



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Easement and rights-of-way Acknowledgement Affidavit

In accordance with the Town of Melbourne Beach Land Development Code, Appendix A, Chapter 7, Section 7A-53, FENCES AND WALLS and as the title holder of the property listed herein, I acknowledge the following;

7A-53, FENCES AND WALLS –

(7) Fencing of easements, rights-of-way, and sidewalks.

(a) In the event a lot owner fences or encloses any utility easement, as a condition of any fence permit, the lot owner agrees and understands that utilities, rights-of-way, and sidewalks may need repair, maintenance, installation or removal, from time to time, and that to do so it may be necessary for utility companies or public and governmental agencies, or their respective employees, agents, or independent contractors, to remove certain portions of a lot owners fence. The lot owner/occupant agrees as a permit condition to hold harmless the town, any other governmental agencies, and any utility company, and their respective employees, agents, officials, and independent contractors, in both their official and individual capacities, from any costs related to fencing or damages to fencing arising from removal, repair, installation or maintenance of any utilities, rights-of-way, sidewalks or fences. As used in this paragraph, the term utilities shall include cable television companies.

(b) Prior to issuance of a building permit for a fence or wall constructed on an easement or right-of-way the property owner shall sign an affidavit stating agreement with the conditions of this section.

I _____ am requesting approval of a building permit to erect, or have erected, a fence on my property, located at _____, Melbourne Beach, FL 32951, within a utility right-of-way.

Upon approval of the building permit application, I fully understand and agree that as a permit condition, should access to any portion of the easement or right-of-way require removal of my fence, wall, or other construction for which the building permit has been issued, I will hold harmless the town, any other governmental agency, any utility company, their respective employees, agents, officials, or independent contractors, in both their official and individual capacities, from any costs related to fencing or damages to fencing arising from removal, repair, installation or maintenance of any utilities or rights-of-way.

Signature of Owner

Date

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical presence or online notarization,

this _____ day of _____, 20____,

by _____ of _____

Who is personally known _____

OR, has Produced Identification _____

NOTARY SIGNATURE AND SEAL