any rights based on Customary Use held by the public. Nor shall this Easement constitute a waiver of any right, easement, or dedication, or ownership held by the public.

**6. GRANTOR INDEMNIFICATION AND RELEASE.** Grantor waives any actual or future claim against the County related directly or indirectly from the installation the dune restoration, sand placement, or stockpiling as described herein.

**7. SOVEREIGN IMMUNITY.** County expressly retains all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes.

**IN WITNESS WHEREOF**, the Grantor executed this Easement by their duly authorized representatives on the dates set forth below.

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF: (Two Witnesses as  
Required by Florida Law)**

**GRANTOR**

\_\_\_\_\_  
Witness 1 Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Print or Type Name and Address)

\_\_\_\_\_  
(Print or Type Name)

\_\_\_\_\_  
Witness 2 Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Print or Type Name and Address)

\_\_\_\_\_  
(Print or Type Name)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

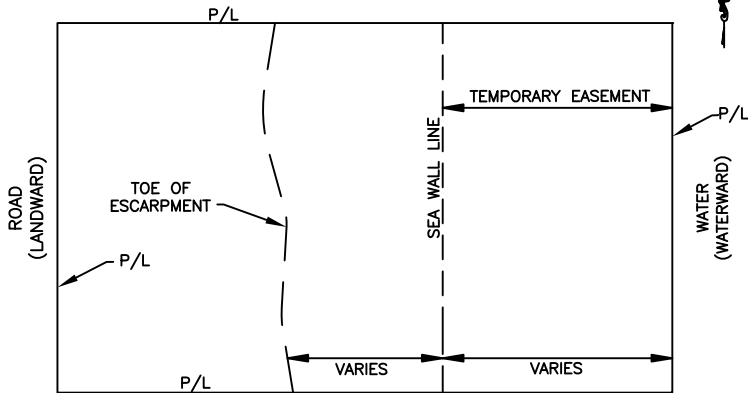
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_, by means  
of ☐ physical presence or ☐ online notarization, who is ☐ personally known to me or  
☐ who has produced a driver's license as identification.

SEAL:

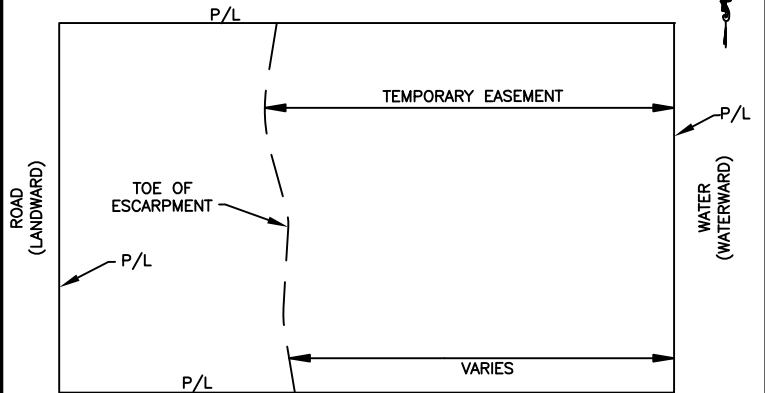
\_\_\_\_\_  
Notary Public

# EXHIBIT A

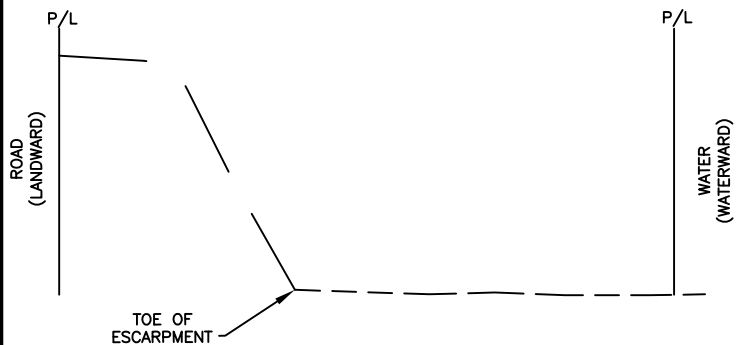
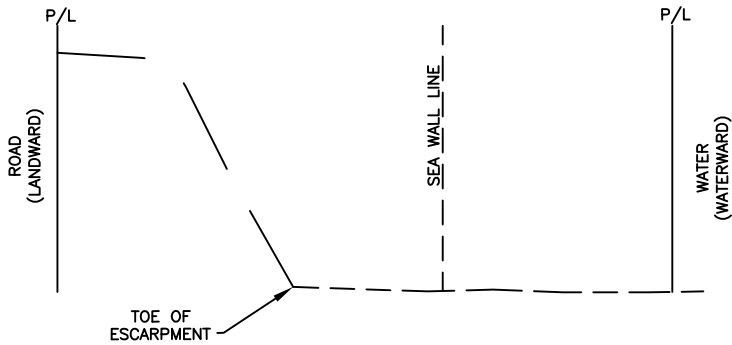
## WITH SEAWALL



## WITHOUT SEAWALL



## PLAN



## PROFILE

NOTE: SAND PLACEMENT IS NOT GUARANTEED  
IF AN EASEMENT IS PROVIDED.



PUBLIC WORKS DEPARTMENT  
ENGINEERING & CONSTRUCTION  
123 WEST INDIANA AVENUE  
DELAND, FL. 32720-4262  
(386) 736-5967

PLAN/PROFILE

## PROPERTY OWNER QUESTIONNAIRE

Please complete the following questions and return to:

Volusia County Public Works  
Attn: Shannon Minchew  
123 W. Indiana Ave., Room 402  
Deland, FL 32720

Is the property currently under contract for sale or purchase? \_\_\_\_\_

If so, please explain:

\_\_\_\_\_  
\_\_\_\_\_

Current Contact Info:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone No: \_\_\_\_\_

Other than myself, I share ownership of this property with:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone No: \_\_\_\_\_

Is there an ongoing business on the site? \_\_\_\_\_

If yes, who owns the business?

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone No: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_