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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

RESOLUTION NO. 19-10.13

WHEREAS, Martin County needs a 15' Non-Exclusive Perpetual Access and Maintenance Easement from Edward H. Hamm, as Trustee, under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999, to allow for perpetual access for the purpose of constructing an access drive, which leads to a proposed parking area located on the Hobe Sound Scrub Preserve project property located off of Dixie Highway south of SE Saturn Street; and

WHEREAS, by document entitled "Non-Exclusive Perpetual Access and Maintenance Easement" executed on July 31, 2019, Edward H. Hamm, as Trustee, under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999 grants to Martin County a Non-Exclusive Perpetual Access and Maintenance Easement; and

WHEREAS, Sec. 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution by the Board of County Commissioners of Martin County.

NOW, THEREFORE, BE IT RESOLVED BY THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS, THAT:

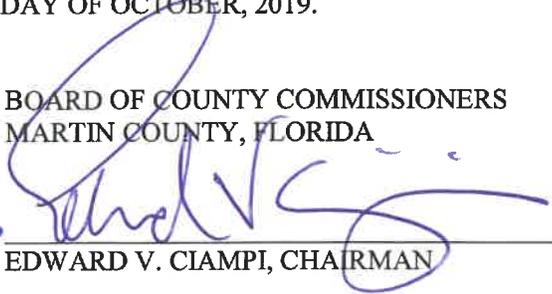
Martin County hereby accepts and approves the Non-Exclusive Perpetual Access and Maintenance Easement conveyed by Edward H. Hamm, as Trustee, under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999.

DULY PASSED AND ADOPTED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

  
\_\_\_\_\_  
GAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

  
\_\_\_\_\_  
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
SARAH W. WOODS, COUNTY ATTORNEY

This instrument prepared by:  
Carla Segura, Real Property Manager  
Martin County Board of County Commissioners  
2401 SE Monterey Road  
Stuart, FL 34996



Inst. # 2782362  
Blk: 3091 Pg: 1670 Pages: 1 of 4  
Recorded on: 10/30/2019 9:12 AM Doc: EAS  
Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, FL  
Rec Fees: \$35.50

Project Name: Hamm Property Easement/Hobe Sound Scrub Preserve Access  
Property Address: Dixie Hwy, Hobe Sound #3246  
PCN: 27-39-42-000-000-00020-9

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## NON-EXCLUSIVE PERPETUAL ACCESS AND MAINTENANCE EASEMENT

THIS NON-EXCLUSIVE PERPETUAL ACCESS AND MAINTENANCE EASEMENT granted and executed this 31 day of July, 2019, by **EDWARD H. HAMM, as Trustee, under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999**, whose address is 400 Saint Peter Street, Suite 434, Saint Paul, Minnesota, 55102, Grantor, to **MARTIN COUNTY**, a political subdivision of the State of Florida, whose address is 2401 S.E. Monterey Road, Stuart, Florida 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 \$10.00 in hand paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto the Grantee forever, a non-exclusive perpetual access and maintenance easement, together with right of reasonable ingress and egress by the public over, under and across certain lands described and depicted on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises"), for the purpose of constructing an access drive, which will lead to a proposed limited use Parking Area, located on the Grantees adjacent real property to the west of the Easement Premises and for any reconstruction, improvements and maintenance of the property located on the Easement Premises in accord with County code for public access (ingress and egress). Additionally, Grantee shall only install informal signage and shall not be permitted to install any other improvements, structures, or developments on the Grantor's property, which is adjacent to a 15' platted right of way depicted in Plat Book 10, Page 9, Public Records of Palm Beach (now Martin) County, Florida.

Grantee may, from time to time, construct, reconstruct or replace any improvements within the Easement Premises, or remove, cut or trim trees, bushes and saplings growing upon or extending over the Easement Premises as may be reasonably necessary in the maintenance, operation, repair, replacement, renewal or betterment of access to the Hobe Sound Scrub Preserve project. Grantee may remove any obstructions placed within the Easement Premises without notice for the benefit of the health, safety and welfare of the public. And the Grantor hereby covenants with 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, and that Grantor fully warrants the title to the Easement Premises, and will defend the same against the lawful claims of all persons whomsoever.

ACCEPTED PURSUANT TO RESOLUTION	
NO.	<u>19-10.13</u>
ON	<u>10-22-19</u>

Grantee and Grantor hereby waive any and all claims which either may or might have hereafter against the other for any loss or damage to the Easement Premises arising from the use by the Grantee, or the public, of the Easement Premises for any purpose. Subject to the limitations of Section 768.28, Florida Statutes, the Grantee agrees to be responsible for all claims, actions and damages to the Easement Premises that arise from Grantee's negligent acts or omissions in the use thereof in accordance with this Easement Agreement. The terms and provisions of this Section shall survive the termination of this Easement. Nothing herein is intended to nor shall it waive the provisions and limitations set forth in Section 768.28, Florida Statutes.

Grantor covenants that neither Grantor nor any person actually, legally or naturally dependent upon Grantor now reside on said lands or any lands contiguous thereto.

Grantor further warrants that there are no mortgages encumbering the Easement Premises.

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:

[Signature]  
Printed Name: Edward H. Hamm

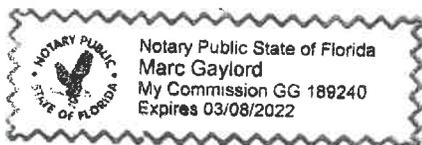
By:

Edward H. Hamm, TTE  
Edward H. Hamm, individually and as Trustee under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999

[Signature]  
Printed Name: Lorraine M. Johnson

STATE OF Florida  
COUNTY OF DeSoto

The foregoing instrument was acknowledged before me this 31 day of July, 2019, by Edward H. Hamm, individually and as Trustee under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999, as subsequently amended and restated from time to time, who is ( ) personally known to me or (X) has produced Driver's Lic. as identification



[Signature]  
Notary Public, State of Florida  
Print Name: MARC GAYLORD  
My Commission Expires: \_\_\_\_\_

**NOTE:**

DESCRIPTION NOT VALID  
WITHOUT ATTACHED SKETCH.

**EXHIBIT A  
THIS IS NOT A SURVEY**

**LEGAL DESCRIPTION: 15' INGRESS EGRESS EASEMENT**

A parcel of land in Government Lot 1, Section 26, Township 39 South, Range 42 East, Martin County, Florida, more particularly described as follows:

Beginning at the Southwest corner of Government Lot 1, said Section 26, thence North 00°00'14" West along the West line, said Government Lot 1, a distance of 349.02 feet to a point of intersection with the West right-of-way line of Dixie Highway (30' wide); thence South 39°03'14" East along said right-of-way line, a distance of 23.81 feet to a point of intersection with the Northerly prolongation of the West line of a 15 foot Public Alley per, Amended Plat of Blocks 1, 2 & 3, Hobe Sound, recorded in Plat Book 10, page 9, Public Records of Palm Beach (now Martin) County, Florida; thence South 00°00'14" East, along said West line and the Northerly prolongation thereof, a distance 330.39 feet to a point on the South line, said Government Lot 1; thence South 89°29'02" West, along said South line, a distance of 15.00 feet back to the Point-of-beginning.

The Above described parcel containing 5095.56 square feet or 0.117 acres, more or less.

For the purpose of this description bearings are Florida State Plane Grid based upon the North American Datum of 1983 (NAD83)

C:\EDC-2018\18-478 - Martin County - Hamm Easement\Survey\18-478 S&D 15' IE - REV3.dwg, 5/30/2019 3:02:26 PM, LANIER MP C6003 PCL 6

*Michael T. Owen*  
5-30-2019

MICHAEL T. OWEN  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. 5556



**SKETCH AND DESCRIPTION  
15' INGRESS/EGRESS EASEMENT**

PREPARED FOR:  
**MARTIN COUNTY, FLORIDA**



10250 SW VILLAGE PARKWAY,  
STE 201  
PORT SAINT LUCIE, FL 34987  
772-340-4990  
www.edc-inc.com

F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935  
L.B. CERTIFICATE OF AUTHORIZATION 8098

REVISIONS	REV PER MARTIN COUNTY COMMENTS 12/03/2018- RAH	
	REV PER MARTIN COUNTY COMMENTS 11/28/2018- RAH	REV PER MARTIN COUNTY COMMENTS 5/30/2019- FS

JOB No. : 18-478    DATE: 11/20/2018  
SCALE : AS SHOWN    DRAWN BY: RAH    CHECKED BY: MTO    CADD FILE : 18-478 S&D 15' IE.dwg

EXHIBIT A

THIS IS NOT A SURVEY

**DIXIE HIGHWAY**

30.00' RIGHT-OF-WAY

S39°03'14"E  
23.81'



Scale in feet  
1 Inch = 100 Feet  
INTENDED DISPLAY SCALE

PROPOSED  
15' INGRESS/EGRESS EASEMENT  
(5095.56 S.F. OR 0.117 ACRES+/-)

DOMINANT PARCEL  
(O.R.B. 1652, PG. 632)

15' PUBLIC ALLEY  
N00°00'14"W 349.02'  
(BEARING BASIS)

UNNUMBERED

BLOCK 2  
AMENDED PLAT  
OF  
BLOCKS 1, 2 AND 3  
HOBE SOUND  
(P.B. 10, PG. 9)

UNNUMBERED

S89°29'02"W  
15.00'

P.O.B.  
SW CORNER  
GOVERNMENT LOT 1,  
SECTION 26,  
TWP. 39S, RGE. 42 E.

(O.R.B. 676, PG. 1929)  
ABANDONED & VACATED

**RIDGE ROAD**  
100' RIGHT-OF-WAY  
(O.R.B. 1586, PG. 2296)

**FLORIDA EAST COAST RAILROAD**  
100.00' RIGHT-OF-WAY  
(O.R.B. 0055, PG. 283)

**DIXIE HIGHWAY**  
45.00' RIGHT-OF-WAY

**NOTES:**

1. BEARINGS SHOWN HEREON ARE RELATIVE TO FLORIDA STATE PLANE GRID BASED ON THE LINE LABELED HEREON AS (BEARING BASIS), ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. UNLESS ELECTRONICALLY CERTIFIED REPRODUCTIONS OF THIS MAP ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**ABBREVIATION LEGEND**

- P.O.B. POINT OF BEGINNING
- ☉ CENTER LINE
- R/W RIGHT OF WAY
- U.E. UTILITY EASEMENT
- P.B. PLAT BOOK
- (P) PLAT DATA
- O.R.B. OFFICIAL RECORD BOOK
- TWP. TOWNSHIP
- RGE. RANGE
- PG. PAGE
- S.F. SQUARE FEET

**SKETCH AND DESCRIPTION  
15' INGRESS/EGRESS EASEMENT**

PREPARED FOR:  
**MARTIN COUNTY, FLORIDA**



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