

This instrument prepared by:
Ellen MacArthur for
Martin County, Real Property
2401 SE Monterey Road
Stuart, FL 34996

Project Name: Four Fish Marina Utility Easements
Project No: 3877
PCN: 26-37-41-000-000-00040-3
26-37-41-000-000-00060-8

SPACE ABOVE THIS LINE FOR RECORDING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

UTILITY EASEMENT

THIS EASEMENT granted and executed this 5th day of APRIL, 2024 by **IM 02 JENSEN LLC**, a Delaware limited liability company, whose mailing address is 150 SE 2nd Avenue, Suite 800, Miami, Florida 33131, Grantor, to **MARTIN COUNTY**, a political subdivision of the State of Florida, whose address is 2401 SE Monterey Road, Stuart, FL 34996, Grantee.

(Wherever used herein the terms “Grantor” and “Grantee” shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$1.00 and other good and valuable considerations, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant unto the Grantee forever, an easement for the construction, reconstruction, replacement, operation, maintenance, and repair of utility related equipment, including, but not limited to lift stations, pumps, pipelines, fences, structures, and powerline hookups, if required, in, under, over, across, and through the following described land, situate, lying and being in the County of Martin, State of Florida, to-wit:

See **Exhibit “A”, Exhibit “B”, and Exhibit “C”** attached hereto and made a part hereof.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good and lawful authority to grant and convey this easement; that Grantor fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever and that there are no mortgages encumbering the Easement Premises.

Grantor agrees that it will not alter or obstruct or allow the alteration or obstruction of the Easement Premises in any way without the express written consent of the Grantee. Grantee, its contractors, agents and employees shall have free access to the Easement Premises and every part thereof, at all times, for the purpose of exercising the rights granted herein; provided however in making any excavations on the Easement Premises, Grantee shall make the same in such manner as will cause the least injury to the surface of the ground and restore any improvements within such excavation to as near the same condition as it was prior to such excavation as soon as is practicable.

Accepted pursuant to
Resolution No. _____

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www.martin.fl.us/accessibility-feedback

Grantor further warrants that there are no mortgages encumbering the Easement Premises except for that certain mortgage in favor of Amerant Bank, N.A., a national banking association, whose mailing address is 220 Alhambra Circle, Coral Gables, Florida, 33134 (Mortgagee), dated September 15, 2022, and recorded September 16, 2022, in Official Records Book 3336, Page 1000; and Assignment of Leases and Rents dated September 15, 2022 and recorded September 16, 2022 in Official Records Book 3336, Page 1031, all in Martin County, Florida, public records.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered in the presence of:

WITNESSES:

Michael J. Belkin
Printed Name: Michael Belkin
Witness Address:
150 SE 2nd Ave, Ste. 800
Miami, FL 33131

IM 02 JENSEN LLC,
a Delaware limited liability company

By: [Signature]
Printed Name: Victor Ballester
Title: Manager Authorized Representative

[Signature]
Printed Name: Craig P. Thompson
Witness Address:
150 SE 2nd Ave, Ste 800
Miami, FL 33131

STATE OF FLORIDA }
COUNTY OF Miami-Dade }

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 5th day of April, 2024, by Victor Ballester as the Authorized Representative of IM 02 Jensen LLC, a Delaware limited liability company, existing under the laws of the State of Florida, on behalf of said entity, who is personally known to me or produced _____ as identification.



[Signature]
Notary Public, State of Florida
Print Name: Craig Thompson
My Commission Expires: August 4, 2024

Project Name: Four Fish Marina Utility Easements
Project No: 3877
PCN: 26-37-41-000-000-00040-3
26-37-41-000-000-00060-8

CONSENT OF MORTGAGEE

AMERANT BANK, N.A., a national banking association, (hereinafter referred to as “Mortgagee”), under that certain mortgage dated September 15, 2022, and recorded September 16, 2022, in Official Records Book 3336, Page 1000; and Assignment of Leases and Rents dated September 15, 2022 and recorded September 16, 2022 in Official Records Book 3336, Page 1031, all in Martin County, Florida, public records (hereinafter referred to as the “Mortgage”), hereby executes this document to evidence its consent to the granting and recording of that certain Easement to which this Consent of Mortgagee is attached and which is being recorded simultaneously herewith (hereinafter referred to as the “Easement”), further Mortgagee agrees that the Easement shall be an interest, superior to the Mortgage and in the property to which the Mortgage encumbers. This consent is given on the express condition that it shall in no way affect the lien of the Mortgage on the property described in the Mortgage but shall only be construed as a Subordination to the Easement.

This consent by Mortgagee is not intended to be and shall not be construed to be a waiver by Mortgagee of the maturity date of the principal, accrued interest or other amounts due under the terms of the note, mortgage or other loan documents, even though this consent may be executed subsequent to any maturity date or any other term or condition of the note, mortgage or other loan documents. This consent is not and shall not be construed to be an agreement or consent to a subordination of the lien of the Mortgage by Mortgagee to any other easements now existing or that may exist or arise in the future.

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE TO CONSENT OF MORTGAGEE

Signed, sealed and delivered in the presence of:

AMERANT BANK, N.A.,
a national banking association

[Signature]
Witness #1 Signature
Print Name: Yvonne Boucugnani
Witness Address:
220 ALHAMBRA CIRCLE
CONAL CABLES, FL 33134

By: [Signature]
Print Name: FRANCISCO GAMBIN
Title: EXECUTIVE VICE PRESIDENT

[Signature]
Witness #2 Signature
Printed Name: Ursula Camino
Witness Address:
220 ALHAMBRA CIRCLE
CONAL CABLES, FL 33134

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 9 day of APRIL, 2024,
by FRANCISCO GAMBIN, as the EVP of AMERANT BANK,
N.A., a national banking association, on behalf of said entity, by means of physical presence or
online notarization. He/she is personally known to me or has produced
[Signature] as identification.

[Signature]
Printed Name: Yvonne Boucugnani
Notary Public, State of: Florida
My Commission Expires: 9-22-2026

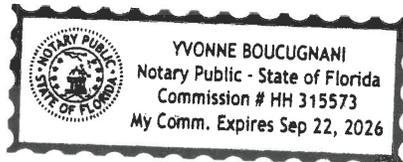


EXHIBIT A

Legal Description:

Being a utility Easement located in Section 26, Township 37 South, Range 41 East, Martin County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest Corner of Government Lot 1, also being the Northwest Corner of said Section 26, Township 37 South, Range 41 East; thence South 00°13'18" West along the West line of said Government Lot 1 a distance of 506.94 feet; thence South 89°44'48" East, a distance of 498.09 feet to a point on the Easterly Right-of-Way line of Northeast Indian River Drive and the Northwest corner of Lot 3, Racey's Subdivision (Deed Book V, Page 700, Public Records of Brevard, now Martin County); thence South 22°46'25" East along said Easterly Right-of-Way line of said Northeast Indian River Drive, a distance of 41.03 feet to the **POINT OF BEGINNING**.

Thence North 66°57'46" East a distance of 16.74 feet;
 Thence South 23°04'38" East a distance of 7.04 feet;
 Thence North 90°00'00" East a distance of 9.78 feet;
 Thence South 00°00'00" East a distance of 12.14 feet;
 Thence South 89°59'11" West a distance of 14.70 feet;
 Thence North 23°43'11" West a distance of 11.26 feet;
 Thence South 67°08'02" West a distance of 7.36 feet;
 Thence North 22°46'25" West along the Easterly Right-of-Way line of said Northeast Indian River Drive, a distance of 5.01 feet to the POINT OF BEGINNING.

Containing 295.07 square feet, more or less.

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1	Updated client name (all sheets).	2/6/2024	GCY4
NO.	REVISIONS	DATE	BY



INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108

CORPORATE OFFICE
 PO BOX 1469 • 1505 SW MARTIN HWY.
 PALM CITY, FL 34991
 (800) 386-1066 • WWW.GCYINC.COM

SKETCH & LEGAL FOR:			
IM02 JENSEN LLC			
MARTIN COUNTY		FLORIDA	
Scale:	Date:	File & Drawing No.:	
N/A	Feb. 2023	22-1016-03-02	
Drawn By:	Checked:	Sheet	
G.C.Y. IV	P.A.	1 OF 3	

Surveyor's Notes:

- 1) This sketch and legal description is based on office information only and does not represent a boundary survey.
- 2) This legal description shall not be valid unless:
 - A) Provided in its entirety consisting of 3 sheets, with sheet 3 being the sketch of description.
 - B) Reproductions of the description and sketch are not valid unless signed and sealed with an embossed surveyor's seal.
- 3) Bearings shown hereon are referenced to the Easterly Right-of-Way line of Northeast Indian River Drive, having a bearing of South 22°46'25" East, and all others are relative thereto.

Certification

(Not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper)

I hereby certify that the Sketch and Legal Description of the property shown and described hereon was completed under my direction and said Sketch and Description is true and correct to the best of my knowledge and belief.

I further certify that this sketch and description meets the Standards of Practice for Surveys set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida State Statutes. The Sketch and Description is based on information furnished by client or client's representative.

10/3/2023
Date of Signature


 Peter Andersen
 Professional Surveyor and Mapper
 Florida Certificate No. 5199

3	Updated date of signature.	2/6/2024	GCY4
2	Updated date of signature.	10/3/23	GCY4
1	Updated date of signature.	6/7/23	GCY4
NO.	REVISIONS	DATE	BY



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SKETCH & LEGAL FOR:

IM02 JENSEN LLC

MARTIN COUNTY FLORIDA

Scale: N/A	Date: Feb. 2023	File & Drawing No.: 22-1016-03-02
Drawn By: G.C.Y. IV	Checked: P.A.	Sheet 2 OF 3

POINT OF COMMENCEMENT

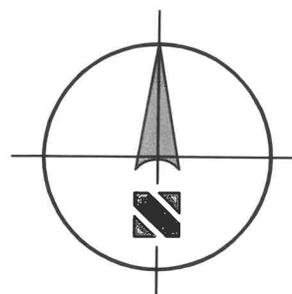
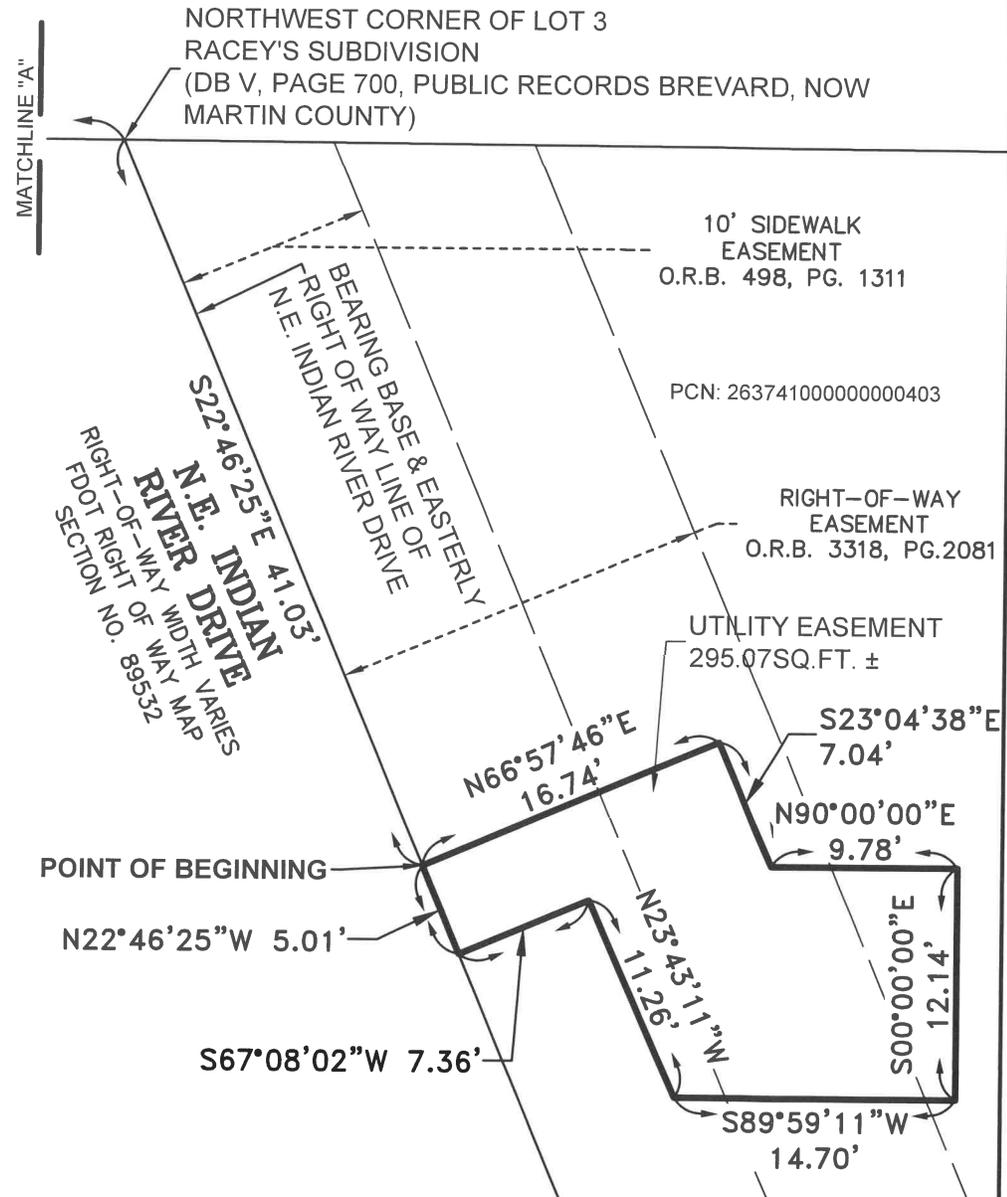
NORTHWEST CORNER OF GOVERNMENT LOT 1
SECTION 26, TOWNSHIP 37 SOUTH, RANGE 41 EAST

NOTE: This drawing does not represent a boundary survey and is based on office information only.

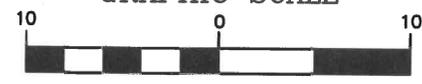
22 23
27 26

WEST LINE OF GOVERNMENT LOT 1
S00°13'18"W 506.94'

S89°44'48"E 498.09'



GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

NO.	REVISIONS	DATE	BY
2	Added O.R.B. 498 / 1311, corrected PCN	10/3/23	GCY4
1	Added PCN and O.R.B. 3318 / 2081	6/7/23	GCY4

GCY
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SKETCH & LEGAL FOR:
IM02 JENSEN LLC
MARTIN COUNTY FLORIDA

Scale: 1"=10'	Date: Feb. 2023	File & Drawing No.:
Drawn By: G.C.Y. IV	Checked: P.A.	22-1016-03-02
		Sheet 3 OF 3

EXHIBIT B

Legal Description:

Being a utility Easement located in Section 26, Township 37 South, Range 41 East, Martin County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest Corner of Government Lot 1, also being the Northwest Corner of said Section 26, Township 37 South, Range 41 East; thence South 00°13'18" West along the West line of said Government Lot 1 a distance of 506.94 feet; thence South 89°44'48" East, a distance of 498.09 feet to a point on the Easterly Right-of-Way line of Northeast Indian River Drive and the Northwest corner of Lot 3, Racey's Subdivision (Deed Book V, Page 700, Public Records of Brevard, now Martin County); thence South 22°46'25" East along said Easterly Right-of-Way line of said Northeast Indian River Drive, a distance of 405.30 feet to the **POINT OF BEGINNING**.

Thence North 66°57'12" East a distance of 18.54 feet;
 Thence North 45°21'41" West, a distance of 7.11 feet;
 Thence North 22°23'11" West a distance of 7.43 feet;
 Thence North 67°36'49" East a distance of 5.00 feet;
 Thence South 22°23'11" East a distance of 6.41 feet;
 Thence South 45°21'41" East, a distance of 8.83 feet;
 Thence South 23°08'41" East, a distance of 4.36 feet;
 Thence South 66°57'12" West, a distance of 24.24 feet;
 Thence North 22°46'25" West along the Easterly Right-of-Way line of said Northeast Indian River Drive, a distance of 5.00 feet to the **POINT OF BEGINNING**.

Containing 193.77 square feet, more or less.

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2	Updated legal description.	3/6/2024	GCY4
1	Updated client name (all sheets).	2/6/2024	GCY4
NO.	REVISIONS	DATE	BY



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SKETCH & LEGAL FOR:		
IM02 JENSEN LLC		
MARTIN COUNTY	FLORIDA	
Scale: N/A	Date: Feb. 2023	File & Drawing No.: 22-1016-03-02
Drawn By: G.C.Y. IV	Checked: P.A.	Sheet 1 OF 4

Surveyor's Notes:

- 1) This sketch and legal description is based on office information only and does not represent a boundary survey.
- 2) This legal description shall not be valid unless:
 - A) Provided in its entirety consisting of 4 sheets, with sheets 3 & 4 being the sketch of description.
 - B) Reproductions of the description and sketch are not valid unless signed and sealed with an embossed surveyor's seal.
- 3) Bearings shown hereon are referenced to the Easterly Right-of-Way line of Northeast Indian River Drive, having a bearing of South 22°46'25" East, and all others are relative thereto.

Certification

(Not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper)

I hereby certify that the Sketch and Legal Description of the property shown and described hereon was completed under my direction and said Sketch and Description is true and correct to the best of my knowledge and belief.

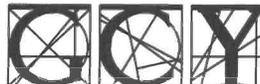
I further certify that this sketch and description meets the Standards of Practice for Surveys set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida State Statutes. The Sketch and Description is based on information furnished by client or client's representative.

3/25/2024
Date of Signature



Peter Andersen
Professional Surveyor and Mapper
Florida Certificate No. 5199

1	Updated date of signature.	3/25/2024	GCY4
NO.	REVISIONS	DATE	BY



INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108

CORPORATE OFFICE
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SKETCH & LEGAL FOR:
IM02 JENSEN LLC
MARTIN COUNTY FLORIDA

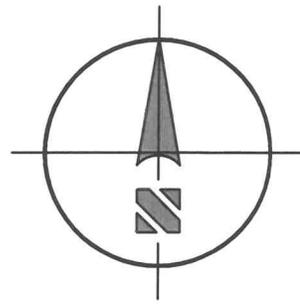
Scale: N/A	Date: Feb. 2023	File & Drawing No.: 22-1016-03-02
Drawn By: G.C.Y. IV	Checked: P.A.	Sheet 2 OF 4

POINT OF COMMENCEMENT

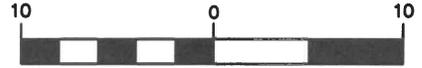
NORTHWEST CORNER OF GOVERNMENT LOT 1
SECTION 26, TOWNSHIP 37 SOUTH, RANGE 41 EAST

NOTE: This drawing does not represent a boundary survey and is based on office information only.

22 23
27 26



GRAPHIC SCALE



(IN FEET)

1 inch = 10 ft.

WEST LINE OF GOVERNMENT LOT 1
S00°13'18"W 506.94'

NORTHWEST CORNER OF LOT 3
RACEY'S SUBDIVISION
(DEED BOOK V, PAGE 700, PUBLIC RECORDS BREVARD,
NOW MARTIN COUNTY)

S89°44'48"E 498.09'

S22°46'25"E 405.30'
RIGHT-OF-WAY WIDTH VARIES
RIVER INDIAN N.E. DRIVE
RIGHT-OF-WAY DEPARTMENT OF
FLORIDA TRANSPORTATION
RIGHT-OF-WAY MAP
SECTION NO. 89532

BEARING BASE & EASTERLY
RIGHT OF WAY LINE OF
N.E. INDIAN RIVER DRIVE

RIGHT-OF-WAY
EASEMENT
OFFICIAL RECORDS BOOK
3318, PAGE 2081

SEE SHEET 4

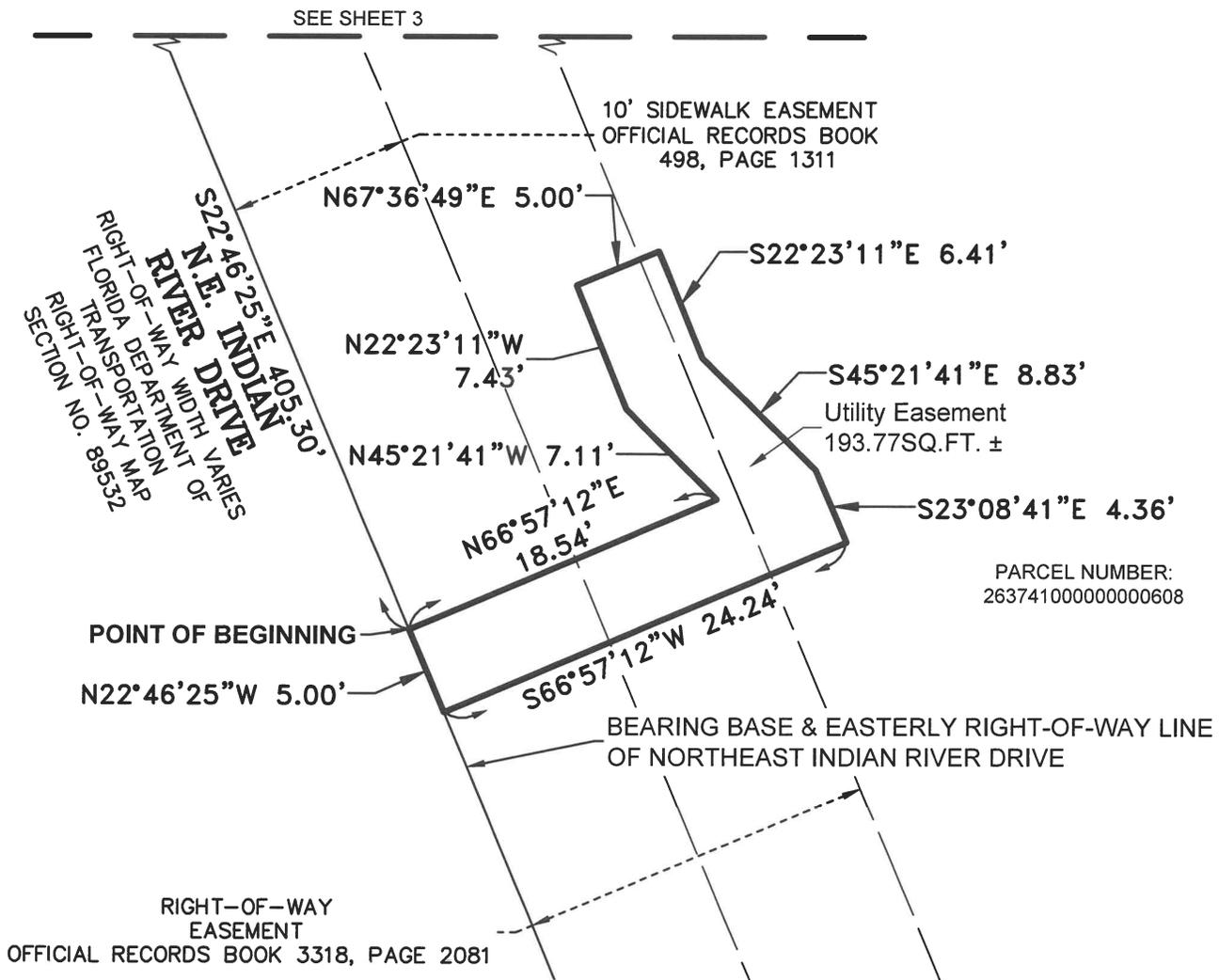
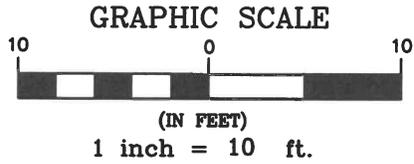
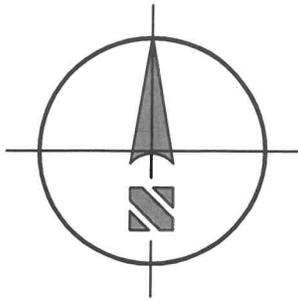
NO.	REVISIONS	DATE	BY
3	Various revisions per Martin County	3/25/2024	GCY4
2	Removed PCN	10/3/23	GCY4
1	Added PCN and O.R.B. 3311 / 2081	6/7/23	GCY4


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CORPORATE OFFICE
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SKETCH & LEGAL FOR:
IM02 JENSEN LLC
 MARTIN COUNTY FLORIDA

Scale: 1"=10'	Date: Feb. 2023	File & Drawing No.:
Drawn By: G.C.Y. IV	Checked: P.A.	22-1016-03-02
		Sheet 3 OF 4

NOTE: This drawing does not represent a boundary survey and is based on office information only.



NO.	REVISIONS	DATE	BY
3	Revised easement per updated plans	3/6/24	GCY4
2	Added O.R.B. 498 / 1310 & 858 / 2312	10/3/23	GCY4
1	Added PCN and O.R.B. 3318 / 2081	6/7/23	GCY4

G C Y
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PROFESSIONAL SURVEYORS AND MAPPERS
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CORPORATE OFFICE
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PALM CITY, FL 34991
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SKETCH & LEGAL FOR:
IM02 JENSEN LLC
MARTIN COUNTY FLORIDA

Scale: 1"=10'	Date: Feb. 2023	File & Drawing No.: 22-1016-03-02
Drawn By: G.C.Y. IV	Checked: P.A.	Sheet 4 OF 4

EXHIBIT C

Legal Description:

Being a utility Easement located in Section 26, Township 37 South, Range 41 East, Martin County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest Corner of Government Lot 1, also being the Northwest Corner of said Section 26, Township 37 South, Range 41 East; thence South 00°13'18" West along the West line of said Government Lot 1 a distance of 506.94 feet; thence South 89°44'48" East, a distance of 498.09 feet to a point on the Easterly Right-of-Way line of Northeast Indian River Drive and the Northwest corner of Lot 3, Racey's Subdivision (Deed Book V, Page 700, Public Records of Brevard, now Martin County); thence South 22°46'25" East along said Easterly Right-of-Way line of said Northeast Indian River Drive, a distance of 99.35 feet to the **POINT OF BEGINNING**.

Thence North 66°42'53" East a distance of 24.06 feet;

Thence South 23°22'17" East a distance of 5.00 feet;

Thence South 66°42'53" West a distance of 24.11 feet;

Thence North 22°46'25" West along the Easterly Right-of-Way line of said Northeast Indian River Drive, a distance of 5.00 feet to the **POINT OF BEGINNING**.

Containing 120.43 square feet, more or less.

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2	Updated legal description.	3/6/2024	GCY4
1	Updated client name (all sheets).	2/6/2024	GCY4
NO.	REVISIONS	DATE	BY


INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
 PO BOX 1469 • 1506 SW MARTIN HWY.
 PALM CITY, FL 34951
 (800) 386-1066 • WWW.GCYINC.COM

SKETCH & LEGAL FOR:
IM02 JENSEN LLC
 MARTIN COUNTY FLORIDA

Scale: N/A	Date: Feb. 2023	File & Drawing No.: 22-1016-03-02
Drawn By: G.C.Y. IV	Checked: P.A.	Sheet 1 OF 3

Surveyor's Notes:

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 - B) Reproductions of the description and sketch are not valid unless signed and sealed with an embossed surveyor's seal.
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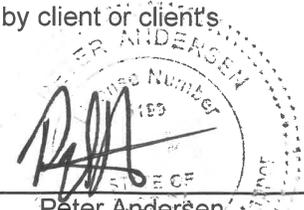
Certification

(Not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper)

I hereby certify that the Sketch and Legal Description of the property shown and described hereon was completed under my direction and said Sketch and Description is true and correct to the best of my knowledge and belief.

I further certify that this sketch and description meets the Standards of Practice for Surveys set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida State Statutes. The Sketch and Description is based on information furnished by client or client's representative.

3/25/2024
Date of Signature



Peter Andersen
Professional Surveyor and Mapper
Florida Certificate No. 5199

1	Updated date of signature.	3/25/24	GCY4
NO.	REVISIONS	DATE	BY



INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108

CORPORATE OFFICE
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PALM CITY, FL 34991
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SKETCH & LEGAL FOR:
IM02 JENSEN LLC
MARTIN COUNTY FLORIDA

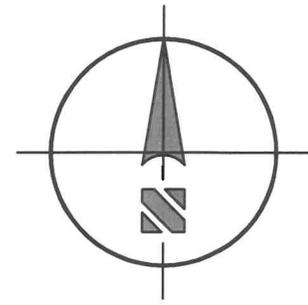
Scale: N/A	Date: Feb. 2023	File & Drawing No.: 22-1016-03-02
Drawn By: G.C.Y. IV	Checked: P.A.	Sheet 2 OF 3

POINT OF COMMENCEMENT

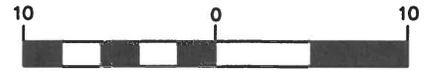
NORTHWEST CORNER OF GOVERNMENT LOT 1
SECTION 26, TOWNSHIP 37 SOUTH, RANGE 41 EAST

NOTE: This drawing does not represent a boundary survey and is based on office information only.

22 23
27 26



GRAPHIC SCALE



(IN FEET)

1 inch = 10 ft.

WEST LINE OF GOVERNMENT LOT 1
S00°13'18"W 506.94'

NORTHWEST CORNER OF LOT 3
RACEY'S SUBDIVISION
(DEED BOOK V, PAGE 700, PUBLIC RECORDS
BREVARD, NOW MARTIN COUNTY)

S89°44'48"E 498.09'

BEARING BASE & EASTERLY RIGHT OF WAY LINE
OF NORTHEAST INDIAN RIVER DRIVE

S22°46'25"E 99.35'
N.E. INDIAN
RIVER DRIVE
RIGHT-OF-WAY WIDTH VARIES
FLORIDA DEPARTMENT OF
TRANSPORTATION
RIGHT-OF-WAY MAP
SECTION NO. 89532

RIGHT-OF-WAY
EASEMENT
OFFICIAL RECORDS BOOK
3318, PAGE 2081

S23°22'17"E
5.00'

PARCEL NUMBER:
26-37-41-000-00040-3
Utility Easement
120.43 Square Feet ±

POINT OF BEGINNING
N22°46'25"W 5.00'

N66°42'53"E 24.06'

S66°42'53"W 24.11'

10' SIDEWALK EASEMENT
OFFICIAL RECORDS BOOK
498, PAGE 1311

NO.	REVISIONS	DATE	BY
4	Various revisions per Martin County	3/25/2024	GCY4
3	Moved Utility Easement	3/6/2024	GCY4
2	Added O.R.B. 498 / 1311, removed PCN	10/3/23	GCY4
1	Added PCN and O.R.B. 3318 / 2081	6/7/23	GCY4

G C Y
INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1066 • WWW.GCYINC.COM

SKETCH & LEGAL FOR:
IM02 JENSEN LLC
MARTIN COUNTY FLORIDA

Scale: 1"=10'	Date: Feb. 2023	File & Drawing No.: 22-1016-03-02
Drawn By: G.C.Y. IV	Checked: P.A.	Sheet 3 OF 3