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RECORD VERIFIED

50,50 (HRB.T) 7/12/89 ja

NINTH AMENDMENT TO PLANNED UNIT DEVELOPMENT ZONING AGREEMENT BETWEEN BERTIL K. KJELLGREN AND MARTIN COUNTY

THIS NINTH AMENDMENT TO AGREEMENT is made and entered into this 11th day of July, 1989, by and between BERTIL K. KJELLGREN, an individual, hereinafter referred to as "OWNER", and MARTIN COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY".

W I T N E S S E T H:

WHEREAS, after appropriate notice, a public hearing and approval, OWNER and COUNTY, on the 31st day of October, 1978, entered into a Planned Unit Development Zoning Agreement for the development of a project in Martin County, Florida, known as Heritage Ridge, which Agreement is recorded in Official Records Book 467, beginning at page 1922 of the Public Records of Martin County, Florida, hereinafter referred to as the "HERITAGE RIDGE P.U.D. AGREEMENT"; and

WHEREAS, the HERITAGE RIDGE P.U.D. AGREEMENT has previously been amended by eight (8) Amendments, all of which are recorded in the Public Records of Martin County, Florida; and

WHEREAS, the HERITAGE RIDGE P.U.D. AGREEMENT, as amended, provides in Exhibit "C-1" a parcel boundary map; and

WHEREAS, the OWNER has requested to amend said P.U.D. Agreement and said Exhibit "C-1", as shown on the revised Exhibit "C-1", a copy of which is attached hereto and made a part hereof; to eliminate parcels C-1 and C-3 and to replace said parcels C-1 and C-3 with a new parcel R-4; and

WHEREAS, the HERITAGE RIDGE P.U.D. AGREEMENT, as amended, provides in Exhibit "D" a preliminary development plan for this project; and

WHEREAS, the OWNER has requested to amend said P.U.D. AGREEMENT and said Exhibit "D", as shown on the revised Exhibit "D", a copy of which is attached hereto and made a part hereof, replacing parcels C-1 and C-2 with parcel R-4; and

WHEREAS, the HERITAGE RIDGE P.U.D. AGREEMENT, as amended, provides in Exhibit "F-1", conditions of the P.U.D.; and

WHEREAS, the OWNER has requested to amend said P.U.D. AGREEMENT and said Exhibit "F-1", as shown on the revised Exhibit "F-1", a copy of which is attached hereto and made a part hereof, amending conditions 4-9 to clarify permitted usage, setback and minimum widths of lots, approval procedures for parcel R-4 and reflecting current conditions; and

WHEREAS, after appropriate notice and hearing in accordance with the Code of Laws and Ordinances of Martin County, Florida, the OWNER and the COUNTY desire to amend the HERITAGE RIDGE P.U.D. AGREEMENT, all as set forth above;

NOW, THEREFORE, it is agreed between the OWNER and the COUNTY as follows:

1. The HERITAGE RIDGE P.U.D. AGREEMENT and Exhibits "C-1", "D" and "F-1", as originally approved on October 31, 1978, as amended from time to time thereafter, as said amendments are recorded in the Public Records of Martin County, Florida, are hereby further amended by revised Exhibits "C-1", "D" and "F-1" as attached hereto. The substance of said revisions, as more particularly set forth in Exhibits "C-1", "D" and "F-1", are as follows:

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a. Commercial parcels C-1 and C-3 are omitted and residential parcel R-4 is created to include the property previously included in parcels C-1 and C-3.

b. The residential units in parcel R-4 are limited to 48 multi-family units.

c. The total number of units within the P.U.D. is limited to 1,095 residential units.

d. Condition 4 of Exhibit "F-1" is amended to reflect parcels R-7, R-8 and R-10 have been developed as zero lot line residential.

e. Condition 5 of Exhibit "F-1" is amended to add parcel R-4 to be developed as multi-family residential.

f. Condition 6 of Exhibit "F-1" is amended to provide that parcel C-1 is eliminated.

g. Condition 7 of Exhibit "F-1" is amended to provide that parcel C-2 has been eliminated by the Eighth Amendment.

h. Condition 8 of Exhibit "F-1" is amended to provide that parcel C-3 is eliminated.

i. The replacement of parcels C-1 and C-2 by parcel R-4 reduces the total commercial area (GLA) in the P.U.D. by 58,000 square feet.

2. All the terms and conditions of the HERITAGE RIDGE P.U.D. AGREEMENT, as originally approved on October 31, 1978, and amended from time to time, which are not specifically amended or revised by this Eighth Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seals on the day and year first above written.

Signed, sealed and delivered
in the presence of:

BERTIL K. KUELGEN

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

MARSHA STILLER, CLERK

BY: FRANK A. MACHA, CH.

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APPROVED AS TO FORM AND CORRECTNESS

Richard Appicella
for NORMAN DREYER, COUNTY ATTORNEY

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 11 day of January, 1989, by BERTIL K. KJELLGREN.

Notary Public, State of Florida

(SEAL)

My commission expires:
MAY 12, 1990

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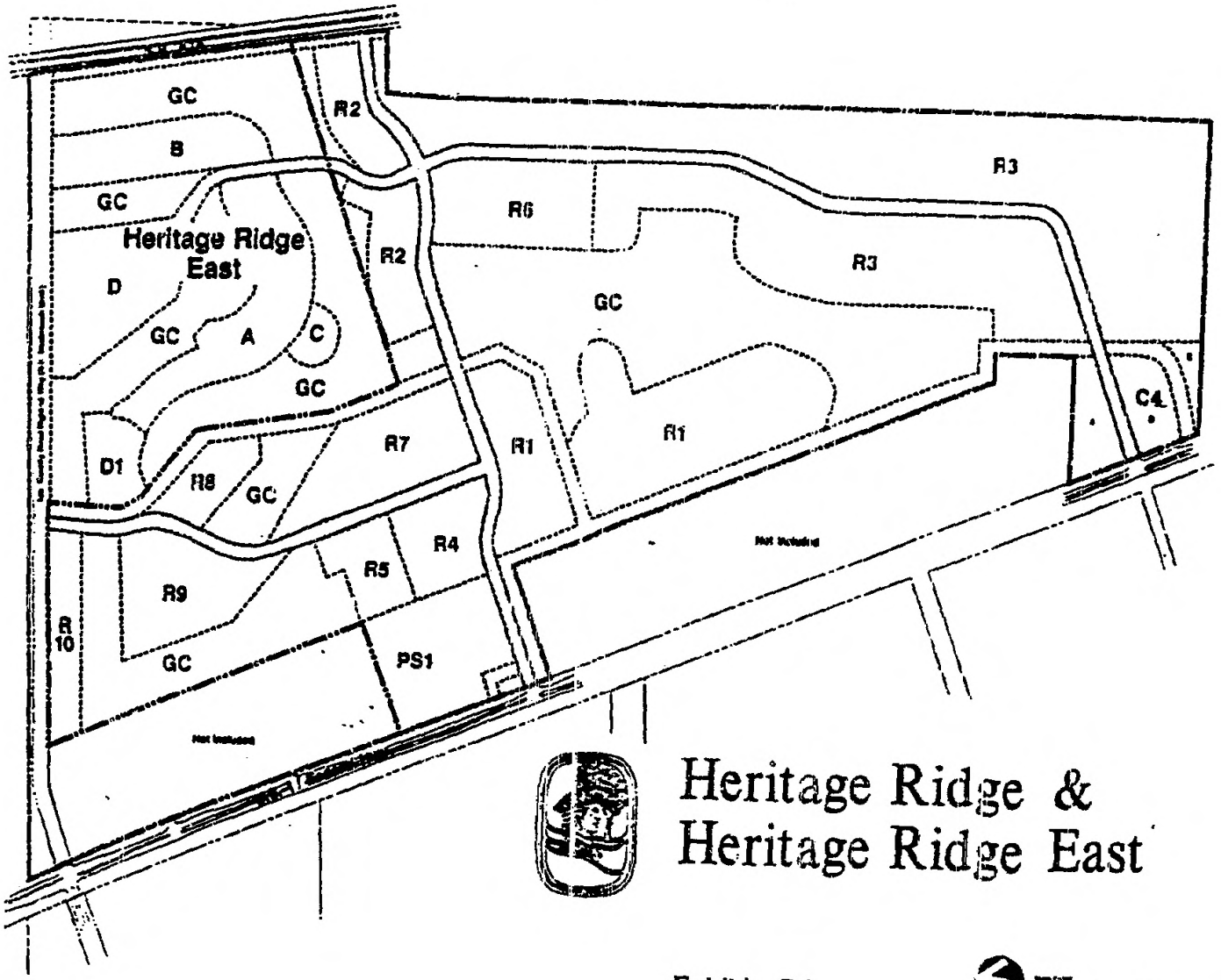

Heritage Ridge & Heritage Ridge East

Exhibit C-1
Ninth Amendment

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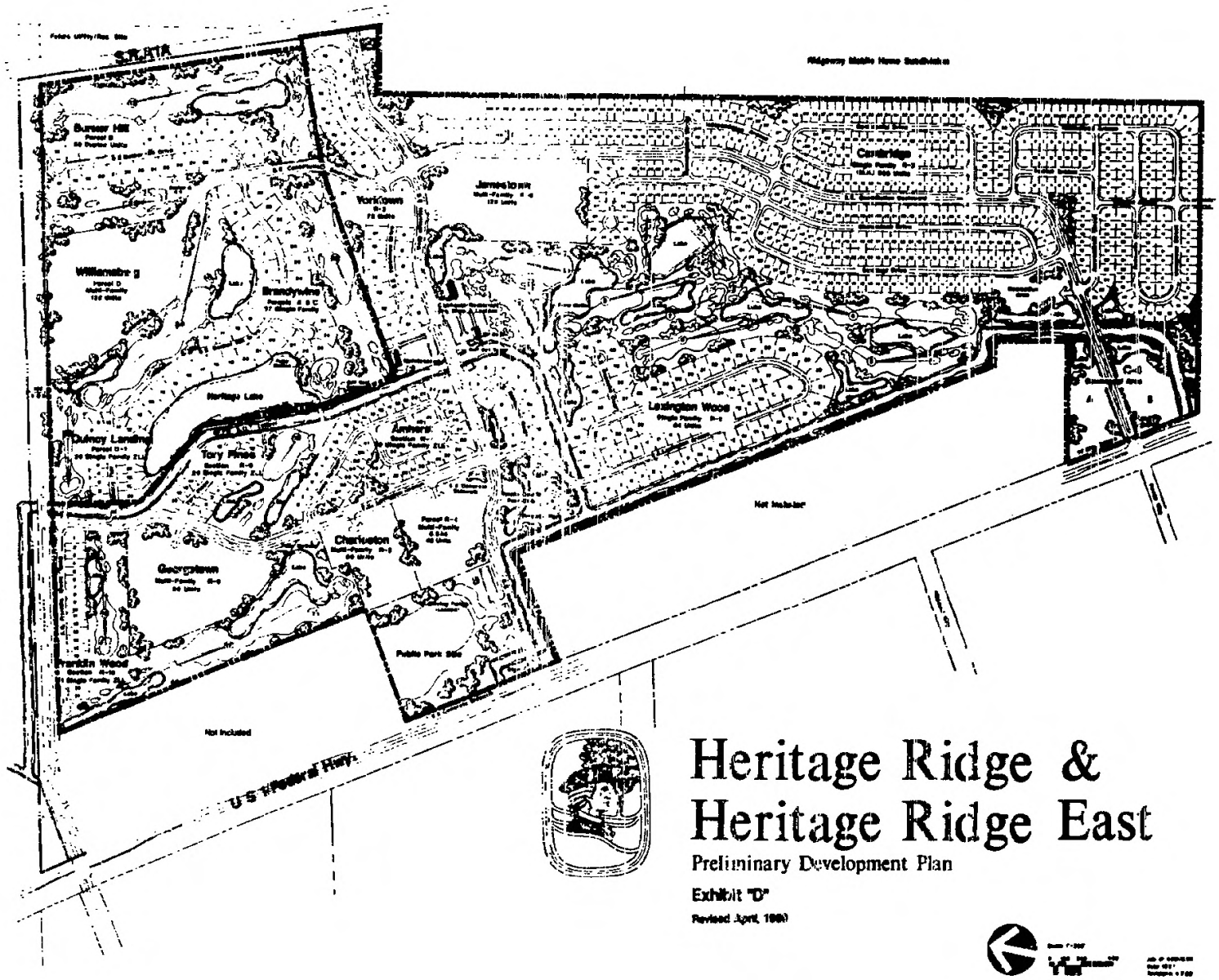

Heritage Ridge & Heritage Ridge East

Preliminary Development Plan

Exhibit "D"

Revised April, 1990

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EXHIBIT "F-1" - REVISED

HERITAGE RIDGE
A DEVELOPMENT OF REGIONAL IMPACT
PLANNED UNIT DEVELOPMENT
_____ DAY OF _____, 1987
CONDITIONS OF THE P.U.D.

THE OWNER warrants the following:

1. Parcel R-1 has been developed as if zoned "R-2", single family residential district, as according to the Martin County zoning regulations, Article XI.
2. Parcel R-2 has been developed as if zoned "R-2A", two family residential district, as according to the Martin County zoning regulations, Article XV, with the exception of Section 33-229(d): All units in this Parcel have a minimum setback of fifty (50) feet from the centerline of S.E. HERITAGE BOULEVARD.
3. Parcel R-3 has been developed as if zoned "RT", residential trailer, as according to the Martin County zoning regulations, Article XXII.
4. Parcels R-7, R-8 and R-10, have been developed as zero lot line single family residential. Specific lot size, width and setbacks shall be as approved by the BOARD OF COUNTY COMMISSIONERS.
5. Parcels R-4, which is recreated with this Ninth Amendment, R-5, R-6 and R-9, shall be developed as if zoned "R-3B", multiple family residential, as according to the Martin County zoning regulations, Article XX, except as to setbacks and minimum lot widths, which will be as approved by the BOARD OF COUNTY COMMISSIONERS.
6. Parcel C-1 is eliminated with this Ninth Amendment.
7. Commercial Parcel C-2 was eliminated by Amendment #8.
8. Parcel C-3 is eliminated with this Ninth Amendment.
9. Parcel C-4 shall be developed as if zoned General Commercial, according to the Martin County Zoning Regulations, as amended from time to time. This parcel may be subdivided by record plat as approved by the Board of County Commissioners.
10. The Public Park and Right-of-Way (50') along A-1-A have been dedicated to Martin County.

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11. A mechanism such as a property owners association, for maintenance of open space, common areas, recreation areas, etc., has been submitted to Martin County's attorney for review and approval before recording plats of any parcel or portion of Heritage Ridge. Said mechanism is recorded in Martin County's Public Records.

12. The road shown on Exhibit "D" as Constitution Boulevard has been completed with Phase III of the development of Heritage Ridge.

13. The road shown on Exhibit "D" as Heritage Boulevard, connecting U.S. #1 with A-1-A, has been completed with Phase II of the development of Heritage Ridge.

14. All roads and right-of-way for roads as shown on Exhibit "D", shall be dedicated to Martin County, or as otherwise determined with the final approval of each phase.

15. Fire hydrants will be placed throughout the P.U.d. as required by the Martin County Engineer (on no less than 500 foot centers).

16. Heritage Ridge will comply with applicable landscaping requirements of Martin County, as amended from time to time.

17. Maximum height of residential structures within this P.U.D. shall be two (2) stories.

18. The golf course shall be open for play to the public. The lakes within the golf course shall remain as approved by Martin County and the South Florida Water Management District.

19. The required Clubhouse (disaster shelter) in Parcel R-3 shall be a minimum of 10,000 square feet, said Clubhouse has been built.

20. The cost of the signalization at the intersection of US #1 and the entrances to the project shall be paid, to Martin County, at the time of need and installation, subject to D.O.T. approval.

21. The development shall be built in accordance with the development order issued by Martin County. (Dated November 21, 1978).

22. The structures on that parcel shown on Exhibit "D" as commercial area, located at the intersection of US #1 and Constitution Boulevard, shall be in all cases setback 150 feet from the centerline of US #1. (right-of-way).

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MARSHA WALTER
CLERK OF CIRCUIT COURT
D.C.

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MARTIN CO., FLA.

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