



Strategic management of land development design, entitlements and permitting.

September 21, 2021

Mr. Pete Walden, AICP
Principal Planner
Growth Management Department
Martin County Board of County Commissioners
2401 SE Monterey Road
Stuart, Florida 34996

Re: Banyan Bay PUD Phase 3 – Multifamily Residential
Parcel ID: 41-38-41-008-000-00002-0 (Portion of)
Final Site Plan and 10th Amendment to PUD
Transmittal Letter – Development Application

Dear Mr. Walden:

In response to the attached sufficiency letter provided by your office on September 20, 2021 related to the above-referenced project and on behalf of Farrell Building Company, Inc. (the “Applicant”), please accept this letter and the materials listed below and submitted herewith as part of a request for approval of a Final Site Plan application and 10th Amendment to the Banyan Bay Planned Unit Development (the “PUD”) to allow the development of a 72-unit multifamily apartment project on Phase 3 of the PUD (Note: The items below are listed in the same order as the requirements appear on the County’s PUD Site Plan Checklist.). One (1) original set of the application and support documents, and two (2) sets of original signed and sealed plans are being provided.

- (1) Development Application
- (2) Digital Submittal Affidavit
- (3) Disk with a bookmarked PDF of all application documents and plans and DWG files of the Master Plan, Site Plan and Survey
- (4) Project Narrative
- (5) Check made payable to the Martin County Board of County Commissioners in the amount of \$13,800 for the application review fee
- (6) Owner’s Consent Letter
- (7) Recorded Deed
- (8) Statement of No Property Transfer
- (9) Legal Description
- (10) Copies of original PUD Agreement and past three PUD Amendments
- (11) Location Map/Aerial
- (12) Adequate Public Facilities Reservation Request
- (13) Engineer’s Opinion of Probable Excavation, Fill and Hauling
- (14) Stormwater Report/Calculations
- (15) Stormwater Maintenance Plan
- (16) Traffic Impact Statement & FDOT Conceptual Approval
- (17) Evacuation Plan
- (18) Fire Wildfire Scoresheet
- (19) School Impact Worksheet
- (20) Environmental Assessment
- (21) PAMP

- (22) Utility Letters
- (23) Proposed Water Sources
- (24) Utilities Water & Wastewater Service Agreement Information Form
- (25) Aerial Photo (see Item 11)
- (26) Statement of Benefits (see Item 4)
- (27) Future Land Use & Zoning Maps
- (28) Assessment Map
- (29) Phasing Plan
- (30) Electronic files of Master Plan and Site Plan in ACAD (see Item 3)
- (31) Electronic files of Survey in ACAD (see Item 3)
- (32) Survey
- (33) Master Plan, Site Plan & Site Details
- (34) Utility Calculations & Hydrant Flow Test
- (35) Land Clearing and Erosion Control Plan
- (36) Civil Construction Plans & Engineer's Certification Form
- (37) Floor Plans (see Item 38)
- (38) Architectural Drawings (Conceptual)
- (39) Landscape Plans including Tree Disposition Plan
- (40) Tree Survey (see Item 32)
- (41) Site Lighting Plan
- (42) Disclosure of Interest Affidavit

The following application materials are not included with this submittal as justified below:

- (1) Master Stormwater Report: The stormwater report provided for the Project addresses the impact to the master stormwater system
- (2) Environmental Waiver: No waiver requested
- (3) Landscaping Alternative Compliance: No Alternative Compliance requested
- (4) CRA Alternative Compliance: N/A
- (5) Utility Certification: N/A
- (6) Groundwater Model: N/A
- (7) Property Owners List: Not required
- (8) Previously approved site plan: None
- (9) Commercial Design Drawings: N/A
- (10) Notice Sign: N/A

We look forward to working with you on this application. Should you require any additional information, please do not hesitate to contact me.

Best regards,



Michael Sanchez, AICP
Principal

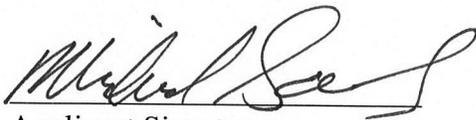


Martin County County Florida Growth Management Department
 DEVELOPMENT REVIEW DIVISION
 2401 SE Monterey Road, Stuart, FL 34996
 772-288-5495 www.martin.fl.us

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Digital Submittal Affidavit

I, Michael Sanchez, attest that the electronic version included for the project Banyan Bay Phase III is an exact copy of the documents that were submitted for sufficiency, excluding any requested modifications made by the sufficiency review team. All requested modifications, if any, have been completed and are included with the packet.


 Applicant Signature

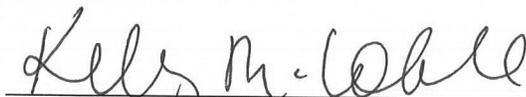
09/22/21
 Date

NOTARY ACKNOWLEDGMENT

STATE OF: Florida COUNTY OF: Palm Beach

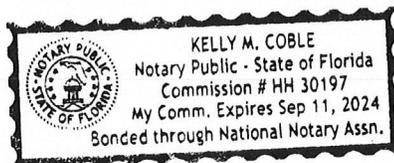
I hereby certify that the foregoing instrument was acknowledged before me this 22 day of September, 2021, by Michael Sanchez.

He or She X is personally known to me or X has produced _____ as identification.


 Notary Public Signature

Kelly M. Coble
 Printed name

STATE OF: Florida at-large





MARTIN COUNTY

BOARD OF COUNTY COMMISSIONERS

2401 S.E. MONTEREY ROAD • STUART, FL 34996

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September 16, 2021

Mr. Michael Sanchez
Managed Land Entitlements
3710 Buckeye Street, Suite 100
Palm Beach Gardens, FL 33410

Record No: DEV2021090005
Project Number: B082-045

RE: Completeness Review
Banyan Bay Phase 3 Amendment Revised Master and Final Site Plan

Dear Mr. Sanchez:

The above referenced application has been determined to be complete for review by the County. Peter Walden, Principal Planner, will be the County's project coordinator for this request. As such, please direct all future questions and correspondence to his attention.

Although the review was determined complete, the following items need additional attention:

Item #1: PUD ZONING AGREEMENT: Provide proposed PUD Zoning Agreement if a new PUD is proposed. Provide copies of previously approved PUD Zoning Agreement and all approved Amendments, if an existing PUD. Provide proposed PUD Zoning Agreement Amendment, if existing PUD is being proposed for amendment.

Comments: Please provide the draft of the 10th amendment to the Banyan Bay PUD.

Item #2: SURVEY: A topographic survey of the project site that extends a minimum of 200 feet outside the proposed limits of construction (or until a discernible drainage basin boundary is reached). The topography must be collected at an interval adequate to generate one-foot contours. The date of the field survey must be within 180 days of the date of this application; the survey must be signed and sealed by a licensed Florida professional surveyor and mapper.

Comments: Extend the topographic survey information out 200' or to the discernable basin.

You may review the application on-line at <https://aca3.accela.com/martinco>. Select Search Development Review and enter the Record Number above.

At this time, please submit the full application with a bookmarked disc and an extra set of plans, along with an application fee in the amount of **\$13,800.00** (check payable to Martin County Board of County Commissioners) to the Growth Management Department, Development Review Division. Each set must duplicate the application submitted for completeness review. Each set must contain original signed and sealed documents. The review of the application will commence the date after the project coordinator distributes the copies to the various agencies and individuals who participate in the review process for this application. At the end of the review period, you will be provided with a completed staff report for this application.

In the meantime, it is required that a sign be erected on the subject property. The project number **B082-044** must be included on the sign(s). Prior to preparing your sign, please read Section 10.6, Land Development Regulations, Martin County, Fla., which contains the required information that must be on the sign. Please provide documentation (i.e., photograph and certification to the project coordinator) that the property has been posted in accordance to the notification requirements.

Sincerely,



Paul Schilling
Growth Management Director

PS:PW:kk

cc: Farrell Building Company, 2317 Montauk Highway, Bridgehampton, NY 11932



Martin County, Florida
 Growth Management Department
 DEVELOPMENT REVIEW DIVISION
 2401 SE Monterey Road, Stuart, FL 34996 772-288-5495 www.martin.fl.us

DEVELOPMENT REVIEW APPLICATION

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A. GENERAL INFORMATION

Type of Application:

PUD Amendment & Final Site Plan

Name or Title of Proposed Project: Banyan Bay Phase 3 Multifamily

Brief Project Description:

10th Amendment to Banyan Bay Planned Unit Development with concurrent revised Master Plan and Final Plan for Phase 3 of the PUD to allow for a 72-unit multifamily project.

Was a Pre-Application Held? YES/NO **Pre-Application Meeting Date:** May 20, 2021

Is there Previous Project Information? YES/NO

Previous Project Number if applicable: _____

Previous Project Name if applicable: _____

Parcel Control Number(s) **Parcel not yet platted**

41-38-41-008-000-00002-0

B. PROPERTY OWNER INFORMATION

Owner (Name or Company): Banyan Bay Macks, LLC

Company Representative: Jonathan Mayers, Manager

Address: 4750 Owings Mills Boulevard

City: Owings Mills, **State:** MD **Zip:** 21117

Phone: (410) 356-9900 **Email:** jt@chesapeakerealtypartners.com

C. PROJECT PROFESSIONALS

Applicant (Name or Company): Farrell Building Company
Company Representative: Stephen Zagoren
Address: 2317 Montauk Highway
City: Bridgehampton, State: New York Zip: 11932
Phone: (631) 537-1068 Email: zags1413@gmail.com

Agent (Name or Company): Managed Land Entitlements
Company Representative: Michael Sanchez
Address: 3710 Buckeye Street, Suite 100
City: Palm Beach Gardens, State: Florida Zip: 33410
Phone: (561) 568-8045 Email: michael@mylandentitlements.com

Contract Purchaser (Name or Company): Same as Applicant
Company Representative: _____
Address: _____
City: _____, State: _____ Zip: _____
Phone: _____ Email: _____

Land Planner (Name or Company): Same as Agent
Company Representative: _____
Address: _____
City: _____, State: _____ Zip: _____
Phone: _____ Email: _____

Landscape Architect (Name or Company): Litterick Landscape Architecture
Company Representative: Jason Litterick
Address: 2740 SW Martin Downs Boulevard, Suite 199
City: Palm City, State: Florida Zip: 34990
Phone: (561) 719-3876 Email: jasonla1677@yahoo.com

Surveyor (Name or Company): Velcon Engineering & Surveying
Company Representative: Greg Santoiemma
Address: 590 NW Peacock Boulevard, Suite 8
City: Port St. Lucie, State: Florida Zip: 34986
Phone: (772) 879-0477 Email: gregs@velconfl.com

Civil Engineer (Name or Company): Velcon Engineering & Surveying
Company Representative: Darren Guettler
Address: 590 NW Peacock Boulevard, Suite 8
City: Port St. Lucie, State: _____ Zip: _____
Phone: (772) 879-0477 Email: Darrenc@velconfl.com

PROJECT PROFESSIONALS CONTINUED

Traffic Engineer (Name or Company): Simmons & White, Inc.
Company Representative: Kyle Duncan
Address: 2581 Metrocentre Boulevard, Suite 3
City: West Palm Beach, State: FL Zip: 33407
Phone: (561) 478-7848 Email: kyle@simmonsandwhite.com

Architect (Name or Company): Claren Architecture & Design, Inc.
Company Representative: Stephan Claren
Address: 6400 Congress Avenue, Suite 2150
City: Boca Raton, State: Florida Zip: 33487
Phone: (561) 961-4884 Email: stephan@clarenarchitecture.com

Attorney (Name or Company): _____
Company Representative: _____
Address: _____
City: _____, State: _____ Zip: _____
Phone: _____ Email: _____

Environmental Planner (Name or Company): EW Consultants, Inc.
Company Representative: Mary Lindgren
Address: 2581 Metrocentre Boulevard, Suite 1
City: West Palm Beach, State: Florida Zip: 33407
Phone: (561) 291-7950 Email: mlindgren@ewconsultants.com

Other Professional (Name or Company): _____
Company Representative: _____
Address: _____
City: _____, State: _____ Zip: _____
Phone: _____ Email: _____

D. Certification by Professionals

Section 10.2.D.7., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

When reviewing an application for a development permit that is certified by a professional listed in s. 403.0877, F.S., the County shall not request additional information from the application more than three times, unless the applicant waives the limitation in writing. If the applicant believes the request for additional information is not authorized by ordinance, rules, statute, or other legal authority, the County, at the applicant’s request, shall proceed to process the application for approval or denial. **(125.022(1), Fla. Stat.)**

This box must be check if the applicant waives the limitations.

E. APPLICANT or AGENT CERTIFICATION

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.

Stephen Zagoren
Applicant Signature

August 26, 2021
Date

Stephen Zagoren
Printed Name

NOTARY ACKNOWLEDGMENT

STATE OF: New York COUNTY OF: Suffolk

I hereby certify that the foregoing instrument was acknowledged before me this 26th day of August, 20 21, by Stephen Zagoren.

He or She is personally known to me or ___ has produced ___ as identification.

Jillian DeGrenier
Notary Public Signature

Jillian DeGrenier
Printed name

STATE OF: New York at-large

JILLIAN R DEGRENIER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE6409831
Qualified in Suffolk County
Commission Expires: 10/5/2024



Strategic management of land development design, entitlements and permitting.

BANYAN BAY PHASE 3 – MULTIFAMILY RESIDENTIAL

MARTIN COUNTY

FINAL SITE PLAN APPROVAL AND 10TH AMENDMENT TO PUD

PROJECT NARRATIVE

August 19, 2021

REQUEST SUMMARY

A request by Farrell Building Company, Inc. (the “Applicant”) for approval of a Final Site Plan Application and a 10th Amendment to the Banyan Bay Planned Unit Development (the “PUD”) to allow the construction of a 72-unit multifamily residential apartment project (the “Project”) on Phase 3 of the PUD comprising 12.02 acres (the “Property”). The Property is located on the west/northwest side of S. Kanner Highway approximately 1,000 south/southwest of SW Pomeroy Street.

PROPERTY BACKGROUND

The Property is currently vacant, and to the best knowledge of the Applicant, has never been developed. The Property is identified as “Phase 3” of the PUD on the latest Phasing Plan for the PUD and is approved for 72 multifamily units on the latest PUD Master Plan approved by Martin County (the “County”).

The PUD was originally approved by the County in November of 2004, and construction of the Phase I infrastructure was constructed but no homes were built. In 2005, construction of the PUD project ceased due to the impending bust in the housing market due to the Great Recession. The current Master Developer for the PUD, Banyan Bay Macks, LLC, purchased the defunct PUD property in 2016 and made a substantial investment into the PUD property including changing the architectural and landscape themes to Coastal Florida/Florida Plantation. Today, homes within the PUD are selling for over \$700,000.

The PUD has been the subject of various amendments to the original approval, the latest of which is the Ninth Amendment to the PUD approved by the County on September 29, 2020.

The Property was always contemplated to contain multifamily apartments since the original PUD approval in 2004. The Property is separated from the single-family homes within the PUD by wetlands protected in perpetuity by recorded conservation easements.

The Applicant is under contract to purchase the Property from the Master Developer.

FUTURE LAND USE AND ZONING

The Property has a future land use designation of Low Density and has a zoning designation of PUD-R (Residential). Land use and zoning designations of adjacent properties are reflected on site plan and the future land use and zoning maps provided with this submittal.

PROPOSED IMPROVEMENTS

A summary of proposed Project improvements depicted in the development plans provided with this submittal is contained below:

General Project Improvements

- ❖ Development Program: The Project comprises three (3) multifamily apartment buildings of three (3) stories in height, each containing 24 dwelling units, for a total of 72-units. Also proposed are a clubhouse and pool, a maintenance building, two (2) separate garage structures and related site, landscape, utility and stormwater improvements.
- ❖ Units: Unit sizes and mixes for the residential apartment units are noted below:
 - 1-bedroom: 15 units; 780-803 SF + balconies
 - 2-bedroom: 48 units; 1,168-1,188 SF + balconies
 - 3-bedroom: 9 units; 1,497 SF + balconies
- ❖ Access: Access will be provided via a new right-in/right-out driveway access from S. Kanner Highway. There will be no internal access from the Property to the PUD. FDOT has granted conceptual approval of proposed driveway and is requiring a southbound right-turn lane into the Project which has been reflected on the Project development plans. The Project will be gated, and the Applicant has provided two (2) entry drives from the single driveway along Kanner Highway to allow for stacking before the gates. The Applicant has also provided a means to exit the Property prior to entering the gates.
- ❖ Pedestrian and Vehicular Circulation: The vehicular circulation has been carefully designed to allow sufficient area for maneuvering by emergency and service vehicles. A pedestrian sidewalk system is provided throughout the Project which provides a connection to Kanner Highway. A school bus stop is provided at the Project entrance.
- ❖ Parking: The proposed Project provides 145 parking spaces where the approved PUD Master Plan requires 144 spaces (2 spaces/unit). Garage parking spaces are provided within the bottom floor of the residential buildings and within two (2) separate structures within the Project.
- ❖ Dumpsters: Three (3) double dumpster enclosures are provided and evenly distributed throughout the Project with convenient access for service by sanitation vehicles.
- ❖ Amenities: Site amenities include (1) a clubhouse building with a gym, business center, multipurpose room, business center, dog wash station, covered patio and package room; (2) a pool; and (3) a mulched nature walk leading to a picnic area at the southernmost lake.

Architecture

The proposed residential buildings will be three (3) stories in height with a roof deck height of 31'-6". Parapets extend up to 38'-10". The maximum height allowed by the approved PUD Master Plan is 35', and the Project complies with same given that parapets are allowed to extend beyond the maximum height by eight (8) feet.

The proposed architectural style is a modern, contemporary theme with variations in parapet heights, variations in colors and materials, recesses and projections along the building facades and decorative fins extending from the building for visual interest. The contemporary style differentiates the Project from the language of other nearby multi-family projects while also respecting its immediate neighbors by incorporating similar design elements. It incorporates linear horizontal veneer and pronounced entries similar to the horizontal siding and grand entries of the nearby single-family residences, without the extraneous decorative appendages. It also has sweeping canopies evoking the similarly contemporary but welcoming entry of the nearby animal hospital across Kanner Highway. The canopies at the apartment buildings turn vertically, boxing out the balconies, serving the dual purpose of adding privacy to the residences while also breaking up the buildings mass. The finishes play homage to the site's heritage as a pine flatwood by incorporating wood textures at intersections and points of interest, and the white, grey and blue color scheme, with the pops of bronze metalwork, is reminiscent of the summer sky over the South Fork.

Conceptual floor plans, 2D colored elevations and roof plans of the residential buildings, clubhouse, maintenance building and garages are provided with this submittal.

Open Space/Landscaping

Landscape plans have been provided with this submittal that demonstrate the Project's compliance with the County's Land Development Code. Buffers have been provided around the perimeter of the Property as required, and the required native trees, palms and shade trees are provided. A typical residential building planting detail is provided on Sheet LP-4. Screening is provided around all utilities to the greatest extent possible. Extensive landscaping is provided at the Project entry. The Project plant list is provided on Sheet LP-6.

A tree disposition plan and tree survey are provided with this submittal. The Applicant has made every effort to preserve as many existing trees as possible. The plan shows a total of 22 "protected trees", as defined in Section 4.666 of the County Land Development Code, that are being removed and require mitigation, and the landscape plans provided show the replacement trees being provided to comply with the County's mitigation requirements.

Environmental

The previously platted conservation easements for the wetlands and 50-foot wetland buffers on the Property are not proposed to be modified or impacted with the subject application with the exception of an approximately 3,048 SF area of the wetland to the north/northeast of the Property that will be impacted with the new turn lane as noted on the plans provided with this submittal. The Applicant is coordinating with SFWMD on the required mitigation for turn lane impacts to the wetland.

The Applicant engaged the services of EW Consultants, Inc., to prepare a Preserve Area Compliance Statement for the Property (the "Report"), a copy of which is provided with this submittal. The Report found that the preserve areas on the Property are in excellent condition.

The preserves on site are part of the latest Preserve Area Management Plan ("PAMP") for the PUD approved with the 7th Amendment to the PUD, a copy of which is provided with this submittal. The Applicant and current property owner are requesting that a separate PAMP be established for the preserves within the Property, the

compliance with which would be the responsibility of the Applicant once the Property is conveyed to the Applicant subsequent to site plan approval. The Applicant will coordinate said request with the County as part of the development review process.

A gopher tortoise survey will be performed on the areas to be cleared for development and any tortoises will be relocated prior to clearing with the appropriate permits from FWC.

Drainage

The Project will be served by site grading, inlets, and culverts that will direct stormwater to the proposed lakes at the southwest area of the site, in combination comprising approximately 2.0-acres, prior to a controlled discharge to Wetland 12 that is part of the Banyan Bay Master Stormwater Management System. The onsite lakes provide additional attenuation as part of the master system, while all water quality treatment is provided by the master system.

Traffic Concurrency

A traffic impact statement is provided with this submittal. The proposed 72 multifamily dwelling units are already contemplated and entitled as part of the previous PUD approvals.

Utilities

The Project will be serviced by connecting to the existing MCU 16" watermain on S. Kanner Highway with a new 8" water main to meet potable water and fireflow demands.

Wastewater service will be provided by a new gravity sewer main and associated lift station that will connect to the existing MCU 8" forcemain on S. Kanner Highway.

An irrigation well is proposed for irrigation water onsite unless the County is able to provide IQ water to the site.

Site Lighting

Lighting within the Project site will be provided by energy efficient LED lighting mounted on concrete poles. A site photometric plan is provided with this submittal.

10TH AMENDMENT TO BANYAN BAY PLANNED UNIT DEVELOPMENT

The proposed 10th Amendment to the PUD comprises the minor modifications to the PUD plans and documents listed below. The requested modifications pose no material change to the PUD; therefore no comparative analysis of developer and/or public benefits is provided.

- ❖ Updated PUD Master Plan to include the following changes:
 - Updated site plan layout for Phase 3.
 - Added turn lane into Phase 3.

- Deleted setback from “Buildings to parking tracts” from multifamily project site data. Sufficient foundation landscaping areas are provided between the buildings and the parking areas, and the Applicant feels that the 15’ setback stated does not serve any purpose from a planning perspective and should be removed from the Master Plan.
- Updated open space calculations for Phase 3 and adjusted impervious/pervious calculations for overall PUD based on revised calculations for Phase 3.
- ❖ Updated PUD Phasing Plan to include the final site plan for Phase 3.
- ❖ Amendment to PUD Zoning Agreement to exclude Phase 3 from being subject to the Banyan Bay Property Owner’s Association (the “Association”) and the Association’s Declaration of Covenants and Restrictions. Phase 3 will be under different ownership from the balance of the PUD and will have no relationship with the Association with respect to common areas, utilities, access, parking, maintenance, fees, etc. The proposed modification is noted below (language to be added is underlined):

BANYAN BAY

PLANNED UNIT DEVELOPMENT ZONING AGREEMENT

* * * * *

4. COMMON AREAS, COVENANTS, CONDITIONS AND RESTRICTIONS

* * * * *

4.2 Except for conveyances to governmental entities, it shall be deemed a breach of this Agreement for any land to be conveyed by the OWNER by an instrument which does not contain the Covenants and Restrictions or incorporated them reference. This provision shall not apply to the Phase 3 multifamily development.

CLOSING

The Project team respectfully requests the County’s consideration of the subject request and looks forward to working with the County to bring a first-class multifamily apartment project to the Martin County.

BANYAN BAY MACKS, LLC
4750 OWINGS MILLS BOULEVARD
OWINGS MILLS, MD 21117

August 12, 2021

Mr. Pete Walden
Growth Management Department
Martin County
2401 SE Monterey Road
Stuart, Florida 34996

Re: Banyan Bay Phase 3 Multifamily Residential
Owner Authorization for Final Site Plan and 10th Amendment to PUD
(Parcel Control Number: 41-38-41-008-000-00002-0)

Dear Mr. Walden:

Please accept this letter to serve as authorization by Banyan Bay Macks, LLC ("Owner"), owner of the above-referenced property (the "Property"), for Michael Sanchez of Managed Land Entitlements, LLC, to act on the Owner's behalf as it relates to obtaining all permits and approvals required to allow for improvements to the Property.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me at (410) 356-9900.

Sincerely,

BANYAN BAY MACKS, LLC

By: Jonathan Mayers, Manager

Jonathan Mayers (Signature)

NOTARY PUBLIC INFORMATION:

STATE OF Maryland
COUNTY OF Baltimore

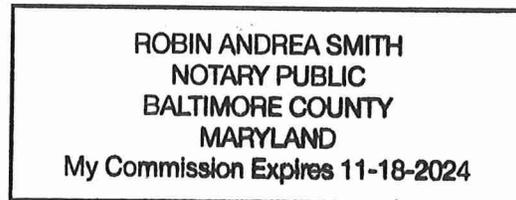
The foregoing instrument was acknowledged before me this 17th day of August, 2021 by Jonathan Mayers
(name of person acknowledging). He/she is personally known to me or has produced (type of identification)
as identification and did/did not take an oath (circle correct response).

Robin Andrea Smith
(Name - type, stamp or print clearly)

Robin Andrea Smith
(Signature)

My Commission Expires on: 11-18-2024

NOTARY'S SEAL OR STAMP



90

Consideration: \$19,000,000.00
 Doc Stamps: \$ 133,000.00

Prepared by and return to:

FELDMAN & MAHONEY, P.A.
Donna J. Feldman, Esq.
2240 Belleair Road
Suite 210
Clearwater, Florida 33764

Tax Parcel Numbers: Multiple

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("**Deed**") is made as of December 28, 2016, by **BANYAN BAY VENTURE I, LLC**, a Delaware limited liability company, and **BANYAN BAY VENTURE II, LLC**, a Delaware limited liability company (collectively, the "**Grantor**"), each as their interests appear, each of whose address is 7807 Baymeadows Road East, Suite 205, Jacksonville, Florida 32256, in favor of **BANYAN BAY MACKS, LLC**, a Delaware limited liability company ("**Grantee**"), whose address is 4750 Owings Mills Boulevard, Owings Mills, Maryland 21117.

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration, lawful money of the United States of America, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed to Grantee, its successors and assigns forever, all of the following described land in Martin County, Florida ("**Property**"), together with all ways, easements, covenants, benefits, rights of way, agreements, privileges, fixtures, improvements and appurtenances thereunto appertaining:

See **Exhibit "A"** attached hereto.

TO HAVE AND TO HOLD the Property, with the appurtenances, unto Grantee, its successors and assigns, in fee simple forever;

And Grantor does hereby covenant with Grantee that the Property is free from all liens and encumbrances except those matters set forth on **Exhibit "B"** attached hereto and incorporated herein by reference (the "**Permitted Exceptions**");

And Grantor does hereby fully warrant title to the Property unto said Grantee, its successors and assigns, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other, subject only to the Permitted Exceptions.

[Signatures begin on the following page.]

[Banyan Bay Venture I Signature page to Special Warranty Deed]

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the date aforesaid.

Signed, sealed and delivered
in the presence of:

BANYAN BAY VENTURE I, LLC,
a Delaware limited liability company

Sara G. Zebouni

Signature of Witness #1

SARA G. ZEBOUNI

Typed/Printed Name of Witness #1

Chris O'Bannon

Signature of Witness #2

CHRIS O'BANNON

Typed/Printed Name of Witness #2

By:

Graydon E. Miars

Graydon E. Miars, Vice President

STATE OF FLORIDA

COUNTY OF DUVAL

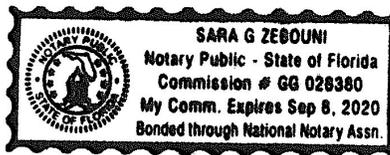
The foregoing instrument was acknowledged before me this 14TH day of December, 2016, by Graydon E. Miars, as Vice President of Banyan Bay Venture I, LLC, a Delaware limited liability company, on behalf of the company, (check one) who is personally known to me or who has produced a _____ as identification.

Sara G. Zebouni

Notary Public, State of Florida

My Commission Expires: 9/8/2020

Affix Notary Seal Below:



[Banyan Bay Venture II Signature page to Special Warranty Deed]

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the date aforesaid.

Signed, sealed and delivered
in the presence of:

BANYAN BAY VENTURE II, LLC,
a Delaware limited liability company

Sara G. Zebouni
Signature of Witness #1

By: *[Signature]*
Graydon E. Miars, Vice President

SARA G. ZEBOUNI
Typed/Printed Name of Witness #1

[Signature]
Signature of Witness #2

CHRIS O'BANNON
Typed/Printed Name of Witness #2

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14TH day of December, 2016, by Graydon E. Miars, as Vice President of Banyan Bay Venture II, LLC, a Delaware limited liability company, on behalf of the company, (check one) who is personally known to me or who has produced a _____ as identification.

Sara G. Zebouni
Notary Public, State of Florida
My Commission Expires: 9/8/2020
Affix Notary Seal Below:

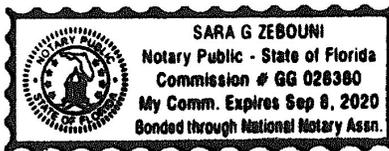


Exhibit "A"
Property

PARCEL 1:

A PARCEL OF LAND LYING PARTIALLY IN LOT 6 AND PARTIALLY IN LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED LOT 7, THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF LOT 7 FOR A DISTANCE OF 206.38 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 AND THE POINT OR PLACE OF BEGINNING; (1) THENCE CONTINUE SOUTH 66° 37' 10" WEST, ALONG THE SOUTH LINE OF SAID LOT 7 FOR A DISTANCE OF 1316.00 FEET TO A POINT; (2) THENCE PROCEED NORTH 23° 22' 50" WEST FOR A DISTANCE OF 1900.00 FEET TO A POINT; (3) THENCE PROCEED NORTH 66° 37' 10" EAST FOR A DISTANCE OF 2892.17 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76, SAID POINT BEING ON A CURVE CONCAVE TO THE WEST AND SAID CURVE HAVING A RADIUS OF 5679.65 FEET; (4) THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 76, THROUGH A CENTRAL ANGLE OF 18° 23' 09" , FOR A DISTANCE OF 1822.56 FEET TO THE END OF SAID CURVE; (5) THENCE PROCEED SOUTH 23° 02' 30" WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO.76 FOR A DISTANCE OF 660.15 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING PARTIALLY IN LOT 6 AND PARTIALLY IN LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED LOT 7; THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF LOT 7 FOR A DISTANCE OF 206.38 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76; THENCE PROCEED NORTH 23° 02' 30" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 FOR A DISTANCE OF 660.15 FEET TO A POINT OF CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 5679.65 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 THROUGH A CENTRAL ANGLE OF 18° 23' 09" FOR A DISTANCE OF 1822.56 FEET TO THE POINT OR PLACE OF BEGINNING; (1) THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG A LINE PARALLEL TO AND 1900 FEET NORTHERLY OF, AS MEASURED PERPENDICULAR TO, THE SOUTH LINE OF THE ABOVE DESCRIBED LOT 7 FOR A DISTANCE OF 4067.56 FEET TO THE EASTERLY SHORE OF THE SOUTH FORK OF THE ST. LUCIE RIVER; THENCE PROCEED ALONG THE SHORE OF SAID RIVER OF THE FOLLOWING BEARINGS AND DISTANCES; (2) NORTH 00° 25' 55" WEST FOR 111.67 FEET; (3) NORTH 05° 00' 38" WEST FOR 100.33 FEET; (4) NORTH 07° 16' 55" WEST FOR 100.07 FEET; (5) NORTH 10° 43' 57" WEST FOR 100.02 FEET; (6) NORTH 10° 09' 01" WEST FOR 100.01 FEET; (7) NORTH 23° 40' 31" WEST FOR 103.07 FEET; (8) NORTH 24° 52' 45" WEST FOR 92.54 FEET; (9) NORTH 27° 22' 34" WEST FOR 100.60 FEET; (10) NORTH 31° 55' 43" WEST FOR 100.04 FEET; (11) NORTH 41° 36' 39" WEST FOR 26.79 FEET AND THE END OF SAID RIVER SHORE TRAVERSE; (12) THENCE PROCEED NORTH 66° 37' 10" EAST ALONG A LINE PARALLEL TO AND 909.45 FEET NORTHERLY OF, AS MEASURED PERPENDICULAR TO THE LINE DESCRIBED IN CALL NO. 1 FOR A DISTANCE OF 4339.96 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 SAID POINT BEING ON A CURVE CONCAVE TO THE WEST AND SAID CURVE HAVING A RADIUS OF 5679.65 FEET; (13) THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG

THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 THROUGH A CENTRAL ANGLE OF 09° 58' 58" FOR A DISTANCE OF 989.58 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND LYING AND BEING IN LOT 7 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF THE HANSON GRANT FOR A DISTANCE OF 1522.38 FEET TO THE POINT OR PLACE OF BEGINNING; (1) THENCE PROCEED NORTH 23° 22' 50" WEST FOR A DISTANCE OF 1900.00 FEET TO A POINT; (2) THENCE PROCEED SOUTH 66° 37' 10" WEST FOR A DISTANCE OF 1175.39 FEET TO A POINT ON THE APPROXIMATE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; (3) THENCE MEANDER SOUTHERLY ALONG THE APPROXIMATE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER ON THE FOLLOWING BEARINGS AND DISTANCES; THENCE SOUTH 01° 29' 55" EAST FOR 89.15 FEET; THENCE SOUTH 02° 21' 15" EAST FOR 100.08 FEET; THENCE SOUTH 13° 11' 34" EAST FOR 30.80 FEET; THENCE SOUTH 00° 53' 11" EAST FOR 70.01 FEET; THENCE SOUTH 00° 31' 07" WEST FOR 100.00 FEET; THENCE SOUTH 04° 39' 00" WEST FOR 109.54 FEET; THENCE SOUTH 15° 58' 58" WEST FOR 95.04 FEET; THENCE SOUTH 21° 01' 09" WEST FOR 87.60 FEET; THENCE SOUTH 34° 40' 17" WEST FOR 185.40 FEET; THENCE SOUTH 42° 56' 04" WEST FOR 49.64 FEET; THENCE SOUTH 10° 24' 51" EAST FOR 24.84 FEET; THENCE SOUTH 65° 36' 31" EAST FOR 22.52 FEET; THENCE NORTH 41° 57' 34" EAST FOR 15.33 FEET; THENCE NORTH 19° 32' 32" EAST FOR 15.87 FEET; THENCE NORTH 84° 23' 41" EAST FOR 35.73 FEET; THENCE SOUTH 47° 30' 15" EAST FOR 31.23 FEET; THENCE SOUTH 05° 15' 53" WEST FOR 85.88 FEET; THENCE SOUTH 01° 47' 58" WEST FOR 109.63 FEET; THENCE SOUTH 06° 51' 17" EAST FOR 101.72 FEET; THENCE SOUTH 29° 58' 59" WEST FOR 52.21 FEET; THENCE SOUTH 41° 55' 21" WEST FOR 165.69 FEET; THENCE SOUTH 52° 25' 30" WEST FOR 70.37 FEET; THENCE SOUTH 56° 40' 04" WEST FOR 66.19 FEET; THENCE SOUTH 06° 39' 57" WEST FOR 58.32 FEET; THENCE SOUTH 17° 41' 50" WEST FOR 44.21 FEET; THENCE SOUTH 04° 41' 51" WEST FOR 10.75 FEET; THENCE SOUTH 25° 58' 39" EAST FOR 50.16 FEET; THENCE SOUTH 42° 57' 56" EAST FOR 51.19 FEET; THENCE SOUTH 20° 30' 36" WEST FOR 27.61 FEET TO A POINT IN THE CENTERLINE OF A CREEK SHOWN AS POINTE LAGOON CREEK; (4) THENCE MEANDER GENERALLY SOUTHEASTERLY ALONG THE CENTERLINE OF SAID POINTE LAGOON CREEK TO THE POINT OF INTERSECTION OF SAID CENTERLINE AND THE SOUTH LINE OF THE HANSON GRANT; (5) THENCE PROCEED NORTH 66° 37' 10" EAST ALONG THE SOUTH LINE OF THE HANSON GRANT FOR A DISTANCE OF 1639.03 FEET TO THE POINT OR PLACE OF BEGINNING.

LESS AND EXCEPT:

THAT PART OF LOTS 6 AND 7, ACCORDING TO THE PLAT OF MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, LYING WESTERLY OF STATE ROAD 76, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE RUN SOUTH 66° 11' 42" WEST ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 206.38 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76; THENCE NORTH 22° 45' 25" EAST ALONG SAID EXISTING RIGHT OF WAY LINE, A DISTANCE OF 193.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 22° 45' 25" EAST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 467.25 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 5679.58 FEET AND A CHORD WHICH BEARS NORTH 08° 34' 42" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76 SUBTENDED BY A CENTRAL ANGLE OF 28° 21' 26" , A DISTANCE

OF 2810.98 FEET TO A LINE PARALLEL WITH AND 2809.45 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF LOTS 6 AND 7; THENCE SOUTH 66° 11' 42" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 3.27 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 5669.58 FEET AND A CHORD WHICH BEARS S 06° 19' 23" W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF 23° 34' 03" A DISTANCE OF 2332.07 FEET TO A PROPOSED ENTRANCE ROAD IN THE PROPOSED SUBDIVISION OF BANYAN BAY; THENCE SOUTH 63° 24' 50" WEST, A DISTANCE OF 35.54 FEET; THENCE SOUTH 18° 56' 31" WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 25° 49' 30" EAST, A DISTANCE OF 35.63 FEET TO A POINT ON A CURVE CONCENTRIC WITH THE LAST DESCRIBED CURVE, HAVING A RADIUS OF 5669.58 FEET AND A CHORD WHICH BEARS SOUTH 21° 11' 35" WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF 03° 07' 39" A DISTANCE OF 309.47 FEET TO A POINT OF TANGENCY WITH A LINE PARALLEL WITH AND 10.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO SAID WESTERLY EXISTING RIGHT OF WAY FOR STATE ROAD 76; THENCE SOUTH 22° 45' 25" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 481.80 FEET; THENCE SOUTH 67° 14' 35" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF LOT 7 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN O.R. BOOK 716, PAGE 119, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE SOUTH 66° 11' 42" WEST ALONG THE SOUTHERLY LINE FOR SAID LOT 6, A DISTANCE OF 206.38 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76 (KANNER HIGHWAY) AND THE POINT OF BEGINNING; THENCE NORTH 22° 45' 25" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 193.93 FEET; THENCE NORTH 67° 14' 35" WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 22° 45' 25" WEST A DISTANCE OF 204.49 FEET TO A POINT ON THE SOUTHERLY LINE FOR SAID LOT 7; THENCE NORTH 66° 11' 42" EAST ALONG SAID LOT LINE, A DISTANCE OF 14.34 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

BEING A PARCEL OF LAND LYING IN LOT 6 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN), COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 7 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE ALONG THE EASTERLY LINE OF SAID LOT 7 NORTH 23° 42' 28" WEST, A DISTANCE OF 210.26 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 76; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 22° 43' 24" EAST, A DISTANCE OF 380.43 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 5669.58 FEET; THE CHORD OF WHICH BEARS NORTH 18° 12' 59" EAST; THENCE ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 09° 00' 50" , A DISTANCE OF 891.95 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE NORTH 31° 48' 03" WEST, A DISTANCE OF 42.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS NORTH 12° 48' 17" EAST, A DISTANCE OF 118.99 FEET AND HAVING A RADIUS OF 5639.58 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01° 12' 32" , A DISTANCE OF 119.00 FEET; THENCE NORTH 57° 32' 04" EAST, NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 24.57 FEET TO THE BEGINNING OF A

NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS NORTH 10° 43' 23" EAST, A DISTANCE OF 257.13 FEET AND HAVING A RADIUS OF 5657.08 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02° 36' 16" , A DISTANCE OF 257.15 FEET; THENCE SOUTH 76° 52' 32" EAST, NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 12.53 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 76 AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS SOUTH 11° 34' 09" WEST, A DISTANCE OF 423.56 FEET AND HAVING A RADIUS OF 5669.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04° 16' 49" , A DISTANCE OF 423.46 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT FROM ALL OF THE ABOVE:

ALL OF THOSE LANDS SHOWN ON THE PLAT OF BANYAN BAY PUD PHASE 1, AS RECORDED IN PLAT BOOK 16, PAGE 75, AS AFFECTED BY RESOLUTION NO. 08-5.32, RECORDED IN OFFICIAL RECORDS BOOK 2350, PAGE 1342, ALL OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL 4:

ALL THOSE LANDS SHOWN ON THE PLAT OF BANYAN BAY PUD PHASE 1, AS RECORDED IN PLAT BOOK 16, PAGE 75, AS AFFECTED BY RESOLUTION NO. 08-5.32, RECORDED IN OFFICIAL RECORDS BOOK 2350, PAGE 1342, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

Exhibit "B"
Permitted Exceptions

1. Taxes and assessments for the year 2017 and subsequent years, which are not yet due and payable.
2. Resolution N0. 04-11.4 (Regarding Change in Zoning District Classification) recorded December 14, 2004, in Official Records Book 1963, Page 1085; Banyan Bay Planned Unit Development Zoning Agreement recorded February 4, 2005, in Official Records Book 1979, Page 2199; Resolution Number 05-9.3 (Regarding Final Site Plan Approval for Banyan Bay PUD, Phase 1 with a Certificate of Public Facilities Reservation) recorded December 2, 2005, in Official Records Book 2088, Page 1069; Martin County Florida Development Order Change (Administrative Amendment Regarding Revised Master Site Plan and Revised Final Site Plan for Banyan Bay PUD, Phase 1) recorded September 28, 2006, in Official Records Book 2183, Page 2378; Martin County, Florida Development Order Change Regarding Second Amendment to the Banyan Bay PUD Agreement to Allow Phase 1 Plat Approval recorded August 8, 2008, in Official Records Book 2344, Page 2254; Third Amendment to Banyan Bay Planned Unit Development Zoning Agreement recorded July 23, 2009, in Official Records Book 2402, Page 2289; Fourth Amendment to Banyan Bay Planned Unit Development Zoning Agreement recorded May 10, 2011, in Official Records Book 2516, Page 2235; Fifth Amendment to Banyan Bay Planned Unit Development Zoning Agreement, recorded October 18, 2013 in Official Records Book 2682, Page 2387; Development Order - Resolution Number 16-5.17 Regarding a Revised Phase 1 Final Site Plan Approval for Banyan Bay PUD With a Certificate of Public Facilities Exemption recorded July 22, 2016, in Official Records Book 2868, Page 697; and Sixth Amendment to Banyan Bay Planned Unit Development Zoning Agreement, recorded July 22, 2016, in Official Records Book 2868, Page 708.
3. Proprietary Deed of Conservation Easement granted to the South Florida Water Management district by instrument recorded January 27, 2005, in Official Records Book 1976, Page 1975.
4. Water and Wastewater Service Agreement as set forth in instrument recorded December 9, 2005, in Official Records Book 2091, Page 230.
5. Deed of Conservation Easement granted to the South Florida Water Management District by instrument recorded December 21, 2005, in Official Records Book 2095, Page 252.
6. Reclaimed Water Agreement for Irrigation Quality Reuse as set forth in instrument recorded June 9, 2006, in Official Records Book 2151, Page 985.
7. Perpetual Easement granted to the State of Florida Department of Transportation by instrument recorded September 24, 2007, in Official Records Book 2280, Page 1385.
8. Restrictions, dedications, conditions, reservations, easements and other matters shown on the Plat of BANYAN BAY PUD PHASE 1, as recorded in Plat book 16, Page 75; as affected by Resolution No. 08-5.32 recorded September 12, 2008, in Official Records Book 2350, Page 1342.
9. Utility Easement granted to Martin County by instrument recorded September 12, 2008, in Official Records Book 2350, Page 1343; and re-recorded September 23, 2008, in Official Records Book 2351, Page 2629; and together with Resolution No. 08-5.31 recorded September 12, 2008, in Official Records Book 2350, Page 1341.
10. Declaration of Covenants, Conditions and Restrictions for Banyan Bay, which contains

provisions for a private charge or assessments, recorded September 12, 2008, in Official Records Book 2350, Page 1346; as amended by First Amendment to Declaration recorded in Official Records Book 2429, Page 1497.

11. Assignment of Developer Rights and Assumption Agreement between Banyan Bay Development Corporation, a Florida corporation, and Banyan Bay Land, LLC, a Florida limited liability company, recorded December 23, 2009, in Official Records Book 2429, Page 1474, as further assigned by that Assignment of Developer Rights and Assumption Agreement, recorded on January 10, 2012 in Official Records Book 2555, Page 69, and assigned to Grantee concurrent herewith.

12. Assignment and Assumption of Development Rights between Banyan Bay Development Corporation, a Florida corporation and Banyan Bay Land, LLC, recorded December 23, 2009, in Official Records Book 2429, Page 1486, as affected by that certain Assignment and Assumption of Development Rights, recorded January 10, 2012 in Official Records Book 2555, Page 78, as further affected by assignment to Grantee concurrent herewith.

13. Utility Easement in favor of City of Stuart recorded in Official Records Book 2516, Page 124.

14. Assignment and Assumption S.R. 76 Agreement, recorded on January 10, 2012 in Official Records Book 2555, Page 91, as assigned to Grantee concurrent herewith.

15. Temporary Easement as set forth and described in that certain Order of Taking, contained in the Notice of Appeal of a Non-Final Order, recorded in Official Records Book 2794, Page 2600.

16. Perpetual Easement as set forth and described in that certain Order of Taking, contained in the Notice of Appeal of a Non-Final Order, recorded in Official Records Book 2794, Page 2600.

17. Unrecorded Stockpile License Agreement by and between Grantor and the Florida Department of Transportation dated November 12, 2015, as assigned to Grantee concurrent herewith.

NOTE: All recording references refer to the public records of Martin County, Florida.

BANYAN BAY MACKS, LLC
4750 OWINGS MILLS BOULEVARD
OWINGS MILLS, MD 21117

August 12, 2021

Mr. Pete Walden
Growth Management Department
Martin County
2401 SE Monterey Road
Stuart, Florida 34996

Re: Banyan Bay Phase 3 Multifamily Residential
Statement of No Property Transfer
(Parcel Control Number: 41-38-41-008-000-00002-0)

Dear Mr. Walden:

Please accept this letter to serve as confirmation by Banyan Bay Macks, LLC ("Owner"), owner of the above-referenced property (the "Property"), that as of the date of this letter, the Owner retains ownership of the Property under the Special Warranty Deed recorded in Official Records Book 2898, Page 2065 of the Public Records of Martin County and that the Property has not been transferred to any other party.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me at (410) 356-9900.

Sincerely,

BANYAN BAY MACKS, LLC

By: Jonathan Mayers, Manager

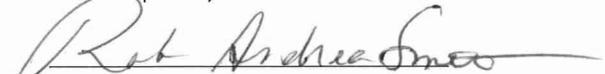
 (Signature)

NOTARY PUBLIC INFORMATION:

STATE OF Maryland
COUNTY OF Baltimore

The foregoing instrument was acknowledged before me this 17th day of August, 2021 by Jonathan Mayers (name of person acknowledging). He/she is personally known to me or has produced (type of identification) _____ as identification and did/did not take an oath (circle correct response).

Robin Andrea Smith
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 11-18-2024

NOTARY'S SEAL OR STAMP

ROBIN ANDREA SMITH
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 11-18-2024

LEGAL DESCRIPTION:

PHASE 3

BEING A PARCEL OF LAND LYING IN THE HANSON GRANT, MARTIN COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT; THENCE SOUTH 66°17'32" WEST ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 221.03 FEET TO A POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH KANNER HIGHWAY (STATE ROAD NO. 76) AND BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE OF LOT 7 SOUTH 66°17'32" WEST, A DISTANCE OF 956.67 FEET; THENCE DEPARTING SAID SOUTH LINE OF LOT 7 NORTH 23°22'46" WEST, A DISTANCE OF 148.18 FEET TO A POINT ON A LINE OF THE CONSERVATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2095, PAGE 252 IN THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE NORTH 10°31'29" WEST, A DISTANCE OF 72.74 FEET; THENCE NORTH 25°07'32" WEST, A DISTANCE OF 40.20 FEET; THENCE NORTH 55°55'56" EAST, A DISTANCE OF 17.61 FEET; THENCE NORTH 07°30'23" WEST, A DISTANCE OF 77.56 FEET; THENCE NORTH 16°10'08" WEST, A DISTANCE OF 95.76 FEET; THENCE NORTH 14°12'54" EAST, A DISTANCE OF 51.60 FEET; THENCE SOUTH 80°42'24" EAST, A DISTANCE OF 59.75 FEET; THENCE SOUTH 42°44'28" EAST, A DISTANCE OF 45.78 FEET; THENCE SOUTH 47°17'00" EAST, A DISTANCE OF 92.28 FEET; THENCE SOUTH 50°50'22" EAST, A DISTANCE OF 94.39 FEET; THENCE SOUTH 62°51'50" EAST, A DISTANCE OF 99.34 FEET; THENCE DEPART SAID CONSERVATION EASEMENT LINE NORTH 58°59'10" EAST, A DISTANCE OF 127.96 FEET TO A POINT ON SAID CONSERVATION EASEMENT LINE; THENCE ALONG SAID CONSERVATION EASEMENT LINE NORTH 52°44'11" EAST, A DISTANCE OF 50.07 FEET; THENCE NORTH 39°24'02" EAST, A DISTANCE OF 24.92 FEET; THENCE NORTH 12°47'36" EAST, A DISTANCE OF 107.13 FEET; THENCE NORTH 09°39'02" EAST, A DISTANCE OF 92.21 FEET; THENCE NORTH 07°54'19" EAST, A DISTANCE OF 55.93 FEET; THENCE NORTH 75°23'25" EAST, A DISTANCE OF 11.02 FEET; THENCE NORTH 40°48'34" EAST, A DISTANCE OF 72.24 FEET; THENCE NORTH 67°51'04" EAST, A DISTANCE OF 61.88 FEET; THENCE NORTH 09°46'28" WEST, A DISTANCE OF 84.27 FEET; THENCE NORTH 22°40'39" WEST, A DISTANCE OF 36.21 FEET; THENCE NORTH 26°29'07" EAST, A DISTANCE OF 35.24 FEET; THENCE NORTH 40°12'52" EAST, A DISTANCE OF 72.04 FEET; THENCE NORTH 46°54'04" WEST, A DISTANCE OF 54.70 FEET; THENCE NORTH 71°11'05" EAST, A DISTANCE OF 83.72 FEET; THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 44.28 FEET; THENCE NORTH 66°07'54" EAST, A DISTANCE OF 51.16 FEET; THENCE NORTH 58°03'52" EAST, A DISTANCE OF 27.92 FEET; THENCE SOUTH 80°09'04" EAST, A DISTANCE OF 49.91 FEET; THENCE NORTH 76°03'51" EAST, A DISTANCE OF 61.09 FEET; THENCE NORTH 55°33'59" EAST, A DISTANCE OF 79.80 FEET; THENCE NORTH 13°00'17" EAST, A DISTANCE OF 33.92 FEET; THENCE NORTH 72°38'46" EAST, A DISTANCE OF 41.75 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVED TO THE NORTHWEST HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE 64°36'43", A DISTANCE OF 65.11 FEET TO THE BEGINNING OF A TANGENT LINE; THENCE ALONG SAID LINE NORTH 01°57'58" WEST, A DISTANCE OF 37.67 FEET; THENCE NORTH 71°44'09" EAST, A DISTANCE OF 22.51 FEET; THENCE SOUTH 31°58'37" EAST, A DISTANCE OF 83.07 FEET; THENCE SOUTH 05°25'16" EAST, A DISTANCE OF 105.40 FEET; THENCE TO A POINT OF INTERSECTION OF AFOREMENTIONED CONSERVATION EASEMENT LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH KANNER HIGHWAY (STATE ROAD NO. 76) SOUTH 56°55'32" EAST, A DISTANCE OF 78.63 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 22°43'24" WEST, A DISTANCE OF 660.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.02± ACRES.